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RESEARCH FOR DEVELOPMENT

Putting into Perspective the Proposed Governance Systems for South Sudan

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ABSTRACT

This policy paper comes at the outset of the next round of the Inter-Governmental Authority on Development (IGAD) mediated High-level Revitalization Forum (HLRF) negotiations. South Sudan faces political and governance dilemma regardless of whether it maintains the thirty-two states or reverts to ten states or the old three provinces. In view of the analysis on the different system of governance as proposed in the pre-HLRF Report in 2017. The report of wider consultations in 2017 suggested three alternative governance systems, confederal, federal and unitary state for South Sudan. Nonetheless, no practical reforms can be undertaken without peace and stability in the country. This paper does not prescribe which system is best fit for South Sudan. It rather aims to offer theoretical and practical information to guide debate in the country. Ostensibly, through such discussions, governance debates will move away from being elitists-led to citizens-led process to raise awareness in the public domain.

The paper argues that South Sudan's political and economic crises are largely attributed to weak institutions and inability to respect and impose the rule of law. It is not the type of governance in practice as argued by the government or opposition groups. Neither federal, confederal nor unitary systems of governance can address the violence, social injustice and looming economic deterioration without fixing the root causes in building strong institutions, political pluralism and repair the breakdown in social trust among communities. Any system of governance must give back power to the people through inclusivity in decision making, opening the space for citizens to engage with leaders, and building a strong spirit of constitutionalism. Also, there must be strong political will to make tough decisions within the legal frameworks, and developing solid independent arms of government remains critical safeguard against the abuse of power by particular entities or individuals. But for these reforms to take shape and bring stability to the country, the brutal civil war must stop, silence the guns and get citizens back to their ancestral lands to restart their shattered lives.

INTRODUCTION

The civil war in South Sudan has entered its fifth year with no prospect of an end to the brutal conflict that has displaced millions and caused the loss of tens of thousands of lives. Although national and regional diplomatic efforts continue to push for a negotiated solution to the crisis, it remains unclear which path the country will take in the coming years as peace remains elusive. In the corridors of power, discussions are centered on power and wealth sharing. Permanent ceasefire, accountability, security sector reforms and governance systems are deliberated with utmost suspicion and reservation because each party wants the best deal for its cronies. But why should political elites fear reforms in the governance system? What governance system fits South Sudan's diversity that will deliver services to the people in a unified, peaceful and stable country? As parties prepare for the next round of negotiations

under the new High Level Revitalization Forum (HLRF) process, these sticking questions are central to the future of the country because neither party is keen to compromise its position.

The Inter-Governmental Authority on Government (IGAD) HLRF Pre-Consultations Report from November 2017 proposed overhauling of the existing unitary system based on decentralization and delegated powers from the national government to States and counties. The consultations involved several armed and unarmed groups opposed to the current Transitional Government of National Unity (TGoNU) under President Salva Kiir and First Vice President (FVP) Taban Deng Gai. The report proposed two systems of governance to restructure the State of South Sudan as solution to bring peace and stability. The proposed systems are confederal and federal governments based on either the current thirty-two States or previous ten States or reverting to the three-provincial structure[1]. Currently, South Sudan is a republican unitary State but with partial delegated powers to State governments. Critics of the current quasi-unitary system argue that it has failed to deliver services, centralized power, and divided the country into ethnic enclaves. Ironically, every party to the negotiations claims to have the full backing of the South Sudanese people on what governance and State structure they want. Yet, there has been no public opinion poll, research or referendum to substantiate such political rhetoric. This paper does not intend to address this fundamental gap, but rather aims to generate public debate and raise awareness among the citizenry on each system of governance and what it means to them and how it will contribute towards sustainable peace and stability in South Sudan.

Thia policy paper examines in-depth literature on the proposed governance systems and their implications on South Sudan with specific examples of how African countries have effectively used each type of governance. Whatever the case, the future of South Sudan's statehood depends on the swift resolution of the conflict through negotiated political settlement as the first step. This would provide the space for governance reforms, community reconciliation, grassroots debates and involvement of citizens in the permanent constitution making where they can freely discuss issues affecting them and what country they want. The HLRF provides that unique opportunity to bring back the country to stability. But this can only succeed if hardliners in all camps can reach compromise, show political will, and international guarantors such as the Troika and IGAD set aside their various interests to persuade parties to the conflict in South Sudan to sign and implement a sustainable agreement. In the first section, the paper reviews the current socio-economic and political context in the country. After which, it examines the three main governance systems proposed for HLRF negotiations. The following part of the paper assesses the implications on the country's future and finally suggests recommendations on the way forward.

