



**ADDIS ABABA UNIVERSITY
CENTRE FOR FEDERALISM AND GOVERNANCE
STUDIES, COLLEGE OF LAW AND GOVERNANCE**

**Decentralisation for Nation -Building and Managing Ethnic Diversity in South
Sudan**

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Governance Studies**

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DECLARATION

This is to certify that the thesis titled: *Decentralisation for Nation- Building and Managing of Ethnic Diversity in South Sudan*, is my original work. It has not been submitted to any University or College before for any other academic awards or qualifications. I then would like to certify all sources and materials used in this thesis are dully acknowledged.

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“Diversity can work, but making it work is a messy, contentious business.” Evelyn M. Perry (2017)

“We have ended one struggle and now we must start a new one, that of nation building..Our purpose is to give to our children what the war took away from us: peace, rule of law, food security, health care, good education, running and clean portable water, electric power, and opportunity for the pursuit of happiness and prosperity.” Salva Kiir Mayar –diit, President of South Sudan, Independent Day Speech, July 11th, 2011 Juba, South Sudan.

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ABBREVIATIONS AND ACRONYMS

AA PA:	Addis Ababa Peace Agreement. It was a peace agreement signed between the Sudan Government and Southern Sudan Liberation Movement (SSLM) on February 27 th 1972 to end 17 years of civil war in the Sudan.
AAC:	All African Council of Churches
ARCSS:	Agreement for Resolution of Conflict in the Republic of South Sudan.
AU:	African Union
CAN:	Civil Administration introduced used by the SPLM /SPLA in their control areas during the war of liberation
CPA:	Compressive Peace Agreement
EPRDF:	Ethiopian Peoples' Revolutionary Democratic Front
FGD:	Focus Group Discussion
GoNU:	Government of National Unity
GOS:	Government of Sudan
GoSS:	Government of Southern Sudan
HEC:	High Executive Council: is the executive branch of Autonomous Regional Government of Southern Sudan brought about by Addis Ababa Peace Agreement of 1972 and; lasted for about (1973-1983).
ICSS:	Interim Constitution of South Sudan
IGAD:	Inter-Governmental Authority on Development
NCAC:	National Constitutional Amendment Committee.
NCAC:	National Amendment Constitutional Committee
NCP:	National Congress Party
NIF:	National Islamic Front
OECD:	Organization for Economic Co-operation and Development

R-ARCSS: Revitalized Agreement for Resolution of Conflict in the Republic of South Sudan.

RSS: Republic of South Sudan

R-TGNoU: Revitalized Transitional Government of National Unity which is formed as result of Revitalized Peace Agreement signed in 2018

SOSSA: South Sudan Opposition Alliance, a collation of South Sudanese opposition forces which composes of armed and non-armed groups that becomes one of the signatories to Re-vitalized Peace Agreement signed between Transitional Government of National Unit

SPLA: Sudan People’s Liberation Army

SPLM: Sudan People’s Liberation Movement: Political wing of Second liberation movement in Sudan

SPLM-IG: SPLM-In-Government

SPLM-IO: Sudan People’s Liberation Movement in- Opposition

SSLM: South Sudan Liberation Movement. It was the first Liberation Movement of South Sudanese People that fought for 17 years, (1955-1972) for the liberation of Southern Sudan from the Northern Arab dominated regimes in Sudan

SSOMA: South Sudan Opposition Movements’ Alliance

TCSS: Transitional Constitution of Republic of South Sudan

TGNoU: Transitional Government of National Unity

TNLA: Transitional National Legislative Assembly, is legislature arm of government in South Sudan which formed along with executive branch of government after the signing of CPA

USAID: United States Agency for International Development

ABSTRACT

The definition of what holds a nation together varies not only from country to country but also over time within a nation. Bringing people from diverse cultures, languages, and traditions together is a founding principle in many multiethnic societies. Throughout history, leaders have introduced policies such as federalism, devolution or decentralization to foster common values that would help various ethnic communities in a polity identify with the state. Hence, one of the objectives of governance in a multiethnic society is to manage diversity and resolve conflicts through the building of inclusive state institutions that can equally serve different ethnic communities without exclusion. This thesis argues that with inclusive and participatory state institutions in place, citizens remain connected to the state as inclusive political institutions enhance the sense of belonging to the system. The objective of this study, therefore, is to investigate why the decentralised system of governance as adopted in the Transitional Constitution of South Sudan failed to address the question of nation-building and manage ethnic diversity. Building inclusive state institutions with which South Sudan's various ethnic communities can identify with, is seen as central to the argument in the study. The study considered the design, structures, and institutions of the Constitution in the context of state-building, peace-building, and nation-building in post-conflict South Sudan. The central question in this study is: Why decentralised system of governance has failed to address the challenges of nation-building in South Sudan? The study is informed by rich literature in comparative federalism particularly in divided societies that argues for inclusive political institutions and public policy to build sense of belonging in society as a means to manage divisions and ensure relative peace. This is the main tenet of federalism in the post Cold-War era although its validity remains contested. To search for an answer to this question, we employed secondary and primary data sources. The secondary and primary sources include the transitional constitution and its institutions, as well as a few selected state constitutions. The study employed in constructivism research approach and used interpretivism methodology in analysis of data. The author has reviewed and analysed different peace agreements signed between different political parties in the political history of Sudan and later in South Sudan after independence. These peace accords include Addis Ababa Peace Agreement of 1972; the Comprehensive Peace Agreement of 2005; the Agreement for the Resolution of Conflict in South Sudan in 2015; and the Revitalized Peace Agreement of 2001. The author has also reviewed and analyzed other national documents relevant to the study such as the Local Government Act of 2009 and South Sudanese parties Act 2012. For the collection of primary data, I conducted unstructured in-depth interviews and focus group discussions with the selected key research informants.

Major findings of the study reveal that although the decentralised system of governance was adopted in 2005 and promises to transfer power to the states and local government, it has failed to bring about inclusive political system and autonomy (self-rule and shared rule) to states in South Sudan. Despite promises for devolution and several power sharing schemes, South Sudan remains in the hands of a Dinka dominated political elite and a President who prefers to rule by decree. The making and unmaking of state boundaries, appointment and dismissal of state governors and legislative bodies are clear indicators. The series of power sharing schemes meant to bring different political actors at national and sub state level have never been taken seriously. All added, the regime resorts to personal rule and lacks political will to implement devolution and inclusive political system in South Sudan. The fragmentation within the ruling elite is also affecting state and nation building efforts. The regime has failed to create inclusive state institutions that could deliver critical services to the people of South Sudan. The political leadership of the

ruling SPLM party has failed in building capable and effective state institutions. It has also failed to bring lasting peace to the new nation. It also failed to manage ethnic diversity in the new nation. The findings have also attributed the problem to constitutional and institutional design, structure, implementation, and the institutions created by the system. A decentralised system of governance in its design from the very onset was a top-down approach where the political process was controlled by the SPLM without the involvement of other stakeholders. Decentralised system of governance has also failed to resolve deep-rooted and protracted conflicts. That is to say, after more than a half-century of the struggle for justice, equality, and prosperity from successive Khartoum-based regimes, South Sudan's political elite, mostly from one ethnic community that governs the country, failed to build democratic and inclusive state institutions that could create a common identity and a shared national interest amongst different ethnic communities. The indication is that barely two years after independence was celebrated in 2011, simmering hostilities and a leadership struggle for political power erupted between the political elite of the governing SPLM-political party, who also hailed from two major ethnic groups. The elites from the two communities (Nuer and the Dinka) once again turned the country into a battlefield. With the conflict persisting, the powerful political elite at the center thus captures the state, its institutions, and resources. As a result, it is recommended that South Sudan's plurality as a multiethnic society places a serious demand on its current leaders to find amicable paths to effective and successful nation-building. The establishment of representative, inclusive, and democratic state institutions at all levels of government is a hallmark for establishing a political community with shared values. Multinational federalism, with significant devolution of powers and resources to subnational levels of government allows citizens to develop a common identity and shared values while living peacefully together as they share a common destiny. Despite the constitutional promise for devolution of power and resources to states, the national government has centralized power and resources manifested amongst others by presidential decrees that by pass state institutions, central appointment of state governors, the making and unmaking of states boundaries defeating the purpose of devolution. Thus, the thesis concludes that South Sudan is a deconcentrated unitary state that has made power and resources concentrated in the hand of a few elites in the centre. Citizens need to be connected to the government through relationships of authority, support, participation, and inclusion, an inclusive political community can emerge and nation-building could be a successful endeavour. Inclusivity and participation of citizens in the governance process, including decision-making, could only be achieved through the adoption of an effective multinational federal system in which political leaders are willing to devolve power and resources to subnational levels of government.

Key Words: South Sudan, Peace building, Transitional Constitution, Decentralisation, Multi-ethnic Societies, Federalism, Nation-Building, and State-Building

CHAPTER ONE INTRODUCTION

1.1 Background of the Study

Modern-day Sudan and South Sudan find their origins to the Kingdom of Kush, an ancient Nubian state centered on the Blue Nile, the White Nile, and the River Atbara. Around 540 AD, a Byzantine Christian missionary traveled to Nubia, in present-day northern Sudan, to spread the gospel (Cope, 2013). The widespread practice of Christianity quickly followed. A century later, Islam began to diffuse south through the region from Egypt (Johnson, 2003). Explorers from Belgium had colonized much of the region in 1896, and pursuant to a Belgian British bilateral agreement, Belgium turned the region over to Great Britain in 1909. From 1899 until 1956, Sudan was a condominium of the United Kingdom and Egypt- itself was a British Protectorate (Cope, 2013). Social and political influences of different colonial powers which have colonized Sudan in different times have a tremendous on the current situation on both Sudan and South Sudan.

There are four factors that have had severed successful nation-building in colonial and post – colonial Sudanese states that had in turn impacted on relationship between according to Martel (2018) and Johnson (2003) . Firstly, the patterns of governance which developed in Sudanic state before 19th century had established discrimination and exploitation against those in peripheral areas of the Sudan, including South Sudan. It had been based an exploitative relationship between centralizing in Khartoum state and its peripheries where the South Sudan is. Also, within the South, the ethnic communities are divided based on their livelihood and pattern settlement. For example, in the north of South Sudan are, the Dinka and Nuer, who have built their communities around transhuman activities, combining little subsistence farming and largely cattle herding, largely based on largely egalitarian systems (Martel, 2018). Whereas on the other hand, deep down south of Southern Sudan are ethnic communities such as Azande, who created more centralised authority, and powerful empire that stretched deep into what is now Congo (Martel, 2018). These factors and division within the Southern ethnic communities because of livelihood base and pattern of settlement, has immensely contributed to century old South Sudanese problems.

The exploitative system in the South was also created mainly through the institutions of slavery and slave raids, creating groups of peoples with lasting ambitious status in relation to the state.

Secondly, the introduction of a particular brand of militant Islamic which sharpened the divide between category of peoples with and those without full rights within the state (Johnson,2023).

Thirdly, inequities in economic, educational and political development within the colonial state of 19th century Sudan which has often been built upon earlier patterns had negatively influenced the relationship between Northern and Southern Sudan. And lastly, Britain's decision to grant independence to Sudan in 1956 was based on political expediency, while the disparities in development (political and economic between Northern and Southern Sudan) reigns. This had negative consequences in post- independence Sudan (Martel,2018). Hence, the independence of the whole Sudan happened without obtaining adequate grantee for safeguarding the interests and representations of South Sudanese people in the new Sudanese state (Johnson, 2003).

There are also other reasons owing to continuation and return of conflicts in the Sudan after the end of First Civil War in 1972 with the Addis Ababa Peace Agreement. According to Johnson (2003), failure of the British colonial administration to help Northern and Southern Sudan political forces achieve a national consensus on issues of governance pertaining how govern the new independence state when the British leave. These governance issues include national unity through a shared vision of the future for both Northern and Southern Sudan. Regional development and balance of power between central and regional governments were among the critical issues that British colonial administration should have taken.

Failure of the North Sudanese political elite and the British colonial Administration to take issue of inclusion and political representation in resulted into post-independent conflict in Sudan that occurred just one year before the declaration of independence in 1956 (Thiong,2018). Similarly, the weakened state of Sudan's economy in 1970s after the signing of Addis Ababa Peace Agreement with the end of the First Civil War, coinciding with Southern Sudanese political forces consciousness and awareness of the extent of their own natural resources, brought about political instability and return to the conflict (Martel ,2018). This was accentuated and accelerated by President Jaafar Nimeri's action when he abrogated Addis Ababa Peace Agreement which brought local autonomy to the people of Southern Sudan and the introduction of Shir'a law as a supreme law of the country. All this resulted in the outbreak of the Second Civil War in 1983 that lasted for 22 years with the signing of Comprehensive Peace Agreement (CPA) in 2005.

In addition to political problems between the Southern and Northern dominated successive regimes, Southernese people have their share to the problem too. During British colonial administration, Southern Sudan was also divided based on their socio-economic paths. The Equotarian ethnic communities who mostly occupy Southern part of Southern Sudan are already farmers whose livelihood depends largely on crops cultivation and are sedentary. On the other hand, in northern, central eastern parts of Southern Sudan live a Nilotic ethnic community of Dinka, the Nuer and other pastoral ethnic communities. These groups are mainly pastoralists whose lives and livelihood depends on livestocking and cattle rearing (Johnson, 2003). These different ethnic communities with different mode of livelihoods have different views in approaching solutions to Southern Sudan's economic, political and social problems. Thus, weakening their unity to confront Northern Sudan elite dominated successive regimes.

Different countries since the 1990s and early 2000s have followed suit and have embarked on implementing governance reforms. These reforms include, among others, decentralisation and federalism. These two reform policy packages have been widely used to address political and social problems pertaining to nation building (Yuliani, 2004). Kenya, for example, adopted for devolution in its 2010 Constitution in a response to the conflict that came as a result of disputed elections in 2007. The objective of devolution was address development, resolve conflict, and limit central government control of power (Bosire, 2014). Similarly, in Ethiopia, the former governing party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), when it came to power in 1991 adopted a federal system of government based on the federal Constitution, which recognizes ethnic diversity. Many scholars and practitioners in the field of federalism refer to it as 'ethnic federalism.' It focuses on the recognition of Ethiopia's nations, nationalities, and peoples' rights as a political identity and inclusive nation-building. It is also meant to manage the various ethnolinguistic and culturally diverse groups that live in the country. In the context of Ethiopia, the goal of nation-building and ethnic diversity management is to address an age-old question of Ethiopian nations, nationalities, and peoples, resolve conflict, and bring development (Jean-Nicolas, 2016).

Like many post-conflict states in Africa, South Sudan does not have strong and inclusive state institutions that can address public goods, such as providing public security, education and health services, and infrastructures- road networks and electricity. The political and institutional

weaknesses that plagued Sudan at the time of independence have been well documented in South Sudan (Kuntzelman, 2012). For example, Hanzich (2011) asserts that when Sudan was granted independence in 1956 by Great Britain, it had neither a constitution that was developed by involving all the diverse people of the country nor a way to recognize the country's ethnic and religious diversity. The decentralization of power and authority from successive governments in Khartoum to the periphery was not thought of as an ideal for accommodating ethnic diversity in the country. For example, the Local Autonomy that was introduced in 1972 after the Addis Ababa Peace Agreement between the Government of then President Jaafar Nimeiri as form of decentralization had failed to address social, economic and political problems of the Southern Sudan (Arou, 1982). It was Khartoum that was in control of the power and resources of the nation. The periphery was marginalized by political center in Khartoum (Arou, 1982). Khartoum's move in this respect was meant to put an end to looming tensions or episodic violence in the regions on the periphery of the city. The tension between North and South Sudan regions over which system of governance the country needed to adopt in 1955, one year prior to independence, resulted in the outbreak of the first civil war in 1955. The northern Sudanese political elite, for example, preferred an Islamic system of government with limited decentralization of power to provinces based on the *Sheria* to govern the country, except South Sudan. On the other hand, the Southern Sudan region preferred separation of religion from the state or government functions (Johnson, 2003). The preference for Islamic rule is troublesome in Sudan, as only approximately 30% of the population self-identifies as Muslim and Arabic-speaking ethnic communities, which excludes other ethnic communities from the state's affairs -political and economic (Sarwar, 2011).

However, the conflict between the North and Southern Sudan was more than whether to adopt Islamic Sharia law as a system of government. Rather, it was the economic, political, and social marginalization of Southern Sudan and other peripheral areas in Sudan (Johnson, 2003). The absence of inclusive and participatory political institutions as a means of resolving conflicts arising from ethnic diversity plunged the country into its first civil war almost immediately after independence (Jock , 2012). "Decentralization" of power to the Southern Sudan region, known as "local autonomy" after the Addis Ababa Peace Agreement in 1972, did not help manage ethnic diversity or resolve conflicts in Sudan (Arou, 1982; Yoh, 2018). There were many reasons for these political and economic problems in Southern Sudan and in other peripheral and marginalized

areas of Sudan. Powers and resources were not effectively devolved to provinces or states. Khartoum was still the political center that controlled power and national resources (Jok, 2012).

When South Sudan got its independence in July 2011, the ruling Sudan People's Liberation Movement (SPLM) rushed and adopted a decentralized system of governance that is also unitary, one with a symbolic "decentralisation of powers" in the Transitional Constitution of 2011. In the Constitution, powers and responsibilities are symbolically decentralized but not completely devolved to subnational levels of government with the purpose of building a common identity amongst the ethnically diverse South Sudanese population. Another goal of decentralization was to bring the government closer to the people, achieving the goal of "taking towns" to the rural people (South Sudan Development Plan, 2011). The "taking towns to the people" policy is also seen as a mechanism for nation-building by focusing on developing rural South Sudan communities. However, barely two years after independence, the new country was embroiled in yet another devastating internal violent conflict that shattered the hope of the South Sudanese people for freedom, justice, and development to forge a common identity (Johnson, 2016).

As Nic Rhodie & Ian Liebenberg (1994) point out, there is no agreement in the conventional wisdom around the nation-building concept and the term "nation" itself. For these authors, "nation" is derived from Latin, 'Natio', that is to mean that a concept has a variety of meanings. Among these meanings, the first is the one that considers 'nation' as a group of people linked by birth. The second one is that which views 'nation' as a concept that is also closely linked with legal uses in relation to governance. Similar to Rhodie and Liebenberg's concept is that of Connor Walker (2008). Connor considers the nation "a social group which shares a common ideology, common institutions, customs and sense of homogeneity. The third conception of nation building by Rhodie and Liebenberg (1994; Connor, 2008) relates 'nation' to the uni-culturalism (homogenous culture or 'oneness' of people) and culture of the state.

The fourth conception of nation is the notion that sees 'nation' in a multiculturalism context, but with the shared cultures, values as common identity. This understanding of nation-building means the existence of a multiethnic society with multiple identities and values that are shared between the groups. The common shared values in this context can be achieved through political representation, inclusion, participation in terms of power sharing and state institutions responsive to public needs (Wimmer, 2018). This last view asserts that communal cultures, ethnicities or

nations are not from primordial foundation but rather from a social construct perspective point of view. Based on this latter understanding, Rhodie and Liebenberg (1994) consider the notion of a “nation” to be that they refer to a group of people who are mobilised, organised and legitimised on the basis of principles of congruence of cultures, values and shared identity.

In a similar vein, nation-building, as Gagiono (1990) explains in Rhodie & Liebenberg (1994), is defined as "the integration of communally diverse or territorially separate units into the institutionalized framework of a single state and the concomitant transfer of a sense of common political identity and loyalty to the symbolic community defined by the founding ideology of such a state." These two latter conceptions of nation consider nation to be a socially constructed idea based on shared or common values that bind various groups together, which may be from different primordial or ethnic origins in one way or another. In relation to these definitions of the term "nation," the purpose of this thesis is to interrogate why decentralised system of governance has failed to bring about an inclusive nation-building and managing of ethnic diversity from the perspective of South Sudan's Transitional Constitution's decentralised system of governance in managing diversity.

Other authors, such as Tolentino (2004), argue that nation-building is an age-old process that is being implemented in novel ways that differ from country to country based on ethnic composition, geography, and demographic factors. For Tolentino, nation-building consists of two separate aspects: state-building, implemented by external actors, and identity-building, implemented by grassroots actors within the state itself (Tolentino, 2004). The external nation-building policy has faced numerous challenges in South Sudan, both before and after independence.

First, in the wider regional context in light of the CPA implementation and the Horn of Africa, war has regional determinants and implications that transcend the CPA and a long tradition of local conflicts fostering tensions and war between the communities as a result of external authority's involvement in the affairs of the region (Young, 2006). Every aspect of building a lasting peace in Sudan as a whole, and in Southern Sudan in particular, has been marred by the rivalry of regional interests, which has made the implementation of the CPA difficult in its local context. Second, the international community, particularly the Troika member states (US, Britain, Norway, and the UN), has poured much financial support into South Sudan's quest for nation-building (Jok, 2012). That effort did not produce successful results in terms of bringing development and building a

common identity among diverse ethnic communities in South Sudan. Much of the secured funds for development from the international community went to individuals from the elite's private pockets (de Waal, 2014). Hence, nation-building efforts and their process in South Sudan before independence and thereafter have not been successful. The process of nation-building is and has been mostly driven by external bodies such as Western powers and political elites. The result is the exclusion of grassroots communities and ordinary citizens from participating in the governing process.

Similar to the argument above, as Langer and Brown (2015) maintain the international community's response to post-independence nation-building and post-liberation war peace-building was not predicated on coherent and consistent timing and sequencing. Langer and Brown further argue that in particular, the case of South Sudan's nation-building is considered to be not inclusive in its process. This is in terms of adopting a system of governance that considers the ethnic diversity in the country. The support for economic development and participation of the public in the political process in post-independence South Sudan was marked by inconsistency, poor coordination, and lack of domestic or public legitimacy and ownership of the postliberation-war peace and nation-building interventions. Thus, a lack of involvement of the public in the governance process resulted in fundamental grievances, leading to the outbreak of the December 2013 civil war (Langer and Brown, 2015).

Wimmer (2018), on the other hand, maintains that a functioning state is a necessary precondition for identity building. Functioning state institutions allow for the development of national identity. A national identity that incorporates group identities and creates a shared sense of community. In this view, "nation-building," according to Wimmer, refers to the creation of a system of governance with stable institutions of governance that is able to create and serve diverse communities within a state. The process of nation-building in this view includes establishing and formalizing political and economic institutions, which are driven by the local efforts of various local actors and stakeholders. This understanding is also closely associated with post-1945 definitions in which allied nations, the victors, rebuilt the destroyed nations in Europe and Asia.

Similarly, nation-building for Dinnen (2013) refers to an abstract process of developing a shared sense of a common identity and shared values as a community among various groups making up the population of a particular state. In this regard, nation-building can be considered a process that

leads to the formation of countries in which citizens feel a sufficient amount of commonality of interests, goals and preferences so that they do not wish to separate themselves from each other (Omar Adwalla, 2005). Nation – building in this conception, demonstrates the centrality of trust and tolerance as it values and considers the nature of the multiethnic, multilingual and multicultural nature of a particular society (Basta Fleiner, 2012). Shared identity allows for the development of an inclusive identity that helps facilitate the management of diverse ethnic groups and creates a shared sense of community identity in a multiethnic society in which every ethnic community feels that they are part of the state (Omar Adwalla, 2005). Shared identity has not been witnessed in South Sudan since 2005, when the autonomous regional government of the then Southern Sudan was formed. It is from that time that state institutions started to be dominated by elites from one ethnic community among more than 64 ethnic nationalities in South Sudan. Hence, our argument in this thesis is that the decentralized system of governance that South Sudan adopted is not able to manage diversity and build commonly shared values through state institutions in multiethnic South Sudan

Another scenario that links to external nation-building in South Sudan’s context lies in post-independence nation-building. This has been reflected in state institutions' building and peace-building policy perspectives. State institutions in South Sudan are very weak and geared towards serving only the interests of the political elite who hold on to the grip of power and resources in the political center in Juba. Peace-building activities and institutional reforms were not properly implemented in a way that invites public participation in the process. For example, as Young (2016) asserts, in other countries on the African continent, liberation movements entered public offices that had functional postcolonial institutions. This was not the case in the Southern Sudan region, where the majority is clan-based pastoralists and semi-pastoralist communities, in which the concept of state, state powers and authorities are seen as synonymous with the personality and the ethnic group or clan-based (Johnson, 2016).

The absence of functional state institutions poses serious challenges to internally drive nation-building (Jok, 2012). In addition, rampant corruption, the absence of principles of the rule of law, and nepotism are also bottlenecks to the building of effective institutions driven locally based on the bottom-up approach. Furthermore, assistance from the international community meant to support South Sudan's efforts in reconstruction and development before and after independence in

the right way and build the core functioning of the state institutions proved to be partly unreliable, uncoordinated, and partly nonexistent (Johnson, 2016). These factors and many others more combined brought about the outbreak of conflict in December 2013 that culminated in the loss of thousands of human lives and property (AU Commission of Inquiry, 2015).

Finally, Wimmer (2018) regards nation-building as entailing national identification in which citizens of a country begin to see themselves as members of a national community and feel loyal to their own state above and beyond their attachment to an ethnic group, a tribe, a village community, or a religion. For Wimmer, identification with the state is something achieved when state institutions are inclusive and shared through participation so that citizens see themselves in the bigger picture of the nation. In this regard, national identity can be achieved through the inclusion and participation of different ethnic communities in governance through inclusive and democratic institutions. This thesis looks at nation-building from the perspective of political inclusion on how different ethno political nationalities in South Sudan are included and able to participate in the governance process through constitutional entrenchment, which has been the missing link in the Transitional Constitution of 2011. It argues that nation-building in South Sudan, as it was in Sudan, is an exclusionary process in which the political class, mostly from one ethnic community from the ruling SPLM party, controls the power and resources of the country from the center obstacle to the building in South Sudan.

1.2 Statement of the Problem

In the post-Cold War era, many developing countries were caught in vicious cycles of conflict, poverty, weak institutions, corruption, and low economic growth rates. To address these predicaments, decentralization was widely advocated and used as a way out to address these governance challenges (Faguent Jean-Paul et al., 2014). The decentralisation of powers, responsibilities, and resources to subnational levels of government was then adopted as a means of strengthening the state in developing countries suffering from low organizational capacity, poor public service provision, and sectarian and ethnic conflicts (Brancati, 2004). The adoption of decentralized system of governance as a mechanism for addressing gaps in the state's capacity to solve; political, social and economic problems in post-conflict state did not resolve the problems of governance during the interim period (2005–2011) or even in the transitional period (2011–

2013). Instead, economic and political problems persist as a result of excluding the South Sudanese public from participating, as it was in the old days in the Sudan.

Although decentralisation in South Sudan was promoted as a policy response to economic and social problems, it remained highly controversial as to whether or not it could effectively manage diversity in a state with multiethnic communities, and which are already plagued with the deadly conflicts (Timothy ,Interviewee,2020) .Thus, most countries with multiethnic communities which have been experimenting with decentralisation in one form or another, have started to revisit its viability as a tool for resolving conflict in multiethnic societies. Political issues such as the creation of inclusive political institutions for inclusive development and accommodating diverse ethnic communities within their states remained unresolved.For example, Bosire (2014) argues that state practice and literature in Kenya introduced electoral violence in 2007, have shown that decentralization without the commitment to devolution of powers, responsibilities, and resources to subnational levels of government cannot address the main challenges of underdevelopment, internal conflict, and abuse of centralized powers in developing states by central governments. This is the case in South Sudan and some other countries in the Horn of Africa, like Somalia and Eriteria where central governments control power and resources and do not pay a little attention to delivery of basic services to the people.

One of the main tasks of South Sudan's sovereignty was adopting a new constitution. In contrast to the populist exercise that enabled South Sudan's independence, the country's first constitution was developed and shaped largely by two very different influences. First, are the international constitutional models which were imposed on Southern Sudan intentionally or unintentionally. Foreign constitutional and legal experts had their undue influence on the constitution -making process. Second, are the political priorities of leaders within the dominant domestic party (Cope, 2013). It is unsurprising that an important political process would lack meaningful, broad public participation in a country whose parent is notorious for its autocratic rule and abysmal human rights violations (Galligan 2013). But what makes South Sudan's constitution noteworthy is its dualistic structure. That is, the two influences – international models and domestic politics – primarily operated on one of the constitution's two discrete components, namely, the bill of rights and the structural provisions, respectively (Cope, 2013).

With a few key exceptions, the bill of rights replicates an international template reflecting an emerging global consensus on human rights. In many ways, it resembles the recently enacted constitutions of countries such as South Africa, Brazil, Turkey, and Finland (Cope, 2013). In contrast, the document's structural provisions, although certainly not untouched by external influence, have largely been crafted to advance the priorities of the drafters- the SPLM 's political and military elite's interests, and not with the interests of the people of South Sudan (Cope, 2013). Some of these provisions flout both democratic and liberal values, making them quite incongruous with the structural provisions of model democratic countries, such as South Africa, Canada, and Germany (Law and Versteeg, 2012). Because of these arrangements, domestic officials and participating foreign consultants pointed to their successes in helping codify important human rights, while party, the SPLM and government officials enjoy the fruits of their structural power play (Cope, 2013).

It has been nearly two decades since a decentralised system of governance was adopted in South Sudan after the signing of the CPA in 2005. Among many objectives for decentralizing were to devolution of powers, responsibility, and resources and to build a common South Sudanese identity that would unite South Sudan's different ethnic communities. Additionally, the decentralised system of governance as it was adopted, was meant to resolve conflict and manage diversity in South Sudan as a multiethnic society. However, this thesis argues that little has been achieved in terms of the fundamental objectives of decentralisation and devolution of powers as set out in the Transitional Constitution of 2011 as Amended.

In the events leading to the declaration of independence of the Republic of South Sudan, there were many political challenges and disagreements between political parties in South Sudan pertaining to the design and drafting of the Transitional Constitution (2011). According to Abraham Isaiah (2012), there were no forums organized for the South Sudanese public to constructively debate the system of governance that the new country should adopt in its Constitution. The SPLM governing party called for a process of amendment and the review Interim Constitution of 2005 of Southern Sudan instead of constitution-making process for the new state (Cope, 2013). The SPLM political elites argued that there was no need to call for a public debate on the amendments to be made to the Interim Constitution. The result of this was that the debates over the process of amending the Interim Constitution of South Sudan to design a transitional

Constitution were controlled and wholly owned by the SPLM's governing party, excluding other stakeholders in the process (Isaiah, 2012).

Hence, the Transitional Constitution of South Sudan is an amendment of the Interim Constitution of Southern Sudan with only minor changes of a few words and phrases to make it look a “new” Constitution (Cope, 2013). Also, the drafting of the Interim Constitution of Southern Sudan in 2005 after the signing of the CPA in itself was a SPLM-driven process (Jok, 2012). The public of Southern Sudan and the Sudan as a whole, were not involved in, and did not participate in the constitution-making process. It was the NCP and the SPLM owned process.

Isaiah further maintains that the teams tasked with drafting the Constitution were confined to the SPLM’s governing party head office in Juba, shuttling between the SPLM’s party headquarters and the Office of the President as if the teams were drafting the SPLM Constitution, Isaiah (2012). In other words, the design and drafting processes of the Constitution, as well as the subsequent discussions, were not based on consultation with various stakeholders and the South Sudanese public. The absence of organized public forums and debates on the Constitution resulted in the concentration of powers at the center, in which the President centralizes political powers within the executive (Hutton, 2014).

The tone set within the national government in relation to the exercise of executive power is also repeated at the local level. As Hutton (2014) explains, most states disregard normal decision-making procedures when issuing harsh and restrictive decrees, threatening legislators and swearing-in state cabinet members without consulting with the state legislature organs. Sustained infringement of constitutional rights and democratic procedures has pushed the limits of what is acceptable as a normal level of executive powers (Thiong,2018). The tendency towards centralization and executive control of power and resources became more prevalent throughout 2013 and was exacerbated by the power struggle between powerful political elites who mobilized their ethnic community to support their causes and as a base for their quest for power control. This culminated in the dissolution and dismissal in July 2013 of the entire national cabinet, including the Vice President Riek Machar by the President through presidential decree order (Hutton, 2014).

Back in the Sudan, as it is now South Sudan’s political history, the concept of decentralisation did not originate with the creation of the South Sudanese new state 2011. Even though it existed during

the war for independence prior to the signing of the Comprehensive Peace Agreement (CPA), decentralisation in South Sudan had not been conceptualised as an ongoing process. It is also enshrined in the Interim Constitution of Southern Sudan (*Art. 39 Sec. 1*). As Young (2017) explains, decentralisation was adopted as a response to the challenges of political, economic, and social marginalization imposed on the Southern Sudanese people by the preceding successive regimes in Khartoum. Young further asserts that although a decentralised system of governance has been adopted in South Sudan since then, many of the political and economic challenges have not been addressed or resolved. Sudan and South Sudan's political history, in particular, the concept of decentralization did not originate with the creation of the South Sudanese state 2011.

One of the serious set backs for successful implementation of decentralisation in the Southern Sudan autonomous region back in 1972, was centralisation of executive and legislative powers by then President Nimerie of Sudan. Another obstacle in this regard, was also the fact that Southerners disagree on how to make decentralisation successful. They were not about having one unified understanding of the concept of decentralisation itself in terms of implementation. Some wanted Southern Sudan reverting to the old division where Juba as a centre has control of power, instead of dispersing the power between three Greater Regions, having equal powers (RoSS 2011). During the second civil war, while the war was ongoing in Southern Sudan during the 1990s, the government in Khartoum introduced a decentralization policy with the objective of dividing Southerners and isolating the SPLM/SPLA, which was fighting the war of liberation (RoSS, 2011). On its part, the SPLM/SPLA, in the areas under its control, introduced its own version of the decentralization policy, known as the Civil Administration for New Sudan (CANS). This was adopted in 1994 when the liberation movement (SPLM) appointed military administrators to govern the liberated areas under its control. The first convention of the PLM political wing as a liberation movement that led to the establishment of this formal "civil administration" (CANS) for the first time was held in July 1994 at Chekudum village in Eastern Equatoria, Southern Sudan (RoSS, 2011). The convention resolved to separate civilian administration and political wing from the military wing of the liberation movement. The move was also meant to decentralize power to the local chiefs in the areas under the control of the SPLM and promote grassroots- or peoples-centred administration. However, that did not work as was intended by the convention. Military command and influence continued, as those who were appointed as state governors and county commissioners also had military backgrounds.

Despite the efforts exerted at different times by different stakeholders, the decentralization policy during any of these periods, that is, during the war of liberation and after the signing of the peace agreement in 2005, failed to address the challenges of building viable and legitimate state institutions and building one political community in South Sudan. In a related development, the main goal of decentralization during the interim period (2005–2011) of the CPA and the transitional period after independence was to bring the government closer to the people by devolving power and resources to its devolved structures, namely, states, counties, *Payams*, and *Bomas*, as well as to foster a sense of common identity among South Sudanese ethnic-communities.

Moreover, one of the objectives of the CPA was to make unity between Southern Sudan and the rest of Sudan attractive and forge national unity after 21 years of conflict. In addition to achieving the objective of decentralizing powers and responsibilities to subnational levels of government, the CPA was also meant to reconcile and forge national unity among diverse and divided South Sudanese ethnic communities after more than 50 years of vicious cycles of conflicts that started right after the independence of Sudan (CPA, 2005). Nevertheless, the realization of the objective of decentralization after the independence of South Sudan was not achieved by the governing SPLM party. The government of South Sudan did not make any effort to reconcile different ethnic communities that were affected by protracted conflicts. This was one of the factors that led to the outbreak of civil war in December 2013.

Despite promise for devolution, South Sudan continued to suffer from cycles of crisis and one is forced to ask why the cycle of violence and civil war continue even after the decentralization was introduced? Why has not the post-2011 contribution along with its promise for devolution bought peace and stability in the country?

Overall, those questions above raised address the challenges of decentralization and nation-building in South Sudan. One of the challenges for building democratic and inclusive political institutions in South Sudan, is a struggle for political power between the political elites within the SPLM which started since the time of liberation struggle for independence, has also become one of the challenges building inclusive, representative and democratic state institutions (Thiong, 2018). The outbreak of conflict in December 2013 in Juba is an example of struggle for political power between the leaders of the governing SPLM.

While there is a rich literature discussing the root causes of the civil wars, there is a little literature that links role of decentralization and nation-buildin. In most case decentralisation is analysed as a means to transfer power and resources to sub-national units' governments and to enensure services delivery. Yet, as this thesis demonstrates that decentralisation could also be deployed for nation-building as it promotes inclusive political representation at the center combining with some level of autonomy at local level enhancing the sense of citizens belonginess to the system. Whether this goal has been achieved in South Sudan reminina the core issue of this thesis.

1.3 Argument on Issues Under the Discussion

The argument in this thesis is based on issues that are thought to have an impact on nation-building and diversity management in South Sudan through the lenses of Transitional Constiitution of South Sudan (2011) as Amended. The main themes which are set for the discussion in the thesis include constitutional and institutional frameworks of governance and challenges for managining ethnic diversity based on decentralised system of goverance. This is to examine whether or not there is an inclusivity, political autonomy and general participation of sub-national units in the goverance process. These issues shall be dicussed against the current Transitional Constitution in the subsequent chapters based on inclusivity and participatory model of nation-building developed by Andrea Wimmer's (2018); Arend Lejiphart (2007); John McGary (2002), Bredanen O'Leay (2007); and Surjit Chouldlary (2019) in relation to nation-building in multiple ethnic societies .

The arguments centre on the critique of nation-building through decentralised system of governance in pre-independence (CPA Interim Period) and post-conflict constitution-making and its implementation in South Sudan.

In this regard, the thesis argues that the decentralized system of governance as designed and implemented in South Sudan has failed to manage diversity and thus, failed to bring an inclusive nation-building. Below are the major arguments that guide the subsequent discussions on the issues raised in the thesis:

- The thesis contends that following independence, constitutional and institutional arrangements that could promote inclusivity and manage ethnic diversity in multiethnic South Sudan, through promised were never implemented;

- The ethnic dimensions of the political and violent conflict in South Sudan are not only embedded the historical rivalry of power struggle between the main SPLM factions of political elites but also rooted in the failure of South Sudanese state to manage ethnic diversity;
- The problem is also rooted in the struggle for the control of power and resources by the powerful military and political elites from the governing SPLM party;
- The process of design and implementation process of the Transitional Constitution of 2011 was exclusive and to the political elite of the governing SPLM party. This has influenced the design and functioning of state institutions and resulted in the failure of decentralization to manage ethnic diversity in South Sudan;
- That is, the process of constitution-making has been top-down and elite-driven without participation from the different stakeholders;
- Although the design of decentralisation was largely exclusive in nature dominated by the governing SPLM party, the implementation of major provisions such as devolution of power (political autonomy) and resources to sub-national units, has altogether been violated by national government.
- There has been no smooth political transition from the war of liberation struggle to the establishment of equitable and representative state institutions in terms of political, economic, and social dispensations that addressed the grievances of the people of South Sudan in the post-conflict political environment prior to independence;
- The constitutional and institutional requirements for inclusive and participatory nation-building through a representative system of governance have not been achieved by a decentralised government in South Sudan;
- The supremacy of law (constitutionalism), the rule of law, and an equitable division of power and wealth sharing between three levels of government, do not exist. The executive at all levels of government controls the powers and resources of the state. This has brought about endemic corruption and mismanagement of public resources. Thus, it is argued that the design of decentralisation is based on exploitation, non-participatory, and clientele relationships among the political elite and their networks; and
- That the role of a culture of political violence based on ethnic affiliation and ethnic sentiments in the process of state formation and state-building in the country, starting from

the war of liberation to the formation of legitimate state institutions, has a negative impact on managing ethnic diversity and thus has jeopardized the nation-building process.

The arguments above are rooted in the belief that the Transitional Constitution was designed in such a way that it gives too much sweeping power without institutional checks and balance to the President, in particular, and to the executive branch of government in general at all levels of government. This is demonstrated by Article 101 (r) of the TCSS, which states that the President has the authority to "remove elected state governors and appoint unelected ones instead." The Constitution also gives the President unchecked powers to create more states through presidential decree orders without consulting with relevant state institutions or South Sudanese constituents at the grassroots.

For example, the Presidential Decree Number Order 151/2015 divided the country into 28 states without consultation with the people of South Sudan. As such, the purpose of this study is to examine whether the objective for which decentralization was adopted has been attained. In short, the thesis argues that the design, process, structure of constitutional decentralisation fails to manage South Sudanese diversity.

1.4 Research Questions

In light of the above arguments, the following leading research questions are developed to advance the argument in the thesis and thus be answered as the study unfolds:

1. Why has devolution failed to bring inclusive political system and for managing diversity in South Sudan?
2. How best can South Sudan manage its ethnic diversity and ensure that different ethnic and political groups' interests have equal rights to participate in the governance process of the country and live in peaceful co-existence as a multi-ethnic society?
3. What constitutional mandate and institutions are needed to make decentralisation work better for building effective, inclusive, and representative state institutions (political representation and equitable power-sharing) for the management of ethnic diversity in a multiethnic South Sudan?

4. What policies or mechanisms are needed to help South Sudan achieve sustainable and lasting peace?

1.5 Purpose of the Study

1.5.1 General Objective of the Study

To a limited extent, successful multicultural federal states such as Switzerland and the United States developed their self-awareness peacefully (Omer Ad-Walla, 2005). The USA, unlike Switzerland, had a bloody civil war, the consequences of which are still felt in the racial divide, conflicts, and discrimination that engulf the country to this day. Switzerland, on the other hand, has remained peaceful country, in fact after long civil war civil of ethnic and religious nature. That civil war had devastated Swiss social fabric and widened ethnic divide. However, after the end of the civil war, the Swiss had a system of governance built from bottom -up and community driven with the most devolved federal system of governance for even longer than the United States (Hastings, 197). South Africa developed its national consciousness peacefully, despite decades of oppression and suppression of certain ethnic groups. Tanzania is also an instructive example of the consciousness of ethnic cooperation through a unitary state system of governance. India, a highly diverse country, could nevertheless still manage its diversity after the secession of Pakistan.

On the other hand, there are countries such as South Sudan that have failed to develop national sentiment and are not able to manage their diverse ethnic communities. In this thesis, we argue that prior to the birth of South Sudan as a sovereign state in July 2011, ethnic self-awareness had been there, but a shared South Sudanese identity had been missing. The state and its institutions are also less visible in existence.

Therefore, the general objective of the study to investigate why decentralisation as adopted in Interim Consitution in the years of the CPA (2005) and later in Transitional Constitution 2011 as Amended, has failed to address issues pertaining to nation and state building in South Sudan to present time. The study is also meant to examine the challenges of governance associated with the effective implementation of a decentralized system of governance with the aim of managing ethnic diversity and resolving conflicts in the country.

Furthermore, the study argues that in today's South Sudan, sadly, the conflict is identical to those that ended the country's long history of conflict in the independence of Sudan after more than a half-century. This was a result of economic, political social marginalization by successive governments dominated by the Northern political elite. This is the path to governance and a political culture that the South Sudanese political elite followed after the country seceded from the rest of South Sudan.

Hence, the overall purpose of the study is to investigate how state institutions which are created by a decentralized system of governance in South Sudan's Transitional Constitution of 2011 are able to manage ethnic diversity for inclusive nation building. The aim is to interrogate how state institutions respond to the management of conflict in a multiethnic South Sudanese society through equitable political representation and inclusive nation-building.

1.5.2 Specific Objectives of the Study

Taking the general purpose of the study into account, the specific objectives of this thesis are as follows:

- To analyse how the decentralized system of governance as adopted in the Transitional Constitution of 2011 as amended, is able to respond effectively to the challenges of nation-building and managing ethnic diversity in postconflict South Sudan;
- To investigate how the challenges of governance such as lack of peacebuilding initiatives after every peace agreements signed between the political parties had not been grassroots community driven, thus leading to another cycle of conflict;
- To investigate and analyse how historical and current political forces and conditions have influenced and contributed to the failure to bring lasting and sustainable and lasting peace, establish inclusive, effective, representative state institutions in South Sudan.
- To analyse whether or not peace agreements signed between different political parties to end many intractable and protracted conflicts at different times are in line with the purpose and objective of a decentralized system of governance, state and nation building in post 2011 independent South Sudan.

- To investigate how the division of power and wealth sharing arrangements between arms of government and institutions respond to the questions of nation and state-building in a quest to manage ethnic diversity;
- To examine how state institutions of decentralisation respond to or answer questions about nation-building and ethnic diversity management in South Sudan through political representation, power-sharing, and the delivery of public goods or services to the people;
- To provide recommendations to other researchers who might be interested in carrying out further studies on other issues which may have an influence on state and nation-building for the management of ethnic diversity in South Sudan; and
- To provide recommendations on federalism to be adopted as a system of government for and so as to devolve powers to sub-national levels government, and also as a mechanism to address governance crisis so that the state is able to resolve conflict and effectively manage ethnic diversity in South Sudan.

1.6 Significance of the Study

Nations stay together when citizens share enough values and preferences and can communicate with each other on common issues (Alerion & Brynoch, 2015). As such, nation-building through inclusivity or equitable political representation of diverse ethnic communities in state institutions, becomes a necessity to address conflicts arising out of diversity. Inclusive and participatory nation-building in this context, also becomes an internal social milieu when a state is characterized by ethnic or any other diversity. Thus, political and economic issues are equally given priority (Ommemen, 2012). Diversity as a social factor has always existed; it only becomes a problem when the groups or communities in the polity are treated unequally or discriminated against by the existing system of governance. In this connection, we argue that the decentralized system of governance design options adopted in South Sudan did not help manage South Sudan's diversity in a way that would lead to a democratic state and nation-building. In other words, the adopted system of governance has not been able to manage diverse ethnic communities to provide a conducive environment for equitable participation of all South Sudanese nationalities in the

governance process at all levels of government. Conducive conditions need to exist or be developed at different levels or spheres to realize the objective of democratic nation-building (Adwallad, 2005).

The study's findings may also aid South Sudan in adopting a more inclusive governance system and managing its diverse ethnic communities. Federalism or devolution may help promote political representation of diverse ethnic communities through political power, which is critical to inclusive nation-building. Thus, the findings of the study will help address the challenges in governance in general and, specifically, the question of building a common South Sudanese identity through equitable representation in state institutions.

The findings of the study may also help South Sudan adopt a federal system of governance with checks and balances that would address the current political crisis in the country. As we will see in chapter one and in chapter two as well, concepts such as nation-building, identity, ethnicity, and managing ethnic diversity are generally defined but used throughout the study in the context of a decentralized system of governance in South Sudan. This is to ensure that there is clarity in the contextual use of the concepts as they relate to the issues in the problem under investigation.

1.7 Scope and the Impact of Some Factors on the Study

First, the study objectives are to provide an overview of the analysis of nation and building through a decentralized system of governance as adopted in the South Sudan Transitional Constitution of 2011 as Amended and the challenges for governing the country. Due to the breadth of the topic, it is necessary to limit the in-depth coverage to state institutions created by the decentralised system of governance. The ultimate aim is to focus on state institutions and their contribution to creating a common and shared identity and managing ethnic diversity.

Second, not all varieties of post-conflict situations before and after the independence of South Sudan, such as reconciliation and transitional justice, are covered in the study. For state and nation-building efforts in South Sudan, post-conflict situations vary widely, making it impossible to formulate meaningful recommendations that would be applicable to all situations.

The study focuses only on major peace agreements that have major impacts on issues of state- and nation building in a multiethnic society, and effectively manage ethnic diversity in the context of

South Sudan's decentralized system of governance. In other words, the study examines how the Transitional Constitution of South Sudan 2011 as Amended is able to address nation and state-building from an ethnic diversity perspective through political representation and power-sharing arrangements. The thesis considers the design, process, and implementation of decentralization. This is meant to address the failure of the South Sudanese state in managing ethnic diversity in a multiethnic society.

The thesis covers peace-building through the analysis of different peace agreements from the 1972 Addis Ababa peace agreement to the current revitalized peace agreement 2018 in the political history of Sudan and South Sudan. The peace agreements are analysed in relation to what they have contributed to or would contribute to the unity of the people of South Sudan through shared national identity and management of ethnic diversity. That is, the thesis covers state-building, peace-building, and nation-building efforts and the management of ethnic diversity in post-independence South Sudan through a decentralized system of governance.

However, some historical developments back to the time of the war of liberation struggle (1960–1972, first civil war; and from 1983–2005, second civil war) are considered in the thesis. The reason for this is that historical factors may have impacts on the country's current political development. These factors, are factionalization of the SPLM/A liberation movements between warring factions. Some of the factions like the SPLM's faction led by commander Dr. Riek Machar a Nuer by ethnicity and Dr. Lam Akol a Shilluk by ethnicity. were accused by the SPLM/A main streaming faction led by Colonel Dr. John Garang de Mabior a Dinka of betraying the very cause of the liberation for the people of South Sudan by siding with the enemy, the Khartoum government at the time.

Nevertheless, there are some limitations to this study. First, South Sudan is a young nation with a fragmented and contested political history, dating back to the "old" Sudan until the present time when it became an independent state in July 2011. People's identity back then in the Sudan was contested in two ways. The northern political elite consider Sudan as both Arab and African, whereas in Southern Sudan, Sudan is an African state with an African identity, but an African identity which has the common value was dominated and subordinated to an Arab identity by the northern political elite who controlled power in Khartoum. Similarly, in South Sudan, there is also a contestation on the legacy of the journey leading to freedom and independence. The contestation

within South Sudan is between those who categorized themselves as "liberators" on one hand and those who are termed "betrayals" on the other. Those who called themselves, the liberators are those claimed to have fought in the battle fields, lost family members, colleagues and relatives as a result of war of liberation for the independence. So, they believe that they have every right to control powers and resources of the country as compensation for the sacrifice they made during the war of liberation. Hence, they term those who had not participated in the battle fields during the war of liberation as betrayers of the cause for the people of South Sudan. This attitude is mostly observed among Dinka elite. Second, there were places where the researcher was not able to reach while he was in the field for the collection of data for the study. This is due to the prevailing conflict situation in the country, which may also be considered another challenge that may have some impact on the findings of the study.

Thirdly, the ongoing implementation of the Revitalized Peace Agreement and the road leading to political transition may have some foreseeable challenges. This may include a lack of political will from the political leaders of the parties to the agreement, which are signatories to the peace agreement. Lack of implementation of some of the critical protocols, such as security arrangements, may have some impact on the findings of the study.

Fourthly, there were also some difficulties in obtaining access to viable data and information for the research either from the individuals or institutions because of political or ethnic differences, which are today polarized in South Sudan as a result of the current ethnic political conflicts. Fifth, because of the outbreak of the COVID-19 pandemic globally, I was not able to spend enough time in Juba and in some nearby states to collect data. All these factors may have some bearing on the overall findings of the study. The current ongoing conflict in Ethiopia may have some bearing on the research process and perhaps have an influence on the outcome of the study.

Finally, it is assumed that no new state emerging out of protracted conflicts such as South Sudan has been or will be set up, which would entail nation-building from "scratch." Rather, the adopted system of governance and the building of capable and competent state institutions as a result of the peace agreement led to a solution within the existing state, with the warring parties having to find ways to continue to manage ethnic diversity in a multiethnic society such as South Sudan.

1.8 Organization of the Study

This thesis is organized into seven chapters. The first chapter is an introductory part that discusses and analyses the background of the study, the problem statement, the research questions and the major arguments of the author. In this chapter, the rationale for taking up this topic is also provided in the first section. Other parts included in this chapter are the objectives, significance, limitations, and scope or delimitation of the study. The last section in this chapter describes the research methodology and design of the study. This part outlines in detail the rationale for choosing a qualitative approach as a tool for data collection and a strategy for analysing the data.

In chapter two discusses the theoretical framework of federalism from a multiethnic society. The chapter also explains the nation-building, state -building and management of ethnic diversity, which are considered core components of the study, as they relate to federalism, which is considered in this study as a tool to resolve conflict and manage diversity in the multiethnic or multiethnic society of South Sudan. The chapter also dicusses conceptual freamework of nation – building, and state peacbudiling from South Sudan’s governance perspective.

In chapter three, the study discusses a decentralized system of governance in the context of South Sudan in relation to its design and implementation and subsequent failure to manage ethnic diversity. Furthermore, the chapter analyses decentralization from its failures and successes in building shared South Sudanese identity through power sharing arrangements and resource distribution. In this chapter, we argue that the decentralized system of governance as implemented in South Sudan has failed as a tool for nation–building inclusive state institutions and, possibly, how it has failed to manage ethnic diversity and thus South Sudanese citizens identify with the state.

Chapter four provides an analysis of the historical and political development of governance in South Sudan and Sudan in relation to state formation and nation building. It provides historical and political accounts of state formation and state institutions starting from the colonial era all long until the independence of Sudan from British colonial power and their contribution to nation-building and management of diversity. In this chapter we also discuss and analyse two peace agreements , namely Addis Ababa Peace Agreement of 1972 and the Comperhnsive Peace CPA (2005) signed between successive regimes based in the Khartoum and South Sudan resistance

movements at different political history in the Sudan . and other peace agreements between South Sudan political forces after the separation and independence of the country from the Sudan. The overall objective of this chapter is to review and analyse the governance and political history in South Sudan and in Sudan through these two agreements on what they contributed or not, in bringing stability, sustainable and lasting peace and creation by creating inclusive state institutions that reflective ethnic diversity.

Chapter five discusses post-CPA or post-independent governance challenges in South Sudan through analysis of institutions of decentralisation created after the CPA and their response to nation-building. The chapter also reviews and analyses peacebuilding initiative through two peace agreements. They include Agreement for the Resolution of the Conflict in the Republic of South Sudan (ARCSS, 2015) and the Revitalized Peace Agreement of 2018. In the chapter, I have discussed the fundamental causes of December 2013 conflict that led to massacre of mostly members of the Nuer ethnic community, by Dinka militia groups loyal to President Kiir. Furthermore, we have also discussed issues leading to the collapse of the ARCS less than a year after it was signed by the parties to the conflict. Similarly, we have also analysed the institutions of the revitalized peace agreement in terms of bringing sustainable and lasting peace in the country. We have analysed power and wealth sharing arrangements based on institutions created by these two peace agreements. Finally, we have discussed and analysed the challenges facing the full implementation of the revitalized peace agreement as seen from the signatories' parties to the peace agreement.

In chapter six, we have discussed the institutions of national and subnational levels of government and their contribution in building shared identity through representative political institutions. It attempts to analyze and synthesize the contribution of state institutions to building a common South Sudan identity. The chapter further analyses the historical background of institutions of decentralization at subnational levels in Sudan and their impacts on South Sudan's nation-building.

Finally, chapter seven provides a summary of the major research findings and the issues discussed in the study. It provides an overall conclusion on the issues analysed and the recommendations to improve the participation the grassroots in the governing process of the country by creating inclusivity and representative state institutions which may promote commonality; resolve conflict

by way of adopting federalism for inclusive nation-building and management diversity in South Sudan.

1.9 Research Methodology and Design of the Study

1.9.1. Design of the Study

The nature of this study is notably complex, as it is shaped by historical, political, and socioeconomic challenges that had prevailed in South Sudan before and after independence. These are issues such as inclusive state institutions created by decentralised system of governance in relation to, equitable power and wealth sharing that may contribute to nation-building and managing ethnic diversity to prevent conflict. This makes the study an interdisciplinary approach in nature.

This research follows a qualitative single case study which employs interpretivism or constructivism analysis with the focus on a decentralised system of governance and challenges for managing ethnic diversity in South Sudan. The study addresses challenges of governance such as building of inclusive state institutions, equitable power and wealth sharing institutions and the challenges are obstacles to nation building in South Sudan. Thus, nation- building in this thesis is considered to comprise three concepts that are related and may be implemented simultaneously. They include state-building, peace-building, and the management of ethnic diversity. The study is informed by a constructivist research paradigm or approach in its nature. It is an exploratory case study whose review and analysis focus on a decentralized system of governance as enshrined in the Transitional Constitution of 2011 and its amendments. This thesis considers issues of process, structures, institutions, and the context in which decentralization is designed and implemented as enshrined in the Transitional Constitution of 2011.

The institutions include the Transitional Constitution of 2011, the Local Government Act (2009), the South Sudan Electoral Law (2012), and the South Sudan Political Party Act (2012). Furthermore, the study considers the Revitalized Agreement for the Resolution of Conflict in the Republic of South Sudan (R-ARCSS), which was signed by opposition political forces and armed groups on the one hand, the of the current Transitional Government of National Unity (TGNou) on the other. In addition to these sources, relevant academic journals on the issues under

investigation were reviewed and analysed. The study also reviewed the literature and a theoretical framework on multinational federalism for managing ethnic diversity and nation-building.

1.9.2. Research Procedures, Sampling, and Data Analysis Methods

Understanding issues such as decentralisation for nation-building, peace-building, and management of diverse ethnicities through equitable political representation requires a purposeful sampling of research participants. In this case, data sources, such as secondary documents, personal and group or key informant interviews, and focus group discussions with the key informants, were used. Key informants include some selected political party leaders, civil society organisation leaders, and individuals in the authority within the government. Both structured and unstructured interview guides were employed to collect primary data from the research participants.

The data generated are transcribed and analysed using interepetivisism or constuctivisism data analysis, which is based on coding and categorization of relevant themes and subthemes in the study. According to Dillon (2013), the analysis is used to develop a theoretical construct inductively from data sources gathered as part of a constructivist qualitative research approach. Based on this method of data analysis, the categorisation of issues was put into their relevant themes and subthemes based on the topic under the investigation. Thus, the method and the theory employed for the analysis helped explain the causes of the failure of the decentralized system of governance designed to address state and nation-building, resolve conflict, and manage ethnic diversity in South Sudan. Case study combined with grounded theory analysis in the account of Luckier (2012) allows for both in-depth exploration and analysis of the issues involved. The analysis focuses on the Transnational Constitution 2011, peace agreements, and Local Government Act of 2009.

1.9.3. Participants in the Study

Research participants in this thesis are selected purposefully based on their knowledge and understanding of the current decentralized system of governance and the current political situations in the country in general and how the decentralized system of governance contributes to building common or national identity amongst South Sudanese in particular. Thirty (30) research participants from different categories were selected using a purposive sample technique.

Out of this number (30), 15 senior party officials, current and former ministers from the ruling party members, some of whom are also serving in the Revitalized Transitional Government of National Unity (R-TGoNU) in different ministerial portfolios and independent commissions. On the other hand, out of 30 research participants, 15 were selected from opposition political parties. These opposition political parties include the major opposition SPLM-IO, from which 10 research participants were purposefully selected. The remaining five were selected as SOSSA and SOMMA, respectively. In addition to political leaders, we also conducted in-depth interviews with senior civil servants, civil society organization leaders, and ordinary citizens in the country. The key informants will be selected using purposive sampling techniques. The purpose is to assess their views and their understanding of South Sudan's decentralized system of governance and its role in managing diversity in a multiethnic society to forge unity within diversity, which may result in building a common South Sudanese identity or a shared belief.

CHAPTER TWO

2. Thoretical and Conceptual Frameworks of the Study from Federalism Perspective

2.1 Introduction

This chapter discusses the theoretical framework of the study from the perspective of federalism in general and multinational federalism in particular. The chapter takes into account the definition of federalism from a multi-national nation-building perspective. In relation to discussion of theoretical framework, some concepts have been identified that would guide the analysis and in the subsequent subtopics. These concepts include peacebuilding, state-building, and ethnic diversity management. The concepts are discussed in relation to how they would influence the process of nation-building in multi-ethnic societies and management through federal political arrangements.

The theoretical framework in this study is discussed from the perspective of federalism for management of diverse ethnic communities in the context of South Sudan. The theoretical framework of federalism for multi-ethnic societies considered in this study is that advocated by Andreas Wimmer (2018); McGarry John (2002); Brendan O'Leary (2007); Surjit Choudhary (2019) and Arend Lijphart 2007 and Lijphart ,2012). These authors advocate for creation of inclusive and representative political institutions from a multiethnic federal arrangement perspective. I argue that this form of federal arrangement is what is missing in South Sudan's political arrangement. In decentralized unitary system of governance in South Sudan, the national government only delegates a small portion of power to subunits. It is in this context that we argue that South Sudan needs a federal arrangement that would create inclusive and representative political institutions through which all ethnic communities could identify with the state when the state responds to their needs.

2.2 Concept of Federalism from a Multiethnic Perspective

In this thesis, I adopt the definition of federalism in the context of a multiethnic society. The argument here is that federalism is seen in terms of the recognition of diverse ethnic communities through fair representation, participation, power-sharing, and political autonomy for ethno-nationalities (McEvoy and O'Leary Brendan, 2013). For McEvoy and O'Leary, in a multiethnic

federation, there is a compound sovereign state, in which at least two governmental units, the federal and the regional, enjoy constitutionally separate competencies, although they may also have concurrent powers. Hence, more than a vertical checks-and-balances system through the entrenchment of the Constitution, federalism aimed at accommodating multiculturalism that would democratically manage ethnic, religious, and linguistic demands within a multiethnic society (Flieners and Flieners, 2009).

Furthermore, McGarry and O'Leary (1994) maintain that a federal constitution should entrench divisions of power between the federal and provincial or state governments. They assert that if the boundaries between the components of the federation match the boundaries between the relevant ethnic, religious, or linguistic communities, i.e., if there is a federal society, then federalism can be an effective conflict-regulating device for managing diversity. For example, in the cases of Belgium, Canada, and Switzerland, the success of federalism in conflict regulation is based upon the historic accident that the relevant ethnic communities are reasonably geographically separated or divided according to their constituent units (McGarry and O'Leary, 1994). Such a federal political arrangement favors the development of multicultural identity and multilingualism within the context of ethnic diversity or a multi-ethnic society in the polity. This approach is contrary to the integrationist approach that favors policies that reduce the differences between communities claiming national unity. Integrationist policies work to ensure that the children of the (potentially rival) ethnic communities go to the same schools, socialize them in the same language and conventions, and encourage public and private housing policies that prevent differences within different ethnic communities (McGarry and O'Leary, 1994).

On the other hand, in the federal system of governance, both the federal and regional governments are empowered to deal directly with their citizens under their respective jurisdictions. The citizens have the right to directly elect those who represent them at various levels of government. That means, in a federation, the federal government cannot usually unilaterally alter the horizontal division of powers. Constitutional change affecting competencies requires the consent of both levels of government, that is, national and state governments and the citizens they represent in their respective constituents. Therefore, a federation implies a division of power based on a codified and written constitution that is normally accompanied by consensus between different levels of government. A federation has a supreme court, charged with umpiring differences

between the governmental tiers, and a bicameral legislature in which the federal, as opposed to the popular chamber, may disproportionately represent the smallest regions (Elazar, 1994). Elazar further argues that federalism emphasises the covenantal character of federations, i.e., the authority of each government is derived from a constitution and convention rather than from another government. Kymlicka (2007) supports multi-national federalism normatively, while acknowledges that it faces considerable difficulties in practice. Kymlicka asserts that multi-national federalists are often soft minority nationalists. Nevertheless, they also include state elites who believe that accommodating national minorities holds the key to stability and unity within a federation.

Similarly, Lijphat (2007) argues that equitable sharing, proportionality principles of representation and allocation, cultural autonomy, and veto-rights are pillars to the extent that they build consensual institutions or practices such as the separation of powers, bills of rights, and courts and monetary institutions, insulated from immediate governing majorities. A majoritarian federation concentrates power resources at the federal level and facilitates executive and legislative dominance either by a popularly endorsed executive president or by a single party premier and cabinet. Lijphat also contends that the constitutional division of powers (as interpreted by the courts) is not always an accurate guide to the policymaking, autonomy and discretion enjoyed by different tiers. Some powers may have fallen into abeyance, or the superior financial and political resources of one level (usually the federal) may have allowed them to interfere in other jurisdictions. A better indicator of the degree of autonomy enjoyed by regions may be the proportion of public spending that is under the control of the respective levels (Watts 2008; Lijphart, 2007).

Given the defining characteristics of a multiethnic or multi-national federalism, it should be clear that it is quite different from the ideal type of unitary state. This is so because of the high degree of constitutionally embedded autonomy for different ethno-nationalities and prerogatives those are not enjoyed by other jurisdictions of the unitary state where power is monopolized by a few political elites (O'Leary, 2013). In relation to this, I argue that South Sudan, as a multi-ethnic polity, requires multinational federalism supported by a strong federal arrangement in the center and with significant devolution of power and resources to sub-national (state local levels of government). This would mean in the context of this study that there is a need for consociational

power arrangement that can be made with diverse ethnic communities based on a proportional electoral system. We shall discuss this further in the subsequent topic on the theoretical framework of federalism for building a multiethnic society.

Therefore, federalism based on the discussion above in the context of this study, and as explained by Fleiner and Fleiner (2009), can be defined as a state form in which the autonomy of sub-national units and their participation in government at the center is constitutionally guaranteed. In other words, federalism describes a state in which the constitution prescribes a balance of self-rule and shared rule. Federalism could be considered as a system of political organization in which various political units are united under a superior political entity and whereby the powers of the center and of the sub-units are divided and allocated in such a way as to ensure the viability, authority, and legitimacy of the whole system as well as of the sub-units (Feiner & Fleiner, 2009).

2.3 Theoretical Framework for Federalism from a Multiethnic Perspective

This thesis argues that forging common values in a multiethnic society like South Sudan can only be achieved by re-designing the current decentralization to make it inclusive and responsive to ethnic and other diversities. Through the participatory and inclusive design of decentralization or federalism, the people of South Sudan will be able to forge their relationship with the South Sudanese polity. I argue in this study that managing South Sudan's ethnic diversity can only be possible through multinational federalism. Thus, the theoretical framework of this study considers federalism based on the argument of Andreas Wimmer (2018), which links the theoretical concepts of federalism and nation-building through an inclusive and participatory governance of diverse ethnic communities. It also considers Arend Lijphart's theory of accommodation of ethnic diversity through consociationalism (elite consensus) and political inclusion through a proportional voting system (Lijphart 2008; Liphart 2012) and O'Leary and McGarry (2004), who empathizes an accommodationist approach through consociationalism, power-sharing, and legitimacy of government for addressing ethnic diversity. O'Leary and McGarry's theory of nation-building also advocates the autonomy and accommodation of sub-state political communities through a wide variety of institutional approaches, perhaps the most important of which is federalism (McGary et. al, 2015).

Nation -building for Wimmer (2018) implies investing in the diverse people to build a sense of shared commonhood that prevails over sub-state identity such as ethnicity, religion, region etc. Nation -building basically comes from three major political projects: First political integration through federalism and power sharing. Wimmer reinforces this finding and argues that identification with the overarching state, its institutions and success in polity building is related to political representation and inclusion. He argues that it is a matter of ‘power and politics, rather than the demographic makeup of the population’ (Wimmer, 2018).

This is ground breaking argument because earlier studies have focused on the nature of society in the polity and whether it is heterogeneous or homogenous. Depending on the nature of the cleavages and its level of mobilization states need to design appropriate and inclusive institutions and policies to accommodate and manage their diversity. The idea of political inclusion and representation is primarily about creating a just political and economic order in a polity but it is also part of human psychology. Take print out of a group photo circulating among the group. There could be a few Marxists who may argue, “I see the photo as an entity (to mean people first), yet every member of the group instinctively looks at his/her own photo first and then sees it as an entity. It is human to see our own images in public institutions, the same way we prefer to see our own picture in the group photo (Wimmer, 2018).

Politics of inclusion is also associated with participation of diverse ethnic groups in the governance process which is directed at enhancing individual citizens’s capacities and endowments for participation within the political mainstream of the polity. It is also equally concerned with delimiting a new terrain for engagement and deliberation on issues of poverty and social exclusion (Jayasuriya Kanishka, 2006). Public institutions in diverse society need to reflect the diversity on the ground following the logic of the group photo (Wimmer, 2018). It impacts the legitimacy of the institutions and more importantly their performance. It is unrealistic to expect a public institution that suffers from legitimacy crisis to deliver an effective service. So, the inclusion and representation logic have direct relations with creating just political and economic order. It has also symbolic importance in addition to the core aim of creating a just political and economic order. It is for this reason that political integration of society through inclusion and representation particularly in diverse society is considered as foundation to polity building: it is the hardware of

polity building. Thus, political equality between ethnic groups and inclusion, are key defining features of nation- building in the context of this study (Wimmer, 2018).

Lijphart (2008) in his theory of consociationalism power arrangement in divided societies asserts that consociationalism is based upon the idea that conflict resolution in divided societies is best achieved through the accommodation of the political élites representing the salient segments of society and institutionally by inclusive coalitions and proportionality in public appointment. For Nagle and Clancy (2010) consociationalism is an all-encompassing approach to governance eschews as ill-advised and even ‘despotic’ in nature of those majoritarian political systems which operate a de facto permanent exclusion of minorities from sharing political power. By seeking to equally accommodate dual or multiple public identities, consociationalism stands in contrast to those approaches which aim to forge a single all-embracing public identity through integration (McGarry and O’Leary 2004). Proponents of consociationalism in this regard claim that consociationalism represents the best modus operandi to ensure that societies divided by conflicts in case of (Northern Ireland between unionist and nationalist’s parties) are endowed with equal recognition in all spheres of public life, while also providing a range of institutions which allow for a number of issues to be peacefully and democratically addressed. Consociationalism for them is left as the best opportunity for advancing democratic stability and peace in divided societies (Nagle and Clancy, 2010). In fact, they argue that consociationalism in a state power-sharing is the most realistic option, as it takes at face value the profoundly embedded salience of ethno-national identities in deeply divided societies, and the fact that ethno-national groups are not likely to melt or fuse at any point in the foreseeable future, but also are able to live peacefully together by developing and respecting their diverse cultural and linguistic identities (Nagle & Clancy, 2010).

Hence, in this thesis consociational power sharing arrangements in deeply divided societies like South Sudan is portrayed as a preferred form of democracy based on equitable political representation and inclusivity (Nagle and Clancy, 2010; McGarry and O’Leary 2004).

However, there is a perspective espoused by critics who argue that consociationalism has entrenched and exacerbated sectarian division across all domains of public and even private life. Yet in societies with deep division where elite mistrust is high and ethnic based domination is prevalent, other options like majoritarianism are less feasible.

Consociationalism is also linked to fragile governments, yet given the chronic ethnocratic political system in South Sudan, the value of inclusivity associated with consociational power sharing prevails over narrow based government.

Since the Interim Period of 2005 after the signing of the CPA and subsequent formation of regional autonomous government of Southern Sudan, the executive branch of national government had been dominated by political elite from Dinka ethnic community (Frahm, 2012). This was made possible through domination of Politbureau (high executive political decision -making body) of the SPLM governing party by the elites from the Dinka ethnic nationality. There are 27 members of the Executive Committee Members out of which 15 of them from Dinka ethnic nationality. As Ole Frahm (2012) points that alleged overrepresentation of Dinka in key government positions is a further complaint among many other ethnic communities from South Sudan. The charge of “Dinka domination” goes back to the days of the Southern Regional Government (SRG) under Abel Alier in the 1970s and early 1980s. Dinka elite domination of regional autonomous government prompted Nimeiry governments and who colluded with the Equatorians and the Nuer politicians and dissolved the Southern Regional Government in 1982 (Johnson 2003). A columnist at the South Sudan News Agency also traces the root causes of internal conflict in South Sudan to alleged Dinka domination in political affairs and deems the SPLM politburo “a rubber stamp used by one ethnic group (Dinka) to dominate others by using their numbers to impose decisions on others” (South Sudan News Agency 2011).

Elhag Paul (2011), a frequent commentator on various websites, similarly accuses the government of “Dinkocracy” and failing to deliver unity and peace to the people of South. But he does not spare his own ethnic group, Equatorians, which he also sees as guilty of narrow ethnic nationalism (Ole Farhm, 2012). Hence, the lesson to be learnt, Paul argues is that “supporting crooks because they come from our tribes is not nationalism at all” (Paul 2011). Less drastic in his choice of words but no less critical of perceived Dinka overrepresentation in government, Jacob K. Lupai (2011a), who, like Paul, contributes to several outlets, laments that 12 out of 32 National Ministers and 7 out of 15 government advisors, 8 out of 15 independent commissions are hail from the same ethnic group (the Dinka). Riak G. Majokdit does not focus exclusively on the Dinka but sees a more general threat of domination by larger ethnicities. According to him, the South Sudanese nation will not prosper:

“If big nationalities, such as Nuer (Naath), Dinka (Muonyjang), Azande or Colo [...] abuse their God-given numeric [strength] to dominate small nationalities politically, economically, culturally and socially (Majokdit, 2011, then the end result is endless conflict as the political elites from majority ethnic communities continue their political domination of minority ethnic groups in the country.”

While acknowledging the problematic nature of appointments based on tribal allegiance rather than qualification, Dr. Jok Madut Jok (2011), former undersecretary of the Ministry of Culture and Heritage and a renowned academic, is more critical of journalists’ style of commenting. He claims that instead of focusing their criticism on individuals, journalists accusing some ethnic groups as a whole of wrongdoings and corruption:

“The long-term effect of Dr Jok’s argues is that we have further polarized our country along ethnic lines when the aim was to close the gap so that we have a nation united by a sense of loyalty and belonging? (Jok, 2011).

Jok asserts that framing grievances with the government along exclusively ethnic lines prevents the building of inclusivity in a multi-ethnic society that could serve to allow each and every ethnic community to feel like an equitable part of the state and the South Sudanese nation as well. Responsible public institutions therefore ought "to calm the already volatile ethnic make-up of our country, with a view to forging a future where all nationalities in South Sudan see themselves in the South Sudanese state rather than see themselves excluded from the governance process of the nation building (Jok, 2012). Jok further asserts there is a need to prioritize the delivery of critical and services—the basic infrastructure of the state—is obviously paramount. When people see that they are included in the state through provision of basic services, they would identify themselves with the state and thus this result in building of common values and identity for various ethnic nationalities in polity. But when there is an exclusion of other ethnic, or perhaps majorities of the communities at the grassroots like in South Sudan in form of economic and political and social marginalization by a few, it serves as a recipe for the conflict to stir up in the country. Political and economic marginalization of the large portion of the population explains best as ones of the fundamental causes of the conflict happened in South Sudan in December 2013 in which members of the Nuer ethnic community were targeted and merciless massacred (Jok, 2021).

For example, Dinka Ruweng in Unity State and Apdang Dinka minorities in Upper Nile State, who live in Nuer's most populated states, were empowered by the President to the extent of having equitable political representation with the majority ethnic Nuer community in Unity State in the executive national government. Even Ethnic communities who called themselves "majority" like Dinka and the Nuer, have much intercommunal fighting between major and minority clans and sub-classes, despite calling themselves majority ethnic communities in the country. The Jieng Council of Elders (JCE) claims to represent the imagination of Dinka as a homogenous group without internal friction or fighting or conflicts amongst different clans. South Sudan is a country or nation made up of a collection of "minority" groups (clans and sub-clans) where there is no outright distinctive majority ethnic group that could claim to be the majority and thus dominate the political landscape of the country.

There is thus a paradox between the principles of political inclusion and Dinka dominated political practise in South Sudan, are obstacles to decentralization and nation-building elaborated in the next chapter.

The second component of state- building and nation -building considered in this study in the context of South Sudan, is the political economy aspect that refers to the resources that are traded between the state and society (Wimmer, 2004; Wimmer, 2018). These resources as Wimmer (2008) argues are the public goods provided by the government to society. The provision of security to its citizens (competent army and police), roads, bridges and schools and hospitals etc, as tangible goods are part of the hardware while the interconnected society and the bond created as a result of the tangible goods is part of the software of polity building (Wimmer, 2018). Irrespective of whether the state is federal or unitary, democratic or authoritarian there is a *tie* established through the provision of public goods. In return for the critical services and public goods provided by the state, citizens can support government, offer military services and pay taxes (Wimmer, 2004). This one may refer to as the thin social contract between the state and society. Thin because the state could not offer the people better than this, through respect for human rights, through democratic elections etc that can better enhance the quality of the social contract. In the analysis of this case in relation to South Sudan's state building considering state institutions in their capacity to deliver the public goods, it is paramount to remain within the thin social contract based on the provision of public goods by the South Sudanese state to the people of South Sudan.

As will be shown in the subsequent chapters, South Sudan lacks functioning state institutions. It has not been able to deliver key services to its citizens and added to the lack of political inclusion mentioned above complicates the nation building process.

Other concepts discussed in relation to theoretical framework of federalism for nation –building in a multi-ethnic society include the concepts of peace–building, state-building and management of ethnic diversity as purported by Sophia Dawkins and Liz Gaer (2014) and other scholars. Sophia and Dawkins in their seminal work titled: *‘Building the House of Governance: Political Accommodation in South Sudan* argue that nation -building in post –conflict South Sudan where different ethnicities live, can be a challenge and an uphill task. Dawkins and Gaer consider management of ethnic diversity through inclusive and representative political institutions as a driver for building peaceful and stable state in South Sudan. In the same context, this study argues that absence of inclusive peace-building; lack of effective state institutions and exclusion of some ethnic groups in the government, contributed immensely to political crisis in South Sudan. This thesis further argues that a structural conflict in South Sudan is a result of economic marginalization and political exclusion of the public by Dinka elite who have dominated political power since 2005 after the signing of the CPA. The political structures offer a chance to formulate common values that may lead to a national identity, but only as long as all ethnic communities in the polity participate in the formulation of the structures. In the subsequent chapter discussion, each of these concepts will be desegregated into sub-concepts and detail discussion of each shall unfold.

The diagram below shows the concepts as adopted from Dawkins and Gaer (2014) ‘Building House of Governance.’