SOCIO-ECONOMIC POLITICAL CONTEXT

South Sudan is a heterogeneous State with rich cultural diversity. The country's population is estimated to be 12.9 million people (2018 extrapolated data)[2]. South Sudan is not the only country with multi-ethnic composition in Africa. Nigeria, Tanzania and Uganda are perhaps the best examples of culturally diverse countries that to some extent remain stable and united under different governance systems.

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[1] IGAD Pre-Consultations Revitalization Forum Report, November 2017.

[2] United Nations, Department of Economic and Social Affairs, Population Division

South Sudan gained independence from Sudan after years of ruthless civil war that has kept the country largely undeveloped and with some of the world's worst human development indicators. The citizens had high hopes and expectations of improved living standards, stability, peace and economic progress to heal the historical violent trauma over the years. Unfortunately, their hopes were shattered in 2013 as the political elites disagreed ideologically, which led to the armed conflict between the forces loyal to opposing political leaders. Since then, the country has not regained political and security stability.

The civil war effects are far-arching. Social relationships, trust and co-existence of the various ethnic groups are broken. Each tribe and region views neighbors with utmost mistrust. The pre-independence joyous mood, unity and celebratory memories have turned into despair and uncertainty of the future. The social services sector that delivers life-saving services like education, health and water does not receive the budgetary support it deserves from the government. Much of the work is left to the international donors who, through the non-governmental organizations, have spent an estimated $6.17 billion in emergency interventions since 2014[3]. Despite this huge spending, malnutrition persists with thousands at risk of death[4], and generations face uncertain future as epidemics such as cholera remain common resulting from lack of clean drinking water[5].

On the economic front, the country's currency, the South Sudanese Pound (SSP), continues to weaken against the US dollar trading at 215 per 1$ in the parallel market. Prices of basic commodities such as food, water and fuel continue to skyrocket beyond the reach of ordinary citizens. In the latest economic report released by the World Bank, figures indicate an increase from 49% in 2015 to 70% in 2016 of urban population that dropped into poverty. What is more troubling being that, national government's capital expenditure on infrastructure and transfers to States and counties have dropped significantly. Literally, this means, the States and Counties are rendered underfunded to carry out their service delivery activities. If no political settlement is found to the ongoing civil war, the economy is likely to perform poorly or worse in 2018 and 2019 as no investment opportunities will be implemented to improve the situation in addition to foreign budget cuts to aid interventions.

UNDERSTANDING CONFEDERAL, FEDERAL AND UNITARY SYSTEMS

Confederal Government
A confederation is a union of several independent or autonomous States into a political organisation. Under a confederation member States cooperate on several issues. The central government derives its power and authority from the States or Provinces. This governance system hardly operates constitutional authority to derive its legitimacy because constitution is not the source of power for the central government as the case with federal and unitary systems. In confederation the central government takes decision on critical issues with mutual consent or signed agreement with all the member States. The smaller independent States or Provinces are stronger and powerful than the central government but they co-exist mutually while keeping abreast their identities. Each member State has equal power and influence in shaping the central authority. Globally, there are few perfect examples of confederal system

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[3] https://fts.unocha.org/appeals/538/summary

[4] http://www.aljazeera.com/topics/country/south-sudan.html

[5] https://www.voanews.com/amp/unicef-condition-millions-children-south-sudan-worsening/4220452.html?__twitter_impression=true

of governance, perhaps the European Union and United States of America (1861-1865), Canada, Switzerland and Belgium offer some examples.

Confederal government is not common in Africa. The system has attracted admiration from political analysts for its advantage in decentralizing power from the central authority to the States. The States have absolute control over policymaking, legislation and execution of laws with limited interference from central government. Diffusing power at the center reduces concentration of power in the hands of few elites while reduces risks of autocratic and tyrannical tendencies. In confederal government arrangement, citizens are given greater focus and their needs are better managed and addressed. Proponents argue the citizens are the real sovereign power of the nation under this kind of governance system.

Equally, confederation strengthens cooperation among member States. Agreement among equal partners (States) makes decision making and execution much easier. Here, power ascents from the peripheries to the center based on the principle of equal representation and decision-making process. This helps bring together culturally diverse countries to manage their affairs yet within overall mutually agreed central government arrangements. It fosters peace and stability in fragile States.

On the other hand, confederal government has been criticized for numerous weaknesses. Critics argue that if central government has limited control over States, this makes regional governments too weak to deliver services to the citizens, especially those States with limited capacities. Due to the autonomous powers of the States, central government faces significant challenges in enforcing national laws that would have serious consequences on the peace and security of the confederation. National laws such as adherence to international treaties, currency regulation and defense issues will prove difficult. For example, the European Union (EU) and United States of America always face these drawbacks in enforcement of laws among member States due to diverse interests of members and pressure from populists' campaigns against such arrangements. This can even prove much more complex in a country like South Sudan with weak institutions and human resource capacity.

Moreover, under confederation, State governments are faced with serious financial gaps as the central government has limited taxation power to generate revenue and equitably share national resources. As such, confederation does not support uniform economic growth across the States as the national government power is limited to regulatory policies with individual States responsible to execute policies that can stimulate their growth. This means, weaker States with low technical and resource capacities will lag behind in economic growth leading to unbalanced development in the confederation. As a result, this could provoke secession tendencies by the powerful States or weaker ones that eventually threatens the union of the States.

Lastly, confederation is not popular and desired form of political governance across the world[6]. The reason being, such form of governance system is not durable, practical and effective under the current geo-political power struggle and globalisation in the world. Its focus on decentralization in managing of States affairs with limited control over members' policy actions make it undesirable. Globalisation has pushed countries to loosely integrate in

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[6] Imhonopi, D. and Urim, U.M., 2012. Nigeria's expensive democracy: A confederal option for development. *Journal of Sustainable Development in Africa*, *14*(7), pp.70-80.

regional unions to strengthen trade and security interests instead of establishing a confederation. Confederation critics argue that the world has become increasingly interdependent and countries are willing to relate mutually rather than enter confederation. In Africa, efforts in the past to build a confederal State failed due to competing political interests of nations, unique cultural backgrounds and unequal economic growth. For example, the nations in the North of Africa are predominantly Muslim and Arab compared to the South and Eastern parts of Africa. This raised suspicion about the ability for nations to agree to any confederal arrangements. In practice, this type of governance structure will prove difficult to implement in South Sudan in its current social, economic and political context. The country's institutions and legal systems are very weak, inadequate financing options for States and low human resource capacities, all but make this system unrealistic to even consider. It could perhaps be a catalyst for complete breakdown of the nation into several independent nations – something political elites with their foreign financiers will not take it lightly.

Federal Government

Federation involves sharing of power between central or national government (federal government) and Regional or Provincial or State governments. Under the federal system, States delegate certain powers to the central government to administer on their behalf. The people at the local level are the custodians of authority and power. Some of the delegated powers to central government can include, treasury – fiscal and monetary regulations, defense and security, and foreign policy. Unlike in unitary system where power and authority remains with the central government, federal system ensures that constitutional powers between central and State governments are protected by law and no level of government or individual can withdraw such functions. In Africa, federal countries include Ethiopia with over 104 million people, Nigeria with close to 195 million and South Africa with 56 million people[7]. In Ethiopia and Nigeria, federalism has kept the different ethnic groups stable and united because regions have autonomies to legislate and implement development policies. But this has not gone without challenges as political-elite capture of the system at local level has rendered citizens' survival nearly impossible in Africa's populous nations. Equally, the ongoing regional and ethnic tension in these countries with calls for secession showcase the backlash of this system without inclusivity of the people in governance. The increased corruption level at State and local governments in Nigeria with limited authority for the national government to halt it is worrisome.

In practice, South Sudan is governed using a partial-federal system where national government retains excessive powers over States such as judicial, internal security, revenue management and fiscal allocations. As per the constitution, State governments are delegated some exclusive powers while sharing others with the central government, but this has not been implemented as expected. This has made governance complex, uncertain and increasingly difficult to administer. But is federalism fit for South Sudan under the current complicated political and security predicaments? As the case with any system of governance, federalism comes with unique rewards as well as drawbacks that citizens must know especially in the context of multi-cultural and multi-lingual society like South Sudan. This helps in raising critical discussions and thinking on why people might prefer a federal system against another. It takes away the debate from being political-elite led to citizen-centered deliberations.