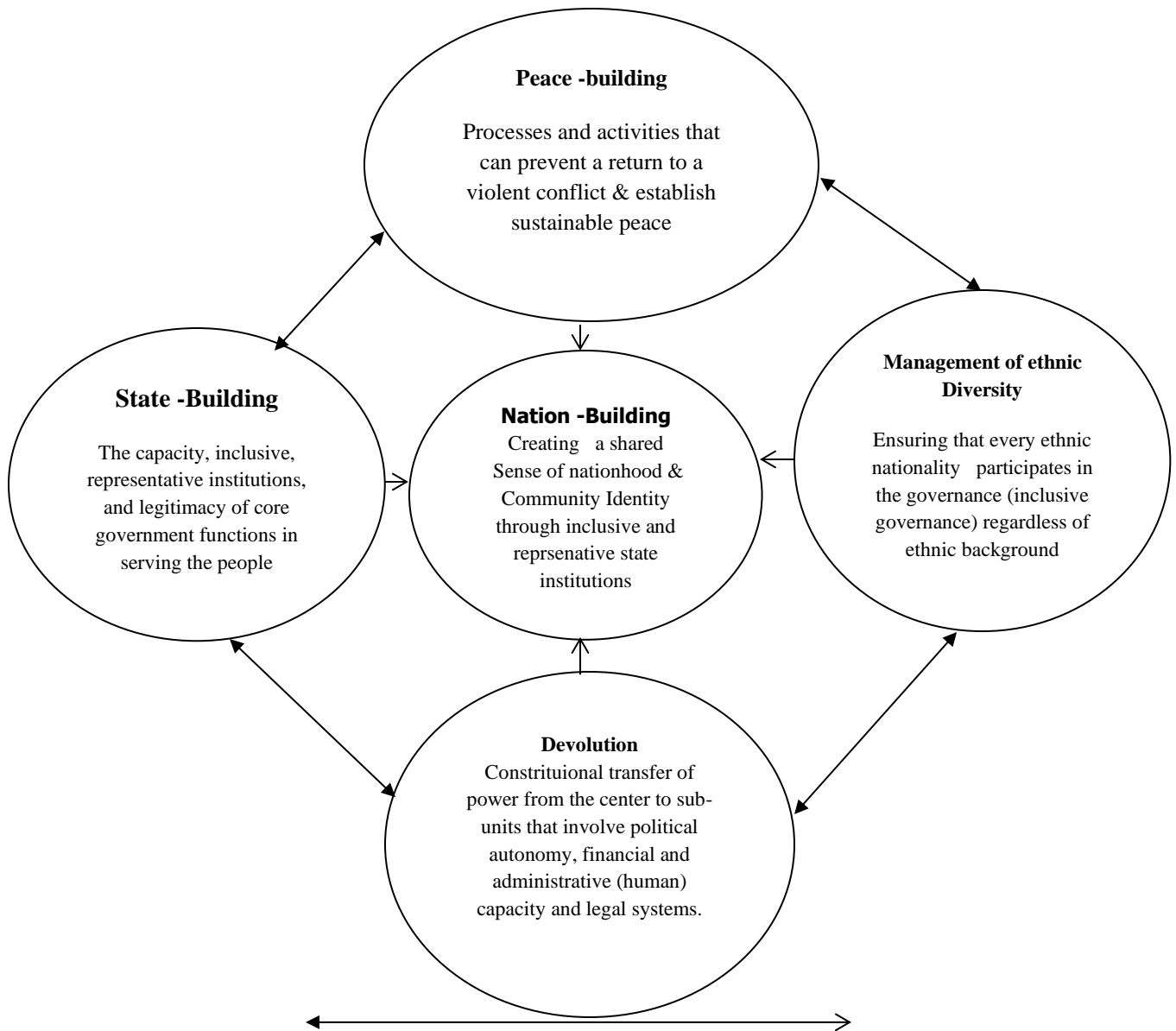


Figure 1: Adopted from Dawkins & Gear (2014) ‘Building House of Governance in South-Sudan’ page 23

The whole concept of nation -building is considered in this study to have three components Contributing to nation -building. These three components are conceptual frameworks which are interlocked and interdependent on one another. Each of the components in the loop is said to be contributing an inclusive nation- building and the absence of which affects the other.

2.4 The Concept of Peace Building from South Sudan's Perspective

Peace –building according to diagram above is the first component for an inclusive nation-building considered in this study. The argument for this focuses on the fact providing peace supporting activities such as reconciliation, inclusive political settlement which entails equitable and broad-based power and resources sharing arrangements. Resource sharing or inclusivity of the grassroots communities at negotiations and implementation levels can create ownership and this is believed to bring together divided South Sudanese communities by years of protracted conflict through shared development. At the core of the state functions are provision of basic education and health care to the public. South Sudanese state had not been able to deliver these basic services to its people. There had been no any reconciliation and national dialogue between the communities affected by conflict ever since CPA implementation until another civil war broke out in December 2013. This could have contributed to an inclusive nation -building.

Related issues that thwart peacebuilding initiatives in post–conflict South Sudan is politicization of crimes and making violence as a means of accessing political powers and resources. Using violence as a means of accessing political powers and resources is also implemented by the elite through militarization of the youth and radicalization using ethnic hatred as propaganda tool to achieve their interests. This was what happened when President recruited youth from his own ethnic community who massacred innocent Nuer civilians during December 2013. All of those youth recruited by the state through the orders from President Kiir were from Dinka ethnic community from two states, namely Warap and Northern Bhar–el Gazal states. Politicisation of the crimes has been in practice since 2005 after the signing of the CPA, and perhaps it goes back to the days of liberation struggle when SPLM/A was fighting the war of liberation as a guerrilla movement. This is where those who commit crimes are protected by their relatives in power. The perpetrators are not brought to justice.

Another issue identified in the study that affects peacebuilding initiatives in South Sudan, is a lack of political will from political leaders. This is partly or mainly due to control of power and resources by the elite (political and military elites). Other factors identified in the study as causes of failure in peace implementation or peacebuilding in South Sudan are weak institutional capacity and lack of regulatory frameworks to monitor and evaluate the progress and setbacks in the implementation process. Presence of strong security institutions can ensure that public security is

achieved and people live in peace without fear of their lives. Maintaining of public security through effective state security institutions can prevent the country's return to the conflict. Strong state can effectively respond to public expectation, and addressing causes and effects of conflict fragility, all of these goals contribute to strong state–society relations (Dawkins & Gear, 2014). This, in other words means that South Sudanese state needs to establish responsive and accountable, representative and inclusive state institutions which are able to respond to public demands for the service. This means creating structures and robust state institutions that are responsive to citizens' needs that would address problems of governance. Hence, the core functions of the state should be to deliver this public good through consensus, inclusive political settlement processes. In a nutshell, the state must live up to its duties and responsibility to meet some of these expectations of the citizens.

According to MacGinty Roger (2013) peace-building activities should be geared towards problem-solving. They must seek to develop systems and institutions that will mitigate the impact of conflict and help foster cooperation between the state on one hand and the divided communities on the other. This has not been observed in South Sudan state institutions. State institutions are exclusive, poorly structured and are domains of the few political elite. Political settlement process in this context means state focuses on enhancing legitimacy and recognizing the importance of an inclusive politics through power and resources sharing that contribute to an inclusive nation-building. A sustainable peacebuilding, obviously, is a long-term process and requires 'a triumvirate of transformation: Transformation of the society from one that resorts to violence to one that resorts to political means to resolve conflict (Bhusal, 2014). This has not been achieved as expected by the public of South Sudan. Political leaders from the governing party took the journey for building a viable and competent state for granted, as if it were another war of liberation.

As indicated in the South African and Kenyan constitutions, devolution implies constitutionally entrenched division of power between the national government and provinces (counties). The sub-units are also represented in the national government institutions including the second chamber and the executive. The South Sudan Transitional Constitution also separates similar Principles as stated in Article 47¹, 58, & 162, (see Transitional Constitution, 2011), though violated

¹ For example, Article 47 page 15 (a-c) provides clear functions of all levels of government when it states that "South Sudan shall have a decentralized system of government with the following level." Sub-article "A" states that the

in practice. Principle of shared rules (Elazar, 187) promotes inclusive decision making that is key for nation- building.

Devolution also implies constitutional unit autonomy (Watts, 2008). Sub-units are entitled to elect their leaders and the members of sub-unit council.

2.5 Concept of Devolution and Its Contribution to Nation–building

Concept of devolution in this study refers to constitutionally entrenched transfer of power from the centre to sub-units which involves transfer of political (autonomy), financial and administrative capacities. Political autonomy in this context involves rights of sub-units to elect and choose those that can govern them as stipulated in the (Interim Constitution (2005, Art.38) and later in the Transitional Constitution (TCCS 2011, 35 Article 22).

As indicated in the South African and Kenyan constitutions, devolution implies constitutionally entrenched division of power between the national government and provinces (counties). The sub-units are also represented in the national government institutions including the second chamber and the executive. The South Sudan Transitional Constitution also separates similar Principles as stated in Article 58, 162, 47², though violated in practice. Principle of shared rules (Elazar, 187) promotes inclusive decision making that is key for nation- building.

In effect, I argue that the administrative division that puts into consideration the needs of grassroots communities and devolution of power to sub-national levels of government, can be effective political organisation which may unite different ethnic communities and involve them in decision-making on matters that affect their lives and livelihood. In other words, country's political development has to be based on traditional principles that empower local communities. Devolution also implies constitutional unit autonomy (Watts, 2008). Sub-units are entitled to elect their leaders

National level which shall exercise authority in respect of the people and the states.” More clarity is also provided in the Schedule “A” in regards to functions of the national government in respect to implementation of its constitutional mandate.

² Schedule A in Transitional Constitution also provides clear separation of function given to National Government. The Constitution provides an exclusive power for legislature and executive arms of government. For example, schedule number 35 page 79, states that ‘the national government appointments and emoluments of national constitutional post holders.’ However, the national government usually bypasses this mandate of appointing only constitutional post-holders for the national government. Instead, the President rules by decree appointing state legislators and the executives as well without even prior consultation with the state authorities.

and the members of siun-unit Councils. Constituent units are aslo granted with some competencies listed in the constitution Art 102 (see schedule B in the index below)³. They are entitled to excute their powers without interference from centre (Watts, 2008). Self-governemnt is a response to old demand for local level decentralization. Shared rule and self-rule combined are key tools for managing diversity. In the chapter that follow, it is demonstrated that despite such priciples in the Constitution of South Sudan, rule by decree, central intervention in the states, have frustated devolution in South Sudan. For example, what is mentioned in page 45.

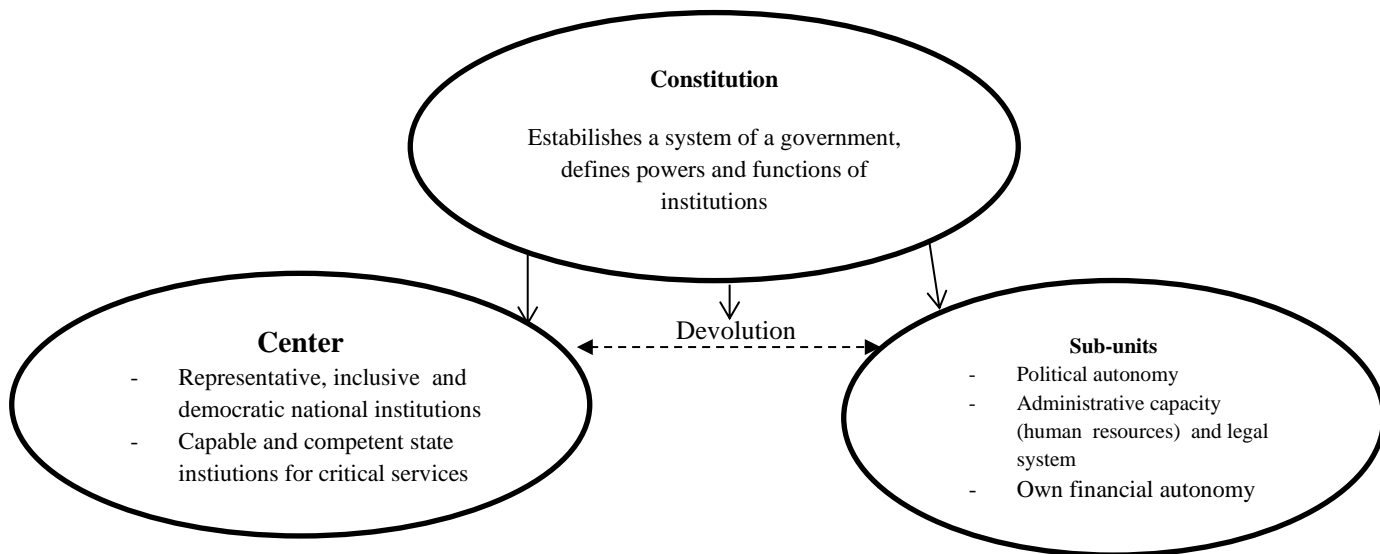


Figure 2: Own description of function of the constitution and institutions it has created (2022)

The Transitional Constitution places all public attorneys under national control and eliminates state- Level courts, thereby nationalizing the entire national judiciary. It also gives the president the power to dissolve both state councils and the National Legislature and to dismiss state governors during any (presidentially determined and initiated) “state of emergency” (Cope, 2013).

³ **Schedule B of Transtional Constitution** provides a clear competencies alcoated to sub-units to state and local levels of the government as a different from the national level of government. For example, Scehulde B (1) provides sub-units with the authority to adopt or amend the state constitution subject with the National Constitution. Despite this, the national government violates and interferes with the states by taking this power without consultation with the states. One typical example is changing of state boundaries by presidential decree without constitutional grantee and proper consulation with the states.

During a state of emergency, the president may suspend most parts of the bill of rights and may take any measure “deemed necessary,” which “shall have the force of law.” The president may, “by law or orders, take any measures . . . as provided herein: . . . to dissolve or suspend any of the state organs or suspend such powers conferred upon the states under this Constitution” (Amended Part of the Transitional Constitution, 2011). This provision came to force when the National Security and Intelligence Service was put to action in 2013. Under the unilateral constitutional amendment National Security and Intelligence Services is given unlimited and uncheckable power to arrest any person or somebody who is accused of treason, or committed whatever treason against the state. The revisions also remove the role of the legislature in dismissing federal justices, arguably giving the president unilateral authority to remove justices (i.e., members of the Supreme Court) on the bases that include not just gross misconduct and incapacity, but also “incompetence” (Cope, 2013). This trend shows that South Sudan is more of a deconcentrated unitary state than a genuine devolution.

2.6 Conclusion on the Chapter

The chapter discusses the theoretical framework of federalism from a multiethnic nation-building perspective, focusing mainly on O’Leary (2007); McGarry (2001); Liphart (2012); and Wimmer (2018) multi-ethnic, multicultural state and nation-building perspectives. The chapter also analyzes a conceptual framework on the concepts which are deemed important for nation-building from the perspective of a multiethnic society.

Based on the analysis of the theoretical framework of federalism from a multiethnic society, findings reveal that adopting a federal system of governance based on consideration of South Sudan’s ethnic diversity with inclusive state institutions, can create inclusive and representative state institutions to which the public can identify with and participate in. With inclusive and representative political institutions, inclusive nation-building can be achieved. Thus, functioning state institutions is only possible through equitable power and resource-sharing arrangements between different levels of government. Federalism can create checks and balances in the exercise of power between arms and levels of government.

The chapter also discusses nation-building through the creation of inclusive, representative state institutions, as an important political project for managing ethnic diversity in South Sudan, is not

given due attention by the SPLM governing political party. This is due to a variety of factors. The first is that top-down approaches have been used in the design and implementation of a decentralized governance system. In other words, decentralization has been responding to the demand of the people of South Sudan. This is because the government has been constantly violating constitutional provisions such as right of sub-units to political autonomy. The design also influenced the institutions and how they function. This enables the elite to control the resources of the nation from the center. Subnational levels of government are not and have not been beneficiaries of decentralization in the local communities.

Second, what is enshired in the Transitional Constitution as “devolution” of power and resources to sub-units, has failed to meet its economic, political and social objectives to which it was designed to achieve. This is largely because of the violations of the constitution itself. Sub-units are strived of their political, administrative and financial autonomy enshired in the Constitution. The President rules the country by presidential decrees, by passing normal constitutional procedures of governance. Hence, in a state where political power and resources are controlled by the elites and their accomplices like in South Sudan, it is impossible to see that the public goods are delivered to the citizens (Interview transcripts from Mabior Garang de Mabior, 2018, Addis Ababa, Ethiopia).

CHAPTER THREE

3. Decentralization for Managing Ethnic Diversity, Nation and State-Building in South Sudan

3.1. Introduction

This chapter reviews and analyzes the literature based on the decentralised system of governance as adopted in South Sudan. It interrogates state institutions created by decentralization to respond to nation-building and ethnic diversity in South Sudan starting in 2005 and 2011. In the chapter, we addressed forms of decentralization that include political, administrative, and economic decentralization. This is meant to look into how decentralisation as a policy manages ethnic diversity and challenges for building an inclusive South Sudanese nation in terms of resource distribution between different levels of government. We define the concept of decentralization to distinguish it from federalism in relation to the building of inclusive state institutions. The chapter also highlights differences and similarities between the terms or concepts, such as decentralization, devolution, deconcentration, ethnic group, and ethnicity, which are provided in detail.

In the course of the review and analysis, we have discussed the objectives of decentralization vis-à-vis state and nation-building in the context of inclusivity and equitable representation of different ethnic nationalities at the national institutions in the national government. This is to say that we are taking the theoretical and conceptual frameworks of federalism for nation-building in a multiethnic society in South Sudan as the basis of the analysis. In line with this, the chapter presented different arguments and nuances in its review of institutions created by decentralization and how they function in the service of the ordinary people versus the elites in control of power in Juba.

3.2. Objectives of Decentralisation for Managing Ethnic Diversity and Nation-Building

3.2.1. Concept of Decentralisation

Decentralization as a concept has changed rapidly over the past quarter of a century in tandem with the evolution in thinking about governance for democratic nation-building. Until the early 1980s, governments and the states were generally perceived to be interchangeably using the concepts (Cheema & Rondelli, 2011). Governments are seen as the institutional embodiment of state sovereignty and as the dominant source of political and legal decision-making in all aspects of governance. As Shabbier Cheema and Dennis Rondinelli (2011) further explain in their work on "**decentralised system of governance**" in developing countries' debate over the structure, roles, and functions of government, which is focused on only the effectiveness of central power and authority to promote economic and social progress.

Decentralisation in the context of this study can simply be defined as a transfer of the political, administrative, and economic powers from central to subnational levels of government with the objective of enhancing the rights to self-rule and shared-rule, which are constitutionally entrenched (Rondinelli et al., 1983). In some instances, the transfer of power may include political, financial and administrative, which then becomes devolution. In other instances, the transfer of power may be limited to administrative function could be decentralization. Devolution as used in the Constitution of Kenya may mean something closer to a federation (Bosrie, 2014) as a transfer of competence is constitutionally entrenched. However, in Transitional Constitution of South Sudan 2011 as amended, some competencies are constitutionally entrenched, but yet still are violated by the executives in national and in state governments (Interview with Hon. Awuol Deng, 2020, Juba).

Decentralisation in South Sudan does not meet the criteria stated above. First, in a decentralised system of governance in South Sudan, the President of the Republic appoints members of parliament (MPs) at all levels of the government. He also appoints state governors and counties commissioners (chief administrators) by decrees bypassing the Constitution. Second, there has never been any election since 2010 in South Sudan. The only time elections were conducted was 2010 when South Sudan was still a part of the Sudan. These were the general elections in which

President was elected as President of Southern Sudan's Regional Autonomous Government. Until that the president time in office has been subjected to extension by the Parliament. This shows that the President's mandate to govern the country should have ended in 2015 where the elections for South Sudan as an independent state were supposed to be held (Interview Transcript from Mabior Garang, 2018, Addis Ababa, Ethiopia).

The extension of presidential terms gives the President power to rule by decrees as his mandate and legitimacy was "granted" by Transitional National Legislative Assembly, itself not elected Parliament by the people of South Sudan, but appointed by the President by decree every time its mandate and legitimacy expires (Wassara, 2022). Coupled with this is an outbreak of conflict in December 2013 which gave the President power to rule by decree making instead of constitutional rule. The President uses the conflict as an escapegoat for the violation of the constitution (Interview with Tut Mach, 2020). Thirdly, the President orders unilateral amendments of the Constitution without consultative established forum with the relevant government institutions and the public (Kuol Par, Interview, 2020). Fourthly, the national government makes and remake the number of states violating the constitutional principles (see section 3.4.2) transfer of power is not constitutionally enshrined. Thus, decentralisation in South Sudan can be simply considered as another form of unitary system of government, at least in practice. It is a system devoid of constitutionality based on checks and balances of power between institutions of government in practice of the implementation of the constitution influenced by the design of the institutions of the Constitution.

In other words, decentralised system of governance in South Sudan, is just a delegation of power from center to units without constitutional entrenchment. This makes decentralization very weak, and thus susceptible to change by the political leader in the center as they wish. The problem is in the design and in the implementation of the system decentralisation itself as a system in South Sudan. It is designed in such a way that it suits the interests of the elites (military and political elites) for the manipulation of power.

However, proponents of decentralisation, for example (Prudhomme, 2004), argue that decentralisation has many potential advantages for bringing decisions closer to the community. Decentralisation policy is flexible and innovative for managing differences in multiethnic societies and allows the government to respond to the needs of the communities at the grassroots.

Nevertheless, no consensus surrounds the impact of these reforms, and the assumed benefits of this strategy have come under vigorous challenge (De Vries, 2000). Critics charge that many of the theoretical claims advanced in favor of decentralised governance have not been sustained by careful empirical analysis of effectively managing diversity in a multi-ethnic society because decentralization policy is not constitutionally strong enough to deter the influence of the powerful elite whose objective is to control power from the center. The weakness of the decentralised system of governance in South Sudan's Transitional Constitution is attributed to many factors such as the constitutional design as mentioned above. This is due to the institutional arrangement, and political culture of the elite to implement decentralization reforms (Treisman, 2007).

Referring to skeptics' argument, decentralisation in the context of South Sudan is weak and could not be able to achieve the objective of managing ethnic diversity as argued in this study. To understand how a decentralized system of governance is implemented in South Sudan, it is imperative to look into the objectives of decentralization in the context of creating and building inclusive state institutions. These are the political, administrative, and fiscal objectives of decentralisation.

3.2.1.1. Political Objectives of Decentralisation in South Sudan

Political decentralisation, according to Evrim (2019), signifies empowering citizens and/or their elected representatives in public decision-making. It means enhancing the political inclusion and participation of citizens in the governance process. Cheema and Rondinelli (2007) associate the following features with political decentralisation: These features include the following: First, organization and implementation of democratic procedures to increase citizen participation in the selection of political representatives and the formulation of public policy. Second, the structure and institutions of the government through the decentralisation of powers and authority to local units of government are strong and able to deliver what people need. Third, in decentralization, power-sharing institutions within the state are not constitutionally enshrined. Sub-units in a decentralised system may enjoy autonomy but are not necessarily represented in national institutions (Evrin, 2019).

In the analysis of political objectives for decentralisation in South Sudan, the findings of the study have indicated that very little achieved since it was adopted as a system of governance in South

Sudan after independence in 2011 (Interview Transcripts from Mabior Garang ,2018, Addis Ababa). This happened despite the fact that in the Transitional Constitution of 2011 in its preamble stipulates that South Sudan shall be governed based on democratic decentralised system of governance (TCSS, 2011). The Constitution further recognizes South Sudan as multi-ethnic, multicultural based on equitable representations through democratic electoral process and participation of all ethnic communities in governance process of the country (TCSS, 2011). However, this has not been implemented in practical terms as stated in the Constitution. For example, national institutions in the national government are controlled by a few elites from the Dinka ethnic nationality where President Kiir hails from. Hence, the Dinka elite not only are in control of powers, but they control the resources of the nation and the state machinery.

Under the amended article, the President removes elected state governors and replaces them with unelected ones under the pretext of protecting national security interests. The same powers were also given to state governors to remove and appoint county chief administrators who should have been directly elected by the people through popular votes. Further, the councilors for local government are selected and appointed by County's Chief Administrators. This structure of political decentralisation does not correspond with the democratic practices contained in the Local Government Act 2009. The Local Government Act (2009, Article 16-Sub-Article :56) also stipulates that local government officials shall be elected directly by the people of South Sudan through universal suffrage. This has not been happening in practice; County Commissioners appoint local government officials including the chiefs or traditional leaders at the payam levels. These problems could be attributed to way in the design of the decentralization and adherence to the rule of law (Interview Transcript from Tut Mach, 2020, Juba South Sudan).

The problem is also due to the failure of the political leadership to implement the Constitution and the fact that decentralisation is a form of system of governance that is not constitutionally grounded in nature. Political decentralisation only works best when the sub-national levels are empowered and given autonomy to govern themselves. Thus, political decentralisation in many ways in South Sudan does not reflect the inclusivity and does not empower sub-national levels of government to exercise their autonomy. Lack of constitutionalism and absence of genuine political autonomy to sub-national levels of government, has rendered state institutions at the national level of government to be exclusionary serving only the interest of a few elites from some ethnic communities (The

Sentry Report ,2019). The report goes on to explain that the men who liberated South Sudan proceeded to hijack the country's fledgling governing institutions, loot its resources, and launched a war in 2013 that has cost hundreds of thousands of lives and displaced millions of people (The Sentrtr Report ,2019).

Another challenge to the attainment of the political objective of decentralisation in South Sudan is the complete absence of accountability or lack of accountable state institution with checks and balances to hold public officials to account for their actions. Accountability in the context of South Sudan is also about serving the public and enhancing grassroots participation in the governing process. It has been noted through the interviews conducted with the key informants that the institutions of governance in South Sudan are not effectively playing their roles in this domain. Corruption has become an entrenched practice and is endemic across at all levels of the government. This is a result of the privatisation of politics. As Braatheren et, al. (2000) indicates, the privatization, and personalization of politics have two major consequences: (a) politics becomes a kind of business because it is a political resource that gives access to economic resources; and (b) mass politics is structured around vertical client relationships among the few elites. All these features reflect the failure of political decentralisation in South Sudan when it comes to existence of accountable state institutions and efferctive political leadership.

Political decentralisation in South Sudan started in 1972 that came about as a result of the Addis Ababa Peace Agreement. It was meant or intended to solve problems of economic, social and political marginalization of the Southern Sudan that resulted from too much centralization of power and resource by Khartoum. However, decentralisation at the time did not resolve South Sudanese political and economic marginalization (Arou, 1982). Khartoum was still in control of power and resources from the center. The South Sudanese people were still excluded from political participation and access to power and resources was denied to them by Khartoum (Arou, 1982). Southern Sudan was unable to achieve objective political decentralization due to a lack of accountability among the political elite of the regional semi-autonomous government and accountable state institutions. Hence, instead of addressing the challenges of managing diversity in multiethnic Sudan, political decentralisation in South Sudan precisely becomes the personalisation of power combined with the 'businessification' of politics, which offers the

political and military elite the opportunity to create powerful images of themselves at the expense of the majority population in South Sudan.

3.2.1.2. Administrative Objectives of Decentralisation

The World Bank (2004) defines administrative decentralisation as a transfer of responsibility for planning, financing, and management of certain public functions from the central government to sub-national levels of government, such as state and local governments.

Similarly, Souza (1997) considers administrative decentralization as the transfer of power and resources from a central to a sub-national unit. Other countries like Kenya are concerned with devolution as a means of improving government performance for development and addressing conflict amongst different ethnic communities (Conard Bisore, 2013). For Evrim (2019) administrative decentralization refers to the redistribution of authority, responsibility, and human and financial resources for providing public services among different levels of government.

Administrative decentralization in the context of South Sudan on how institutions of the government in post-conflict South Sudan have responded to demand of people for development through effective administration and their capacity for efficient, management and effective delivery of the basic services to the people of South Sudan. It assumes that administrative decentralisation considers the country's ethnic and regional diversities that should address inclusivity with efficient delivery of basic services to the people. However, this thesis argues that the objective of administrative decentralization is not fully met in South Sudan. For example, State and local governments are not given the resources they asked for from the national government, and their capacity to exercise their autonomy, suffers as a result. State and local government are not able to effectively manage and utilize little financial and human resources allocated to them by national government. Worse than this, much of the resources are controlled by the national government in Juba. The national government in Juba has not prioritized its plans to strengthen and developed economic management capacity of state and local governments. In subnational state there is huge corruption in forms, including mismanagement of funds from oil revenue and other sources of revenues such as local tax collection.

Another challenge to the achievement of the objectives of administrative decentralisation is the absence of capable human resource and institutional capacity at the levels of government. For

example, since independence in 2011 and to date, there have been no significant efforts by the national government to develop the capacity of subnational governments in order to implement decentralization policy. This resulted in lack of capacity of subnational government to deliver basic services such as education, health, agriculture, potable water supply, and road infrastructure sectors as priorities for economic development for the people of South Sudan. Rampant corruption and mismanagement of public resources at all levels of government affecting the units in decentralised system of governance.

Barret et al. (2007) for example, argue that administrative decentralisation may promote political accountability and serve as an effective governing vehicle for advancing pro-poor policies (development agenda), if grassroots communities are empowered and given autonomy. It may also promote cohesiveness amongst different ethnic communities in a country, if state institutions are made inclusive and participatory to all the citizens. However, administrative decentralization in South Sudan loosely addresses the way in which political institutions can turn policy decisions into allocative outcomes through fiscal and financial regulatory actions.

In relation to above, we assert that administrative decentralisation in South Sudan has not improved governance and thus has not forged common values among South Sudan's diverse communities. Values such as equitable power and wealth sharing could build inclusivity as a common identity among various ethnic communities. It is not seen as sharing of responsibilities and proper management of public resources by the political leaders who hold public office. There is no cooperation and support between levels of government, and especially, the state and local government are not fully supported by the national government in Juba.

Power and wealth sharing institutions only benefited elites at all levels of government at the expense of the poor at the grassroots. Political elite at different levels of government use powers to loot public resources. In relation to the above, we assert that administrative decentralization in South Sudan has not improved governance and forged common values such as equitable power and wealth sharing that could build inclusivity as a common identity among various ethnic communities. Political elites at different levels of government use their powers to loot public resources. For example, land grabbing and embezzling of public finance which could be used for development, are resources of the powerful elites. Instead of using public funds for development purposes, the elite control resources and use them to benefit themselves. It is this widespread

corruption with impunity that has engulfed South Sudan as a nation. Hence, corruption, as a result of state capture by the political elite at all levels of government has been condoned and institutionalized as a normal practice. All these problems become serious challenges to state-building, nation-building, and managing diversity in post-conflict multi-ethnic South Sudanese society.

3.2.1.3. Objective of Fiscal Decentralisation

There are three distinct concepts of fiscal decentralization. The first concept connotes systemic features that refer to the dispersal of public expenditure and revenue assignments between tiers or levels of government within a decentralized state (Boadway and Shah, 2007; Rondinelli, Dennis, et al., 1983). In other words, it refers to how national and local governments have fiscal autonomy to raise their revenues, and thus have an equitable share of the national government revenue for development in their levels of government. This falls into the category of fiscal decentralization (Evrin, 2019). In this regard, there are two types of revenue decentralisation: full access to broad-based taxes, such as income, sales, payroll taxes, and so forth; and a system in which subnational governments have limited discretionary access to broad-based (Evrin, 2019). Moreover, subnational levels of government in this understanding of fiscal decentralization are allowed to borrow based on their own creditworthiness as a way of enhancing their revenue-raising opportunities (Lual, 2014). Canada, India, Switzerland, and the United States of America (USA) are considered to be examples of full access to a broad-based-taxes model of fiscal decentralization (Lual, 2014).

The second concept of fiscal decentralization according to the World Bank (2004) focuses on self-financing or cost recovery through co-financing or co-production arrangements in which all participate in providing services and infrastructure through monetary or labor contributions. It is also about the expansion of local revenues through property or sales taxes, or indirect charges; intergovernmental transfers that shift general revenues from taxes collected by the central government to local governments. It is also for general or specific uses; and authorization of municipal borrowing and the mobilization of either national or local government resources through loan guarantees (Evrin, 2019).

The third concept of fiscal decentralization emphasizes the fiscal discretion of subnational government in public services or its fiscal autonomy. Here, fiscal decentralization in this concept according to (Evrin, 2019) decentralization encompasses the following issues: (1) the range of financed public services; (2) commensurateness of revenues with responsibilities; (3) the freedom in allocating the budget to individual services; and (4) the discretion or power on determining the rates of owned taxes and charges. In this concept, fiscal decentralization is usually used interchangeably with fiscal federalism. Fiscal federalism refers to the allocation of revenue-raising and expenditure assignments among tiers of government and concerns with the most effective allocation of intergovernmental fiscal responsibilities. UNDP in an International Conference on *Decentralisation and Federalism: The Future of Decentralising States* held in Philippines from July 25th – 27th, 2000 asserts that fiscal decentralization is about resource reallocation to sub-national levels of government. It further maintains that arrangements for resource allocation are often negotiated between the central and subnational authorities based on several factors including, inclusion, participation by political representation, availability of resources at all levels of government and local fiscal management capacity, The World Bank Group (2004).

This study considers the second and third concepts of fiscal decentralization in the context of wealth sharing or distribution between levels of government South Sudan as means of addressing diversity through equitable power sharing institutions. It also looks at how subnational levels of government have fiscal autonomy or revenue raising power to deliver services to local communities. This study argues that at the core of fiscal decentralisation lies in the issue of how fiscal authority is assigned to different levels of government. In other words, fiscal decentralization is referred to as financial autonomy and equitable revenue sharing between different levels of government (Wallace Sally, 2010; Uchimura Hiroko, 2012).

Economic objective for decentralization in Transitional Constitution of South Sudan of 2011 Article 37 (c) stipulates that economic objective shall guarantee equitable distribution of wealth; further sub-article (d) points out that the Constitution shall redress the economic imbalance between center and periphery. This has not been the case as stated since 2005 when CPA was signed. In the first place, the clauses are ambiguous and have not been made clear in the Schedule.

Resources distribution between levels of government has not been equitable. Much of the national wealth remains in national level of government, and in the hand of a few political and military

elites who controls power from the center in Juba. The social and economic foundation of fiscal decentralization is very weak and only favours a few elites. In addition to weak fiscal decentralization, there is also lack of participatory process in planning, budgeting and implementation of economic plans which involve sub-national levels of government and other stakeholders in South Sudan quest for development. Furthermore, there are institutional economics which lays the basis for institutional arrangements for fiscal decentralization in the country (Lual, 2016). In other words, the country inherited lack of institutional capacity and it is plagued by endemic corruption from the top political leadership who has failed to govern and lead the country out of economic crisis and deep ethnic division. Thus, South Sudanese state exhibits characteristics of a failed state. For example, as McEvoy John and O’Leary Brendan (2013) assert, failing and failed states are personalized: previously dominated by rulers, a family, clan, or clique, which did not distinguish public from private realms. They have become “kleptocracies,” governments of thieves, before or during the collapses of their regimes. They lack coherent, institutionalized, rule-governed patterns that inhibit predation. The “rulers” are themselves predators. The characteristics mentioned above exemplify state institutions in South Sudan in their exercise of fiscal decentralisation and autonomy (McEvoy John and O’Leary Brendan (2013).

In general, decentralisation in South Sudan it is found to be a weak link between the state and the public. It is a form of unitary political system in which the ultimate authority, constitutionally or in practice, lies with the central government (Watts, 2013). Although there may be administrative, legislative, or financial decentralisation to constituent units, however that occurs at the discretion or will of the central government, which may, if it so determines, overrules constituent units on any matters. Thus, in unitary political system, there is a single central source of ultimate political and legal authority, and that is true in the South Sudan’s case of (Watts, 2013). Centralisation of spending or lack of clear rules for distributing revenues to states and local levels of government remains a key challenge. This is one of the contributory factors which aggravate conflicts in the country.

In this tendency of centralisation, sub-national levels of government are left with no significant administrative, fiscal or political power to exercise in decentralized system of governance. Other challenges for failure to achieve political, administrative and fiscal decentralisation include for example, lack of shared functions and responsibility, resources and decision-making process

between the central government on one hand, and on the states on the others. Power sharing in decentralised system of governance as in South Sudan would imply an equitable resources allocation and income distribution between the center and periphery is also a problem that requires a solution. Financial resources which should have been used to provide services such as building of road network, potable water supply & sanitation, electricity and transport infrastructure, to the public of South Sudan, are embezzled and controlled by political elite (The Sentry, 2019). In addition, the decentralized system of governance in South Sudan has failed to manage ethnic diversity through proportional political representation, participation, inclusion, and building effective state institutions that could be able to respond to management of ethnic diversity.

The central purpose of decentralization should have been to manage ethnic diversity by constitutionally having equitable political representation that makes state institutions inclusive to all ethnic nationalities. There is also need for effective use of management of public resources and equitable wealth sharing among ethnic communities of the country. Therefore, the political, administrative and economic objectives for which decentralized system of governance was adopted have not been achieved. Thus, the framers of the Constitution gave much power to the center and that led to the political elite monopolizes the decentralized system of governance in their favour. In other words, both the process of constitution-making and implementation of decentralization was made to suit the interest of a few political and military elites who want to stay in power for unlimited.

3.3. State Institutions and Service Delivery for Nation-Building

The building of state institutions and functioning institutions remain vital for the decentralization and nation-building. With capable public institutions in place, the state is able to deliver crucial services like education, health, and infrastructure on an equal basis and both in rural and urban areas (Wimmer, 2004). This will create a bond of attachment between citizens and the state. It surely is not a strong bond, but fair enough, there is a tie created. It is one form of relational network or exchange network articulated by Wimmer. The state needs strong institutions (army, security, police, and bureaucracy) to deliver public goods and services to society on an equal basis, whether one lives in the city or rural areas. It is here that state and party building have concurrent functions that benefit the public. Building a strong state through strong institutions improves the sense of relationship between the state and society. It builds the software, the invisible bond

between the state and society. As argued by Wimmer, "nation building" is easier in states that are capable of providing public goods to their citizens. In most western states, capable state institutions were created long before the start of polity building and democratization during the 19th and early 20th centuries. In most developing countries, institution-building, democratization, and nation-building are supposed to be done simultaneously, and this complicates the matter.

Provision of public goods and services "bridges divides and reduces the salience of ethnicity in politics, undermines support for separatism, makes violent conflict and war less likely, and eventually leads citizens to identify with the overarching state and perceive it as a community of lived solidarity and shared political destiny" despite diversity of one form or another. Provision of public goods and services and the socio-economic infrastructure is a *network* that connects citizens among themselves and with the state (Wimmer, 2018). It is a bridge that connects communities otherwise divided by language, ethnicity, region, or religion. They serve as bridges, cutting across divisions and walls. There is already well-established data that shows strongly connected communities rarely go into conflict (Wimmer, 2004). They have a lot to lose. A state that delivers public goods on an equal basis binds its people irrespective of their ethnic, religious, or other differences that matter. If one gets these services right, one has less to complain about and more to identify with the overarching state. Citizens know what it means to miss them. State building matters for party building. Efficient service delivery to citizens on an equal basis leaves little incentive for ethno-national mobilisation.

David Turton and Julia Gonzalez (2000) outline the significant role of the state in development in general, and in delivery of basic services to public in particular. They assert that the nation needs a state. A state that has competent and effective institutions and capable of delivering what the public needs. Because only the state could exercise the monopolistic control —over national education, legal codes and, public security, judicial institutions— that are needed to define and promote a set of values and traditions of the people. The state also needs a nation “so that it could demand discipline in the name of sentiment, collective conscience and patriotic duty, and prompt its citizens to act the way that reflect their diversity and common values shared by all citizens (Tuton &Gonzalez, 2000).

Functioning state institutions thus matter for nation building. If there is no ground for complaint, why mobilize in the first place? Botswana has been mentioned as a shining example on the African

continent by Wimmer, and this has been compared with Somalia, which has failed in building inclusive state institutions. That the Botswanian system is able to attract the best minds is well known to Ethiopian experts; many able medical doctors continue to be employed in that country. It is the best example of how one can de-ethnicize ethno-national mobilization achieves the best outcomes for inclusive state institutions. It is not banning or less representation that deemphasizes it, but rather equals treatment and an inclusive political system that will bring inclusive nation-building.

From the perspective of South Sudan's post-conflict state building and nation-building, I would look at this from the peace-building and building of the state institutions from the CPA and other signed peace agreements after it. The Comprehensive Peace Agreement (CPA) signed in 2005 between the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) claimed to have ended nearly twenty-two years of civil war in both North and South Sudan (Young, 2021). Although the CPA has brought independence to South Sudan through an internationally supervised referendum, attempt to build state institutions and unite different ethnic nationalities in the war-torn new nation has been one of the daunting or challenging tasks that faced the governing SPLM party since the start of the interim period of 2005 to date (Pinaud, 2021). Young (2021) further confirms that even during the six-year transitional period, some would argue long before that, the SPLM proved incapable of governing the areas its had liberated from Khartoum. Pinaud further attributed this to the ethnically exclusive and predatory wealth accumulation of some elite from some ethnic communities within the governing SPLM Party, which was a key in fostering ethnic group entitlement and which also becomes an extreme phenomenon so to say. Violent ethnicized wealth accumulation was one of the engines of extreme ethnic group entitlement, until it also became a symptom of a state failure.

De Waal (2014) explains the failure of state institutions to provide services to the people of South Sudan in length. He argues that the neo-patrimonial system in South Sudan is characterized by dependence on the networks of cliques, relatives, and friends in what he termed the "political marketplace" (De Waal, 2014). It is so expensive that the country's comparatively abundant revenue from oil and other sources of revenues, is divided and consumed by the military-political patronage system, with almost nothing left for public services, development, or the building of state institutions in the new Country (de Waal, 2014). According to De Waal, in order to

understand how the "institutionalized" neo-patrimonial system works, it is important to look at three key factors for the functioning of a political marketplace: funds to the ruler, the extent of competition in the auction of business skills to the ruler (de Waal, 2014), and the ruler functionally classifies the budget into three items: the ruler's private security spending, the budget "for patronage," and the budget for public goods (de Waal, 2014). The greater the demand on "security" and political budgets, the less money is available for other social services, development, and institutional development. In an institutionalized system of governance, corruption and patronage are distortions of the sometimes-common ones. In a rentier political marketplace, patronage is the system in which the ruler's network of people is mostly concerned with doing things that please him and are in his favour personally. This situation typically explains how the system of governance operates in South Sudan. Much of the national budget, which should have been allocated for the development of education, portable water supply, health and critical infrastructures such as building road networks and electricity supply, goes to individual pockets of military and political elites under the pretext of protecting national security interests, when indeed much of the chunk of the money goes to individual pockets (Pinaud, 2014).

Similarly, the other engine that affects inclusive nation-building in South Sudan that Pinaud (2021) discussed is group entitlement, which has some components in it. The components include group legitimacy and group worth, emerging out of ethnic ranking and past humiliations or accomplishments (Pinaud, 2021). Ethnic group entitlement eventually grew into an ideology of ethnic supremacy (Pinaud, 2021). However, as Wimmer (2004) argues, the main promises of effective state institutions, namely, political participation, equal treatment before the law and protection from the arbitrariness of state power, dignity for the weak and poor, and social justice and security, are fully realized only for those who come to be regarded as true members of the nation, that is an inclusion and participation as pillars of governing the nation.

South Sudan, is centralised by ethnic exclusion and national forms of exclusion of others from participating in state affairs (Wimmer, 2004). Public goods delivery, such as ensuring public security in protecting the citizens by establishing inclusive and capable national security forces (national army, police, and prison administration, etc.), in South Sudan, are challenges and perhaps bottlenecks. There are quite a number of reasons for this. First, the SPLA, former rebel fighters during the 21 years of liberation for independence, the tenured national army of South Sudan, has

never been an inclusive and professionally trained national army. It is dominated by one ethnic community, the Dinka (Young, 2021). This also applies to national police, where senior officers are mainly drawn from the two ethnic communities—the Dinka and the Nuer (Pinaud, 2021). SPLA ranks and files were repeatedly supplemented by absorbing ethnically based militias, which still retained loyalties to their particular leaders and were mainly from the Dinka or the Nuer. This makes the SPLA and other security organs weak institutions, as they are composed of armed militia groups loyal to their ethnic base and have not been able to provide security to the public of South Sudan (Young, 2021). The problem has been blamed on the process of the CPA negotiations, which was exclusionary in nature. It was not based on a commitment to democratic transformation in every sector of the government of Southern Sudan. The process of the CPA negotiation was also in itself rushed (unorganized), centralized, secretive, and exclusive. It denied representation to civil society and other disaffected groups, reaffirmed the power of an Islamist military dictatorship in Khartoum, and handed over power to an armed, largely Dinka military cabal in the Southern Sudan region (Young, 2021).

The second challenge that relates to how the SPLM failed to govern the new state is that the international community and the IGAD regional bloc that mediated the CPA assumed that the SPLA was capable of governing an independent state. This was contradicted by a twenty-two-year history of the movement's inability to administer its liberated territories and its dependence on the international community for the provision of even the most basic services (Young, 2021). Thus, the failure of the governing SPLM Party to transform the SPLA and other security organized forces into professional and capable national forces became one of the reasons for the outbreak of conflict in 2013 (Pinaud, 2021). This is linked to denying the South Sudan Defence Forces (SSDF) and factional armed militia forces' participation in the negotiations and handing over monopoly power to the Dinka SPLA. The CPA lays the basis for future conflict in the newly born state (Young, 2021).

The Western European model of state-and nation building, based on liberal democracy and nation–state principles, has, however, undergone significant challenges during recent decades in many parts of the world, including the West itself. However, as John Markiaais et al. (2012) argue in the case of African nation-building, the political dynamics that reflect an African reality still in the preindustrial stage—a social fabric defined by ethnic exclusion and a flamboyant multiculturalism

that defies homogeneity—are fundamentally different from those that prevailed in the West and molded the nation-state model imposed on Africa. This is the case in many African countries, where ethnic and linguistic diversity are considered threats to national unity. South Sudan is a case in point.

Greater tolerance and recognition of political pluralism, as well as cultural, linguistic, and other related diversities, were not acknowledged as important building blocks in the construction of integrated political communities (Smith, 2011). Hence, in the mid-1970s, discussions on nation-building took a new turn. In a seminal article pointedly entitled "Nation-building or Nation-destroying?" (1972), revised in (2008), Walker launched a sweltering bout on the school of thought associated with Karl Deutsch and his associates. Connor noted that nation-building literature was preoccupied with social cleavages of various kinds, between burghers and peasants, nobles and commoners, elite and masses, but virtually or totally ignoring ethnic diversity in the nation-building process. Not recognising ethnic diversity through political inclusion would mean ethnic exclusion, absence of political participation, and foregoing only one identity in a multiethnic society (Connor, 2008). Connor further argues that since "nation-building" in the Deutschian tradition meant assimilation in terms of culture and languages, with exclusion of other ethnic communities from political participation, nation building in this context would mean recognition of political pluralism, diversity and inclusion of minority ethnic communities into governance process of the state.

In his seminal arguments, Connor contends that assimilation of minority ethnic communities into the dominant culture of large ethnic communities would result in the abolition of some ethnic peculiarities and other cleaves. Connor believes that in the world's history, it had produced more nation-*destroying* than nation-building (Connor, 2008). From an ethnic, language, or religious perspective, the theory is accurate. However, Connor does not take into account the cleavages into so-called homogenous societies along lines of religion. Eastern European Jews were denied citizenship and limited in their professions, while Catholics were restricted in England and Germany (See Max Weber, 2001, *The Protestant Ethic and Spirit of Capitalism*) where sovereign rulers belonged only to one religion, as in Russia. Only after World War II, with the introduction of human rights, was a nation-building oriented towards democratic representation without regard

to race, gender, religion, or class, at least in terms of constitutionalism, whether written or unwritten (Max Weber, 2001).

In relation to the above discussion, the thesis proposes a theory that accounts for the nation-building which involves ethnic cleavages, equitable political representation through power sharing. It argues that significant involvement and participation of different ethnic communities in the governing process through creating democratic state institutions, the hallmark for an inclusive nation building. Direct or indirect participation of the public in governing like in constitution-making can enhance close ties between the state and the citizens. We thus venture that such participation would amount to building common values or identity through representation and power sharing institutions can foster peaceful co-existence between different ethnic communities. In other words, peace-building, nation-building policy that ensures an effective management of ethnic diversity, inclusiveness and representative state institutions in post conflict countries like South Sudan, Mylonas Harris (2007).

As Connor asserts, the efficiency of active engineering in nation-building, either through local or international intervention led initiatives, had however been greatly exaggerated and has not resulted in an effective nation -building. It is based on complete assimilation of ethnic minorities which had largely failed all over the world, even in that alleged stronghold of consummate nation-building, the Western Europe, Connor maintained (2008). Connor found another reason behind the fundamental flaws of nation-building theory. He argues that this is found in the terminological confusion caused by the diverse usages of the word “nation.” As he pointed out, this term sometimes is used with reference to cultural groups and peoples, while at other times it describes political entities (states), expressions such as “United Nations and “international politics.” Even more misleading, he felt, was the tendency to use the term “nation” to describe the total population of a particular state without regard for its ethnic composition.

South Sudan is a typical example where the elite use phrase “**One Nation One People**”, with less or no regard to country’s ethnic diversity participation in governing through inclusive state institution which would reflect country’s diversity and in which ever ethnic nationality would see themselves in state. That in South Sudan, the elite from the two ethnic communities, the Dinka and Nuer elites are the most dominant group from the most populous communities excluding other ethnic communities from having political space in the governance process in the country (Verini

2014). On top of that, these two ethnic communities' predominance of the political space, military, public services and of the state's economic sources referred to a significant obstacle to tranquility and security in South Sudan (Panom Luaak Interview, 2022) . More importantly, their dominance interpreted as a type of supremacy fight between the two considerable ethnic groups, this continues to bring about disorder and doubt among different government authorities who consider their people not represented at any level or indeed institutions of government

A similar argument on the concept of nation –building theory like that of modern theory of nation building is that advanced by Helen Teng (2008). Teng further asserts that the concept of “nation” is often understood as a uniquely modern and unprecedented form of political community, endowed with a collective consciousness. Teng theory suffers a setback from Walker Connor`s criticism of the modern theory of nation building concept. Connor criticism centers on Teng`s rejection of individual identity in terms of language and ethnicity as determinants for developing collective consciousness.

Other theoreticians developed Connor`s understanding in two different directions. The first is developed by modernists such as Benedict Anderson (1994), Tom Nairn, (1994); Ernest Gellner (1990) and Eric Hobsbawm (1998) strongly underscored the myth aspect of the nation. In his celebrated book, Benedict Anderson coined the expression “**imagined communities**” (2006) to describe modern nations. Anderson argues that nation is a product of imagination in the sense that the members of the community do not know each other personally and can only imagine themselves to be in communion with each other. However, Anderson distanced himself from Ernest Gellner (1982) and Hobsbawm (1992) who took the “imagination” metaphor one step further, interpreting it in the direction of “invention” and “fabrication.” The nation should not be defined as “false consciousness”, Anderson insisted. Definitions like that would imply that there are such things as “true communities” which can be juxtaposed to “artificial” nations (Anderson, 1998).

Second thesis is what developed by Anthony Smith (1998), Rasma Karklins (2002) and others who developed Connor`s themes further in another direction. They strongly emphasized the ethnic aspect of the nation. While agreeing with the modernists that “nations” as we know them are recent phenomena, Smith insisted that they have a long prehistory, evolving out of ethnic cores (Smith, 2008). Of the conglomerate, he argues that ethnic groups have been existing in earlier ages, some

developed into would-be nations aspiring for nationhood and a state of their own, with a few eventually acquiring it. "Why do some groups succeed while others fail?" Asked Smith. Often this must be explained as a result of historical contingencies, a confluence of felicitous circumstances, but it may also be due to active efforts of determined nationalists, and the nation-builders in crafting of state institutions so as to reflect country's diversity (Smith, 2008).

3.4. Ethnic Diversity Management through Inclusive State Institutions

In discussing how decentralization works as a system of government through the building of inclusive state institutions in multiethnic South Sudan, it is important that the term "ethnicity" be defined in a related context and how it relates to the management of ethnic diversity in multiethnic South Sudan. Scholars have little agreement on the definitions of ethnicity and ethnic groups. Malesevic (2006) defines an ethnic group as "a people within a larger society who have common ancestry, memories of a shared historical past, and a cultural focus on one or more common elements that distinguish the members of the group from other members of the society." This concept of ethnicity considers ethnic groups to be a people who share common ancestry and common values from a primordial perspective.

Authors others like Kaarbo and James (2010) argue that ethnic groups are people who share a distinctive and enduring collective identity based on a belief of common descent, and on shared experiences and cultural traits. Ethnic group is also seen as a particular group of people which occupy a certain identifiable territorial area in which members of the group consider as their 'homeland' while others maintain that territory is not a necessary element of ethnic identity even though it may reinforce it, Le Vine (1997) in Zemalek (2012). For the purpose of this study, ethnic group is considered as people who have cultural and language markers such as language, beliefs and values or share common history, and have accorded rights through Constitution to participate in governance process of the country through in political representation ensured equitable power-sharing in the all the state institutions.

Transitional Constitution of South Sudan of 2011 has explicitly recognized the diversity of South Sudan as a multiethnic society but not in relation to equitable political representation through power sharing at national level of the government. Although the Constitution has implicitly stated that, the practice shows a different thing. Political leadership of the ruling SPLM party, has fallen

short of recognizing that South Sudan is a multi-ethnic society with many diversities which need to be recognized and considered in power sharing and accommodation if this diversity within an inclusive system of governance. Political power and resources have been concentrating in the center, controlled by a few elites from one ethnic community, out of more than 64 ethnic communities in South Sudan. This shows that the recognition of ethnic diversity of the country is not reflected in political institution representation. Exclusion of the majority of population from being beneficiaries of the state resources thus could be considered as one the causes of the conflict in December 2013.

The Preamble of the Transitional Constitution simply states: "We the People of South Sudan are committed to establishing decentralized democratic multiple party system of governance. "This expression in the Preamble of the Constitution does not in any way recognize the country`s ethnic diversity; rather it considers the formation of South Sudanese devoid of ethnic identity. The clause also fails to reflect the reality that country shall be governed in democratic multiple party system. Rather, it becomes one party state with no capable state institutions to deliver what the public needs. This is also explained in how different levels of government operate through the party structures. Few political elites from one ethnic community from the governing political party, the SPLM dominates national government. Not only the political elite dominates, but also continues to recycle their military and political elite who failed in their performance of the service they could offer to the people of South Sudan, from national along to local levels of government . The party retires its military officers to civilian positions and then back to military again when they fail to perform in civilian positions (Pinaud, 2014). This culture of militarization of politics is one of the factors that hamper developing building inclusive and capable democratic institutions in the country. With the absence of inclusive state institutions and recognition of ethnic diversity and through power sharing, decentralization in South Sudan is deemed to be achieving very little in its objective of building and inclusive ethnically diverse South Sudan.

When we draw a comparison of the Constitutions between some post-conflict states in the Horn of Africa, like Ethiopia, unlike South Sudan`s Constitution, the Constitution of the Federal Democratic Republic of Ethiopia recognizes Ethiopians' ethnic diversity as a multiethnic society. The Preamble of the Constitution of Ethiopia states: "We, the Nations, Nationalities and Peoples of Ethiopia" (the Constitution of Ethiopia, 1995). Ethiopia`s Federal Constitution not only

recognizes Ethiopia's ethnic diversity in the Constitution, but it recognizes that diversity in real terms through political representation of nations, nationalities, and peoples of Ethiopia in different state institutions. For example, in the Upper House of the Parliament, the House of Federation, all minority ethnic nationalities are represented. When South Sudan adopted a decentralized system of governance, the purpose was to manage diversity and build an inclusive political community. This objective has not been achieved by the state. Rather, the government's political elite did everything to meet their ends. Thus, the objective of managing ethnic diversity through a decentralized system of governance in South Sudan is far from realised. To understand the challenges of decentralization in managing ethnic diversity in South Sudan, it's worthwhile to look into the decentralization from the process of constitution-making.

3.4.1. South Sudan's Decentralisation, Diversity and Constitution-Making

Human diversity is a salient and challenging issue in most countries. The term "diversity" has become one of the most frequently used words in the social sciences today. However, there is no single way to define diversity. Finding an agreement between scholars on the definition of diversity is rather challenging and time-consuming task. In some studies, diversity refers to "differences between individuals on any attribute that may lead to the perception that another person is different from the self" (Van Knippenberg, et, al., 2004) in Abebaw Yirgaadamu (2014). Other authors, like Rudolp (2006), consider diversity in terms of shared genetic, racial, and sometimes linguistic traits, which are usually visibly apparent, and hence detectable by outsiders. Similarly, this thesis considers ethnic diversity in terms of linguistics, cultures, geography, history, and the representation of these diversities in political institutions of the South Sudanese state, including the participation of the public through their representation in the constitution-making.

In the context of South Sudan, the decentralized system of governance in the Transitional Constitution of 2011 was adopted in order to address the challenges of nation building and manage ethnic diversity through inclusive political representation and power sharing between different ethnic communities. However, the question raised in this regard is: did the decentralized system of governance adopted in the Transnational Constitution of 2011 help South Sudanese ethnic diversity in the context of inclusion and political representation? This is one of the core questions that this study seeks to answer as it unfolds.

There are some reasons attributed to the failure of decentralisation to manage ethnic diversity in South Sudan. First, what prevailed in South Sudan before and after independence was the concentration of power and resources at the heart of the political center in Juba in the hands of a few political elite. This is what Alex deWaal (2014) called a "neo-patrimonial and corrupt system of governance" inherited from the old Sudan. Through this system, the SPLM/SPLA political class becomes the dominating force in the game. The government in Juba holds the grip of power and resources. In other words, when power and resources are devolved to state and local levels of government or to grassroots communities. The efforts made by national technocrats and foreign donors produced bubbles of institutional integrity, but the system as a whole was entirely resistant to governance reforms. The neo-patrimonialism system is discussed widely in the context of state building in the subsequent topic.

Second, decentralised system of governance as stipulated in the Transitional Constitution has failed to achieve the political objective of building a common South Sudanese identity and forging national unity amongst diverse ethnic communities. The issues that led to the failure are attributed to many challenges. Some of these challenges relate to the process of constitution-making or its design, which is the political inclusion and representation of diverse ethnic communities in the governing process. This had not been the case of the constitution-making in South Sudan in 2005 and later in 2011. The constitution-making process was dominated by a few political elites, largely from Dinka or Nuer, who hailed from the SPLM's government party. This exclusive process in the constitution-making later had profound implications for political power sharing in the polity (Surhjit, 2019). Important stakeholders in the process of constitution-making were not invited to participate. The process of the constitution-making was an SPLM governing party and elite-driven process. In other words, the Constitution-making in South Sudan was a top-down approach in which the SPLM controlled and owned the process. Important stakeholders, such as traditional leadership authorities representing grassroots communities, civil society groups, academia, and the business community, did not participate in constitution-making process. SPLM the governing party had controlled and owned the process from the beginning until the ratification and the approval of the final draft.

Achieving a successful nation-building project in South Sudan would require two things : (1) devolving power and resources to subnational levels of government to enable them to exercise

their own political rights, that include not only for the sub-state and local government to elect their own political leaders at the grassroots through universal suffrage; and (2) inclusivity and participation of sub-nationals in shared national institutions at the national level, which may reshape the country. Since 2010 national elections in the Sudan before the secession of South Sudan, there had never been any election in South Sudan after independence. The country had been ruled through decrees and political appointments by the President of the Republic. Despite the fact that decentralization had been adopted in South Sudan since 2005, very little had been achieved in terms of economic and political empowerment of sub-national levels.

3.4.2. Administrative Division and Management of Ethnic Diversity: A Success or Failure?

When the Transition Constitution of South Sudan was adopted 15 years ago, there were only ten (10) states as provided for in the Constitution based on the decentralized system of governance. However, after conflict that broke out in December 2013, the government in October 2015 divided the country into 28 states through a presidential decree. Additional 4 states were added later in 2017, bringing the total number of states in a country with a population of just fewer than 12 million to 32. According to some officials who were interviewed during the field research, administrative re-division of the country into 28, and later to 32, states was intended to transfer responsibility to sub-national levels of government as part of the government's rural policy known as "taking towns to the people." According to the government sources, the move was also to manage the country's ethnic diversity and prevent conflict in the country. The question that many people might ask then was: Has the administrative re-division of the country into many states helped manage ethnic diversity and brought an end to ethnic conflict? No, and there are quite a number of reasons for this. First, the political structure and politics in South Sudan have become a kind of business, and a political tool (powers and authority) which gives access to economic resources to the ruling political and military elite (de Waal,2014). Second, administrative structures at each level of government are also structured around vertical clientel and neo-patrimonial relationships between the national government on the one hand, and the state government and local county commissioners on the other. In other words, those officials to public office are there to serve the interest of their bosses who appointed them, instead of serving the public.

Unilateral creation and proliferation of more states has, on the contrary, exacerbated local conflict among different ethnic groups because of the annexation of the lands belonging to other ethnic communities to Dinka ethnic community where the President of the country comes from. The conflict between the *Fartit* ethnic community of Western Barah-El Gazal State and the *Dinka* ethnic community erupted because of the annexation of the land that belonged to the former by the latter. *Fartit* ethnic community one five ethnic communities who lives Western Bhar el -Gazal. Dinka ethnic community has occupied much of the land belong to the *Fartit* and other ethnic communities, despite the fact that they [Dinka] are ethnic minority in Western Bhar El- Gazal state. Annaxation of the land belongs to communities of the Western Bhar El -Gazaal by the Dinka who are a minority in that state, became serious a bond of contention between the two communities. In 2017 that land dispute became a full-blown conflict between the Fartiti and other Wetern Bhar El -Gazal ethnic communities on one hand, and the Dinka who were supported by government soldiers belong to Dinka ethnic community on the other (Interview Transcripts from Hussein Abdelahi, Juba 2020).

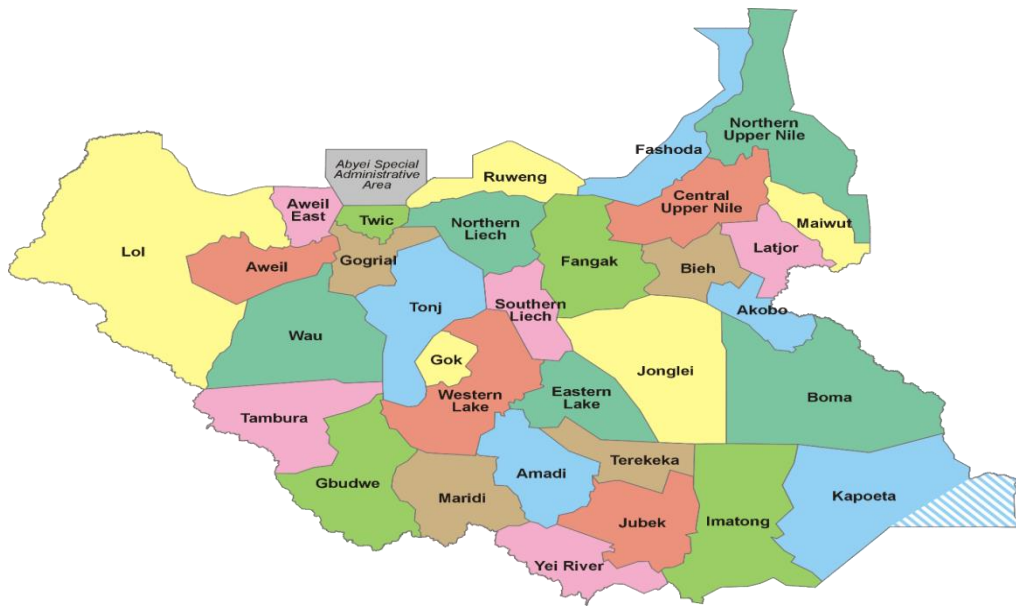
This is one of the examples to mention among numerous conflicts caused by the proliferation of the states without in-depth and proper studies of the remaking of the state boundaries (Stimson, 2016). In the context of heightened tribal tensions, shifting political loyalties, and increased competition over power and resources in a deteriorating economy, this system could cause significant conflict and instability (Stimson, 2016).

Another challenge to managing ethnic diversity brought about by administrative re-division of the country into more states, is the existence of a critical area of uncertainty regarding how administrative powers are distributed among the 32 state governors, the national government leaders above them, and the county commissioners below them (Schemorous and Louse Aalen, 2016; Stimson, 2016). For example, the effect of newly created boundaries brought conflicts between communities found in either one state or different states. This is mostly witnessed in the Upper Nile, Unity, Warrap, and Lake States. The motive behind this unilateral decision by the President was to annex some of the areas with oil-rich reserves to his own community. Jieng Council of Elder – Dinka elites’ assumption here was that having annexed the land may lead someone to have access to resources and power that allow them to stay in power for an indefinite period of time. But this is a wrong political calculation that may come at the cost of human lives

as a result of risking another violent conflict. Because of protracted conflicts that have continuously perpetuated for decades, many people have been affected and continue to live a life of destitution and abject poverty (Stimson, 2016).

Finally, the other critical area of uncertainty relates to the cost of effective utilization of resources for development purposes in a country like South Sudan. The new nation has less educated and skilled manpower. Most ordinary South Sudanese citizens and political leaders whom the researcher interviewed and talked to before the return of the country to the inherited 10 states from the old Sudan expressed concern that the government would not be able to fund an expanded bureaucracy that was devoid of capable human resources when it was already unable to support 10 state administrations.

Panom Luak one of the officials from the former Upper Nile State Legislative Assembly who was interviewed (2021) argued that in the long run, if the number of states was not reduced in the current peace agreement implementation, the financial burden would be significantly greater than before. He argued that most civil servants, after the creation of more states, who were working in the state, came back to Juba, the capital, or remained in the state's capital cities of the old states. Apart from the increase in the number of states, the proliferation of the number of governors themselves became another bottleneck in terms of the increase in salaries that would need to be paid to many political appointees of the state. Given these administrative and political challenges as a result of the continuous proliferation of states, it would be very difficult to say that managing ethnic diversity has been a success. Rather, it becomes a bottleneck for the democratic governance process of the country. (Below is the new map of South Sudan based on the 32 states decreed by the President on October 28th, 2015.)



South Sudan Map depicting defunct 32 states before President Kiir made Presidential Decree which brought back the country from 32 to original 10 states inherited from the Sudan prior to independence in 2011. Based on this out of 32 states, according to the map above, 14 states belong to Dinka ethnic community.

The intention of President Kiir’s Government and the Dinka elite for re-drawing state boundaries in South Sudan and creating new states within “decentralized” South Sudan with was meant to achieve four objectives for the political and economic domination of the Dinka ethnic community over other ethnic nationalities:

- (A) Redraw the boundaries of the old states and grab rich ancestral lands from other communities and annex them to the new states in favor of the Dinka ethnic nationality. This in reality was not meant to benefit other communities to which the land was annexed to, but to benefit the political entrepreneurs to enrich themselves and control the economic resources and grasp power that comes with it;
- (B) Exaggerate a numerical majority of the states (constituent units) so as to inflate mechanical majority of political representation and scale up domination by a single ethnic community [Dinka] at national government institutions, typically in national legislature – National Legislative Assembly and the Council of States. The ultimate objective was to dominate other ethnic communities as a simple majority of a single

bloc in the National Legislative Assembly (lower house of parliament) as well in the Council of States (upper house of parliament);

- (C) Claim more block grant from the national treasury which is annually released from national government to states government and other nationally funded projects to these inflated tribal enclave states with exaggerated non-existence big population sizes. Again, the objective would later be geared towards enriching the elites who took firm grip of political power, by looting and rather than benefit the poor community, and
- (D) The unfortunate obvious result of all the plans mentioned above, was already the looming conflict if the country were not to be reverted to the inherited 10 states from inter-communal conflicts over the contestation of the state boundaries and resources throughout the country. However, in the past recent in the event leading to formation of the Revitalized Government of National Unity (RTGONU), on February 15th 2020, the President dissolved 32 states returns the country back to 10 states it inherited before the independence in 2011.

The move taken by President to return the country to 10 states is seen as positive, and thus was welcomed by ordinary citizens as a sign of political commitment in a part to ensure that peace comes back to South Sudan.⁴ However, on the other spectrum, it was received with a lot of suspicions and skepticisms by political elites, particularly those who were in power in those 32 states. They saw dismantlement of the 32 states as a big loss of their powers. The reason, was obvious - control of power and embezzlement of the meager public resources in those small tribal enclave states. Nevertheless, there remains a question that needs an answer that is: “Will taking the country back to 10 states instead of 32 states bring sustainable peace in the country?” As long as, there are no changes in political culture of how the political leaders run the country, taking the country back to previous 10 states will not make any significant difference in the lives of ordinary South Sudanese citizens. Political elite may continue to maintain the status-quo and continue to resist implementing the necessary governance reforms badly needed to take the country forward.

⁴ On February 16th 2020 President Slava Kiir of South Sudan made two Presidential Decrees. One that dissolved 32 states, and the other that reinstated 10 states previously inherited before the independence of South Sudan IN July 2011. The move that returns the country into 10 states is seen by ordinary citizens of South Sudan, but received with skepticism and suspicions by those elite who were in power during the administration of those 32 states

The administrative division of South Sudan by President Kiir followed the patterns of divided and ruled policy which were used by successive Khartoum-based regimes in Sudan. For example, in 1983, Southern Sudan was divided into three regions or provinces by President Nimeiri's government with neither prior consultation made with the people nor with the autonomous regional government of Southern Sudan (Arou, 1982). This move was seen by many Southern Sudanese as a means by which President Nimeiri wanted to abrogate the Addis Ababa Peace Agreement. That later became a reality when Addis Ababa peace accord collapsed. The result culminated into the beginning of yet another Civil War, which ran for 21 years, 1983-2005.

Although South Sudan became an independent state ten years ago, it still follows what they called the "old" enemy – Khartoum's tricks for governing the Sudan. These tricks include dominance and control of political space by political elites - excluding the periphery, endemic corruption and lack of delivery of public goods to the people of South Sudan. Nevertheless, the independence of 2011 has had tangible successes for the grassroots. For example, administrative re-division was seen by many scholars and citizens as something that would cause more conflict between ethnic communities (Bole Ajak, 2018). That was evidenced by the annexation of Shollo land in Upper Nile State to their neighbor, Dinka Apadang, by the state. Rather, most people see the recent re-division of the country into 32 or more states as a political move rather than an administrative convenience.

To justify the above assertion, an interview with Mr. Keach Puoch (2021) one of the former officials from Upper Nile state says this: "Those communities whose lands were annexed by the government viewed the demonstrative re-division of the country into 32 or more states as a politically driven action by the Dinka ruling elite to increase Dinka ethnic community political representation in different government institutions against other ethnic communities." As Schemorous and Aalen (2016) explain, the CPA and Interim Constitution commit to administrative, political, and fiscal decentralization and the devolution of power. However, as these authors explain, the goal of "breaking" power down into small administrative units while simultaneously seeking to portray and build a strong and centralized state combines two approaches at odds with one another, pulling South Sudan in opposite directions. These approaches include the following ones:

First, decentralisation, while being theoretically the "best" way to govern South Sudan, has in reality often become an instrument for entrenching "tribal" and political clique lines over competition for power and resources, manifesting itself in a proliferation of new states, counties, and "*paya*" (Schomorus & Aalen, 2016). Secondly, the division and sub-division create momentum for increased administrative fragmentation in the country. The formation of new states is viewed as a tool for carrying out the SPLM's policy of "taking towns to the people in the villages. "The fact on the ground is that the policy has not achieved its objectives. ' This is because division brought about many challenges that included conflict over the boundaries of the states and budgetary allocation of scarce resources that included financial and human resources for many states. Because of this, the division instead becomes an administrative bottleneck for sub-national levels of government where decision-making power is still being firmly held at the center. Furthermore, the division has also brought about or increased the already existing lack of accountability and impunity between the public and the ruling class. Thus, resulting in state's capture by powerful military and political elite at different levels of the government. Lack of or complete absence of provision of essential public services such as education, health, and infrastructure is entrenching and further impoverishing an already impoverished population (Schemorous M & Aalen, 2016).

3.5. The Evolution of Decentralization in South Sudan's Political History

From South Sudan's perspective, the decentralized system of governance in this study is seen through three dimensions from Souza's (1997) concept of decentralization: (I) in how decentralization is designed or set in the political agenda for nation-building and managing diversity in South Sudan; (II) through how authorities in South Sudan make decisions on important governance issues such as participatory decision-making, like in the appointment of states and local government officials in certain positions of authority, as matters that affect ordinary citizens at various levels of government; and (III) how decentralization and devolution help contribute to peace-building and state building during the CPA and in post-independent South Sudan.

The beginning of "decentralization" in the then Southern Sudan started with the independence of Sudan in 1956. At the time, the Southern Sudan region was divided into three large provinces, namely: the Upper Nile, Bahr el-Ghazal, and Equatoria regions. This division was not arbitrary, but reflected prevailing circumstances since the composition of the provinces had changed over

time (Schomorus and Aalen, 2016). The objective of the Angelo-Egyptian colonial administration in Sudan was to divide Southern Sudan into three provinces, mainly for security purposes, to prevent South Sudanese tribes from fighting against one another. Other literature suggests a similar trend. The formal historical narrative of the decentralization that led to decentralization and the devolution of powers to Southern Sudan's three regions, in particular, typically began with the end of British colonial rule in 1956, after the country gained independence (Aeberli 2012). It has also been said that the history of decentralization and local government in Sudan as a whole can be traced back to the beginning of the 20th century. In this regard, Aebelri (2012), in a report on "*decentralisation as a tool for services delivery and development in South Sudan,*" asserted that decentralization in Sudan could be attributed to a man named *Marshall*, a British local government expert who lived and worked in West Africa, came to Sudan and carried out studies on the appropriate system of governance for the Sudan as whole. In his study, he found out that decentralisation was appropriate system to govern Sudan with as a multi-ethnic society. In his study he recommended that for Sudan to live together as one nation, there is need to decentralised and develop power and resources to provinces including the Southern Sudan provinces of Bhar - El Gazal, Equatoria and Upper Nile Provinces. He concluded that if properly and effectively implemented, decentralisation can help manage racial and ethnic diversity between Arabs and African in the Sudan. He further argued and concluded that decentralisation could be means for coping with the country's vastness and ethnic heterogeneity (Aeberli, 2012).

Marshall issued a report in 1949, entitled the *Marshall Report*, wherein he developed a vision of decentralisation and local governments with the aim of democratising the Sudan. According to Aberli, Marshall saw the solution not only in democratizing the existing structures of the Sudanese government but also in the replication of the British system and the devolution of powers to a second, autonomous level of government, connected to the central government through a ministry of local government (Aeberli, 2014).

Based on the historical narrative of South Sudan's decentralisation, it could be thus concluded that the current decentralisation is not only influenced by the centralisation of power inherited by South Sudan from the old Sudanese state, but also by the flawed political leadership of the governing SLPM party in the country, increased fragility, and the failure of the state to deliver critical services to the people of South Sudan. For instance, the focus of the British colonial administration before

the independence of Sudan was on the security and other political interests of the colonial power—the British, to continue with their policy of divide and rule between Southern and Northern Sudan. Second, decentralization in the colonial era destroyed the local institutions that could support the empowerment of local communities to have self-rule. This was the approach taken by successive Sudanese governments, and it is still in use in South Sudan following its independence from Sudan in 2011. South Sudan follows a traditional decentralization design and maintains the same colonial structures and institutions that robbed the citizenry of their powers.

3.6. Nation-Building and the Challenges for Achieving Inclusivity through Decentralisation

The civil war between Southern Sudan rebels, the Sudan People’s Liberation Movement, and the Sudan Government literally ended in 2005. The end of which culminated in the signing of the Comprehensive Peace Agreement (CPA), which was later followed by a referendum on self-determination by the people of South Sudan to decide whether to remain within Sudan or secede to be an independent state. The result of the referendum made South Sudan an independent state from the rest of Sudan. However, "nation-building" did not commence with the end of the violent conflict or, indeed, other processes. It is an ongoing process in all countries aimed at establishing and reproducing an integrated national society based on shared values and goals.

South Sudan is a new state that came into existence in July 2011 after protracted and intermittent wars of liberation struggle against successive regimes in Khartoum that ruled Sudan for more than half a century (Jok, 2012). The young state [a nation implies a self-consciousness which is not present] after independence inherited poor infrastructure, an unpredictable or instable political atmosphere, limited capacity for governance, weak state institutions, financial crises, violent ethnic divisions, and an uncertain regional and international political climate (Jok, 2012; Mattheew & Matthew, 2013; Johnson, 2016); Knopf (2016) further cements this point by arguing that South Sudan as a nation and state exercises no monopoly over coercive power and ability to deliver public services such as public service, public security, and administrative justice. South Sudan as a state is not able to provide these badly needed services to its citizens. With these challenges, Knopf argues that although South Sudan may hardly enjoy juridical sovereignty, and thus, its

domestic sovereignty, is entirely contested and discredited, at least by the standard of a sovereign nation.

South Sudan is a culturally and linguistically diverse nation with more than 64 [see appendix to the 2011 Interim Constitution of Southern Sudan] ethnic communities speaking 72 languages and dialects. This is also seen as another challenge to designing an effective system of governance that would help build a common and broader South Sudanese national identity (Matthew and Arnold Matthew, 2013; Zambakari 2015). Furthermore, the authors maintain that consolidating nationhood and political cohesion amongst such a range of peoples is obviously difficult, leaving alone a situation in which an Acholi man in the Equatoria Region could only reasonably question her or his relationship to a Maban man in the northern Upper Nile region (Matthew & Arnold Matthew 2013). Similarly, for an Azande from Western Equatoria or a Jur from Bahr El-Gazal, let alone building a nation with common values (Matthew & R Matthew, 2013: 117). The prospect of uniting such a diverse, building a developmental state and more inclusive political community, institutions, and upholding the rule of law and practicing democracy in governance, has always been an uphill task in the young nation (Zambakari, 2015). This challenge helps explain the reactionary nature of both South Sudanese and their politics (Jok, 2012; Matthew & Matthew, 2013).

Other authors like Wassra (2015), Johnson (2016):34 and Douglas Johnson (2003) attribute the challenges to democratic nation-building and nationhood in South Sudan to the colonial legacy and the SPLM's handling of the country's governance after the secession from Sudan. The political history of colonialism in different periods that is, before and after the independence of the Sudan and its impacts on South Sudan's nation-building in the context of peace building and inclusive state institutions, is very much visible on South Sudanese state.

3.6.1. Ethnic Diversity and Contrasting Views on Building South 'Sudanese'

Ethnic, cultural, and linguistic heterogeneity rather than homogeneity characterizes the populace of many countries around the world, and South Sudan is no exception to the rule (Fissah, 2010). The heterogeneity of South Sudan as a multiethnic society ranges from having just two different ethnic or linguistic groups that are in need of the accommodation of a sizable number of ethnic

communities in a system of governance (Jok, 2012). Various literatures on national identity in South Sudan recognize the multilayered nature of ethnicity as one of the factors of diversity (Bereketeab, 2017: 67). In this regard, it would be important to provide some clarity on two concepts of identity before embarking on discussion of South Sudanese identity (*South Sudanese*) as a factor in its nation-building project. There are two arguments on ethnic diversity put forward by Kymlicka (2007) in relation to different explanations of ethnic diversity in South Sudan. For the critics, it is a model of assimilation and homogenization in a multiethnic society. This position holds that an "integrated" ethnic group should be one people that have one culture as a politically mobilized entity. According to proponents of this model, ethnic loyalty is synonymous with state loyalty, and loyalty to an ethnic group is considered opposition to the state (Jok, 2012). It is also a position widely held by the majority of the ruling political elite in South Sudan. Most members of the SPLM /A ruling class criticize those who are arguing for political recognition of ethnic identity as a means for addressing lack of political recognition of ethnic diversity. However, the paradox is that they do not want to divide power and resource based on ethnic composition and diversity, nevertheless, on the other hand, openly practice tribalism and ethnocentrism when they appoint or assign political cadres to public offices. For example, most of the government positions at national levels, are either controlled by the Dinka or Nuer elite (Interview Transcripts from Panom Luaak 2021).