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[7] http://www.worldometers.info/world-population/population-by-country/

Federalism protects the country from individual or elite autocracy and tyranny. As derived from its definition, the most pronounced benefit of a federal system of government is its division of power between the central government and State governments, and sharing of power among three branches of government at national and State level that serve as a check and balance on each other. This serves as a deterrent to patronage and individual monopoly of power leading to tyranny and autocratic rule. Federal governance protects countries against a tyrannical and runaway government to ensure shared responsibility and accountability for decisions. In a diverse country with unique cultures, federalism is likely to shun the attempts to impose ethnic or group hegemony.

Furthermore, federal government reduces power monopoly within one branch or level of government. An important aspect of federalism, proponents argue, is that power and decision making is shared between Central and State governments, and at the federal level, government is separated into three branches Executive, Legislature and Judiciary, each with constitutionally independent decision making authority. This serves as a mechanism to reduce centralization of authority or power within one branch of government or individual, since excessive power among a single group leads to mismanagement and patronizing State affairs. Nevertheless, as the case of Nigeria, federalism can also assist in developing local village political and economic elites who can exploit the general public. Unless institutions are strong, and there are adequate legal tools to hold government officials accountable, federalism can fail to deliver the expected outcomes.

Moreover, relinquishing more decision making power from central to State and local level government helps increase citizen participation in the governance of the country since power is brought closer to the citizens. This increases citizens' ability to hold their government accountable, participate in policy making, and mobilize easily for national duty. Consequently, if the government is closer to the people, it is more likely to proactively respond to the needs and concerns of the citizens. States are better placed to listen to citizen needs, and respond to them, than the national government would do because people have direct contact and representation at the lowest level of governance.

Additionally, federalism can improve government efficiency and effectiveness in delivery of programs to the people. Dispersing fiscal power and decision-making responsibilities to the States promotes application of local solutions to State or County specific problems facing the people of that area. This leads to effective and efficient utilization of time and resources in delivering government programs. The attempt to solve all national issues using the famous 'cookie-cutter approach' in law and public policy making leads to having effective solution in one State and less effective or creating of new problems in another because of diversity. Federalism allows States to generate solutions to their own local problems using policies and laws that work well in their context, which leads to more efficient government interventions.

Also, in a heterogeneous country like South Sudan with diverse ethnic groups, allowing different communities and States to create their own policies, manage their affairs and implement certain laws, would enable people with irreconcilable differences or very strong disagreements, to live in separate areas, and create their own solutions, or policies, that would be totally disagreeable to the other people in other States or regions of the country. This creates compromise and helps in managing local conflicts as witnessed in several parts of the country. As such, federalism can strongly contribute towards conflict resolution and peaceful co-existence of communities. However, it's worth noting that, the system can easily create

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ethnic dominance over smaller groups or individuals within federal States leading to conflicts and power struggle. For example, in States like Northern Bahr el Gazal, Warrap and Unity with larger ethnic groups will result into marginalization of minorities in governance. But this can be mitigated with strong rule of law and social justice system that guarantees the rights of minorities.

Lastly, federalism creates policy diversity by allowing for State governments to adapt different sets of policies that can be tested, and the ones found most effective at solving its problems can then be implemented in other States, or at the national level. A very good example in South Sudan is how Northern Bahr el Gazal has managed to eliminate cattle raiding several years ago among communities and is making ongoing efforts to manage a cordial relationship with the Messirya nomads of Sudan. Such best practices that have worked in one State can be replicated in other States.

Unitary Government

Unitary system is a direct and centralized government system where the national government exercises full authority and power over the entire sovereign territory of the country. The national government can delegate certain powers to regional or local governments and has the constitutional mandate to withdraw such powers at any given time. Here, the national or central government is sovereign. Example of Unitary States in Africa include, Uganda, Kenya and Rwanda. South Sudan is currently governed using this system of government, despite in practice being partially federal. The national government has absolute decision making authority as mandated by the constitution. However, it has delegated certain powers to the States and local governments.

But how effective is unitary system in any country's governance? This section explores what the system can achieve over other forms of governance.

One of the main advantages of a unitary government is that it strengthens national unity in that everyone feels a sense of belonging to a single nation. In the case of South Sudan, critics will argue that this system, in fact, assists in breaking down national cohesion, if not well guarded with strong rule of law and institutions. In theory, a unitary system encourages uniformity among the regions of the nation which can instill patriotism because everyone has a major value in common. Most policies and laws span the entire nation, so there is no disdain over one region having more freedom or liberties than others.

Also, proponents argue that unitary government supports efficiency and effectiveness of government programs as policy implementation can happen relatively quickly and on a large scale across the country. Since there is only one linear decision making process, things do not have lengthy processes to get through before being approved or put into effect. This is extremely useful for the entire nation. For example, managing the economy of a country under a unitary government can be easier than the confederal or federal government since all of the laws pertaining to things like taxes extend over the entire nation. The impact of economic growth is likely to be felt across the country as equitable distribution of resources is the basic principle in advancing development in the States though critics argue that it also favors more developed regions than weak and undeveloped areas because fiscal resources are shared equitably.

However, in reality the system can suffer from long bureaucratic tendencies that can stifle implementation of programs and encourage corruption. This is a common practice in African States. In South Sudan, it is difficult to see and defend the effectiveness of this system since the reasons for the current conflict are too much concentration of power and resources at the national level.

Lastly, proponents argue that a unitary government benefits from better use of resources and reduces risks of duplication of services in any part of the country. Wastage of the tax payers' money through several layers of government can be avoided since there are limited fiscal authority at local government in a unitary system. However, critics would argue that this system encourages personalization of State resources to capture or retain power leading to misuse, which is a quite reasonable argument in the African context. Unitary governments thrive under strong systems and institutions. However, in countries with weak institutions and law enforcement, such resources are likely to end with the political elites leaving majority of citizens in poverty. For example, most unitary governments in Africa have helped individuals to amassed wealth from national resources in the expense of the citizens.

IMPLICATIONS ON SOUTH SUDAN

South Sudan has been governed on quasi-federal system with no strong policy, law and institutional foundation since 2005. This undefined governance system opened up the country to political-elites to establish a State not recognizable at all levels. This was witnessed in the expansion of administrative units in 2015. Regardless of whether South Sudan reverts to thirty-two or ten States or three provinces, in view of the above analysis on the different system of governments, and as proposed in the HLRF Report, South Sudan faces a dilemma on which governance system to adopt. This paper does not intend to prescribe which system is best fit for South Sudan. It rather aims to offer theoretical, intellectual and practical information to guide debate in the public. In the next section, the policy brief takes a critical analysis of the implications each system would generate if indeed adopted in the country.

Federal or Confederal Scenario

In principle, sharing of powers between national and regional governments would bring governance closer to the citizens, embrace ethnic diversity and strengthen economic growth. Also, constitutional separation of power between executive, legislature and judiciary is a critical safeguard against power abuse. However, in the current economic and political setup, this would still prove to be a challenging and difficult system for South Sudan. The social fabric of the people who had strong cultural bond has been broken by the ongoing civil war. Any attempt to adopt confederal or federal State will be a recipe for disintegration into several sovereign States because of the deep mistrust and thirst for self-rule by the different regions. As such, this paper argues that this system will increase social unrest and break-up of the country or States into smaller units according to ethnicities with lose national power to curb exploitation of minorities. Economically, the States in South Sudan do not have strong economies to generate revenues to fund their development plans. For example, regions like Northern Bahr el Gazal, Lakes and Warrap which have nearly no natural resources and limited economic activities will find it extremely hard to have the financial capacity to sustain development activities. This will create unbalance economic growth which could be a recipe for migration of population in future leading to civil unrest over rivalry. Some of the specific governance implications are:

Endorses Disintegration – critics of federalism and confederal system have argued that these systems encourage sectarian segregation of communities along tribal, ethnic, or religious lines. For example, in the US, federalism is blamed for protecting and promoting slavery because slavery remains a State issue that the central government has no or limited power to abolish completely. Ethiopian federalism is centered on enclaving ethnic groups and Nigeria's system is meant to divide the regions according to tribes and religions, this encouraged secession calls by some areas like the Biafra, in the south of the country. In South Sudan, the implication would be even greater because of the historical bitterness of ethnic groups exacerbated by the ongoing civil war. Federalism or confederal government would likely lead to a total break up of States or regions into smaller countries, and the national government could lose control over them. This will result in another disaster. At present stage, South Sudan is not ready for full federalism without strong rule of law and institutions to safeguard against the abuse of power at every level.