The second argument is nation-building that calls for the recognition of ethnic groups through accommodation and institutionalization of their rights to have equitable representation in various institutions of government, or what is called a multicultural model of ethnic identity and citizenship in the state (Kymlicka, 2007; Lijphart, 2012; McEnvoy & O'Leary, 2013). The proponents of this position argue that genuine accommodation of ethnic diversity requires the political recognition of more than one ethnic, linguistic, national, or religious community in the state and aims to secure coexistence between diverse ethnic communities in a polity. This position is vehemently opposed by the ruling political elite, which claims that political recognition of ethnic diversity puts the country's unity in serious jeopardy and might lead to the further escalation of the conflict. However, beneath the surface is their quest for power and resources in the name of an ethnic community. They deny political recognition of ethnicity as a means of empowering the marginalized ethnic communities. We argue that political recognition of various ethnic communities through

institutionalizing of their rights to equitable political representation, participation, inclusion, and power sharing is very critical for the achievement of peace and stability in South Sudan.

Post-secession state construction of national identity in South Sudan demands that the issue of identity be adequately addressed soon after the secession of the country from Sudan by providing access to basic services to the people. This will help the citizens identify with the state (Bereketeab, 2017). However, as Jok (2012) explains South Sudan national identity reconstruction in post-secession was not given due attention by political leaders and their development supporters, the international community and the region as well. The reason being that the government of South Sudan and their development partners did not invest in state-building or building the institutions of government. Investing infrastructure such as building road networks, bridges, electricity, and other provisions of social services like education and health, was taken as a matter of priority by the government. Less focus of the government on building state institutions that could bring diverse communities together, was in itself a recipe for conflict because all the communities needed was development to alleviate them out of abject poverty. Pivotal responsibility of the SPLM ruling party could have been turn the young state into a nation in which all South Sudanese can see themselves represented at different levels of government and have access to services (Jok, 2012). This did not happen as expected by South Sudanese people. Jok further maintains that South Sudan's unity remains undefined; at independence, the country found itself with only an obscure notion of collective national identity beyond its unified opposition to the north, making its viability as a nation a matter of speculation.

What people of South Sudan believe to unite them is when the state institutions are inclusive where different ethnic communities see themselves represented in the institutions of national government. This has not happened; the SPLM has not provided social, economic and infrastructure services to the people of South Sudan (Lado Joseph an Interviewee from Local Government Board, 2020, Lado, asserts that political and military elites control the resources which should have been used for developing rural communities. The emzeblment of public funds by the elites, coupled with the exterme negligence and underdevelopment, the public could not identify itself with the state. Bereketeab, (2017) similarly explicates that South Sudan could have defined and reconfigured its national identity formation soon following its secession from the rest of Sudan. Bereketeab maintains that the ruling SPLM has not developed state institutions which could have helped

people of South Sudan come together and see that they are people whose interests are served by the state.

Another challenge to building a common national identity in South Sudan is the view or a perception of historical perspective knotted or attached to "who" contributed most to the war of liberation struggle. This entails who should have representation in government's institutions and have lion's share in power sharing arrangements. According to one of the topic officials from Equotera region whom we interviewed in this study, people from different ethnic communities rather than the Dinka who consider themselves as "champions" of South Sudan's war of liberation, are discriminated against and thus considered traitors of the national course. This tendency creates a situation of otherness- "we" versus "them." It is about whose identity is seen as a "real" South Sudanese identity and who is not just simply because of not having been a part of war of liberation struggle in the battle field in the bushes fighting against the "oppressors," the government in Khartoum (Matthew & Matthew, 2013). This view of national identity is also connected to who should own the national resources of the country and who took part during the war of liberation for the independence as perceived by the elite from Dinka ethnic community (Washburne, 2010). These are some of the questions many ordinary South Sudanese citizens are grappling with to find their answers. This is a kind of South Sudanese identity that has been contested, and contestation is unfolding by those who are marginalized and subsequently excluded from the state powers and resources.

From the similar perspective, the government practices an exclusionary exercise of political powers that allows individual from one ethnic background to access political power and resources, rather than commonly shared policy interests, to influence decision-making processes in the state's institutions. For example, Jieng Council of Elders that serves as an advisory body to President Kiir is the one directing the government's policies on different issues pertaining to South Sudan in terms of economic, social, and political issues like peace in the country. The body is exclusively composed of members from the Dinka ethnic community, where the President hails from. These authors further assert that such exclusionary policies jeopardize South Sudan's future stability, unity in diversity, and development.

This is similar to then successive Khartoum governments' views on Southern Sudan prior to the secession. Northern Sudanese elite viewed Sudanese identity as an identity that centered on Islam,

the Arabic language, and an Arab culture (Yoh, 2018). These identities had shaped and had an influence on economic development in the country. Meanwhile, Southern Sudan region and other peripheral areas in the Sudan were economically, politically and socially marginalized by the successive regimes based in Khartoum. The exclusion of the South and other marginalized areas in Sudan's socio-economic development, defined conflict in terms of combustive tensions between a dominant core centered in the capital Khartoum and the extensive and tiny peripheries (Johnson 2003; Matthew & Matthew 2013).

3.7. State-Building from South Sudan's Perspective

3.7.1. Discourse on State Formation and State Building

Many centuries ago, state formation in Europe was characterized by control and forceful divisions by the most powerful states against the weakest states, resulting in almost constant war and competition at the time (Bagge, 2019). This kind of state formation in Europe was replicated in Africa by the European colonial powers, during which the colonizers partitioned and scrambled Africa without the consent of the African people (Okome, 2013). In other words, Africa's state formation discourses show the dominance of the modern European nation-state model, which has existed for centuries in Europe and is undergoing changes (Gunther Schlee, 2021).

Before clarifying the state and state-building, it is thought necessary to discuss perspectives on state formation and how these perspectives may shape and influence state-building in South Sudan. Current trends in the theories of state formation as argued by different scholars and academics in the field of political science address several questions. For example, Abegaz (2019) raises the following questions in regard to state formation in Africa: What are the key variables that determine the viability of statehood and the transformation of highly fractionalized ethnos and regional sectarian into coherent nation-state under a historically-determined dominant national political culture? In relation to this question, he further asks another question: who is best-suited to serve as the flag bearer of the state?

The questions above relate to South Sudan's state formation and state-building after independence in 2011. The requirements for successful state formation, state-building, or nation-building projects are far from clear (Moore, 1993; Huntington, 2006; Hobsbawm, 2012; Fukuyama 2014). Authors like Hobsbawm (2012); Huntington (2006); and Fukuyama (2014) identify some pillars

with regard to state-building. The first pillar is a capable and effective state, which has some attributes that include but not limited to control over an adequate fiscal base to provide basic public services such as public security to the citizens, education, health, and infrastructure like road networks and communication services that call for public-private investment partnership. South Sudan as a state is unable to provide these services to its people. For example, public security had broken down since 2005 when Southern Sudan was still an autonomous region having its self-government within the united Sudan. There are conflicts between communities on one hand, and the Government and those armed groups dissatisfied with the way government in Juba run the country and also those excluded from the government by the ruling SPLM party on another.

The second pillar is highly valued public goods, which include secure borders, internal law and order, and respect for personal safety and property (Fukuayma, 2006). In addition, there are other factors that are important to state-building. The candidates for the explanation of such variables include the availability of adequate economic resources, the presence of ambitious elites, a cohesive political culture to legitimize authority, and persistent existential threats to the state or society (Fukuyam, 2006).

When we examine all the factors above pertaining to state-building in relation to South Sudan, we have found that a lot of them are not achieved by the government. For example, in terms of fiscal decentralisation, South Sudan as a "state" is not capable of effectively managing and utilizing its own revenues for development, much of which comes from oil revenue. In other words, much of the oil revenue is not used for development purposes. It is controlled by military and political elites from Juba. The case in point is the Dhura Saga, or grain scandal. *Dhura Saga* was a government program established as a response to the anticipated food shortages in 2009. The program was intended to build food stores across the ten states and be filled with *sorghum* (Dhura) reserves (Awolish, 2013).

While in many cases money was spent, no stores were really built and no sorghum reserves were delivered. Both the executive and legislative branches of the government launched investigations as early as 2009 and no conclusive end was reached, unfortunately. The citizens have been waiting for the results of these investigations, but to no veil, the government has not been forthcoming. Interestingly, the government took a hiatus on the investigation at some points, only reviving them in mid-May 2013 and inviting the World Bank to help with the investigations. The World Bank

found that 290 companies (mostly owned by top military and political leaders in the government) were paid without signing any contracts with the government and 151 companies were overpaid (Anti- Corruption Commission 2012; Awolish, 2013). The amount that vanished through this unscrupulous and bogus scheme is disputed, but different sources put it at 6 billion South Sudanese Pounds (SSP) an amount roughly equivalent to \$3 billion USD (Awolish, 2013). This is just a tip of the iceberg among series of corruption scandals committed by the government officials on the public funds. It is an indication of the failure of states institutions to service the public. It also shows how the level of impunity is rampant in the country amongst the military, political and business elite. The finding further indicates that each patronage network member is loyal to the large system which takes share of the national wealth as private property.

The failure of state institutions in South Sudan to provide critical services to the public is also reflected in the breakdown of law and order, with the public security and the rule of law in the country being compromised and taken for granted by the elites in power. Failure of the state to provide public security resulted in a situation where every citizen takes care of their own security. No one is sure of their safe return in the evening after leaving their homes in the morning. This has been the trend since 2005, during the CPA's 6-year Interim Period leading to independence and then after the post-independence of South Sudan. All these factors are an indication that the South Sudan state formation and transitional from guerrilla movement to a governing party by the SPLM elite, has been rough and brutal in nature. The former guerrilla commanders of the SPLM/SPLA during the war of liberation struggle and who later turned to be political leaders, are firmly in the control of the state machineries (Pinaud, 2014; de Waal, 2014).

The evolution of the state according to Abegaz (2019) is then profoundly shaped by the social, economic, political, and historical legacies within which the state is situated. More specifically, the state must be capable of delivering public goods to the public and utilizing public resources for the development of its citizens. It is the duty of the state to unite diverse ethnic communities within the territory under its sovereignty and jurisdiction by building economic and social institutions that promote a shared identity among its diverse population.

In the words of Bagge (2019), a state must have a permanent population, well-defined borders and a government with the capacity to deliver service to the public. The government must also honor national laws such as the Constitution and international obligations. This means a state is one that

has the capability to provide for the needs of its citizens, such as the provision of public goods like public security, and the provision of social services like education, health, and economic security for citizens. It means a state has an obligation to regulate social life, extract scarce resources, and deploy those resources productively in a determinate way (Abezga, 2019). A strong society, with good organizations and an economic base, can resist the determined attempts to fully control economic and political life by rapacious political elite in their attempt to capture the state. The requisite conditions for building a strong state, in this context, are profound social cohesion among different ethnic groups within the state; the provision of public goods such as security; the rule of law; and an independent bureaucracy by the state (Abezga, 2019). South Sudan has fallen short of achieving this kind of state status. As one of the interviewees put it, "we, the South Sudanese public, wonder whether or not we have a state that provides services to us. "The independence of South Sudan is not felt here by many of us because we are even having more social, economic, and security problems now than we used to have when we were together with Sudan as one country," argued Samuel Majiok.

From the above argument, state-building may mean providing critical service to the citizen through inclusive and represented state institutions. And providing service to the public in an equitable manner, different diverse ethnic communities in the country may be able to identify themselves with the state. This would result in an inclusive nation-building. An inclusive nation-building would result from political recognition of linguistic cultural diversity of different ethnic communities and their inclusion into the state. Thus, nation-building as a project should be driven internally and not by external actors' intervention through development agendas. It is a local initiative directed by citizens and leadership to strengthen state institutions (Raue & Sutter, 2009; Fukuyama, 2006).

Thus, in this thesis, state-building is discussed from the perspective of building effective, inclusive and representative state institutions that can respond to public needs. It is seen as one of the components of building national identity in the context of building institutions of government in post-conflict and post-secession South Sudan. Hence, in the context of South Sudan, this thesis argues that state-building and national identity for decentralization could be shaped by the strength of its public institutions in delivering services to the people. For instance, the presence rule of law and the practice of constitutionalism and equitable representation of different ethnic group in the

national institutions at the national level could be an indication of an inclusive nation –building (Wimmer, 2018).

In South Sudan, there has never been any support and efforts geared towards building of inclusive state institutions. The governing SPLM party has been dominated by the Dinka political and military elites who have also dominated national institutions, particularly national institutions with economic resources. These include Ministry of Finance and Economic Planning, National Revenue Authority, and public enterprises such Nile Petroleum Company and its affiliated institutions like National Security and Intelligence Services (NSIS). Leaders from both the Africa region and the international community have tried their best to advise the SPLM party to have inclusive and representative state institutions, but all the efforts have been futile attempts. The exclusion brought division within the governing party governing SPLM along ethnic and clique lines. The political division within the ruling the SPLM party, brought about the outbreak of December 2013 conflict which has not been fully resolved to date. National resources such as revenues from oil or petroleum products, which should have been used for economic development, are used by a few political and military elite from some select ethnic communities and their cronies to enrich themselves (de Waal, 2014).

When South Sudan attained its independence in 2011, many individuals, groups, and countries specially the Toirka states, namely Norway, Britain and the US, have been supporting South Sudan during the war of liberation, have continued their support even after the independence. Despite the depth of of the financial and human resources support offered by the governments of those counties, there has never been any changes of impact of this support on the lives of the ordinary people of South Sudan (Interview Transcript from Keach Puoch 2021). Ordinary people at the grassroots communities have continued to suffer and are still suffering a lot as they used to be before the independence. In other words, the people of South Sudan still live under miserable life devastated by vicious cycles of conflict and abject poverty, which have continued to just haunted down for the decades. High hopes for the new country and the willing of foreign investors to invest their capital and other resources in economic and social development for South Sudan, have terribly failed. The aspirations of the people of South Sudan to be uplifted out of poverty through creation of inclusive state instsitutions, were far from achievement (Sarah, 2015).

3.7.2. Analysis of State-building from South Sudan's Political Dispensation

The object of review and analysis of state-building in relation to nation-building policy based on a decentralized system of governance is a bit sophisticated, and the juxtaposition of such a typological characterization of South Sudan's nation-building in post-independence is also a complicated one as compared to the rest of post-colonial Africa's nation-building (Johnson, 2016; Frahm, 2012). This is for a simple reason. Nation-building and state-building are two separate projects that denote different conceptions in political discourse. Authors like Kioi Mbugua (2012) recount that state-building precedes nation-building. Mbugua argues that state-building must be driven by a strategy that minimizes potential conflicts within different ethnic communities within the country. The design of institutions must provide a "fool-proof" platform to address known sources of conflict by building inclusive and representative state institutions which reflect the aspiration of ordinary citizens of different cultural and linguistic background Mbugua (2012). Mbugua argues that it is through inclusive and representative state institutions that unity and togetherness amongst different ethnic communities is achieved.

For the purpose of this study, state-building is considered as building of state institutions which have the capacity to accommodate different ethnic nationalities through political representation and participation in power-sharing, multiculturalism, consociation, and pluralism as the basis of the construction of South Sudanese national identity (Fliener & Fliener, 2009; Lijiphart, 2008). Although the two concepts are adopted or considered to be mutually interwoven, state-building is included in nation-building in the context of this study. The underlying assumption here is that different ethnic nationalities in South Sudan must be represented in the national institutions which is already dominated by the elite from one or two ethnic communities, side by side with building the institutions of governance that could develop a feeling of nationhood amongst the people must flourish first (Bereketeab, 2016; Jok, 2012). In other words, the argument in the thesis centers on the state-building that has been achieved (state-building or building inclusive, democratic and effective institutions of governance). That is, the inclusivity and participation of all stakeholders in the South Sudanese state affairs. This, we argue, can be accomplished by laying the groundwork of such factors like recognizing diversity through equitable political representation in the state institutions. This can also bring a feeling of nationhood, such as developing political consciousness about other nationalities rights to equitable representation in the national institution, and the sentiments of living together as a single political community. Like many other countries on the African continent that are emerging from conflict, South Sudan faces peculiar challenges to its

state-building project (Nsamba Morris, 2013). These challenges include for example, the vicious cycle of violent conflicts; weak state institutions and crises of legitimacy; poor capacity to find regular markets for products. Also, among these factors, are the presence of powerful informal systems and networks; the absence of legal frameworks; and wide-spread public insecurity throughout the country, could be taken basis for effective nation-building. These challenges weaken the capacity of the state apparatus to act as a system for reconciling and settling competing needs and interests of different ethnic communities in the state. The transition from a conflict to a peaceful co-existence and statehood has not been an easy task for the liberators- the SPLM elites. The economy of the nation is also in the hand of the few, and particularly, the revenues from the oil, is controlled by few elites (Pinaud, 2014). These factors have tremendously increased state fragility, and altogether made state-building in post-independence South Sudan a failed endeavour, despite financial and human resources support from the region and the international community.

In a similar development, Frahm (2014) categorizes the natural state of South Sudan into two. First, as a quasi-state, that is, looking into the country's external sovereignty, the state's own acceptance in the international systems, and state control over territory and borders vis-à-vis other states and other foreign actors for support for economic development, has been much lacking, so to say the least. Like external state-building endeavour which has little impact on building local institutions, internal state sovereignty in South Sudan is very much ineffective and thus has not been able to meet the demand of the people of South Sudan for development. The country has received international recognition as a matter of course, contemporaneously with independence, but foreign governments from Uganda, Sudan, and the United Nations continue to circumscribe to South Sudan's international statehood recognition (as opposed to Westphalian) absolute sovereignty without interference (Frahm, 2014; Mathew & Matthew, 2013).

Second, the South Sudanese state's hybridity by analyzing the state's own domestic sovereignty that is its inability to provide internal security, basic services to the people, and maintain peace and stability throughout the country. This is owed to the very weak and fragile nature of its state institutions. State institutions are poor and exclusive, serving only the interests of the military and political elite in the country (Frahm, 2014). As Kioi Mbugua (2012) expounds, security is also the most widely accepted service among populations across the world. In the security sector, South Sudan's institutions are unable to provide public security to its citizens. There is mistrust between

the public and the state. This is an indicator that security is not sustainable without trust between the authorities and the population (feelings of nationhood and developing trust between the people and the governing authorities in power). This is why in most post-conflict countries, like in South Sudan, nation-building and state-building should be done side-by-side in the process of national reconstruction and development. Instead, South Sudanese authorities and their development partners focused on establishing weak and imposed state institutions, which have yet to be fully realized in terms of service they offer to the people (Wolf, 2012). In this context, state-building is supposed to help a state achieve control over its territory, gain the loyalty of its population, and build, or strengthen durable institutions that hold a monopoly over the legitimate use of physical and soft force to settle disputes and encourage inclusivity (Wallis, 2014).

Another issue that relates to nation-building projects in South Sudan is the process of transformation of the SPLA into a professional armed force of South Sudan with which every South Sudanese can identify. This is a major step back in creating a sense of a "common nation", statehood or nationhood through the institutionalization of the national army. This is a daunting task because the transformation of the SPLA from guerrilla army to national army, the South Sudan Defense Force (SSDF), with which every South Sudanese can identify, was done in a rush, either by accident or by design. The army is dominated by two ethnic groups, the Dinka and the Nuer, who have been and active actors in the conflict since 2013. This means the transformation of the guerrilla force into a conventional army was done without first unifying the broken nation through ethicized and polarized conflict between mainly two ethnic communities- the Dinka and the Nuer (Mathew and Mathew, 2017). This move is seen by other ethnic communities as an exclusionary policy by the ethnic Dinka or Nuer ruling elite in the government in their attempt to exclude other ethnic minorities from the national platform (IDRC, 2013).

As Frahm (2014) argues, domestically South Sudan's hybridity and quasi-'stateness', really become apparent in its policy of ethnic exclusion. For example, the state only caters to the needs of a few political elites from mainly one ethnic community (Jok, 2012). Violence, intimidation, and threats perpetrated by the state agents against some ethnic communities who are considered to be "aliens" to the state have been rampant since 2005 (Pinuad, 2021). Across the country, armed and underemployed youth constitute a threat to citizens' security that the state is unable to curb. Violence in South Sudan has elements of a vicious circle: citizens react to insecurity and the state's

inability to protect them by arming themselves and using violence to fend off, for instance, cattle raiders (Knopf, 2011). On the other hand, the widespread armament of civilians and their willingness to use force is, in itself, a massive factor of insecurity and constitutes an additional obstacle for the state to attain and maintain a monopoly of violence (Frahm, 2014; Hippler, 2004; Matthew & Matthew, 2013, Washburn, 2010). Thus, given the challenges of state formation in South Sudan in the beginning, the process and the intent of nation-building in post-conflict became another bottleneck in the country.

3.7.2.1. Contrastive Perspectives and South Sudan's National Identity Construction

In this section, we provide a different contrast of national identity vis-a-vis South Sudan's nation-building. The first was developed by Liah Greenfeld (1992). In her study of five Western European countries, Greenfeld applies a very restrictive, subjectivist definition of what constitutes identity and, hence, national identity. According to Greenfeld, identity is a self-perception that "either exists or does not" and that one cannot be asleep and then be awake at same time. Greenfeld treats identity as "a self-definition that defines a person's position in his or her social world and hence carries within itself expectations from the person and from different classes of others in the person's surroundings, and thus orients his or her actions" (Greenfeld, 1992). Greenfeld believes that, while different identities, such as religion, state, linguistic, or caste, have defined people's identities throughout history and in different societies, there is a possibility of forming one identity from the relationship between the state and society. Identity could be shaped by circumstances by how the state offers basic services of development, such as education, health, infrastructure development, etc., to its citizens. For her, it is this identity that defines one's belonging to the nation. She argues that people's essence in the modern world is about how they relate to the state in trajectories that give a sense of connection to the state. Hence, she calls it "the most powerful" national identity.

We believe that the assumption by Greenfeld of the widespread nature of national consciousness in the population, and in particular, the compelling nature of national identity on individuals' behaviour, is an exaggeration for the inclusion of multi-ethnic identities in the polity. However, we contend that it is a form of political pluralism in a multiethnic society that is able to build shared identity through state institutions. In this regard, the state's sovereignty should extend to all the

individuals within a given territory and serve all citizens within the state with equity and fairness (Dunleavy and O'Leary, 1987). That is, it can be possible only through equitable political representation, participation, inclusive decision-making, and power-sharing arrangements to benefit different ethnic nationalities, majority and minority alike, in the state existing in the state (Lijiphart, 2007). This study shall address this kind of identity formation or reconstitution in the context of the ongoing South Sudanese identity construction as a multiethnic society. The thesis considers the construction of a national identity or identity formation from a multiethnic South Sudanese perspective and how state institutions respond to address this issue. The prime argument in this chapter is that the recognition of ethnic diversity in a multiethnic society through equitable political representation and delivery of basic service to the people, is paramount for management of conflict in an ethnically diverse society like South Sudan. This should be based on commonly shared values, traditions, and political recognition through equitable power-sharing, resources, and participation in the governance process of the country. The chapter also argues that the recognition of ethnic diversity in a political era, should be constitutionally grounded and practically implemented. The chapter argues that building state institutions in South Sudan has been left at its peril by the political elite from the governing SPLM itself. This is elaborated in the following ways: First, to understand the lack of proper functioning of state institutions in serving the public, according to Alex de Waal (2014), it is critical to appreciate key determinants of what he called the "political marketplace."

The political marketplace system, as de Waal asserts, is the system that reflects the flow of funds to the ruler, the extent of competition in the auction of loyalties, and the business skills of the ruler (de Waal, 2014). In this political marketplace system, according to de Waal, the ruler functionally classifies the national budget into three items: the ruler's private security spending, the "political budget" (for patronage), and the budget for public goods. The higher the demands on the security and political budgets, the less there is leftover for public services, development, and institution-building (de Waal, 2014). Second, in an institutionalized system of embezzlement of public resources in South Sudan, corruption and patronage are becoming the culture in most cases, albeit sometimes common ones. In a rentier political marketplace, corruption and patronage are the systems that render state institutions and their effective functioning useless (de Waal, 2014). The corruption and patronage systems were pioneered by the state's political and military elites through

dubious contracts run by their relatives and close friends. As such, state-building in South Sudan is said to be very much an uphill and daunting task that needs a complete reboot.

Greenfeld does not look into the linkage between the existence of a collective social category such as national values, national symbols from different ethnic groups, etc., that would unite a multiethnic society or nation of diverse ethnic communities like South Sudan. Her conception also overlooks the potentially conflictual nature of the various components of individual identity that is always multidimensional and situationally contextualized even though she professes to believe in the non-deterministic nature of human agency (Greenfeld, 1992)

Anthony Smith (1998), on the contrary, defines the fundamental features of national identity in the following terms: (1) a historic territory or homeland; (2) common myths and historical memories; (3) common, mass public culture; (4) common legal rights and duties for all members; and (5) a common economy that benefits all the citizens of the state. In this sense, Smith stresses the "structural" aspects of national identity. This is not consistent with the thesis analysis on the reconstruction of South Sudan's national identity as a new nation. Unlike Greenfeld, Smith holds that there are objective characteristics constitutive of a national identity independent of individual consciousness. Citing Adrian Hastings' view, Smith (2008) emphasizes that it could never be a matter of groundless imagining—rather a growth in realization of, and preoccupation with, certain important shared characteristics and values of ethno-nationalities in a multiethnic society. The cultural and social foundations of the nation, for him, are derived from the pre-existence of ethnies, a cultural community sharing myths, historical memories, values, and symbols within the national state.

In relation to South Sudan's national identity construction after independence as analyzed by Smith's assertion, we agree with the existence of an "objective reality" of national identity as proposed by Smith that includes recognition of ethnic diversity through equitable political representation, power and wealth-sharing arrangements that encompass various nationalities within the South Sudanese state. However, we have particular difficulty with Smith's definition of a nation because of its scarcity as a heuristic concept for analysing situations in relatively young and fragile post-conflict states like South Sudan, which has only recently emerged from protracted conflicts. The new nation also lacks capable state institutions that can help develop a common national identity and values in which every South Sudanese ethnic nationality sees themselves as

belonging to the state. In other words, as Wimmer Andreas (2018) argues, to achieve this, it is crucial to forge political ties between citizens and the state that reach across ethnic divides and integrate ethnic minorities and majorities into an inclusive power arrangement. This does not exist in South Sudan. Power and wealth arrangements have always been asymmetrically controlled by the select elite from some ethnic communities (Dinka and Nuer ethnic communities' elites). Wimmer further argues that if citizens are connected to the government through relationships of authority and support, an inclusive national community emerges and nation-building can be said to have succeeded (Wimmer, 2018).

Smith proposed an ideal-type of national identity based on the features of the matured western nation-state that reflects the typical conception of the nation based on a master narrative derived from the official version of national identity (Teng, 2008). As a result, Smith's definition based on features cannot fully encompass the concept of national identity construction in South Sudan. Many features of nations and nationalism in Smith's and Greenfeld's definitions may be characterized as prescriptive definitions of national identity and, hence, some, if not many, do not, in my view, fit into the analysis of South Sudan's national identity construction. Therefore, the thesis considers the construction of national identity in South Sudan as part of nation-building in which people can develop shared or common values.

South Sudan is a state that lacks capable and competent state institutions through which different ethnic nationalities can be represented. The constitution-making process was entirely exclusive in nature from its very onset, from the drafting all the way to its deliberation at the public forum, and was based on excluding others. This has affected the design of state institutions and their operations. Thus, the Constitution is not a reflection of all the commonly held values by ethnic groups in the country. South Sudan will become a nation only if the structural expression allows all ethnic groups to participate in the governance structures of the constitution. In effect, state-building, a formal structural process precedes nation-building.

3.8. Conclusion of the Chapter

Decentralisation in the context of South Sudan of this study is seen through three objectives. Decentralization's political, administrative, and fiscal goals in meeting the needs of the people. The findings of the analysis on South Sudan's decentralized system of governance and its

objectives show that the decentralization structures and institutions fall short of achieving inclusive nation-building. Decentralization, from its design up to the implementation levels has been politically elite-driven and serves only the interests of a few elites from very few ethnic communities. "We liberated you from the Arab domination conundrum", which became a pretext under which the elite took control of power and looted the country's resources to enrich themselves.

In a decentralized system of governance in South Sudan, there are no effective, inclusive, and representative state institutions for managing ethnic diversity in multiethnic South Sudan. They are completely absent. State institutions established by the ruling SPLM political party are not required to provide the South Sudanese people with even the most basic services, such as education and basic health care. Every power and authority in the country is vested in the President and a few of his executive ministers. The President dismisses elected state governors and replaces them with unelected ones. This is also a practice of executives at state and local levels of government- the states governors appoint or dismisses chief administrators of the counties who should have been elected directly by the people of South Sudan through universal suffrage. This means the same political culture of abuse of power by the political elite at the national level is replicated at the other levels of government. For example, at state and national levels, the appointment or dismissal of government officials working at different levels of government is done at a whim without consultation with the relevant structures and institutions within the system. It is either the state governor or country commissioner who makes the appointment or dismissal. This is an indication of the lack of constitutionalism and adherence to the rule of law in the system of government. A decentralized system of governance as adopted in South Sudan has not created inclusive state institutions. Instead, it has facilitated control of power and resources by the governing SPLM party elites at different levels of the government.

South Sudanese languages have been designated as national languages and must be developed (TCSS Article 6). This had not been implemented because there had been resources allocated to it for just calling them "tribal languages" or "dialects" despite the huge financial resources in the country. The ruling party had been focusing on other things, such as how to remain in power for quite a while using different coercive means, as well as bribery. Key government positions like the ministerial portfolios, national security, and intelligence services are dominated by a few elites from one ethnic community. Given the aforementioned challenges, we contend that the majority

of South Sudanese governance challenges stem from state-making, which includes the design of state institutions and the practice of decentralization. Thus, it could be concluded that the objectives of decentralization in South Sudan have achieved very little in the way of building a common identity and sharing values amongst different ethnic communities in the country. Rather, it has been used by the elites to further the division amongst ethnic communities for their own benefit. The country's redivision into more than ten states after independence has not resulted in effective governance that benefits the South Sudanese people whose aspiration for equitable political representation and development are met through decentralized system of governance and state institutions has created.

CHAPTER FOUR

4. The History of Nation Building and Ethnic Diversity Management in the Sudan and South Sudan

4.1. Introduction

This chapter examines and analyses the historical development of governance in Sudan and South Sudan, beginning with colonial and post-colonial or post-independence Sudan. Major issues to be examined in this regard include the history of governance through federalism and decentralization as means of forging national unity in Sudan and what they have contributed to developing shared national identity in Sudan as a whole and in South Sudan in particular before the secession of the latter from the former. Understanding the nature of struggle for political participation and inclusivity on one hand, and the civil wars in Sudan in the past, and in South Sudan now on the other, requires a close look at the history, issues that contribute to suspicion, lack of confidence and mutual distrust in the heterogeneous society of South Sudan (Wassara, 2022) in Bach, Jean-Nicolas et, al. (2022).

The chapter also argues that the current reconstruction of ethnic identity in South Sudan is shaped by historical factors such as the economic, political, and social marginalization back in the Sudan by successive regimes in Khartoum. Some of the study's key questions are: how has Sudan's political history of governance contributed to the formation of shared identity and the management of ethnic diversity in South Sudan? How can South Sudan ensure that different ethnic communities have equal rights to equally participate in the governance process of the country by referring to its past? To answer this question, it is important to look into the past political systems that existed before the independence of South Sudan in 2011. In other words, this raises another question like, what kind of political culture existed in Sudan before the separation of South Sudan that could contribute to an inclusive state and nation –building in the South Sudan.

Another related question raised in this chapter is: why did the Sudanese state fail to address the question of national identity through federalism at the time? How does the political history in Sudan and later in South Sudan attempt to address the question of national unity or nation-building? In this regard, this chapter in retrospect looks at the history of the quest made by South Sudanese peoples in different times for federalism, adopted as a system of governance throughout Sudan's political history. The objective of the quest for federalism by different regimes in the political history of Sudan was to manage diversity, nation-building, and conflict by building

representative and inclusive state institutions. The yearning for and calls for a federal political arrangement continued after South Sudan's secession from Sudan and were even louder than before the separation. Successes and challenges for the Quest of the Federation are also outlined and discussed in subsequent subtopics in the chapter. In relation to quest for inclusivity in the state institutions, the chapters also interrogate the institutions of governance created the SPLM/ A during its war of liberation struggle that lasted for more than two decades (1983-2005)

Another related question raised in this chapter is: why did the Sudanese state under different governments fail to address the question of national identity through federalism at different times in Sudan's political history? How did political history in Sudan and later in South Sudan attempt to address the question of national unity or nation-building? In this regard, this chapter in retrospect looks at the history of the quest made at different times by South Sudanese peoples for federalism to be adopted as a system of governance throughout Sudan's political history, but always ends in failure and eventually leads to conflict.

The chapter also attempts to investigate in detail the constitutional structures of the South Sudan Transitional Constitution since 2011. It focuses on how to address issues pertaining to post-conflict nation-building. A Constitution ordinarily embodies a society's fundamental choices about the nature of the government they want and how it should operate (Robert Maddex, 2008). In this context, the Constitution designates offices, specifics how these offices are to be filled, allocates powers and responsibilities between the various offices, as to how political power is to be exercised by the political leaders holding the public offices and hold to account for their behaviour. And in most instances, it explains the individual and, sometimes, group rights that are to be protected against violation by those political leaders who hold those offices.

In this chapter, the thesis also addresses various constitutional structures or institutions in the Transition Constitution, particularly on the division of power in post-conflict South Sudan state-building. In the end, a conclusion on the political history of governance and the challenges to building inclusive, participatory state institutions in Sudan and later in South Sudan is provided.

4.2. The Establishment of a State and a Nation in British Colonial Sudan

Institutions of colonial administration in Sudan at government levels before independence have had great political significance because life is full of contestations in entire Sudan, and in the South of Sudan specifically. This is because they had the ability to define the contours of the nation and conditions for national identity formation and state making, which were key instruments for the colonial administration to gain or hold a grip on power and have access to slaves in the Southern Sudan region (Frahm, 2012). Different historical developments and legacies combined have distinguished the national identity formation and construction of Southern Sudan differently from the rest of Sudan before the independence of South Sudan in July 2011 (Wassara, 2015; Mathews, 2015; Yoh, 2019). The political history of the Southern Sudan region, unlike the rest of Sudan, was characterized by resistance against foreign forces in different historical periods. This was the time when the territory of South Sudan began to be exposed gradually to colonial foreign powers, namely Turkey and British colonial rulers of Sudan at the time. This part of the study argues that three historical periods prior to the independence of Sudan from Great Britain in 1956 had a significant influence on state crafting and nation-building in South Sudan. In the first part of the chapter, we have discussed the historical development, which reflects on policies on different regimes that ruled the Sudan in different times and their failure to forge common values between the North and South Sudan.

These historical political periods include, the Turco-Egyptian Period (1820–1883), the Mahdists Period (1883–1898), and the Anglo-Egyptian Period, also known as the Condominium (1898–1956), are the historical periods in question. These three political periods had both negative and positive impacts on Sudan's state formation and nation-building, on the one hand, and had an influence on the current South Sudan political development at national and subnational levels, on the other. They have impacted state formation and nation-building in that they set a negative precedent by stating that those in positions of power have it all with no regard to the public interest.

This position was later followed by the successive elite-led regimes in Sudan. Primarily, the objective of this elite led regimes that drove the governance process by then, was to exploit resources from peripheral regions of the country, Southern Sudan included. This trend became a political culture followed by the SPLM's ruling elite after South Sudan's secession to exploit the grassroots at the subnational level despite being the epicenter of natural resources. It is positive point in that it introduced at least "self-ruled" at the local levels, although the higher administrative

echelon at the center has always been dictating and imposing their will on them. In the course of discussing and analyzing the political history of Sudan and its impact on national identity formation in South Sudan, two sub-questions are discerned from the major research questions in Chapter One:

- What historical factors contributed positively or negatively to the formation of political consciousness (state-building and national unity) and subsequent nationalism in South Sudan that influenced the institutions of decentralization at the sub-national level?
- How has this political history contributed to the construction or reconstruction of a distinct, common and shared identity formation devoid of political division, through inclusive political institutions, both in Sudan and later in South Sudan's political discourse?

These two questions, and others related to overall research questions which we raised in chapter one, are the ones guiding the analysis of the past in political and governance history in Sudan and in South Sudan. They will be addressed in turn in the following sections of this chapter.

4.2.1. Institutions of Turco–Egyptian Rule (1820–1883) and Their Influence on Southern Sudan's Identity Formation

South Sudan's crisis of national identity institutions or national values formation had been a key factor in the history of violent political conflict, as it had been for many of its African peers who had been colonized. This started back in the Sudanese state formation and has manifested itself through various forms, such as the political elites' struggle for power and resources instead of delivering needed social, economic, services and the basic infrastructure to the public at the grassroots (Varam, 2011). It can also be witnessed in the current state of affairs in both countries, Sudan and South Sudan. For example, in South Sudan, before and after independence, the state institutions at the national level have been a source of exploitation by the elite at the political center.

For example, Orle Frahm, (2012) argues that the territory and the peoples of present-day South Sudan were for the first time treated as a territory under a single rule following the Turco Egyptian conquest of Sudan by Mehmet Ali's troops which included non- muslims such as Turks and Albanians in 1821. Others continue to maintain that Southern Sudan territory came under the

control of British colonial power after the defeat of Ismaiel, son of Mehmet Ali Pasha, by the Mahdists, also known as *Ansars or `followers`* of Islam in Arabic (Mathew, 2016; Yoh, 2018). However, in all these arguments, whether for or against, one thing needs to be in the picture regarding Southern Sudan state-making. Although it was a part of Sudan, Southern Sudan at that time was devoid of any common national agenda with the Sudan. There were no shared common values or institutions that could unite the two parts of Sudan in responding to external invaders. In South Sudan, for example, each tribe or ethnic community responded to external invaders who raided them for slave trade and slavery, using their own mechanisms. This shows that there were no state institutions that could unite the people of different territories of South Sudan. Each was responding to external invaders on their own.

There are many reasons for the lack of unity. First, it was during this period that the South Sudanese people had no sense of coming together as a nation to confront the invaders. They lived sporadically in their villages as tribal communes and did not know what was happening to their neighbors next door. Turco-Egyptian institutions at the time were more focused on raiding slaves and enslaving South Sudanese people than establishing institutions of governance that would serve the locals, whom they considered "civilized" foreigners. The Zande King was one of the few who allied with neighboring communes of the Bari, Lokoya, and Pari to resist the invaders setting up their slave-trading posts.

Second, are the Sudan's historical ties with the religions of Islam, Christianity, and conflicts that date as far back as the 6th century also had their mark on Sudanese institutions. As a result, Sudan's political history is frequently told simply as a story of conflicts precipitated or caused by external or foreign invaders. Local rivalries, probably between one ethnic group and another, were prevalent here and there between different ethnic communities living in different territories. These conflicts usually cause competition or rivalries over scarce resources that have been dragging on for decades, despite the best efforts of benign interventions to settle those (Royle et, al. 2012). For instance, the Christians in the Nubian kingdoms held a stronghold over the fertile southern region of Sudan and achieved great prosperity and military power in the 9th and 10th centuries (Varma, 2018). Alas, the invasion of Muslim Arabs under the command of Mohammed Ali Pasha in 1822 through Egypt posed a great threat to these kingdoms. The Islamic Arab conquests and invasions, during which many South Sudanese people were taken and sold as slaves in the Middle East and

within Sudan, had serious and long-lasting consequences for relations between Southern and Northern Sudan (Mathew, 2016). The slave raids during Turkiya devastated the east bank of the Nile, and a similar scenario happened between different nationalities that resided on the west bank of the Nile too. For example, the conflict between the Dinka and the Nuer ethnic communities or between different clans and sub-clans of each of the two ethnic communities has been devastating in terms of human and property loss.

The expansion of the Turco-Egyptian regime southward, deep into the interior of the Southern Sudan region, led to their unfriendly contacts with the Nilotic tribes, especially the Shilluk (Chillo), the Nuer and the Dinka. The Turco-Egyptian regime, during its early years, engaged in raiding the Shilluk Kingdom and other tribes for slaves in the northern territories of South Sudan. In addition, the opening of the Nile waterways through the Sudd wetland in 1840 increased contacts with Nilo hamlets in the Upper Nile south of the Sudd (Wassara, 2015). With their aggression, the Tuco-Egyptian rulers of the Sudan extended their rulership substantially to the southern part of the country. The interests of the invaders in the 19th century centered on slaves, and the slave and ivory trades.

During this period, there was no interest in creating a system of governance for all of Southern Sudanese; rather the primary focus of the invaders was on raiding the communities in the Southern Sudan and selling them as slaves to the outside world. The invaders regarded the inhabitants of these territories as "savages" and disrespected their indigenous religions and traditional cultures. It was in the 19th century under the Turco-Egyptian colonial rule that the North—South division became clear and sharp in the Sudan (Alemayehu Kumsa, 2017). For many South Sudanese, though, the political history of Sudan and its institutions during this period is a story of enslavement pioneered by slave raiders from the Northern Sudan Royle et al. (2012).

The sheer size of the political terrain during colonial period in the Southern Sudan region in particular, and in other peripheral areas of the Sudan, became a serious challenge to governance and the building of democratic culture in the country (Wassara, 2015). The Egyptian state was preoccupied with the task of enslaving the people of Southern Sudan, slaves and the ivory trade, rather than building a state in the southern part of the Sudan. The formation of a common identity by different nationalities of Southern Sudan through slave institutions established by colonizers was far from their reach. Many attributed this to the fact that different ethnic communities in the

Southern Sudan were fighting the foreign invaders in isolation, as evident from their agony and suffering from the slave raiders, let alone building state institutions that served as glue that would bind different ethnic nationalities in the country (Varma, 2017). As many scholars argue, the current political crisis in South Sudan is the brain child of slavery and the slave trade, which were imposed on the South Sudanese by foreign invaders (Johnson,2003) . Thwe legacy of slvary and colonialism has left its marks on a South Sudan society that lives in an artificial class distinction between the rulers and the governed, that is, the grassroots communities. The political history of the country taught the political elite the tendency to behave autocratically, above the law and less accountable for their actions. The identity crisis has also alienated a large segment of Sudanese people from Southern Sudan as well as from other regions that were considered Muslims but not Arabs by cultural and political affiliation to the state (Yoh, 2018).

There are many other factors that characterize the system of governance of the Turco-Egyptian regime, particularly in the Southern Sudan region. These include the exclusion of the Southern Sudan region from being part of the state and the raiding of South Sudanese communities by Truco-Egyptians under Truco-Egyptian rule as slaves. These factors had an impact on building a common South Sudanese identity at the time and to date. According to Douglas Johnson (2003), these assets include the following: First, the incorporation of the entire Southern Sudan into Sudanic state as the state's exploitative periphery. Second, the intensification of racial stratification of the peoples from the Southern Sudan region with low status gave them low self-esteem events that sometimes could not be compared with the slaves taken from the North Sudan. The exclusion of the Southern Sudan region from state affairs by Sudan's Turco-Egyptian rules had economic and social consequences (Johnson, 2003).

However, not all Southern Sudanese peoples were affected by slave raiding and the slave trade. Some, like the local chiefs of the villages empowered by the colonial administration, benefited from the collaboration (Jok, 2012:10; Johnson, 2003; Mathew, 2016). During Turco-Egyptian colonialism, the salve population in the North Sudan was drawn largely from the Southern Sudan, and in the popular mind, slaves and "blacks" were synonymous. Thus, this "popular" attitude sharpened the divide between the North and Southern Sudan (Johnson, 2003).

4.2.2. Southern Sudan and Mahdist Period (1883–1898) and State Institutions for Nation-Building

The brutality of Turco-Egyptian brutal rule had a negative impact not only on the formation of Southern Sudanese national identity for whom the foreign invaders were selling out Southern Sudanese as slaves, but on the entire Sudanese communities. The Mahdists state which overthrew the Turco-Egyptian rule in the Sudan was built on this pattern of slave raiding and enslavement of the people of Southern Sudan laid down by their predecessors, the Turco-Egyptian colonial rulers of the Sudan. This foreign (Turco-Egyptian rulers) invasion provoked a rebellion from Sudanese Islamists led by Imam Mohamed Ahmed A-I Mahadi, who later overthrew the son of Mohamed Ali Pasha, the ruler of the Turco-Egyptian regime in the Sudan in 1883 (Johnson, 2003).

According to Johnson (2003), both the Mahdists and the Truco-Egyptian rule in Sudan have two historical factors that have an impact on South Sudan's nationalism, governance institutions, and national identity. First, the patterns of governance that developed in the Sudanic states for the millennia before and after the nineteenth century established an exploitative relationship, between the centralising state power and its hinterland or peripheries, mainly through institutions of slave raiding and slavery. This created a group of people in Sudan with a lasting ambiguity status in relation to nationalism, national identity, and the state institutions. This was also particularly the case in the Southern Sudan region. In Southern Sudan, this pattern of governance set a precedent for exploitative institutions that existed in the Sudan and was later practiced or is being practiced by the South Sudanese state at the center of its relations with the state and local levels of government. This kind of exploitative culture is exhibited in the state's centralization of power and resources, mostly by the elite. Political and military elite who controls political power and resources from the center, do not want to constitutionally devolve powers and resources to lower levels of government under the pretext of a lack of educated and skilled human resources at those levels to implement policies of decentralisation.

Second, the Mahdists state's introduction of a particular brand of militant Islam in the late 19th century sharpened the political divide between the northern ruling elites and the southern Sudan exploited region. This was mainly because the northern Sudanese used the South Sudan region as a centre for raiding slaves and the subsequent slave trade that followed (Johnson, 2003). The slave raid and slave trade left Southern Sudan without full legal rights within the Sudanese state (Jok,

2012; Johnson, 2003). The slave trade became one of the historical grievances that entered into oral literature among the South Sudanese. This remained a factor of differentiation between the people of Southern and the Northern Sudan before and after the independence of Sudan (Wassara, 2015). In a similar manner, the military elite in South Sudan played a negative role that thwarted the governance process in the country. For example, former SPLM/A commanders during the war of liberation struggle are the ones who have turned into politicians and they are the ones who govern the country, being in one of the factions or the other in the SPLM/ A's sharply and politically divided environment. These commanders brought along with them behaviours they had while in the bushes during the war of liberation. During the war, the commanders and their soldiers were the ones engaged in looting and taking cattle, a source of livelihood for the communities that have provided them with human resources and food to fight the war.

Another factor that has contributed to the problem of the political participation and inclusion in the Sudan is the European scramble for Africa. Southern Sudan became a battleground for spheres of influence among these big European powers, particularly Britain and France on one hand, and Belgium on the other (Wassara, 2015). The British and French colonial powers' intrusion into Southern Sudan and the British pursuit of remnants of Mahdist policies originating from the North made Southern Sudan a contested area in the process of the European advances towards Southern Sudan. The Mahdists state, like its Turco-Egyptian predecessors, had contributed nothing to the development of political consciousness and subsequent nationalism and nationality construction of one Sudanese national identity through political inclusion and participation in the governing process. Mahdists state policies are no doubt the beginning of the construction of divided nationalism, exclusive nationality identity formation in the Sudan. As John Ryle et., al. (2012) puts it, Sudan's political history is too often simply a story of contradictions and contestations of identities and political exclusion. For South Sudanese, the story of Sudan during the Mahdists reign and the subsequent 19th century is a story of slavery and exclusion from the state affairs of the raiders from the Northern Sudan (John Ryle et, al. 2012).

But for many people in the riverain north, the story is quite different from that of southern Sudan. The story of the slaves in the North is invisible; the main story is one of the struggles for independence from external power colonization of the Sudan. That was not the case for Southern Sudan (John Ryle et, al. 2012; Yoh, 2018). In this particular historical period, Southern Sudan

became a "no man's land" with no system of governance in place, except for the raiding of the people for the slave trade and slavery. Nevertheless, there was evidence of communal governance systems such as the King of the Shilluk (Chillo) and King of the Azande who had been in existence long before the arrival of invaders in southern Sudan (John Ryle, et, al. 20102).

Thus, like the Turco-Egyptian colonial power in the Sudan, the Mahdists state treated the people of Southern Sudan as slaves and thus applied and strengthened the same slave institutions created by the Turco-Egyptian colonizers of the Sudan. The Southern Sudan region became, once again, the source of slaves and slave trade for the new colonial master, the Mahdists state. This is devoid of setting a positive precedent for future state and nationhood in the Sudan, of which the Southern region was a part. The only political history known to the people of Southern Sudan even today is a tragic history of political struggle against political, social, and economic marginalization, slavery, and enslavement, which is fought along ethnic lines, devoid of a clear common goal of national unity at the end of the struggle. As John Young (2021) asserts, the people of South Sudan largely live in preindustrial rural isolation, and the contact between themselves all too often results in conflicts. Nevertheless, some of these ethno-cultural groups, like the Azande, Shilluk, and Anyawaa, have a history of kingship and hierarchy, but most of the ethnic communities of the country have never established any system of permanent administration, and thus, traditional authorities are easily and frequently changed (John Young in Markias et al., 2021).

Similarly, as there were no institutions of governance developed by the Mahdist state in Southern Sudan at the time, there were no viable, inclusive, participatory, and representative institutions that were created by the Mahdists rulers of Sudan that could influence the current South Sudanese state formation. The only institutions currently in existence that serve the interests of the ruling political class are those that were established before the independence of the Sudan was still one country. Thus, the current state and institutions in South Sudan are based on exploitative practices by the central government in the peripheral areas of the country that had its footholds in the history of political exclusion in the Sudan.

4.2.2.1. British Colonial Administration and Different Sudan Policies

Following the defeat of the Mahdist state in 1898 and the conquest of Sudan by the British colonialists, along with their Egyptian counterparts who established a nominal condominium rule

along with the Egyptians, Sudan emerged as a colonial power. The importance of Sudan in general, and the Southern Sudan in particular, to British colonial power was for security guarantees in North Africa, and not for political inclusion and participation of South Sudanese in the colonial governing process (Wassara, 2015).

It was a popular Victorian belief concerning the Nile, that Egypt could be threatened by an enemy power sitting on the upper reaches of the river, diverting its course (Leek, 1995). This fear was promoted by the likes of the eminent Victorian explorer, Samuel Baker, who, in a series of *The Times* articles in 1888, argued that the Nile could be dammed and the obstruction of the flow of water that cause 'the utter ruin and complete destruction of Egypt proper' (Leek, 1995). Security interests were not the only reason that prompted Britain's interest in Sudan as a country and in Southern Sudan as a region in particular, but also power and control of resources.

Hence, desire for natural resources such as minerals, as well as the slave trade, was another reason for the British colonial power to conquer Sudan. They [British] chose Gordon to be the governor general of all Sudan for two reasons: to stop the corruption among Egyptian administrators involved in the slave trade. He sought to bring the Muslim militant Mahdists under British control by offering the Mahdi governorship of Kordofan. The policy of having a separate or parallel administration for the South, different from that of the North Sudan, was also heavily influenced by the administrators' desire to block out Arabism and Islam from Black Africa (Akol, 1994). Similar to this assertion, John Young (2021) in Markakis et al (2021) argues that the British administration thus exacerbated the differences between the Arabized and Islamized North, on the one hand, and emerging African Christian elite in the South, on the other. This polarization came to the fore when late in the day, the British dropped plans for southern Sudan to join the British colonies in East Africa and decided to link it with the north as a step towards independence (John Young, 2021). So, the division between the North and South Sudan had its roots back in the colonial era.

The idea of European colonial powers preventing the penetration of Arab influence into the interior of Africa had existed long before the conquest of the Sudan by the British (Wassara 2015). This separation of administration with different policies for the two regions of Sudan had influenced the northern Sudanese elite's perception of the people of Southern Sudan as second citizen class in their own country through political, economic and social exclusions. There are those who

developed an understanding of Sudanese nationalism and identity that has been handed down from one generation to another based on Arabic traditions and the Islamic religion as the basis of Sudanese nationalism the national identity formation (Yoh, 2018). This perception has also developed a superior-subordinate relationship between the citizens of the same country. In this context, the South Sudan region was excluded from the state formation on the basis of its not being Muslim and non-Arab in origin (Madut, 1995).

In the course of Sudanese state formation, there were also other small groups of northern political elites who argued that South Sudanese people have their own tradition and culture and thus should be left alone to go and administer themselves. However, there were a lot of challenges to making the latter view a reality. For instance, the pervasive and persistent southern resistance and the British government and northern elites' view of the people of the Southern Sudan as savages led the British to appoint military men (so-called "bog barons") as administrators in the South for the first two decades of condominium rule to implement British policy (Farhm, 2014). The ethnic communities of South Sudan were regarded as pre-state societies and therefore "primitive" and should deserve no inclusion in the modern system of governance in the Sudan. This is because the state was regarded as a sign of sophisticated governance structures, such as the Egyptian system, which belonged to the Ottoman Empire (Evans-Pritchard, and Cohen, 1951).

Britain had two different policies for the Sudan as a country. One for the Northern and other parts of Southern Sudan, and within the Southern Sudan, it has also developed different policies for different regions inhabited by different ethnic communities of the Southern Sudan region. These policies include but are not limited to education and economic development in terms of economic and infrastructure development between the Northern and Southern parts of the Sudan. The North was considered the centre of politics of the "modern" Sudanese state, and thus was fairly developed as compared to Southern Sudan. The British colonial administration established state institutions in the north, but not in the south. In subsequent topics, we will examine how those policies influenced the development of different national identities and contested nationalism in Northern and Southern Sudan, on the one hand, and within Southern Sudan on the other. We shall have a look on their negative or positive impacts on South Sudan's current state and nation-building as an independent and sovereign state after its separation from the Sudan. We shall further examine how

those policies may currently inform the relationship between the grassroots communities and the political elite at the political center in Juba.

It was only during the Condominium Rule of British and Egyptians in the Sudan that we could say marked difference in states institutions building between Northern and Southern Sudan is vividly observed. Some researchers like Ruay (1994) expounded that the only point of departure between the Northern and the Southern Sudan was the extent of their submission to Condominium rule, which brought about the real progress in Northern Sudan, but not in the Southern Sudan. These different policies on one country had formed the basis of disparity in development between the two parts of the country and define the latter stage of political development in more negatively skewed in Southern Sudan's new political dispensation, unlike the North Sudan (Ruay, 1994). Still, other political historians of Sudan and South Sudan, like Johnson (2003) argue that the practice of having different administrations for the British Colonial Power is termed "devolution" of power to the citizenry, whereas in other parts of British Africa it is termed "Indirect Rule." Whateverway it was called, its basic principle was local administration of colonial power that worked only for the interests of colonial power [Britain]. This directly makes the local administration work for the colonizing powers. This should have been conducted and implemented through indigenous structures of authorities, laws, or customs as long as this was consistent with British ideas of good government and justice. In addition to this, the British colonial administration in the Sudan applied Closed District Ordinances in the 1920s to most Southern provinces to regulate the movement of non-native people into South Sudan (Jonson, 2003). The Closed District Ordinance was meant as a tool to prevent the Northerners who are mainly Muslims, from interacting with the South Sudanese, who are mainly Christians and follow African religions.

With the Closed District Policy in place during British colonial administration, it was difficult for the Sudanese people both in the Southern and Northern Sudanese, to imagine one another as people of the same country, let alone sharing a common destiny and establishing shared values as a nation (Johnson, 2003). Although the abolition of the Closed District Ordinances policy that was the seed of animosity between the peoples of South Sudan and their brothers in Northern Sudan came after the independence of the Sudan, its influences on creating exclusive identities in both Sudans, was far from over. "Exclusion and otherness" became the norm that governed the two regions of Sudan. It all resulted in mistrust and suspicions (Ruay Kuol, 1994). Thus, the administration of the North

and South was already based on different foundations and that continued to be diverse in practice even after the independence of Sudan from Britain (Johnson, 2003). These different administrative policies that were practiced by the British colonial administration in the Sudan not only influenced and aggravated the already existing political divide between the North and South Sudan, but also made it difficult for the two halves of the Sudan to build a common identity as one nation.

Instead, those policies paved the way for future potential problems that later threatened the existence of the two communities as one. Those policies made the North and South view Sudan with different lenses, the African indigenous Christian identity on one hand, and the Arab-Islamic identity on the other (Ruay Kuol, 1994). Therefore, Sudan's identity and the absence of common values brought about the secession of South Sudan from the rest of Sudan, which latter had an impact on South Sudan after independence.

4.3. South versus North Sudan and British Colonial Policies

4.3.1. Political Exclusion of the South versus Political Inclusion in the North

Exclusion of the Southern Sudan region from participation in state institutions in the post – colonial Sudan, started after Juba Conference in 1947 in which Southern Sudanese political leaders who participated in the Conference called for federalism to be adopted as system of governance in Sudan Wassara (2022). The outcome of the conference was the persuasion of Southern Sudan members of Juba Conference to be part of united Sudan. There was an understanding that Southerners were to participate in a proposed legislative assembly for a self-governing or autonomous Sudan. The Government of Sudan instituted the first Legislative Assembly in 1948. As a turning point in history of Southern Sudan, it meant Southern Sudan had to play a role in institutions of a unified Sudan. This promise of policy of including Southern Sudan through people elected representatives did not materialize as expected by the Southern Sudan. There were no elections in Southern Sudan region for representation in the Assembly, but the government nominated 13 southern representatives (Arou, 1983). None of them was member of any political party. Therefore, the nominated members of parliament had no political programme except the request for a special status of Southern Sudan in the united Sudan because this part of Sudan had been separated from the rest of the Sudan for long time. Southern MPs agreed to support a federal

system of government in order to allay fears expressed during the 1947 Juba Conference (Wassara, 2022).

The practice of self-government after 1953 brought public outcry in the South, as Sudanization of public institutions planted a dominance of the northern civil servants. Southern Sudanese members of parliament and political elites dismissed the practice of superiority complex entertained by northerners (Wassara, 2022). They deliberated the political situation, demanded federal status for Southern Sudan in 1958 and dispatched a ten-man delegation to Khartoum with recommendations and instructions to harness support and political allies for their cause. Political discontent overwhelmed the political scene in Southern Sudan. Ensuing political confrontations led to workers' riots at the Nzara agro-industrial complex on 26 July 1955, which resulted in the death of civilians at the hands of Northern troops. These events triggered the Torit mutiny on 18 August of the same year (Mathews, 2016; Wassara, 2022, Yoh 2018). Thus, the mutiny and subsequent political developments nurtured mutual fear, distrust and insecurity and dominated Sudanese independence on 1 January 1956 amid emerging rebellion in Southern Sudan (Thiong, 2022)

The period 1953–1958 was confused by factors like the call for secularism, confessionism and regionalism. The rise of political Islam marked the decline of democratic values and activities. Hence, the military took over in a coup on 17 November 1958. The new military regime of General Ibrahim Abboud imposed repressive policies of Arabicization and Islamization on Southern Sudan. To ensure reduction in the influence of Christian missionaries, the military government promulgated the Church Missionary Act of 1962, which was used subsequently to expel all Christian missionaries. Southerners began to take refuge in neighbouring countries in large numbers. Consequently, Father Saturlino Lohure, Joseph Oduho and William Deng launched a political movement in Leopoldville (Kinshasa) in February 1962. Its first name was the Sudan African Closed District National Union (SACDNU), which changed later to Sudan African National Union (SANU). The repressive actions of Abboud's regime led to the creation of an armed wing known as the Anyanya in 1963 with the purpose of resisting the military regime. SANU pursued armed struggle for separation of Southern Sudan from the Sudan all throughout 17 years of armed and political struggle against successive regimes in Khartoum (Arou, 1982; Yoh 2018; Wassara, 2022). Meanwhile, the civil populations in cities, in the countryside and in refugee camps were entertaining ideas of federation and independence of Southern Sudan from the Sudan (Poggo, 2009).

4.3.2. Exclusive Educational Policy in both North and Southern Sudan

Many Sudanese scholars and politicians—such as Beshir, Collins, Mahdi, Mirghani, and Turabi—often cite the Southern Policy (SP) and the Christian missionaries as the causes of disunity between the North and the South (Mayo, 1994). The policy exclusively categorized the North as Arab Muslims with Arab identity and culture. Similarly, it describes people in the Southern Sudan as African ethnic groups with African traditions and culture. Africans in the Southern Sudan and those from other peripheries, who have African traditional and indigenous beliefs as their identity, were excluded from main stream political system of the Sudan. The indigenous beliefs of Southern Sudanese and other marginalized African Sudanese from other parts of Sudan were not even classified as religions and culture, respectively. The Islamic religion and the Arabic language were taken as the identity of the state. In the South, Islamic missionary competed with Christian missionary works. This being the case, not this thesis argues in a similar direction, but also further advances that after the British colonial power left when Sudan gained independence and became a sovereign nation, the Northern political class continued with the British two education policies. In other words, the northern elite inherited and followed the same exclusionary state and nation-building path set by the British colonialists in the Sudan, which they accused the British colonial administration in the Sudan of doing. The continuation of British divisive policy by the political class from the center in Khartoum further divided the country sharply. This was clearly manifested in the level of educational service and economic and infrastructure development between the two regions of the Sudan.

Until 1947, the British colonial administration in the Sudan developed a government school system in the North while leaving educational matters in the hands of Christian missionaries in the South (Iris Seri Hersch, 2017; Akol, 1994). In the north, the numerically dominant government school network coexisted with Egyptian schools, missionary schools, community schools, and Sudanese private schools (Akol Ruay, 1994) side by side. While in the South, schools were established by the Anglican Church Missionary Society, the Roman Catholic Verona Fathers, and the American Presbyterian Missions. Whereas Arabic and English were the mediums of instruction in northern schools, the linguistic situation was more complicated in the South, where local vernaculars, English, and Romanized or Juba Arabic were used in missionary schools (Yoh 2018). Many of

these missionary schools in the South were mostly built and located in major towns, leaving rural areas to fend for themselves (Iris Hersch, 2017).

Thus, the educational policy of Southern Sudan developed by the colonial government in Khartoum, according to Akol (1995), was meant to empower ordinary individuals in the Southern Sudan to fill in a useful part in their environment with happiness for themselves. The fundamental assumption in this policy is that the tribes of the South are pagan and very primitive, and thus do not have to be given modern education. However, the colonial administration in Khartoum also recognized that education varying from tribe to tribe with the degree of development had reached is essential to every African's social unit if it is to sustain the impact of advancing civilization (Mathews, 2016). For the North, education was meant to develop Sudanese "nationalism", Islam, and Arab culture (Akol, 1994).

And for the South, the purpose of education was to develop a few individuals who could work in the clerical section of local courts and in the church as pastors or priests for different Christian denominations. Hitherto, the purpose of the educational system in any nation is ultimately to develop a unified school curriculum that would help its citizens develop common and shared national values that may unite them and bring them closer together, instead of imposing the culture and traditions of one community on all. Therefore, the educational system during colonial Sudan did not help the peoples of the North and South of Sudan form a common national identity as one nation. Rather, it was based on segregated provisions. The North had a modern education system meant to develop Sudanese nationalism. Unlike in the case of South Sudan, the objective was to ensure that South Sudanese were confined to their local environment without making any contact with the outside world.

Although Sudan got its independence and the subsequent *Sudanization* of the *educational* system and civil service in both the North and South were "harmonized," Sudan was still following a system of segregation that was set by British colonial powers. This system considers South Sudanese second-class citizens in their own country. The continuation of British policy by the new ruling elite in the north of the country, in a different fashion, further accentuated the political divide between the north and South Sudan, worsening it worse than it was in the British colonial administration. The accumulative of educational, economic, and political marginalization resulted

in the first civil war between the South and those that controlled political power at the center in Khartoum, Seri Hersch (2017).

The ethno-religious, social, and economic disparities between the North and South have been enormously boosted by the strategies adopted by the Turko-Egyptian rulers and by the British colonial administration. Therefore, even before independence, the rivalries between the two parts of the country were already significant and potentially irresolvable (Verre Filippo, 2020). After the 1924 revolt of Egyptians against British rule, the British were determined to educate the southern Sudanese to be loyal civil servants and to renounce affinity with Muslim intellectuals in the North who agitated for self-rule, a flame that was raging in the British Empire worldwide (Akol, 1994). In conclusion, colonial education policy did not help Sudanese people come together as a diverse and multiethnic society who live and belong to one country.

4.3.3. Northern Sudan Economic Development versus Southern Sudan Economic Marginalisation

The British colonial administration in the Sudan was not only the architect of educational marginalization, but also the designer of economic marginalization in the Southern Sudan and other peripheral parts of the Sudan, such as the Dafar and Southern Blue regions. Economic marginalization was induced through deprivation and denial of access to standard education that their northern Sudanese counterparts received (Johnson, 2003).

In this section, we argue that Sudan, from the very beginning of its modern history, was bound to disintegrate into two separate states. This was due to the economic and social marginalization of the southern region at the very beginning of Sudanese state formation. The South Sudanese were excluded from the Sudanese state formation. The exclusion resulted in a series of bloody conflicts in the political history of the country. One of the bloody civil wars launched by the Southern Sudan Liberation Movements was the one that happened immediately after the country got its independence from Britain. This was one of the beginnings of a foreboding, tragic political situation in the history of the Sudan. Since then, military coups, violence, and autocracy have shaped Sudanese politics dramatically, culminating in South Sudan's secession from the mother country, Sudan (Verre, 2020).

The socioeconomic differences between the northern elite based in Khartoum, which took power after the departure of the British colonial administration, shaped the nature of socio-economic

situations and their institutions both at national and sub-national levels in the South Sudan. This was exhibited in a way that did not promote equity in terms of resource distribution and power allocation between the political center in Khartoum and the peripheral parts of the country, of which South Sudan is a part. These disparities in socioeconomic situation between Sudan's center and periphery are now reflected in the character of South Sudan's state formation. The colonial and post-colonial Sudanese state formation in terms of economic resources and power sharing axis is similar to what is being practiced in South Sudan today. This is too deep and broad to just be ignored in the name of the so-called national unity that the South Sudanese state is trying to achieve in vain in their quest for a viable and effective state and nation-building discourse (Verre, 2020).

The economic disparities in the Sudan were also exacerbated by political situations after independence in 1956 (Johnson, 2003). The New Sudanese state thus inherited from the Anglo-Egyptian condominium strategies and state apparatus, which contributed to the continuation of serious economic and political disparities between the center of political power in Khartoum and the periphery. In particular, the Southern Sudan region continued to be a target of the Arab-based political elite in Khartoum, in their quest for cultural, economic, and social marginalization (Malawal, 2015). However, though the problems had their roots in colonial and post-independence Sudan, I argue in this thesis that the successive regimes based in Khartoum that came to power after the independence of the Sudan from colonial powers could have not addressed these economic, political, and social disparities that bewildered the country. This was revealed in the interviews the researcher made with some veterans of the *Anya-anyu* One in Juba during the field research. They argued that though the colonial power at the time used divide and rule to marginalize the South Sudan, the post colonial northern elite governments had all the rights and the opportunities to reverse the tides and could have developed the South Sudan. They further argued that instead the oppression trend was followed by Khartoum elite based governments and thus continued marginalization of the South and other peripheries in the Sudan.

4.4. Sudan's Independence, the First Civil War, and the Addis Ababa Peace Agreement (AAP) (1972-1983)

The Addis Ababa Peace Agreement was a peace agreement signed in February 1972 between the Sudanese Government and the Southern Sudan Liberation Movement (SSLM) in Addis Ababa, Ethiopia. It was intended to end the civil war that started in 1955, one year before the independence

of Sudan from Britain (Johnson, 2003; Yoh, 2018). The agreement was brokered by Emperor Haile Selassie I of Ethiopia and the All-African Council of Churches (AACC). The Addis Ababa Peace Agreement was a result of the first civil war in Sudan between the Sudan government and the South Sudan Liberation Movement (SSLM). The civil war broke out prior to the independence of the Sudan from Britain in 1956. One of the fundamental causes of the civil was the exclusion of Southern Sudan from the Sudanese state formation and the subsequent political, economic, and cultural marginalization of the country.

The Accord was meant to address South Sudanese political, social, and economic grievances and governance problems, most of which started before the independence of Sudan from Britain during the colonial period. According to Johnson (2003), one of the challenges that Sudanese faced after independence was being thrust upon them by a colonial power eager to extricate itself from its residual responsibilities. And state formation was not achieved through national consensus from all Sudanese political forces (Mathews, 2016). It was the northern political elite group that dominated and wholly owned the process of state formation and thus imposed their identity, culture, and language on the rest of the Sudanese nationalities (Samson Wassara, 2015). For example, Southern Sudanese political forces were excluded from participating in pre-independence arrangements and their demands were not addressed in the process (Yoh, 2018). One of the demands of the South Sudanese political leaders was federalism as a political system to govern the country. This demand was not addressed by the northern political elite. Therefore, Sudanese state formation was not inclusive in its process. The exclusion of Southern Sudan region in political leading to state –building, later influenced the function of state institutions in terms of political representation, participation, and inclusivity and resource- sharing arrangements between successive Khartoum regimes and the Southern Sudan region. Before discussing the demands of Southern Sudanese political forces prior to the independence, which later led to the outbreak of the First Civil War, it is paramount important to address legal provision and governance issues in the Addis Ababa Agreement.

4.4.1. The Addis Ababa Peace Agreement's Legal Provisions and Governance Issues

The draft of the AAPA, the key points of the agreement, and interim protocols were as follows:

- Based on the boundaries of 1st January 1956, the provinces of Bahr-el-Ghazal, Equatorial, and Upper Nile formed a self-governing region within Sudan known as the Southern Region (Article 4 of the Peace Agreement, 1922).
- The Southern Region had its own legislative and executive organs (Article 5 of the Peace Agreement).
- The High-Executive Council (HEC) is headed by a President appointed by the President of the Republic of Sudan on the recommendation of the People's Regional Assembly (PRA). This body shall supervise the administrative and direct public affairs of the Southern Region (Article 3).

In other words, the Southerners wanted a federal state with a separate Southern government and an army that would come under the federal government's command only in response to an external threat to Sudan. The Government of Sudan (GOS) was not willing to grant this much authority to the South, despite the concession made by the Southern rebels' negotiating team on their former demand, for secession. Another key provision in the agreement was that Southern Sudan should be granted self-governing autonomy with "significant" decentralization and devolution of powers to the grassroots within one United Sudan Government. The self-governing autonomy was known as "**The Local Autonomous Government**" of the Southern Sudan Region. It was based on three provinces, namely Bahr el-Gazal, Equatoria, and the Upper Provinces, as reflected in the boundaries as they stood on January 1st, 1956 (Addis Ababa Peace Agreement, Article 4).

The Southern Region had its own legislative and executive organs, known as the Regional Legislative Assembly and the High Executive Council, respectively. However, this provision was limited by the power of the President of the Republic (Addis Ababa Peace Agreement 1972, Article 2(a)). That is, the President of the Republic had the power and authority to appoint or dismiss the President of the High Executive Council of the Southern Region. That was another borne of contention between the National and Southern Autonomous Regional Governments. Related to the governance provision in the Peace Agreement was the integration of large and massive southern rebel forces into the national army of Sudan. This did not work as the Southern Sudanese expected it to happen. Many of the former rebel fighters were not integrated into the national army, especially those who could not read and write Arabic, although they had basic knowledge of how to write in English. In the process of integration, the Arabic language was imposed on Southern

Sudan as the medium of instruction in school and as a lingua-franca in many walks of life in the region. In other words, Arabic was made the official language of Sudan, and English became the principal language for the Southern Region, without prejudice to the use of other languages.

Although the Arabic language was imposed as an official language in the country, there could also have been a chance for the Southern Regional Autonomous Government to introduce one or two of the Southern languages as a lingua-franca that would serve as the basis for developing a common identity within the Southern Sudan region (Yoh, 2018). This did not happen, and as a result, the Southern Sudanese people remained far apart. There were functional and viable state institutions in the South that could deliver services such as access to quality education at all levels, basic health care, and infrastructure, like road networks and electricity to connect urban and rural areas in the Southern Sudan region, which could have united the people of one region with a shared destiny (Wassara, 2015).

In light of the analysis of the Addis Ababa Peace Agreement, there are a number of issues addressed by the negotiating parties in the peace agreement. However, we shall focus on the major provisions, such as institutional arrangement, power and wealth sharing, relating to the focus of this thesis. This is because they are considered important to nation-building and managing ethnic diversity in the context of this study. It is worthy of note that the Addis Ababa Agreement, soon after it was signed by the parties to the conflict, was gradually abrogated, piece by piece, by the Sudan Government at the time. Its final demise culminated in 1983 with the introduction of *Shira* law as a governing system in Sudan by President Nimeri's regime. The abrogation was an epoch considered one of the immediate causes of yet another civil war, the 'Second Civil War,' in the Sudan. In the subsequent subtopics, we are going to discuss, wealth and sharing, federalism, local autonomy, or decentralization in the provisions of the Addis Ababa peace agreement and their contributions, successes, or failures in cementing national unity between Northern and Southern Sudan at large and within Southern Sudanese different ethnic nationalities.

4.4.1.1. Power and Wealth Sharing Protocols in the Addis Ababa Peace Accord

In plural societies, peacebuilding efforts that endeavour to mollify hostilities and firmly secure nations on democratic foundations face immense challenges under the most ideal conditions (Rooney Sarah, 2015). Such peace undertakings are considerably more difficult in divided

societies, where differences form the basis for political mobilization and conflict. Divided societies are defined by grievance and historical disempowerment, which must be addressed despite the enormous challenges that projects entail (Rooney Sarah, 2015).

The Addis Ababa Peace Agreement (AAPA) was a peace deal between the Southern Sudan rebel Movement, the South Sudan Liberation Movement (SSLM), and the Sudan Government of President Jaafar Nimieri. It was meant to address the root causes of the conflict, which many South Sudanese leaders described as the economic, social, and political marginalization of the South by the Northern Arab-dominated elite-led governments (Anyaba, 2018a; Tekele, 2015; Prongos, 2009; Johnson, 2003). In this subtopic of this section of the thesis, we are going to examine how wealth and power arrangements within the agreement helped resolve Southern Sudan's region's social, economic, and political deep-rooted problems. First, before discussing wealth and power sharing in AAPA, it is vitally important to briefly examine the theories of power sharing in divided societies.

Power-sharing may be broadly defined as "any set of arrangements that prevent one political agency or a group of people from monopolizing power, whether temporarily or permanently" (Dawit Tekele, 2015; McEnvoy and O'Leary, 2013). According to McEnvoy and O'Leary, the goal of power-sharing arrangements is to ensure that political institutions prevent the monopoly, permanent or temporary, of executive, legislative, judicial, bureaucratic, military, or *some* group dominating the government. Moreover, as Ella Abatan, Mitti et al. (2012) argue, power-sharing means the involvement of all significant groups in political decision-making at the level of the executive, the legislature, and the judiciary arms of government.

The aim of power sharing in this regard is to reduce the domination of one party or ethnic group that controls political space in the polity. The objective is to ensure that there is inclusivity, participation, policies, and practices that preserve cultural pluralism in governing the country. Power-arrangement must also ensure that the political institutions have some combination of the principles of parity, proportionality, and autonomy that also apply within the state institutions (McEnvoy & O'Leary, 2013). Such power-sharing arrangements also determine how resources are equitably shared between different levels of government for the benefit of the public (McDEnvoy & O'Leary, 2013). Many politicians have argued that power-sharing is becoming a useful tool to settle conflicts and civil wars in Africa in the last two decades (Dawit, 2015), but the reality on the

ground when it comes to practices always shows a different picture. For example, power sharing in the CPA of 2005 between Khartoum and the SPLM in Sudan, and in many post-conflict African countries, did not reflect such a trajectory of Sudan's political and societal pluralism. Other examples of power-sharing arrangements on the continent, like that of Liberia's peace agreement of 2003 and the Democratic Republic of Congo (DRC) peace agreement of 2003, show similar trajectories in their implementations. Certainly, some political parties within the so-called national unity governments in these post-conflict and fragile states dominate decision-making. This makes the coalition governments fragile, which may lead to a relapse in the conflict. All of these peace agreements contained elements of power-sharing but differed in their content and political arrangements with the CPA of the Sudan, according to Ella Abatan Mitti et al. (2012). Thus, the power and wealth sharing arrangements in the Addis Ababa Peace Agreement have been largely in favour of the government and have to some extent benefited the political elite.

Similarly, other scholars such as Abulemoi (2011) point out that power-sharing sometimes fails to manage post-civil war environments and can itself pose a problem for conflict management. According to this author, power-sharing in post-conflict states encourages weaker parties to engage in continuous conflict with the government with the aim of achieving power-sharing status. Critics of power-sharing have this to say: "such arrangements are inflexible, that they promote ethnic division, and that they are unlikely to promote stability in the long run" (Dawit Tekele, 2015). The theory of power sharing can only be applied if and only if there is a stable ground for a democratic system in the country. One of the positive aspects of power sharing is that it encourages the provision of political power, regional decentralization, military limitations between the warring parties, and equal economic distribution of the state's resources (Cameren Kelly, 2019).

Other scholars, like Carvahlo, argue that academic literature tends to reflect the two main objectives of power-sharing: promoting the construction of sustainable peace and serving to structure the foundations for growth and development of democracy in divided societies, which consider cultural cleavages (Carvahlo, 2016). Power sharing, on the other hand, is particularly recognized among democratic theories that merely emphasize the establishment of democratic institutions; power sharing should also be considered to some extent from the perspective of cultural dimension, which looks into cultural aspects of different communities (Mefkahri, 2016). In other words, according to Mefkahri and Lijphart, especially during the first two decades of the

construction of his theory, he not only considered designing an institutional framework, but also emphasized consociationalism as a behaviorist concept that is the outcome of the behavior of political elites and elite accommodation on the one hand, and the cross-tabulation of the structure of fragmented society on the other, (Mefkahri, 2016; Lijphart, 2012). This can be taken as one of the limitations in Lijpart's theory of power-sharing in divided societies (Donald Horowitz, 1985).

Reflecting on the power and wealth sharing arrangements in the Addis Ababa Peace Agreement of 1972, one of the *AnyaNya* veterans who was interviewed argued that the main agenda of Southerners in the Addis Ababa Peace Accord, after the demand for secession of the Southern Sudan region failed, was the demand for an equitable division of power and fair allocation of the national budget through a federal arrangement that should be adopted as a system of governance. The Southern Sudanese needed equitable economic development to reconstruct and develop their country, which remained ruined because of economic marginalization from the North and the civil war. This did not happen because the peace process itself was a flawed process in favour of President Nimeri's government, as the rebels had no leverage bargaining power at both the negotiating tables and on the ground.

Wealth and political power in colonial and post-colonial Sudan were never shared equitably. The Addis Ababa Peace Agreement reflected a similar political culture. AAPA had not fully provided South Sudanese people the right to share power and resources equitably with the government. From the very beginning, Khartoum was reluctant to make more concessions on providing more economic and political autonomy to the South Sudan Liberation Movement (SSLM). They believed that the more economic and political autonomy they had, the more likely it was that South Sudanese would demand secession from the rest of South Sudan (Malwal, 2015). In spite of this, it can be said that AAPA brought a temporary peace settlement by which the majority of the Southern Sudanese people participated in the administrative and legislative institutions of Sudan in their own local affairs/ local autonomy, although it was still controlled by the national government from Khartoum (Malwal, 2015).