Deepens Inequalities between States – South Sudan's fundamental problem is the lack of socio-economic progress from family to the national level that creates opportunities for young people to engage in productivity. Yet, federalism or confederal government is unlikely to resolve this critical issue. In fact, this system of governance can eventually produce unbalanced development resulting from different State expertise and resource capacities. For example, instead of education funding throughout the country being the same, since it is a State issue, some States will spend more per capita on education than other States, causing what could be considered a disparity. The same goes for other capital investment sectors, such as taxes, health care programs, and welfare programs. This can, in turn, increase future migration of people and livestock in search of better living conditions which, without strong central government law enforcement, can lead to violence between communities or States.

Risk of Stand-off between Central and States' governments – due to the autonomy of States to decide what policies best suit their regions, States can fight against the existence of certain national laws by challenging them in court, or refusal to enforce such laws, or intentionally thwart implementation of these national laws. In South Sudan, this will result in a complete breakdown of the nation and erode nationalism among citizens, hence emboldens sectarian tendencies if not well handled carefully like in the case of Nigeria. Also, as in the case of past government programs, State governments would likely build local 'dynasties' that will not be challenged, thus, transferring the previous status quo from national to regional government. This would have limited effect on common citizens who demand security and basic social services.

Risk of Marginalization of Minority Groups – federalism in South Sudan would not eradicate the historical socio-economic and political oppression of minorities. As the practice has been since 2005, at State level, there has been continued echoes of political domination by majority ethnic groups in heterogeneous states. The case of former Central, West and Eastern Equatorial, Upper Nile and Northern Bahr el Gazal best describes how this system can still create problems. Without clear constitutional provision to protect the rights of minorities and guarantee inclusivity in governance, federalism is unlikely to address the very reasons that made political-elites and citizens call for its adoption in South Sudan.

Deepens Corruption – if there are any substantial risks of federalism in a country with nearly no institutions to enforce laws, then it is the ability to deepen corruption beyond what citizens can imagine. The best example in this regard is Nigeria. Nigeria's experience is disheartening

where from the national to State level cronies enrich themselves at the expense of the poor citizens. In South Sudan, the case of the constituency development fund (CDF) 2006-2012 and the block grant transfers to States are examples of how federalism can aid sophisticated looting of public resources with impunity.

Unitary or Decentralization Scenario
South Sudanese have tasted what this governance system can deliver – poverty, war and social breakdown. This can best explain the struggle people have gone through since creation of mankind. Even before the independence of the country from Sudan, the fundamental grief with the successive regimes in Khartoum has been the demand for self-governance supposedly to achieve socio-economic progress. But did citizens achieve this aspiration after thirteen years of autonomous governance under the same unitary system? It is perhaps a distressful and traumatic question to ask. What happens if South Sudan continues with the same status quo? Here are some of the implications.

Limited Participation of Citizens in Governance – as is the case with the existing political dispensation in the country, this type of governance does not encourage active participation of the people in the governance process since all the powers are centralized by the national government. Today the government has fallen out of touch with what most citizens truly want or need. The national government hardly knows the views of the citizens on particular policy issues. This is a major cause of conflict between the government and the people, which is the case in South Sudan, thus stifling our country's development aspirations. Should the post-civil war continue with these arrangements, it is likely that governance will remain elite-led and citizens will become peripheral stakeholders in policy decision making.

Status Quo Bureaucracy – under the unitary system, there is only one way to raise policy issues within the government - through the established institutions. This can prove too bureaucratic as the system can easily get bogged down with petty issues, which rarely ever get resolved. For example, the 'committee-syndrome' in South Sudan, where if any public problem needs to be buried, then a committee is formed to investigate it. Even if they do get some attention, it can take a ridiculously long amount of time. This slows down responsiveness by central government to people's needs or wants, and can become a source of conflict in the future if grievances remain largely unresolved. This challenge will likely persist under unitary decentralized governance in post-civil war South Sudan. Without strong mechanisms to involve citizens in governance or bring policymakers closer to the people, the sense of marginalization and monopoly by few elites can still cause rift in the future.

Breeds Patronage Leadership – South Sudan would need to get over this in the short term if sustainable peace and stability would be realized. Unitary governments put power in the hands of few elites who, in the absence of strong institutions, can eventually form patronage leadership and suppress democratic rule. Best examples in Africa can be seen in Uganda, Zimbabwe, DRC and Zambia etcetera. Unitary government which operates through inner-circle workings is nothing but a dictatorship because of the highly-centralized powers in the hands of an individual or elites. The citizens can become easily exploited for the government's own benefit. There are also no checks and balances within a government of this kind, leaving many things up to chances. South Sudan cannot take another gamble in such issues, the need for inclusive governance is critical. This can contribute towards the long-term stability of the country as everyone feels part of the decision making process.

RECOMMENDATIONS

Partial Federal Government – Neither of the systems can work in South Sudan in their pure form, and to succeed South Sudan must adopt a partial federal and unitary system of government for at least five years with clearly defined roles of central and State governments in the constitution. The States will take greater control of socio-economic activities with strong oversight from central government through the national assembly that should be mandated to hold State governments accountable for any mismanagement of the affairs of the region. The national assembly shall have veto powers to remove seating Governors who has been indicted for serious offences. The role of the national executive should be limited to national policy introduction, manage the fiscal discipline and treasury, maintain defense and foreign policy affairs of the country. And the judiciary should be completely independence in its performance.

Ensure Independence of Constitutional Institutions – the principle of separation of power is fundamental for any future governance in South Sudan. Basically, the executive, legislature and judiciary must receive equal oversight roles over each branch of government. In this case, introducing presidential veto on legislatures, national assembly independence to hold executive accountable for decisions and a public vetted judiciary appointed by an independent judiciary service commission will help empower these institutions to work without undue pressure.

Strengthen and Empower Institutions – Africa's problem is developing strong institutions that can deliver independently within established policy frameworks. South Sudan's civil war can be partly blamed on institutions that are too weak to deliver services to the citizens. In this, the civil service sector, economic, security and governance sector reforms must prioritize putting in place systems that cannot enable individuals to patronize entities. There is a need to shift focus from sharing appointments portfolios to making government entities function and deliver. One of the weaknesses of the ARCSS has been too much focus on sharing a ministerial portfolio with no frameworks to safeguard abuse by the parties. This should change.

Open Space for Debates – freedom of speech, association and movement are basic civil rights that strengthen relationships between the government and the people. Future governments in South Sudan should commit to provide space for the citizens including the media and civil society to engage in constructive debates on governance issues in the country. Through this, government policies and programs can adequately be scrutinized for relevancy and effectiveness.

Adopt Fiscal Federalism – through stringent rules on public finance management, South Sudan partial-federalism should constitutionally delegate fiscal planning and spending power to the States. Appropriation must be clearly defined by law, implemented by devolution body and enforced by an independent national assembly. This will decongest the ever-growing public expenditure at national level and take development funding to the rural areas. But such power on the States must be checked by a strong rule of law for mismanagement of public funds including imprisonment and ban from serving in public office to put safety-valve against corruption.

Let the Rules and Laws Function – it is difficult to argue that the current predicament surrounding South Sudan statehood is strongly linked to the inability to impose rules and laws. The selective application of laws, unfair treatment of citizens before the law, and general lack of political will to make the laws function are some of the major causes of political instability. In the absence of the above the future shall remain blurred as resistance and struggle for equality will persist. Therefore, the central question is not actually about the governance system style, but what those with power to ensure law sanity can do to address grievances using legal instruments rather than violence and manipulation. This paper recommends strongly that any future governance system must make this its top priority to avoid the mistakes of the past.

Separate and Enforce Powers of Government – when political philosopher xxx introduced the concept of three separate branches of government, Executive, Legislature and Judiciary, the idea was to protect from the abuse of power by each institution. In fact, in an ideal political discourse, none of the three branches of government is superior or inferior in the governance of a country, but in South Sudan or perhaps Africa, this has not been the case. And this explains why any country that does not respect such distinction has ended up in conflict within itself regardless of the governance arrangement or ideology – capitalist or socialist. As such, South Sudan's quest for political stability in future depends hugely on the principle of separation of power to ensure checks and balance against abuse of power. Without this, the natural right to pursue freedom shall persist leading to yet again, chaos.

Strengthen Local Governments – the most important governance unit that delivers actual services to the public is the local government. But this unit has always suffered the most in budget cuts and weak capacities because it does not receive the attention it deserves. South Sudan government should reconsider its view on local governments. Designating a full ministry at national and State level with clearly spelled out development plan is critical. This will resolve the historical mistakes of taking local government for granted. In fact, this unit should be staffed with some of the intelligent staff, funded and provided with the required equipment to deliver.

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