For the above reasons, this study argues that power-sharing in the Addis Ababa Peace Agreement of 1972 did not address the needs and demands of the people of South Sudan for equity in political representation and wealth sharing with the center, and hitherto did not allude to addressing cultural differences between North and South Sudan. That means power-sharing relations between the

government of President Nimeri in Khartoum and the Southern Sudanese people during Addis Ababa Peace Agreement implementation are examined in the light of the "winner takes it all" theory of power sharing (Dawit Tekele, 2015). Although there were concessions, as indicated in some provisions in the peace agreement on issues of power and sharing, the reality on the ground showed a different picture from what was signed by the parties when it came to actual implementation (Nyaba, 2018a). For example, the agreement stipulates that all SSLM's capable combatants should be integrated into the Sudanese national army. That did not happen as was expected by the South Sudanese people and the SSLM leadership. Many of the former rebels were not integrated into the Sudan national army. This planted the antagonistic seed for another simmering conflict.

4.4.1.2. Institutional Arrangements in the Addis Ababa Peace Agreement

This sub-topic discusses institutional arrangements of Addis Ababa Peace Agreement from the points of how the institutions created by peace agreement itself contributed to state and nation building in both Southern region of the Sudan. By institutions in this thesis, we refer to the state institutions created by the Addis Ababa peace Agreement of 1972 (AAP), namely the Regional People's Assembly- the legislature, High Executive Council- the executive, and Judiciary branches as stipulated in the peace agreement. All of these organs/institutions form Regional Self - Government in the Southern Provinces of the Republic of Sudan (AAP, Article 1.1, 1972). The study thus interrogates into how these institutions brought effective nation -building in Southern Sudan region. That is forging unity of purpose based on ethnic diversity of the region. Before Addis Ababa Peace Agreement of 1972, there had been no any viable states institutions in Southern Sudan (Yoh, 2018). To understand the nature of institutional arrangements and their response to nation building in South Sudan region, it is important to look into institutions established by the same peace agreement after it was signed and in its implementation process.

4.4.1.3. Decentralization and Local Autonomy Promise

The Addis Ababa Peace Agreement (AAPA) was the result of complex political negotiations between the government of the Sudan and the South Sudan Liberation Movement (AAPA, Chapter I, Article 1.1). But negotiation as a means to achieve peace was not an easy task for both the warring parties on one side and the mediating parties on the other. It requires political will and

energy from the parties in conflict and the mediation as well. In the case of Sudan peace talks, both parties had demands and preconditions that had to be met before formal negotiations could begin. The negotiation parties were under precarious conditions (conflicting interests) to accept the principle of negotiations—that is, "give and take" or mutual compromise that benefits both sides of the ail (Malwal, 2015). This was not in the Sudanese peace talks leading to the Addis Ababa Peace Agreement.

One of the demands of the Southern Sudanese rebel delegation was the separation of South Sudan from the rest of Sudan to become an independent state (Malwal, 2015). The Sudan government delegation to the peace talks, on the other hand, categorically rejected that demand and threatened to pull out from the negotiation table and process altogether (Dawit, 2014), arguing that the rebels were pushing the limits. When the Southern rebel delegation's demand was rejected by the delegation of the government; they came up with another demand for the federating Sudan into different states, with the southern region to have a form of federation with the northern Sudan (Malwal, 2015). Although the demand for the federation was again rejected, it was not as serious as the separation. The government's delegation rejected the demand for the federation, as they did for the separation of Southern Sudan, on the condition that the region secedes if Sudan is federated (Young, 2021). With Sudan opting for a form of federal arrangement, Khartoum feared that federation was going to lead to separation and that "too much" power devolved to the southern region might lead to secession. This is a "red line" that Khartoum did not want to be crossed over by any political arrangement standard (Dawit, 2015).

Instead, Khartoum offered the Southern Region what they called "local autonomy," with little or no devolution of powers and limited resources to the region within the united Sudan (Matthews, 2016). The basis of that political compromise to grant the Southern Sudan region local autonomy was the statement of the then President of the Sudan at the time of the Addis Ababa Peace Agreement, President Nimeiri, who said: "The Revolutionary Government is confident and determined enough to face existing realities." It recognizes the historical and cultural differences between the North and the South and firmly believes that the unity of our country must be built upon these objective realities. The Southern people, he said, have the right to develop their respective cultures and traditions within a united socialist Sudan (Poggo, 2009). The Addis Ababa Peace Agreement was drafted based on this statement by President Nimeiri. But the statement of

the President on the recognition of cultural and linguistic diversity was not made practical through the local autonomy granted to the South-South region by the peace agreement. Instead, the Arabic language was imposed on the South Sudanese people as a medium in schools and as a lingua franca in the South as well. All this was done against the will of the people of the Southern Sudan.

Although local autonomy or decentralization for the Southern region was provided for in the peace agreement, it was not detailed in terms of political rights and wealth sharing protocols for the South Sudanese people. South Sudanese leaders were committed to, and expected to receive, some form of meaningful autonomy as a result of the agreement (Mathews, 2016). That was not the case. Instead, the agreement only provided for a limited self-administration in which Southern Sudanese were freed to run their own affairs (Dawit, 2015).

The Khartoum regime of President Nimeiri, however, did not take the Southern commitment to a fair negotiated settlement of the conflict seriously. This was because of a lack of unity or political division within the northern ruling political elite on how to resolve what they called the "Southern Sudan problem" (Poggo, 2009). Northern political forces were not in agreement with the content and how the local autonomy was to be granted to South Sudan. President Nimeiri and his socialist party wanted local autonomy to be given but limited in its scope of power arrangement. Opposition political parties opposed any kind of autonomy for Southern Sudan, claiming that it would lead to the South's secession from the rest of Sudan. Finally, the local political autonomy was granted to South Sudan, but with it was the firm control from the northern political elite in Khartoum.

Another problem related to the effective implementation of AAPA was the political division among South Sudanese leaders in their "autonomous" government, which crippled the effective function of the institutions of government within the Southern autonomous government. In the South political leaders were divided along ethnic, personal, or regional lines, either by the Nimeiri's government design or their lack of political unity of purpose amongst themselves (Dawit, 2015; Malwal, 2015; Matthews, 2016). Some Southern political leaders and observers from outside South Sudan believed that Nimeiri's long-term goal was to pursue a program of "Arab expansionism" into the heartland of Black Africa. According to some of these Southern Sudanese politicians' views, President Nimeiri, the political leadership, and the Islamic community in Northern Sudan viewed the South as an obstacle to the penetration of Islam and Arab and Islamic cultures into Islam's southern frontier (Ponggo, 2009). This problem of common values and

traditions between the North and South, the division amongst Southern political leaders, and President Nimeiri's lack of political commitment and his government, eight years after the signing of the peace, that is 1983, led Nimeiri to nullify and abrogate the Addis Peace Accord. The reasons for the failure of the Addis Ababa Peace Agreement are discussed in subsequent subtopic.

4.4.1.4. The Southern Regional Autonomous Government

After the Addis Ababa Peace Agreement, "semi-autonomous" institutions of government were established in the Southern Sudan Region, which formed the first self-governing administration in the region, which was left at large since the independence of the Sudan from Britain and later ravaged by 17 years of civil war. The South was given self-autonomous administration, known as "Local Autonomy." In other words, regional autonomous government according to AAPA consists of two major branches of government: the "Peoples Regional Assembly" and the "High Executive Council" were established as the highest organs of the government in the South Region (Addis-Ababa Peace Agreement, 1972 Article 3 (a-b). The Regional Autonomous Government consisted of three provinces in the South, namely, Bahir el- Gazal, Equatoria, and Upper Nile Provinces (AAPA, Article 3, (c). That autonomous regional government in Southern Sudan was led by Southerners themselves, and it was tasked with the responsibility of running Southern Sudan's affairs. According to the peace agreement, the southern region is divided into three provinces: Bhar el-Gazal, Equatoria, and Upper Nile (APPA, Article 4). It is these three provinces which were brought together and formed the regional autonomous government of Southern Sudan under the Republic of Sudan with the respect of 1956 borders back to the independence of Northern and Southern Sudan.

The autonomous regional government had two major arms of government. The High Executive Council comprises the executive branch and the People's Regional Assembly, the legislature arm of the regional government. HEC and PRA had the authority to deal with a specified list of regional matters that included the maintenance of public order, internal security, efficient administration, and the promotion of economic, social, and cultural progress within the Southern Sudan region. However, in a real sense, the central government had the upper hand in decision-making by a two-thirds majority vote in the PRA, and that gave the government unlimited power to determine and make decisions on the issue of Southern Sudan. The President of the Republic also had the power to appoint and relieve the President of the High Executive Council of the Southern autonomous

government. Therefore, President Nimeiri took advantage of this lack of lucidity to intervene on the issues of the Southern Sudan (Dawit, 2015). The judiciary branch of the regional government was also in the control of the central government in Khartoum.

Although the autonomous regional government of the Southern region had existed for three consecutive terms of three election periods, it had not made a significant breakthrough in establishing viable and functional institutions of governance in Southern Sudan, which could help build common values and identity and unity amongst the Southern Sudanese people remained unachievable (Yoh, 2018). Firstly, this is owed to the fact that Khartoum, from the center, was in control of Southern Sudan's regional economic and political affairs, which shows that the autonomy was just a political symbol of self-rule. Secondly, Southern Sudanese political leaders remained divided along ethnic lines and individual interests even when the peace agreement was heading to its final demise due to Khartoum's regime intransigence (Dawit, 2015).

Political division within the Southern political leaders in the Southern Sudan regional autonomous government was mainly whether to decentralize (known in the Bari language as *Kokora*) Power and resources to the grassroots or not, as proposed by Khartoum (Matthews, 2016). Some Southern leaders, like Joseph Lado, the former Anya-Anya leader and his group, agreed to the proposal. The other group was led by former HEC President, Abel Alier, who hails from the Dinka ethnic community, disagreed, citing concern that the division would give Khartoum an opportunity to disregard AAPA and divide Southern Sudan along ethnic and ideological lines. Khartoum stepped in, divided the Southern region into three provinces, and subsequently abrogated the Addis Ababa Peace Agreement, which was one of the immediate causes of the outbreak of the second civil war in 1983 (Yoh, 2018).

Hence, the implementation of the autonomous regional government of Southern Sudan, which existed between 1973 and 1983 until the re-division of the Southern Sudan region into three greater regions of Bahr El-Gazal, Equatoria, and the Upper Nile region, was not successful in resolving the South's governance crisis. The institutions of the state in the southern region were not capable enough to serve the interests of the people of South Sudan. The Southern Sudan local autonomous government, thus, was a local regional government without viable state institutions and a Constitution of its own. The President of the Republic of, Jaafar Nimeiri, dictated, directed, and influenced every aspect of political, economic, and social nature for the Southern Sudan region.

4.4.1.5. Failures in the Implementation of the Addis Ababa Peace Accord

After Addis Ababa Peace Agreement was incorporated into the Constitution of the Republic of the Sudan of 1973, Southern regional autonomous government was formally established. Honorable Denial Able Alier was then appointed by President Nimeiri as President of the High Executive Council, while at the same serving as the First Vice President of the Republic of The Sudan (Matthews, 2016). Despite the formation of Southern regional autonomous government, there were many political and economic challenges which threatened the stability of the regional government. They included pervasive suspicions and a few scattered violent incidents served as reminders that civil war cannot be entirely resolved by a single dramatic gesture, i.e., the Addis Ababa Peace Agreement (Shinn, 2004). Shinn further noted that although there had been few public attacks on the agreement, "private dissatisfaction with its implementation has often been voiced. Another short-coming in the Peace Agreement was failure to implement security arrangement. The failure to integrate a quite a good numbers of former Southern guerrilla fighters into the Sudanese organized forces. For example, the provision of the AAPA 1972 (Article 2) stipulates that "the People's Armed Forces in the Southern Region shall consist of a national force called the Southern command composed of 12, 000 officers and men of whom 6,000 shall be citizens from the region and the other 6,000 from outside the region."

There were a lot of problems with the lack of the peace agreement's implementation in general and in power wealth sharing in particular. The political will on the part of the government of Sudan to implement a power and wealth sharing protocol in a way that meets the cause of the conflict coupled with the lack of political will, manifested by President Nimeiri's interference in the affairs of the Southern-Self Government, were not there. This should have been the purgative of the People's Assembly of the Southern Autonomous Regional Government, but it was in the power of President Nimieri to remove or appoint the Head of the High Executive Council. Although there was provision in the Peace Accord (AAPA, 11972, Article 19), for limited consultation between the President and the People's Legislative Assembly in the Southern Region the President was always acting unilaterally in matters relating to either the removal or appointment of the President of the High Executive Council.

Under the agreement, both parties agreed to establish the Southern Armed Forces (SAF) from both sides. However, some questions remained unclear in the implementation of security arrangement

protocols. For example, how the recruitment of citizens from the Southern region into the armed forces should be determined and in what way they could achieve the smooth integration of former *Anya-Nya* combatants into the SAF (Dawit, 2015). The organized forces were supposed to include the Sudan Armed Forces, National Police Force, and National Prison Administration. All this did not happen as expected by Southern Sudanese people. According to the interview made with one of the *Anya-Nya* Two veterans (David Bediet and Puoch Mahar, 2021) who currently lives at the refugee camp in Gmabella Regional of Ethiopia, the immediate cause of the mutiny in Akobo was mainly caused by the transfer of some Southern soldiers to the North where the former *Anya-Nya* One soldiers were lay off was. The root causes, however, lied in the failure of the Khartoum to integrate the former Southern rebel soldiers into Sudan's armed forces was another failure in the implementation of the security arrangement protocols (Matthews, 2016). It also caused massive unemployment among former *Anya-Nya* One rebel fighters who later mutinied against the government in 1975 in the border town of Akobo in Southern Sudan because they were left with no jobs.

From the political perspective, issues of political nature in the Peace Agreement have caused difficulty in the process of implementation. The so-called local autonomy or decentralization for the Southern Sudan region just existed in name and in principles. In practice, the real power was controlled by the National Government in Khartoum. This was manifested in the collusion and interference of the national government in Khartoum in the political affairs of the Southern Autonomous Regional Government. It includes the appointment or dismissal of the President of the High Executive Council without consultation with the Southern Regional Legislative Assembly (Douglas Johnson, 2003). Another political setback in the Peace Agreement was the dissolution of the Southern Peoples' Regional Legislative Assembly in 1981 (Mathews, 2016). This was followed by the introduction of Sharia law into the Constitution as the governing law in the entire Sudan. The introduction of the *Shira* law was immediately followed by unilateral division of Southern Sudan into three autonomous regions in 1983 through a Presidential Order. The division was known as *Kokora*. As a result of abrogation of Addis Ababa peace accord in May 1983, the Second Civil War broke out in the Southern Sudan region. The rebellion was started as a mutiny staged by Southern military officers and their soldiers in the Sudan Armed Division 143 stationed in the town of Bor, Southern Sudan (Johnson, 2003).

Another political challenge in the implementation of the Addis Ababa Peace Agreement was the lack of implementation of decentralization at the grassroots levels, although enshrined in the peace agreement. Decentralisation at the time was known as *Kokera in* the Bari language. It was not implemented the way many Southerners expected it to be; rather, it brought about sharpened divisions within Southern political leadership because the central government in Khartoum was still holding onto control of power and authority and did not want to implement decentralisation to benefit the people of Southern Sudan (Mathews, 2016).

Hence, some Southern Sudanese political elites called it an instrument used by Khartoum to divide Southerners, for which they argued that it resulted in expelling those Southerners who lived in towns and villages that did not belong to their tribes. Others referred to it as the empowerment of local communities to participate in the governance of Southern Sudan at the local level. In either way, *Kokera* call for decentralization at the time did not forge and bring unity amongst South Sudanese as one political community with common values and identity (Yoh, 2018). The term "Kokara" is in the Bari language has a lot of political interpretations by different ethnic communities. For the Equatorians and other ethnic groups such as Nuer political leaders, it was meant decentralization of powers resources to local communities as self-administration or autonomous. However, the term later came to have a negative connotation among some Dinka political elite. For them, it means a "tribal" division among Southern Sudanese, created by the Northern Sudanese political elite in Khartoum. The terms came into existence when decentralization was introduced in Southern Sudan in 1978 as a result of the Addis Ababa Peace Agreement of 1972. Many Dinka political leaders at the time opposed *Kokora*. They saw it as a strategy used by the Equatorians leaders to drive the Dinka out of Juba, the capital of the Southern Sudan Region at the time. Nevertheless, in either way, *Kokora* had both positive and negative impact on developing South Sudan political consciousness at the time and perhaps it has its influence on the current political environment more than 45 years when it came to being. Up to day, the Dinka elite still resists adoption of federalism, calling it another *Kokora* that would divide South Sudan more than it was 50m years ago. But for the Equatorians and the Nuer elite, *Kokora* lay down the foundation for a positive step towards achieving an inclusive South Sudan through decentralised federal arrangement.

Uneven economic development between North and South Sudan was one of the reasons or a factor for the collapse of AAPA (Dawit, 2015). The economic marginalization of the Southern Region by the Central Government in Khartoum was another failure in the implementation of the peace agreement. In other words, the disparities in economic development between the north and south were enormous (Johnson, 2003; Shinn, 2004). The Addis Ababa Agreement Peace attempted to redress these differences; however, that did not work because President Nimeiri's government in Khartoum controlled the planning of economic activities.

After the peace agreement was signed, Southern Sudan was faced with the return and settlement of the refugees and displaced persons, a shortage of skilled personnel, and the financial burden of employing or paying 15,000 former *Anya-Nya* One Movement combatants. Because unemployment was so high in the region, all of these became bottlenecks in terms of the autonomous regional government's financial and economic capacity to address (Malwal, 2015). Compared to the annual GDP of the Sudanese government, the southern region from the years 1976-1981 only received 14% of the national budget each year. This means that the southern region had gotten only a small portion of the national budget (Arou, 1982). Also, in this dire economic imbalance, the disintegration of the Southern Regional Autonomous was the final blow to the economic development of the region. This policy left the Southern region without independent sources of revenue. It endorsed economic power in the hands of the central government and practically wrecked the economic independence of the South (Arou, 1982; Ponggo, 2009).

One of the major failures of the Addis Ababa Peace Agreement was the fact that the peace agreement was based on top-down approach that had little or no participation from the grassroots communities in building bottom-up initiatives. As put by Chol Malith in an interview with him (Juba, 2020), one of the key informants in this study, also a former veteran of the Anya-Anyas fighter, "peace-building initiatives were not carried out at the local community levels to sensitize the public in both the northern and southern parts of the country. Furthermore, Malith argues that one of the critical provisions in the agreement, such as security arrangement, was not incorporated into the national Constitution which was written in 1973.

Although the Addis Ababa Peace Agreement addressed some of the problems, like it had provided "self-rule" or local autonomy for the South, it had failed to address major political, economic, and social problems in the Southern Sudan. One of them is *Kokora*, itself which resulted in the

division and fracturaization and fragmentation of Southern Sudanese political elites along ethnic lines. *Kokora* for the Dinka created division and hatred of the Equatorians against Dinka. For the Equatorians and Nuer, *Kokora* ended Dinka's domination over other ethnic communities in Regional Local Autonomous Government of Southern Sudan. However, because some elite within Southern Sudan considered *Kokora* to be an instrument of divide and rule used by Khartoum to divided Southern Sudan into three provinces where Dinka would not rule over tribes in Equatoria region, it has not brought peace, unity among and within Southern Sudanese political circle. Instead, they were only confined in their own ethnic based political reality (Bhar El- Gzal, Equoteria, Upper Nile and Regions).

Addis Ababa peace agreement brought significant development for the people of Southern Sudan. First; it gave South Sudanese political leaders a sense of being together for the first time in the history of Sudan. It enabled them to forge a common political destiny despite a myriad of challenges. In other words, the peace accord has created and raised the sense of political consciousness among the political elite from different ethnic backgrounds. And in general, it has made the South Sudanese public aware of their political future. Second, the Addis Ababa Agreement had, for the first time in Southern Sudan, introduced decentralization, although it was not fully implemented. Third, Addis Ababa had opened doors of education which were closed to Southern Sudan by colonial and post-independence administrations in the country. One good example is the opening of the University of Juba in the capital Juba, South Sudan, in 1975. Despite these minor accomplishments, failures in implementation and peace-building initiatives were evident (Yoh, 2018).

4.5. SPLM and Factionalization of the Liberation Struggle: A Clash of Visions

The activities of the governing SPLM/A refresh memories of South Sudanese about the way the organization developed from fractured perspectives relating to the ideology and contrasting visions of 'New Sudan' and the independent South Sudan from the rest of Sudan (Wassara, 2022). According to Wassera, before the Bor Mutiny on May 16, 1983, leaders of the Akobo insurrection in 1975 moved to the Ethiopian border. Vincent Kuany Latjor and James Bol Kuor founded the Anyanya II in 1977 after the Akobo uprising in 1975. Other leaders who were there were Samuel Gai Tut and Akuot Atem de Mayen who settled at Bukteng village on southern Sudanese border

(Wassara, 2022). They contacted Gordon Koang Chuol, the leader of the Anyanya II who settled at Bilpam village on the side of Ethiopian borders with the Sudan. Johnson (2003) refers to the armed movement of this group as 'residual guerrilla warfare'. These rebel groups as Johnson argued used to engage the Sudanese army, which was mainly composed of Southern Sudanese former rebels absorbed into the government army. These groups held separatist agenda for liberation of Southern Sudan.

The beginning of the ideological split within the rank of Southern Sudanese political elite started before the formation of the SPLM/A. It begun when former Ethiopia Chief of General Staff came to Gambella after he was sent by President Mengistu Haile/Maraim to visit the political development in western frontier as a result of coming Southern Sudanese refugees that included politicians, and military groups to Ethiopia. During that time Southern Sudan political elite was divided into two opposing camps. The first camp led by Akuot Atem and Samuel Gai Tut. There was already a group of Anyanya II that based in Balpim village on side of Ethiopian border led by Colonel Gordon Koang Chuol. This group allied with Atem and his associates. The other group was led by Colonel Garang de Mabior, Major Kerbino Kuanyin Bol and Lt. Colonel William Nyuon Buany and Captain Salva Kiir Mayar diit, the current South Sudan President. Akuot's group left Itang and went back to Bukteng village 300 kilometers away from Itang west of Gambella where Colonel Garang and his group were based. According to one of the SPLM/A veterans who was interviewed by the researcher, Atem and his group was asked by General Mesfin to prepare a position paper and the agreed to do so. However, their position paper was then rejected by General Mesfin because they said the liberation movement should fight for the separation and independence of South Sudan from the rest of Sudan. According to Wassara (2022), General Mesfin rejected Akuot's paper on the ground that under no circumstance would Ethiopia favour the breakup of a sisterly state as stipulated in the Charter of the Organization of African Unity. The group went back to the main refugee camp of Itang, in Ethiopia unable to understand what the Ethiopian General wanted them to do as a precondition for soliciting support from his country (Wassara, 2022).

On the other hand, Colonel John Garang and his group proposed in their position paper that the liberation movement would be socialist-oriented, fighting for the total of the Sudan where every Sudanese right would be granted (Wassara, 2022). Their position paper position was then

accepted by General Mefin because it favoured the total liberation of the Sudanese state that is secured under the name 'New Sudan' and not the separation of the South Sudan. This was the beginning of ideological split in outlook which later continues to have an influence on political situations in South Sudan even after the independence. The goal of the movement for them is to construct a secular 'New a Sudan' based on justice, equality, freedom and prosperity for all Sudanese. Garang's document was later renamed the 'SPLM/A Manifesto of 1983 (SPLM/A Manifesto, 1983).

According to Wassara, Akuot Atem, already became suspicious of the Ethiopians' request to keep Colonel Garang behind to solicit logistics requirement, told his supporters that the coming of the Ethiopian security personnel to the camp was an attempt to impose John Garang as the head of the movement. Consequently, Atem ordered his supporters to collect their belongings and move back into the Sudan where they would launch the People's Revolution for the Liberation of Southern Sudan. Thus, those in the Bukteng and Itang camps moved to the Bilpam Camp to join Koang's soldiers. Unfortunately, Lt Colonel William Nyuon Bany who had just arrived with his forces from Ayod attacked Bilpam. As a result of his assault on Bilpam, both Koang and Atem groups from the camp were dislodged from Itang and Biplam as well (Johnson, 2003). Following skirmishes with Bany forces, Koang and his forces followed Atem's and Samuel Gai Tut's forces to the Bukteng Camp inside the Sudan border. Forces allied to John Garang launched military continuous campaign against the separatists later killed Akot Atem and Gai Tut. Consequently, survivors created an alternative movement to the SPLM/A popularly known as Anyanya II Movement, while those who disagreed with Atem and Gai Tut went to Itang where they joined Garang group (Wassara, 2022; Johnson, 2003). Developments in this split led the Anyanya II, in later events, to ally with the Government of Sudan.

Apart from the socialist overtones of its objectives which were a tribute, the SPLM/A had to pay to its Ethiopian mentors; the Movement was striving for a democratic, pluralist and secular 'New Sudan'. It was against this background that the group which remained loyal to Colonel Garang elected him in August 1983 as Chairman of SPLM and Commander –in- Chief of the SPLA (the Interview 2021 in Juba; Wassara, 2022). Immediately, he appointed members of the top leadership of the Movement called the Military –Politico High Command. Thus, the war of liberation in Southern Sudan started as two competing liberation movements with two contrasting

visions: Anyaanya II for Independent Southern Sudan and the SPLM/A for a Secular New and Sudan (Wassara, 2022).

Therefore, the failure of the two groups to join as one organization led to the emergence of two liberation movements that brought untold sufferings and setbacks to the people of Southern Sudan they had wanted to liberate. These events laid the foundation of permanent groupings that would shape the future visions on separation and unity in the political history of South Sudan (Wassara, 2022). In other words, the Vision for independence Southern Sudan later was brought to the surface in form of self-determination after another split within the rank and files of the SPLM /A following the fall of Mengisto Haile /Mariam's socialist regime in Ethiopia in 1991 (Wassara, 2022; Johnson, 2003).

As one of the informants who is also a member of Upper Nile State Assembly (Honourable Panom Luaak, 2021 in Juba) remarked during field research, SPLM's factionalization has been responsible for much of the instability and division among b South Sudanese since time of the war of liberation. His remarks in his own words are as follows:

“When SPLM leaders disagree and are divided among themselves, they kill us. When they are united, they loot and scramble our resources to enrich themselves. This has been going on many a time ever since time of the war of liberation struggle and continued after the independence during the political division among the leadership of the SPLM that led to December 2013 conflict in which more than 20, thousand innocent Nuer civilians and other ethnic communities including Dinka were killed in Juba because of their identity.”

4.6. Geopolitical Set-up and the Split (1991-2002): Sustaining Factionalism

The collapse of the Soviet Union in 1991 and the post-Cold War environment did not favour regional Soviet satellite states in Africa Wassara, 2022 in Bach et.al. (2022) The Ethiopian and Eritrean rebel groups that Sudan supported joined their forces and ousted President Mengistu Haile/Mariam from power in Ethiopia in 1991. Under new regime, the SPLM/A lost the support of Ethiopia while the Sudan had more influence over the new authorities in Ethiopia and Eritrea. One consequence of these changes in the regional geopolitics was the split in the ranks of the leadership of the SPLM/A in 1991 (Johnson,2003). Three senior members of the SPLM/A High Command declared the take-over of the movement from John Garang in a coup. They were Riek, Machar, Lam Akol and Gordon Koang Chuol who became known as leaders of the ‘Nasir Faction’.

Young refers to this event as ‘Revolt of the Doctors’ (Young, 2012). The reasons they gave for staging the coup were that John Garang was a dictator and abuser of human rights among other crimes and that the idea of united ‘New Sudan’ was in contradiction with the goal of independent South Sudan and that people of Southern Sudan needed self-determination through internationally supervised referendum to determine whether to secede or remain within the united Sudan (Waasara,2022; Yoh ,2018; Nyaba 2018a). These were the essential elements of the Nasir Declaration of 1991. The message captured the attention of many people, as independence had been the aspiration of a significant proportion of Southern Sudanese during the first war.

The fall of Mengistu and the expulsion of the SPLM/A from Ethiopia created the environment in which Garang’s leadership and ideas could be challenged. On the internal front, the Nasir Declaration intensified tribal differences and violence along tribal lines. According to Moro in Bach et.,al, (2022), the main victims of the violence were the communities from which the SPLM/A leaders hailed on opposite sides of the conflict. They all became embroiled in bitter infighting whose main victims were women, children and other civilians. The liberation war in the South had degenerated into bloody tribal confrontations, which was pitting Dinka against Nuer fighters with most victims being civilians. Consequently, more people lost their lives in inter-factional fighting among Southern Sudanese than in armed encounters with government forces. These deaths were neither for achievement of united ‘New Sudan’ nor for attainment of a separate state in the South (Wassara, 2022). They were partly the result of greed for power and control of resources, using factionalism and warlordism as tools for getting access to resources and power.

However, the unity of the Nasir Faction was a short-lived one. In 1994, Commander Lam Akol broke away from the Nasir Faction and created a new group called the SPLA -United composed mainly of his tribe, the Shilluk. SPLA-United operated in his home area, the Shilluk heartland, with support from the government army in Malakal. What remained of Riek Machar’s group later disintegrated into militia groups in different parts of Upper Nile. Over time, intraethnic violence among Nuer white armies under local commanders and prophets came to dominate the fighting in Upper Nile (Johson, 2003). Violence became endemic and localized. It benefited the government enormously. To the surprise of many, the Nasir faction began receiving military hardware from Khartoum, although the Sudanese government totally opposed separation of the South from the

Sudan. With these arms, they launched devastating assaults against civilians in Bor and the forces loyal to John Garang identified as the 'Torit Faction' (Wassara, 2022).

The confrontation between the rival factions further degenerated into a bloody tribal violence involving the Dinka, Nuer and Shilluk. Consequently, more people lost their lives The SPLM/A 49 in inter-factional fighting among Southerners than in armed encounters with Sudan government forces. The violence was neither for achieving united 'New Sudan' nor for attaining separation for Southern Sudan. It was power struggle among the top elites of the movement. Leadership of the Nasir faction crumbled when in 1994 Lam Akol broke ranks with Riek Machar who in turn established a new group composed mainly of his Nuer tribesmen to guarantee trust of protection from the largely Dinka SPLM/A-Torit and Akol's Shilluk 'Fashoda Faction'. Riek Machar's group later organized Southern Sudan Independence Movement/Army (SSIM/A), which faced other Nuer organizations such as Paulino Matip's Southern Sudan Unity Movement/Army (SSUM/A) (Young, 2012). Over time, the endemic and localized Nuer intra-ethnic violence pitting the pro-SSUM and pro-SSIM became order of the day in Upper Nile for government support to favour one side to accede to power and control oil revenue share.

Hence, the government exploited the divisions, which almost led to the demise of the movement. The inter-factional, inter-tribal and intra-Nuer fights enabled the government army to recover lost territories from the SPLM/A-controlled areas. The SPLA under the command of John Garang was squeezed towards the Ugandan and Kenyan borders. By '1993 and 1994 the military situation in the Southern Sudan was effectively altered and tilted in favour of the Sudan Government'. However, Uganda stepped in to provide logistical support to Garang's SPLM/A-Torit. Only several years later with support of Uganda the SPLA forces began to engage government forces effectively. In the second half of the 1990s, Garang's forces succeeded to halt the Sudan government offensives and began positioning themselves for major counter attacks (Yoh, 20218).

In the early 1990s, as the forces loyal to Garang were suffering defeats, the government in Khartoum was consolidating closer ties with Riek Machar and Lam Akol as its lieutenants. According to Johnson, 'In the 1992 offensive Sudanese troops moved without hindrance through SPLA-Nasir territory and also through Ethiopia, regaining considerable territory in Jonglei and Eastern Equatoria by July 1992. To formalize the collaboration, the government entered into a formal peace agreement with the SPLM/A defectors called the 'Khartoum Peace Agreement' in 1997

(Interview Transcripts from Acuil Malith, 2020, Juba South Sudan). It included a promise of self-determination for the people of Southern Sudan. According to one SPLM/A dissident scholar, the agreement was the product of the political charter that the government signed with the SPLM/A-Nasir on 10 April 1996. Signatories to the Khartoum Peace Agreement were defectors of the 'Nasir Faction' who gave themselves the representation of Bahr el Ghazal, Equatoria and Upper Nile regions. In reality, the Sudanese government had no intention to implement the agreement but was mainly interested in its military benefits that may come as a result of the agreement in its military campaigns put to an end to rebellion in Southern Sudan by defeating the SPLM/A through military means. The militias managed to coordinate their attacks against Garang's 'Torit Faction' and subsequently secured the oil fields for the companies to operate. With revenues from oil, the government bolstered its military position against the SPLM-Torit faction.

Control over the oil areas, however, proved problematic. Machar interpreted the Khartoum peace agreement to mean the forces he commanded would be responsible for security in the South. However, the government intended to control the oilfields directly or through loyal local proxies. It mobilized other militias against Machar's group, further escalating local conflicts. The escalation of violence caused the collapse of the 1997 peace agreement in 1999. In 2000, Machar left the government side for the reason that it favoured Matip on the ground in Bentiu, and two years later made peace with Garang and re-joined the main SPLM/A (Wassara, 2022). Nevertheless, he left many of his forces behind under the mercy of the Khartoum government. Many of the militia leaders or commanders were mostly autonomous, and ruled their small fiefdoms in the South as they pleased. They protected and exploited communities under their control, while plundering neighbouring communities.

After several years of collaborating with the Sudan Armed Forces (SAF), Machar switched sides and re-joined Garang, which was a blow to government resolve to end the fighting on the battleground. In the early 2000s, perhaps realizing that the SPLM/A was not going to surrender; the government began paying more attention to peaceful resolution of the war. Garang also learned lessons from the bitter experience, which nearly brought down the movement he led in an authoritarian manner and with an iron fist. The split of the movement 'clearly pushed Garang and the SPLM to accept self-determination for the Southern Sudan despite its danger of separatism, which would destroy Garang's vision of united Sudan' (Honourable Panom Luaak , 2021) . It also

appeared that, after long years of fighting and continued intransigence on the part of the Islamists in Khartoum, the dream of united ‘New Sudan’ even became more farfetched after the signing of the CPA and subsequent sudden death of its architect, the late founder and the leader of the SPLM /A, Colonel John Garang de Mabior in a helicopter on July 31st, 2005. However, after his [John Garang] demise, the Southern Sudan under the new leadership of President Salva Kiir Mayar-diit followed different political path, the secession of South Sudan from the rest of Sudan which in fact happened following internationally supervised referendum on self-determination in which Southern Sudanese decided to secede from the rest of the Sudan.

4.7. The Comprehensive Peace Agreement (CPA) and the Second Civil War (1983–2005)

The Comprehensive Peace Agreement (CPA) was a negotiated peace agreement signed by the Sudanese government led by former President Omer Hassen-al-Bashir, and the Sudan People Liberation Movement, led by its late leader Dr. John Garang de Mabior (CPA, 2005). The CPA was signed to end the protracted civil war commonly known by the South Sudanese people as the "Second Civil War." The Comprehensive Peace Agreement resulted from the failure in the implementation and abrogation of the Addis Ababa agreement by the government of the former President Nimeiri of Sudan (Yoh, 2018). The CPA was poised to address historical political marginalization, social, and economic injustices throughout the Sudan. In particular, it was to make the unity of the Sudan as one country attractive to the people of South Sudan, whose aspiration and demand for freedom, justice, and equality in development were not covered by the Addis Ababa-Ababa Peace Agreement. It also provided the people of South Sudan the opportunity to exercise their right to determine their political future through internationally supervised referendum that was held at the end of the 6-year Interim Period (2005–2011).

In this subsection of this chapter of the thesis, we attempt to discuss different issues pertaining to the implementation of the Comprehensive Peace Agreement. These issues include an analysis of power and wealth sharing and institutional arrangement based on how they were implemented in the context of state and nation-building through decentralization as a system of governance in South Sudan. And finally, the thesis attempts to address failures in the implementation of some of the critical provisions in the CPA, such as security arrangements within South Sudan and in Sudan

by the principal parties to the peace agreement. The analysis is made against the backdrop of academic literature on peace building theory in a quest to build common South Sudanese values and identity as a sovereign nation and multiethnic society through inclusive state institutions.

4.7.1. Analysis of Power Sharing Arrangements in the CPA

Power sharing arrangements are mostly understood as including political opponents in a joint executive coalition government. It is now the dominant approach to conflict resolution in post-conflict fragile, failed, and multi-ethnic states (Helga Malmin Binningsb, 2013). In this context, power sharing is almost seen as a "panacea" that has been introduced, at different times, in numerous war-affected countries, including South Sudan. It has often been recommended by peace-mediation institutions as a political solution to overcome deep divisions between groups (Helga Malmin Binningo, 2013).

Some researchers, peace mediators, and policy-makers applaud such a solution as a forward-looking peace-strengthening and building of democratic and inclusive state institutions. However, many have criticized power-sharing because it has become a failed attempt to create peace and bring development in some divided and conflict-ridden countries. This thesis argues for a similar trend regarding power-sharing arrangements in the CPA between the NCP and the SPLM, the signatories and the principals in the agreement. We argue that the CPA has not brought durable and sustainable peace in the two *Sudans*. Either before or after the secession of South Sudan from the rest of Sudan, there had never been any attempt by the government of South Sudan to meet the expectations and aspirations of the ordinary people (Nyaba, 2018a). In the subsequent paragraphs, we will analyze why power-sharing arrangements in CPA's post-conflict South Sudan did not bring about sustainable and lasting peace in the new nation. Also, in the course of this analysis, we shall focus on power sharing arrangements within the Interim and Transitional Governments of South Sudan, both before and after the secession.

The Comprehensive Peace Agreement (CPA) has six major protocols. One of these six protocols is the power sharing arrangement. The power-sharing arrangements provided for fixed representation in national institutions, including parliament, between the formerly warring parties, who also agreed to conduct elections at all levels of government after the end of the fifth year of the six-year Interim Period (Kuol, 2010). According to the principles of power sharing protocol at

all levels of the Government of National Unity as stipulated in Part II (CPA Article, 2.2.5), NCP, the former ruling party in Sudan at the time of the CPA, had a 52% share at the national level in the northern part of the country, whereas the SPLM, the ruling party in Southern Sudan, took 28% at the national level. In the Southern Sudan government, the ruling SPLM had 70% of the power sharing arrangement, and the NCP peace partner had 15%. The rest of the 15% was given to other Southern Sudan political parties.

One important aspect of power-sharing arrangements in a society divided is that they can build trust between former enemies, but if an exit option from this cooperation is included in the agreement, the potential for trust-building is reduced. This was what existed in the CPA. There was no trust between the NCP and the SPLM parties as principal signatories to the peace agreement. One of the reasons is the proximity of self-determination for the people of Southern Sudan to decide whether to secede or remain within the United Sudan through an international supervised referendum after the six-year Interim Period ended. Khartoum had always been reluctant and in serious opposition to any political settlement that may lead to the secession of Southern Sudan from the rest of Sudan. But with pressure from the international community, particularly the US, Khartoum was made to succumb to a clause of self-determination to be included in the CPA.

Power-sharing agreements should therefore preferably not include such options, according to Johan Brosche (2009). Brosche further argues that the constituencies that are represented at the negotiations influence the legitimacy and success of the peace process and its implementation. However, Brosche maintains that issues of inclusion and exclusion have to be carefully scrutinized and looked into in detail. The inclusion narrative of the power-sharing arrangement does not match with Sudan's CPA power-sharing from the very onset of negotiation to its implementation. The power sharing arrangement in the CPA was dominated by two principal parties, the NCP and the SPLM. In Sudan's post-conflict political settlement, these two main political rivals dominated political space. Other political parties had very limited participation in the process as well as later in the implementation stages. For example, when the Government of National Unity was formed, it was dominated or wholly became solely a domain of either the NCP in the North or the SPLM in the Southern Sudan.

SPLM's political elites, on their part, controlled nearly all the state machinery in the Southern Regional Autonomous Government, excluding other Southern opposition political parties (Nyaba, 2018a). The NCP did the same in Khartoum. It took the lion's share of power, only followed by the SPLM in the Government of National Unity (Ahmed Ehinias, 2005). This argument is supported by John (Young, 2012), who also argues that the CPA peace kept civil society groups and the other political parties out of the process and made it an eminently political process dominated by principals from two major warring parties, the NCP and the SPLM.

Political representation in the power-sharing arrangements in the CPA reveals the nature of the exclusionary tendencies of the principal parties, the NCP and the SPLM that made them major players in Sudanese post-conflict political theatre. As a result, there has been serious mistrust between the SPLM and the Southern Sudanese opposition political parties on one hand, and between the two principals of the CPA, the NCP in the North and the SPLM in the South, on the other. In a nutshell, power-sharing arrangements in the CPA were shared mainly between the NCP and the SPLM, with only marginal representation apportioned to other political parties both in the Southern Sudan and in the National Unity Governments. The latter had serious consequences in both countries during the post-CPA period in terms of building inclusive state institutions and nation-building. According to Wassara (2022) in Bach et.,al (2022) the CPA established a framework of governance on the ground based on the political agenda of the NCP and the SPLM/A which were the only signatories to the CPA. The Government of South Sudan found it difficult to establish security structure that could bring on board other armed groups as stipulated in the CPA. At the practical level, many scholars admit that South Sudan needed to create an effective security structure that could have been established to improve mechanisms of governance, and develop a vision of security and defence policies that could create a basis of political legitimacy. That did not happen expected by the South Sudanese public, the regional and the international community during the Interim Period of the CPA implementation and in post-independence South Sudan during the political transition. The agreement stipulated that the militaries from both the North and the South would redeploy and remain within their respective territories during the interim period. The permanence of the two armies also provided the ultimate guarantee for the parties if the CPA were to fail. What makes the CPA unique is that the fact it has granted political autonomy, that is self-determination which later led to separation and independence of South Sudan from the rest of the Sudan through international supervised referendum (CPA, 2005).

Thus, in the end, the power sharing arrangements during the CPA failed to address the root causes of the deep-rooted cycles of conflicts in South Sudan either before or after its independence. This is also the case in Sudan where the popular consultation meant for the people of Southern Blue Nile, and the referendum for the people of Abiey failed to be implemented altogether. As Johan (2009) explains, one problem concerning power- sharing and making unity attractive is that the power sharing stipulated in the CPA is not as real as it should have been. One reason for this is that the SPLM ministers were not as powerful, nor did they have the same amount of control as their NCP counterparts in Khartoum. Because of the implicit power imbalance between the two-Principal Parties, the SPLM became a junior partner in the National Unity Government and a vulnerable peace partner when it came to the actual implementation process, focusing solely on South issues. As a result, the SPLM focused more on implementing agreement provisions that only concerned the Southern Sudan, rather than issues that could have promoted and fostered Sudan's national unity.

4.8. Wealth Sharing and the Making of "Unity Attractive" to South Sudanese People

Chapter three of the CPA is wholly dedicated to protocols of wealth sharing, being one of the contentious issues causing century-old Sudanese political problems. For example, Article 1.2 Chapter three in the Peace Agreement stipulates that "the wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties" (CPA 2005). This means that the country's wealth should be shared equitably between the North and South Sudan in order to make Sudan's unity appealing to the people of South Sudan. But the question is: was the wealth equitably shared and did it help the unity of the country? This is a question we shall look into in this subtopic.

Depriving the Southern Sudan Regional Government of anticipated revenues gravely restricted its ability to deliver on its promises, and seriously hurt its viability as a government to deliver basic services to the people of South Sudan (Nyaba,2018b). However, NCP, on its part, argues that it is the failure of the SPLM as a governing party in Southern Sudan to deliver a peace dividend to their people after six years of semi-autonomous rule that instead produced serious disillusionment in the South (Assessment and Evaluation Commission, (CPA,2007). Internal factionalism and rivalry within the SPLM, endemic corruption, embezzlement of public funds, and the centralization of

power and resources at the political center in Juba, were also the challenges that have dominated the party's leadership for quite a while. This problem is a "thorn in the flesh" for the delivery of basic services to the people of Southern Sudan as one of the core provisions in the CPA (Nyaba, 2018a). The problems were also fueled by the domination of political space by a few political elites, mostly from the Dinka ethnic community, within which the government continued to be a threat to the democratic building of state institutions in South Sudan, although this political dichotomy has continued to be challenged by other ethnic communities (Ahmed Ehinas, 2009; Nyaba, 2018a).

Because of inequitable distribution of wealth, in addition to already deep-rooted or entrenched corruption, projects that could have brought about economic development in the South Sudan and thus promoted nation unity within diversity have not been achieved. As a result of the failure in the delivery of basic services to the people of South Sudan, it is difficult to wholly conclude that wealth sharing arrangement during the CPA was a success in its attempt to address economic inequality that had besieged Sudan, and especially later in South Sudan (Johnson, 2016). This scenario is also common in many post-conflict states in Africa, like Chad, Kenya, just to name a few examples (Elke Grawert, 2007). In post-conflict states in Africa, wealth sharing arrangements most of the time benefit only the elite.

During the CPA and after South Sudan's independence, wealth or resources in Sudan as a whole and in South Sudan in particular, were concentrated in the center. This thwarted the efforts to build common institutions with which all citizens could identify themselves. The absence of viable and effective state institutions brought about the lack of shared values amongst the different ethnic groups on the one hand, and their identification with the South Sudanese state on the other (Kuol, 2010). Further, in a political environment where the gaps in the relationships between the state, on one hand, and ordinary citizens, on the other hand, are ever growing wider, the citizens suffer a lack of development. Political class behaviour in South Sudan reflects such a tendency to make state institutions serve only the interests of a few elites. In circumstances like this, it is unthinkable to achieve the goals of building democratic state institutions and achieving unity (Nyaba, 2018a). A wealth sharing arrangement during the CPA, despite a number of challenges, it provided South Sudan with a greater share of the national wealth than the Addis Ababa Peace Accord of 1972.

Nevertheless, much of the share of South Sudan's oil revenue ends up in the hands of the political elite through corruption and mismanagement.

The CPA called for the establishment of a National Petroleum Commission (NPC) to formulate public policies, approve new oil contracts, and monitor the implementation of existing ones (Petroleum Bill, 2012). The peace agreement thus granted the government of Southern Sudan 50% of the revenue from all oil produced in the region, net of 2% to the producing state and a deduction for an Oil Stabilization Fund, if revenues go above a certain, as yet undetermined, level (CPA, 2005). Equally, it has granted the Government of National Unity (NCP) a similar share of 50% of revenue from the oil sector. Equitable wealth-sharing is important for addressing the economic, political, and social marginalization of the Southern Sudan that had been one of the causes of conflict for more than half a century of conflict between North and Southern Sudan. It also raised concerns among South Sudanese, who demanded an immediate response to address issues of economic imbalance between the two politically and ethnically polarized societies (Nyuol, 2006). Furthermore, Busutimi-Sami argues that economic marginalization was a key grievance that mobilized and politicized the regional economic imbalance through the sharing of resources between North and South Sudan (Busutmi- Sami, 2005). However, wealth-sharing in the CPA had a lot of challenges in its implementation between the principal parties that made it fail to make unity attractive to the people of South Sudan. Chapter III of the Peace Agreement states that: "the National Government shall fulfill its obligation to provide transfers of an equitable share of the revenue from the oil to the Government of Southern Sudan (CPA, 2005). That did not happen, as the agreement says. Southern Sudan Regional did not receive its fair and full share of its oil revenues from the NCP, from the North, which controlled the National Ministry of Energy in Khartoum (CPA, 2005).

4.9. CPA's Institutions and a Decentralized Governance System

The management of ethnic diversity in a multiethnic society and potential ethnic conflict through democratic institutions is necessarily dependent upon an appropriate institutional design in the constitutional setting of the country (Jayal, 2006). Institutions of governance in South Sudan during the CPA's interim period had unprecedented challenges during the implementation. These include, for example, lack of trust and confidence between the parties to the peace agreement, the

absence of the rule of law and a lack of institutional capacity to execute policies, which have crippled the functions of already fragile state institutions.

However, the CPA is a unique political compromise that has changed the face of Sudanese politics since independence in 1956. [1] It is unique in terms of addressing the age-old political question of South Sudan, unlike its predecessor, the Addis Ababa Peace Agreement. Although being a sovereign state is one thing, developing economically and uniting a nation around its people's common values is another (Nyaba, 2018a), the CPA provided hope for the South Sudanese people through an international supervised referendum that resulted in the region's independence from the rest of Sudan.

The CPA had helped develop subtle state institutions from scratch. For instance, Noah Ibrahim (2014) asserts that the CPA provides for a temporary solution to the conflict in Sudan through, *inter alia*, the distribution of power between the north and the South of Sudan by establishing a decentralized system of government within which the Southern Sudan region is able to enjoy regional autonomy and share half of the resources with the north for a period of six years. We provide a similar argument in this thesis. Despite the adoption of a decentralized governance system in Sudan during the CPA, there was no significant devolution of power and resources to sub-national levels of government in South Sudan. Instead, Juba has been firmly and still is in control of power and resources, so there is no significant devotion when it comes to South Sudan events following its secession from Sudan. To understand this, we need to look into institutions created by CPA and how decentralization or federalism worked.

From this section of the study, we shall discuss the institutions of the CPA from the perspective of what and how they responded to peace-building and nation-building both during the interim period and after independence. A number of government institutions, like independence commissions and committees in various sectors of the economy and political institutions were also created. They included a new Upper House of Parliament in Khartoum, the Council of State that two representatives from each of the 26 states of the Republic of Sudan (CPA, 2005). However, we shall focus our discussion on the institutions created by the CPA in South Sudan and how they responded to decentralization and devolution of power. These institutions include the National Constitutional Amendment Committee, the Government of South Sudan that is comprised of the

Southern Sudan Legislature, and an independent commission to ensure checks and balances in the operation of the government at the national level of government (Nyaba, 2018b; Noah, 2014).

4.9.1. The National Constitutional Committee during the CPA

The first CPA institution to be established after the signing of the peace agreement was the National Constitutional Committee (NCC). This institution was tasked with the writing of the Interim National Constitution based on different articles of the CPA (Nyaba, 2018a). Drafting a constitution is a political process regardless of the nature of society, and therefore needs all the political forces in the country to be part of the process (Morris & Ojienda, 2013). This was not the case in Sudan during the CPA. The negotiation of the CPA was undertaken only by the two warring parties and principal signatories, namely the NCP and the SPLM, to the peace agreement (Nyaba, 2018b). The other political parties in the Northern political opposition and the different Southern-based political parties in both North and South Sudan were not part of the CPA negotiation process, and thus later were not included in the drafting of the Interim Nation Constitution. Nevertheless, the Principal Parties to the peace agreement claimed that their political interests were factored into the agreement (Noah Ibrahim, 2014).

The drafting of the Interim National Constitution was subject to another process of debate by the two legislative organs, the National Legislative Assembly in Khartoum and the Southern Legislative Assembly in Juba (Nyaba, 2018a). These two legislative organs were dominated by the two principal parties to the agreement. This means the opposition political parties on both sides were again marginalized in the process because they were excluded from participation from the very beginning of the peace negotiation process (Mo, 2014; Noah, 2014). According to the interviews conducted with one of the opposition members of the South Sudan National Legislative Assembly, the Interim Constitution at the time of the CPA was first acted on and deliberated on by the members of the National Liberation Council of the SPLM and later passed by the Interim Legislative Assembly, which was also dominated by the SPLM itself without including the other Southern opposition political forces. Civil society representatives and other stakeholders were not fully involved in the interim constitution's constitution-making process. Both the NCP and the

SPLM controlled the process and ensured that it met their respective political objectives. Hence, the constitution-making of the Interim Constitution of Southern Sudan during the CPA was the SPLM's political domain exclusively. Because it was exclusive in its process, it only served the interests of one political party in the government institutions without due consideration of the public interest of the South Sudanese people, who have various diversities.

4.9.2. Southern Sudan's Interim Government (2005-2011)

The Autonomous Government of Southern Sudan (GOSS), which existed before July 9th, 2011, is another important institution of the CPA. It was intended to give the Southern Sudan region self-rule for six years before holding a referendum on the right to self-determination on whether to secede or remain part of the united Sudan.

Creation of institutions of governance such as autonomous Government of Southern Sudan was made possible because of power sharing protocol of the CPA between the SPLM and the NCP in Khartoum. The CPA brought about and influenced some changes to the half a century old prevailing structures and institutions of the governance system in the Sudan which had been dominated by the Northern political parties excluding others. The adoption of federal political arrangement throughout the Sudan, and particularly with the Southern Sudan has brought greater autonomy to South Sudan to run its own affairs (Noah, 2014). Nonetheless, South Sudan's federalism is a weak form of decentralization devoid of constitutionalism; therefore, it is termed in this study as quasi federalism with a loose form of decentralization because the power and resources still concentrate in hand of political elite in Juba. The SPLM opposed a subdivision of the country into a federal system from the start, arguing that it would undermine national unity (Lovise Aalen, 2019).

In a possible context, federalism can be seen as the strongest form of decentralization when there is considerable devolution of power and resources to subnational levels of government, which is in itself recognition of the country's diversity in all its forms (Grawert et., al. 2010). A decentralized state with a federal structure will give the state an institutional characteristic that a mere decentralized state will not have (Hofmeister & Emmund, 2016). This is because a federation is characterized by a constitutionally guaranteed devolution of power from the center to regional units or states and the representation of these constituents in the central government. This creates

a shared sovereignty between federal and subnational entities that is not found in unitary states (Lovuse, 2019). South Sudan's decentralised system of governance does reflect these characteristics at all levels of government. The central government firmly controls the state machinery and resources. This tendency puts nation-building in jeopardy. This also brought the exclusion of the peripheral areas of South Sudan from the state building project.

The above challenges are considered a problem of institutional capacity and the building of democratic political culture by the SPLM governing party. The roots can be traced back to time of war for the liberation struggle (Aelan Lovse 2019; Nyaba, 2018). These are amongst so many governing and political problems that thwarted the effective implementation of some of the major provisions in the CPA, such as decentralization and devolution of powers and resources (Louse Aalen, 2019). Mrs. Johnson (2016). A former Head of the UN Mission in South Sudan from 2005–2013, puts South Sudan's governance problems as follows:

"The SPLM, as a governing party in South Sudan, is made up of freedom fighters who have spent the majority of their lives fighting but are not necessarily the best prepared for the task of taking over the semi-autonomous government of Southern Sudan in 2005." Although many had been governing liberated areas, these were still military administrations and not political governments based on at least some principles of the rule of law. In addition, corruption and nepotism soon prevented the building of stronger and more effective institutions in the government of South Sudan."

Johnson further argues that unlike many post government liberations elsewhere in Africa, for example in the case of EPRDF Ethiopia, at the onset of the interim period, the liberators in South Sudan inherited a host of problems with few functional institutions (Johnson, 2016). Government entities were mere shells, with dilapidated buildings and a few people shuffling papers inside (Johnson, 2016). Similarly, Christopher Clapham (2012) outlines the legacies of liberation movements in Africa as a painful story of governance. He asserts that countries where liberators subsequently attained political power provide a useful template for analysis of South Sudan. For example, one of the interviewees asserts that it is only the SPLM political and military elite in South Sudan who appear to have full rights to the dividends of peace instead of the South Sudanese people who were the bedrock of the liberation struggle for nearly half a century.

Hence, the government of Southern Sudan then, was not in a position to deliver the peace dividends the people wanted. As Johnson (2016) puts it, the SPLM's attempt as a governing party to replicate Khartoum's marginalizing of peripheries in the Sudan including the South, was rather a tragic governance failure. Righting the wrongs of the past through the "taking towns to the people" policy would have necessarily involved social transformation in terms of delivering basic social services such as health, education, and economic development after more than 50 years of marginalization of the people of South Sudan by the Sudanese states (Johnson, 2016).

Bringing government closer to the people would also ensure that social services and public decisions are more closely aligned with local needs, as well as, improve the efficiency and transparency of government resources (Aelan Lovse, 2019). This has been the missing link between the state and society in South Sudan. Finally, the experience of administering liberated areas that the SPLM had created during the civil war was not the same as running an inclusive government after the liberation struggle was over. Running a state and governing the country requires a competence structure to regulate the functions of the institutions in their delivery of public goods to the people. Thus, the regional autonomous government in South during the Interim Period and thereafter had no capable structures and institutions which were able to deliver what the public wanted. No accountability and no checks and balances between the levels and the hierarchy of the state institutions. The government operates entirely different from conventional government functions in most part. It is characterized by absence of strong institutions of governance, transparency and accountability. Hence, central to effective civilian government, was far beyond the scope of a liberation movement like the SPLM.

4.10. CPA's Major Pillars and Response to State and Nation-Building Discourse

The core of the CPA document is the agreement on power and wealth sharing intended to tackle the main causes of the conflicts (Johnson, 2003). The root causes of conflict include the unfair distribution of power and the political marginalization of the majority of the population in Sudan by a few political elites in the center of political power in Khartoum (Grawert, 2007). In an attempt to look at and address the root causes of the conflict in Sudan, the CPA further identifies and categorizes some main pillars as guiding principles for which the implementation dwells on. First, it acknowledges the power structure of the old Sudanese state, which has concentrated in the

center. It includes the need to radically restructure and re-define Sudanese identity and to manage Sudanese diversity in terms of ethnicity, religion, cultural, and linguistic diversity (Yoh, 2018; CPA, 2005). Second, the agreement recognizes that Sudan's political, social, and economic problems should be resolved and addressed within the context of a united New Sudan that is democratic and able to protect human rights for all its nationalities regardless of creed and ethnic background (CPA 2005).

Thirdly, one of the fundamental pillars of the Comprehensive Peace Agreement was to make the unity of Sudan an attractive option, especially to the people of South Sudan (CPA, 2005 Art1.1.5). One of the SPLM's political objectives was to liberate Sudan and form a secular and unitary government for all Sudanese people that could recognize their ethnic and racial diversity. Making unity attractive to the people of South Sudan did not work. Rather, South Sudan seceded from the rest of Sudan.

In addition, the Peace Agreement provided an opportunity for the Southern Sudanese people to vote on self-determination as to whether to secede or remain within the united Sudan through an internationally supervised referendum (CPA ,2005, Art. 1). And fourthly, the Peace Agreement acknowledges that Sudan should be governed as a single country with two systems during the Interim Period (2005–2011). Southern Sudan has its own autonomous regional government based in Juba, and is part of the Government of National Unity (GNOU) in Khartoum. Both have their own constitutions based on the power and wealth-sharing arrangements provided for in the CPA. Our concern here is not only to analyze CP's implementation in detail, but to investigate and focus on how its institutions, power, and wealth-sharing arrangements had contributed to managing ethnic diversity in the country.

4.10.1. Some of the Major Achievements of the CPA

The Comprehensive Peace Agreement (CPA) was seen by many Sudanese at large, and South Sudanese people in particular, as a panacea to resolve socio-economic and political problems (Johnson, 2016; Yoh, 2018). In terms of political representation, the CPA's major accomplishment lies in its shake-up of the Sudan's political and administrative systems. The Power-Sharing Protocol's power-sharing arrangements, which grant the Southern Sudan region a high degree of autonomy, are similar to those enjoyed in a confederacy, with its own executive,

the Government of Southern Sudan (GoSS), legislature, the Southern Sudan Legislative Assembly (SSLA), and judiciary (Ahmed Ehinias, 2009). That is to say, the CPA provided the South Sudanese people with greater autonomy within the united Sudan for a period of six years to rule themselves after the end of nearly 22 years of civil war.

Needless to say, the CPA also had many challenges for state and nation-building and management of ethnic diversity. The challenges of state-building, like the failure of the state institutions to bring sustainable and lasting peace before and after the secession of the South, were visibly observed in both North and South Sudan (Yong, 2012). Here, we shall focus on some of the major accomplishments and achievements in the implementation of the CPA that have been deemed, in one way or the other, to have contributed to nation-building and the management of ethnic diversity in South Sudan. The successes or achievements are discussed and analyzed from political, social, and economic perspectives. The author of this thesis shares some of the views of those who argue that the CPA, through its institutions, has achieved very little success in the areas of state building and managing conflict through effective peacebuilding initiatives at the grassroots levels. This could be explained in terms of political representation, building social cohesion amongst different ethnic nationalities, economics, and peace and security in both Sudan and South Sudan. Nevertheless, it is equally important to also acknowledge some of these few achievements by the CPA.

From a political perspective, the CPA has led to an important political transformation in state structures, as well as, in power relations in Sudan (CPA, 2005). That is, the peace agreement has created a significant political opening for other political forces throughout the Sudan; particularly for South Sudan, the agreement has provided an answer to a historical and age-old political question for the peoples. That is, the right of the people of South Sudan to self-determination, which was exercised through an internationally supervised referendum that brought the independence of South Sudan (Yoh, 2018; Ahmed 2009).

Although the Comprehensive Peace Agreement process and its design were based on the liberal peace-making process (Young, 2012), it nevertheless puts an end to the historically exclusive political hegemony of the few political elite from the North and ends the North-South conflict with the secession of South Sudan from the rest of Sudan. Although the political and governance situations in South Sudan after independence bear no resemblance to those of the previous

oppressors in the old Sudan (Ahmed, 2009; Matthews, 2016), the view of this author, more than its predecessor, the Addis Ababa Peace Agreement (AAPA), the Comprehensive Peace Agreement (CPA), puts an end to the Second Civil Conflict that spanned more than 2 decades (1983–2005). However, these successful accomplishments do not come without challenges, both in Sudan and in South Sudan as well. Hitherto, for the purpose of this study, we shall focus on analyzing the challenges in the CPA South Sudan.

4.10.2. The South Sudanese State: Legitimate or Not?

The question that comes to many people's minds, both South Sudanese and non-South Sudanese: Is South Sudan a legitimate state that is able to provide security and other services to its citizens? This has been a question asked by both the South Sudanese themselves and outsiders. A legitimate state is defined and largely seen on its ability to provide services to citizens to services that indirectly pay for through their taxes. South Sudanese have arguably never experienced such a state even when they were in Sudan. This is based on the argument and the existing literature, whether or not South Sudan is a legitimate state, reflecting on the definition and conception of a legitimate state. Similarly, as Hippler (2004) asserts, a crucial component of nation-building is the development of a functional state apparatus that can actually provide services such as security, infrastructure, and control of its national territory. In this analysis, we consider only the state-building starting from the time of the CPA, which is 2005–2011.

4.10.3. South Sudan State-Building during the CPA (2005-2011)

To what extent have issues concerning the establishment of state institutions for the development of South Sudanese national identity changed and evolved since the autonomous rule in the South began in 2005? This question calls for interrogation and analysis into the nature of governance during the CPA. For instance, the Comprehensive Peace Agreement (CPA) of 2005, for instance, was an agreement that did not address the core issues pertaining to state institutions, like efficiency and effectiveness in serving the public. Various South Sudanese ethnic communities that had been affected in one way or the other by the 21-year civil war (1983–2005) had not reconciled amongst themselves and with their government. The Transitional Government of Southern Sudan (GOSS), led by Sudan's Peoples' Liberation Movement (SPLM), was preoccupied with issues leading to

the referendum that later led to the secession of South Sudan. But then, the question is what independence brought to people of South Sudan after more than 60 years of conflict?

The Comprehensive Peace Agreement (CPA) was just an agreement between the warring parties in Sudan, the government of Sudan represented by the NCP, and the SPLM representing southern Sudan and other marginalized regions like the southern Blue Nile and Nuba Mountains Regions (Jamie, 2017; Frahm, 2014). A similar argument to this is that the CPA fell short in addressing one of its core objectives: implementing necessary reforms and build effective state institutions (Young, 2012). Instead, the ruling SPLM in the Southern Regional Autonomous Government transplanted dysfunctional state institutions from the old Sudanese state to the new South Sudanese state and continued to govern the Southern Sudan region in the old Sudanese system of governance—a "decentralised system" of governance.

According to Richard Baltrop (2011), despite its name, the CPA made no pretense of covering Southern Sudan's conflict, let alone the entire country. Baltrop further contends that the fact that the CPA was not comprehensive enough as was evident from its lack of adequately addressing reconciliation among Southern Sudan's, political elite and indeed, its instrumental failure to unite and reconcile the divided South Sudanese ethnic communities. The civil war that broke out in December 2013 is a result of the failure in the design of and subsequent implementation of process in many of the critical in the peace agreement itself in the (Young, 2012). One of these being security arrangements where the transformation of the SPLA to a conventional national armed forces was not well organized. SPLA ranks and file was dominated largely by two ethnic communities whose military elites were and still have rivalry and ethnic based unhealthy competition for the military ranks and the control of resources to meet (Young , 2021).

The conflict caused the loss of lives of innocent people, destroyed infrastructure, drained the resources of the country and, above all, damaged relations and created an unbridgeable degree of mistrust between the elites in both parts of the country (Jamie, 2017). For example, as Frahm explains, after decades of war, the South Sudan's infrastructure is rendered decrepit, and that becomes a massive obstacle for the government to reach its citizens. Unknown numbers of landmines continue to maim citizens and disrupt access to many areas, in particular in the north of the country near the border with Sudan (Jok, 2012; Jamie, 2017, Frahm, 2014).

South Sudan's infrastructure, henceforth, had been poorly maintained and is limited to a few urban centers, and its approximately 8 million inhabitants lacked access to even the most basic social services. All of these challenges have had to be addressed concurrently with the process of state-building (Jamie, 2017). This is best explained and proven through Sudan's National Population and Housing Census of 2008. According to the 2008 Census, 88% of South Sudanese still live in rural areas (Sudan National Population and Housing Census, 2008). Moving from one place to another is a major challenge because there are no roads that connect rural and urban areas, and the problem of connectivity becomes more pervasive during the rainy season. The only reliable road network is the one connecting South Sudan and Uganda. That road was built by Americans. It is the road that connects Juba to Nimule on the Ugandan border (Frahm, 2014:76). Similarly, Lacher (2012) rightly puts it that one of the South Sudanese state's problems is that it is hardly present outside of the capital Juba and the ten state capitals, with a significant disconnect developing between farmers in rural areas on one hand and the government of Southern Sudan on the other. Lack of road network access also limits the mobility of security forces to rapidly reach and react to communal conflicts and crimes in rural areas (Lacher, 2012).

On economic infrastructure during the CPA, about 50.6% of the population was found to live below the national poverty line – a step up from the 90% of the population thought to have lived on less than a dollar a day in 2004 (Blunt, 2003; IOM, 2012; Mampilly, 2011). As Jamie (2017) posits, the SPLM had gained only modest governing experience during the Second Sudanese War (1983–2005), and now had to change from leading a military movement to governing a civilian population. This has been a daunting challenge for the rebel government. Its armed wing, the SPLA, that waged guerrilla warfare in the liberation struggle, had to be transformed into a regular army, while professional police and law-enforcement sector needed to be built from scratch (Frahm, 2014). In analysing these challenges, the state's oil revenue, which is the main source of revenue, could have been a key factor or solution to addressing the economic and social challenges that have befallen the people of South Sudan for decades. Nevertheless, a chunk of the money from the oil revenues was plundered by the powerful political elite (Lacher 2012).

During the CPA, the central government in Khartoum and the autonomous government of Southern Sudan in Juba share the profit, and the oil revenue represents an essential resource for the leadership of the SPLM in Juba. However, instead of building strong government institutions

to support people's livelihoods, a large amount of this money ends up in the hands and individual pockets of the few ruling elites from the SPLM and their cronies (Johnson, 2016; De Waal, 2013). According to Lacher (2012), oil revenue amounted to a total of \$9.5 billion between 2005 and 2011, accounting for about 98% of the Southern Government's "total revenue between" 2009 and 2011. In addition to rampant and endemic corruption, such as heavy dependency on oil revenue, which makes Southern Sudan vulnerable to price fluctuations, was the fiscal prices provoked by the collapse in oil prices demonstrated in 2009 (Lacher, 2012).

Absence of skilled, experienced, and motivated staff to support the administration also appears to be a missing link between the state and its goals for development (Frahm, 2014). On the other hand, the 2005 Joint Assessment Mission that accompanied the CPA negotiations and set out targets for the development of state capacity and service delivery has been criticized as a prioritized wish-list that over-estimated the implementation state's capacity on the ground (Jok, 2012). In general, as Frahm (2014), Matthew & Matthew (2013), and Johnson (2016) explain, South Sudan is effectively unable to carry out many of what is nominally considered government functions without assistance from external sources in its current state of affairs as a sovereign state. Like Larson et al. (2013), further explain that in spite of the fact that service delivery often remains the domain of NGOs, several key state functions such as accounting, procurement, and auditing have been delegated to non-state agencies.

The CPA, despite having ensured the right to self-administration for the people of South Sudan during the Interim Period (2005–2011) and the subsequent independence of South Sudan from the Sudan, was not a successful peace agreement in building state institutions. Building inclusive state institutions was a task that was not met by the CPA as one of its core purposes. Instead, the SPLM governing party elite used the institutions created by the CPA to enrich themselves at the expense of South Sudanese public who bore the brunt of devastating conflict of more than 60 years with the successive oppressive Khartoum based regimes.

4.10.4. Building of State Institutions during the Transition Period (2011-2013)

Although state-building might be considered by some as easier than nation-building, it is not necessarily a simple process; it is the daunting task of establishing institutions of governance that can serve the people and help build a common identity, to say the least (Mbugua, 2012). It does

not necessarily require the consent of the governed, except when the process of forming a government is informed and guided by democratic principles (Mbugua, 2012). For the Southern Sudan government, seceding from the rest of Sudan was seen as a priority at the expense of other important state functions. These functions, for instance, include the formation of a common South Sudanese identity through various means, like developing one educational system, building capable state institutions for the would-be South Sudanese state, and thus building capacity for the traditional governance mechanisms and modern state institutions of governance, which are becoming major challenges (Matthew & Matthew, 2013; Managua, 2012; Johnson, 2016). They had not taken these issues seriously as the governing part of the new country; rather, they had focused their attention on what they would get in return based on compensation for what they called "we liberated the people of South Sudan."

There are a number of arguments and counter arguments about the construction of national identity in South Sudan. Given the unique nature of state-building or institution building in South Sudan, whether it can be best described as "construction" or "re-construction" is open to a serious debate. For Bereketeab (2017) and Johnson (2016), South Sudan's state buildings or building of the state institutions have to be constructed from scratch because there were no already state institutions. In other words, there were no existing state institutions built and developed in the Southern Sudan region by successive Khartoum-based regimes. So, when South Sudan seceded, it inherited a country without a state. Given the fact that when the country was seceding from the main Sudan and had no institutions prior to independence, one can call the state building 'construction'. On the other hand, Mbugua (2012) considers South Sudan's state-building as a re-construction in that the new country has to re-build the tiny state institutions that were already shattered and destroyed by decades of protracted conflicts.

Similar difficulties in establishing state institutions in South Sudan as a new state include the fact that the country inherited the Constitution of the Government of National Unity (GNoU), which was drafted immediately based on the provisions of the CPA when Sudan was still a single country. The Constitution of the Transitional Sudan had its own limitations. It was drafted based on the top-down approach with less participation from the grassroots and was signed in a rush by principal signatories - the SPLM and National Congress Party (NCP), the ruling parties in Sudan at the time, (Jamie ,2017; Bereketeab, 2017; Young 2012). That is to say, the system of governance or the

Constitution in particular, of South Sudan has much in common with the Sudanese mode of governance, as both Sudan and South Sudan owe their origins in their current form to the CPA, which is included in the post-2005 Constitution of Sudan (Jamie, 2017; Bereketeab, 2017). It goes without saying that the Transitional Constitution opted for a decentralised system of governance that has failed to address ethnic and geographical diversity of South Sudan based on its institutional arrangement and type of administration in line with the predecessor Sudanese state (Bereketeab, 2007; Mbugua, 2012).

Thus, the drafting of the Transitional Constitution of the Republic of South Sudan (TCRSS,2011) was the first step in initiating a top-down approach to institution building (Mbungua, 2012). In the Constitution, there is no commitment to the devolution of power and to the establishment of a pluralistic and democratic system. It falls short of mentioning the devolution of power to sub-national levels of government. Instead, it focuses on a decentralized system of government that has not been implemented in real decentralization, so to speak.

The Constitution establishes a bicameral legislature consisting of a National Assembly directly elected by the people or appointed by the President and a Council of Representatives of the States, also elected or appointed by the President in consultation with the state governors (Hutton, 2014). This is a typical post-2005 Sudanese touch (Bereketeab, 2017). There is a supreme court as well as an executive body, the Council of Ministers, as found in North Sudan. These three branches of government were supposed to perform in a complementary fashion, particularly at this stage of state-building. However, the executive branch, led by the President, as head of state and government, dominates the functioning of the government (Jamie, 2017; Bereketeab, 2017).

Furthermore, in the entire South Sudan political games, the military and security experience of tricks of the ruling SPLM party leaders have had a significant influence on the performance of the government in serving their interest, rather than the public of South Sudan (Johnson, 2016; Hutton 2014). The political leaders in the government are mostly former rebel commanders who fought during the war of liberation struggle. They have very little or no experience on governance despite their being in power for more than 10 years of South Sudan independence. Another challenge is that every political cadre whether at national, state or county levels of government, is appointed by the President of the Republic from the political center in Juba through presidential degree order. This is a clear indication that power is too much centralized by the elite in the center. This political

appointment through decrees was exacerbated during the creation and proliferation of more states through when the President appointed everybody to the public office including the members of parliament (MPs) in all levels of government. Now the same trends of ruling by decrees continue ever than before in the days of interim period of 2005. Ruling the county through presidential decrees had not been enshrined in both the Interim Constitution of Southern Sudan and the 2005 Interim National Constitution of Sudan during the drafting process. Both the Interim and Transitional Constitutions mentioned only the election as means of accession to political powers and especially for the state governors and the county commissioners by the people of South Sudan. But this had not been the practice. There had never been any national or local elections carried out in South Sudan since 2010 after the national elections when South Sudan was still a part of the Sudan.

4.10.5. The Neo-Patrimonial System and State Institutions

The idea of the legitimacy of the state includes, inclusivity, stability, and singular political authority has routinely been questioned in studies of South Sudan (de Waal et al. (2014). For example, Frahm (2014) puts a similar argument that the problem of state privatization in South Sudan often stems from an abundance of raw materials and the revenues that come mainly from crude oil which is squandered for the benefit of a small clique of the political elite, leaving the rest of the entire population impoverished, neglected, constrained, and underdeveloped. This has been fueled by competition for power and resource between SPLM's ruling elite and their cronies. Thus, this has resulted in a violent conflict that has fueled competitive corruption engendered by the failure in governance since 2005 (Brian Adebe, 2019). As a result, South Sudan's state-building is said to be the object of state capture by the ruling elites, who privatize and misuse state revenues from the oil and other resources for private gain, to sustain neo-patrimonial networks of dependents that help sustain the ruling elite remains in power for unlimited time (De Waal, 2014; Frahm, 2014; The Enough Project, 2016).

4.10.6. Challenges of the CPA for Peacebuilding and Nation-Building

The center (core) of Sudan's conflicts since pre-colonial times, in post-independent Sudan and even after the succession of South Sudan from Sudan, has been the state and how it functions in regard to center-periphery relationships in terms of power, economic and socio-political dynamics.

This was not the case with the onset of the peace process, which resulted in the signing of the CPA and its subsequent implementation in both Sudans (Young, 2012). As such, from its very inception, the CPA's exclusion of other political parties from participating in its design, process, and implementation made it much less than the "comprehensive" title promised (Human Rights Watch, 2006).

Many critics of the CPA argue that the failure to include other political parties and armed groups, and less participation of the grassroots communities through civil society organization groups, specifically in South Sudan, made the peace process mainly dominated by only two parties: the government of the Sudan led by the National Congress Party (NCP) of President Omer Hassan Al-Bashir and the main rebel group, the Sudan Peoples' Liberation Movement/Army (SPLM/A) led by its former leader, Dr. John Garang de Mabior (Young, 2012). This exclusionary tendency was evident during the constitution-making process. Both the Interim Constitution of the Republic of Sudan (2005–2011) and the Transitional Constitution of the Republic of South Sudan (2011) (still a functional Constitution even today) are the products of top-down or elite-driven peace processes based on liberal peace imposed and driven by the outsiders' interests (Young 2012; Human Rights Watch, 2009). This practice of exclusionary peace process and its implementation was confirmed by one of the civil society leaders, Mr. Achuil Diing (pseudo name), whom I interviewed during my participation at the South Sudan Civil Organization Forum Workshop in Entebbe, Uganda (on July 19th, 2019). Mr. Diing says the following:

"During the draft of the Interim Constitution of the Republic of Sudan, we civil organizations appealed to the major parties who are signatories to the Peace Agreement to give greater role through having greater representation in the drafting process of the Interim Constitution. Nevertheless, our calls were not heeded. This also happened during the drafting of the Transitional Constitution of South Sudan soon after the declaration of independence. We were excluded from participating in the drafting of the Transitional Constitution. Furthermore, there was no popular consultation with the citizens in order to include their different voices in the Constitution. "(Dying, July 19th, 2019, Entebbe, Uganda).

Another challenge to the effective implementation process of the CPA, as Young (2012) argues, is that while the process attempted to respond to regional inequities between North and South Sudan and the three areas of Abyei, Southern Kordofan, and Blue Nile, there was no recognition

of the link between economic well-being and democratic nation-building through inclusivity and participatory. The mediation process, which was led by IGAD and supported by the Troika (the United States, the United Kingdom, and Norway), excluded other stakeholders such as civil society organizations and other grassroots organizations from participating effectively and influencing the outcome. These groups are stakeholders among those affected by the conflict but have been on the margin of their participation.

The political elite from the SPLM and the NCP firmly controlled the process, with only a few selected loyalists to the patronage network within the wider system being allowed to participate. This speaks volumes about the limitations on the scope of the peace process. That is to say, the economic inequities experienced by peripheral and rural areas of Sudan and South Sudan were not adequately addressed by the Peace Agreement or the financial support from the international financial institutions through the UN and other agencies. Consistent with liberal democracy is liberal peacemaking, which largely ignores the economic dimension of people's empowerment and concentrates almost exclusively on the political realm, and in the case of Sudan and South Sudan before and after the secession, growing economic inequities went hand in hand with the unfolding peace process (Young, 2012; Yoh, 2018). Similarity challenge in the CPA's implementation was that there were several ceasefire violations between the parties, the SAF and SPLA components fought each other. Upon signing the CPA considerable concern was directed towards the presence of the South Sudan Defence Forces (SSDF) that had been aligned to the SAF (Wassara, 2022). Those other armed groups which existed during the war, were expected, under the CPA, to integrate into one of the two official armed forces or demobilize. Very little of such sort happened. There was no formal integration of those armed groups into the main stream SPLA. Instead, the regional and the international community were not in a position to rescue the near-collapsing peace agreement. As Ambassador Prenton Lyman, Senior Advisor to the United State Institute for Peace (USIP), remarks in his opening speech at the Peace Research Institute at the University of Khartoum, (2015), "the problem with the comprehensive ambitions of the CPA was that, whereas it was possible to bring the parties together on the independence of South Sudan, it was not possible for either the mediators or the international community to influence, or surely to control, the evolution of internal political direction in either country. This is an indication of the failure of the region, particularly IGAD and its member states, to closely monitor the peace-building process after the secession of South Sudan. In general, as put by Nyaba (2018), CPA implementation in

the course of six years faced debilitating hiccups and political obstacles caused by a lack of political will from the NCP in Khartoum. In addition to the NCP, Sudan's governing party, lack of political will in implementing the CPA, there were also political and administrative or institutional weaknesses on the part of the SPLM, the governing party in the Southern Sudan region. For example, the SPLM was hard hit at the time of the CPA implementation by internal schisms due to power struggles from within (Nyaba, 2018). In addition, this internal division within the SPLM was exacerbated by the intransigence of the NCP, adding to the already complicated and fragile peace process.

Another challenge in the implementation of the CPA as argued in this thesis is the failure of the ruling party, the SPLM, to address issues pertaining to nation-building and the building of common South Sudanese values through the implementation of the Peace Agreement. This debacle is analyzed from three major issues from South Sudan's nation-building perspective: addressing the identity crisis through a participatory constitution-making process, which has been a problem for the Sudan since the time it attained independence in 1956 from Great Britain, inclusive and participatory state institutions, and peace and stability in the country.

In other words, the constitution-making process that could have helped create inclusive and representative state institutions through which different South Sudanese ethnic communities could identify themselves and thus define their common values as a multiethnic society was not given due attention by the ruling political elite. The SPLM governing party in South Sudan was embroiled in power struggles to gain control of resources both during the interim period of the CPA and after the CPA (independence) (Nyaba, 2018a). The governing SPLM political party in South Sudan confined the constitution-making process to a select elite party - senior members who report directly to the President. This could be either by design or unintentional ignorance of the truth and the fact of the matter on the part of the leaders to make the constitution-making process grassroots-based and driven. Another challenge to the building of common South Sudanese values is the absence of provision of basic services like education, health, and infrastructure to the needy population of the South Sudan (Mike, 2008).

Instead, the political elite centralized and emphasized public resources that could have assisted South Sudanese in identifying with their new nation as a single political community (Nyaba, 2018). Although the SPLM and its leadership began their campaign not as a war that would lead to

secession, but instead as a struggle to transform the country, the CPA had done very little to fundamentally resolve the identity and nation-building crisis in Southern Sudan and Sudan as a whole (Mike Robbins, 2008). Due to a lack of public participation in the constitution-making process, the SPLM governing party became the dominant political and military force in South Sudan, with no other political party to challenge its control of power and political space in the country. Not only was the Transitional Constitution an SPLM led process which culminated in simply adopting the Interim Constitution of 2005 when Sudan was still a country, but also the party-political elite remained firmly in control of the country's resources.

The second issue that could have been addressed to address the problem of nation-building or identity crisis in South Sudan was the transformation of the SPLM into a mass movement and a competent governing political party in South Sudan. The SPLM's Executing Committee (the Political Bureau) and the SPLM National Liberation Council, the highest organs in the party's leadership, were mostly dominated by the Dinka political elite, as it was during the liberation struggle. Another related challenge is the transformation of the SPLA (the movement's arm wing) into a professional national army with proportional representation from various ethnic communities. Instead, the SPLA continued to be dominated by some ethnic groups, mainly from the Dinka and the Nuer ethnic groups, as it had been during the war of liberation struggle, when many rebel commanders hailed from these two ethnic groups (Interview transcripts Hussan Abdulaha, former member of State Assembly from Western Bhar El Gzal State, 2021).

The absence of genuine and true reconciliation among various South Sudanese ethnic communities divided by the conflict during the war of liberation that lasted for 21 years was also a challenge to public peace in South Sudan. It was witnessed during the CPA implementation and after South Sudan seceded from the rest of Sudan. Although the CPA provided for the establishment of a Ministry of Peace and Reconciliation as one of the institutions it has created, peace and stability in many parts of the country was not there. The ministry was tasked with pioneering national unity and reconciliation in South Sudan. However, there was no such thing as reconciliation carried out during the interim period of the CPA year. And even after independence, there was no national reconciliation initiated by the government amongst different ethnic communities in South Sudan (El-Affendi, 2011).

National dialogue was only started after the breakout of civil war in South Sudan in December 2013; hitherto it was an elite and government-driven process and, as a result, it was not successful effort. The most visible reason for the failure of the Southern Sudan government at the time to initiate and support reconciliation between different ethnic communities in the South was its being preoccupied with the referendum. According to some sources, when researchers reached out, it was a claim that they were preoccupied with the pre-CPA activities such as the referendum and negotiation of post-independence issues with the NCP and the government of National Unity in Khartoum (Mike Robbins, 2008). The problem of sustainable peace and security in the Interim Period (2005-2011) and in the Transitional Period after independence was also fueled by the incorporation of the various militia groups into the ranks and files of the SPLA while they had very little military training background. In essence, the agreement has not thus far been successful in providing security for most residents of South Sudan before and after independence (Robbins, 2008).

One factor accounting for the failure or lack of interest of the SPLM/A in reconciling different ethnic communities was that the SPLM/A made itself unpopular by attacking communities and chiefs for purposes of tribute for the cause, cattle raiding, and forcing traditional leaders to advocate and support the SPLM/A's political ideology of "New Sudan."

Related to the above challenges in the context of CPA implementation, is the weak institutional capacity of the government of Southern Sudan to implement the peace agreement in areas like security sector reforms within Southern Sudan, that is, the transformation of the SPLA from a guerrilla army to a national armed force that reflects the character of South Sudanese ethnic composition. According to (Nyaba, 2018a; Robinson, 2008), quite a number of transitional institutions created during the CPA period, represented a challenge to the human and organizational capacities of the governing SPLM Party in the Southern Sudan region before and after the secession.

The SPLM is dominated by a majority of personalities who identify themselves with their vested interests under the disguise of their ethnic group identity. The reality, however, is that they do not represent the interests and aspirations of the ethnic communities from which they hail. They use public offices and authorities to advance their personal interests. For example, the Jieng Council of Elders usurps power in the name of the Jieng as an ethnic community, but has not been elected

by the Jieng community to represent its interests in various political circles to represent its views as one of the nationalities in South Sudan. Machar said he had struggles in the past with Bul Nuer, and more recently, the Lou Nuer, and that continued for quite a while. This represents a visible challenge to nation-building. The heinousness of the tasks of post-war development, combined with the need to form and staff institutions within the Government of Southern Sudan and the Government of National Unity, endangered the implementation of the agreement (John Ashworth, 2010). In general, lack of formal education and technical capacity in the wake of the war created difficulties in staffing commissions and government ministries with qualified personnel beyond the ministerial level (Ashworth, 2010).

In conclusion, while the CPA ended more than a half-century of conflict in Sudan by granting self-determination through an internationally supervised referendum, which resulted in its secession and independence from the rest of Sudan, it did not resolve every issue in both countries. In the Sudan, it has not resolved conflict between Khartoum and peripheral areas like the Southern Blue Nile and Nuba Mountains areas. The conflict and marginalization of the peripheries by the political center in Khartoum, where the political power hub has been concentrated, continued. Similarly, in South Sudan, the new state, except for the secession and independence, the political conflict and associated problems such as economic and the domination of political power by a few elites continued even worse than what existed before the separation of South Sudan. As Young (2021) explains in Markias et, al. (2021), much responsibility for endemic mal-governance like corruption, and abuse of human rights is to be blamed on the SPLM. Nevertheless, the international community, and specifically the Troika of the US, Britain, and Norway, which sponsored the peace process, is responsible for much of the failure in governance and state institutions that started during the CPA all the way to post -independence. They failed to provide genuine support to pledging and the fragile South Sudanese state. Furthermore, they pushed for the formation of an independent nation-state on clearly infertile grounds, which do not support diversity in South Sudan as a multiethnic society.

It did not take more than two years after the secession and independence in July 2011, and then yet another devastating conflict erupted in December 2013 in South Sudan after it seceded from the rest of Sudan. The result of all this, was the failure in the CPA both in its process and subsequent implementation to fully address the chronic and age -old political problems in the

Sudan. The political and governance crises inherited from Sudan, were later carried over and repeated in South Sudan after its independence. This time around, it is elite in Juba, which replaces Khartoum and becomes yet another center of dominance and power control against the peripheries.

In chapter in five, we are going to discuss briefly another failed peace agreement, the Agreement for Resolution of Conflict in the Republic of South Sudan (ARCSS). This peace agreement was in itself a failure to address South Sudan new and inherited political problems. Finally, there is an acute, unresolved crisis of national identity lies at the heart of the conflicts within both Sudan and South Sudan, as well as between them, that reflects their failure to manage internal diversity effectively. South Sudanese leaders need to recognize the country's ethnic and cultural diversity as an asset that can contribute towards the building of a strong state and resilient society. Successful diversity management must also include bottom-up processes that provide space for participation by an engaged citizenry where control over the diverse ethnicities is not at stake. At stake is acknowledging the diversity as a fact, and as a common denominator for different ethnic nationalities of South Sudan, and accepting the history of ethnicities as a semi-autonomous in terms of political, social and cultural communities based on equitable representation in state institutions of all nationalities.

4.11. Conclusion of the Chapter

This chapter explores the history of politics and systems of governance in South Sudan and in Sudan as well, starting from the British colonial era to the time when South Sudan seceded from the rest of Sudan in 2011. Analysis of the history of governance in Sudan showed that political recognition of diversity through established state institutions has not been there since the formation of the Sudanese state after 1956 independence from Britain. In other words, state formation in Sudan has been an exclusionary process. Southern Sudan and other regions in the peripheral areas of the Sudan were excluded from the state formation. This has an impact on building inclusive and representative state institutions, and subsequently, for building of an inclusive multi-ethnic Sudanese society. The minds of the political elite in the north were just framed along that line of exclusivity in terms of economic and political exclusion of peripheral areas of the Sudan including South Sudan. Thus, the political elite used exclusive structures and institutions like Arabic language, culture, and Islam to explain Sudanese identity (social exclusion or discrimination) to manage ethnic diversity and to build an "inclusive" Sudanese state. The failure

to build an inclusive Sudanese state resulted in the outbreak of the first civil war in Sudan, which lasted for 17 years (1956–1972), and ended in a peace agreement known as the Addis Ababa Peace Agreement (AAPA), signed between the then Government of the Sudan and the South Sudan Liberation Movement (SSLM). The Addis Ababa Peace Agreement failed to address the root causes of the conflict (exclusion in many forms) between South Sudan and successive regimes in Khartoum. The failure in the implementation of major protocols such as economic and security protocols in the APP resulted in the outbreak of yet another civil war, the second civil war from 1983-2005.

Another challenge to state –building and nation-building in Sudan and in Southern Sudan particular, after the signing of Addis Ababa Peace in 1972, putting a temporary end to the conflict in Sudan, is division amongst Southern Sudanese political elite as a result of division of Southern Sudan into three regional provinces, also known as the *Kokora* (decentralization of power based geographical location and ethnic composition). *Kokora* was received differently by different ethnic political elites in Southern Sudan. For the Equatorians and some Nuer political elites, it was a means of getting off Dinka’s Domination in the Regional Autonomous Government of Southern Sudan brought about by Addis. Whereas, for the Dinka political elite it was a divide and rule policy employed by then President Nimeiri to destroy the unity of Southern Sudanese along ethnic lines, abrogate Addis Ababa Peace Agreement and then continue domination in terms of political, economic and social marginalization of Southern Sudan. However, in either way of the political divide, *Kokora* as a policy had its advantages and disadvantages on Southern Sudan governance and political development as a whole in the South. One of the advantages of *Kokora* as a policy at the time was the fact it had granted a self-administration to local constituent units in Southern Sudan region and avoided a one ethnic domination of government institutions as it was in regional government in Juba.

On the hand, it had sharpened division based on ethnic lines as it was used by Nimeiri Government in Khartoum to divide South Sudanese and subsequently abrogate the Addis Ababa Peace Agreement through a single presidential decree without consultation with the regional autonomous government in Juba. Finally, the nullification of Addis Ababa Peace Agreement resulted in the outbreak, of the second civil war that lasted for nearly 22 years (1983-2005).

Dictatorship, authoritarian rule, ethnic based elite factionalization and warlordism for control of power and resources, became bywords through the war of liberation struggle of the SPLM/A in particular, and many other South Sudanese political and armed forces in general. Division amongst the political elites in regard to the vision and objective of the liberation started early on before the inception of the SPLM /A. This brought continuous fighting, war and conflicts between those who favoured the liberation of the whole Sudan and establish secular Sudanese state. A secular state that would be characterized with justice, equality, progress and development for all Sudanese under the name the 'New Sudan' on one hand, and those who said that vision of liberation should be fought for the independence of South Sudan as was the history of the liberation struggle in days in post-colonial South Sudan. These problems persisted in the past, and currently are dogging South Sudan even after the independence till current time.

The Comprehensive Peace Agreement (CPA) was a peace agreement signed between another Khartoum regime and the end of more than 21 years of civil war in Sudan. The analysis mainly focused on institutional arrangements created by the CPA. It then discusses how these institutions respond to, or are able to, address peace-building and nation-building through political representation, inclusivity, power, and wealth-sharing arrangements during the interim period, or in short, during the CPA implementation period. During the interim period of the CPA, the Southern Sudan region experienced true self-or autonomous government within the United Sudan. It was also during the CPA that the right of self-determination up to the secession was exercised through an internationally supervised referendum by the people of South Sudan to decide whether to secede or remain within the united Sudan. Self-determination through a referendum led the Southern region to secede and become an independent state from the rest of Sudan, and thus proclaimed independence and became the Republic of South Sudan on July 11, 2011.

Although the CPA brought about the independence of South Sudan and put a temporary end to the continuation of war in both South Sudan and Sudan, there were challenging governance issues that the new state faced. First, the CPA was a top-down peace agreement and extremely expansive in nature and procedures. It was entirely controlled and directed by the two main warring parties, the SPLM and the NCP. Both civil society organizations and the opposition political parties in the Southern Sudan region were barred from participating in the negotiations and subsequent activities, such as the constitution-making process.

Second, the CPA-created institutions were unable to address the root causes of South Sudanese problems, namely economic development deprivation and political and social marginalization of the southern region which were imposed by the previous Sudanese states and the British colonial powers. Despite having an autonomous regional government, independence state institutions from Khartoum, and half of the oil revenues, it had not been able to provide basic human services such as education, basic health care and infrastructure such as roads, bridges, communication networks, portable water supply and electricity, to its population. The institutions created by the CPA were not able to address issues pertaining to reconciliation among different ethnic nationalities divided by more than 50 years of conflict. Also, there was no credible transitional justice and those who committed atrocities, war crimes, and crimes against humanity within the Southern Sudan region in the name of liberation struggle were not held to account for their actions.

The already existing "federalism or decentralization" in Sudan was reaffirmed by the CPA as a system of governance for the whole Sudan. The Southern Sudan region was quick to embrace the system without making some modifications to suit its local context, considering it is a multi-ethnic, multi-cultural, and multi-lingual region, and above all, its economic setting, which is quite different from the North, which has relatively stable and viable state institutions. The imported decentralized system of governance was thus enshrined in the Interim Constitution of Southern Sudan without the involvement, debates, and participation of different stakeholders in the process. Decentralization is adopted and becomes a "decentralized system of government." It was just borrowed from the Sudan right after the signing of the CPA and did not address the governance challenges in the autonomous regional government.

The other attempt to achieve heart unity between South Sudan and the power house in Khartoum was through federalism, whose Constitution came into existence in 1998 under the regime of President Omar Al-Bashier and his ruling party, the National Congress Party (NCP). The NCP introduced it as a tool for conflict resolution and managing Sudanese diversity, making unity appealing to the people of South Sudan did not work. The adoption of the federal arrangement amid the civil war that was still going on in the country and the fact that the process was driven by two factors: the Islamic agenda to forcefully Islamize the country, on one hand, and the fact that the process leading to the adoption of federalism itself was a top-down approach, on the other. And the fact that Khartoum was dictating its will from the center to the peripheries, including

South Sudan, was also another challenging factor. Like the Local Autonomy that was given to the Southern region by the Addis Ababa Agreement of 1972, the federal arrangement did not resolve power relations conflicts between Khartoum and the peripheries. Neither did it answer the question of national building nor solve the problem of managing diversity. The war continued to rage and ravaged the country in terms of economic, social, and infrastructure dimensions. Thus, at this stage of the political journey, and those that existed before in Sudan, the search for forging national unity through federalism as a device for nation-building and building state institutions became a difficult goal to achieve.

From 2002 to 2005, the Intergovernmental Authority for Development (IGAD), an east regional bloc, brokered a peace agreement between the Khartoum government, led by the ruling National Congress Party (NCP), and the rebel Sudan People's Liberation Movement (SPLM). IGAD's efforts were supported by the international community and the AU, to bring peace in the Sudan produced the Comprehensive Peace Agreement (CPA). The CPA allowed Sudan to be governed by two separate systems under the Government of National Unity, whose power sharing arrangement was mainly between the SPLM governing party in the South and the NCP in the North. South Sudan had its autonomous government with its system of governance, having own institutions and with its President.

The second objective of the CPA was to make the unity of Sudan attractive through federal constitutional arrangements. Practices showed that the Federal Constitution, either in Sudan or in South Sudan, did not help make unity in Sudan attractive. After an internationally supervised referendum and South Sudan became an independent state, South Sudanese political elite forged and continued to pursue similar political governance to which they had disdained in the past when Sudan was still one country. The SPLM then became the ruling party in the newly independent state of South Sudan, thus repeating the same repression Khartoum's successive regimes did on the people of Southern Sudan and other marginalized areas of Sudan.

Based on analysis of the South Sudan Interim Constitution during the CPA period, and the Transitional Constitution in relation to the division of powers in different levels of government, we found similar practices as those before the independence. The executive control power and resources from the center in Juba, is a good example to mention. Massive interference in the powers assigned to other branches of government, like the judiciary, which is supposed to be

independent as enshrined in the Constitution by the executives from different levels of government (national to local levels of government) was the order of the day . One party and a few elites from a certain ethnic group became dominant power brokers in every national institution in the central government. The SPLM governing party leadership failed to transform South Sudan, contrary to the expectations of the people of South Sudan. Hence, the current decentralized system of governance cannot help and support nation-building. It is just deconcentration of power and resources in the hands of a few elites. It lacks constitutionalism and thus rule of law is completely absence to develop effective and inclusive state institution. Decentralised system of governance only benefits the elite in their quest for the embezzlement of national wealth devoid of accountability. Rather, the people of South Sudan have just become victims of the independence as they used to be the victims during the war of liberation. Thus, decentralization is used by political elite predators as a tool for oppressing and exploiting the masses. Hence, the current decentralized system of governance is designed and implemented in such a way that it can only benefit the few elites who control the political power and resources of the country at the expense of the suffering masses. Delivery of basic services such education, health, public security and building of basic infrastructure, is completely absence.

Generally, neither local autonomy in the former regional government in the Southern Sudan region nor the decentralized system of governance which South Sudan inherited from Sudan after its secession helped resolve conflicts, manage ethnic diversity, or forge national unity between the South and Khartoum. State institutions established during the CPA and which still exists to date is exclusively designed to serve the interests of the political elites from the governing SPLM party.

In this regard, the problems that South Sudan had faced in the past, as well as the current one, that is the failed leadership of the ruling SPLM party to address the governance problems, persist. These governance challenges can be classified into the following major ones: (1) the absence or lack of visionary leadership to transform and build inclusive and representative state institutions from the time of the war liberation struggle institutions, to post-conflict state institutions that can best serve the interests of the South Sudanese people. It is to be recalled that after the sudden death of Colonel Dr. John Garang in 2005, the founder of the SPLM, South Sudan found itself on the wrong path of state and nation -building. This is due to the failure of the leadership that came to power after his death, as well as (2) elite control of the state's power and resources.

In other words, the state capture by the instrumentalists whose interests are under the guise of ethnic or tribal loyalty, are to blame for the current political, social, and economic problems in the country. To put it in specific terms, it is the failure of the governing SPLM party, which has been in power since 2005 and unable provide basic and critical services such education, health and infrastructures, like as road networks and electricity badly needed by the people. The party failed to create state institutions that could bring unity within diversity and through which citizens could identify themselves with the state. A common identity or values among different ethnic communities can only be achieved through equitable political representation, inclusion, and participatory in decision-making in the affairs of the state affairs, or general in entire system of governance. Hence, the absence of capable state institutions or already fragile institutions to provide service to the people of South Sudan has exacerbated the deep-rooted political, economic, and social problems that have engulfed South Sudan today.

CHAPTER FIVE

5. Post-2011 Peace-Building, State-Building and Management of Ethnic Diversity in South Sudan

5.1. Introduction

This chapter addresses post -independence peace -building and management of ethnic diversity in multi-ethnic South Sudan. It addresses how state institutions in post -independence South Sudan manage conflict and ensure an inclusive nation -building in South Sudan. In the first section, the chapter defines and discusses peace -building from theoretical perspective and efforts made to prevent conflict in South Sudan after the independence from the Sudan in 2011. In this regard, we analyzed review the constitution-making process in post -independence South Sudan and the response of state institutions created by Transitional Constitution.

In the second section, the chapter addresses and analyzes the root causes of the conflict in December 2013, barely two years after the secession and independence of South Sudan from the rest of Sudan. In an attempt to resolve the conflict between the warring factions of the SPLM, a peace agreement known as the "Agreement for the Resolution of Conflict in the Republic of South Sudan" (ARCSS) was brokered by the regional East Africa bloc, Inter-Governmental Authority and Development (IGAD) and the international community. That peace agreement was signed in August 2015 in Addis Ababa, Ethiopia by the warring parties to end the conflict. The chapter analyzes how the institutions created by that peace agreement through equitable political representation, power, and wealth sharing arrangements helped or failed to resolve the conflict. In addition, we looked into the political will of the elite of the parties to the conflict in the implementation of the agreement to end the conflict.

In the third section of the chapter, we analyzed the Revitalized Peace Agreement, signed in December 2018 between the warring parties after the failure or total collapse of the August 2015 peace agreement. In the current revitalized peace agreement, we also analyzed the root causes that led to failure in the implementation of ARCSS and peace-building initiatives through the institutions created by the agreement itself. A comparison is also made between the current Revitalized Peace Agreement and the 2015 peace agreement that preceded it in terms of their institutions. This has led to untold suffering of the people of South Sudan since independence in 2011. Finally, we address the foreseeable challenges currently facing the implementation of this

revitalized peace agreement itself and the future of achieving sustainable and lasting peace that which can lead to the building of inclusive state institutions and nation-building in South Sudan.

5.2. Peace-building and Nation–Building in South Sudan: Interim and Transitional Peroid (2005- 2013)

5.2.1. Concepts of Peace-building: An Overview

Peace building concept has a lot of meanings and its interpretations are incumbent upon the context and its uses by different people, institutions and states. However, before we discuss peace building, it is good to provide a definition of the term "peace" itself. ‘Peace’ has been commonly defined or associated with the ‘absence of violent conflict or war’; or ‘we know peace by its absence (Kovacs, 2019; Webel & Galtung, 2007; DFID, 2014). This view considers peace to be negative, or a negative peace that is associated with the absence of physical violence Galtung (2017). Peace is also not the mere absence of war in a Hobbesian world of unending violent conflict (Webel and Glatung, 2007). The thesis maitnians that there is a reason for this argument. First, because peace is more than absence of visible conflict therefore, in this thesis, we would opt for the definition and conception of peace by Webel & Galtung (2007) that considers as ‘peace’both as means of personal, social political, economic, psychological and collective ethical of relationships between the parties in conflict one hand and the citizens on the other.

Second, historically, since the independence of the Sudan from Britain, until the time of independence of South Sudan from the rest of Sudan (1956–2011) and the events after the independence of South Sudan today, guns have never been silenced, let alone the presence of a "negative peace."

Political instability in the colonial and post-colonial administrations that existed in Sudan for millennia was based on the center's segregation, exclusion, and marginalization of the periphery. Sudanese state formation and the state institutions established after state formation have been blamed for the problem (Matthews, 2016; Yoh, 2018). This system of governance from the old Sudan has been inherited by South Sudan’s ruling political elite. In a nutshell, this political and socio-economic segregation has been the norm and the way of exercising politics in Southern Sudan before and after the independence of Sudan from the British colonial administration. As Mbango (2016) observed, African politics in the post-colonial era evidenced many violent

conflicts resulting from the underdevelopment and marginalizing of the peripheries by the new political centers that replaced colonial powers. Economic and social marginalization in form of addressing diversity and underdevelopment caused violent power struggles, violent politics, and the control of resources by a privileged few. This nature of politics has pervaded post-colonial Africa to achieve economic development from its huge natural resources.

It was this same policy that the new Sudanese state pursued after the independence of Sudan. The policy of marginalization of the periphery started by the colonial administration in the Sudan and went for quite a number of years, and later it was followed by the Sudanese (Johnson, 2003). That system not only left its imprint on South Sudan, but it was also embraced by the new South Sudanese state following its independence from the rest of Sudan in 2011. That is to say, the political elite in South Sudan after independence followed the same political culture and policy of exclusion that prevented South Sudanese people from identifying with and connecting with the South Sudanese state.

With regard to peace-building, in retrospect, the concept of peacebuilding according to Galtung (1976) in his essay titled: "Three Approaches to Peace: Peacekeeping, Peacemaking, and Peace Building" is a process of creating self-supporting structures that alleviate or remove the causes of war and offer alternatives to war in situations where violent conflict might not occur again (Galtung, 1976). Galtung contends that conflict mechanisms should be built into structures, institutionalized, or present as a revisor for the systems to draw on, just as a healthy body can produce its own antibodies and does not require ad hoc administration of medicine (Galtung, 1966). Building initiatives or efforts in South Sudan have neither been built into the structures nor have they been institutionalized to end the cycle of conflict.

There are a number of reasons for this. Fundamentally, peace processes in Sudan and later in South Sudan have been exclusionary in their nature. Both mediation and negotiating warring parties employed a top-down approach in the peace process and in its implementation as well. In other words, the process and the implementation of any peace agreement signed in Sudan or in South Sudan, have been exclusive of important stakeholders. These stakeholders include civil society representatives, other political parties, and grassroots community representatives. Because the processes were exclusionary, the implementation was carried out by the political class (SPLM's political elites). It was technically and wholly driven by the political elites, and the grassroots

communities have not been actively involved to participate in the process. Galvaneck & Kartin (2017) further assert that Galtung's approach has evolved over time into a synonym for major international intervention in the realm of conflict prevention and resolution (Kovacs, 2019; Galvaneck & Katrin 2017). In this formulation, though, the concern for peace-building was the creation of structures that would "remove the causes of wars and offer alternatives to war in situations where wars might not occur again." In this conception of Galtung, peacemaking refers to bringing armed conflicts to an end, whereas peacekeeping is for the provision of physical security through the separation of forces and monitoring peace agreements, while peace-building seeks structural change through policies and institutions made by the state to ensure the peace is sustainable (Kovacs, 2019).

Other writers, like Edward Newman (2009), distinguish three trends within contemporary peacebuilding. *On the one hand, realist peace-building* that is mainly concerned with systemic stability; on the other hand, *transformatory peace-building*, which is concerned with changing the relationships of actors, institutions, and constituencies from conflictual to peaceful; and *liberal peace-building*, which has two sub-types: the *Wilsonian*, which seeks to create liberal democratic states seen as the guarantor of peace and stability, and *hegemonic neoliberal* peace-building that is interested in integrating 'dysfunctional' states into the global capitalist economy without due consideration of local context (Kovacs, 2019). The form of peace-building in this study is considered transformative in nature. That is, on the one hand, the transformation of relationships between the conflicting parties in South Sudan and, on the other hand, between the state and society. It was argued that having a positively transformed relationship between these stakeholders after the peace agreement may have positive impacts on the lives of the communities affected by the conflicts. It is seen as a transformative force that focuses on changing relationships between actors and establishing functioning institutions of governance and constituencies from conflictual to peaceful ones (Kavocs, 2019; Webell & Galtung, 2007). Peacebuilding in this study is understood as a broad range of activities which are intended to solidify peace and build state inclusive institutions of post -conflict environment after have been signed by the parties in conflict (Webel & Galtung, 2007). In the case of South Sudan, these peace initiatives include the Agreement for Conflict Resolution in the Republic of South Sudan (2015–2016) and the Revitalized Peace Agreement (R-ARCSS) signed in 2018 in Addis Ababa by the warring parties in the country. The Revitalized Peace Agreement was meant to resuscitate the collapsed 2015

peace agreement and avoid the relapse of the country back into violent conflict. I have provided an overview of some of the factors that are considered to be affecting peace-building success process from South Sudan’s perspective based on the diagram provided below .

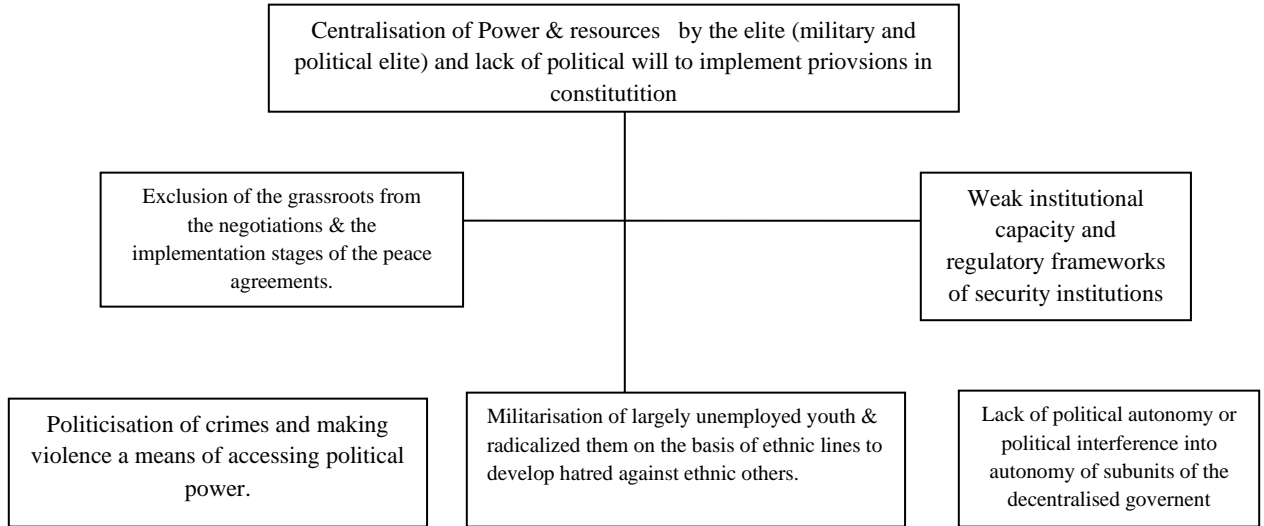


Figure 3: Factors Affecting Peacebuilding as a core component of nation -building in Post – Conflict South Sudan

Source: Adopted from Uprite et. al. (2010). *The Remaking of a State: The case of Nepal s*

According to one of the respondents I interviewed in my recent visit to Juba in July 2021, in South Sudan, the government in general and bureaucracy in particular, have lost public trust because of their failure to delivery services to people. Red-tapism, bureaucratic hassles and other complications are very much common. According to Upreti et.al, (2010), one of the prime focuses on the post-conflict state- building should be to restructure bureaucracy that is capable of effectively, efficiently and transparently deliverimng services to the people. Regaining the lost public trust in the state governing system and service delivery mechanisms should be integral part of the state building programme for which special knowledge and skills, methodological understandings and effective service delivery are required. People of South Sudan according to findings of the interviewed carried with relevant officials in the power of authority in the Revitalized Government of National Unity (R-ToGNoU), are fed up with empty promises and radical jargons of peace stability and development where there is nothing delivered by the state in terms of basic and critical services to the people. South Sudanese have been waiting for years to

see the promises translated into action, but all in vein. Hence, effective delivery is one of the best ways to develop trust and gain public confidence (Upreti et.al, 2010).

Hence, state-building here is considered as a capacity of building inclusive, democratic state institutions, and legitimacy of core government functions in serving the people. It means the capacity of states institutions, inclusivity and legitimacy of the core functions of the government in serving the public of South Sudan and their contribution to nation-building. Legitimacy in the context of this study is seen from state institutions and functions perspective that provide the basis for rule by consent, rather than by coercion by the state (OECD, 2010). South Sudan's state institutions have not been able to get legitimacy from the public because of the failure of the state to deliver public goods and social services to the people. Hence, legitimacy in this context is seen from how state institutions are able to serve people. States are able to offer service to people when institutions have basic essential components that contribute to good governance. As Upreti et., al, (2010) explain, for state to function in the interest of the people, it must promote an inclusive good and democratic governance.

Inclusive and democratic governance in itself is a composition of quite a number of essential elements that determine effective functioning of the state institutions. These elements are accountable system of governance, inclusivity and consensus-oriented decision-making and participatory governing process. Other essential factors for effective functioning of the state include presence of rule of law and constitutionalism, and indeed effective utilisation of resources for ultimate purpose of serving the people and making them happy. South Sudanese state does not possess these elements that a functioning state has. It is the elites that have controlled the state. Detail on how South Sudanese state failed in its decentralisation policy to address the basic human needs in South Sudan, are discussed in chapter three.

Furthermore, state –building in the context of this study would mean achieving stability, peace and inclusivity and participation of citizens in governance process of the country (Upreti et al, 2010). Successful state-building requires clear vision, commitments and right institutional arrangements. The issues of managing post-conflict transitions and achieving lasting and sustainable peace, I argue that the first and foremost important factor is to respect the rule of law, constitutionalism, inclusive and participatory governance. These factors would ensure respecting human rights, exercising democratic practices and effectively implements development agenda (Upreti, et.al, 2010).

Predation and lack of accountability in South Sudan's system of governance can be traced back to the SPLM /A time of liberation and continued, unabated to date in a large extent (Pinaud, 2021) in Nicola Di Cosmo et., al. (2021). The few critical voices arising from human rights organizations denouncing the SPLA's exploitative patterns that continued after 1994 were mostly ignored. Hence, institutional building in SPLM/A-controlled areas only routinized predation, and increased the enrichment of commanders. The most efficient at predation it got, the more support the SPLMP/A received. Therefore, I argue that, South Sudanese state has fallen short of meeting the expectations of the people after the signing of the Comprehensive Peace Agreement in post – conflict and post -independent South Sudan. As Upreti (2010) explains, the post-conflict state building has to focus on linking development with economy. Economic development in the areas affected by conflict requires viable economic policy reforms, trade promotions creation of markets and jobs, intensive investment in basic services such as education, health, and drinking water. Hence, an effective state-building requires presence of accountable state institutions at all levels of government that are able to offer public goods and social services to the people.

In addition, South Sudan peace –building components and issues which may affect achievement of sustainable peace are discussed based on the figure below. The analysis of the components pertaining to success of peacebuilding and its process are looked into and discussed from different political periods of peacebuilding have described essential components involve in understanding the concept of state–building in the context of this study.

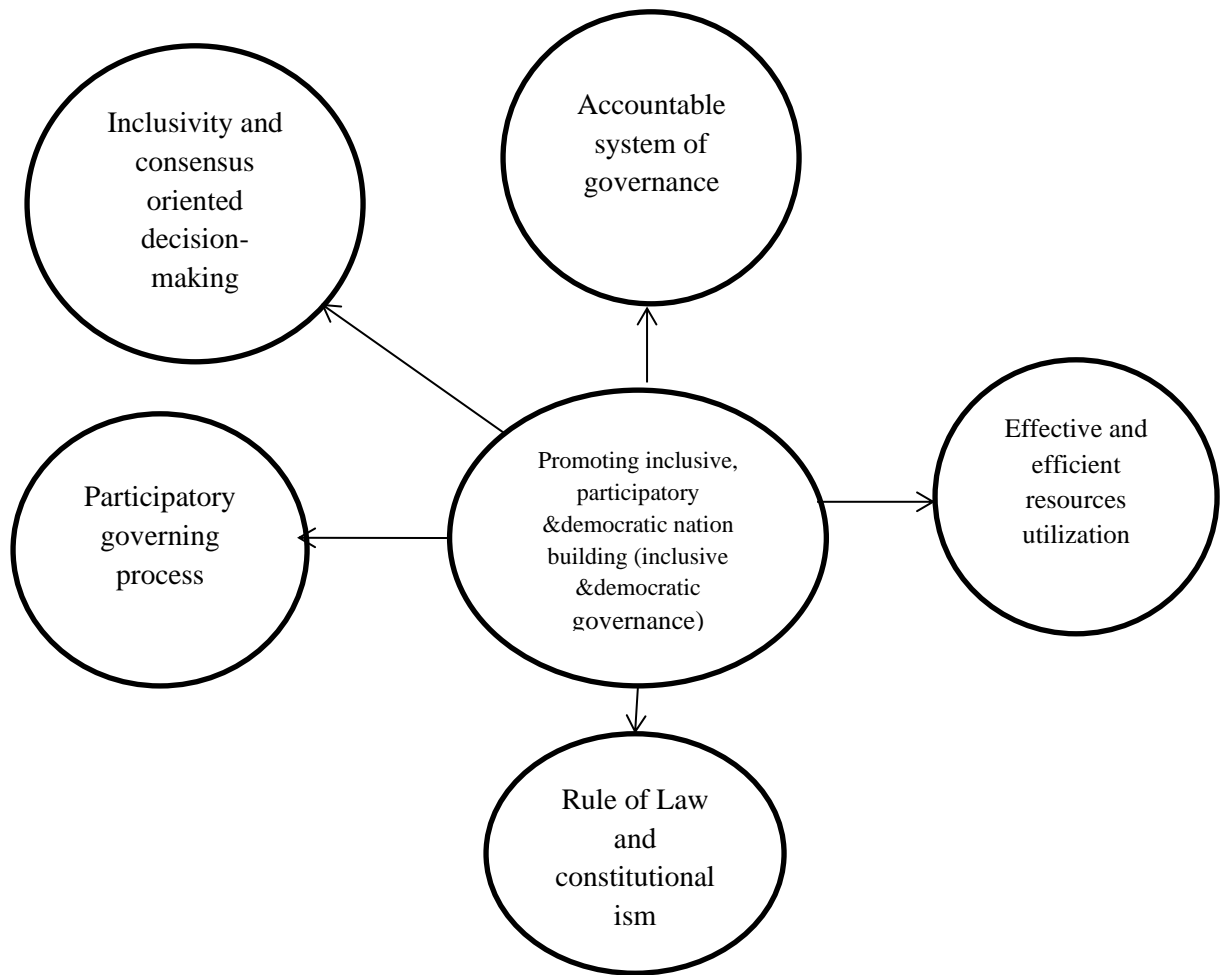


Figure 4: Identified essential components for State –building in post – conflict South Sudan

Source: Adopted from Upreti et. al, (2010). *The Ranking of the State: The case of Nepal*.

Peacebuilding activities that are considered central to successful peace building in post –conflict South Sudan as indicated in the figure above. First, supporting inclusive peace processes and agreements through the core functions of government institutions. These functions include maintaining public security and the rule of law and constitutionalism. However, these factors are missing in South Sudan. Second, there are also some factors which are central to promotion of inclusive and democratic nation building. They include accountable system of governance. Accountability is of the core components in nation-building. However, this is missed in South Sudan. There are some indications for the lack of accountability in South Sudan. According to Sentry Report (2015), South Sudan was ranked among the top 5 most corrupt countries by Transparency International in 2015. For example, in 2012, President Salva Kiir accused 75 ministers and officials

of having stolen \$4 billion in state funds and requested the money be returned, but according to news reports, only 1.5% of this sum was actually recovered (The Sentry,2014). These 75 accused ministers have not been held accountable for the crimes they were accused of. Most of the accused have links and patrimonial networks with business people most of who are related to President, either by blood or friendship.

The report further maintains that only a fraction of the recovered wealth was actually reinvested into the country and revenues from the oil sector are rarely reinvested in critical sectors of the economy, as evidenced by the lack of implementation of the Petroleum Revenue Management Bill, which would allocate oil revenue to non-oil sectors of the economy (The Sentry Report, 2015). Thus, lack of development outside the oil sector has left South Sudan among the world's poorest nations. Meanwhile, elites on both sides of the political divides have the resources to sustain an armed conflict that began in December 2013 and has since killed tens of thousands of people, displaced over 2 million, and has left 4.6 million, or around 40 percent of the population, food insecure (The Sentry Report, 2015).

Providing access to critical social services like education and health services to ensure that every citizen gets their rights, are also missing. Since South Sudan's independence, the government has largely squandered its economic potential and political goodwill, becoming a kleptocracy where political power is leveraged to secure wealth. Thus, South Sudan lacks a capable and competent state institution that can effectively and efficiently offer services to the people of the country.

Another related issue to be discussed in this chapter is the root causes and consequences of conflict and peace building initiatives that followed. They are meant to construct mechanisms and activities designed to prevent a relapse into conflict by staging reconciliation amongst conflict-divided communities in South Sudan's post-conflict environment. The concept of peace-building is discussed in relation to two major successive peace agreements signed between South Sudan's political war parties. They agreements include the following ones: the Agreement for the Resolution of Conflict in the Republic of South Sudan (ARCSS), which was signed on August 18, 2015 to resolve and end the December 2013 conflict; and the current Revitalized Peace Agreement, signed on December 18, 2021 by the South Sudan government and armed opposition and political forces as a result of the collapse of the ARCSS on July 8, 2016.

5.2.2. Peace Building and the Making of the Transitional Constitution of 2011

The constitution-drafting in South Sudan was primarily done by the political elite without the involvement and participation of the South Sudanese public and its stakeholders, which include civil society organization groups. The political elite and the international "state builders" gave little focus and attention to the participation of the public (Abraham, 2011; Jok, 2012). There were two fundamental concerns with the process that led to the drafting of the TCSS. The first was the exclusive nature of the process. The SPLM insisted that it was an amendment, and thus a technical review process, rather than a constitution-making process from the start that needed wider participation (Miamingi, 2013).

Based on that assumption, a small "technical" group made up of SPLM members (except one person from the loyal opposition) was set up to undertake the constitution review. For many observers, the technical group was more of a political group and represented only one political party, the SPLM. This was mainly because the twenty-four members first appointed by the President were all, but one, from his party (Miamingi, 2013). In other words, the drafting committee members were mostly members of the ruling SPLM party, appointed by the President. After the political parties complained, the President appointed an additional eleven members from other political parties, two from civil society organizations, and one from faith-based groups. As if this was not enough, the President, to the surprise of many, appointed seventeen additional members from his party just days later.

Although the Constitution affirms institutionalization of decentralization through the establishment of institutions of governance such as the Local Government Board (2009) at national and state levels, there is still a lack of precision on clear roles and responsibilities of the states and local governments in many areas, such as raising revenue (Jock, 2012). The reaffirmation of the supremacy of the Constitution, as TCRSS stipulates in its preamble, says: "Sovereignty" is vested in the people and shall be exercised by the state through its democratic and representative institutions established by this Constitution and the law." And specifically, it is affirmed that the Constitution derives its authority from the will of the people. This being the case, as stated in the Constitution, collective decision-making through consultation with the lower levels of government has not been the culture of the national government. For example, in the appointment or removal of officials in the political positions of lower levels of government, the national government is the

key player. Ethnic diversity in political representation, participation and inclusivity have a binding force on all persons, institutions, organs and agencies of government throughout the country. This is explained in the Constitution that establishes different levels of administrative decentralization. Here, the supremacy of the Constitution is reaffirmed in establishing the division of decentralized administration into three levels in Article 47 of the Constitution (TCSS, 2011). It states that South Sudan shall have a decentralized system of government with the following levels:

- The national level, which shall exercise authority in respect of the people and the states;
- The state level of government, which has authority within a state and is responsible for providing public services through the level closest to the people; and
- The level of local government within the state that is closest to the people (TCSS 2011: Article 47 (Sub 1-3)).

Despite the provision in the Constitution in Article 47 mentioned above for a clear division of levels of government, there have always been challenges and problems with clear division. The national government has been creeping into the states' jurisdiction. This also holds true in the case of states and counties. The state interferes with the county's jurisdiction in terms of appointment and relieving local government officials. For instance, the Republic of South Sudan being an independent nation, the national level cannot be considered as a "level of decentralization" as it is "the one which is "decentralizing." Consequently, we can only have two levels of decentralization, which are the state and the county. This shows unnecessary detail is embedded in this article of the Constitution. The article also explains how the political elites are obsessed with the administrative division of the country into smaller ethnic enclaves, claiming that they are addressing the long-awaited demand and aspiration of the people for a federal system.

In this connection, the thesis argues that the TCRSS has fallen short in addressing constitutional and necessary institutional issues pertaining to building South Sudanese common identity as a multiethnic society. The lack of adherence to constitutionalism and the rule of law by the ruling political elite at different levels of government has been one of the problems in the implementation of a decentralized system of governance. Politicians and public servants in positions of power have been characterized by rampant or endemic corruption and abuse of public office powers through various means, such as nepotism and ethnocentrism. This act of lack of constitutionalism has

paralyzed the creation of viable, effective state institutions through the decentralization of power and resources to subnational levels of government.

In addition, the nascent institutions of governance, which should have been the pillars of the implementation of decentralization, are not given the power to effectively exercise their authorities. For example, the South Sudan Electoral Commission, which was created before the secession of South Sudan and continued thereafter to carry out national elections at different levels of government, had not been fulfilling its electoral responsibilities. Since the 2010 Sudan National Election, there have never been any elections conducted in South Sudan since the country became an independent state from the rest of Sudan. South Sudan has been moving from one transition to another without permanent and capable state institutions in place to serve the public. Political transitions have always been marred by the full scale of violent conflict, with self-serving interests followed by a lack of political will from the political elite to cooperate and work to serve the people beyond the political transition.

Part of the problem during crafting and that later prevailed in the implementation of the the Transitional Constitution that was not clearly addressed is the division of powers between the national and state levels, where the center nearly renders no power where in exclusive or concurrent powers in and responsibility to the states to draw their own Constitutions. The Transitional Constitution for example, Article 51 (sub-article 1), list down the power of National Government as follows:(a) maintenance of peace and security throughout the country ; (b) reconstruction and development; (c) promotion of good governance and welfare of the people; (d) exercising authority in respect of South Sudan and the states; and (e) ensuring the protection of the rights and interests of the people; and (f) the National Government shall discharge its duties and exercise its powers as set forth in this Constitution and the law. Although such powers are granted to the National Government exclusively, none of them has been implemented. For example, (a) states that the national government shall carry out reconstruction and development in that South Sudan after the peace prevail. This has not been implemented. Instead, what has prevailed and still increasing is endemic corruption in an alarming rate as compared to most countries in Africa and perhaps in the world (World Corruption Index, 2022). In its its report of global corruption in 2022, the World Corruption Index ranked South Sudan in the top ten most corruption country being the first in the list (World Corruption Index ,2022). In this situation, you

cannot talk of peace and stability throughout the country because absence of peace is what keeping the elite in power and it is that helps loot the resources of the in the name restoring peace in the war-torn nation.

On the hand, the Transitional Constitution has not clearly stipulated the functions and responsibilities (mandate) of the state government as one unit that can function discharge its responsibility concurrently as exclusively as well in line with clear separation of powers between the branches of the government at its level. For example, in first part of the part 11 chapter I Article 161, where it should have clearly stated the functions and responsibilities of the state government as a unit, the Constitution rather talked of general provisions. For example, article, 161(1) of the Transitional Constitution simply states that the territory of South Sudan is composed of ten states governed on the basis of decentralization; (2) The constitutions of the states shall conform to this Constitution. (3) State boundaries shall not be altered except by a resolution of the Council of States approved by two-thirds of all members; and (4) Names of states and their capital towns shall not be altered except by a resolution of the Council of States approved by a simple majority of all members on the recommendation of the relevant State Assembly. These provisions are general and do not clearly indicate the functions and responsibilities of the state as sub-unit of the government. Although Schedule B in the Constitution clearly stipulates functions and responsibilities of the states within the national framework or mandate, they not clearly indicate the mandate and responsibilities state should have.

This means the Constitution has been drafted with less consideration of the context in which the states should have room to interpret some of the provisions related only to their local situation at the grassroots. It also shows how the drafting of the Constitution was a top-down driven exercise, with little or no consultation with the public at the grassroots. Although the Constitution in Article 3 (2 and 3) provides that "the authority of government at all levels shall derive from this Constitution and the law, this, in practice, has not been the case. In many cases, the national government interferes with the state's jurisdiction, and the state interferes with the authority and powers given or assigned to the local or county level of government. There is also a challenge in the interpretation of the articles above on the part of the states. The two articles are interpreted by different states differently. For some, the states are responsible for making their own Constitutions, and for others, the national level has the mandate to take the lead in the drafting of the state

constitution because the states were not fully part of the national constitution drafting process after the country became independent.

5.2.3. Separation of Powers in the Transitional Constitution of South Sudan

Scholars in the field of constitutional law, like Vile (1998), argue that western institutional theorists have concerned themselves with the problem of ensuring that the exercise of a government's power is in line with basic principles of the division of power. Vile (1998) and Mockford (2011) further note that the constitutional exercise of power is essential to the realization of the values of society. These values, they assert, include: equality, freedom in its many forms, the rule of law, constitutionalism, justice, transparency, and accountability. The government's power should be subject to checks and balances so that it does not become destructive of the values it was intended to promote in society. This part of the study examines whether or not South Sudanese diversity is reflected in the national government as enshrined in the Constitution.

In addition, it is argued that the division of power according to structures in the Constitution between different levels of government, like between the national government, state, and local or country levels in the Transitional Constitution of South Sudan, is so asymmetrical in nature that it means the national government at the center controls more powers that should have been meant for the other levels. South Sudan is governed based on decentralization, or what they call in the Constitution a "decentralised system of governance."

The Constitution is thus a blend of federal and unitary features, given the fact that states have their own Constitutions. Governors during the 2010 Sudan Nation Elections were directly elected by the people. This also applied to members of state legislative assemblies; they were directly elected by the people. It was after the 2011 referendum on self-determination, which led to the secession of South Sudan from Sudan, that the President of the Republic swiftly started appointing through decrees, State Governors and the members of State Legislative Assemblies. There are two reasons for in this regard. First, according to the South Sudan Electoral Law of 2012, South Sudan was to hold national elections in 2015, 4 years after the end of the transitional period. So, before the elections, the national institutions like the state legislature and other branches of government had to function and serve the people during the transitional period (2012–2015).

Second, the SPLM Party in general and the Party's Chairman, who is also the President of the Republic, believe that by appointing state governors and members of parliament at national or state levels of government, they would gain the personal and political loyalty and obedience of their cadres so that the former do not pose any challenges to the leadership of the latter.

The removal of elected state governors and replace them with unelected ones by the President in the event that they become threats to national security is indeed unconstitutional, and a controversial one. The states and county levels of government see it as violation of constitutional right to elect their own representative as provided the Transitional Constitution. It is interference into the jurisdiction of subnational levels of government by the President and the executives at national levels into their local affairs and autonomy. Whereas the SPLM political class sees it as an important step toward achieving "national security." This move creates precedent for the state's governors to remove county administrators using the same arguments through gubernatorial decree as well as does by the President through presidential decree orders. Now the president even appoints or relieves county commissioners or chief executives as well state governors through presidential decree orders. In this situation, the rule of law and constitutionalism is not in place; rather it is the one-man rule which is currently prevailing in South Sudan.

Nevertheless, some the political elites at the center see this as a way of curbing and controlling the growing power those governors may have when left without check by the center. Although the current government is a coalition government constituted by different parties which signed 2018 peace agreement, the reality on the ground is that the president wants to control power and appoints state governors who will be loyal to him personally instead of being loyal to the constituencies and political parties whose tickets brought them to power.

In the organization of the national executive as stipulated in TCSS (2011) as amended article 51(a), the legislature, executive, and judiciary are referred to collectively as the national government. According to Article 53 of the TCSS, the primary responsibilities of the national government are to: (a) ensure peace and stability; (b) promote good governance, the rule of law, and the welfare of the people; (c) exercise authority over South Sudan and the states; and (d) protect the rights and interests of the people. These are major responsibilities of the National Government stipulated in the Constitution. These responsibilities, however prescriptive they may be, demonstrate that national governments can work toward an inclusive national building that reflects South Sudanese

diversity. But many questions can be asked when one sees and reflects on the current political situation in South Sudan right from the time of independence in 2001. The president and the executive firmly control powers right from the political center in Juba, to sub-national level. Hence, there is a negative and skewed asymmetrical power relationship between the national and state governments, which puts values such as equality, the rule of law, and justice, which can support inclusive and effective nation-building in South Sudan, in jeopardy. To examine this in depth, it is important to look into the vertical division of powers in various organs of the national government, such as the executive and the legislature, vis-a-vis the states, and how this division of power horizontally reflects South Sudan's diversity (ethnic diversity or composition in particular) within the national government.

5.3. Major Causes of the South Sudan's Conflict in December 2013

There are numerous causes of conflicts that erupted before and after South Sudan's independence. These causes can be classified into three major factors: The first is the lack of viable and effective state institutions as a result of poor statecraft and an exclusionary governance system that failed to manage Sudanese ethnic and racial diversity during colonial and post-colonial administration. This could be explained in terms of the economic, political, and social marginalization of the peripheries by the dominant political elite who control the power and resources of the nation in Khartoum (Johnson, 2003; Yoh, 2018).

According to the South Sudanese academic journal "*The Provocateur*" (2019), the problem in the old Sudan was the failure to craft a "state" that has the legal and infrastructural power, institutional capacity, and political will to carry out core "state" functions, which include the failure of the Sudanese state to provide basic services to health, education, water, and sanitation, maintain internal order, and enforce policy. The state's failure also includes building equitable infrastructure throughout the country. The South Sudanese had been left a no-man's land by the successive regimes based in Khartoum. No road networks, transportation, or communication systems were built to connect the government and the citizens, the majority of whom live in rural areas. The South Sudan region was left in ruins as a war zone for decades (The Provocateur, 2019).

Second, the question of national identity or shared values amongst different ethnic communities in the country was another challenge to nation-building. While still part of Sudan, the Southern

Sudan region sees itself as an African inhabited primarily by animists and Christians who see themselves as historically and culturally distinct from the northern Sudan. The northern region sees itself as an Arabicized Muslim entity where the majority of the population, although blacks, affiliate with Arab culture and Islam (Yoh, 2018). It is to be noted that the Southern Sudan region has Muslims as well, and the northern has non-Arabized Muslims too. Hence, the conflicts in the old Sudan were not mostly attributed to religious differences alone, but are to economic and social marginalisation of the periphery including Southern Sudan by successive elites led regimes in Khartoum (Johnson, 2003). There are other factors associated with creating a common national identity as well. Lack of ability to manage ethnic and racial diversity is another factor responsible for causing protracted conflicts in the Sudan. The South Sudanese people had been oppressed and deprived of developing their own identity. The result was a denial of self-identity, which culminated in ever-ending conflicts and violence, and these invoked unsettling memories of the past, while negatively influencing the present and future of crafting inclusive citizenship and statehood in the present South Sudan (Mawere & Ngonidzasche, 2016). We shall discuss the details thereof in subsequent topics.

Similarly, there are other ethnic communities that are mostly followers of the Islamic region and yet have been and still are marginalized equally, such as the South Sudanese ethnic communities in the southern region. These ethnic communities are also found in peripheral areas of Sudan. For example, the Beja in the east and *Darfurians* in the west have rebelled against successive regimes in Khartoum because of political, social, and economic marginalization that South Sudanese have also suffered at the hands of the political elite in Khartoum. For this matter, religious cleavages that existed or prevailed at the time between the Northern and Southern Sudan are not taken as causes of the conflicts between the Southern and Northern regions of Sudan in this study. We need to pay more attention to the root causes of conflicts, which are political, economic, and social marginalization. In this regard, we would summarize these factors into two or major ones. There is a lack of equitable power and wealth/resource sharing between the elite who controlled and centralized political powers and resources in Khartoum and the country's marginalized peripheral areas, including the Southern Sudan region. This political culture, which existed in Sudan during the Sudan, was replicated in South Sudan after the secession by the Juba political elite, and it is the root cause of the current conflict.

5.4. The Agreement for the Resolution of the Conflict in the Republic of South Sudan (ARCSS)

This part in this chapter briefly addresses some of the fundamental factors underlying the causes of the conflict in South Sudan, just two years after it seceded and became independent from the rest of Sudan. The fundamental reasons are discussed in relation to state-building, nation-building, and the management of ethnic diversity as the country moves towards becoming a full-fledged, sovereign, and independent state. In this regard, we also addressed, among others, issues leading to failure in the full implementation of the peace agreement signed by the warring parties on both sides of the conflict and political divide. The section also highlights some of the governance issues, such as the adoption of federalism as part of an age-old popular demand of the peoples of South Sudan ever since the years prior to the independence of Sudan from the British Colonial Administration.

5.4.1. The Origin of December 2013 Conflict and the Massacre of the Nuer Ethnic Community

There have been quite a lot of arguments and counterarguments about the root causes of the conflict in a young nation less than two years after its independence as a sovereign nation (AU Commission of Inquiry, 2015). Other researchers like Vhumbunu (2018) argue that the December 2010 conflict can be traced back to the build-up to the civil war and can be traced back to the difficult, strained, and uneasy political relationship between Kiir and Machar, both in government and within the Sudan People's Liberation Movement (SPLM). During the Comprehensive Peace Agreement (CPA) interim period from 2005 to 2011, the two political leaders were said to have supported different candidates in the run-up to the envisaged 2010 elections. During the SPLM's second national convention, the two leaders were also at odds with each other. This happened when President Kiir, also the Chairman of the ruling SPLM Party, wanted to remove Machar and replace him with James Wani Igga from the Equatoria region as his First Deputy in the Party, and subsequently as the Vice President of the Government of South Sudan (Nyaba, 2018a). Nevertheless, many would agree with the fact that the root causes of the conflict that erupted on December 15th, 2013 were multiple in nature and had many layers that affected peace and stability even after independence (Vhumbunu, 2019).

Prior to the outbreak of violence on December 15, 2013, some individuals argue that there were indications as early as 2008 that all was not going well. The differences within the governing party portended violence (AU Commission of Inquiry on South Sudan Conflict, 2015). Further, factional political struggles within the governing SPLM, back in the bushes during the liberation struggle, became rife in 2013 as South Sudan approached its first general elections after independence, which were scheduled for 2015 (Nyaba, 2018; Johnson, 2016). Machar, together with Pagan Amum Akeach (SPLM's Secretary-general) and Rebecca Nyandeng de Mabior (a fellow member of the SPLM Political Bureau and widow of the late SPLM leader, General John Garang de Mabior), openly criticised the SPLM Chairman and announced that they would contest the presidency against Kiir. The non-cooperative relations between the Office of the President and that of the Vice President and the contestations over skewed and irregular army recruitments in 2013 by the President were also factors in the civil war.

The massacre happened following the night after President Kiir had delivered one of the hate speeches in his time as a President and Chairman of the SPLM governing party. During his opening of the National Liberation Council of the SPLM on December 14th, 2013 - a day before the outbreak of conflict, Chairman Kiir remarked that the massacre of Dinka Bor in 1991 as a result of the split within the Movement, will not be repeated and that those who may orchestrate the conflict this time around will not go unpunished. The President said this in his opening speech of the meeting after Machar and his supporters planned political rally was postponed due to the rescheduling of the meeting of National Liberation Council that was called upon by the Chairman of the SPLM. This shows that President Kiir used his opening session to criticize and verbally attack his political opponents rather than addressing the concerns which he was accused of by his political rivals, especially the First Deputy Chairman of the party and former Vice President, Riek Machar (Nyaba, 2018b; Leach 2014). The President's speech was full of revenge spitite of 1991 split that led to killing of many Dinka Bor ethnic community by youth from Lou section of the Nuer ethnic community. Torit faction of the SPLM (SPLM Mainstream Faction) led by Colonel John Garang de Mabior and Commander Slava Kiir as his Deputy accused Machar faction of being behind the massacre of ethnic Dinka from Bor, an accusation Machar and his faction categorically denied (Nyaba, 2018a).

On December 15th 2013, two militia groups from Dinka ethnic community, named *Maathiang-Anyoor* (people from cattle camps) and *Dokubany-* which can be literally translated as ‘let us rescue the President,’ were already recruited by President Kiir, six months or more before the outbreak of the conflict, this time were ready to launch the attack on their target, the Nuer ethnic community. These two militia groups and some of the SPLA soldiers, entirely from Dinka ethnic community where the President hails, went rampaging from door-to-door in Juba and carried out targeted killings of mostly members of Nuer ethnic community (AU Commission of Inquiry on South Sudan Conflict, 2015). This was a state planned and sponsored targeted massacre directed against the Nuer ethnic community (AU, 2015). The indiscriminate killings continued for more than 5 days. The militia groups in Juba city alone, killed an estimated number of more than 20,000 (twenty thousand) innocent and unarmed civilians, including women and children from the Nuer ethnic community (Nyaba, 2018). However, President’s Kiir faction of the SPLM, still denies there is such a massacre committed by its soldiers. This is one of the causes for the delay in the establishment of the hybrid court to investigate the atrocities and crimes committed during seven years conflict.

Some South Sudanese and outsiders consider the conflict to be an ethnic one. However, we argue that is a political one. The cause of the conflict is a deep-rooted political rivalry and animosity going back to the time of liberation struggle and tensions, which were triggered by disagreements within the presidential guards over alleged orders to disarm Machar-aligned Nuer members as a result of an alleged coup (Anyaba, 2018a; Johnson, 2016). Other scholars like Holandsen et al. (2015), on the other hand, agree that the war was brought about by a power struggle within the SPLM, the general militarization of South Sudanese politics, and the country’s weak governance structure, which are to be blamed on the eruption of the conflict. These situations made an escalation of violence difficult to avoid in the wake of the initial clashes on December 15, 2013. Interview with General Oyie Deng Ajack (April 23, 2020) Addis Ababa, Ethiopia indicated that the cause of conflict was a political, which is the failure of the leadership from the top of the governing party to adhere to principles of democratic governance constitutionalism and the rule of law. General Oyie is a veteran SPLM/A Commander who held various prominent portfolios, including being General Chief of Staff of the SPLA from 2005 to 2007. From 2009 to 2010, who was appointed as a Minister Foreign Affairs and Regional Cooperation in the Government of Southern Sudan (2009–2010), and finally Minister of National Security in the Office of the

President (2010–2012). General Ajak is currently in exile after the 2013 conflict in which he was arrested along with seven other senior SPLM leaders, most of whom were members of the political bureau. They were accused by President Kiir and his faction of the SPLM of staging a coup d'état to overthrow the government-unconstitutional overthrow of the government. This is an accusation they denied and of course was a case which was later dismissed by the South Sudan Supreme Court as a 'fake coup' after the accused were taken to the court.

Given the analysis of these factors that led to civil war in South Sudan right after independence, this thesis categorizes the root causes of the conflict into the following points: First, the struggle for power and resource control within the governing SPLM Party by the elite class. The SPLM dominates the political space in the country by virtue of having claimed that they have "liberated" the peoples of South Sudan from economic, political, and cultural marginalization by successive regimes in Khartoum. This gives them leverage to compete for scarce resources, resulting in political rivalry among top leaders (AU, 2015). This could be elucidated in relation to the political culture the SPLM/SPLA elite developed over the years in the bush during the war of liberation struggle. In those days, rebel commanders institutionalized the plundering of resources of the local population throughout South Sudan in the areas they liberated through fines and local taxes they levied on the local population. It is these commanders who, this time, around become ministers in the national government, state governors, and the county commissioners in governing the people. Power struggle for control of the resources between elite based ethnic and armed groups has been a culture of the SPLM/A since its inception in 1998. According to findings of a focus group discussion made with former Government officials in Northern Bahr el Gazal State in Juba during the field research, Rebellion and factionalisation of the politics becomes a tool for accession to power. The case in point is former Chief of Staff General Paul Malong Awan who rebelled because he was relieved from the position, he held for almost four years.

Second, the weak governance structures of the government or absence of institutions with the capacity for checks and balances to curb the abuse of power and public office by the political elite. South Sudan before the separation in 2011 was almost no-man's land, economically and politically marginalized by successive oppressive regimes in Khartoum. This economic and political marginalization took a toll on the institutional and infrastructural development of the region. Third, and the final reason in this argument, is the lack of constitutionalism and adherence to the rule of

law by the ruling political elite. This is exhibited in the behaviour of different political leaders who hold public offices, including the President of the Republic. The desire of elites to settle every political difference through authority, the power ones holds and the violent means are rooted in the SPLM's political culture back in the time of liberation struggle.

The President governs the country through presidential executive orders, which are replicated in the states by their governors, who also govern their states through gubernatorial decrees, instead of normal executive governing procedures. In this regard, it is hard to avoid the conclusion that South Sudan's ruling elites were more interested in power than in doing the work of nation-building (de Waal, 2014). This thesis argues that it was not in the interests of the SPLM elite to engage in building state institutions through inclusive systems of governance like federalism and effective devolution of powers and resources to substate levels of government. The SPLM elites see inclusive state and nation-building as a challenge to their authority. They considered that developing inclusive state institutions would have diluted and challenged their power authorities. The SPLM's state and nation-building model has failed to establish state institutions that would unite South Sudan as a multiethnic society.

This thesis asserts that the legacy of the CPA—the failure of the parties to implement the critical provisions in the peace agreement, such as national reconciliation, which leads to effective peace-building initiatives, could have prompted unity in diversity amongst different ethnic nationalities in the country. This in turn could maximize their participation in governance. However, the Comprehensive Peace Agreement (CPA) failed to deliver a peace dividend.

One of the fundamental failures of the CPA in South Sudan was a lack of agreement amongst the political leaders and the elites from the ruling SPLM party on initiating national dialogue amongst the South Sudanese ethnic nationalities, which were sharply divided and affected by decades of conflict. Instead, the leaders paid much attention to referendum activities that led to independence. Some sources vehemently argue that promoting negative peace at the expense of embarking on the building of institutions of governance and democratic transformation processes in the new nation has resulted in violent conflicts that killed a number of innocent lives and have destroyed property and fragile infrastructures (Nyaba, 2018b). Another argument was that the problem stemmed from a political schism among the SPLM governing party's senior executives, with some senior party members attempting to seize power through unconstitutional means. A point they termed "coup

d'état"; accordingly, President SPLM-faction, staged against the constitutionally elected government by the people of South Sudan by a few individuals who were members of the government (government's narratives).

Other researchers like Alex de Waal (2014) attributed the causes to the failure of the ruling party and the government to deliver what the South Sudanese people needed the most. These include failures in basic social service delivery such as education and health, and the breakdown of public security and endemic corruption (de Waal, 2014). On their part, SPLM-IO and other opposition political forces argue that there are additional root causes of the conflicts that lie within the government of South Sudan. One is being the failure to achieve the SPLM's vision for talking towns to villages and objectives of ending abject poverty in South Sudan after the independence from the Sudan (Kuol Par, 2020). Final argument in relation to the root causes of December 2013 conflict as considered in this study, is that the conflict is attributed to deep-rooted tribal or ethnic rivalries driven by the political and military elite's thirst for control of power and resources, dating back to the outbreak of the civil war in Southern Sudan (1983–2005). Competition for power and resources fueled ethnic animosities and led factional leaders within the SPLM to mobilize their ethnic communities to support their "cause" along ethnic lines, resulting in atrocities on all sides (Blanchard, 2013; Focus Group Discussion with 6 former civil service employees, July 1, 2019).

Similarly, Clemence (2013) asserts that predation by armed groups during the second civil war (1983–2005) initiated a process of dominant class formation within the SPLM/A liberation movement. That demonstrates how, through various strategies of resource capture and kinship networks, commanders from the Sudan People's Liberation Army (SPLA) and other factions formed a new aristocracy – a "dominant class" that thinks of itself as "the best" by virtue of the contributions it made during the war of liberation for independence. Although ethnicity is a contributing factor to the ongoing crisis in South Sudan, particularly after the re-escalation of violence in December of 2013, the characterisation of the conflict as an ethnically driven crisis is insufficient given the issues this study addresses (Kuntzelman, 2013).

Drawing on Marcel Mauss's analysis of "gifts" Clemence (2013) describes how SPLM/A rebel commanders, through gifts of bride-wealth and wives to their subordinates, formed a lower stratum of followers that strengthened their position and got hold of the resources they needed. Celemeence argues that during the war of liberation some some paramount chiefs in liberated areas gave their

daughters as gifts to rebel commanders who would later make them their own wives. In return, paramount chiefs usually received cattle from rebel commanders as dowries for their daughters. Those herds of cattle were also looted from the communities by the rebel commanders. The rebel soldiers were looting the cattle of the very people who also served as a source of their human resources to execute the war efforts. The looted herds of cattle finally would end up in the hands of rebel commanders. With the cattle, the rebel commanders would pay as many dowries as they for their many wives they have. This is how SPLM/A sustained their lives during the war of liberation for more than 22 years (Clemence ,2013).

This scenario of such a class formation continued even after the Comprehensive Peace Agreement, in which the military and political elite in power maintained this lower stratum through the deployment of nepotistic and clientelist and patronage networks to sip national wealth (Pinaud Celmenge, 2013). This system of corrupt and antagonistic networks, coupled with the absence of inclusive and capable institutions of government, has also contributed immensely to the current crisis in South Sudan. The absence of democratic and competent state institutions, created by a decentralized system at the subnational level, is discussed in length in chapter five. Hence, in the course of this study, the conflict in South Sudan is not considered purely an ethnic one. Rather, it is a complex one. It is seen as a result of the failure of the governing SPLM's political party and elite class, which have failed to create and develop inclusive and participatory state institutions that are able to serve the public interest.

5.4.2. Analysis of Power and Wealth Sharing Protocols in the ARCCS

The power sharing arrangement in the ARCCS after the December 2013 conflict was designed to curtail the centralization of state power by the governing party's elite, including the power of the President. The IGAD mediation and its partners viewed the concentration of power in the hands of a few elites as one of the factors responsible for the cause of the conflict in the new nation. Hence, IGAD regional mediators and their backers, the international community, designed the power sharing arrangement in such a way that it would create collegial governance with checks and balances on the powers distributed among political parties and individuals that signed the

peace agreement. Article 1.6 of the ARCSS (2015) puts the power ratio for the National Executive Arm of the government between the political parties as follows: Government of South Sudan (SPLM) –In Government Faction) 53%; South Sudan Armed Opposition (SPLM) 33%; Former Detainees, SPLM’s political leaders and Other Position Political Parties) 7% each. Although this power sharing ratio was seen by the mediators as an equitable one, it does not, in its essence, reflect the nature of the political culture in South Sudan. The quota or ratio in the power-sharing did not work because of lack of political will from the government to implement the agreement in letter and in spirit. Lack of political will and commitment from the government later led to the collapse of the peace agreement.

The incumbent government (SPLM—in government) see themselves as a senior and superior partner in TGoNU to Machar's SPLM-IO, with more power than the "rebels." Their percentage in power arrangements is greater than any other political party, individually or all of them combined. Hence, the snarled narrative of *power-sharing* in ARCSS has been particularly problematic to the peace-making and peace-building processes in the war-torn country (Spears & Wight, 2015). This is because

In the state executive and legislature, the percentage of power sharing between political parties has not been equitable and not clearly stated in the Peace Agreement. In the ARCSS (2015; Article 15.2), the power sharing ration between the political parties as follows; Kiir’s faction of the SPLM – the incumbent government has 60%, the SPLM–IO has 40%; former political detainees 7%; and other political parties (those political parties who are allied to the SPLM’s Faction of President Kiir in the government 7% accordingly) (ARCSS, 2015).

Like the power sharing ratio at the National Executive Organ of the Transitional Government of National Unity (TGoNU), peace-mediators gave the lion's share to the government of South Sudan, which was also party to the conflict and committed heinous war crimes and crimes against humanity during the conflict. In the first place, this exacerbated the tendency for competition for resources and powers between the parties at sub-national levels of government (Nyadera, 2018). Second, the mediators rendered the peace agreement as something that only served the belligerent and predatory motives of the main signatories. Instead of serving the interest of the people of South Sudan, the mediation gave emphasis to warring parties, who later divided the posts in the government amongst themselves. Rather than being defined by democratic values and a spirit of

cooperation, the agreement has served to entrench a pernicious system of military and political patronage networks among the elites. Lack of the political will and commitment, especially committing the financial resources to implement the peace agreement from political leaders of the parties to the peace agreement, were some of the factors that led to the collapse of the agreement less than one year after it was signed (Onditi, 2017; Nyaba, 2018 b).

The Peace Agreement on the Resolution of Conflict was not detailed in terms of institutionalization of wealth or resource sharing. Intended institutional reforms that could have supported equitable power and wealth sharing arrangements were not properly designed by the mediating party, the IGAD, and its international backers, such as the Trioka member states (US, UK, and Norway). Chapter 4 Article 1.4 explains that the wealth of South Sudan shall be shared equitably so as to enable each level of government to discharge its reconstruction, development, legal and constitutional obligations, duties, and responsibilities (ARCSS, 2015, Chapter IV, Article.1.4).

The Transitional Constitution of 2011 as amended has a similar provision on wealth sharing arrangements. Article 37 (.3) of the TCSS (2011) states that South Sudan's wealth must be shared equitably in order for each level of government to fulfill its responsibilities in reconstruction, development, legal and constitutional obligations, duties, and responsibilities. Despite these provisions in these national documents, much of the wealth share of South Sudan remains with the national government, as it used to be in the CPA and after independence. The elites at different levels of government are in control of the budget. Both the ruling party and security and military elite high-ranking officials are the ones benefiting from the national oil revenue. Oil revenue share is divided by different institutions before it reaches the national treasury and the Ministry of Finance premises. The proliferation of states increased the lack of accountability and elite control of power and national resources. They take civil war, which has brought a lack of security, as a pretext for the concentration of wealth at the center (Francis Onditi, 2017). So, like in the CPA period, the wealth of South Sudan is still concentrated in the hands of the few political elites in the central government in Juba who strive to meet the instrumentalist end by controlling access to resources and power in the country.

5.4.3. Decentralised Institutions as Provided for in the ARCSS

The Agreement for the Resolution of Conflict in the Republic of South Sudan was meant to address the root causes of the conflict that devastated human lives and property in the new state. This was to be addressed by way of implementing governance and institutional reforms and installing accountability and the rule of law. However, it failed to address the problem because of a lack of political will from signatories to implement what they signed (Mairi J. Blackings, 2018). The parties to the conflict signed the peace agreement amidst public protest and reservations under the duress of the peace mediating party, the IGAD, and their backers, the international community and the AU. As a result, none of the signatories felt ownership of the agreement (Blackings, 2018).

For the purposes of this thesis, we will only look at the major institutions. The discussion centers on institutions related to peace building and nation-building issues deemed critical to the success of national unity amongst various ethnic nationalities in South Sudan. These include the National Constitutional Amendment Committee (NCAC) and the Transitional Government of National Unity (TGoNGU).

5.4.3.1. Transitional National Constitutional Amendment Committee (NCAC)

The peace agreement of 2015, Article 13 (1), clearly mandates the National Constitutional Amendment Committee (NCAC) to complete the task necessary to prepare for the transitional period and form a transitional. NCAC was a body composed of seven members' committee from different political parties to review the Transitional Constitution. The committee was given the mandate to draft and make Constitutional Amendment Bill available within twenty-one (21) days of the signing of the Peace Agreement (ARCSS, 2015 Article 13.1.1). The article further stipulates that the bill shall incorporate the provisions of the Peace Agreement into the Transitional Constitution of the Republic of South Sudan of 2011 and review as appropriate as possible other legislation. One of the important provisions in the Peace Agreement that was to be incorporated into the Transitional Constitution was federalism, with the devolution of more power and resources to the subnational levels of government. The Preamble of the Peace Agreement states this clearly: "a federal system of government is a popular demand of the people of South Sudan, and it is of the need for the TGoNU to reflect this demand by way of the devolution of more power and resources to lower levels of government." Therefore, the role of the national should be to initiate a federal democratic system of governance which reflects the character and diversity of the people of South Sudan "(ARCSS, 2015 p. 5).

In a related situation, Article 13.2 of the Peace Agreement provides for the composition of NCAC, which should be drawn from the political parties, civil society organizations, and the IGAD regional bloc that mediates the peace process. The NCAC shall be composed of eight (8) members nominated by their parties and shared by the IAGD representative, according to the article (ARCSS, 2015).

For example, the government of South Sudan has two (2) members; SPLM-IO has two (2); former political detainees one (1); other political parties one (1); and representatives of IGAD two (2). Of all the members of the opposition political parties to the NCAC, SPLM-IO, the main rebel movement opposition armed group, was the one that strongly demanded and argued for a federal system of political arrangement to be included in the Transitional Constitution. On the contrary, the government of South Sudan was arguing against the demand of the SPLM-IO for this provision to be included now, citing that it was the right time. They [the government] argue that it would be included in the Permanent Constitution after consultation with the people of South Sudan regarding the form or type of federal political arrangement they want.

Other important provisions in the peace agreement, like security arrangements and some amendments to the Constitution, were not incorporated into the Transitional Constitution of 2011 as per the peace agreement. As a result of a lack of political will to implement the peace agreement, on July 8th, 2016, fighting broke out in National Place in Juba between the bodyguards of President Salva Kiir and those of First Vice President Riek Machar. That incident culminated in the near collapse of the 2015 Peace Agreement when Machar and the majority of his forces, which were with him, were forced to leave for Juba as a result of the fighting. The IGAD and its peace partners, the Troika member states and the UN, were unable to persuade the parties to sign the peace agreement to deliver on what they had committed to with their signatures. This has been one of the weaknesses of this peace agreement (Mairi J. Blackings, 2018).

Another challenge which led to the failure to incorporate important provisions enshrined in the Peace Agreement into the Transitional Constitution was the lack of robust and effective strategies on the part of the political parties to the Peace Agreement and peace mediators for managing any disputes arising from the agreement. Peace implementation institutions like the Joint Monitoring and Evaluation Mechanisms Commission (JMEC), a body tasked with the oversight and monitoring of the implementation of the peace, were empowered by IGAD to make necessary

decisions on matters affecting the implementation. They were not able to identify and address contributory factors and provide early warning to the parties with regard to the constant cease fire. Failure of IGAD mediation to warn warring parties resulted in the near, complete, or partial collapse of the ARCSS, depending on which party you speak to (Blackings, 2018).

Of all, the peace agreement has made it clear that a federal system of governance should be adopted in South Sudan as a system of governance to ensure unity in the diversity of the peoples of South Sudan. However, that was not implemented because there was no political will on the part of the government of South Sudan to implement the agreement in letter and in spirit. As a result, the peace agreement collapsed in July 2016 and the conflict broke out once again and parties chose war over dialogue.

5.4.3.2. Transitional Government of National Unity (TGoNU) and Federalism (2015) Peace Agreement.

Transitional Government of National Unity was partially formed in April 28, 2016 nearly more than five months after the Peace Agreement was signed by belligerent parties. Especially when the agreement started unraveling very fast in the evening leading to July 8th 2016 National Palace [locally known as J1]. It was a partial government because it was only the executive branch of National Government which was formed; the Transitional Legislative Assembly was not reconstituted as the Peace Agreement states. ARCSS (2015, Article 1. 1) stipulates that there shall be established in South Sudan a Transitional Government of National Unity (TGoNU) no later than July 9, 2015. In the Agreement, TGoNU had a number of mandates and responsibilities to restore peace and stability in the war-torn nation. However, we shall focus on ones that deal with governance and reforms in the state institutions. First, Article [2(1).1] provides for the role of TGoNU in overseeing and ensuring the Permanent Constitution-Making in the country is an inclusive and participatory for all stakeholders and the South Sudanese people at large. Second, Article 2.1. 14 of the peace agreement state that the Transitional Government of National Unity shall devolve more powers and resources to state and county levels of government. Third, the Agreement gave TGoNU the mandate to carry out reforms in various state institutions that include public service, financial management and security sectors reforms (ARCSS, 2015).

A number of institutions under the Transitional Government of National Unity were created by the Peace Agreement to implement the reforms. The Strategic Defence Security Review (SDSR), (ARCSS Chapter 2 Article 6.1); the Public Finance and Economic Management Institution, Chapter 3 Article 6. 1; the Economic and Financial Management Authorities (ARCSS, 2015, Chapter 4(8)); and Commissions for Truth, Reconciliation, and Healing [ARCSS, Chapter 5(2)] are among these institutions. However, these institutions were paralyzed and unable to function efficiently and effectively. This is due to a lack of political will by the SPLM faction of President Kiir, which controlled the financial resources that strengthened the running of the institutions created by the peace agreement as part of governance reforms.

One of the new institutions created by ARCSS is the Ministry of Federal Affairs, as part of the reforms in the governance structure in the country. This ministry was established to adopt federalism as a system of governance. It was also meant to be established to recognize and manage diversity effectively and devolve powers to subnational levels of government (ARCSS, 2015). Effective federal systems can also impede abuse of power at the center by giving constitutional power to subnational levels of government at the grassroots (Aalen Lovise, 2019). However, the government of South Sudan, for its part, was reluctant and indeed objected to the establishment of this ministry. The ministry was intentionally understaffed and underfunded by the government. Refusal of Transitional Government of National Unity to support the ministry of federal affairs was due to the pretext that there must be a popular consultation with the public of South Sudan before adopting federalism. The reality behind the scene is indeed lack of political will of the government to implementation the signed peace agreement, in general, and adoption of federal system of government in particular. Government argues that consultation with the South Sudanese public should be done before federalism is adopted a system of governance. In reality, all of this was a deliberate delay against the inclusion of a federalism clause as a system of governance in the Transitional Constitution.

The SPLM political elites rather wanted to continue with the status quo, which is the way decentralization in South Sudan was designed and put into practice. It is not enough to address political and economic problems that have engulfed the nation through a decentralized system of governance because the institutions are designed to only serve the elite who firmly hold the grip of power and resources. Nevertheless, although the government of South Sudan was pressured by

the international community and the IGAD, they were still reluctantly willing to accept the inclusion of the provision. Many calls for the adoption of federalism have been made by both the people of South Sudan and the SPLM's political elite as a demand to devolve powers and resources to sub-national governments fell on deaf ears. Despite the debacle, this provision was included in the agreement and thus helped the establishment of the ministry of federal affairs to be one of the institutions covered by the Peace Agreement. But, due to a lack of financial support from the government and capable human resources, the ministry was not able to function effectively.

The above institutions were created by the peace agreement to ensure that South Sudan's institutions of governance in all the sectors are reformed and repositioned to fit the purpose of serving the people of South Sudan. However, there were serious setbacks to the implementation of the Comprehensive Peace Agreement (CPA) so as to make these institutions work and implement the reform agenda set in the peace agreement (Vhumbunu, 2018). One of these is President Kiir's 21 reservations on the viability of the peace agreement as a power of politics, instead of nation-building. The manifestation of this was when President Kiir refused to sign the Peace Agreement in Addis Ababa on August 17th, 2015, together with his peace partner. Instead, he signed the Peace Accord one week later, after all the party members had put their signatures on the peace document, when he was persuaded by the Heads of State and Government of the IGAD regional bloc and the international community. This comes about due to a lack of political will from the government. Finally, this lack of political will could also be a result of weak institutions which is fueled by the state structure back in the past. The state has a skeletal of an antiquated colonial design and with strong neo-patrimonial traits made more pronounced by the oil money scrambled by political elites from the SPLM and their accomplices (Oyetein, et al., 2015).

5.4.3.3. Institutional Reforms enshrined in 2015 Peace Agreement (ARCSS)

The South Sudanese have a long catalogue of peace agreements that were signed to end the various conflicts that marked the country before and after its independence in 2011 (The International Refugee Rights Initiative 2018). Among the many of these peace agreements is the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), which was signed on August 17th, 2015 in Addis Ababa, Ethiopia. The agreement was signed on different dates by the warring parties. The President signed the agreement on August 26th, 2015 in Juba, South Sudan, whereas the position leader, Dr. Riek Machar, signed it on August 17th of the same month. One

would wonder why the same peace agreement was signed on different dates, times, and places by the same very people/leaders who would later be destined to end the conflict and bring peace to the country. This problem is discussed and addressed in the subsequent subtopic that comes right after this one, which is the failure in the implementation of the ARCSS.

Although the ARCSS was not considered to be as "comprehensive" as the CPA (2005), it was deemed important to address the challenges the CPA of 2005 failed to address during its implementation. These important issues include governance reforms such as the adoption of federalism as a system of governance in South Sudan with effective devolution of powers and resources to sub-national levels of government. In addition, the ARCSS also recognizes the fact that a federal system of government is a "popular demand" for which South Sudanese people have been asking for years, even before the independence of Sudan from Britain and later after the secession of South Sudan from Sudan in July 2011. This principle is what the peoples of South Sudan would have foreseen as one of the major pillars in the constitution-making process, though little has been achieved in this regard (The International Refugee Rights, 2018). Other major reforms included in the ARCSS which were not implemented in the CPA were the security sector reforms, economic, fiscal policy, and financial and electoral reforms, and national dialogue and reconciliation (ARCSS, 2015).

Despite the inclusion of these provisions in the peace agreement, very few of them were implemented. Paradoxically, the government of South Sudan, which considered it a "legitimate" government and has claimed to have mandate from the people, was reluctant to commit resources and political will to implement the agreement in letter and in spirit (Blackings, 2018).

5.4.4. Failures of the ARCSS to Restore Peace and Stability in South Sudan

The drivers and dynamics that led to the near or complete collapse of the ARCSS are very much contested by different parties to the peace agreement. For example, the parties to the peace agreement put their versions very contrastingly. The mediating parties, IGAD and AU, and their backers from the international community, which provided support, each have their own version of what led to the failure of the agreement. The mediating parties attributed the failure to a lack of political will from the warring parties. Parties to the agreement blame each other for the lack of political will and commitment to what they have assigned for.

All have their own versions of what led to the failure of the ARCSS. However, the focus here in this section is not to stage arguments and counter arguments on the causes of the failure in the implementation of the peace agreement, but rather to look into whether or not the agreement has contributed to achieving sustainable peace and nation -building in the new nation.

One of the major factors leading to the failure of the 2015 peace agreement is a lack of political will and lack of commitment on the part of the government and the SPLM-faction led by President Kiir. The government was not willing to implement security arrangements such as the disarming of major towns like Juba and other towns in South Sudan. Regional blocs like the AU, the IGAD, and the international community's have failure also to closely monitor the process of peace implementation. The failure of the parties to the agreement to commit themselves to the truth was manifested from the very onset of the signature of the agreement itself when President Kiir talked to the media on his return from Addis Ababa to Juba. President Kiir argued that the signed peace agreement is not a "holy Bible nor a holy Quoran." He claims that the peace agreement made opposition leader Dr. Riek co-president by giving him powers nearly equal to those of the President.

This statement implies that there is no guarantee that the signed peace agreement will be implemented. Its implementation may depend on the willingness of the parties. It can be abrogated at any time. The parties signed the agreement amidst public protest and reservations (Blackings, 2018). For example, President Kiir's SPLM faction saw the peace agreement as an opportunity to consolidate political power. As a result, President Kiir and his government, despite being one of the signatories, felt no ownership of the agreement. In relation to this, each of the major parties to the peace agreement, they were expecting outside forces to put pressure on each other to speed up the implementation process. That did not happen as they expected. Finally, on July 8th, 2016, fighting broke out in the National Palace between the bodyguards of the President and First Vice President. As a result of the fighting, Machar, the First Vice President, and his forces were evicted and forced to leave the country under heavy fighting and aerial bombardment. According to some sources close to the SPLM-IO led by Machar, this is how the Agreement for the Resolution of the Conflict in the Republic of South Sudan nearly collapsed. According to Knof (2016), the failure of the 2015 agreement and the de facto collapse of the TGoNU were as predictable as they were

inevitable. The lack of political will from President Kiir's government and his SPLM-faction to commit resources for the implementation was one of the major causes of the failure.

For President Kiir and his faction of the SPLM party, the agreement did not collapse. It was Machar who was reluctant to implement the peace agreement. As a result, Machar's former Chief Negotiation to Peace Talks, Taban Deng Gai, was sworn in as First Vice President after he replaced Machar as Chairman of the SPLM-IO faction of the main stream SPLM faction. However, the replacement of Machar by his senior former aide did not stop the conflict. Instead, the conflict continued and escalated to many parts of the country that it had not reached before, like many parts of the Greater Equatoria Region. The population of South Sudan continued to suffer internal displacement and flee into exile to neighboring countries to seek refuge. Finally, on part of the President Kiir and his faction of the SPLM party, the agreement did not. Rather, for them, it was Machar's transigent and bilgerent attitude towards accessing power in the highest political office in the land through violent means that led to the outbreak of the war after the peace agreement was signed.

5.4.5. The 2016 National Dialogue: But did it salvage the collapsed ARCSS?

5.4.5.1. Background and the Essence of National Dialogue in South Sudan

Thania Paffenholz, et, al. (2017) show that the National Dialogue, which has served as a means to ease political transitions in diverse contexts ranging from Benin and Yemen to Afghanistan and South Africa, even northern Suan, is hardly a new phenomenon in political and social contexts. National Dialogue, then, has several different meanings depending on the way in which it is used El-Battahani (2014). According to Rieker and El-Battahani (2014), national dialogue is used as a synonym for formal negotiations between two or more antagonists, or parties to a conflict, as well as to describe either the more informal process of communication among opposing parties leading up to negotiations or processes that aim to avoid an escalation of conflict without any concrete ambition to reach a negotiation phase. Others, like Thania and Paffenohlz, and colleagues, further argue that national dialogues are convened to address issues of national concern, such as national reconciliation to build national unity after intractable conflicts between communities, or typically,

they are meant to address longstanding causes of conflict that have been brought to the fore by political protests or armed insurrection.

The initiation of the National Dialogue in South Sudan may be traced to the outbreak of fighting between President Kiir and his First Vice President, Machar's, presidential guard personnel at the Presidential Palace in Juba on the night of July 8, 2016 (Blacking M. John, 2018). But the conflict that the National Dialogue was meant to address has longstanding causes that go well beyond the National Palace incident in Juba, and it involved many more stakeholders than those who were fighting. As explained by Charles M. and Kudrat Voirtk (2017), the renewed violence since July 2016 reflects, in part, the weakness of the August 2015 Addis Ababa agreement in fully addressing the role of ethnic-based grievances as a driver of conflict. It also reflects an overemphasis on elite-level conflict resolution and is concomitant with a lack of attention to peacebuilding at the grassroots level in a context of widespread poverty, inequality, and a weak economy.

It was on December 14, 2016 when the National Dialogue Initiative in South Sudan was announced by the country's leader, President Salva Kiir Mayardit. Although the announcement of the initiative was met with mixed reactions locally, regionally, and internationally, it presented a rare and convenient opportunity for South Sudanese people to engage, build peace, and reconcile, Vhumbunu, (2018). The overall objective of national dialogue, according to the Guide for National Dialogue (2017), is to end all national violent conflicts in South Sudan, constitute national consensus and save the country from disintegration. The National Dialogue consultation process commenced in early November 2017 at local and regional level and is envisaged to end in mid-2018. As the President explains in the Concept Note on this initiative, "National Dialogue is both a forum and a process through which the people of South Sudan shall gather to redefine the basis of their unity as it relates to nationhood, redefine citizenship and belonging, restructure the state, regenerate the social contract, and revitalize their aspirations for development and membership in the world of nations." No mention of restructuring the political parties, which are currently personality-based.

While the details of this initiative are yet to be seen as more complex and complicated when the process is being staged, it is important to assume that these issues have much to do with identity conflicts and the challenges they pose for managing diversity constructively (Deng, 2017). The National Dialogue, according to one of the interviewees who are close to the government, is a

grassroots community-led initiative that paves the way for dialogue at the local and regional dialogue conferences, which will culminate in the National Dialogue Conference in late 2018. This initiative came against the background of cross-country intercommunal violence, political power struggles, national governance challenges, economic instability, and massive internal displacement of citizens, disunity, and disintegration, which had been aggravated by the near-collapse of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). In July 2016, following the resumption of fighting between forces loyal to Kiir and those aligned to the then-vice president and leader of the Sudan People's Liberation Movement and Army in Opposition (SPLM/A-IO), Riek Machar (National Dialogue, 2018; Vhumbunu, 2019).

In spite of the narrative above on the essence of national dialogue in South Sudan and its contribution to national unity, there are also contradictory and divergent viewpoints on the very reason for the initiative. According to SPLM-IO and other opposition political forces, the National Dialogue was started as a process of blocking HLRP, which was initiated by the IGAD-South Sudan Mediation Office with the objective of reviving the collapsed August 2015 Peace Accord as a result of National Palace fighting that led Machar, the leader of the SPLM-IO, to flee Juba through the Democratic Republic of Congo in July 2016. They argue that Kiir and his government's intention for the national dialogue was meant to convince the people of South Sudan and the outside world that they were implementing the Peace Agreement with the SPLM-IO fallout faction led by Taban Deng. That was not the case, as the fighting was already going on after the collapse of the peace. At the same time, Taban, a former aide of Machar, was immediately appointed by President Kiir to replace Machar as the leader of the SPLM-IO and at the same time as First Vice President after the latter left the country. Therefore, national dialogue is understood by both the government and the opposition political forces differently in relation to what drives it and the purpose it serves.

5.4.5.2 Contributions of National Dialogue to Peacebuilding National Reconciliation

According to the framers of the National Dialogue, the process has made an immensely valuable contribution to peace building in the country as a whole and, in particular, to the current Revitalised Peace Agreement. The first achievement is that it has got a national acceptance by the majority of the people of South Sudan. They argue that to some extent, almost all South Sudanese have

embraced the National Dialogue in principle, although differences still exist with respect to timing and implementation modalities, among other issues of contention (Deng, 2017; Vhumbunu, 2019). There appears to be a profound acknowledgement by a substantial portion of the population that the process helped the people of South Sudan engage in a national conversation to manage their differences, renegotiate the social contract and reach common ground on the way forward to secure lasting peace, stability and prosperity. This is evidenced both by attendance at the national and regional consultation forums and public opinion presented on various South Sudanese media platforms.

Secondly, national dialogue institutions, in the words of some members, have managed to secure regional and international buy-in to the process. In principle, the United Nations (UN), European Union (EU), African Union (AU) and the Inter-Governmental Authority on Development (IGAD) have all expressed their support of the National Dialogue process in South Sudan [1]. However, the support from the regional and international community was incumbent upon the commitment of the government to make the process public-driven as well as non-committal, as they have consistently stressed that they would support a national dialogue process that is all-inclusive, independent, transparent, and inclusive, while underscoring the fact that the dialogue initiative should complement rather than supplant the ARCSS (National Dialogue 2019). National Dialogue is a concept following in the footsteps of the National Dialogue in North Sudan, where the dialogue was not representative and failed. In South Sudan, the ethnic groups that have not signed the peace agreement raise doubts about the representativeness of the National Dialogue in South Sudan.

Thirdly, the government, to its credit, was able to set up the structure and organizational framework to operationalize the National Dialogue, which also positively influenced (evidence of positive influence) the Revitalized Peace Agreement negotiation process between the opposition parties and the incumbent TGoNU. The National Dialogue Leadership, the NDSC and Subcommittees, and the National Dialogue Secretariat (NDSC) are all in place.

While President Kiir had initially self-appointed himself as the patron of the NDSC in 2016, his decision in June 2017 to recuse himself by relinquishing his patronage of the committee brought some semblance of independence and credibility to the institution (Deng, 2017). The chairpersonship of the National Dialogue was initially in the hands of the President and was not

subject to a vote by various ethnic groups. The current head of national dialogue is from the Dinka ethnic community and is also pointing to the influence of the President.

Although the skeleton or structure is put in place, the institutionalization of the structures of national dialogue and its operationalization was difficult because sometimes it goes opposite or against the process of the Revitalized Peace Agreement. There were some instances in the beginning when its members saw the Revitalized Peace Agreement as a futile exercise which was not worth the price, instead of seeing the two complementary processes for achieving a sustainable peace in the country (National Dialogue Book III, 2019). This attitude of seeing NDSC as superior to R-ACSS on the side of the incumbent TGoNU became a stumbling block to the expeditious implementation of the Revitalized Peace Agreement. The implementation of the agreement had to be postponed twice to get the parties to agree on certain protocols, such as those on the National Constitutional Amendment Committee (NCAC) and security arrangements protocols.

Although the committee appears to be regionally balanced, there are still questions raised over the selection criteria and, consequently, the extent of the independence of the NDSC members. This undoubtedly erodes some of the committee's credibility. A good example is those who turned down their appointment to the NDSC, such as Roman Catholic Church Bishop Paride Taban and Sudan People's Liberation Movement Former Detainees (SPLM-FDs) officials Rebecca Nyadeng de Mabior and Kosti Manibe Ngai. They cited various reasons, including disagreement on the terms of reference, and the absence of "level ground for dialogue, and a lack of pre-consultation and transparency. With all the contributions of ND to peace-building mentioned above, national dialogue also had some challenges emanating from the process of its formation all the way to implementation. In spite of those contributions, the National Dialogue process did not replace the Revitalized Peace Agreement as expected by the ruling elite that designed it and directed its operation; it rather complemented certain values of progress for the start of the R-ACSS.

5.5. The Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS)

5.5.1. The R-ARCSS's Origin and History

The Revitalized Peace Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) was a peace agreement signed in December 2018 by the parties in the conflict. The

objective was to revive the failed Agreement for Resolution of Conflict in the Republic of South Sudan (ARCSS) of 2015 and restore peace and stability in the war-torn country (Okuk, 2018). Revitalized Peace Agreement is a product of IGAD's Heads of State Summit held on July 12th 2017, a year after the collapse of the ARCSS as a result of the immediate outbreak of conflict in Juba on July 8th 2016, between the opposition and the government force at the National Place known as "J1" Verjee (2017). At that summit, IGAD Heads of State and Government endorsed a peace plan known as the "High Level Revitalized Forum" (HLRF) to revive the stalled ARCSS. The mandate of the HLRF is threefold: first, to restore a permanent ceasefire; second, to fully implement the ARCSS; and third, to revise the ARCSS implementation schedule in order to hold elections at the conclusion of the agreement's timetable (Verjee, 2018). The Revitalized [2] Peace Agreement for the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) is the result of HLRF, and its implementation is currently underway, culminating in the formation of the Revitalized Government of National Unity (R-TGONU), which is made up of different political parties to the Peace Agreement.

In the subsequent subtopic, we shall discuss the revitalized peace agreement which on major features of the agreement and its protocols. These protocols include, but are not limited to, security reforms in all national organized forces, governance reforms such as the adoption of federalism with significant devolution of powers and resources to subnational levels of government and economic and social service sectors. These are some of the major reforms deemed necessary to restore peace and stability in the war-torn nation. In relation to this subtopic, we shall discuss power and wealth sharing arrangements in R-ARCSS in the context of state institution building, peacebuilding, and nation-building as to how the implementation of these protocols supports the reform process. In addition to discussing institutions in the R-ARCSS, we look at the challenges in the current implementation phase and what the political settlement would look like after the three-year transition period is over.

In this section, R-ARCSS shall be evaluated in terms of process, content, and the relationship between the agreed solution and the problem intended to solve in relation to power and wealth sharing, against the trust or trust deficit between the parties (Stephen Cardy2019). The agreement stipulates that its implementation will be done in two stages. First, the Pre-Transitional Phase (PTP) has an eight-month time frame in which parties to the agreement, through the National Pre-

Transitional Committee (NPTC), will prepare for the implementation of the R-ARCSS. Phase Two, effectively, is the implementation phase: a three-year period of a Revitalized Transnational Government of National Unity (R-TGoNU) to begin at the end of the PTP. The three-year period of the RTGoNU is then to be followed by national elections (Tombe, 2019).

5.6. Analysis of Power Sharing Arrangements in the Revitalized Peace Agreement (R-ARCSS)

What differentiates the Revitalized Peace Agreement of 2018 from the previous agreement of 2015 lies in its responsibilities (power sharing) and wealth sharing protocols. Power and responsibilities or power sharing arrangements at all levels of the government in the R-ARC are clearly stated (Onapa, 2019). The truth of the matter lies in the fact that the responsibilities or power sharing arrangements have been technically increased both at the national, state and county levels (Boma levels as well) of government throughout the ten (10) states of South Sudan (R-ARCSS, 2018 Chapter One.12.1-15). The power sharing ratio between the parties to the peace agreement is technically determined according to the percentage allocated to each party, as it is applied across different levels of government (national, state, and local levels of government) both vertically and horizontally.

The incumbent TGoNU (SPLM-In Government, 55%); SPLM-IO, 27%; SSOA, 10%; and other opposition political parties (Kiir's Ally, 08%, respectively (R-ARCSS, 2018, (1).16). The other difference between the ARCSS and R-ARCSS is the fact that the original ARCSS, supposedly a comprehensive peace deal, was inked in 2015 (by fewer signatories) but quickly collapsed (Okiror, 2019). It was derided by some as fundamentally ill-conceived. The main difference between the previous peace agreement, ARCSS, and the new power-sharing formula in the R-ARCSS lies in the increase of the positions of power and authority in the institutions of the agreement. That the current cabinet and Parliament at all levels of government in the R-ARCSS have been expanded to include and accommodate more people from different parties to the peace agreement. This is not primarily to create more accountable institutions with checks and balances, but rather a political accommodation of the parties and their elite. A typical example is having five Vice Presidents, the expansion of the members of National Parliament from 332 to 550 members, and the expansion of the state executive and legislature (R-ARCSS, 2018).

In spite of the wider scope of the power arrangements, it remains unclear whether the power sharing deal will likely guarantee long-term stability in the country. Delays and postponements have frequently underfunded peace activities such as the training and graduation of the country's future national and unified armed forces (Madani, 2018; Okiror, 2019). Personally and institutionally entrenched mistrust, rather than reconciliation, continues to define the relationship between the two principals, President Salva Kiir and the First Vice President. Because of mistrust, it will be difficult to determine whether the power sharing arrangement and peace as a whole will hold up or not for some time to come. This fact is underlined by the continued refusal of President Salva Kiir to appoint SPLM-IO's nominee, General Johnson Olony, to the governorship of Upper Nile State. Samuel Okiror (2019). Second, economic crisis in the country was fueled by a lack of political will to provide a financial budget for the government to function effectively. There has not been any budget approved so far for government activities. The national legislature, which should have approved the budget, has yet to be reconstituted to include appointed members of parliament from all parties to the peace agreement. The same problem—a lack of political will—caused the delay of nearly two years in the reconstitution of the national legislature. Although the national legislature is reconstituted and the members of parliament are sworn in and take an oath of office, much of their work is yet to be accomplished.

Also of concern are political appointments that were made for various offices, including the Undersecretary of the Ministry of Petroleum; six (6) Ambassadors; and the Governor and two (2) Deputy Governors of the Bank of South Sudan, which are inconsistent with the provisions of the R-ARCSS (JMEC, Report on Progress of R-ARCSS, 2020) [1]. There are no institutions that were created to remove inconsistencies or to sanction illegal violations of the agreement. The only institution which could ensure that the parties comply with the provisions and articles of the peace agreement is the Reconstituted Joint Monitoring and Evaluation Mechanism (R-JMEC), but it does not have the power and authority to enforce the compliance of the parties with the terms of the peace agreement. Enforcing the compliance of the parties to the provisions in the peace agreement is an essential missing element in the formation of the institutions in the peace agreement to implement the required institutional reforms. Again, there is another problem related to this. The already existing state structures or institutions that could enhance the likelihood of the success of the peace agreement are not there to support the implementation of the peace agreement. In other

words, the already existing state institutions are partial and support only one political party, namely the SPLM faction in the government led by President Kiir.

From the public perspective, there are concerns that the power sharing arrangements agreed in the 2018 Peace Accord may not be realistic or sustainable until the end of the transitional period. According to a focus group discussion with civil society leaders [2], they argue that there is nothing new in this peace agreement that could lead the political elite to come to an agreement and devolve powers to substate levels of government. The best hope for sustainable peace, they assert, is a process that is inclusive of ordinary men and women, civil society, religious leaders, all ethnic groups, and other excluded groups from the previous peace agreement. Strategies for building structures of inclusivity are absent. The same mistake was made during the CPA implementation. For example, the CPA draft document was never discussed with the grassroots. It was an elite-driven process in its entirety. Only after it was signed and the copies were printed out and distributed for informational purposes only. This peace agreement also follows the same pattern – SPLM dominates the process and constantly intimidates civil society representatives of the institutions and mechanisms of peace.

Members of the focus group further elaborated that even if the civil society representatives have questions or want to suggest changes, there is no mechanism stipulated in the agreement to accommodate their views and opinions. They asserted that there is a mounting fear that this peace agreement may not be different from the preceding one because it is still about the struggle for power and resources for the parties' political elites centered in Juba (Tombe, 2019). One of the members of the focus group discussion from the NGO community echoes this statement. He argues that threats to this power sharing arrangement, although the ceasefire has been observed throughout the country by all the warring parties for nearly eight months, will most likely come from outside the government. The youth groups from different ethnic communities that were most affected by conflict and are clearly excluded will not be waiting for some sort of reparation in the form of money or reconstruction and development in their lives. It is most likely that there will be no funds available for rehabilitating young people who have been affected by the conflict.

The agreement has many other flaws too. Its power sharing formula presumes that the warring parties are willing and able to work together with at least a minimum degree of functionality (David Deng, 2020). This belief, given the reality on the ground, seems far from being achieved as parties

stalled in the implementation of the key protocols such as security arrangements in the peace agreement. Mistrust and lack of confidence between the major political parties to the government and their leaders (SPLM-IO of Dr. Riek Machar, the First Vice President, and the SPLM-IG of President Kiir) in the coalition government seems to be growing wider and wider by the day.

Another issue missing from the power sharing arrangements is the non-representativeness and non-inclusivity of the other warring parties in the peace agreement. Other opposition political forces such as the National Salvation Army for South Sudan (NAS) and the South Sudan Opposition Movement Alliance (SSOMA) were excluded from the agreement. The reason was that they criticized the agreement for its failure to address the root causes of the conflict in South Sudan. Notably, they argued that the agreement only favored the SPLM factions—the SPLM in the government of President Kiir and the SPLM in opposition to Dr. Riek Machar. When their argument was not considered by the mediation party—the IGAD and its partners, the AU and the UN—they matched out and abandoned the negotiating process. They accused the IGAD mediation of being a double standard in mediation for peace. They said IGAD sided with the two major warring factions of the SPLM.

The agreement also adopts a "big tent approach" that expands the executive to five vice-presidents, 35 ministers and 10 deputy ministers, a legislature of 550 parliamentarians, and the absorption of tens of thousands of military personnel of all ranks into the South Sudan Defense Force (SSDF). South Sudan is in the midst of an economic crisis due to years of mismanagement, widespread corruption, and, more recently, plummeting oil prices. The country does not have the resources to finance the expansion of government that the agreement envisages. As such, the parties must find ways to proceed with implementation as they work to remedy the agreement's shortcomings (Deng, 2020). In sum, power sharing arrangements provided for in the R-ARCSS may be easily instrumentalized by the dominant peace partner—the incumbent Government of National Unity of President Kiir and his allies—and controlled rather than reconciled and cooperative (The Provocateur, 2019).

5.6.1. Wealth Sharing Arrangements in the Revitalised Peace Agreement and its Challenges

This part of the thesis critically examines whether or not the notion of wealth sharing in the aftermath of internal armed conflict can bring lasting peace (Maimin & Rustand, 2012). This theory of wealth sharing is analyzed in relation to South Sudan's wealth sharing arrangements as provided for in the Revitalized Peace Agreement of 2018. We interrogate how wealth sharing arrangements may contribute or what they would contribute to peacebuilding and nation-building in a country broken by conflicts. The thesis also looks into the future of how it would address the imbalances or gaps in wealth sharing between levels of government following the subsequent implementation, which is currently underway at the time of writing this thesis.

In this regard, Maimin and Rustand (2012) further argue that while wealth-sharing arrangements in post-conflict societies are increasingly considered crucial elements of peace building, the evidence concerning their success is minimal. Its success depended on inclusivity and other factors such as the political will of the parties to the agreement. Maimin and Siraaas cemented their argument that previous studies and empirical definitions of wealth sharing from examining only a subset of post-conflict societies cannot fully explain the future success of the peace implementation. There may be some difficulties in between while the implementation as an ongoing activity. These could be incumbent upon the availability of resources and the willingness of the political elite from different political parties to fairly share power amongst themselves at levels of government.

Similarly, others, like Hugo de Vrie, et al. (2012), assert that recent studies have pointed to the importance of economic reconstruction in fragile states so as to address important root causes of conflict, such as inequality in national wealth sharing, poverty, and unemployment, and to create condition for future economic development. When this is analyzed from the point of South Sudan's fragility, we observe that the history of repeating the same mistake of centralizing wealth and power in South Sudan may happen. The fashion of centralizing power and resources to serve the few elites at political centers—the national and substate levels—is something South Sudan inherited from the Sudan and from the SPLM as well only during the war of liberation struggle.

In relation to the above assertion, this part of research examines how the wealth sharing protocol of the 2018 Revitalized Peace Agreement addresses or would address the inequality of wealth sharing between different levels of government, communities, and indeed, the elite and ordinary citizens, even beyond the transitional period. We make an analysis of the power sharing and wealth

sharing in relation to those preceding peace agreements, which is also linked to one of the major research questions in this study: In which post-conflict situations is wealth sharing most likely to respond to nation and peacebuilding issues in the post-conflict South Sudanese political environment? And could wealth and power sharing arrangements in the R-ARCSS be different from those before it in bringing stable peace in post-conflict South Sudan? These are some of the questions that are going to be answered in the subsequent discussion.

In relation to the above analysis, Article 4.11.1 of the Revitalized Peace Agreement (2018) stipulates that the revenue collected by the national government shall be equitably allocated to the different levels of government. R-ARCCS (2018, 4.1.1.2) further clearly provides for the role of an independent financial regulator authority. It is an institution created by the peace agreement called the Fiscal and Financial Allocation Monitoring Commission (FFAMC) to expedite its role in regulating fiscal budgetary allocation to different levels of government. The peace agreement stipulates that the FFAMC regulations and procedures shall be adopted and established at the state and county levels of government (R-ARCCS, 2018.4.1.1.3). The assignment of the relevant staff with relevant qualifications and experience to this institution is also a serious challenge. The President and his party want to make it a political appointment, whereas other political parties that are members of the Revitalized Government of National Unity want to be by application and non-partisan for accountability and conflict of interest. To date, the staff to run this institution have neither been assigned nor appointed. Other problems are related to this. The rival political parties to the peace agreement are at loggerheads and in a complete political stalemate as to who should run it and where they should come from (political or none-political affiliation).

There are also other problems related to this issue. The agreement has not made clear provisions in terms of requirements or criteria as to who should run the institutions and what qualifications and experience may be required. All are left open to discussion between the political parties. This ambiguity in the provisions led to predatory interpretations by the elites of political parties, who may have provided different reasons for the efficient and effective function and implementation of these provisions in this institution. This may not benefit the public of South Sudan, which is affected by endless wars; rather it benefits the political elites who share powers among themselves.

In addition, there is a fear that the protracted conflicts and the nature of the political elite's behaviour may cripple the proper functioning of the state institutions of transition in post-conflict

South Sudan. The exclusion of the periphery from participation in state functioning, as in any other post-conflict society, is primarily dominated by ethnic identity or other social grouping basis. (Hugo de Vrie et al., 2012 [1]; Victor Asal et al., 2015 [2]; Karim Baghat et al., 2017). Post-conflict state-building and nation-building in South Sudan during a revitalized peace agreement may reflect similar trajectories. The Addis Ababa peace agreement, signed in 1972, failed to address the wealth discrepancies between the Northern and Southern Sudan. The Khartoum-based political elite still controlled the wealth and power from the center. Inequality in wealth and income distribution has not been addressed by the agreement (Johnson, 2003). Power was still being controlled by Khartoum from the center. In the CPA era, the SPLM, which had been the governing party in the Southern Sudan autonomous region, did the same (concentration of power and resources at the center in the hands of a few elite). They continued the same predatory political behaviour after the separation and independence. A similar situation happened during the ARCSS. This time, the agreement collapsed and the conflict broke out again.

Given these institutional and individual leadership problems, we argue that wealth sharing in post-conflict South Sudan in the Revitalized Peace Agreement, as did its predecessors, may not be successfully implemented. It may not bring about stable and durable peace in the country. There are a number of reasons for this. First, because of the usual predatory culture of the political elite since South Sudan's separation and independence from Sudan, it will always be difficult for power and resources to be devolved to subnational levels of government and the grassroots communities. This political culture of holding resources such as oils revenues from Juba, the center of political power, despite the adoption of a decentralized system of governance in the Transitional Constitution, has become a part of the political life of the political class since the time of the war of liberation struggle (Anyaba, 2018a).

Second, the weak state institutional capacity of the South Sudanese state with no checks and balances to implement power sharing policies (Wasara, 2015) also fuelled the problem. Failure of the state's institutions to provide equitable wealth distribution led to predatory political behavior of the elite, who scrambled, embezzled and looted the resources of the country for their personal benefits. This takes place in terms of nepotism in the form of corrupt practices (Johnson, 2016). Similarly, Helga Malmin Binningsbø, Saraaris, 2018) provides the following accounts which could also be applied in South Sudan's context: (1) other factors, such as the capacity of state institutions

with checks and balances to implement wealth sharing policies, better explain the outcome, and (2) wealth sharing policies are poorly designed in post-conflict and fragile states. Power and wealth sharing arrangements of the political transitions in South Sudan have been and still are not well designed to address the root causes of the conflicts. One example is the inequitable wealth distribution and power sharing arrangements that have existed in Sudanese state for many years and are now being replicated in South Sudan. State institutions and positive political culture of the elite that can provide equitable power and wealth sharing arrangements between the center and periphery are rarely in existence.

5.6.2. Major Contributions and Features of the Revitalized Peace Agreement

Major features of the revitalized peace agreement are discussed here in the context of what they contribute to peace and nation-building. The objective is to analyze and discuss how the institutions of the peace agreement could contribute to restoration of the confidence of the public in the state, bringing stability amongst the people of South Sudan and preventing the country from returning to yet another cycle of deadly conflict.

Although the process of HLRF was somehow exclusive in nature, the process has brought warring parties to a negotiating table. The negotiation culminated in the signing of the Revitalized Peace Agreement for Resolution of Conflict in the Republic of South Sudan (R-ARCSS). R-ARCSS is somehow relatively inclusive in its participation as compared to its predecessor, ARCS of 2015. It brought many opposition political forces together and they were able to talk to and negotiate the terms with the government of South Sudan around a table at the final stage of the peace process.

Some of those parties were partially included and others were completely excluded in the initial stage of consultation in the process of the High-Level Revitalized Forum (HLRF), leading to the start of formal peace talks. Those who were excluded by the IGAD and their backers, the West, were termed "estranged groups." The SPLM-IO, as one of the opposition political forces which were partially included in the HLRF process, took their rightful place when the R-ARCSS was kicked off (Verjee, 2018). The R-ARCSS mediation and negotiation process took a year and some months to reach the final stage of its signature by the parties in conflict. The peace agreement R-

ARCSS had many features that differentiated it from ARCSS. This is particularly true in governance arrangements.

The fact that most key features of the 2015 peace agreement are no longer political or practical realities in the R-ARCSS (R-ARCSS,2018) is one of the characteristics that distinguishes ARSS (2015) from the R-ARCSS (2018). For example, in R-ARCSS, institutions are expanded and increased both in terms of their number and composition. That is, the governance arrangement structure expanded from two vice presidents to five vice presidents overseeing different ministerial clusters.

In addition, the National Pre-transitional Committee (NPTC) was not included in ARCSS. This time is included and it is comprised of representatives from different parties to the peace agreement. It was reconstituted to include pre-transitional activities identified as important milestones to be achieved (R-ARCSS, 2018, Article1.7.1). Unlike ARCSS, R-ARCSS includes a broader range of representative civil society organisations and faith-based organisations. The participation was somehow inclusive, at least at different levels in the peace agreement process as compared with the RACSS. And more importantly, the devolution of more powers and resources from the national level to other levels of government, such as states and counties, is included in the Revitalized Peace Agreement, which was not clearly stated in the ARCSS. And the implementation of this provision is to be started within the transitional period. The provision is intended to ensure devolution is implemented during the transitional period as part of implementing the R-ARCSS (R-ARCSS, 2018, Article 15).

However, there seems to be a serious challenge in the implementation of this particular provision, as there was in the 2015 peace agreement. This foreseeable challenge is a lack of political will between the parties to implement R-TGONU. In particular, the political party led by the President is the one having the "lion's share" in the power sharing of the Revitalized Government of National Unity. Their concern is that the more powers and resources are devolved to subnational levels of government, the more the national government will not have much powers govern the country. They also have the fear of the unknown about to surge in the popularity of the opposition political parties with whom they share the Revitalised Government of National Unity in the rural parties of the country. The reason being that the opposition political forces were the ones demanding and pushing for the inclusion of provisions of federalism and devolution of power and resources to

states and national levels of government and that their political programmes resonated with the population on the country side. But the former Government of National Unity (TGONU), now a peace partner with the opposition parties in the Revitalised Government of National Unity (R-TGONU), was stubbornly refusing to include the federalism clause as a way to devolve more powers and resources to state and county levels of government.

Other important features which were not enshrined in the ARCSS OF 2015 but included in the R-ARCSS are the power sharing ratio and responsibility sharing between parties to the peace agreement. The responsibility sharing has now extended to state and local governments as well. It is now extended from national and state to the county or local levels of government with a specific percentage share in the division of powers between the parties. After the formation of the Revitalized National Government of Unity (R-TGNoU) on February 22nd, 2020, which culminated in the swearing in of the First Vice President and the other four Vice Presidents, the formation of state governments became problematic. The reason for the delay in the formation of state governments is that parties could not agree on the allocation of the states. This is a bone of contention because the parties to the agreement that formed the Revitalized Government of National Unity (R-TGoNU) are asking themselves questions out of what the peace agreement stipulates in regard to responsibility sharing in the states and local government.

The peace agreement has also many loopholes, which leave some people with certain questions about which party should take which states, how many they should have, and which of those states should be clearly stipulated in the agreement. All was left to the negotiating power of the parties to the peace agreement. This negotiation process in selecting the states did not go down as well as expected by the mediating party. There was a stalemate in the selection of the state by the parties to the peace agreement. President Kiir wanted more states, especially those states endowed with natural resources like oil and minerals. This raised a big question about the role and the intention of the mediating parties, the IGAD and its partners (Troika, UN, and the AU) for not intervening and providing direction when the provision was intentionally brushed aside by the incumbent TGoNU and President Kiir's SPLM-faction. The GAD mediation and their partners should have learned from the past mistakes they made in the past peace agreements.

Article 1.16.1 (R-ARCSS, 2018) stipulates that the states and local government allocation should be according to the percentage formal allocated to each party to the agreement. Which is, the

incumbent TGoNU shall have 55%; SPLM – (IO) 27%; SOSSA 10%; OPP 8%. That means, out of the 10 states, according to simple arithmetic calculations, the incumbent TGoNU, which is President Kiir's SPLM faction, should have 6.2 percent; the SPLM-(IO), which is a faction of the SPLM led by Machar, should have 3.4 percent; and SSOA should have 1.25 states, respectively. During the discussion, this formula was bluntly ignored by the incumbent TGoNU, claiming that they are the government and they should only give the other parties to the Peace Agreement what they want, and not what the agreement gives them as their rightful share. The incumbent TGoNU [3] believes that SPLM-(IO) should have two states and take seven, whereas SOSSA takes one state chosen by them (the incumbent TGoNU). This attitude of the incumbent, TGoNU shows they are not willing to follow what has been stipulated in the Peace Agreement. The above shows the resistance to constitutionalism and institutional arrangement, which has been the tradition of the SPLM for years. However, with the consistent pressure from IGAD mediation, the international community, three months later, since the formation of the Revitalized National Government of National Unity (R-TGoNU), the incumbent TGoNU on June 15th, 2020, succumbed to pressure and agreed to formal state allocation as enshrined in the Revitalized Peace Agreement.

Despite the fact that the agreement is clear on the allocation of the number of states, there were a lot of stumbling blocks on how the parties were going to commit themselves to bipartisan working relations and run the states effectively. The parties to the peace agreement were already divided along ethnic and clique lines based on self-interests and the scrambling of power and resources. The incumbent Transitional Government of Kiir President and his SPLM-led faction employed divisive strategies and tactics to divide opposition political parties. Instead of focusing on how to free the people of South Sudan from the social, economic, and political crisis that entangled them for years, they are paying attention to how to grasp powers that would enable them to get access to resources.

Amongst the 10 states divided between the parties, were two major oil producing states. These states were hotly contested by the all the parties, but particularly, between the two major parties to the peace agreement- the SPLM factional parties. The contested states are Upper Nile state in the east and the Unity state in the north. These two states are oil producing states and each of the major parties to the agreement wants to control in conflict. The assumption is that , once you control

of these states, then you have the power and financial resources to defeat the other opponents in struggle for political powers (Interview Transcripts from Hassan Abdulahi , 2021).

The problem as explained by one of the interviewees is that every party wants to take both two states and control the oil resource to advance its interest and not the public interests.

Another contentious issue in the division of states between the political parties to the revitalized peace agreement, is division of power and responsibilities between the parties forming the revitalized government of national unity (R-TGoNU). The argument was which party should take the influential (resource- riched state) portfolios like the state ministries of finance and revenues. The contestation was mostly hot between two major political parties which are the SPLM factions. The SPLM – (IO) led by the First Vice President Riek Machar and SPLM -In Government of President Kiir. Each of these parties wanted to have at least one of the two oil producing states, or if possible, all of them. The SPLM-in-Government, led by President of the Republic Salva Kiir, was the other major SPLM political party faction in R-TGONU, and they wanted to control all of the two resource-rich states. These two states are also deemed as power brokers at the heart of South Sudanese political games. Controlling them entails controlling revenue from oil, which accounts for 98.6% of national income.

Another reason that aggravated the political contestation between the two parties is that the capitals of these two states had been under the control of the government during the years of conflict until the formation of the government of national unity. President Kiir and his SPLM-faction wanted to have them all. If not, they wanted to take the city of Malakal. Another interest of President Kiir's SPLM faction in wanting to take Upper Nile State; is the contestation over who owns the city of Malakal. The fact behind the ambition is that Malakal city, the capital of the Upper State and its surroundings, is contested by two ethnic communities, the Dinka and the Shilluk (Chillo). President Kiir, who hails from the Dinka ethnicity nationality, wants the state to be governed by either Dinka or Nuer who are loyal to his SPLM faction. Whereas the SPLM-IO wants the Upper Nile State to be governed by a Chillo ethnic nationality from his party. As a matter of fact, historically, Makala city and its environs belong to the Chillo ethnic community. Since time immemorial, it has been a Chillo ethnic nationality's land.

The explanation of this challenge tells us that the politics of South Sudan is not about the public interest, rather it is about power and resources driven by the ethno-centrism of a leader 's intention to use his ethnic background and bargaining skills to get control of power and resources. Until the time of writing this section in this chapter, the state governments were not formed because of the disagreements mentioned between the parties mentioned above. But there is a hope that the parties will reach an agreement. IGAD mediation intervened and gave some direction to break the deadlock in the power allocation and responsibility sharing of the parties to the peace agreement in the states.

Also included in the R-ARCSS is the expansion of the ministerial portfolio to include the Ministry for Peacebuilding (R-ARCSS, 2018; Art 1.16). This provision is an important indicator and a positive step toward ensuring that peace is implemented in letter and in spirit by political parties in RTGONU at different levels of the government. However, there are problems or challenges. One of them is the lack of budget to implement peacebuilding activities by the Ministry of Peacebuilding. The Revitalized Government of National Unity (R-TGoNU) has assigned a budget to all ministries since the time the executive branch of government was a year and a half ago. Up to now, the ministries have had no budget allocated to them by the government to function effectively. Some few select ministries, according to an interview conducted with one of the participants at the training workshop on Federalism and Devolution organised by the Centre of Federalism and Governance of Addis Ababa University, from April 4th to April 5th, Addis Ababa, are getting petty cash. While there are some ministries in the national government that receive no petty cash. In general, the Revitalized Peace Agreement of 2018 has many features which differentiate it from 2015 peace agreement. At least in terms of power or responsibilities sharing arrangement at different levels of government, it is by far better than 2015 peace. Nevertheless, there many challenges when it comes to its implementation.

5.6.3. Institutions of the Revitalised Peace Agreement (R-ARCSS)

The institutions of the Revitalised Peace Agreement are structurally and substantively similar to those of the ARCSS. The objective of the 2017 consultation with various stakeholders in the South Sudan peace process was to revive and salvage the 2015 peace agreement from a complete collapse by establishing a High-Level Revitalised Forum (HLRF). The HLRF process later culminated in the signing of the Revitalised Agreement for the Resolution of Conflict in the Republic of South

Sudan (R-ARCSS) by the parties to the conflict (The Provocateurs 2019). Hence, the institutions of the R-ARCSS are the reconstituted institutions that were created by the 2015 Peace Agreement. Chapters 2-4 of the R-ARCSS are wholly devoted to establishing institutions and how these institutions can be reconstituted to effectively implement institutional reforms. The goal is also to assist the Revitalized Government of National Unity in establishing inclusive, peaceful, and democratic state institutions in a post-conflict South Sudan.

These reconstituted institutions include: the National Pre-Transitional Committee (NPTC); the National Constitutional Amendment Committee (NCAC) tasked with incorporating the R-ARCSS into the Transitional Constitution of the Republic of South Sudan. Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), Strategic Defence and Security Review (SDSR) Board They also include the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM), the Disarmament, Demobilisation, and Reintegration Commission (DDRC), the Joint Military Ceasefire Commission (JMMC), the Independent Boundaries Commission, and the Technical Boundaries Commission, and the Special Reconstruction Fund.

Many of the above-mentioned institutions were supposed to complete their work before the commencement of the transitional period, that is, the formation of R-TGoNU, or soon after its formation. However, it did not happen as stipulated in the implementation matrix of the Peace Agreement. There were, and still are, many delays and postponements from the very beginning of the implementation of core activities in the peace agreement. The agreement had been postponed two times. Postponements for the implementation of the agreement took more than 6 months before the implementation of the core activities, such as the formation of the Revitalized Transitional Government of National Unity. With the exception of JMEC, which monitors the implementation of the peace agreement, most of these peace agreement institutions have not completed implementing their pre-transitional and transitional activities. This is because the incumbent Transitional Government of National Unity, which is one of the partners in the Revitalized Peace Agreement, is not willing to commit resources and efforts to make the institutions functional and to expedite the implementation of both pre-transitional and transitional activities of the peace agreement.

In the course of our analysis of the institutions of the revitalized peace agreement, we shall focus only on some of the institutions that are critical or major with regard to one of the objectives of

this study. The analysis is based on the contribution to peacebuilding, state and nation-building in the transitional period and thereafter. The institutions are reconstituted, include National Constitutional Amendment Committee, the Pre-Transitional National Committee, and the Revitalized Transitional Government of the National.

5.6.3.1. The Reconstituted National Pre-Transitional Committee (NPTC)

The National Pre-Transitional Committee (NPTC) is one of the institutions created by R-ARCSS. The NPTC did not exist during the ARCSS. It came into existence as a result of the lessons learned by the IGAD-led mediation from the collapse of the 2015 Peace Agreement. According to (R-ARCSS, 2018 Article 1.4.7.2), the NPTC is entrusted with the function of oversight, coordination, and implementation of the activities of the Pre-Transitional Period as stated in Article 1.4.3 of the Peace Agreement. The coordination and implementation of the pre-transitional activities in the peace agreement is to be done in collaboration with the incumbent Transitional Government of National Unity (ITGoNU). According to the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) report (2021) , the NPTC was also responsible for the management of the Fund established for the implementation of the pre-Transitional tasks. These tasks include preparing a budget for the activities of the Pre-Transitional Period, addressing issues of VIP security as per security arrangements, and preparing for new ministries in the upcoming R-TGoNU (R-ARCSS, 2018. Article 1.14.7.3).

The incumbent Transitional Government of National Unity (INGoNU) is a Transitional Government of National Unity formed as a result of the 2015 Peace Agreement, which later collapsed due to an outbreak of fighting between bodyguards of President Kiir and former FVP Machar. After Machar and his forces were dislodged in Juba, Kiir appointed Taban Deng Gai, a former ally of Machar, as FVP in 2016, replacing Machar as the leader of the SPLM-IO. When the Revitalization of the ARCSS was launched or the resuscitation of the collapsed peace, they joined peace talks as the Incumbent Transitional Government of National Unity and continued to negotiate under that name with the opposition parties in IGAD's Peace Mediation.

But, like any other institutions and mechanisms of the revitalized peace agreement that are entangled between delay and implementation, the NPTC has encountered a lot of challenges in executing the pre-activities of the revitalized peace agreement. First, NPTC had not been able to

provide the leadership and coordination needed to implement pre-transitional activities. Second, lack of funding, which is brought about by a lack of budget allocation by the government, has become a stumbling block. This means the dissemination of the peace agreement to the public is lagging behind the peace implementation matrix. There is also a huge trust deficit brought about by a lack of political will amongst the political parties to the peace agreement. Intermittent and protracted conflict and political rivalry bring mistrust and lack of confidence amongst the political elite. This in turn caused the delays in the implementation of the pre-transitional tasks of the Revitalized Peace Agreement.

Third, the parties to the peace agreement, and especially President Kiir 's SPLM faction, had been reluctant to see key pre-transitional tasks that are critical for the formation of the Revitalized Government of National Unity implemented. They see the implementation of these tasks as a threat to their long hold of political power. These tasks include deploying soldiers to the cantonment areas for training, screening, training, unification, and deployment of forces. They also include the determination of the number and boundaries of states that are pending and were not implemented within the time frame provided in the revitalized peace agreement. In light of the above, the parties unanimously agreed to extend the pre-transitional period by an additional six (6) months, effective May 12, 2019, to enable the execution of the critical pending tasks (RJMEC, 2021 Report on Pogress of Peace implementation). Due to long delays and extensions, most of the pre-transitional tasks, such as finishing training of unified national organized security forces, were not implemented in the time frame given. Hence, these pre-transitional tasks had to be postponed to the Transitional Period for implementation. The challenges above have not only had far reaching effects on the full and smooth implementation of the peace agreement but also had bearings on peace building and nation-building in South Sudan in the quest to unite the fractured social fabric of the country.

5.6.3.2. The Reconstituted National Constitutional Amendment Committee (NCAC)

The Revitalised Peace Agreement (R-ARCSS, 2018) states that the parties to the peace agreement and other stakeholders must reconstitute the National Constitutional Amendment Committee (NCAC). The objective is to make it a representative institution that represents all the parties to the peace agreement. Furthermore, the Peace Agreement gives NCAC a mandate to draft and

complete a Constitutional Amendment Bill within 21 days upon the signing of the Revitalized Peace Agreement. The agreement also gives NCAC power to revise, as appropriate, other legislation as provided for in the Revitalized Peace Agreement (R-ARCSS, 2018; 18. 1.1).

Similarly, the Peace Agreement in Article 1.18.2 gives the NCAC a responsibility to review and complete amendments to relevant national security legislation to bring their provisions into conformity with the Peace Agreement. To mention a few of these laws to be reviewed, they include the SPLA-Act of 2009; the National Security Service Act of 2014; The Police Service Act of 2009; The Prison Service Act of 2011; The Wild Service Act of 2009 and the Fire Brigade Service 2009 (R-ARCSS, 2018 Article 1.18.1.2).

One of the successful achievements of the Revitalized Peace Agreement is the fact that right after the signing of the Revitalized Peace Agreement, NCAC was reconstituted to include the representatives of all the stakeholders and the parties in conflict by the parties according to the agreement. Second, as a part of its mandate, the NCAC prepared the Constitutional Amendment Bill (No. 6) 2020 to bring the Transitional Constitution of South Sudan 2011 into conformity with the R-ARCSS. However, after the Committee's review was completed, the Bill was submitted to the Minister of Justice and Constitutional Affairs, before being ratified by the Transitional National Legislative Assembly as assented to by the President (RJMEC, 2020). This is in contradiction with the procedures of reviewing public laws that involve the participation of all concerned stakeholders in the process. In addition, the Transitional Constitution Amendment Act (No. 6) 2020, as assented to by the President is inconsistent with the provisions of R-ARCSS in relation to NCAC mandates and the role of political parties. The NCAC had previously reviewed and amended the five national security laws to make them conform with the provisions of the R-ARCSS. Unlike the Constitutional Amendment Bill, the five security laws, which were reviewed and/or drafted by the NCAC several months ago, have not yet been enacted into law to date (RJMEC, 2020).

In addition to the challenges above, NCAC has not yet incorporated the draft amendments of the Revitalized Peace Agreement into the Transitional Constitution of 2011. Political parties' representatives to NCAC could not agree on the draft amendments. For example, President Kiir's SPLM faction and his allied parties do not want the incorporation of the federalism clause into the Transitional Constitution of 2011. On the other hand, for example, the SPLM-IO, the main opposition armed groups, on their part, want the provision on federalism to be incorporated now

into the Transitional Constitution. The Amended Bill of the R-ARCSS was not considered because it was not done in plenary regular meeting of the NCAC (Interview Transcripts from Biel Butorus ,2020). The Peace Agreement also stipulates that the reconstituted NCAC shall complete necessary tasks or activities required for the preparation of the Transitional Period and the formation of the Revitalized Transitional Government of National Unity (R-TGoNU). NCAC has not completed most of those tasks up to now, and this puts the effective implementation of R-ARCSS in a dilemma.

As a result, the only option for the parties was to proceed with peace implementation without being forced to tone down NCAC activities as enshrined in the R-ARCSS. The parties then went ahead with the formation of half of RTGONU without implementing pre-transitional activities. This posed its own set of challenges in a peaceful and democratic transition (Matthew Hausentien et al., 2019). Delaying the implementation of the activities of NCAC and other institutions of the Transitional Period means putting the agreement further off track. With the national elections scheduled to be held in January 2021, after the end of the transition period, the indications are that the transition period will definitely be extended beyond the time line set. Proceeding with the pre-transition risks in the transitional period implies repeating the failures of the previous agreement (ARCSS).

Finally, during the 2016 peace agreement, neither side of the warring parties demobilized their combatants nor implemented the NCAC activities. The government of national unity was formed in a national rush without implementing the pre-transitional activities. This resulted in the resumption of the civil war in 2016 and the violent conflict that brought other social and economic problems such as displacement and man-made famine to the people of South Sudan (Matthews Hausentien et., al. (2019).

5.6.4. The Revitalised Transitional Government of National Unity (RTGoNU)

In this study, we argue that the successful implementation of the peace process in South Sudan and its overall responsibility rests with domestic actors, the leaders of South Sudan. Despite the fact that local ownership of peace processes is widely regarded as desirable, the approach taken by the leaders has not always been at the center of peacebuilding practice (Heh Artist, 2011).

The partial formation of the national executive of the Revitalised Transitional Government of National Unity (R-TGoNU) on February 22nd, 2020 was well applauded by many South Sudanese people. It happened nearly two years after the peace agreement was signed by the warring parties in South Sudan. In spite of delays and many postponements by the leaders of the parties, the signed peace agreement remains the only golden opportunity to revive the South Sudanese people's hope for peace, stability, and prosperity (Vhumbunu, 2020).

The formation of the national executive of R-TGoNU in February was an unfulfilled provision in the R-ARCSS signed by warring parties in South Sudan on September 12, 2021. It was not a full formation of the entire Revitalized Transitional Government of National Unity. That is why we call it a partial formation. It was the national executive branch of government without a legislature, judiciary, or state or local governments. R-TGoNU was designed as an institution to revive the Agreement on the Resolution of the Conflict in the Republic of South Sudan ARCSS of August 2015. Similarly, ARCSS was meant to bring an end to the conflict or the civil war that erupted on December 13th, 2013 in the country (R-ARCSS, 2018 Article 1.2.2). However, it partially or fully collapsed on July 8th, 2016 when fighting broke out between the bodyguards of First Vice President and opposition leader Riek Machar and those of President Salva Kiir, before it was fully implemented. As a result of failure to implement the peace agreement, South Sudanese civilians, suffer extreme levels of poverty and lack of access to essential services such as health-care and education. The absence of basic services has been exacerbated by acts that amount to economic crimes perpetrated by members of the State apparatus since time of 2005 to present time (The Sentry Report, 2017).

The structure and composition of R-TGoNU is different from that of the Transitional Government of National Unity of 2016 in terms of leadership and the Cabinet Ministers increasing from 28 to 35 Cabinet Ministers, and also the expansion of members of the Revitalized Transitional National Legislative from 332 to 550 (R-ARCSS, 2018). This is another different feature of R-ARCSS than that of ARCSS. In the National Executive Government, there are five deputies to the President of the Republic (R-ARCSS 2018, Article 1.51).

Salva Kiir Mayardit, the President of the Republic of South Sudan, saw the swearing in of the leader of the Sudan People's Liberation Movement-in-Opposition (SPLM-IO), Riek Machar Teny Dhurgon, as the First Vice President. Four other vice presidents were also sworn in. They include

James Wani Igga, Vice President of President Salva Kiir's SPLM faction. General Taban Deng Gai, third Vice President, from the SPLM's faction of President. Rebecca Nyandeng de Mabior, widow of the SPLM founder, Dr. Garang de Mabior, is the fourth Vice President of the SPLM leaders' group of ten (G10). And Hussein Abdelbagi Iyii (Fifth Vice President, from the South Sudan Opposition Alliance (SSOA)).

R-TGoNU is mandated by R-ARCSS to carry out key priority functions to ensure that peace and stability return to the country, (R-ARCSS, 2018, Article 1.22.1.15), which discusses in detail the mandates and functions of R-TGoNU. Each of the five Vice Presidents oversees one of the government clusters. First Vice President Dr. Riek Machar heads the governance cluster, while second Vice President Dr. James Wani Igga is in charge of the economic cluster. Third Vice President General Taban Deng Gai is in charge of Physical Infrastructure, and Madam Rebecca Nyandeng de Mabior is in charge of Gender and Sport Cluster. And finally, the Fifth Vice President, Abdel-Bagi Iyii, is in charge of the service cluster.

It seems there is an equitable power sharing between the topic executives given the distribution of power as mentioned. However, the sole decision-making process lies with President Kiir and the First Vice President, Machar. Most of the time, the rest of the vice presidents are excluded from decision-making authority. The exclusion of some of the leaders in the decision-making process brought factional rivalry within the Revitalized Government of National Unity. Cliques within the presidency paralyse government institutions' ability to function effectively in serving the people of South Sudan (Interview Transcripts from Mana Peter, 2020).

However, there were many hurdles from the beginning to the implementation of R-ARCSS. There are however still a lot of challenges and skepticisms as to whether the formation of R-TGoNU will materialize and be functionally operational or not. These challenges include whether or not the R-TGoNU will ameliorate and bring sustainable and lasting peace in the country (Interview Transcripts from Kuol Par, 2020). There were several meetings mediated by the IGAD, with the main contentious issues revolving around the reduction of the number of regional states, which stood at 10 at independence in 2011 and was increased to 28 in 2015, and further increased to 32 in January 2017 (Vhumbunu, 2019).

But the stalemate of taking the country back to 10 states was later resolved by President Kiir after serious pressure from the region and the international community to return the country to the original 10 states it inherited, although he added three administrative areas, namely Abiy, Boma, and Ruweng Demonstrative areas. Two out of three administrative areas, Boma and Ruweng, are contested and very controversial in the demarcation of their borders. This may be a source of potential or flashpoint of conflict between ethnic communities because some of these areas have oil reserves and other natural resources whose boundaries are not demarcated. The President just annexed some from other ethnic communities.

Other challenging issues for R-TGNoNU include security arrangements, other governance issues such as the integration of the rebels' fighting forces into national organised armed forces. This has not yet been resolved by the parties to the Peace Agreement (Vhumbunu, 2020). In other words, there is no progress on the integration of different armed forces from different political parties into a unified, trained national army, as agreed under the R-ARCSS (R-ARC, 2018, Article 2.3.4). Specifically, Machar and other opposition parties leaders expressed displeasure at Kiir's disbursement of less than \$30 million of the US \$100 million pledged towards the implementation of the R-ARCSS (Vhumbunu, 2020). They argue that in the absence of a trained unified national army, the country would relapse into full-scale conflict (Vhumbunu, 2018). Related to the challenges above is the endemic corruption of public funds. According to the UN Human Rights Council Report (February 2020), millions of dollars have been diverted from the National Revenue Authority, depleting resources that could have been used to protect, fulfill, and promote the vital economic, social, and cultural rights of the South African people.

The Transitional National Legislative Assembly (TNLA) was formed late; at least a year after the formation of the executive, and its reconstitution and restructuring in accordance with the peace treaty was only recently completed. In relation to this, the formation of state and local governments also took more than a year after the formation of the national government. To ensure that the R-TGoNU executes its mandate efficiently, economically, and effectively, the Presidency has to make sure that all the institutions provided for under the R-ARCSS are put in place with urgency and are consistent with the Constitution and other relevant enabling legislation (RJMEC, Report on the Status of R-ARCSS, April 2020). This important milestone is yet to be achieved by the parties forming the R-TGoNU.

In other words, the formation of R-TGoNU at all levels of government was not completed on time. It took more than two for the parties to form a complete government. As a result of such a long delay, the execution of the key priorities and tasks of the R-TGoNU lagged behind the implementation matrix of the Peace Agreement. For example, the training and graduation of the unified organized national forces was not completed during the pre-transitional period, the reconstitution of the national legislature had been affected, and last but not least, the formation of state governments had been intentionally delayed, all due to a lack of political will from the incumbent government. President Kiir and his SPLM faction had been reluctant to provide resources for the implementation of the peace agreement.

Long-term sustainable peace is beyond the capacity of any single entity, including government, especially if the government was a party to the conflict (Hen Arist, 20121). Change needs to be affected at all levels: political decision-making and grassroots community levels. And also equally important, is the willingness of the parties to work together at all levels in the process of peace implementation, comprising ethnic, religious, academic, media, or civil society leaders who might not necessarily have a lot of immediate power, but are respected, have considerable influence, and will eventually be instrumental in implementing what has been decided at the top level (Heh Arist, 2021; Beko Doran, 2008).

The political and conflict history of South Sudan, in particular, and the two *Sudans*, in general, has shown that without adequate political will and the commitment to building lasting peace, stability, and prosperity, and opportunities to unite the country, cannot be achieved (Nyaba,2018b). After the failure of the leaders to settle matters peacefully, tensions are always triggered by what appear to be minor disagreements, resulting in anarchy and conflict resurgence (Nyaba, 2018a; Vhumbunu, 2020). The outbreak of conflict in December 2013 and the National Palace incident of 2016, which led to the near or complete collapse of the 2015 peace agreement, are cases in point to be mentioned in this regard. Thus, the R-TGoNU rests on the fragile unity of long-time political adversaries and antagonists. Therefore, rebuilding mutual trust, collegiality, confidence, and coherence would require the Presidium and ministers to ensure consensus and effective consultation before politically sensitive decisions are made. Such behavior is shown by political leaders in the coalition government. They are rather concentrating on building their parties'

interests on how to prolong their stay in power, which is also guided by the personality and character of the leaders rather than the institutions of the party and the coalition government.

Another important task of the R-ARCSS is to end the inter-communal conflicts between different ethnic communities within the states and across the states' borders. However, despite the existence of a permanent ceasefire agreement, inter-communal clashes persist in different states of the country. This became a challenge to the Revitalized Transitional Government of National Unity because of the divergent views and perspectives the parties to the R-TGoNU hold on how to resolve those conflicts. The SPLM-O, a major opposition party and one of the partners in the national unity government, argues that communal conflicts between the communities persist because of a lack of implementation of the security protocols in the peace agreement. And for the delay in the implementation, they blame President Kiir of the SPLM-faction for dragging their feet. Other opposition parties in the coalition government do cast blanket blame on the two SPLM-factions (SPLM-IG of President Kiir and the SPLM-IO of Riek Machar) for speeding up the implementation of security arrangements. They blame the two parties for the lack of leadership in ironing out their differences on how to go ahead with the implementation. President Kiir's party, on the other hand, blames the delay on the arm embargo imposed by the UN and Trioka member states (US, UK, and Norway). President Kiir's government also puts a blame on the SPLM-IO for lobbying and persuading the international community to impose an arm embargo on South Sudan before the signing of the revitalized peace agreement on December 12th, 2018 (Heh Arist, 2021).

To mention a few of the communal conflicts that took place at the end of April 2020, the RJMEC reported violent communal clashes between the communities in different states. Those clashes include cattle raids and revenge attacks due to blood feuds between different warring clans. These clashes resulted in a large number of deaths, injuries, and property destruction in places like Abyei, Greater Bahr el-Ghazal, Equatoria, Greater Upper Nile, Jonglei, Lakes, and Unity. (R-JEMC, 2020; Report on the Status of R-ARCSS). On March 20, 2020, the United Nations (UN) also reported that the Dinka Bor, Lou Nuer, and Murele ethnic communities in the eastern and central parts of the country were engaging in escalated inter-communal fightings (UNMISS,2021). The evidence suggests that political and traditional leaders were instigating the clashes by mobilizing armed youth and exploiting pre-existing communal tensions over access to natural resources (such as tensions over cattle movement and access to water and grazing land), which left hundreds of

people dead and thousands displaced (UNIMSS, 2020). All of this is owed to massive gaps in security arrangements that were left at peril by the parties to the agreement to implement. The state governments have no unified law enforcement agencies in place because the parties, especially the SPLM-factions, which are major parties to the peace agreement, have failed to reach an agreement on the graduation of the forces in cantonment camps so as to become national unified organized forces.

In conclusion, although the formation of the executive national government of the R-TGoNU remains a golden opportunity to revive South Sudan's hopes for peace and stability, there are still quite a number of challenges. One of them is the failure to implement security arrangements. The main tasks and responsibilities of national priorities, such as unification of the national armed forces and restructuring of the national security and intelligence services of the R-TGoNU, are completed. They should have been done soon after the formation of the coalition government (Revitalized Government of National Unity). These two institutions have a crucial role in the attainment of the sustainable peace in post-conflict societies.

The parties to the peace agreement should have made tireless efforts to bring an end to communal conflict at the grassroots, facilitate national healing and reconciliation, implement security sector reforms, economic development and stabilization, and improve the lives and livelihoods of the South Sudanese people. All these did not happen. In short, the SPLM-faction led by President Slava Kiir, also a major party in the Revitalized Transitional Government of National Unity, is to be blamed for the delay in the implementation of major priorities enshrined in the peace agreement. The funding and other resources required for the full implementation of security arrangements and the formation of the R-TGoNU at all levels of government are in the hands of the President and his party.

5.6.5. Current and Foreseen Obstacles to the Implementation of the 2018 Revitalised Peace Agreement

Experience of peace implementation in Africa has shown that the signing of a peace agreement does not automatically bring peace (Dorina, 2008). Indeed, it is not unusual for conflict to resume immediately after the implementation of the peace agreements starts, as evidenced by the history

of negotiated settlements. However, only half of all negotiated settlements survive five years after the agreement is signed (Dorina, 2008).

Reinforcing these findings, Hartzell, Hoddie, and Rothchild (2001) show that in the African context, the average peace lasted three-and-a-half years (forty-two months) before conflict resumed. In fact, in some studies, military victories have been shown to be more stable than negotiated settlements. The puzzle surrounding these results has led to a large amount of research to uncover the reasons why warring parties sign agreements in the first place when the institutions that best sustain peace and the special role of the international community are not supportive and sustain their role in holding the parties to the truth they sign (Hoddie and Rothchild, 2001).

Historically, South Sudan's fundamental problem has been the failure of the dominant political elite to lay down the basis for an inclusive peace implementation process that may lead to inclusive state and nation-building. Many peace agreements, including those signed in Addis Abeba in 1972, the CPA in 2005, and the implementation of the ARCSS in 2015, did not prioritize grassroots participation. It has been the norm and the practice or political culture, developed over the years by the political elite in Sudan. It is what South Sudan, followed. Leaders failed to provide socio-economic development and an ideology that united the people across ethnic and provincial contours, betraying the people of South Sudan's struggle that had spanned five decades (Nayba, 2018). This problem may persist for quite a while unless there is a change in leadership to turn things around in a positive direction that would save South Sudan from further collapse.

South Sudan's civil population which has been devastated by nearly seven years of the vicious cycle of civil conflicts is looking for peace and stability now more than ever. Juba's regime and its political elite are far from giving the grassroots their rights to participate in peace implementation process. This stalemate led some individual leaders from regional governments and regional organizations, such as the AU and IGAD, and the international community at large to be skeptical about the phase and the progress in the implementation of the Revitalized Peace Agreement, leading to the formation of the R-TGONU. Though R-TGNOU was recently formed by the parties to the peace agreement, there is still skepticism about whether the formed entity will remain intact and bring sustainable peace and stability throughout the transitional period in the fragile young nation.

There are other obstacles to the implementation of pre-transitional activities leading to the formation of R-TGONU. One of the most frustrating phenomena in South Sudan's conflict history has been the unwillingness of the parties to peace agreements to implement what they agreed upon in good faith. In other words, the potential hurdle is that there is an apparent lack of urgency, determination and commitment in implementing even the easier objectives of the peace deal. Lack of political will and trust deficit among parties to the agreement, which was the cause of the ARCSS's failure three years ago, is still being replicated in the R-ARCSS, (Vhumbunu, 2019).

Due to a lack of political will to implement the pre-transitional activities, the formation of the transitional government has been postponed twice. Lack of political will is evidenced by the failure on the part of the government to make available the needed financial resources for the implementation of pre-transitional activities, notably the security arrangements. Related to the lack of political will is the failure of the parties to reach an agreement on the number and boundaries of the states. The government's refusal to accept and abide by the ruling passed by the Technical Boundaries Commission (TBC) on the number and boundaries of the states is a case in point in this regard. This also caused the delay in the formation of R-TGONU.

Similar to the above the obstacle to the implementation of the R-ARCSS is the limited or weak guarantor of a peace agreement. Peace agreement guarantors include regional organizations like the IGAD and the AU member states. The guarantors of the revitalized peace agreement are Sudan and Uganda. Both countries are neighbours to each other and have common borders with South Sudan, and both have been involved in the conflicts in Sudan in one way or the other, well before the independence of South Sudan, supporting each other's dissidents.

During Sudan's long civil war, which lasted from 1983 to 2005, the Kampala government-backed the SPLM/A in South Sudan against the Sudanese government in Khartoum. Khartoum, for its part, was supporting and hosting Ugandan rebels, Lord Resistance Army, who were fighting against President Yhuri Kaguta Museveni's government in Northern Uganda. When conflict erupted in South Sudan in December 2013, Uganda sent troops to support the government of President Slava Kiir in December 2013. Sudan, on its part, was lending a small amount to the opposition fighting to resist President Kiir's dictatorship. Both countries—Sudan and Uganda have been accusing each other of fueling the conflict in South Sudan (Interview transcripts from Kuol

Par, 2020). Their conflict of interest in the new nation paralyzed the IGAD regional bloc, which had been mediating a solution to end the December 2013 conflict. For example, economically, Uganda has invested heavily in South Sudan since the signing of the Comprehensive Peace Agreement (CPA) in 2005. Uganda is probably South Sudan's most important trading partner. Ugandans work and live in South Sudan in great numbers, so sending in troops was also to protect their economic interests and citizens.

Although both countries (Sudan and Uganda) are members of the IGAD bloc that led the mediation process in South Sudan's conflict, their conflict of interest in supporting the warring parties in the conflict in South Sudan, led to the collapse of the August 2015 Addis Ababa peace agreement. Now that the two are guarantors to the revitalized peace agreement of 2018, it will be difficult for the parties to implement the agreement successfully. Hence, deep mistrust between the Sudan and Uganda which was one of the failures of the 2015 implementation, may also affect the implementation of the revitalized peace agreement (Interview Transcripts from Mabior Garang, 2018, Addis Ababa, Ethiopia).

On the other hand, there are also international community peace guarantors (R-ARCSS, 2018). Peace guarantors from international community include the Troika member states, namely, the US, the UK, the Kingdom of Norway, and the UN. However, the peace guarantors have no concrete plans or strategies to deal with non-compliance in the implementation of the peace agreement (John Young, 2021). In other words, they do not have any clear peace plan to enforce and put pressure on the parties in case one of them fails to adhere to its obligation in implementing the agreement in spirit and letter. Furthermore, they have not put in place the mechanisms to deal with peace spoilers. The weak or limited role of the guarantors is caused by a lack of unity and approach on their part as peace guarantors, particularly the IGAD members are sharply divided on how to deal with the parties to the peace agreement when they fail to show a political will towards the implementation. Instead, each member state of the IGAD bloc is preoccupied with boosting its own bilateral relations with the government in Juba at the expense of working together to bring about sustainable peace in South Sudan. Kenya, for example, has a special interest in the financial sector, whereas Uganda has a number of security and defense cooperation and ties with the government of South Sudan in Juba.

On the ground, according to ordinary citizens I interviewed during my field research work in Juba, the capital of the country, many of them said they are tired of the war and the vicious cycle of conflicts orchestrated by the political elite of the ruling SPLM party. They said they needed peace and they needed it now. However, they are skeptical as to whether the political parties that formed the R-TGONU will be able to effectively implement the much-needed reforms in the country in this time of turbulence and fragile political transition. According to those interviewed, there may be some serious challenges that can be anticipated before the current political transition ends. One of these challenges, they argued, is becoming an obstacle to the implementation of necessary governance reforms. Security and defense sector reform, which were so challenging during the pre-transitional period, may continue to pose a threat to the peace and stability of the country (Interview Transcripts from Mana Peter, 2019).

Second, a constitution-making process may be another challenging and a daunting task given the lack of political will and commitment to supporting the process through adequate funding from the R-TOGONU itself. Most leaders from the SPLM Party's faction of President Kiir are not willing to support the peace agreement. This may contravene the provisions provided for in the Revitalized Peace Agreement that the process of permanent constitution-making has to be inclusive and participatory. According to R-ARCSS, the process of creating a permanent constitution must be popular or people should process it (R-ARCSS, 2018 Article 6.13). The article further argues that the Constitution shall be a federal Constitution that reflects the diversity of the peoples of South Sudan in terms of ethnicity, culture, and language. Arguments and counterarguments about the Constitution-making process started when the National Constitutional Amendment Committee (NCAC), one of the institutions created by R-ARCSS, tried to incorporate some of the constitutional provisions in the R-ARCSS into the Transitional Constitution of 2011 (As Amended). Parties from the defunct TGoNU were reluctant to accept the incorporation of the clause of federalism into the Transitional Constitution. Another foreseeable challenge would be the reconstitution of the National Constitutional Review Commission (NCRRC) for the Permanent Constitutional -making process.

Revitalised Peace Agreement provides that the reconstitution of the NCRRC shall be inclusive in its process. That means, it should include various stakeholders affected by the conflict in South Sudan. This is not the case. Membership of NCRRC is dominated by political parties and mostly,

the SPLM faction of President Salva Kiir. This may be a challenging task to the drafting of the Constitution in that a party with more political leverage in R-TGONU, like President Kiir's SPLM faction, may dictate and may have unchecked and undue influence in the decision-making process of the NCRC.

Of recent, this seems achieved because the roadmap for the institutions to participate in permanent constitution-making process are identified and ratified by the parliament and signed in not by the President of the Republic in law. All important stakeholders institutions and the composition of their numbers to represent them in the process of permanent Constitution process are included. However, the challenges will be on implementation of the roadmap when the constitutional conferences are held.

The second challenge, which relates to the above assertion, is that the current configuration with five Vice Presidents has effectively returned South Sudan to its pre-war political context, one that deals with the personalities of political leaders, rather than the institutions of the state (Vhumbunu, 2020). It also raises a question as to whether or not the country's fragile and divisive politics can be reconfigured to revolve around the state and its institutions instead of the individual personalities of the leaders. Politics, which revolves around an individual leader's personality, has been a failure in South Sudan's political history. The South Sudan peace agreement's adoption of more than one vice-president as a substitute for grassroots representation may not provide a viable solution to the conflict. Because the grassroots communities are not involved in the peace process, there is a strong possibility that the country will relapse into another cycle of conflict (Interview Transcripts from Biel Botorus, Civil Society Organisation, 2019).

The personality cult and the adoption of the old Sudan state-building structure have not been discussed in chapter two. No one examined the advantage of finding models in some ethnicities, for example, the deposing of chiefs who were not acting in the interests of the community (Cueibet Dinka in the Lakes States) or the system of generational change in order to prevent one age group from remaining in power too long (monyomiji among the Lopit in Eastern Equatoria) (Simone, 2012). As Simone argues, no lessons were drawn and learned from Botswana or Ghana constitution-making where traditional leaders and representatives of civil society organizations were included in constitution-making process. Rather, the north Sudan state model of governance was adopted by the SPLM's political elite without a bit of modification to suit South Sudanese

political and social settings. It is these traditional community and civil society organizations representatives who mediate between the political parties and tied to a particular individual and the community. The governing political part government is supposedly to play a key role in creating inclusive state inclusive structure and democratic representation of all diverse ethnic and civic group in process of state crafting. In South Sudan, the SPLM governing political party is a key tool and structures for the state its citizens. The political party does not represent the link between society, the state, and the people. The SPLM/A elites were notorious for attacking communities and their traditional representatives such as chiefs and paramount chiefs during the war of liberation for the independence.

Other obstacles to the implementation of the R-ARCSS are those armed and political forces that were not signatories to the Revitalized Peace Agreement. Quite a sizable number of political forces refused to be parties to the HLRF process that led to the Revitalized Peace Agreement, like National Army Salvation (NAS), but did not sign the peace agreement, and as such, they are not parties to the R-TGoNU and may pose a threat to peace and stability in the country. There are other armed political forces that were also created while the peace agreement was going on, like the rebel group called South Sudan United Front (SSUF), led by the former Chief of General Staff of the South Sudan Defense Force, General Paul Malong Awan, and other armed political forces, all of whom are not signatories to the peace agreement, and as a result, they are not part of the R-TGoNU. They may also be able to pose an ever-present threat to the country's peace and security at large and to the Government of National Unity in particular if their demands are not attended to by the R-TGONU, IGAD, AU, and the international community.

Another challenge to the revitalized peace agreement is defections within the political camps of the parties to the peace agreement. For example, the recent breakaway of the former SPLM-IO Chief of General Staff and some of his commanders in August 2021, declaring that they removed Riek Machar from the Chairmanship of the SPLM-IO and Commander-in-Chief of his SPLA forces, resulted in a number of clashes, leaving a number of foot soldiers and some officers dead on both sides. The breakaway group blamed Machar for surrendering to Kiir's government and succumbing to President Kiir's refusal to implement security arrangement protocols. This casts serious doubts on the possibility of success and full implementation of the Revitalized Peace Agreement in letter and spirit. The division within Machar's camp gives an opportunity to the

already reluctant President Kiir to implement the agreement and leaves Machar in a weak position to argue for implementation when his house is already divided. He has the power and got hold of national resources such as finances, which are to be used for speeding up the implementation process. Coupled with this challenge is the timeline of the end of the transitional period.

An interview made with some of the leaders of these armed and non-armed political forces reveals that they are both an armed group and a political force with a wider presence in many parts of South Sudan and that they have a huge constituency that needs to be recognized and participate in the search for peace in South Sudan. The group is a composition or coalition of four or more armed and non-armed political forces called the South Sudan Opposition Alliance Movement (SSOMA). They argue that the current coalition government is dominated by the major SPLM faction of President Slava Kiir, who wants to implement the peace agreement on its own terms, not what is enshrined in the agreement document as it was signed by the parties.

They asserted that President Kiir's SPLM faction of the SPLM, the 'SPLM- in Government' (SPLM-IG) does not want reforms in governance, security, and economic sectors as enshrined in the Peace Agreement to be implemented. SSOMMA's position on being skeptical of the effective implementation of the reforms by R-TGoNU is also shared by some political parties within the Revitalized Government of National Unity (R-TGoNU). They explain that President Kiir's appointment of individuals who were sanctioned by the US and the UN for obstructing the implementation of the peace process before the formation of the government in R-TGoNU will also continue to pose threats to the effective implementation of badly needed reforms to take the country forward in achieving lasting and sustainable peace.

On February 12th, 2020, the South Sudan Opposition Movements' Alliance (SSOMA) and the defunct Transitional Government of National Unity in South Sudan started negotiations. They were mediated by Sant'Egidio, a peace-making lay of the Catholic Community based in Vatican City, Rome, who will hold an open discussion about the underlying root causes of the long-running conflict. The position of the group on resolving the conflict in South Sudan is very clear. They demanded that the government must have clear plans and strategies and must show a commitment and political will to implement political, governance, security, and economic sector reforms. They maintain that for South Sudan to resolve the current conflict, the coalition government must adopt federalism and devolve more powers and resources to sub-national levels of government.

The SOMMA insists that South Sudan, as a multi-ethnic, multilingual, multi-religious, and multi-cultural society—a country composed of minority ethnic communities without outright dominant majority ethnic groups—must adopt a parliamentary federal arrangement in order to effectively manage these arrays of diversity. They attributed the root causes of the current conflict in South Sudan to failures on the part of the erstwhile Sudanese elite-led governments in Khartoum to adopt a system of governance that would address Sudan’s diversities. They said the oppressive system of governance that existed in old Sudan is now being replicated in South Sudan after the latter seceded from the former and is what led to the current conflict in the new nation. As a result, the parties that formed the R-TGoNU may face a number of challenges both during and after the transitional period given lack of a trust, they develop amongst themselves on the one hand, and with those non-signatory parties to the revitalized peace agreement who are no longer part of the Revitalized Transitional Government of National Unity (R-TGoNU) on the other.

5.7. Institutions of the Revitalized Transitional Government of National Unity

Sudan and South Sudan’s current complex conflict may be described as a civil war of "interlocking civil wars" which have had cumulative effects on the stability of the young nation (de Waal & Amean, 2013). This is because there were many pending issues that were not properly addressed after the signing of the CPA. There are multiple factors—at national, sub-national, and local levels—that drive instability and conflict in the country. Among these, the main drivers are at the national level. First is a historic concentration of power and resources at the center, which South Sudan inherited from the "Old" Sudan before its independence. The concentration of resources and power held at the center by the political elite has created deep resentments among the peripheral and grassroots communities in the country. Much of the government's spending is concentrated at the center, with little consideration of the public's need for service delivery and infrastructure development (Matthew and Mathew, 2013). Second, is the fact that after the CPA and during the Interim Period when the Southern Sudan region had its own autonomous regional government, the then Southern Sudan Government, paid very little attention to peacebuilding activities. Resources and activities that could have been geared towards reconciliation among various South Sudanese ethnic communities were prioritized. Rather, they focused on referendum activities and the secession of South Sudan from the rest of Sudan.

Wambura (2016) cites a myriad of challenges for peacebuilding in South Sudan, both during the Interim Period in the CPA and in post-independence South Sudan. These challenges are compounded by other factors, as Wambura explains. First, he maintains that due to absence of infrastructure, namely roads, telecommunications, and seasonal rains, it was impossible to carry out peace-building activities and seriously posed serious difficulties throughout the new state. This also comes due to the fact that South Sudan inherited poor, or very much underdeveloped, or not, physical infrastructure from Sudan.

Second, Wambura attributed a lack of peacebuilding efforts to the absence of political will among the political elite and nepotism, which impedes local peacebuilding and efforts in the grassroots to support it. Wambura argues that political and governmental actors are at times actively involved in inciting different groups against each other. Third, he cites corruption and manipulation of youth that reinforces tribalism and polarization between different ethnic groups. And finally, Wambura further cites the widespread availability of small arms and light weapons, and the lack of success in disarmament efforts, as a major threat to peace and stability in the new state. South Sudan is a new state because it only recently joined the UN family of nations, but otherwise, it is an old country that has existed for centuries.

Lack of, or a complete absence of, engaging with or supporting local organizations (civil society organizations) to pioneer peacebuilding activities is indeed a factor which the government and state as well pay less attention to. In order for peace to take root in the local communities affected by the conflicts, it is vitally important to strengthen the knowledge and capacity of local organizations and the local community's peacebuilding, mediation, and mechanisms. Involving the local communities in the peacebuilding process and activities would make them feel ownership in the end. Involving the grassroots communities participate in peacebuilding activities would have made them feel responsible for the outcome and the ownership of the peace agreement. These elements or activities are found to be crucial and critical missing links in South Sudan's peacebuilding endeavours.

5.8. Chapter's Conclusion

This chapter discusses and analyzes peace agreements and peace-building initiatives in post-independence South Sudan a bit to assess their contribution to state institutions and peace and nation-building as well. They are the 2015 Addis Ababa Peace Agreement and the revitalized peace agreement on the resolution of the conflict in the Republic of South Sudan (RARCSS, 2018).

A review of the post-independence South Sudan political environment, which includes two peace agreement documents, reveals that achieving sustainable and lasting peace in South Sudan is far from over. All the two peace agreements were top-down in their processes and in their implementation as well. They have not successfully addressed the governance and political problems in South Sudan. Many challenges were identified in this regard. Since the 1972 Addis Ababa Peace Agreement and the current Revitalized Peace Agreement, there has been no equitable wealth and power-sharing between the center and the periphery. In other words, political power and resources have not been devolved to subnational levels of government; the two most recent peace agreements are included. States and local governments are left with no financial resources, not even a little to cover their administrative costs.

For instance, the previous peace agreements, like the CPA of 2005, the previous Agreement for the Resolution of the Conflict in the Republic of South Sudan (ARCSS), and the current Revitalized Peace Agreement of 2018 (R-ARCSS), have not wholly addressed South Sudan's political and governance crisis. The major problem has always been a lack of political will between the political leaders and the elite to honor and implement what they have signed for. The problems inherited from the failure of the parties to fully implement the CPA, culminated in the outbreak of conflict in December 2013 in South Sudan. The peace agreements and the transitional constitution did not help manage South Sudan's diversity and thus build a common South Sudanese identity as a nation. One of the reasons is that the processes and implementations of the peace treaties, as well as the subsequent constitution-making processes, have been driven from the top down by political elites from the center.

Regarding the review and analysis of the Revitalized Peace Agreement signed in 2018 between the Transitional Government of National Unity and various opposition political forces, whose implementation was underway during the time of writing this thesis, the findings indicated different political scenarios. First, the series of postponements of the Pre-Transitional Period activities led to delays in the formation of the Revitalized Transitional Government of National

Unity on time as per what is stipulated in the Peace Agreement. Second, protocols on security arrangements, such as the reunification of different armed groups to form national armed forces, have not been implemented up to now.

There are also quite a number of foreseeable challenges in the course of implementation of many of the provisions provided for in the Revitalized Peace Agreement. One of these foreseeable challenges is the political will and commitment of the political parties to R-ARCSS, particularly the SPLM faction led by President Kiir, which dominates the Revitalized Government of National Unity. The President and his party have political leverage and resources to divide the opposition political parties, which are also members of the coalition government. He will rally them behind the political direction he wants the peace agreement to be implemented accordingly. This may derail the implementation according to what the agreement says.

Governance reforms such as the constitution-making process to devolve more powers and resources to the substate level of government may not be realized because of different views and opinions held by the parties on federalism itself. Defense and security sector arrangements that have not yet been implemented may also pose another challenge to peace and stability in the country. Security arrangements, as clearly stated in the Revitalized Peace Agreement, imply training the national army to reflect South Sudan's ethnic, linguistic, and cultural diversity. This also means recruiting and training a unified police force that can provide public security to the citizens.

And finally, the fact that the R-TGoNU is not inclusive may also be a threat to peace and stability in the country, both during the transition prior to elections and afterward, which may also cause problems if not properly handled by the parties that formed the R-TGoNU. National healing and reconciliation, transitional justice, and the establishment of the Hybrid Court to bring to justice those who committed, atrocities, war crimes, and crimes against humanity during the war are not yet implemented.

There are some holdout groups of opposition political forces under the name South Sudan Opposition Movements' Alliance (SSOMA) that did not sign the Revitalized Peace Agreement because they do not believe that the agreement is inclusive. They argue that the agreement favors the status quo maintained by the SPLM faction of President Kiir and cannot bring effective

governance reforms to the country. They assert that the signed peace agreement (2018) is surrender on the part of those opposition political parties to President Kiir's government. They argue that President Kiir's faction of the SPLM, which holds much of the power in the Government of National Unity, will monopolize power and subsequently do away with the implementation of the reforms. They further argue the political elite in Kiir's SPLM faction does not want reforms of whatever kind. Rather, they insist that the SPLM of President Kiir's faction, dominated by the Dinka elite, wants to maintain the status quo.

Generally, the peace agreements, namely the Agreement for the Resolution of Conflict in the Republic of South Sudan (RACSS) and the current Revitalized Peace Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS), did not substantively help South Sudanese people build common values that could promote unity and oneness among themselves. Peacebuilding has never been a success story in South Sudan, and it may not be in the future unless the current leadership of the SPLM's old guards' steps away from the political scene. Issues that have served as a uniting factor for bringing the people of South Sudan together have not been addressed. Like the ARCSS, the R-ARCSS may not be able to address the current governance crisis in South Sudan. R-RACSS may also be doomed to failure by the political.

Development in terms of the provision of services such as infrastructure development, like the building of road networks, education, and health services provision, has not been given attention, and still, the political leadership still does not see them as priorities. These are examples of economic development that help South Sudanese people identify with the state and thus help them build common values and bring diverse South Sudanese ethnic communities together. As a ruling political party, the SPLM is running the country in the same manner that it did during the liberation struggle. The rule of law and the institutionalization of the system of governance are the hallmarks of political leadership failure.

Fighting against the successive regimes based in Khartoum for decades as common enemies has been the only thing that has served as glue that cemented the unity of purpose amongst South Sudanese political leaders. In peacebuilding economic and social development discourses, the political elite from the SPLM ruling party took the country in the opposite direction. When fighting for freedom from the Northern Sudan regimes was over, the liberators started to loot the resources instead of developing the war-torn new country.

Since the CPA and up to now, it has always been the political elite who have been benefiting from peace dividends and not the ordinary people of South Sudan who are reaping the fruits. It has often been the political elite who control the means of production and who emerge at the pinnacle of power, either before or after independence, with little concern about public grievances. Instead, people who bear the brunt of the conflict remain forgotten and often are not beneficiaries of the peace dividends. The political elite, whose power derives from the control of state institutions and the wealth of the nation.

CHAPTER SIX

6. Government's Institutions at National and State Levels on State Building and Nation Building in a Multiethnic South Sudanese Society

6.1 Introduction

Recognition of the importance of ethnic, cultural, and linguistic diversities through political pluralism and inclusion has led a number of multinational countries begin to revisit their public policies, trying to find a more fitting system of accommodation for their varied communities (Ayelet, 2004). Shachar and Wimmer further explain that since "we are all multiculturalists now", we can look into ways to make state institutions sufficiently pluralistic, allowing different communities to be governed by their own institutions and traditions without ethnic exclusion from participation in the state's governance process (Wimmer, 2004; Ayelet, 2004). This trend toward group-based ethnic diversity accommodation and management raises fundamental questions about the distribution of rights and authority in multicultural societies like South Sudan (Ayelet, 2004) in this regard, Wimmer postulates that there is a need for a universal but contextualized desire for cultural rootedness and inclusivity in terms of building an inclusive state, which is accentuated under current conditions of globalization and rapid social change (Wimmer, 2004).

The central analysis of the issues involved in this study and in this chapter in particular, as Pfaff-Czarneck (2005) explains, resolves around the exclusion or inclusion thesis of some minority ethnic groups from public institutions' representation at all levels of government in South Sudan. We further argue that pejorative denial of minority ethnic groups' cultures, plus obstacles to participating in politics and administration for members of ethnic minorities lacking the necessary cultural, social, or economic capital, was, in South Sudan, and is still now, turned into a negative integration matrix against which increasing resistance and conflict build up in the nascent state (Pfaff-Czarneck,2005).

This chapter discusses in detail how some national government and state institutions in South Sudan are representative in terms of political power sharing arrangements, participatory and inclusive in nature in response to ethnic diversity in a multiethnic country, having gained independence from Sudan. The question raised in this regard in turn focuses our attention on how the state institutions that call for political pluralism and recognition of multiculturalism might affect not only the distribution of rights and authority, but also the provision of economic

infrastructure such as road networks, electricity, and social services such as education and health services.

In other words, the chapter explores how the people of South Sudan identify with the South Sudanese state through equitable political representations of ethnic diversity in public institutions, that is, at national and state levels. In this chapter, we first look into how national, state, and local government institutions relate to their contribution to nation-building vis-a-vis the Transitional Constitution of 2011 as Amended from a multiethnic society 's perspective. The first part of the chapter details national institutions, some of which were established out of scratch in 2005. These national institutions include the National Legislature, which includes the South Sudan Transitional Legislative Assembly (SSTNLA), or the Lower House of Parliament, and the Council of States, or Upper House of Parliament. In the analysis of national institutions, we also include the executive army of the government, known as the Government of South Sudan (GoSS), formed after the separation of South Sudan from Sudan.

In the course of discussion and analysis of national institutions, we focused our discussion on major institutions that are directly related to state and nation-building discourse in South Sudan. In the first part of this chapter, we shall discuss the national institutions like the Council of States and the National Legislative Assembly in detail in relation to nation-building. The chapter also discussed the national executive as one of the institutions of national government. The national executive branch of government is discussed in relation to its composition in terms of ethnic inclusivity or ethnic diversity and participatory decision-making process within its institutions.

The second part of the chapter discusses state or sub-national institutions of government in relation to their contribution to state institution building and nation-building. The sub-national institutions of government meant in this chapter include state, local government, and traditional institutions in the context of the decentralized system of governance in South Sudan. In fact, these institutions may not be directly related to nation building at national levels, but as part of government institutions in their own rights, they are relevant for broadening our understanding of the role of state institutions in creating common South Sudanese values as part of nation building, through inclusive and representation, democratic participation in the governance process.

6.2 The Transitional Government and the National Institutions

South Sudan follows a presidential system of governance with the President of the Republic as both head of state and government. The Transitional National Government of the Republic of South Sudan and its institutions were just an extension of the regional autonomous government of Southern Sudan formed during the Interim Period of the CPA. It was an extension of the autonomous regional government during the Interim Period (2005–2010). There were no institutional reforms effected as South Sudan became a new and sovereign state. By definition, according to (Hague & Martin Harrop, 2004), a government consists of institutions responsible for making collective decisions for society. More narrowly, "government" refers to the top political level within institutions that are responsible for serving the people. The government and its institutions should solely exist to serve the people. Based on this thesis, we shall analyze the functions and responsibilities of the national government and its institutions. It is assumed in this chapter that by understanding the nature of South Sudanese political development (key government institutions), society, and the values shared by many of the South Sudanese people, we can better appreciate key institutions and practices in South Sudanese politics and the attitudes and behaviour of both the South Sudanese political elite and ordinary citizens. As explained by Wimmer (2018), the desired outcome of nation-building is to achieve social order and common identification of ethnic nationalities with the state. Wimmer goes on to argue that establishing a national institution is successful when those in political office work together as a team and make collective decisions that may have a positive impact on the public.

Nation-building is said to be inclusive and successful when different ethnic communities within the polity are loyal to the nation because of the public goods provided by the state institutions (Wimmer, 2018). But where the state institutions are owned by few elites from a few ethnic communities, there are always challenges for building common and shared values among different ethnic communities within the state; the state then must be a reflection of different identities. Therefore, state-building, or the process of building state institutions, must have a far-reaching impact, bringing a diverse national population together through shared or common values, so that citizens are able to identify themselves with the state (Mylonas, 2013). It is on the basis of this argument that we shall analyze the national institutions of the national government of South Sudan as to whether or not they are inclusive and able to serve the interests of the public and whether the people of South Sudan are able to identify with the state.

Major institutions of the national government include the national legislature, the national executive, and the judiciary. The focus of review and analysis is on the national legislature and national executive institutions. All government institutions in the new state were transplanted from the old Sudan's dysfunctional and obsolete state institutions without any sort of modification or reform to tailor them according to South Sudanese society's context (Nyaba, 2018). In other words, they [institutions] were not, and are still be, representative of South Sudanese diversity in all of its form. For example, the SPLM easily became the ruling political party in post-independence South Sudan because it was the only political party in South Sudan that was a partner to and signatory to the CPA, along with the NCP of the North.

The Interim Constitution of the Southern Sudan was hastily modified by handpicked senior loyal cadres of the SPLM to the President only to make it the Transitional Constitution of the new Republic, the Republic of South Sudan. Only a few changes in words and vocabulary were visible, making the Transitional Constitution of 2011 different from the Interim Constitution of 2005 (Nyaba, 2018b). This rush in the process of constitution-making has a tremendous impact on building and developing inclusive state institutions that are able to serve the public. The National Government of South Sudan's (GoSS) responsibilities are clearly stated in Transitional Constitution 2011 Article 53 (1). These responsibilities include: (a) maintaining peace and security; (b) promoting good governance and the welfare of the people; (c) exercising authority over South Sudan and the states; and (e) ensuring the nation's reconstruction and development. Little has been achieved in fulfilling these responsibilities.

6.2.1 The Transitional National Legislative Assembly

The South Sudan legislature has two national chambers. The national legislature composes of Council of States and the Transitional National Legislative Assembly. In other words, it is a bicameral house of legislature that includes the National Legislative Assembly and the Council of States (the Senate). Each of these institutions has their own functions, composition of its members and responsibilities stipulated in the Transitional Constitution of 2011 as amended.

The Council at the independent compose of 50 members most of who were appointed by the President with nomination and recommendation of the Governors of the ten (10) states. Since being a member of National Legislature, especially the Council of the States is through political

appointment, some of the ethnic minorities in many of the states are not represented. For example, in Warap S and Norther n Bahr El Gazal states where Dinka ethnic community are a majority, Jur and other ethnic monities in those states are not represented in the Council of States (Second Chamber). This is also true in many of the states with ethnic minorities

Generally, legislatures have always been structures in which policy issues are discussed and assessed based on the inclusion and effective participation of different political and ethnic interests. In fact, most early legislatures were created to provide advice to the political executive, often a monarch, and to represent relevant political groups (Duncan Watts, 2006). Many legislatures are said to be responsible for introducing public policies that are said to have positive impacts on citizens' lives (Duncan Watts, 2006). A legislature is a multi-member representative body that considers public issues. Its main function is to give assent, on behalf of a political community that extends beyond the executive authority, to binding measures of public policy (Hague and Harrop (2004). According to Duncan Watts (2006), the word "assembly" is sometimes distinguished from the term "parliament". Its [assembly] literal meaning is a gathering. Some writers portray an assembly as being a weaker body, more of a talking shop and toothless institution, where the executive branch of government is more powerful through power monopoly (Ducan Wattss, 2006).

The above statement exemplifies the situation in South Sudan ever since it was etsabslshed in 2005. The functions and competences of the South Sudan National Legislative Assembly According to the Transitional Constitution of 2011, Article 54 includes the following: (1) representation of different political parties elected by the people to the assembly ;(2) deliberation and debating on the matters that affect the public; (3) legislation, initiating and approving bills presented to them by the executives to make them laws; (4) authorising expenditures-that approving or rejecting the budget prepared by the executive branch of government; (5) approving the appointments of the minsters and other senior politicians in executive as required by the Constitution (6) interrogate Ministers and other senior executives about their performance or the performance of their ministries; and (7) scrutiny or oversight of the government activity and policies . These are some of the major tasks accorded to the Transitional National Assembly by the Transitional Constitution 2011.

However, since its inception, the South Sudan National Legislative Assembly has had many challenges in executing those functions and responsibilities mentioned above as prescribed in the Transitional Constitution of 2011. One of these challenges is the undue influence of the executive on the legislature. As one of the former MPs (Hon. Gatluak) explained to me, after the approval of the Transitional Constitution in 2011, the President threatened to dismiss those Members of Parliament who would not vote for the approval of the decentralized system of governance and the powers given to the President. According to this MP [Hon. Gatluak], the President boldly threatened them that he would send them back to the streets, where they have been loitering for years without jobs, if they did not endorse the Constitution. According to the MP, despite the threats and intimidation from the President, some MPs from Greater Equatoria and some from Upper Nile states in parliament voted against the approval of the Bill for a decentralized system of governance that gives unlimited and uncheckable powers to the President of the Republic. Two issues can be identified from the President's threats against the non-approval of the decentralized system of governance as widely known amongst the SPLM elite.

First, the President wants to personalize power instead of institutionalizing it through government institutions, thus avoiding the presence of checks and balances in the institutions of government. That means the President, as a chief executive, constitutionally violates the separation of powers and responsibilities between the executive and legislative branches of government, which is typically implemented in conjunction with a system of checks and balances (Andrew, 2020). In other words, the President wanted his power and authority to have a personal character while refusing to instill the framework of the institutions (Blondel, 1969). This move is supported by those who call themselves loyalists who called themselves SPLM /A “proper,” or the founders of the SPLM governing party. Second, the President wants to show to the opposition political parties in parliament that he is in control and that if he could not spare members of parliament from his own political party, he would not in any way have mercy on the opposition political parties. Therefore, the opposition must submit to his authority accordingly. The overall objective is for the President to have a firm control of the state institutions by not allowing fair exercise of power and legitimate state authorities. The President told them that it was because of his authority and power as a head of state that they were appointed or elected. Their constituencies do not want them to be elected to the parliament.

Other challenges relating to the effective function of the National Assembly are the capacity and level of education of members of parliament in exercising their oversight duties and scrutiny of the executives in their performance. Honourable Pal Ruach, member of the Revitalized Transitional National Legislative Assembly (R-TNLA) from the SPLM-IO opposition party (2021) explains, the problem of Transitional Legislative Assembly of South Sudan is because members of parliament are appointed by the President of the Republic by decree. This has made them to feel of lack of confidence and capacity to challenge the executives. They fear their colleagues in executive and those in the party hierarchy (Gatluak Jack, 2020). Given the above institutional challenges, the South Transitional National Legislative Assembly since 2005 to date has not been able to execute its duties and responsibilities effectively. The party and the military elites, according to their hierarchical institutions in South Sudan are more powerful than the members of parliament thus influence on the functions of the National Legislative Assembly. Hence, the South Sudan Transitional Narrative Legislative Assembly has not been, and is not an effective institution which could respond to the needs of the South Sudanese people both collectively and individually (Interview Transcript from Honourable Gatluak Jack, 2020, Juba).

6.2.2 The Council of States or the Upper House Chamber

Evaluation and analysis of the role of any constitutional limb has to be done in the light of the function that it was intended to perform as well as of whether the composition of that limb was such as to enable it to do functions (Pachauri, 1986). A constitution has various functions: For this function, we focus only on the first three, which are relevant to the discussion of this topic. According to MacGarry (2014), in the first place, a constitution should facilitate the creation of different state institutions that are responsible for serving the public. Secondly, a constitution should allocate power among the various institutions of the state, deciding which bodies should exercise which powers and thus putting a limit to the power in exercise with checks and balances on the authority of the user; and thirdly, a constitution should restrict the power of the government (including the executive) and should therefore prohibit unnecessary usurpation or abuse of power, laws, and actions by certain authorities in power. This argument for the limited power of a government in certain areas of authority is sometimes referred to as "constitutionalism" (McGarry, 2014). South Sudan Transitional Constitution of 2011 as amended provides for these functions, but are not yet implemented. The lines of separation of powers in various institutions of

government are very limited. Much of the power in the Constitution is vested in the executive branch or arm of government, particularly the national executive branch of government under the President, who governs the state through decree orders, leaving other state institutions, such as the legislature branch of government, without the powers they deserve (Interview Transcript from Honourable Mary Deng, 2020, Addis Ababa).

This is equally true of the institution of second chambers in South Sudan, technically called the Council of States. This part of the thesis, however, focuses on the review and analysis of the role of this constitutional wing and its necessary contribution to state and nation-building in the multi-ethnic society of South Sudan. The Council of States of the Republic of South Sudan was established in 2011 by the Transitional Constitution of South Sudan (2011) after the separation from Sudan. It is one of the two Houses of Parliament comprising the National Legislature of South Sudan. Membership in the Council of States fluctuates from time to time, depending upon the political situation that existed from 2011 to date. For instance, in 2011, after the separation of South Sudan from Sudan, 30 members who were elected by popular veto during the Sudan General and National Elections of 2010, were transported from Khartoum to Juba. The remaining 20 members were appointed by the President in consultation with the Governors of the 10 states. This happened during the first two years of the Transitional Period after independence. The move was subject to harsh criticism from the opposition because almost all of them were from the ruling SPLM Party and, at the same time, they are related either by blood or by cliquism based on deep-rooted clientel relationships they have cultivated for a number of years.

At the independence, the Council of State, or the Upper House of Parliament of South Sudan, consisted of 50 members. But after the end of the conflict in December 2013, the number increased because of the proliferation in the number of the states, from 10 to 32. President Kiir increased the number of constituent units through a controversial presidential decree order in 2015 from 10 to 28, and then to 32 states plus two administrative areas. One by the created Constitution, which is Abiey and the other was created through Presidential decree orders, which is the Pibor Administrative Area in Jenglei State. The increase in the number of states and administrative areas inflated the number of members of the Council States to the advantage of one ethnic community. That is, the number increased from 50, then inc to 64, and from 64 to 72 in number. This time, the Dinka ethnic nationality in the Council of States constitutes an overwhelming majority because of

the increase in the number of states from three states namely, Warap, Norther Bahr El- Gazal states and Lakes States where Dinka ethnic nationality constitute a majority, to 14 states out of 32 states. Now, when the country reverted to the original 10 states inherited from Sudan before independence, the number of Council States is back at 50 members, as it previously was. However, constitutional and institutional reforms in relation to the functions and responsibilities of the Council of States in relation to nation-building remain unattainable. Institutional reforms as stipulated in the Revitalized Peace Agreement are not yet incorporated into the Transitional Constitution and subsequently implemented.

Table 1: Compostion of the Council of States According to 32 States by Ethnic Nationality

S/N	Number of the State by Ethnicity	States based Ethnic Compostion	Number of MPs/64 each state has 2 MPs
1	Dinka Ethnic nationality	14 states Plus Abiey 15	30
2	Equoterians (more than 30 ethnic community)	10	20
3	Pibor	1 Adminstrative Area	1
3	Shiluk/ Cholo	1	2
4	Nuer	4	8
5	Western Bhar El-Gazal Ethnic groups	1	2
6	Total of the State	32	64

Source: Pritchard & Verjee (2021). “South Sudan from 10 States to 32 States and Back Again What lessons can be taken from South Sudan’s experience of boundary and state management?”

6.2.2.1 Competencies and Responsibilities of the Council States

The Transitional Constitution of 2011 Article 58 (a-f) does not clearly state and is not detailed in the areas of the duties and responsibilities of the Council of States in South Sudan. For example, competence (a) stipulated: "The Council of States shall initiate legislation on the decentralized system of government and other issues of interest to the states and pass such legislation with a two-thirds majority of all representatives." 58(a) of the Constitution. Similar to this provision in the same article sub-article (e), which states: "The Council shall request statements from Governors and national Ministers concerned, regarding effective implementation of the decentralized system and devolution of powers and any other issues related to the states."

The above two sub-articles of the Constitution have not clearly articulated the competence of the Council of States in relation to its role in ensuring that a decentralized system of governance is efficiently and effectively implemented in the states. In actual sense on the ground, the Council of States has little role in ensuring that decentralization is effectively implemented in the states. It has no institutional competence and capacity provided by the Constitution to effectively carry out its duties and functions both at the institutional and individual member levels. This is because the members of parliament are appointed by the state executive in consultation with the President of the Republic. They are not directly elected by the people; instead, there was an inclusive consultation between the parties appointing them and the constituencies at the grassroots (communities).

Despite the fact that the Transitional Constitution in paper has given the Council of States power to initiate the legislation process on a decentralized system of governance, nothing has been achieved. For example, in 2015, the President of the Republic decreed the increase of the number of states from 10 to 28 and later from 28 to 32 without prior involvement of the Council States. The Bill was later brought to the Council for blessing after it was debated and passed in the National Legislative Assembly—the lower house of parliament. This indicates that the Council falls short of executing its duties of reviewing legislation and improving scrutiny on the state's implementation of the decentralized system of governance by the states as a second chamber. It has also failed to execute its duties and responsibilities of providing effective oversight and scrutiny. The absence of checks and balances in the institutions of governance has also contributed

to their lack of individual capacity to implement their duties and carry out the institutional functions of the House as indicated in the Constitution.

One of the important competences of second chamber (Upper House of Parliament) is to enable and achieve the principles of representation to ensure that diversity and inclusivity, especially in multiethnic societies (Bulmer, 2017), are achieved. This is to reflect the equality of citizens in all levels of government as a part of building an inclusive and diverse state. Having a second chamber may also allow other principles of representation to be applied that reflect the diversity of political interests in the state, informing political accommodation. For example, a second chamber may structure representation through territorial units (e.g., states, provinces, or regions). It may also represent specific communities defined by ethnicity, religion, language, or culture; or it may be intended to increase the representation of women, marginalized socioeconomic classes, specific interest groups, youth, or people of specific nationalities such as non-territorial minority nationalities (Bulmer, 2017).

6.2.2.2 Council of States and Challenges for State and Nation Building

The Transitional Constitution has not clearly mentioned on what basis the members of the Council of States should be elected. In other words, the Constitution disregards the rights of minority nationalities who are not represented in the National Assembly (Upper House of Parliament) to get their rightful representation in the Council of States. Instead, the political elite from the top appoint the members in consultation with the governors from each of the 10 states and three administrative areas, according to the current structure of the Revitalized Government of National Unity (R-GONU). The selection and appointment process does not also consider the rights of ethnic minorities who are marginalized by South Sudan's political establishment. It is not inclusive process because it leaves minority ethnic communities permanently excluded from the political process of the country.

For example, in Ethiopia, as a federal state, the Federal Constitution (Article 61:2) clearly states that the members of the House of Federation (Upper House of Parliament) shall be elected. The Constitution further stipulates that each nation, nationality, and people shall be represented in the House of the Federation by at least one member. Each nation and nationality shall be represented by one additional representative for each one million of their population in the House of

Federation. The Federal Constitution also clarifies the mode of election of the members of the House of the Federation (Article 61:3). It has not been stipulated that member shall be elected or appointed by the Prime Minister, who is the head of the government. The State Councils may themselves elect representatives to the House of the Federation, or they may hold elections to have the representatives elected by the people directly (Article 61:3 of the Federal Constitution).

The Ethiopian Federal Constitution provides for the rights and political recognition of ethnic minorities who are not represented in the Upper House of Parliament or the House of People's Representatives to be represented in the House of Federation. The South Sudan Constitution does not have this provision recognizing the rights of ethnic minorities who are not represented in the National Legislative Assembly and to be represented in the Council of States (the Upper House of Parliament). After the 2010 Sudan National Election, state governors in South Sudan became responsible for the appointment of Council of States members in consultation with the President of the Republic. Most members are from the ruling SPLM Party, a characteristic it shares with Ethiopia's House of Federation.

Efficient and effective functioning of state institutions in a multiethnic society must reflect and be concomitant with the country's diversity (Nazneen Barma et al, 2014). There are many factors which pose challenges to the efficient and effective functioning of the state institutions in South Sudan, like, for example, in the case of the Council of States. Amongst these challenges is the leadership failure on the part of the governing party, the SPLM, to deliver what the public expected of them in post-conflict South Sudan from 2005 to the present time. Instead, the governing party, instead of building inclusive state institutions that could serve the people of South Sudan regardless of ethnic identity, enriched themselves by looting public resources (Anyaba, 2018a). South Sudan has been moving from one political transition to another since 2005, and to date, still without consolidating its state institutions to serve the people of South Sudan in a representative and democratic manner.

Lack of capable state institutions has resulted in vicious cycles of endless conflicts and political crises that have plagued the country for more than a century, beginning with Sudan's independence from Britain and continuing after the country's separation from Sudan. Because of a series of "abnormal" political transitions, the Members of national and state legislatures have always been

nominated by political parties, and then appointed by the President through presidential decree orders.

The political appointment of the Members of Parliament applies to both the Lower and Upper Houses of Parliament (National Assembly and Council of States, respectively). Instead of being directly elected by the people, the political appointment of MPs by the political parties' leaders has not only affected the proper functioning of the Upper House, but it has become a bottleneck to the building of capable, inclusive, and accountable institutions of governance in the country. It gives political leaders unnecessary leverage to control the national legislature, civil service, and all state institutions. In particular, it leaves the members of the National Legislature as a whole susceptible and vulnerable to working in the interests of senior political leaders of the SPLM governing political party. Specifically, the Upper House of Parliament in South Sudan doesn't reflect ethnic and political diversity. As in the lack of equitable power and resource sharing both back when Sudan was one country, the absence of representing ethnic minorities in vital institutions like the Council of States has been a problem for building common identity and values in South Sudan.

6.3 The National Executive Arm of Government in the Transitional Government of 2005-2018

The political executive is the core of government, consisting of political leaders who form the top slice of the administration. It includes the president, ministers, prime ministers, and cabinets. The executive is the regime's energizing force, setting priorities, making decisions, and supervising their implementation (Hage and Harrop, 2004). Governing without an assembly or judiciary is perfectly feasible, but ruling without an executive is impossible.

The term "executive" derives from the Latin *ex sequi*, meaning "to follow out" or "carry out". In this sense of conception, the role of the executive branch of government is then to carry out the political system's policies, laws, or directives. As long as there have been political systems, there have been individuals or small groups who assume the role of leadership (Duncan Watts, 2006).

When the government of the Southern Sudan region was formed at the beginning of the Interim Period in 2005, the SPLM claimed to have changed from a rebel movement to a political party based on democratic principles. That did not happen. The political culture in which the

commanders of different ranks of the Movement controlled everything during the liberation struggle still continues to practice that deeply entrenched culture of impunity and lack of accountability while executing their duties in public office. That means the SPLM's leadership continues to be dominated by generals within the national army and national security service, which are all offshoots' institutions of the SPLM/SPLA. The executive branch of the government, with its institutions (cabinet ministerial portfolios and independence or commissions), was mostly occupied and dominated by the military elite, mostly from the SPLM, who hailed from either Dinka or Nuer ethnic communities. But now, with the current Revitalized Peace Agreement, other political parties are included in the executive and legislature as well, although the power sharing is not equitable in all its terms.

Table 2: The composition of the National Cabinet Ministers in the Government of South Sudan (2011-13)

S/No	Ministrial Portfolio	Ethnic Nationality	Greater Regional Category	Remarks
1	Ministry of Cabinet Affairs	Dinka	Greater Bahar-el Gazal	
2	Minister in the Office of the Presidential Affairs	Dinka	“ “	
3	Ministry of Foreign Affairs	Nuer	Great Upper Nile	
4	Ministry of Finance	Madi	Greater Equatoria	
5	Ministry of Defence & Veteran Affairs	Dinka	Greater Upper Nile	
6	Ministry of General Education and Instruction	Luo/Jur	Greater Bahar –el Gazal	
7	Ministry of Higher Education, Research and Science and Technology	Shilluk/Chollo	Greater Upper Nile	
9	Ministry of Wild Life and Tourism	Nuer	Greater Upper Nile	
10	Ministry of Information and Broadcasting	Nuer	Greater Upper Nile	
11	Ministry of Petroleum & Mining	Dinka	Greater Upper Nile	
12	Ministry of Justice	Nuer	Greater Upper Nile	
13	Minister for National Security, Office of the President	Shilluk /Chollo	Greater Upper Nile	
14	Ministry of Parliamentary Affairs	Dinka	Greater Upper Nile	
15	Ministry of Commerce, Industry and Investment	Dinka	Greater Bahar el Gazal	
16	Ministry of Agriculture and Forestry	Egutorian	Greater Equatoria	
17	Ministry of Roads & Bridges	Dinka	Greater Upper Nile	

S/No	Ministrial Portfolio	Ethnic Nationality	Greater Regional Category	Remarks
18	Ministry of Transport	Equatorian	Greater Equateria	
19	Ministry for Environment	Equotorian	“ “	
20	Ministry of Housing & Physical Planning	“	“ “	
21	Ministry of Electricity & Dams	Dinka	Greater Bahar -El Gazal	
22	Ministry of Telecommunication and Postal Service	Dika	“ “	
23	Ministry of Gender Child and Social Welfare	Equatorian	Greater Equateria	
24	Ministry of Humanitarian Affairs	Dinka	Greater Equatoria	
25	Ministry of Water Resources and Irrigation	Dinka	Greater Bahar -el Gazal	
26	Ministry of Animal Resources & Fisheries	Equatoian	Greater Equoteria	
27	Ministry of Culture Youth , & Sport	“ “	Greater Equatoria	
28	Ministry of Interior	Dinka	Greater Bahar El-Gazal	
29	Ministry of Health	Equatorian	Greater Equatoria	

Source: Ministry of Cabinet Affairs, Juba Republic of South Sudan (2011).

The above table shows the ministerial portfolios division and national cabinet composition according to Greater Regions and ethnic national priority to the outbreak of December 2013 conflict in South Sudan. As could be seen in the table above, ethnic nationality as a criterion for an appointment to political position at national level of government is given less importance because there are some ethnic nationalities that are represented out of 64 ethnic nationalities at the national level of government. Majority of minority ethnic nationalities who are not well represented are from Greater Equatoria and some minority ethnic communities from Greater Bahr el Gazal Regions. Out of 29 national cabinet ministerial portfolios, 12 of them were held by elite from Dinka ethnic nationality. In addition to having a lion share in the national cabinet ministerial portfolios, they had also dominated viable national economic institutions such as the Nile National Petroleum Company as known as NilePet, that serves both as regulatory agency for the oil and petroleum industry and operating oil national company, working side by side with the foreign oil company. The leadership of the Bank of South Sudan (BOSS) is also controlled and dominated by the Dinka elite. Hence, the leadership and most of the ordinary staff of these important economic institutions are mostly from Dinka, majority are relatives of the elites.

Most of the national employees working for foreign oil companies operating in South Sudan are mostly from Dinka ethnic nationality majority of whom are relatives of the elite (political and military leaders). The control of these variable national economic institutions by the Dinka elite gives the elite economic powers through corrupt practices in form of unlawful contracts to their private business companies that dominated the economic power in South Sudan. Besides the control of economic institutions of the country, the Dinka elites also control national security and intelligence organ. Since, 2005, the national security chief has been a cousin of President Kiir who hails from his home state Warrap. All of these are done under the pretext of having been in the lead during the war of liberation for the independence from Khartoum.

There are several reasons why the SPLM is the most powerful political party in South Sudan. First, during the formation of the government in 2005; they excluded other political parties from participating in the governance process in the name of the war of liberation struggle, which they claimed to have fought alone. Therefore, in their own words, they deserve a lion's share of the power and resources of the country they have liberated. Almost all the cabinet ministerial portfolios and independent commissions were occupied by SPLM. Second, their claim that, in territorial terms, they constitute the "majority" of ethnic communities in the country and that they should lead and govern the country. Hence, they maintain that the majority rule and minority rights principles of democracy have to be applied. The executive is also dominated by the army; its members have used their military positions to push for a constitution that gives the executive powers to dismiss elected officials. This has also given the executive (the president, state governors, and county commissioners) the power to rule and govern the country by decree, often bypassing elected legislatures.

Another important scenario that explains control of the state machineries by the political executive can be explained by the situation that happened after the secession and independence of South Sudan from Sudan. The political executives passed several controversial bills that restricted the political space for the emergence of new political parties in the new country. The Political Party Act includes several conditions that can only rarely be met by an emerging political party. The limited political space was exacerbated by the National Security Bill passed in March 2014. This Bill prohibits freedom of assembly and expression without the consent of the Ministry of National Security, which is also dominated by SPLM/A generals and security personnel.

According to one Member of Parliament interviewed by the researcher, a good example is the expression of General Awet Akot in Parliament in 2011 when the current Transitional Constitution was passed. General Akot is an MP in the National Legislative Assembly and, at the same time, a military advisor to President Kiir. During a parliamentary session when MPs deliberated on the passing of the Transitional Constitution, the General threatened MPs with the consequences of their failure to pass the amendment in the Transitional Constitution. According to Honorable Gatluak, General Awet echoed the words of the President, saying: "Those who fail to stand with the President and the government at this critical moment will be squarely dealt with." All of this shows how the executive and the military in the government are notoriously abusing the power vested in them by the people through their representatives, the Members of Parliament. Political culture is the term given to those widely shared political beliefs, values, and norms that most military commanders in the SPLM shared concerning their relationship with the grassroots, which were based on exploitative tendencies and superior-subordinate relationships.

Another problem to state and nation building in South Sudan is the SPLM's dominated executive institutions of government, which could be best explained in relation to the operations and functions of the National Security and Intelligence Service (NSSIS). The President, as the Chief Executive of the Government, has given the National Security and Intelligence Service power to arbitrary arrest any suspect on security grounds without any involvement of the Police Service. The arrests of political dissidents are also carried out under the pretext of preventing and deterring threats against national security. The President dismisses elected state governors. Implementation of the National Security Service Act of 2014 has led to the disappearance and extrajudicial killings of many political dissidents opposed to the government of President Kiir. This led the UN to impose individual sanctions on the top national security chief, who is accused of ordering the rest and subsequent extrajudicial killing of political dissidents in 2017. It is in this way that the President runs the country, by eliminating those he sees as threats to rule and staying in power.

Another challenge is President Kiir's and the SPLM government policy of the "big tent." The big tent policy is meant to accommodate political and military leaders without addressing the root causes of the conflicts. In other words, it is just bribing the political and leaders' leadership of the opposition with positions to silence them, live and maintain the political status quo. This is a failure of the government in building capable state institutions and in uniting the country (Nyaba, 2018a).

The government has been using and is still using assimilation and integration of political and military dissidents without institutionally addressing the root causes of conflict. This policy has produced a dead end and a zero-sum game. It is these political and military leaders whom the government bribes with political and military posts who eventually rebel against the government when they are relieved from the public offices they hold. It is through this policy that they try to politically and militarily accommodate different ethno-political forces to coexist, and often on the basis of co-option and sharing the spoils of government, which has not been successfully sustainable in many ways. The integration of many armed and political groups into the government and SPLA (now South Sudan Defence Forces) in the past, starting from 2005 to date, is a good example to explain the government's failure in its attempt to unite the fractured country through its own rule and dividing policy.

Like many liberation movements elsewhere in Africa, the SPLM/SPLA tends to dominate political life by ignoring public views and grievances to only accommodate the political and military elites of armed groups that oppose their tyrannical rule. A similar challenge facing the executive and the whole government of South Sudan and the governing SPLM Party is a crisis of legitimacy from its base or the people of South Sudan. The crisis of legitimacy stems from the failure of the government to deliver public goods such as providing public security to citizens, education, health, and infrastructure to the people of South Sudan. Since the formation of South Sudan as an independent state, it has never had any elections, with the government claiming legitimacy based on elections held in 2010, before the referendum that led to independence.

The first national elections in South Sudan were to be held in 2015. As part of the peace deals of 2015 and 2018, regular elections were postponed multiple times. This is cementing the dominant position of President Kiir and freezing the power relations between his SPLM faction and that of his political rival, the first, Vice President Riek Machar's SPLM-IO. The South Sudan parliament, with a large SPLM majority, voted in April 2015 to amend the transitional constitution of 2011 to extend the presidential and parliamentary terms until July 9, 2018. A similar postponement of national elections also happened in 2018. But this time around, it was because of the new political transition that brought about the Revitalized Peace Agreement. Parliament postponed national elections, which were to be held in 2018, until 2023, three years later, after the end of the Transitional Period of the Revitalized Agreement is implemented. However, because of the delays

in the implementation of the peace agreement, especially the delay in implementing security arrangements, there might also be another possibility of postponement and the extension of the term of the Revitalized Transitional Government of National Unity and the President as well.

Generally, the political executive arm of the government in South Sudan has not been effective in executing public policies. In many political transitions from 2005 to date, it has been a stumbling block to building competence state institutions and efforts to unite the country in terms of building state institutions by sharing power and resources. From 2013 to 2018, the Transitional Constitution of 2011 was amended several times through the President's initiatives and orders to either extend his power in office or post elections. Extensions of the president's terms in office have given the executives at different levels of government uncheckable powers and authority to control the institutions of government. Amendments meant to effect reforms in the system of governance as enshrined in the Revitalized Peace Agreement of 2018 are not yet incorporated into the Transitional Constitution. There is, as usual, a lack of political will on the part of the powerful elite to implement the needed reforms in the system since the 2015 peace agreement to the current revitalized peace agreement.

The executive arm of the government in South Sudan has been dominated and is still being dominated by military and political elites of different factions of the mother SPLM. They are mostly from the Dinka and Nuer ethnic communities. All the important political actors appointed by the President to the executive branch of government have a military background, and many of them share a common history, which creates strong political networks, as well as rivalries (Deng Tiel, 2020). These loyalists from rival factions of the SPLM only work and only serve their personal interests and those of their bosses, with disregard to public interests. The dominance and concentration of power and authority in the hands of executives paralyzes the rule of law and constitutionalism in the country. In other words, the executives in the national government of South Sudan directly control and monopolize power beyond their constitutional jurisdiction. Although in principle, the Transitional Constitution of South Sudan creates a "democratic" and relatively balanced system of governance, during the still-not-ending "transitional periods," the president and executives, in general, have enormous political authority, in violation of basic principles of the separation of powers between branches of government (Interview Transcript from Gatluak Jack, 2020, Juba).

Executives in South Sudan's national government also violate the principles of separation of powers between branches of government in another way. For example, while the Peace Agreement gives the President, as the head of the executive, the authority to appoint members of parliament to the National Legislative Assembly during the political transition, this is done without formal consultation with the constituents. Another serious violation of the principles of separation of powers. This unnecessary use of authority is also practiced by executives at sub-national levels of government, namely the state and county levels of government. For example, the state government and county chief administrators appoint members of their councils without consulting with the grassroots constituents.

Generally, the executive branch of government at the national level has not been inclusive and participatory until the recent formation of the Revitalized Government of National Unity (R-TGoNU), which has nearly equal representation of different ethnic groups at the national level of government. Before the 2015 and 2018 peace agreements, most of the national ministries and independent commissions at national levels of government were mostly occupied by Dinka and, to a limited extent, by Nuer ethnic nationality.

6.4 State Government Constitutions and Nation-Building

6.4.1 Subnational Constitution-Making and Nation-Building Process

Substate constitutions are broadly understood as written legal instruments that limit and structure political power at the subnational or state level of the government with legal supremacy. The primary goals are to define the specific governance system of the subnational entity and often to codify citizen rights within its territory, according to Kimana Zulueta-Fülscher and Asanga Welikala (2017). They may also serve to delineate the political representation of different communities in government institutions at state levels. Substate entities, in turn, can be defined as territorially delineated constitutive parts of a country or state (Kimana Z. & Assanga Welikak, 2017). In this regard, this part of the study attempts to interrogate substate constitutions and institutions of government and their contributions to state and nation-building in the overall decentralized system of governance in South Sudan. Or, the state constitutions and institutions of government are just replicas of the national government and its institutions.

The ten (10) states of South Sudan were created out of the three historic former provinces (and contemporary regions). These are the Region of Bahr el Ghazal (northwest), Equatoria (southern), and Greater Upper Nile (northern) regions before the CPA and the separation or independence of South Sudan from Sudan. The division was never subject to democratic consultation with the people of South Sudan. The public has not been invited to come together and discuss issues pertaining to state boundaries and how they should govern themselves within the new Republic. According to South Sudan's Transitional Constitution of 2011 (Article 161.1), the territory of South Sudan is composed of ten states governed on the basis of decentralization. The Transitional Constitution further states that the states have their own sovereignty and self-rule within a decentralized South Sudan. Substate constitution-building processes often seek to assert the substate entity's distinctiveness from the central state and/or from other substate entities (Kimana & Assanga Welikak, 2017).

However, this has not been the case during the drafting of the transitional constitutions of the 10 states of the Republic of South Sudan. The state Transitional Constitution drafting process, like the national Transitional Constitution, was led and drafted by the SPLM's ruling political elite in all ten states, without the participation of representatives from civil society groups and other grassroots stakeholders, such as local chiefs, in the presence of their communes' populations. In other words, the state constitutions do not reflect the distinctive identities of their own, at least in terms of the ethnic, linguistic, and cultural composition of their localities. Rather, they are a reflection of the national constitution that was imposed on the people by the SPLM's political elite (Guri, 2015). There is also little written documentation from the government of South Sudan stating the reasons for having designed a participatory style of constitution-making that may include all stakeholders, including the states in South Sudan (Guri, 2015). It was very difficult for the researcher of this study to talk to state officials who were there during the constitution-making process in 2011. He was a former Governor of Upper Nile State who could have been available for the interview, but because he was not in Juba at the time, we were not able to meet and talk to him so that he could give us his account of the sub-state constitution-making process.

One of the few publicly available documents that provides some insights about the process of sub-national constitution-making on the justification for having a participatory review process is the GoSS Fragility Assessment of 2012, which was carried out after the Transitional Constitution was

already adopted and put into implementation. According to the document, "finalizing the revision of the Transitional Constitution through inclusive consultations at the central, state, and *Boma* levels" (GoSS 2012) is a priority action for the government in order to foster an inclusive political settlement.

When we analyzed this statement, it is, however, unclear what the GoSS meant by an inclusive political settlement when they did not even organize and call for a national constitutional conference that should have included all stakeholders, including the States (Counties and *Payams*) in the constitution-making process. Given this, we could argue that there is no commonly agreed definition in the literature about the participatory and inclusive constitution-making process. It is puzzling that the GoSS did not spell out a working definition of an inclusive National Constitutional Conference by the ruling political party, the SPLM.

Relating to the above argument is the fact that the Transitional Constitution of 2011 detailed the functions of state constitutions without leaving any space for the states to consider their unique distinct characteristics, such as cultural and language diversity, from their own respective local diversity. In other words, the level of autonomy of the state institutions from the national state institutions is limited. And thus, the degree of "constitutional space" that is granted to substate entities is very narrow. Constitutional space, according to Kimana Zulueta-Fülscher and Asanga Welikalas (2017), refers to the degree to which substate entities can define their own goals and establish their own government institutions that reflect their distinctive identities—ethnic, cultural, and linguistic diversities in the institutional arrangements can be made functional to reflect the local realities of the grassroots. The constitutional space is usually defined in the central-state (i.e., national) constitution and sometimes in peace agreements and/or transitional political arrangements.

In South Sudan's Transitional Constitution of 2011, the constitutional space for a subnational constitution is not provided for. Hence, the result is that the states simply replicate in their Constitutions what the Transitional Constitution at national level mentioned. State constitutions were also subject to approval by the Ministry of Justice and Constitutional Development and the Constitutional Commission. The purpose of all this was to ensure that state constitutions are exactly in line with the Transitional National Constitution without discrepancies.

In other words, in the process of the state constitutions' approval, there were no slight modifications based on local features of the states. For example, Northern Bahr El-Gazal is a state that is inhabited by three ethnic communities, namely, Dinka, Jur, and Boya. Only one cultural and linguistic identity is reflected in their state Constitution, with less regard to other ethnic communities that live in the state. This is an indicator that the Dinka ethnic nationality has dominated political space from national to state by assimilating other ethnic minorities who live in the state with them. The Dinka political elite claim that their demographic "majority" gives them the average ability to control power in that state without regard to equitable representation of other ethnic nationalities in the state. Their justification is based on an estimate of the National Housing and Census carried out in 2010. This gives them a demographic estimate of approximately 85% of the state population, whereas it gives the Lou ethnic minority community, a composition of two minority ethnic groups, 15% of the state population (South Sudan National Bureau of Statistics, 2010). [3]. Power sharing based on demographic estimates is not a reliable basis for managing ethnic diversity in a multiethnic state. Consociational power sharing model democracy, which advocates for agreement among elites from various ethnic communities, could serve as the foundation for any power sharing in a multiethnic or plural society (Liphart, 2012).

The basis of the Dinka elite claim is that the majority/minority divide within one ethnic group denies conflicts within the same ethnic group or among different clans or sub-clans within one ethnic community. This is true and supported by scientific research findings. For example, the Bor Dinka ethnic communities, who are also a minority in Jonglei State, are no friends of Agar Dinka. Treating them as one majority plays into the ideology of the Jieng Council of Elders, who consider South Sudan to treat the Dinka as a majority ethnic community that has all the rights to govern and impose their own identity on the other ethnic nationalities in South Sudan.

This situation is not only witnessed in Northern Bahir el-Gazal state alone; it is also the case in many states in South Sudan where minority ethnic communities live. The states followed the national government's procedures for the constitution-making process, a political-driven process dominated by the Dinka SPLM-dominated governing party without involving important stakeholders. For example, the TCSS mandates the President to appoint the National Constitutional Review Commission (NCRC) after consultations with political parties and civil society (Guri, 2015). But the president went alone without consulting with other political parties. He then went

about appointing nearly all the members of the Commission from the SPLM, in particular those who are loyalists or sycophants, and most from the Dinka ethnic community. To understand how the constitution-making process was driven by the interests of the SPLM governing party, it is important to discuss the nature of institutions at state and local levels of government.

6.4.1.1 Institutions of State Government

The Transitional Constitution of South Sudan 2011 as Amended (TCSS, Article 163:1) states that there shall be legislative and executive organs at each state level. The Constitution further stipulates that each of the institutions in the state shall function in accordance with this Constitution and the relevant state constitution. Sub-Article 2 of Article 163 of the Transitional Constitution also states that each state shall have exclusive executive and legislative competences as set forth in Schedule B of this Constitution (TCSS, 2011). Similarly, sub-article 4 provides that each state government shall exercise such other powers as shall promote the welfare of the people of that state and protect their human rights and fundamental freedoms as are provided for in this Constitution. However, as we make an analysis of the institutions of the states, we may see that the practice and implementation is quite different from what the Constitution provides for.

6.4.1.1.1 The States Legislative Assemblies

South Sudan follows presidential executive based on decentralized system of governance in which the executive at all levels of government directly or indirectly has undue influence on the functioning and activities of the legislature. Like the national legislature, the state legislature is just a rubber stamp despite clear separation of the functions as for provided for by the National Transitional Constitution which is also clearly stated in each state constitution. Number of MPs in each state legislative council varies according to state's demographic set up or the population. Some have larger number of Members of Parliament than others. For example, Jonglei state, the most populous in South Sudan and second most diverse in terms of ethnic group composition in South Sudan, has 200 members of parliament. However, not all ethnic nationalities are represented. One of the examples of these mal-administrative practices is when the Governor of Lakes State in 2013 dismissed and ordered arrest warrant to the Speaker of the State Legislative Assembly simply without regards to due procedure of impeaching a public official or constitutional post hold because they disagreed over certain policies issue. This act contravenes the independence

and separation of powers between the branches of government. For example, TCSS [(2011 Article 163 states that members of state Legislative Assemblies and the state councils of ministers shall have such immunities as are provided by the law.

Similar provision is also made in Lakes State Transitional Constitution (2011) that Members of State Legislative Assembly have the immunity from prosecution unless otherwise caught red hand. This had not too been followed by the executives from other states. Upper Nile State Governor in 2010 for example, ordered the closure of State Legislative Council for two weeks when the MPs from his state wanted to impeach him due to corruption allegation, they MPs wanted to investigate him with. Of course, the Upper Nile State Governor did that in consultation with the President of Republic and with the Speaker of Transitional National Legislative Assembly, Right Honorable James Wani Igga at the time. These two cases show how State Governors in South Sudan like executive in the national government, excute their functions and duties out of the Constitution. In other words, they little attention to separation of powers between the army or branches of government (Interview Transcript from Mary Deng, 2020, Addis Ababa, Ethiopia).

Expressing the above case further, Paul Strey (2017) asserts that lack of adherent to the rule of law and constitutionalism in law and legal politics has shaped the Sudanese state for many years. This, he asserts, is now being followed by South Sudanese in ways that consistently support the centralized power of the nation by political leaders both from the center and in the states as well. According to Frahm (2014), in the national and the states' wealth sharing perspective between the national and the states, in South Sudan's system of governance, there is a wide gap separating the relative affluence and bustle of the capital from other towns, let alone villages at the grassroots. Juba, the center, has much more to offer than any of the ten state capitals, and the centralization of the country is also visible in the extent to which even the state capitals often appear disconnected from events in Juba. As a study on South Sudanese media concluded, "Upper Nile state and its capital, Malakal, like all other state capitals, feel remote and left out of events and development at the national level.

State legislative assemblies throughout the ten states of South Sudan have no independent role in legislating or making their own laws based on their local context, unless approved by National Ministry of Justice and Constitutional Development, National Legislative Assembly, and the Office of the President of the Republic in Juba. Similarly, the appointment of the Speakers of the

respective state Legislative Assemblies had been subject to approval from both the respective state Governors, through consultation with the President of the Republic across party lines and the Governor who is the head of the executive arm of the government in the state (Frahm, 2014).

In a political environment like the one in South Sudan, where relationship between the national government and the states does not reflect shared and self-rule between orders of government, or where checks and balances are not constitutionally enshrined, you will always encounter problems if you happen to be a law-abiding person. The challenge is when the influence of the national executives over other arms of the government prevails and thus derails the proper functioning of the government with checks and balances based on separation of powers. This is a practice and tendency that led South Sudan's decentralized system of governance into doubt about implementing self-rule (UNECA, 2016). In addition, in terms of wealth sharing between central, state, and local governments, states do not have their own independent sources of revenue, but rather depend on transfers from the national government. This makes them vulnerable to the authority of the executives at national levels (Frahm, 2014). In general, with the national government's centralization of authority in South Sudan, the state legislative assemblies are left with no authority to exercise their rights as enshrined in the TCSS, making it difficult to call the current administrative decentralized arrangement federalism, as some SPLM political elite argue (Frahm, 2014).

6.4.2 Provisions in Transitional Constitution for Substate Institutions of Government

The Transitional Constitutional of 2011, as amended Article 165 (1), stipulates that: "there shall be a governor for each state elected by the citizens/residents of that state in compliance with the requirements prescribed by the National Elections Commission and in accordance with this Constitution and the relevant state constitution." This clause shows that states have their own government headed by governors, who are the chief executives of the governments with autonomous powers to run their own affairs without interference from the national government. Governors have the authority to appoint Deputy Governors, State Advisors, and State Ministers under the Transitional National Constitution and the State Constitution [(TCSS, 2011 Article 165

However, the authority and power to appoint and relieve state constitutional post holders or public officials is done with consultation with the President of the Republic (TCSS, 2011; State Transitional Constitution, 2011). This approach of governors consulting with the President of the Republic on the appointment or relief of state public officials shows that the state governments and their institutions are not free to exercise their autonomy. It also contravenes self-rule for the states to exercise their powers assigned to them by the Transitional National Constitution and State Constitutions. It also contradicts TCSS [(2011 Article 1659 6)], which states that state executives have the right to exercise their executive competences and powers of the state in respect of the functional areas listed in Schedules B, C, and D, read together with Schedule E, as conferred by this Constitution and the state constitution, as well as any other executive powers prescribed by law.

Another challenge that prevented states to carry out their functions as related to self -rule and running their own affairs, is the fact that the judiciary is centralised in South Sudan (Cope, 2013). States do not have judicial powers of their own given by the Transitional Constitution of 2011. State and county judges are appointed by the President of the Supreme Court or Chief Justice of the Land. The argument is that states' legislatures and the judiciary branch of government do not have the capacity and thus cannot be able to appoint judges and officials working in the judiciary in their states. According to the Transitional Constitution 2011 as Amended, there are four levels of courts in South Sudan: the Supreme Court, the Court of Appeal, the High County Court, and other courts as deemed necessary to be established in accordance with the Constitution and the law (TCSS, 2011 Act.123 Sub 1). The Court of Appeal and the High Court are not solely independent in executing their duties and responsibilities. They are dependent upon the Supreme Court for whatever decision or whatever they want to do, and they usually get it done by the Supreme Court.

The South Sudanese legal system is built on the combination of statutory and customary laws (Gabriel Mading Apach & Garang Geng, 2018). Both systems operate concurrently and in a parallel manner at the urban and rural levels, respectively. The formal courts follow the principles laid down in the statutes in their dispute resolutions, while customary courts rule and function according to the customary laws of their respective ethnic groups (Paul Mertenskoetter and Dong Samuel Luak, 2012). This lack of clarity brings the two branches of the judiciary into contradiction. And as such, they could not resolve disputes and conflicts amicably. It is also in contradiction with

the provision in the Constitution that Article 124 sub (1) maintains that the judiciary shall be independent of the executive.

The judges of the Supreme Courts at national levels, including those in states and counties, are indirectly or directly appointed by the President of the Supreme Court/Chief Justice at national level. The Supreme Court President is also appointed by the President of the Republic as head of the executive organ of the government. While in many states, the executive appoints the judiciary, the executive is constrained by an independent judiciary commission, which determines the competency of a high judge. Both Sudan and South Sudan have such a commission, but they are dysfunctional. This shows that the judiciary is not independent as stipulated in the Constitution. Rather, it is directly influenced by the executive at all levels of government. In terms of institutional arrangements, although the principle of separation of power is provided for in unambiguous terms in the Constitution and ordinary laws, in practice, a culture of judicial independence seems not yet to have taken root in South Sudan (International Commission of Jurists, 2013). The executive in the state has much influence over the activities of the judiciary at the county levels of government. The fact that there is a shortage of professionally trained experts who have a legal education background throughout many states in the country is another loophole exploited by the political elite in the executive branch of government to expand their horizons of political control of the institutions of government beyond the limit of law and the Constitution. Hence, like at the national level, the judiciary in the states is centralized and not wholly independent from the executive in executing its responsibilities based on the separation of powers enshrined in the Constitution. Therefore, with power firmly in the hands of a few political elite based in Juba, it would always be difficult for successful nation and state building to be achieved in South Sudan through a loose decentralization where the executives at different levels of government abuse constitutional mandates, separation, and division of power across different levels and branches of government.

Thus, Transitional Constitution of South Sudan (2011) which was amended in 2013 prior to the outbreak of conflict in December 2013, is referred to as the TCSS. The amendments gave President Salva Kiir broad powers to fire elected governors and replace them with unelected ones if they posed a threat to national security.

6.4.2.1. Traditional Authority for Recognition of Ethnic Diversity

Traditional institutions have existed in many parts of the African continent for many centuries. South Sudan is no exception. During the colonial time following the establishment of Anglo-Egyptian Condominium rule in the Sudan (1899-1955), the institutions of traditional authority evolved rapidly as they were adapted to serve the interests of colonial administrators (Kwesi Kwaa Prah, 2013). For example, during the first two decades of Condominium rule of a hierarchy of officials—British governors, district commissioners, Egyptian and Sudanese *mamurs* and *submamurs*—had been placed in position of powers through a form of direct administration in the previous provinces in the country (Prah, 2013; Malith, 2017). This is an indication that during British colonial administration, traditional leadership institutions were not empowered. It was the colonial administration which appointed officials that were in charge of local administration at the grassroots community levels (Prah, 2013).

Those colonial administration officials used with traditional leadership authority in a fragmented and isolated manner throughout South Sudan using divide and rule policy (Johnson, 2003). During the colonial administration, tribes or ethnic communities were governed by fragmented customary law administered by native administrations, while citizens belonged to the civic domain—the so-called nation-state. Chiefs were used as tax collectors. Often the British placed under a chief's authority communities which traditionally were under their [British] control simply for the sake of more efficient tax collection. If citizens move with their rights from one place to another, subjects did not; they only enjoyed rights like access to land and participation in politics within their tribal territories (Georg Omondi, 2011). In essence, population movement was implicitly penalized, with denial of rights and entitlements citizens deserve to have in their own homeland.

Although during the period of colonial rule there were some reciprocal preferences for limited localized autonomy in Southern Sudan, the British colonial administration sought to rely on indirect rule for much time in Southern Sudan region. They were not interested in extending a centralized bureaucracy with the system of governance they established in the Northern Sudan to the Southern part of Sudan (Frahm, 2014). After decolonization and Sudanization of the administration, northern politicians who took over the Sudan from the British colonial administration, followed the same patterns and political trends established by the British colonial power (Malith, 2017). The continuity of divide and rule of British colonial policy by

Northern Sudan ruling political elite continued to fracture and divide South Sudan along ethicized political lines devoid of common values and national unity as nation (Frahm,2014).

The Local Government Act of 2009 differentiates between two types of traditional authority – kingdoms (centralized) and chiefdoms (decentralised) – divided into chieftainships, sub-chieftainships and headman-ships (Local Government Act 2009). In addition, the Act states that the Boma shall be the main domain of the traditional authority where traditional leaders perform their administrative and customary functions. But the same section provides for chiefs to be represented in the County Legislative Council. This is a contradiction in legal terms in regard to smooth functions and operation of local government and traditional leadership authority side by side.

Moreover, the Act stipulates that traditional leadership authority is an authority with a different jurisdiction and that they have their own administration focusing resolving local conflicts which are not criminal cases. However, the practice shows different things. During colonial rule, the British adopted a system of native administration which entailed decentralization and use of traditional chiefs, notably for tax collection and conflict resolution. Although traditional authorities were used to serve the interests of colonial administration during British colonial rule, they continued to play important roles in the grassroots communities after independence, including during the north-south civil war from 1983-2005. For example, they act as intermediaries between communities and local governments (Iffat, Idris, 2017; Acuil Malith Banggol, 2017).

Other challenges to traditional authority to be inclusive and thus achieve national unity lies on the failure of states and local government (country) to implement what is enshrined in Transitional Constitution of 2011 and the Local Government Act of 2009. Transitional Constitution of 2011 as Amended Article 168((2) mandates the legislative role of the State authority for the establishment and constitution of Council of Traditional Leadership (COTAL). However, it's not more than three states which enacted laws to constitute their own Council of Traditional Authority. These were, Jonglei (2 Oct 2012) for purposes of dialogue and consensus building; Eastern Equatoria that enacted a COTAL law in 2011 (see Gurtong 12 August 2011); Upper Nile's COTAL law makes the councils accountable to their communities but makes their members delegates to another body called the Southern Sudan Council of Traditional Authority Leaders (See Gurtong, 31 March 2011). Western Equatoria sent only delegates to the National Council of Traditional Authority (see

Gurtong, 24 November 2013). It appears that the national government created its own Southern Sudanese Council of Traditional Authority Leaders and permitted the states to create their own Councils.

Nonetheless, the relationship between the two levels of councils was vague. The implication is that the national government wished to dominate and control the state councils, which would have taken into account the local conditions of diversity and attained certain autonomy from national control. The National Government and the rest of the states have not fulfilled their legal obligation; that means they have not enacted the national and state COTAL Act of 2011 as enshrined in the Transitional Constitution. It is also observed that provisions on the composition of COTAL in the states where it had been enacted, are not responsive to constitutional and realities of ethnic, cultural and linguistic diversity of each state (Baggol, 2017; George Omondi, 2013). The executives at national level of government hold onto powers and do not want to devolve them to lower levels of government, against their political slogan of taking town to rural communities, a phrase invented by Garang.

As Kwesi Prah (2013) explains, decentralisation and devolution of powers and resources are ones of the solutions to political, social and governance problems which have inbesided and still facing Africa countries today in 21st century. He further argues that people should be allowed to control their own lives and circumstances in their own localities and within their own groups. Overall, the benefits of decentralisation include the fact: Frist, decisions are made by those who have most concrete knowledge about local circumstances and conditions; greater local capacities for relevant political inputs in decision -making, have positive and encouraging. Second, locally elected representatives likely to have more insight and control over and local government performance (Kwesi K. Prah, 2013). The devolution of substantive power to local communities also enhances political participation among the people by increasing levels of interests and involvement in the local government (Omind, 2017; Kwesi, 2013). This process, that is the participation of the public through their representatives in the governance process of a country instills democratic values and promotes political stability (Kwesi K Prah, 2013).

Similarly, decentralization provides the opportunity for citizens to debate and decide upon those local issues which matter most to them, thus upgrading political education – that is positive

political mobilization. Lastly, local politics driven by self -enrichment and state capture strategies, provides fertile training ground for leaders who can progress to higher political levels.

Council of Traditional Leadership (COTAL) is an institution which was supposed to be constituted at different levels of government (national, State and local) to accommodate diversity in South Sudan, especially for the ethnic minority groups which have no representation in the legislature. The COTALS were not simply to give a voice to minority ethnicities since COTALs were in states with Dinka majority, but Dinkas divided into subgroups which warred against one another. They were to discuss conflicts, offer solutions and advised the state governments on the customs and cultures. But that had not been implemented since the independence in 2011. Many reasons for the failure of this: First lack of political will from the executives at all levels of Government due to devolve some powers to this institution.

In an overall analysis of sub-national institutions of government in relation to decentralization for nation-building in South Sudan, are capable enough to offer the services to the people, both in the past and after the independence when it seceded from the Sudan. The current decentralized system of governance since the time of the CPA until today, rather it has only created elite at different levels of government national, state and county levels) whose duty is to capture state and its machineries or institutions to serve their interests (Oystein , 2005). Similarly, in the past political of the Sudan we observe that political environment is reflected in the current political discourse. As such, the modern state in Sudan and later in South Sudan apparatus was in effect buttressed on a simple but discriminatory notion. At the local level, native administrations with legislative, executive and judicial powers and functions, administered populations had been under the tight control of the central state administrator which was also serving the interest of colonial administration (Morri2013).

Currently, there are quite number of challenges facing traditional institutions in South Sudan. In an interview conducted with one of the traditional Paramount Chief of Akobo, Chief Puok Diet (2021, Juba), a number of challenges facing traditional institutions in South Sudan were identified. First, there is a lack of resources (including human, training, financial, infrastructural and physical resources) to perform their functions effectively and efficiently. Local and state governments do not provide any support to traditional institutions, when in fact the Constitution is clear about the support state and local government should support them.

Second, there is an apparent inability to take responsibility for and to actively become involved in the development process. Local government authorities in South Sudan do not see traditional institutions as their partner in development. Banggol (2017) for example asserts that the fact that there is no structured policy for development by traditional authorities or for traditional authority areas developed by the government, is in fact a pretext used by local government authorities to sideline traditional leaders to participate in local development. Third, according to Kwaa Prah (2013) the politicisation of the institution of traditional authorities by both local and state government through political by decree. This is coupled as well with a lack of management activities in the process of policy implementation where such policy exists; are the keys for the failure of traditional leadership institutions to be effective in their functions in South Sudan although the Constitution has given traditional authority right to manage their activities within the county context working side by side with the local government. This has been the case in many states in South Sudan.

A study carried out in South Africa on the role and future of traditional by Du Plessis Willemien (199) identified similar challenges faced by traditional leadership authority in South Sudan. For example, according to Du Plessis, the inability of traditional leaders to appropriately manage land use and natural resources in traditional authority areas. He has also mentioned in his study that lack of financial management skills, mechanisms and procedures, are serious challenges to work of traditional institutions in South Africa. The study also mentioned the absence of financial control as part of traditional authority administration; and finally, he discussed in his study the absence of a uniform application of a system of fines and levies across traditional leadership institutions in South Africa. These challenges are commonly shared by many traditional institutions across Africa, where South Sudan is not exception to the case.

Traditional authorities could play an important role in peacebuilding in South Sudan if they are fully empowered by the government. In fact, not everyone in South Sudan is, however, prepared to recognise them as role players. In government circles, on the one hand, a tendency exists to marginalise the role of traditional leaders and, although, a Local Government Act (2009) as a policy has clearly spelled out the role of traditional leaders in the current and in the future political dispensation of South Sudan. Despite all those challenges they face, traditional authorities are seen by their communities as leaders through and by the people.

The idea that the system of traditional leadership may be abolished was met by fierce resistance. Traditional leaders are recognised in the of section of the Constitution and in the Local Government Act of 2009. The Constitution also recognises the possibility that national and provincial legislation may provide a role for traditional leader at national, state and local level.

Findings also highlighted the fact that the fragmented legislations dealing with the recognition and functions of traditional leaders (caused by the control of power and resources by national, state and local level of govebrment) should be rationalised. Some confusion still exists as to the role o of traditional.

6.5 Chapter Conclusion

This chapter discusses and analyses institutions of government in national and at the state levels. The institutions of government in level of national government which were taken for analysis included National Legislative Assembly, Council of States and National Executive arms of government. Similarly, I also analyzed how institutions of government at the state level respond and address the issues pertaining to nation to nation -building and management of ethnic diversity. The objective is to at the state levels, it has also analyzed. Among the institutions if government at the state level, we looked into state legislature and the executive institutions as well. Finally, we analyzed local government institutions which include local government council in general and the traditional authorities in their contribution whether or not they are effective and inclusive in their functions which could help bring diverse South Sudan ethnic communities at the grassroot together. The analysis considered inclusivity in decision -making process at the local through equitable representation and the response to management of local or communal conflicts stemming from ethnic diversity.

The analysis of the National Legislative Assembly as a national government institution revealed a number of challenges. These include undue influence of the executive over the activities of the national parliament brought about by a lack of institutionalization in the system of government or the exercise of powers by the executive branch of government. This is particularly evident in circumstances where members of parliament are appointed by the President of the Republic through decree orders, instead of being elected by the people. In fact, South Sudan has been in an endless cycle of turbulence and chaotic political transitions due to protracted conflicts that

provided unfair opportunities for the political and military elite to rule the country through decree orders. The government of the country through decree orders starts from the top to the bottom of the leadership of the political hierarchy. Thus, the failure of the state institutions at the national level to maintain checks and balances in the system of government has created powerful elite at all levels of government whose fundamental objective is to control the power and resources of the nation to enrich them at the expense of the people of South Sudan.

The Council of States, which is the second chamber or upper house of Parliament, is not empowered by the Constitution to carry out its functions effectively. The institutional reforms, such as amendment of the Transitional Constitution based on what has been stipulated in the Revitalized Peace Agreement of 2018, have not been implemented. Like the members of the Lower House of Parliament, the members of the Council of State are also appointed by the president through presidential decree orders in consultation with the state governors. This gives them more personal loyalty to the President than to their constituents or the grassroots communities where they come from. In addition, the members of Council of the States who are appointed by the President are mostly those who have already retired from political or public life. And such, most of them do not have enough stamina and energy to carry out their constitutional functions as expected by the public. The appointment is also not based on equitable representation of regional or ethnic diversity. In particular, sisters and sisters from the same mother and father, let alone from the same constituency, have been appointed to the Upper House of Parliament. The cases in point are those members appointed to the Council States from the same family and the same geographical constituent in Northern el-Gazal State. Thus, the process of appointment is based on nepotism (political loyalty or neopartimomial networks) among the political elite.

Like the institutions of government at the national level, the sub-national institutions of decentralized governance in South Sudan are dominated by the executives, and hence there is an equitable distribution of powers and resources, and no checks and balances. The executives at the state and county levels of government dominate the functions of government. State governors appoint county commissioners who were supposed to be elected directly through universal suffrage by the people of South Sudan as enshrined in the Transitional Constitution, the state Constitution and the Local Government Board Act of 2009. Similarly, the local authorities in *Payam and Boma* (grassroots communities), which are supposed to be autonomous institutions

and run their affairs autonomously, also run their own affairs. County Commissioners appoint local chiefs who should have been elected by the local community at *Payam* or in the village community. There are no effective structures at the county level of government. Power and resources at sub-national levels are concentrated in the hands of a few elites, both in the state and at the county levels of government. County administrations collect fines in terms of cattle or money from the local chiefs, thus leaving traditional authorities at the village level without any source of support to run their civil court cases.

Traditional authority in South Sudan during British colonial rule was meant to serve the colonial interest and served little to help people of South Sudan live together as one political community. South traditional authority was divided and fragmented by colonial administration. Colonial administrators at local level of government appointed paramount chiefs and chiefs who would serve only their interest for purpose of tax and fine collections from the local community. This trend of exploitative and oppressive culture continued after the independent of Sudan in which the successive Northern elite dominated regimes in the Sudan continued to marginalize South Sudan, economically, politically and socially as well. In similar fashion, South Sudan during the war of liberation and even then, after independence continued similar exclusionary and marginalization of the peripheral areas of the new state by the political center in Juba dominated by the elite by ethnicizing and tribal hegemony in the politics. Executives at all levels of government dominate the function of the government. In general, the process and the design of local government institutions and the way they operate in decentralized system of governance have not an inclusive and participatory in nature.

Therefore, the institutions of state and local government like the national institutions, are not inclusive and thus do not consider the diversity of social systems surrounding South Sudan in terms of representation and participation in the governance process. The state institutions at the local level of government do not take into account the social complexity and interconnectedness of the social fabric of local communities with each other and with the national government. This, in turn, affects how local government authorities recognize problems, manage communal conflicts, and make decisions about what actions to take for the benefit of the people at the grassroots. In overall conclusion, the complexity of the problems that face the South Sudanese state in general at all levels of government, including the local government, involve core components of democratic

governance. They include, among others, a lack of citizen participation, injustice, absence of constitutional checks and balances in state institutions, lack of representation, and an absence of responsible leadership to provide public goods to the public.

CHAPTER SEVEN

7. Summary, Conclusions, and Recommendations

7.1. Summary of the Major Issues and the Findings

In relation to the objectives of the study, we have put forward some arguments that address the issues involved in the study. Thus, the summary of these arguments is provided as follows:

- Prior to, or even after South Sudan's independence, despite promise for devolution and series of power sharing schemes that aimed to bring different political actors at national and sub unit level, the political elite in power resorted to personal rule and lacked political will to implement devolution and power sharing;
- The ethnic dimensions of the political and violent conflict in South Sudan are not only embedded in ethnic hatred orchestrated by the political elite but also rooted in the failure of the state to manage ethnic diversity in multiethnic South Sudan. The problem is also owed to the struggle and competition among the elite for control of the power and resources of the country’
- The design and drafting process of the Transitional Constitution of 2011 has been the exclusive business of political elite of the governing SPLM Party. This has influenced the design and functioning of state institutions, and thus culminated in a failure to effectively implement decentralization and manage ethnic diversity. That is, the constitution-making process had been top-down and elite-driven, with no participation from various stakeholders.
- There has not been a smooth transition from the war of liberation struggle to the establishment of equitable and representative in the state institutions in terms of political, economic, and social dispensations that could have addressed the grievances of the people of South Sudan in post-conflict and post-CPA state formation or statecraft;
- The constitutional and institutional requirements for democratic nation-building through a decentralized system of governance are not met. The indications are that the President as chief executive branch of the government, appoints MPs, dismisses elected state governors and replaces them with unelected. This trend is repeated in similar fashion by the

executives at subnational levels of government. Another indicator of failure in nation – building is lack of political inclusivity in the state institutions at the level of national government. State institutions at the national levels are dominated by a few elite from one ethnic community.

- The supremacy of law (constitutionalism), the rule of law, and an equitable division of power and wealth sharing between three levels of government, that is, the national, state, and local levels of government, do not exist. That is, there is endemic corruption and mismanagement of public resources by a few elites from the center. The center-periphery relationship is not institutionalized. It is rather based on exploitation, nepotism and clientele relationships, and
- The role of a culture of political violence based on ethnic affiliation and ethnic sentiments in the process of state formation and state-building in the country, starting from the war of liberation to the formation of legitimate state institutions, has a negative impact on managing ethnic diversity and thus on the nation-building process.

In reference to the arguments above, the central question addressed in the thesis is: why is decentralisation, as enshrined in the Transitional Constitution of South Sudan (2011) as Amended, not helping manage ethnic diversity and support nation-building efforts? And if so, how can decentralization be redesigned and implemented for inclusive and effective nation-building and for management of ethnic diversity in South Sudan as a multiethnic society? Based on these two major questions, we crafted and developed the following sub-questions:

1. Why has decentralisation failed as a mechanism for peacebuilding, nation -building and building of inclusive state institutions and as a tool for managing ethnic diversity?
2. How best can South Sudan manage its ethnic diversity and ensure that different ethnic and political groups' interests have equal rights to participate in the governance process of the country and live in peaceful co-existence as a multi-ethnic society?
3. What constitutional mandate and institutions are needed to make decentralisation work better for building effective, inclusive, and representative state institutions (political

representation and equitable power-sharing) for the management of ethnic diversity in a multiethnic South Sudan?

4. What policies or mechanisms are needed to help South Sudan achieve sustainable and lasting peace?

To answer the questions asked above, we employed a qualitative interpretivism research approach as a method of data analysis. Through this approach, we used case study analysis as a basis for analyzing and critiquing of the issues under the investigation, namely peacebuilding, state and nation building in the context of South Sudan. We categorized the data into major themes and subthemes based on research questions, literature review, and the theoretical framework of the study. In relation to the theoretical framework, we employed theories of federalism for nation-building in a multiethnic society by Andreas Wimmer (2008), Arend and Lijphart (2007), and O'Leary and MacGarry (2008), which advocate for inclusive nation-building through equitable political representation, inclusive state and democratic state institutions of power, and wealth-sharing arrangements in a multiethnic society. A nation-building strategy that includes both formal and informal alliances bind state elites and the general population of a country on the premise of addressing challenges to building common and shared values from the perspective of a multiethnic society (Wimmer, 2004). Nation-building in South Sudan should necessitate a participatory and inclusive approach from all stakeholders in the society as contrasted with the exclusive process. We assert that exclusive state institutions favour a few political and military elites from a few ethnic communities, rather than accommodate diversity within a multiethnic South Sudan. Thus, exclusive state-building is likened to instrumentalism which sees state as an exclusive domain of the elites.

Inclusive state institutions call for the inclusive participation of citizens in the governance process. This in turn would bring about inclusive nation-building in a multiethnic society like South Sudan. In contrast, findings of the study revealed that in South Sudan, state institutions are fragile, exclusive, and only serve the interests of a few elites, excluding communities from having their rightful place in the political system. The current political crisis and the endless vicious cycle of conflicts are the results of exclusive state institutions and political fragmentation within the SPLM and its ruling elites. Inclusivity in political system should also be based on the premise that nation-

building in a multiethnic society like South Sudan requires multi-national federalism that recognizes and accommodates ethnic diversity through the creation of inclusive state institutions.

We have employed a qualitative approach data collection to collect data from both primary and secondary data sources. Primary data sources included an in-depth interview with 30 key informants who are also political leaders in their respective political parties, government officials, and former veterans of the SPLM/A during the war of liberation struggle. Secondary data sources include the 2011 Transitional Constitution of South Sudan. As Amended, a few selected State Constitutions, various peace treaties signed at various times, and relevant policy documents relating to South Sudan's decentralization as a system of governance for nation-building. Hence, based on this approach, the researcher analyzed the collected data using a case study and grounded theory analysis. A summary of the major issues and findings of the study is provided as discussed in each of the chapters as follows below:

Chapter one discusses in detail the background of the study and the problem statement. In this chapter, we have found that South Sudan's post-independent state and nation-building have been impacted by the preceding state failures in the Sudan to address political problems. These problems have their roots in successive colonial powers who ruled Sudan through divide and rule policies. The policy of marginalization of the Southern Sudan that was started by the British colonial administration was later followed by successive Sudanese northern elite-dominated governments that replaced the British as the new colonial power in the Southern and other peripherial regions of the country.

South Sudan's current decentralized system of governance is a model of unitary decentralised system where citizens observe, but do not receive, the benefits of economic growth. The prevalence of violent conflicts or threats of violence, and the paucity of law and order in every corner of the country.

These exclusive policies include, but are not limited to, a concentration of power and national resources in the hands of a few elites in the center, divide and rule orchestrated by the governing party to elongate its stay in power, and a deliberate continuation of the conflicts. This is excecubated by policies of depopulating minority ethnic communities through extreme poverty and neglect.

Thus, state-building and nation-building in South Sudan are influenced by the historical political, economic, and social marginalization of the peripheral areas.

Chapter two discussed theoretical framework of federalism as system of governance for management of diversity and inclusive building. In this regard, we examined the theoretical framework of nation-building in multiethnic societies and critiqued decentralised system in South Sudan on how it has achieved the objectives of nation-building and managing ethnic diversity through inclusive state institutions.

In the analysis of the process constitutional design and its implementation in a decentralised system of governance, we found that the design and its implemented is made to benefit the elite. That is to say, the process of design and the implementation of the Transitional Constitution of South, were mostly SPLM's elite-driven. Thus, the structures and institutions in the decentralised system do not reflect South Sudanese ethnic and geographical diversity. If it was to be so, that could have at least ameliorated the century-old South Sudanese political problems of state formation and building common values. State formation and nation-building in Africa is elite driven, South Sudan state formation like many of its peers in post-conflict and multiethnic states, has focused on a framework of promoting one culture and one identity, based on Western model of the nation-state formation. This model of state formation is already a failure in the Western political system, and therefore cannot be a replicated in Africa.

In chapter three, we have examined whether or not the objectives of decentralization as stipulated in the Constitution for the purpose of decentralizing power and resources to sub-national levels of government have been achieved. In this regard, we began with the review and analysis of objectives for decentralization as enshrined in the Transitional Constitution starting from the Interim period of the CPA (2005–2015), focusing more on the sub-division of South Sudan into more states.

The problem in constitutional design and its implementation has also been exacerbated by the elite's increasing control of political power and resources from the center. South Sudan's state formation and nation-building reflect similar trajectories. The decentralised system of governance based on its design process, structures, and functioning institutions on the Transitional Constitution is very weak. As such, the Transitional Constitution has failed address post-

independence South Sudan's political problems associated with state and nation-building we have looked into the proliferation of the states as to whether it has increased their autonomy to exercise their authority.

Another problem in managing ethnic diversity is the re-division of South Sudan into 32 states from the 10 (ten) states that were inherited from the old Sudan before South Sudan's independence. The administrative division was made through presidential decree orders to "devolve" power and resources to local communities. Despite the division, power and resources are still under the control of the center. The most problematic aspect of this administrative re-division was the annexation of the land belonging to some ethnic communities by the government through a presidential decree order in 2015 to his ethnic community. For example, the annexation of the land belonging to the Chollo ethnic community in Malakal, the capital of Upper Nile State and its surroundings, to their neighbor, the Dinka Apdang ethnic community, and the annexation of the land belonging to the Nuer ethnic community in Bentiu to their neighbor, the Dinka community, this has been one of the root causes of the perpetual conflicts in the country.

In chapter four, we have analyzed peace agreements before the independence of South Sudan. They Addis Ababa Peace Agreement of 1972 and the Comprehensive Peace Agreement. We have focused on the decentralized institutions of government created by two peace agreements. Both of which were signed before the independence of South Sudan. The Addis Ababa Peace Agreement was meant to provide autonomous self-government to address the Southern people's political, economic, and social marginalization by the Khartoum-led regime. In fact, AAPA granted limited autonomy to the Southern region of Sudan in order to self-rule within Greater Sudan. But that did not last long. The Addis Ababa Peace Agreement was abrogated 10 years after its signature, and that led to the second civil war, which lasted for 22 years (1983–2005). Thus, AAPA did not address Southern Sudan's political, economic, and social problems that are related to state and nation-building

The Comprehensive Peace Agreement (CPA) was also another peace agreement signed between the Sudan People's Liberation Movement (SPLM) and the Khartoum government of then-President Omar Al-Bashir. The second civil war, which broke out in 1983 and lasted 22 years, as a result of failures in the Addis Ababa Agreement, which did not address South Sudan's political, economic, and social problems.

The CPA granted Southern Sudan the right to self-determination. Through an internationally supervised referendum, the South Sudanese people were able to choose between their right to secede and remain within a united Sudan. In fact, South Sudan seceded and became an independent state six years ago (2005–2011). However, South Sudan still carried over to independence the old problems it had in Sudan. The CPA did not bring lasting and sustainable peace to the people of South Sudan, in particular, and Sudan as a whole. Less than three years later, after independence, South Sudan got embroiled in yet another bloody civil war. In December 2013, the dispute and power struggle within the SPLM governing party leadership developed into conflict and leadership was sharply divided by President Kiir and Chairman of the SPLM and former Vice President also Deputy Chairman of the SPLM, Dr. Riek Machar. President took the conflict to ethnic dimension by targeting and killing of members of Nuer ethnic community to which Machar hails from. The findings in this chapter attributed the December 2013 conflict to be a failure in the process of and implementation of the CPA which was a top-down peace approach driven by the SPLM's political elite and their NCP counterparts with little or no significant participation benefits from peace dividends to the people of South Sudan.

Findings of the study from this chapter have revealed that local autonomy granted to the Southern Sudan Region as a result of the Addis Ababa Peace Agreement did not help the South Sudanese people develop a common identity as a nation with a common agenda.

In Chapter five, we reviewed and analyzed the political and governance situations in post-CPA South Sudan and the outbreak of the civil war in December 2013, which resulted in two peace agreements in post-independence South Sudan. These peace accords are the Agreement for the Resolution of Conflict in the Republic of South Sudan (ARCSS) and the Revitalized Peace Agreement (R-ARCSS). The purpose is to analyze how these two peace agreements contributed to building state institutions and resolving conflict in the country. The review and analysis considered institutional and constitutional arrangements, power, and wealth sharing in all the peace agreements and how they contribute to state and nation-building. In addition to secondary data sources, we have also conducted one-to-one interviews and focus group discussions (FGD) with the key informants, mostly government officials, political party leaders, and former veterans who fought in the two wars of liberation struggle for South Sudan.

One of the challenges to good governance in post-independence South Sudan is the failure of the SPLM's ruling party to practically implement governance issues that could bring lasting and sustainable peace to the country. National dialogue, transitional justice, devolution of power and resources, and, ultimately, the constitution-making process could have promoted national unity among South Sudan's diverse ethnic communities during the post-CPA period. One of the causes of the South Sudan civil war of 2013 was the failure of the ruling SPLM party to implement post-CPA and post-independence peace-building strategies such as those mentioned above

In analyzing post -2011 peacebuilding, state building and management of ethnic diversity in South Sudan we have found that the implementation of those two peace agreements failed because of lack of political will. The rationale is to look into how peacebuilding through peace agreements has contributed to building inclusive state institutions for managing ethnic diversity. In this context, we have addressed different peace agreements signed between warring parties in South Sudan's vicious cycle of conflicts. These peace agreements include, the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS, 2015), and the Revitalized Peace Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS), 2018 Findings in this chapter revealed that the political history of the state and nation-building in colonial and post-colonial Sudan was based on the exploitative and exclusionary practices of the colonial powers (Mahdists and British colloidal power of Sudan) which made the Southern Sudan region a hub for slaves and slave trade business, instead of strengthening already existing traditional institutions which could promote unity. The British colonial power used a divide and rule policy in the Sudan that had a tremendous negative impact on state and nation-building in the Sudanese state. Southern Sudan was economically, politically, and socially marginalized during the British colonial rule. This policy of marginalization and domination was later followed by the Northern Sudanese ruling elite, whom the British handed over to the new Sudanese. These policies of marginalization in the Southern Sudan region have been caused by the failures of the successive Khartoum-based regimes to develop local institutions. They have brought about vicious cycles of conflicts, destroyed local institutions, and further divided the South Sudanese people.

Similarly, the research findings reveal that the developing intuitions of governance during the SPLM/A war of liberation share characteristics with those of post-colonial post-independence Sudan. This is reflected in the relationship between the movement and its local populations, which

was based on exploitative practices carried out by guerrilla soldiers on the local population, using local chiefs as their agents to carry out local taxation on their behalf. Political motivation (politicization of the community about the agenda) and organization to strengthen already existing local intuitions.

It was not until 1994, eleven years after foundation of the SPLM/A as a liberation movement, that the Movement started to establish local institutions of governance called the Civil Administration for New Sudan (CANS). Nevertheless, the CANS served the interests of the military elite and their commanders. Very little focus attention was given to the building of state institutions (political and civilian institutions) that would serve the interests of the public as the leaders of the SPLM/A. Other obstacles to the SPLM's institutionalization of governance during the liberation struggle were ethnically motivated division and factions led by different ethnic affiliated leaders. Fractionalization shaped the political outlook of the SPLM and, subsequently, South Sudan's uniquely fragile statehood in post-independence. The current conflict state of the failure in South Sudan is an extension of the failure of the SPLM during the war of liberation struggle for independence.

The Agreement for the Resolution of Conflict in the Republic of South Sudan (ARCSS) was peace agreement signed between the warring parties to the end the conflict. Critical and important provisions in ARCSS, such as constitutional amendment and security arrangements, were not implemented in letter and spirit. The ARCSS did not last long; parties to the conflict, and especially the government of South Sudan, did not have the political will to commit themselves to implement the peace agreement signed. In July 2016, a conflict broke out between the major parties to the peace agreement in Juba, which led to the near or total collapse of the ARCSS. Like the CPA, the ARCSS failed to address South Sudan's state and nation-building problems.

The Revitalized Peace Agreement for the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) was an agreement signed in Addis Ababa on December 18th, 2018. The objective is to resuscitate the collapsed 2015 Peace Agreement. Like the ARCSS, the R-ARCSS is an imposed peace agreement, although it had wider participation from many stakeholders. It has been dogged by many delays in its implementation that resulted in many postponements in the implementation of critical and important provisions such as the full and complete formation of the Revitalized Government, National Unity, National Constitutional Amendment, National Reconciliation and

Healing, and unification of the organized forces, which have not yet been implemented. The lack of political will from the major or principal political parties to implement the agreement in letter and in spirit is still a problem. The implementation of the R-ARCSS is still pending to date, nearly three years after the signing of the agreement. This simply means that South Sudan's road to sustainable peace is still a long way of.

Another issue addressed in this chapter includes the history of the constitution-making process in Sudan and later in South Sudan. Another attempt by a constitutional move to address Sudanese state and nation-building through devolution of power and resources and management of diversity in Sudan was through the 1998 Sudanese Federal Constitution under President Omar Hassan Al-Bashir. It was the first time in the political history of Sudan that federalism as governance was accepted and was thus enshrined in the Constitution. However, that did not go far enough beyond the names "federal" and "devolution." It all became political rhetoric for Khartoum's political elite. President Al-Bashir and his party, the National Islamic Front (NIF), controlled the system which was termed by some Northern and Southern political parties as too Islamic and dictatorial in its institutions and in practice as well. The nature of the constitution-making process was also an elite-driven political exercise. Therefore, addressing the reality of government problems in Sudan through the devolution of power and resources to the states and local levels of government and building inclusive state institutions within Sudan as a multiethnic nation failed.

From 2005 to 2011, the Comprehensive Peace Agreement (CPA), which promotes federalism through the devolution of powers and resources, was again included in the Interim Constitution of the Republic of Sudan as a mechanism for addressing issues of diversity and national unity (nation-building and state-building). Although federalism and devolution were included as one the clauses in the Interim Period Constitution of South Sudan, the constitutional practice and institutional arrangements reflected different things. The elite had firm control of power from the center in both Sudan and the Southern Sudan region in particular. Despite the fact that the CPA enacted the "two systems, one country" policy, under which Southern Sudanese people were supposed to exercise self-rule within a united South Sudan during the interim, the autonomy was used by the elite to strengthen the SPLM's grip on power and resources and begin to entrench their corrupt practices. This political culture started long before during the war of liberation struggle. Henceforth, the centralization of power and resources in Juba by the SPLM became the norm for business, starting from the Interim Period all the way to independence.

Peacebuilding initiatives such as national dialogue, national reconciliation, transitional justice, and economic and infrastructural development, which could have contributed to addressing post-conflict nation-building challenges in the new country, were not taken as priorities by the Southern Sudan regional autonomous government. The hierarchical approach of the SPLM/A during the war of liberation continued through this time when it became political and a governing party in the regional autonomous government. Their approach to the democratic transformation lacks focus when it comes to creating of legitimacy for a newly independent state. Nation-building and developmental projects that could help the citizens identify with the state or bring the highly heterogeneous and much more divided population together, were not given priority by the SPLM.

The findings of the study in this variable (peacebuilding) further indicated that the government of South Sudan's enthusiasm for state and nation-building was off the political campus of the political elite. They showed no small sympathy for the people whom they claimed to have liberated from Khartoum's half-century of political, social, and economic marginalization.

This political culture of exclusion and alienation persisted in post-CPA independent South Sudan, much as it did during the interim period of six years. The SPLM/A and its leadership could not learn from the past mistakes of successive oppressive regimes in Khartoum that they fought against. For example, the post-independence constitution-making was an SPLM-driven process, excluding other political parties and civil society organization group representatives. Only those deemed most loyal within the SPLM were included in the constitution-making process.

The centralization of the constitution-making process in South Sudan during the transitional period resulted in a lack of institutionalization of power and authority. Power and resources are concentrated in the hands of a few executives and other elite close to the power center, especially the President of the Republic. The exclusionary tendency in the governance process is not new to the SPLM. Throughout its war of liberation, the Sudan People's Liberation Movement was more effective in resisting Khartoum's rule rather than engaging in state-building, which should have widened people's participation in the governance process. The problem relates to a long history of fractionalization in the organization [the SPLM/A], notably the 1991 split within the movement, where there was a brutal divide in the movement along ethnic lines.

The factions of the movement were then led by the same individuals who are still leaders of each of their own factions in the current Revitalized Government of National Unity (R-TGoNU). The

old animosity has contributed to the current political crisis. Lack of cohesion and unity of purpose were not only a horizontal problem within the SPLM but also a vertical one between the party/government and its citizens. The political culture, like the control of power and resources by a few political elites of the SPLM's government party and their patrimonial networks developed during the war of liberation struggle, has contributed immensely to the failure of building effective and inclusive state institutions that could help people form common values and identity in a new nation.

Chapter six discussed and analyzed institutions created by decentralization at national and subnational levels of government and their contribution to developing shared values and identity amongst ethnically diverse South Sudan nationalities. Although a decentralized system of government was adopted since the time of the CPA's Interim, it has had very little impact in terms of developing inclusive and democratic institutions of government. It also has very little contribution to economic, political, and social development in the country. Instead, poverty and the cycle of conflict continue.

Findings of the study suggested that the legislative branch of government does not exercise its legislative powers and authority in accordance with the Transitional Constitution. The executive arm of government, especially the President, has undue influence and power over the legislature.

The institutions of the state are devoid of the rule of law and order as well as constitutionalism. In other words, there is no constitutionally entrenched rule of law and a clear separation of power between the executive and legislative branches of government when it comes to practice of the Constitution at least. The President and other national executives usually order the passing of the bills that may not be accepted by the legislature, except when they are threatened with dismal and recall from Parliament by the President of the state governors should they fail to pass the bill. One of the examples of these unconstitutional moves by the President was the ratification and enactment into law of the amendment of the Transitional Constitutional in 2011 without being tabled before the Transitional National Legislative Assembly. The Constitutional amendments gave the President sweeping powers and authorities over any institution of government, including the judiciary. The controversy was over whether or not to curtail the powers and authority the Constitution gives to the President. Furthermore, the findings showed that the Transitional Constitution was passed as drafted without any amendments being made to it as demanded by

members of parliament. This shows how the President and the rest of the executive control the government through violations of the constitutional separation of powers between different levels of government. Thus, the Amended Transitional Constitution provides for the expansion of the executive branch of government authority and powers by encroaching upon the powers conferred on the national legislature and the judiciary.

In relation to the role of national legislation in nation-building, we focused more on discussing the role of the Council of States, the Upper House of Parliament, in nation-building by ensuring whether or not decentralization and devolution of powers and resources to subnational levels of government are effectively implemented.

Based on our analysis of the powers, duties, and responsibilities assigned to the Council of States by the Transitional Constitution of 2011 as Amended and the in-depth interviews we conducted, we discovered that the Transitional Constitution does not specify how members of the Council of States should be elected in order to ensure equitable representation of ethnic minorities.

Other duties and responsibilities of the Council of States (Upper House of Parliament): As stipulated in Article 59 (C) of the Transitional Constitution of 2011, we also analyzed and reviewed its legislative and oversight powers on national reconstruction, as well as its role in the development and equitable service delivery in the states. Findings indicate that the legislative responsibilities of the Council of States are not clearly and strongly stipulated in the Constitution. A good example is when the Lakes State Governor in 2012 dismissed and ordered the rest of the Speaker of the State Legislative Assembly.

The national Constitution has not clearly stipulated legislative duties of the national legislature and its relationship with state legislative assemblies, and the state executive organs. Other issues reviewed and analyzed in relation to the Council of States' duties and responsibilities, are the oversight duties on national reconstruction and development and equitable service delivery in the states. Research findings show that the oversight duties and responsibilities of the Council of States are focused on ensuring that there is an equitable wealth distribution or sharing between states on the one hand, and between state governments and national governments on the other hand. If not, it is possible to conclude that it does not exist at all. There are quite a number of reasons for this. First, the Council does not have detailed data and information on how much grant money is transferred to the states by the National Ministry of Finance and Economic Planning from net oil

national revenue and how many grants and transfers each state receives for development purposes. This shows that Council of States does not provide effective oversight in the states regarding the amount of transfers they receive from the national oil revenue share. Second, the findings reveal that there is a lack of coordination, collaboration, and cooperation between the Council of States and the National Legislative Assembly. This lack of institutional cooperation brought about role conflict between the National Legislature institutions. This was revealed during the interview made by the researcher between the leadership of the two institutions.

The National Legislative Assembly does not recognize the legislative, oversight, or scrutiny role of the Council of States on the executives (statute) on issues pertaining to the implementation of decentralization and the devolution of power and resources in the states. Some of the MPs from the Transitional National Legislative Assembly asserted that oversight and scrutiny of the executive over the services delivered, such as education, health, and infrastructure development, is their duty and responsibility and belongs to the Council of State. In general, the legislative branch of government in general and the Council of States, in particular, has very little contribution in the implementation of a decentralized system of governance.

National executive branch of government is another national institution we discussed in relation to its contribution to nation-building. The national executive has not lived up to its responsibilities as one arm of the government that has not maintained checks and balances in the operation and functions of the government. The national executive arm of the government has not ever since been independence. Todate, still mostly dominated by former senior commanders from the SPLM/A who run the government based on the political culture they developed during the war of liberation struggle. The executives dominate and monopolize the functions of the government with disregard for the rule of law (checks and balances /separation of powers between arms of government).

The second part of the chapter discusses the role of local government as one of the sub-national institutions of government. Findings of the study in this section reveal that the nature of decentralization at the sub-national level during the Interim Period (2005–211) and in post-CPA to date follows similar trajectories as those in the national government. Sub-state institutions are controlled and centralized by the local elites, who also have their own patronage networks with the national government. In a nutshell, the government institutions at the sub-national level are not

inclusive. Sub-national institutions lack autonomy and powers to exercise their self-rule and run their own affairs without the interference of the national government. This has also brought about a lack of accountability between the political local elite the grassroots.

The inclusion of customary laws in the Transitional Constitution of 2011 is a very important move toward building an inclusive South Sudan. It shows a remarkable recognition of the role of traditional institutions in managing diversity, side by side with the conventional system of governance. It also shows how the concept of hybridity between the conventional systems of governance and traditional institutions, on the one hand, and their role as figures of authority in influencing local national politics, on the other hand,

However, traditional institutions are not well organized to effectively function side by side with county administration. They are not empowered, strengthened, and supported by county and state administration in terms of institution building. The right to establish and organize traditional institutions as provided by the Constitution of 2011 is undermined by local government and state authorities. Commissioners of the counties appoint or dismiss paramount and head chiefs at will. According to the Constitution, local authorities are supposed to be separate institutions from local governments. Local elites at the county level undermine traditional institutions' independence. Although those traditional institutions are recognized by the Transitional Constitution as having an important role to play in managing diversity, and in state and nation-building discourse. Their functioning as institutions of governance is undermined by the state and county authorities. Hence, local government authorities and traditional leaders in South Sudan appear not to be working hand in hand for the benefit of the people. Rather, they are collaborators in their respective self-interests.

7.2. Conclusions and Recommendations

7.2.1 Conclusions

- The decentralized system of governance in South Sudan is a form of unitary system in which the national government delegate's only powers to sub-units. There are no constitutional grantees or devolution of powers to sub-national government. Thus, it did not achieve the purpose of managing ethnic diversity because the power and resources are controlled from the center by a few elites. Hence, decentralised system

- of governance has not helped in managing ethnic diversity and thus did not bring about the desired results in South Sudan.
- In retrospect, South Sudan's state formation is influenced by the political culture that existed during British colonial rule in Sudan and that of post-colonial Sudan as well. The exclusive nature of the Sudanese state formation, in which South Sudanese were excluded, is now being replicated in South Sudan. Like its previous Sudanese state formation, the very nature of state formation in South Sudan has largely failed to take roots in the population of South Sudan in matters that could have led to national unity. From its inception during the interim period of the CPA 2005-2011 to date, state formation has been based on a top-down approach wholly controlled by the SPLM elite with less participation from the people of South Sudan. The culture of violent which is manifested in warlordism and use violence as a tool for accessing political and then resources becomes a norm and in custom in South Sudanese political discourse.
 - One of the achievements during the Interim Period of the CPA from 2005–2011, and that briefly existed until 2013 in post-independence South Sudan, was the division of the country into 10 states. This was inherited from the old Sudan before the separation of South Sudan. This is a great feat for three ways. First, administratively, it has enhanced political autonomy for the states to enjoy the right to self-government because the state governors were elected by the people then. This was before too many unilateral amendments of the Transitional Constitution were made by the President. Second, financially, it was relatively affordable because by then there were only states were 10 and not 32 states. Third, politically, there were conflicts arising of changing or shifting counties boundaries within single state. For example, Upper Nile and Unity States both had boundaries conflicts between their different ethnic communities.
 - Division among South Sudan political elites began in June 1983 after the abrogation of Addis Ababa peace agreement by President Nimeiri when he issued a decree ordering the division of the Southern Region into three separate regions: Bahr el Ghazal, Equatoria and Upper Nile. This re-division became known as *Kokora*. As a result of the *Kokora*, the Southese political elite became deeply divided instead of nurturinmg unity to achieve their political objectives. Not only in terms of administration, but also

socially and politically. The events of *Kokora* still have an effect today, as evidenced by the references made to the concept in present political debates, particularly as related to federalism and decentralisation. Proponents of the re-division, consisting primarily or mostly the Equatorians and the Nuer political elites. They were motivated by feelings of exclusion from political power by political elite from the Dinka ethnic community in then autonomous regional government of Southern Sudan know as Local Autonomy to embrace the concept of the *Kokora* as a tool for managing South Sudanese diversity (1972-1983). But as for the Dinka elites, *Kokora* had and still seen as a divisive tool and as a mechanism used by the Nuer and the Equatorians for taking power and resources of the state they firmly hold on as their own belonging, in the name of the so called “majority.”

- Exclusionary state formation, in return, has negatively affected the building of viable state institutions with an accountable system of governance that can hold political leaders to account for their actions while serving the people. The absence of a financial system that works for the people of South Sudan, resulting in the country’s wealth-notably from the oil-is siphoned off by the powerful elite with no public accountability and impunity for how it is spent.
- As a result of failed nation-building initiatives, South Sudan descended into yet another violent conflict less than three years after independence, resulting in the loss of thousands of human lives. The conflict has also forced millions of innocent people from their homes to seek refuge in neighboring countries. It has resulted in thousands of people being internally displaced and seeking refuge in UN-established protection zones across the country from the very people who claimed to have liberated them. The conflict was brought about by the failure of South Sudan to invest efforts and resources in the building of common values for all South Sudanese nationalities as pillars for nation-building since the interim Period of the CPA all the way to post-independence.
- Though the ruling class recognises the importance of nation-building as a tool for fostering South Sudanese state nationalism through having collective identity-like symbols, there are still a number of challenges to achieving this goal. One of the biggest challenges is that the South Sudanese state is a "gatekeeper state" in which an elite ruling class uses corruption, impunity, and disorder as political tools to resist

changing the political structures inherited from the "old" Sudan. The elite ruling class fails to recognize that nation-building is not a genuinely elite-driven nationalist project, but rather a public-driven process. Thus, the driving force for South Sudanese nationalism has been discrimination and deliberate exclusion from the previous Sudanese state, which had from the start influenced South Sudanese national identity's reactive rather than proactive beginning.

- Constitution-making (constitutional review) in South Sudan since 2005, starting with the Interim Constitution of the CPA to Transitional Constitution of 2011, had been elites driven and solely owned and dominated by the SPLM political class. Participation of different stakeholders such as civil society organizations and traditional leadership representatives were not given a space to participate in the process, and altogether had been excluded in the process. This was a prime example of the elite nature of peacebuilding both in the interim period of the CPA and later in post-divorce political transition constitution-making in South Sudan. Too little consideration was given to what subnational or state governments would do within their own jurisdictions, to their own communities, once conflict was ended between what the international community and the IGAD region wrongly assumed were the only key stakeholders: Khartoum and the SPLM/A.
- Achieving stability, peace and democracy requires vision, commitments and right institutional arrangements in the system of governance that considers inclusive political institutions of the state. In the history of Sudan and of South Sudan as well, political parties have consistently failed to implement peace agreements in the letter and spirit. This has resulted in a protracted and vicious cycle of conflicts. For example, the Addis Ababa Peace Agreement of 1972 to 1983, failed to devolve powers to the Southern Sudan Region due to the unwillingness of the Sudan Socialist Party of former President Nimeiri to implement what his government had signed. Because of the failure of President Nimeiri government to implement the peace agreement, the chance for sustainable and lasting peace and autonomy for the Southern region was limited. The peace agreement was then abrogated by the President 1983, and Sudan went to war once again from 1983- 2005. Then, came the Comprehensive Agreement (CPA) of 2005. The Comprehensive Peace Agreement (CPA) was a peace treaty signed by the

Sudanese government, led by former President El-Bashier, and the Sudan People's Liberation Movement, led by Dr. John Garang de Mabior. However, the CPA had never been implemented as it was signed by the parties. Failure of the parties to implement major protocols in the CPA is what is affecting stability both South Sudan and in Sudan as well.

- Similar trend of failed peace agreements since 1972 to date, is being manifested in the current Revitalized Peace Agreement. The parties to the Revitalized Government of National Unity lack the political will to implement the peace agreement.
- Although South Sudan won one of the longest civil war and gained independence, it has failed to bring about lasting peace in the country.
- The current Transitional Constitution has failed to grantee power relations among the three levels of government (national, state and local levels of government.) Their relationships are based on hierarchical; rather, their relationships which have been based on the principles of co-existence, cooperation, and coordination.

7.2.2 Recommendations

- For South Sudan to effectively and successfully manage its diversity, the institutions of the state in decentralized system need to be redesigned and ensure that inclusivity and constitutionalism is at the center of governance in the country. Institutional mechanisms to address the nature of South Sudanese state diversity as a multiethnic society.
- To ensure that diversity is effectively managed, and to ensure that constitutionalism and the rule of law are observed and adhered to, the forthcoming permanent constitution-making in South Sudan should adopt multinational federalism as a system of governance. Multinational federalism as it is argued can serve as a basis for building consensus amongst different elites from different ethnic backgrounds and can also bring effective devolution that empowers the people to have self –governance. It can serve both as a system of governance and as the basis for managing ethnic and other diversities in a multiethnic South Sudanese state.
- Political recognition of ethnic diversity also needs to be ensured through equitable power and wealth sharing arrangements between different levels of government. The national government should reflect South Sudanese diversity and be able to ensure equitable representation of ethnic diversity in the national institutions. Adherence and compliance to multinational federalism and devotion to the principles of the shared rule are critical and important to the management of diversity in a multiethnic society. With the current constitutional and constitutionalism gaps in the South Sudan Transitional Constitution, it is difficult to manage ethnic diversity. South Sudanese need a constitution that recognizes language and cultural diversities in which people can have the right to develop their own culture and languages.
- Recognition of the development of all South Sudanese cultures and languages as a national priority of the government as enshrined in the Transitional Constitution should be made practical. However, this could be made possible only through workable policies that support the equitable allocation of resources and the devolution of powers to sub-national levels of government. When this is implemented, it will have an impact on the empowerment of local and state governments. Institutionalization of nationalities languages as a medium of instruction in schools and the political

recognition of ethnic diversity through equitable power and wealth sharing institutional arrangements, South Sudan could be able to address the challenges of managing ethnic diversity.

- There is a need to institutionalize state policies so they serve the interests and needs of all ethnic communities in the country. Policies of oppression and the marginalization of ethnic nationalities in South Sudan have brought series of conflicts. When state institutions are made inclusive, this would increase effective management of diversity, recognize through inclusion and development of the right political behavior and attitude towards diversity, and have greater political representation of ethnic groups in national institutions. Through inclusion, that is to say, the previously excluded ethnic communities and/or minority groups would often see themselves as part of the South Sudanese state, rather than seeing themselves excluded from the national political life of the state. Instead of living a life imposed on them by those who called themselves "dominant" ethnic communities, they would see themselves as part and parcel of the larger South Sudanese political community. Therefore, it should include representatives of diverse ethnic nationalities of South Sudan instead of being an elite-driven process. Doing this will promote and reconcile unity and diversity as pillars of achieving representative democracy. This also means creating space for participation in political decision-making so that the South Sudanese polity becomes inclusive and open to citizens. This thesis postulated that for nation-building to succeed, it must go hand in hand with building state structures.
- To ensure that South Sudan has effective and efficient institutions in place, state-building goals should focus in particular on building the relationship between the state and citizens through an inclusive and equitable power and resource or wealth-sharing arrangement. This is presumed to have two positive outcomes in terms of state-building policy production that is geared towards the public interest. The first has to do with a renewed importance attributed to the delivery capacity of the state in offering effective, efficient, and fair service to the public in the areas of education, public security, health, judicial, and other services, that are badly needed by the South Sudanese people.

- End the existing centralised and concentrated unitary nation–state system and restructure it into an inclusive, democratic progressive system to address various problems of inclusivity in economic and political presentation of ethnic minorities. This shall all address patrimonial networks or system of political class, ethnic, gender, cultural, and regional discrimination.
- There is a need for systematic, constructive, and practical implementation of power, wealth-sharing, and security arrangements in the peace agreement at the national and state levels. This may address the ethnic and political divide. This will be realized when the parties to the revitalized peace agreement have the political will to implement the agreement for the benefit of the people of South Sudan. Effective implementation of these protocols is presumed to benefit the grassroots communities affected by the vicious cycle of conflicts. This should be possible only through consociational power-sharing arrangements that consider proportionality in power arrangements between political elites from different ethnic communities, ensuring they are equitably represented.
- The South Sudanese nation-building through constitution-making has been and it is still an exclusively elite- driven process from top to bottom. It excludes the grassroots communities in their participation in the process in its nature.
- To achieve unity in diversity, the Permanent Constitution must reflect the country's philosophical values or beliefs about ethnic, social, and regional diversity, and inclusivity as a means for political recognition of the same. This can be ensured by having equitable political representation of different nationalities at the national and state levels of government. Nation-building can be achieved by devolving more powers and resources to the sub-national levels of government (state and local levels) by building the capacity of the institutions of government at these levels. It is also to be recalled that for South Sudan to attain its objective of a system of decentralization, it must pursue a path of good governance through democracy, clear separation of powers between levels and arms of government, transparency, accountability, and respect for the rule of law and constitutionalism.
- For South Sudan to have inclusive state institutions, the constitution-making process needs to be inclusive of all stakeholders in South Sudan's political dispensation.

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APPENDICES

Open-ended or Unstructured Interview with Political Leaders and senior Civil Savants

A. Purpose and Intended Audience

This interview is intended for political leaders who are still holding or having holding various public offices before and after the septation of South Sudan from the rest of Sudan. The purpose is purely academic; that it is meant for collecting data for partial fulfillment for doctor of philosophy in federalism and governance studies, Centre for Federalism and Governance Studies, Addis Ababa University. Tittle of research is **Decentralization for Nation Building and Managing Ethnic Diversity: Analysis of South Sudan Transitional Constitution of South Sudan 2011 As Amended**

In course of this course of this interview, I would like to assure you that your responses and identity will be kept confidential. The responses you will provide will only be used with your permission (now guaranteed) in this academic exercise. Your

Thanking you in Advance for your honesty and cooperation!

David Ruach Tang (PhD Candidate), Centre of Federalism and Governance Studies, College of Laws and Human Rights, Addis Ababa University, Addis Ababa, Ethiopia

1. Information on the Political Party

A) Name of the Political Party (If applicable) -----

B) When it was established? (If applicable) -----

C) Your Membership in your Political Party-----

D) Your years' experience in Part Politics and working with the Government -----

E) Name of the Ministry you are or have been working with (For senior civil Servants only -----

F) Years of experience in public service (For senior civil servants only)

G) Political Programme or your Party's stance on South Sudan's politics in terms of:

✓ **Political Governance** (desired system of governance for South Sudan). For example, unitary system of governance, federalism (different federal political arrangements: parliamentary or presidential); decentralization or unitary (current system of governance/decentralizedsystem consociationalism/consociational democracy or confederalism

✓ Your Part's views and opinion on Post –Conflict South Sudan Reconstruction and Development -----

✓ Full Implementation of the Re-vitalized Agreement for Resolution of Conflict in Republic of South Sudan (R-ARCSSS) in spirit and letter.

I) Prospects

II) Challenges

E) From which Nationality/Nation in South Sudan (**for example Shilluk, Didinka nation, Jur Chika, Latuka, Dinka, or Nuer nation, etc.**)

1. On Decentralization for Nation Building in South Sudan

My argument in this study is based on three issues. It starts with one leading question: Has decentralized system as enshrined in the Transitional Constitution brought about nation – building? By nation –building, am referring to state’s ability to build a common and *nested South Sudanese identity* with shared values as one political community or political nation where every feel that they are part of an inclusive South Sudan- through equitable political representation or socio-economic programmes (equitable service delivery/equitable development).

Nation-building, therefore refers to peaceful integration of the diverse groups Within the citizenry under shared institutions of governance and equitable access to the rights and opportunities entitled by citizenship.

Reflecting on the above definition, nation building as described in this study from South Sudan perspective consisting of three components:

1. How you would describe the current decentralized system of governance as to what it has contributed to building a common and shared South Sudanese identity in terms of:

- a) Shared South Sudanese identity or Values (common national values, – love, peace and living- together, identification with the national institutions of government).
- b) Equitable representation of different ethnic communities at the national institutions (shared rule)
- c) Political autonomy of the sub-state levels (state and local Government)
- d) Do you think that South Sudanese see them better and first as different ethnic groups or they identity themselves with the South Sudanese state when it comes to issues of national concern?
- e) How could South Sudan as a multiethnic society work to build a” *nested –identity*” where everybody sees themselves in the larger mirror – South Sudan nation? For example through share –rule or self.
- f) How would you comment on **share rule (state or local levels of government) and shared rule (national levels of government together with the state) in terms of inclusivity and equitable representation at national institution in decentralized system** as they exercise their powers as stipulated in the Transitional Constitution of

- 2011 the state and national government levels in terms of division of powers on certain jurisdictions (see below)?
2. What comment would like to have on electing or appointing state Governors or country Commissioners by either President of the Republic appointing state governors, or state governor appointing county commissioners?
 3. Consultation between levels of government (national and state; state and local government levels) when exercising matters that demand concurrent powers? Is there any consultation between levels of government on such matters? Proliferation or creation of the states through presidential
 - **Pros/opportunities** for building common South Sudanese identity
 - **Cons / Challenges for building a common South Sudanese value**
 - ✓ What are others gaps do you see in the current Transitional Constitution as amended as many times as we all know? Or what is lacking in its contribution to building a common South Sudanese identity? In terms of separation of powers between the arms or branches of government (executive, legislature and judiciary) and levels of government (national, state and country levels).
 - ✓ Do you any checks and balances between arms of government? If there no any, how can we have system of checks **and balances**?
 - ✓ Final issue on Nation –building efforts in relation to Revitalized Peace Agreement on September 2018 terms of Governance, Security, and Public Service and sectors reforms.
 - ✓ Issue pertaining to wealth sharing arrangements between national, states and local government levels?
 - 4. Governance Reforms (Institutional Reforms Issues) through peace agreements past and the present peace agreement**
 - a) Prospects/ Opportunities – in the present peace agreement
 - ✓ Challenges/Flaws in public service sector
 - ✓ Security Sector Reforms
 - a) Prospects/ Opportunities
 - b) Recent of the Return of the country to 10 states” implications for peace and reconciliation among South Sudanese
 - c) Challenges/Flaws-
 - d) Public Service Sector Reforms
 - a) **Prospects/ Opportunities:**
 - b) **Challenges/Flaws:**
 - 5. On Management of ethnic diversity ethnic or political groups interests through current decentralization:**
 - a) Representation of various ethnic communities with necessary competencies and qualification at Executive Levels of (shared rule)
 - b) How do you comment on effectiveness of current system of governance in managing e ethnic diversity through current decentralized system of governance comparative the former 32 states in relational to?
 - ✓ Fiscal decentralization (human or financial resources)
 - ✓ Equitable division of powers between armies of government / levels of government

- ✓ Intergovernmental relations between levels and arms of government in terms of conflict resolution mechanisms as stipulated in the Transitional Constitution of 2011 as Amended

c) **Management of ethnic diversity through Revitalized Peace Agreement of September 2018**

- ✓ Prospects /Opportunities for future nation -building in South Sudan in helping prevents and manage conflict
- ✓ Challenges that might rise ahead in the course of implementation of the peace agreement and after the transition period

6. Peace building efforts (during Interim period 2005-2011 and in post –independence South Sudan

- ✓ Has reconciliation among the South Sudanese communities been achieved during the CPA (Interim Period) and there after the independence? What Challenges encountered the implementation process? Why do you think it has not been achieved?

✓ -----

- ✓ Sowing seeds of democracy and socioeconomic rehabilitation and economic development as part of peace building efforts in the country. What has been achieved in this regard during the CPA ?-----

✓ -----

- ✓ Peace –building activities / “**actions**” to identify and support structures which were meant to strengthen and solidify peace in order to avoid a relapse into conflict during the Interim period (2005) and post – independence South Sudan in 2011. Could you mention some of these activities, if there is any you think?

✓ -----

✓ -----

C) How can we reconcile the ‘broken’ South Sudanese social fabric? - What system of governance do you think in addition to the current one , can be adopted to reconcile the broken social fabric?-----

4 State Formation, State building of the Institutions of governance

- 4.1 South Sudan state Formation rights from CPA Achievements and setbacks in the process of state formation (during the CPA process and thereafter independence.
- 4.2 Do you think that the state formation process was inclusive? What comparative views do you have between South Sudan and Sudan during the state formation
- 4.3 How do you compare South Sudan state formation with the rest of its peers in Africa in terms of public and participation?

7. State-building (developing state capacity, institutions and functions of the government in serving its people).

4.1 State Formation

- ✓ State formation in this study is referred to as a process establishing state core machineries and functions through an inclusive participation of the citizens; it's also implies the process of recognizing diversity in the country through an equitable representation.
 - How do you see South Sudan state formation in relation to its inclusiveness with exception of referendum in which the public was at the fore in South Sudan's state formation?
 - Was South Sudan State formation an inclusive and equitable in terms of recognizing the importance of diversity right from CPA 's Interim Period to present time?
- .2 State Building (building State / political Institutions)**
- ✓ State –building also could be referred to as the process by which a state gains greater power over or autonomy from society—by war-making or by bureaucratizing (institutionalizing and coercive process);
 - ✓ State-building refers to the process of building the structures and capabilities of the state, which would allow it to effectively provide the services expected by citizens and to promote democratic governance. Based on this understanding, what do you think about the state building in South Sudan in term?
 - Building government's institutions been functioning in way that they serve the public interest, for example judiciary maintaining its independence and its impartiality as one arms of government?
 - Is state institutions competence in terms of delivering the services such health, education and infrastructures? If No why? If could you justify please?
 - Would please comment on legitimacy of the state institutions in from the South Sudanese public perspective?
 - What are the challenges for building functional state institutions in South Sudan?
 - Do you agree that South Sudan state-building starting from Interim to date has been a success?
 - ✓ State Building (Building of institutions of government through democratic and inclusive participation in political and governing process
 - Do you think that state building period of (2005) and there after the independence (2011 -2018) has been through war-making (run-way state building)? Or has it been through bureaucratization and building of the public institutions of the government to serve the public interest regardless?
- 5. A crucial component of nation-building is the development of a *functional state apparatus* that can actually control its national territory and serve its citizens. In this case, what do you think about the state institutions function in the in South Sudan?**
- Are the states institutions functioning properly? -----if yes how, could you provide some example?
 - If no, how state institutions be made functional in South Sudan in order for them to serve the public interest?

- One of the components of state-building intervention is the intervention of the international community (external efforts) to building national institutions of newly independent countries (international state building efforts on sovereign states, like through aid and development). South Sudan is case in point. Based on this, please could you express your vies and opinions on the following points below
 - ✓ Has international community succeeded in building functional state institutions of government in South Sudan (both during Interim period of 2005 and after the independence?)
 - ✓ If yes, How?
 - ✓ If No, why? And can state institutions be built in South Sudan to serve the public interests?
- How you reflect on state –building the SPLM/SPLA embarked on during the war of liberation (1983- 2005)? For example.
 - A. Has SPLM/SPLA succeeded in lay down viable functional institutions at the local levels during the war of liberation? For example, Civil Administration for New Sudan (CANS) established in 1994 in Chukudum?
 - B. What were the challenges facing SPLM/SPLA in its state-building efforts during the war of liberation? -----

 - C. What were the challenges facing SPLM in its state building efforts as a governing party both during the Interim period and after the independence?

Final Questions on State and Nation building:

- a) Prospects for state and nation building through the recently signed peace agreement in September 2018 -----

- b) Challenges for state-building in the implantation of signed peace agreement?
- c) Are there any challenges you would foresee in reforming government’s institutions? If yes what are they? If no, why do you think that there are no?

Thank you very much indeed for your honest responses!

Open-ended or Unstructured Interview with Political Leaders

B. Purpose and Intended Audience

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I) Prospects _____

II) Challenges _____

E) From which Nationality/Nation in South Sudan (**for example Shilluk, Didinka nation, Jur nation, Latuka, Dinka, or Nuer nation, etc.**)

2. On Decentralization for Nation Building in South Sudan

My argument in this study is based on three issues. It starts with one leading question: Has decentralized system or devolution as enshrined in the Transitional Constitution brought about nation –building? By nation –building, am referring to state’s ability to build a common and *nested South Sudanese identity* with shared values as one political community or political nation where every feel that they are part of an inclusive South Sudan- through equitable political representation or socio-economic programmes (equitable service delivery/equitable development).

Reflecting on the above definition, nation building as described in this study from South Sudan perspective consisting of three components:

8. How you would describe the current decentralized system of governance as to what it has contributed to building a common and shared South Sudanese identity in terms of:

- g) Shared South Sudanese identity or Values (common national values, – love, peace and living- together, identification with the national institutions of government).
 - h) Do you think that South Sudanese see them better and first as different ethnic groups or they identity themselves with South Sudanese?
 - i) How could South Sudan as a multiethnic society work to build a *”nested –identity” where everybody see themselves in the larger mirror – South Sudan nation ?*
- ✓ How would you comment on **self-rule (state or local levels of government) or shared rule (national and state levels of government together) in** exercising their powers as stipulated in the Transitional Constitution of 2011 the state and national government levels in terms of division of powers on certain jurisdictions (see below)?
- a) Electing or appointing state Governors or country Commissioners
 - b) Consultation between levels of government (national and state; state and local government levels) when exercising matters that demand concurrent powers? Is there any consultation between levels of government on such matters? C) Proliferation or creation of the states through presidential

Decrees. It is Constitutional? **If yes, How** -----

If no, Why?-----

Pros/opportunities for building common South Sudanese **identity** -----

Cons / Challenges for building a common South Sudanese values -----

- ✓ What are others gaps do you see in the current Transitional Constitution as amended as many times as we all know? Or what is lacking in its contribution to building a common South Sudanese identity?

- ✓ What system of governance do you think with **checks and balances** would be appropriate for South Sudan? For example federal political arrangement, or unitary system of governance and Why? -----

- ✓ Final issue on Nation –building efforts in relation to recently signed Revitalized Peace Agreement on September 2018 in terms of Governance, Security, and Public Service and sectors reforms.

- ✓ **Governance**

- b) **Prospects/ Opportunities** -----

- -----

c) **Challenges/Flaws**-----

✓ **Security Sector Reforms**

e) **Prospects/ Opportunities**-----

f) **Challenges/Flaws**-----

✓ **Public Service Sector Reforms**

c) **Prospects/ Opportunities**-----

d) **Challenges/Flaws**-----

9. On Management of ethnic diversity ethnic or political groups’ interests through current decentralization:

- d) Representation at Executive Levels of (shared rule)
- e) How can we re- design the current system of decentralized system of governance to be an inclusive for all ethnic and different political groups in the country?
- f) Does South Sudan need a different system of governance rather than the current one (“decentralized system of governance?”

Final issues: Management of ethnic diversity through Revitalized Peace Agreement of September 2018

a) **Prospects/Opportunities**-----

b) **Challenges/Flaws** -----

g) Peace building efforts (during Interim period 2005-2011 and in post – independence South Sudan

- ✓ Has reconciliation among the South Sudanese communities been achieved during the CPA (Interim Period) and there after the independence? What Challenges encountered the implementation process? Why do you think it has not been achieved?

- ✓ How would suggest about the observance or adherence to the rule of laws such as human right protection in the country before and after the independence? Has it has been achieved or not, and why? Establishing security and renewal of function of government’s institutions?-----

- ✓ Sowing seeds of democracy and socioeconomic rehabilitation and economic development as part of peace building efforts in the country. What has been achieved in this regard?-----

- ✓ **If no any, why?**

- ✓ Peace –building activities / “**actions**” to identify and support structures which were meant to strengthen and solidify peace in order to avoid a relapse into conflict during the Interim period (2005) and post – independence South Sudan in 2011. Could you mention some of these activities, if there is any you think?

a)-----

b)-----

If no there were no any successful peace –building activities, implemented, why? -----

C) How can we reconcile the ‘broken’ South Sudanese society? - What system of governance can be adopted to reconcile the broken social fabric?-----

Final Issue: Peace-building efforts through September 2018 Revitalized Peace Agreement

a) Prospects/opportunities-----

b) Challenges /flaws -----

h) State-building (developing state capacity, institutions and functions of the government in serving its people). State –building also could be referred to as the process by which a state gains greater power over or autonomy from society—by war-making or by bureaucratizing (institutionalizing and coercive process)

✓ Have government’s institutions been functioning in way they serve the public interest, for example judiciary maintaining its independence and its impartiality as one army of government? If yes, how, please can you provide some explanation?

If yes, How? -----

If No ,Why -----

✓ Do you agree that South Sudan state-building starting from Interim period of (2005) and there after the independence(2011 -2018) has been **through war-making (run-way state building)? Or has it been through bureaucratization and building of the public institutions of the government to serve the public interest regardless ?**

a) If yes, How, please would explain a bit more? -----

b) If no, could you please justify it? -----

✓ **A crucial component of nation-building is the development of a *functional state apparatus* that can actually control its national territory and serve its citizens. In this case, what do you think about the state institutions function in the in South Sudan?**

a) Are the states institutions functioning properly?-----if yes how, could you provide some example? -----

b) If no, how state institutions be made functional in South Sudan in order for them to serve the public interest? -----

c) What are the challenges for building functional state institutions in South Sudan ?-----

d) One of the components of state-building intervention is the intervention of the international community (external efforts) to building national institutions of newly independent countries (international state building efforts on sovereign states, like through aid and development). South Sudan is case in point. Based on this , please could you express your vies and opinions on the following points below

✓ Has international community succeeded in building functional state institutions of government in South Sudan (both during Interim period of 2005 and after the independence?)

a) If yes , How -----

b) If No, why? And can state institutions be built in South Sudan to serve the public interests?-----

c) How you reflect on state –building the SPLM/SPLA embarked on during the war of liberation (1983- 2005)? For example.

- ✓ Has SPLM/SPLA succeeded in lay down viable functional institutions at the local levels during the war of liberation? For example Civil Administration (CAN) established in 1994 in Chukudum?-----

- ✓ What were the challenges facing SPLM/SPLA in its state-building efforts during the war of liberation? -----

- ✓ What were the challenges facing SPLM in its state building efforts as governing party both during the Interim period and after the independence -----

Institutions of Decentralization of Government at Sub-national Level for Nation - Building

- 1) Nature of Government Institutions at state level
 - a) Challenges for State and nation building
 - b) Prospect for state and nation building
- 2) Local Government and Traditional Authorities
 - a) Nature of institutions of local government and their contribution to nation building
 - b) Opportunities and prospect for peace and stability in South Sudan
 - c) Democratic Reforms

✓ **Final comments/Questions on State building:**

- d) Prospects for state –building through the recently signed peace agreement in September 2018 -

- e) Challenges for state-building through currently signed peace agreement -----

- ✓ Are there any challenges you would foresee in reforming government's institutions? If yes

What are they ?-----

If no, why do you think that there are no ?-----

Thank you very much indeed for your honest responses!

OPEN-ENDED QUESTIONNAIRE

C. Intended Audience

These questionnaires are meant for **academics** working for different universities in South Sudan.

D. Dear Distinguished Respondents/Participants in this Study.

The objective of this questionnaire is to collect data for academic research meant for partial fulfillment of the requirement **for the Degree of Doctor of Philosophy (PhD) in Federalism and Governance Studies**, with the specialization centering on *Nation Building and Accommodation of Diversities in Multiethnic Societies* of which South Sudan is one. The title of the research is: *Decentralization- Devolution for Nation –Building and Accommodation of Diversity: Analysis of South Sudan Transitional Constitution of 2011 (as amended)*.

For your information and confidentiality on your identity, your responses will be kept very much confidential and will only be used with your permission (now granted) on this academic exercise. They will not be used for any political consumption or other thing. Second, filling out this questionnaire is voluntarily driven exercise. However, the findings of the study might have significant contribution to building South Sudan as one **Political Nation or Political Community**.

Therefore, your polite and honest responses will make this study a success in what we intended to address using the findings of the study.

NB All the responses should be directly sent to my email addresses indicated here below.

Here are my two email addresses:

ruachtang6@gmail.com (First email, commonly used)

davidruach6@gmail.com (second email)

Thanking you in Advance for your honesty and cooperation!

David Ruach Tang (PhD Candidate), Centre of Federalism and Governance Studies, College of Laws and Human Rights, Addis Ababa University, Addis Ababa, Ethiopia

1. Personal Information

- O) Qualifications -----
- P) Academic Rank -----
- Q) Name of the University -----
- R) College/Faculty ----- .Department-----
- S) Years of Experience in teaching profession --- -----

- D) Age -----

E) From which Nationality/Nation in South Sudan (for example Shilluk, Didinka nation, Jur nation, Latuka, Dinka, or Nuer nation, etc.)-----

Instructions: You are kindly asked to provide opened answers to each question asked here below .No specific answers. All depends on your own perspective.

A. On Nation –Building for Decentralization /Devolution in South Sudan

My argument in this study is three folds: (1) Has Decentralization- Devolution as enshrined in the Transitional Constitution brought about brought democratic nation –building? By nation – building, am referring to state’s ability to build common and *nested South Sudanese identity* with shared values as one political community or political nation where every feels that they are part of an inclusive South Sudan- through equitable political representation or socio-economic programmes (equitable service delivery/equitable development).

Reflecting on the above definition, I see nation building from South Sudan’s perspective to be a something consisting of three components: **(1) Peacebuilding (activities such reconciliation, putting security institutions in place, etc.); (2) State-Building: capacity of the state institutions to function effectively in serving the people (3) Accommodation of political /ethnic diversity -how different political or ethnic intrestets are politically accommodated by the current decentralization /devolution / system of governance:**

10. How you would describe decentralization-devolution as system of governance as to what it has contributed to building a common and shared identity in terms of :

- ✓ Shared South Sudanese Values /identity political inclusion, and participation in the governance process

- ✓ Do South Sudanese see themselves as first an ethnic groups or they identity themselves with South Sudan as a political nation (one political community)?

- ✓ How could South Sudan as a multiethnic society achieve or contributing to building a *nested identity where everybody see themselves in the larger mirror – South Sudan political community?*

✓ How would you comment on **self- rule or shared –shared rule** (and state national government in terms of division of powers on certain jurisdictions (see below) as stipulated in the Transitional Constitution of 2011 with all amendments ?

c) **Election or appointment of state or country Officials (National or State)?**

d) Consultation between two levels of government when exercising matters that demand concurrent powers? Which levels prevails?

e) Do subnational levels (state and county levels of government) have full rights in exercising their self-rule as stipulated in the Transitional Constitution of 2011? **If Yes , how** for example in what way ?-----

-----**If No, Why?**-----

✓ What are others gaps do you see in the current Transitional Constitution to be lacking in contributing to building a common South Sudanese identity?

a) Division of powers and responsibilities between arms of government (**executive, legislature and judiciary**) If Yes, how? -----

----- If No, which one of the branches of government is having more powers and why ?-----

b) In exercising concurrent /shared powers. Is there any consultation between the three levels of government (**national and state; state and county**)? **Which level prevails over other and why?**-----

- ✓ What system of governance do you think with checks and balances would be appropriate for South Sudan? Federal political arrangements (what form? – Ethnic and territorial like Ethiopian; territorial like Nigerian and American; non-territorial like Swiss federal or consociational democracy and Why? (Presidential or Parliamentary federal arrangements.

- ✓ What are the **challenges/flaws and opportunities** you see as an academic from the current system of governance (**decentralized/devolved system of governance**)?

a) **Challenges/flaws/loopholes** -----

b) **Opportunities** -----

c) **Final issue on Nation Building in relation to signed Revitalized Peace Agreement of September 2018**

- ✓ Prospects /Opportunities for democratic nation-building-----

- ✓ Challenges /flaws -----

11. On Political Accommodation of various ethnic or political groups’ interests through current decentralization –devolution system of governance (First Bullet For SPLM Political Members Party Only)

- ✓ Formation of an integrative political ideology (political ideology of the SPLM as a governing party). **Do you see any?**-----

----- **If**
No, why?-----

- ✓ Has there been any equitable representation of various ethnic or political interests since the Interim period (2005) to 2011 and in post –independence

South Sudan to the current administration? **(If yes, for example** -----

-----**.If no, Why?**

- ✓ Why do you think that the current decentralization and devolution system does not provide for equitable political representation? -----

- ✓ How can we re- design the current system of decentralization /devolution to be an inclusive for all ethnic and different political groups in the country?

- ✓ Does South Sudan need a different political system of governance rather than the current one? If yes, what is that? -----

-----**. Why do we need that system of governance?** -----

If no, why?-----

- ✓ **How can South Sudan as nation can accommodate its diverse political and ethnic interests in terms of governance?** -----

d) Final issue on Accommodation of different political or ethnic groups interests through recently signed Revitalized Peace Agreement of September 2018

- ✓ Prospects /Opportunities for democratic nation-building-----

- ✓ Challenges /flaws -----

12. Peace building activities (during Interim and in post –independence South Sudan

- ✓ Has reconciliation among the South Sudanese communities been achieved during the CPA (Interim Period) and there after the independence? **What Challenges encountered the implementation process?**

- ✓ How would suggest about the observance of the rule of laws such as human right protection in the country after the independence? Has it has been achieved or not and why? Establishing security and renewal of function of the state institutions?-

- ✓ Sowing seeds of democracy and socio-economic rehabilitation and economic development in the country. What has been achieved in this regard? If yes, in what terms?

If No, why?-----

- ✓ Peace activities / “actions to identify and support structures which were meant to strengthen and solidify peace in order to avoid a relapse into conflict during the Interim period (2005) and post – independence South Sudan in 2011. Could you mention some of these activities, if there is any you think?

a)-----

b)-----

If there were no any successful peace –building efforts, implemented, why?-----

- ✓ How can we reconcile the ‘broken’ South Sudanese society? - What system of governance can we adopt?-----

T) Implementation of the Re-vitalized Agreement for Resolution of Conflict in Republic of South Sudan (R-ARCSSS) in spirit and letter.

I) Prospects

II) Challenges

U) Implementation of Agreement for Resolution of Conflict in the Republic of South Sudan (ARCSS) of 2015.

a) Challenges leading to effective implementation-----

b) Opportunities of ARCSS (2015) as compared to current peace Agreement in terms of governance

e) **Final issue on Peace-building efforts in relation to signed Revitalized Peace Agreement of September 2018**

✓ Prospects /Opportunities for democratic nation-building-----

✓ Challenges/flaws-----

13. State-building (developing state capacity, institutions and functions of the government in serving people). State –building also could be referred to as to the process by which a state gains greater power over or autonomy from society—by war-making or by bureaucratizing (institutionalizing and coercive processes)

✓ Have government’s institutions been functioning in way they serve the public interest, for example judiciary maintaining its independence and its impartiality as one army of government? If yes, how, please can you provide some explanation?

If yes, How? -----

If No ,Why -----

✓ Do you agree that South Sudan state-building starting from Interim period of (2005) and there after the independence(2011 -2018) has been through war-making (run-way state building) or it has been through bureaucratization of building of the public institutions of the government ?

c) If yes , How -----

d) If no, justify -----

✓ **A crucial component of nation-building is the development of a *functional state apparatus* that can actually control its national territory. In this case, what do you think about the state institutions function in the in South Sudan?**

e) Are the states institutions functioning properly?-----if No, why-----

f) If yes, how state institutions be made functional in South Sudan to serve the public interest? -----

g) What the challenges for building functional state institutions in South Sudan ?-----

h) One of the components of state-building is the intervention of the international community to building national institutions of newly independence and sovereign states (South Sudan is case in point) in this case

✓ Has international community succeeded in building function state institutions of government in South Sudan (both during Interim period of 2005 and after the independence?

d) If yes, How -----

e) If No, why? And can state institutions be built in South Sudan to serve the public interests? By doing what? ---

f) How you do reflect on state–building the SPLM/SPLA embarked on during the war of liberation (1983-2005)?-----

Achievement/successes-----

Challenges-----

✓ Has SPLM/SPLA succeed in lay down viable functional institution at the local levels during the war of liberation? For example Civil Administration (CAN) established in 1994 in Chukudum after Nasir Declaration?-----

✓ What were the challenges facing SPLM/SPLA in its state-building efforts during the war of liberation? -----

✓ What were the challenges facing SPLM in its state building efforts as governing party both during the Interim period and after the independence -----

f) Final issue on State Building through recently signed Revitalized Peace Agreement of September 2018

✓ Prospects /Opportunities for democratic nation-building-----

✓ Challenges/flaws-----

Key Informants in the Research

1. Informants from South Sudan Transitional National Legislative Assembly (Legislature/Lower House of Parliament)

S/No	Interviewee Name in Full	Institution	Position	Date of the Interview	Place of the Interview
1	Hon. Timthoy Tot Chol	TNLA	First Deputy Speaker, TNLA	February 22 nd ,2020,	Juba, South Sudan
2	Hon. Jok Aring	TNLA	Political Affairs Advisor to Spkear, TNLA	February 22 nd ,2020	Juba, South Sudan
3	Hon. Deng Tiel	TNLA	Chair, Specialized Committee for Legal and Justice Affairs	February 23 rd ,2020	Juba, South Sudan
4	Hon. Makuc M. Gnguon	TNLA	Clerk of the Assembly,	February ,24 th ,2020	Juba, South Sudan

2. Key Informants from Council of States / Upper House of Parliament) and South Sudan’s Laws Review Commission

S/No	Interviewee Name in Full	Institution	Position	Date of the Interview	Place
1	Hon. Aldo Ajong Deng	Council of States	Chair, Legal Committee	February 24 th ,2020	Juba, South Sudan
2	Hon. Jock Yuul	“ “	Member	February 24 th ,2020	Juba, South Sudan
3	Hon. Dr. Selow Gebriel	South Sudan Law Review Commission	Member of the Commission and Member of the Constitutional Amendment Committee	February 25 th , 2020	Juba, South Sudan

3. Key Informants from the SPLM – Party (In Government)

S/No	Interviewee Full Name	Position	Date of the Interview	Place of Interview	Remarks
1	Comrade. Peter Lam Both	Secretary for Public Affairs and International Relations	February 27 th ,2020	SPLM-House Juba, South Sudan	
2	Comrade. Acuil Malith Banggol	Secretary for Syndicated Originations	February 26 th ,2020	SPLM-House of e, Juba, South Sudan	

4. Key Informants from the SPLM – IO Part Party (In Opposition)

S/No	Interviewee Name in Full	Position	Date of the Interview	Place of the Interview	Remarks
1	Hon. Par Kuol	Member Peace Negotiation Team	February 23 rd , 2020	Juba, South Sudan	. Currently Hon. Stephen Par is a Minister of Peace-Building
2	Hon. Peire Nathanael Oyet	Member of Peace Negotiation Team	December 17 th , 2018	Addis Ababa, Ethiopia	Currently Members of National Constitutional Amendment Committee
3	Hon. Manawa Peter Gatkuoth Goal	Member of Negotiation Team	November 24 th , 2018	Addis Ababa, Ethiopia	Currently Minister of Water Resources and Irrigation
4	Gatwech Pal	Members of Negotiating	December 20 th , 2018		

5. Transitional Government of National Unity

(TGoNU)

S/No	Interviewee Full Name	Position	Date of the Interview	Place of the Interview	Remarks
1	Hon. Dr. Richard Molla	Minister. Federal Affairs	July 29 th , 2018	Addis Ababa, Ethiopia	This interview was conducted while the peace process was going on here in Addis
2	Abdalla Hassan Famai	The Under-Secretary, Ministry of Federal Affairs	February 25 th , 2020	Juba, South Sudan	
4.	Mr. Elias Ludo	Acting Director for Local Government Board	February 25 th , 2020	Juba, South Sudan	
5.	Mr Lado Thomas	Speaker of Central Equatoria State	February 23 rd , 2020 .	Juba, South Sudan	
6.	Mr. Lado Alfred	Former Official in Autonomous Regional Government of Southern	February 24 th , 2020	Juba, South Sudan	

Key Informants from the Academia in South

S/N	Name in Full	Academic Institution	Academic and Position	Place of the Interview
1	Dr. Kuol Nyuon	University of Juba	Assistant Professor and Dean of the Faculty of Social Sciences and Humanity	Fbereuay 24 th , 2020 Juba, South Sudan

List of Interviewees

N/S	Name in Full	State in South Sudan	Institution	Position	Date for Interview
1	Hon. Deng Awan	Northern Bhar El-Gazal	MP, State Legislative Assembly	Specialized Committee, Legal Affairs and Local Governance	March ,8 ,2020, Juba
2	Lado Joseph	National Government	Board, National Government, Office of the Present	Director for Local Government Board and Decentralisation	March 10 , 2020 Juba
3	Hon. Panom Luaak	Upper Nile State	State Legislative Assembly	Member of Legal Committee	February 21 . Juba
4	Hon. Tut Mach	Jonglei State	Jonglei State Government	Former Minster of Local Government and Law Enforcement	July 22, Juba South Sudan
5	Mabior Garang	Jonglei State , and SPLM-IO	Member of Polite Bureau SPLM-IO	Chairman, Committee of Public Relations and, Mobilization	May2023 , Juba South Sudan
6	Keach Puoch	Upper Nile State	Local Government Board	Member of Local Government Board	May2023 , Juba South Sudan
7	Biel Gatwech	Jonglei State	Akobo, County	Former Commissioner	May2023 , Juba South Sudan
8	Pal Ruach	Upper Nile	State Government	Former Minister of Information	May2023 , Juba South Sudan
9	Hon. Mary Deang	National Government	Council of States	Deputy Speaker	April 2023 , Juba South Sudan
10	Hassan Abdulha	Western Bhar – El Gazal	State Government	Former Minister of Road and Bridges and Infrastructure	April 2023 , Juba South Sudan

List of Ethnic Groups in South Sudan

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This is a dynamic list and may never be able to satisfy particular standards for completeness. You can help by adding missing items with reliable sources.

Source: https://en.wikipedia.org/wiki/List_of_ethnic_groups_in_South_Sudan



Map of the ethnic groups of South Sudan

This is a list of ethnic groups in **South Sudan**. The **Dinka** are the largest ethnic group, followed by the **Nuer**, although due to unreliable population data it is disputed whether the **Bari**, the **Shilluk**, or the **Zande** are the third largest.

While composed of many ethnic groups, the **Fertit in Lol State**(now **Western Bahr El-Gazal State** after taking back the country to original 10 states before 20103 conflict have formed a unique identity of South Sudan Nationalities .

Ethnic Group	Size	Region	Language	Language Family
<u>Acholi</u>	30,000-50,000 ^[1]	<u>Equatoria (Imatong State)</u>	<u>Southern Luo (Acholi dialect)</u>	<u>Nilotic</u>
<u>Aja</u>		<u>Western Bahr el Ghazal</u>		
Anyawaa	100,000 ^[2]	Greater Pibor Administrative Area	<u>Anuak</u>	<u>Nilotic</u>
<u>Atuot</u>	100,000 ^[3]	<u>Bahr el Ghazal (Eastern Lakes State)</u>	<u>Reel</u>	<u>Nilotic</u>
<u>Avukaya</u>	50,000 ^[4]	<u>Equatoria (Maridi State)</u>	<u>Avokaya</u>	<u>Central Sudanic</u>
<u>Bai</u>		<u>Bahr el Ghazal</u>	<u>Bai</u>	<u>Ubangian</u>
<u>Baka</u>	25,000-30,000 ^[5]	<u>Equatoria (Western Equoeria State)</u>	<u>Baka</u>	<u>Central Sudanic</u>
<u>Balanda Boor</u>	40,000-50,000 ^[6]	<u>Bahr el Ghazal (Westen Bahr El Gazal</u>	<u>Belanda Bor</u>	<u>Nilotic</u>

Ethnic Group	Size	Region	Language	Language Family
		<u>State</u>), <u>Equatoria (Tambura State)</u>		
<u>Balanda Bviri</u>		<u>Bahr el Ghazal</u>	<u>Belanda Viri</u>	<u>Ubangian</u>
<u>Banda</u>		Western Bahr El Gazal State		<u>Ubangian</u>
<u>Bari</u>		Central Equatoria Sate	<u>Bari</u>	<u>Nilotic</u>
<u>Binga</u>		Northern <u>Bahr el Ghazal State</u>)		<u>Central Sudanic</u>
<u>Bongo</u>		Northern Bahr el Ghazal State	<u>Bongo</u>	<u>Central Sudanic</u>
<u>Boya (Larim)</u>	20,000-25,000 ^[21]	Eastern Equatoria (Kapoeta State)	<u>Laarim</u>	<u>Surmic</u>
<u>Burun (Maban)</u>	100,000 ^[81]	Upper Nile State (Maban County)	Burun	<u>Nilotic</u>
<u>Didinga</u>	60,000 ^[91]	<u>Equatoria (Kapoeta State)</u>	<u>Didinga</u>	<u>Surmic</u>
<u>Dinka</u>	4,500,000 ^[101]	Nothern <u>Bahr el Ghazal</u> ,Warap , Jonglei , ,Lakes State ,Unity ,	<u>Dinka</u>	<u>Nilotic</u>
<u>Dongotona</u>	20,000 ^[111]	Eastern Equatoria State	<u>Dongotono</u>	<u>Nilotic</u>
<u>Gollo</u>		Western Bahr el Ghazal		Nilotic
<u>Ifoto</u>		Eastern Equatoria Sate	<u>Lotuko</u> ^[121]	<u>Nilotic</u>
<u>Imatong</u>		Eastern Equatoria State	<u>Lotuko</u> ^[131]	<u>Nilotic</u>
<u>Indri</u>		Nothern <u>Bahr el Ghazal (State)</u>	<u>Indri</u>	<u>Ubangian</u>
<u>Jiye</u>		Greater Pibor Administrative Area created recently by President Kiir .		<u>Nilotic</u>
<u>Jur Beli</u>	100,000 ^[141]	Western Bahr el Ghazal State		
<u>Jur Mananger</u>	20,000-30,000 ^[151]	Western Bahr el Ghazal State, Warap		Nilotic
<u>Kakwa</u>		Central <u>Equatoria State</u>)	<u>Bari</u>	<u>Nilotic</u>
<u>Kaligi (Feroghe)</u>		<u>Bahr el Ghazal</u>	<u>Kaligi</u>	<u>Ubangian</u>
<u>Kara</u>		<u>Bahr el Ghazal</u>		
<u>Keliko</u>		<u>Equatoria (Yei River State)</u>	<u>Kaliko</u>	<u>Central Sudanic</u>
<u>Ketebo</u>	45,000	Eastern Equatoria State	Oketeboi and Lokathan	

Ethnic Group	Size	Region	Language	Language Family
<u>Kuku</u>	20,000-30,000 ^[16]	<u>Equatoria (Yei River State)</u>	<u>Kuku</u>	<u>Nilotic</u>
<u>Lango</u>	25,000-30,000 ^[17]	<u>Equatoria (Imatong State)</u>	<u>Lango</u>	<u>Nilotic</u>
<u>Logir</u>		<u>Equatoria</u>	<u>Lotuko</u> ^[18]	<u>Nilotic</u>
<u>Lokoya</u>	30,000 ^[19]	<u>Equatoria (Jubek State and Imatong State)</u>	<u>Lokoya</u>	<u>Nilotic</u>
<u>Lopit</u>	25,000-30,000 ^[20]	<u>Equatoria (Imatong State)</u>	<u>Lopit</u>	<u>Nilotic</u>
<u>Lugbara</u>	15,000-25,000 ^[21]	<u>Equatoria (Yei River State)</u>	<u>Lugbara</u>	<u>Nilotic</u>
<u>Lotuko (Otuho)</u>	70,000 ^[22]	<u>Equatoria (Imatong State)</u>	<u>Otuho</u>	<u>Nilotic</u>
<u>Lulubo</u>	30,000-40,000 ^[23]	<u>Equatoria (Jubek State and Imatong State)</u>	<u>Olu'bo</u>	<u>Central Sudanic</u>
Luo People(Nicknamed Jur)]	60,000-70,000 ^[24]	Western <u>Bahr el Ghazal</u> , ,Northern Bhar Gazal , and Warap State	Luo]	<u>Nilotic</u>
<u>Madi</u>		Eastern <u>Equatoria (Imatong State)</u>	<u>Ma'di</u>	<u>Central Sudanic</u>
<u>Makaraka (Adio)</u>		Central <u>Equatoria State</u>	Bari	Nilotic
<u>Mangayat</u>		<u>Bahr el Ghazal (Lol State)</u>	<u>Mangaya</u>	<u>Ubangian</u>
<u>Morokodo</u>	40,000 ^[25]	<u>Equatoria</u>	<u>Morokodo</u>	<u>Central Sudanic</u>
<u>Moru</u>	80,000-100,000 ^[26]	Western <u>Equatoria State</u>	<u>Moru</u>	<u>Central Sudanic</u>
<u>Mundari</u>	70,000-100,000 ^[27]	Central <u>Equatoria State)</u>	<u>Bari</u>	<u>Nilotic</u>
<u>Mundu</u>	50,000-60,000 ^[28]	<u>Equatoria (Maridi State)</u>	<u>Mündü</u>	<u>Ubangian</u>
<u>Murle</u>	300,000-400,000 ^[29]	<u>Greater Upper Nile (Boma State)</u>	<u>Murle</u>	<u>Surmic</u>
<u>Ndogo</u>	40,000 ^[30]	<u>Bahr el Ghazal</u>	<u>Ndogo</u>	<u>Ubangian</u>
<u>Ngulgule</u>		<u>Bahr el Ghazal</u>	<u>Nyolge</u>	<u>Daju</u>
<u>Nuer</u>	2,000,000	<u>Upper Nile, Unity and Jonglei States</u>	<u>Nuer</u>	<u>Nilotic</u>
<u>Nyangatom</u>		Eastern <u>Equatoria (Ilemi Triangle)</u>	<u>Nyangatom</u>	<u>Nilotic</u>

Ethnic Group	Size	Region	Language	Language Family
<u>Nyangwara</u>	25,000-30,000 ^[31]	<u>Equatoria (Jubek State and Terekeka State)</u>	<u>Bari</u>	<u>Nilotic</u>
<u>Pari</u>	11,000 ^[32]	<u>Equatoria (Imatong State)</u>	<u>Päri</u>	<u>Nilotic</u>
<u>Pojulu</u>	75,000 ^[33]	<u>Equatoria (Jubek State and Yei River State)</u>	<u>Bari</u>	<u>Nilotic</u>
<u>Sere</u>	10,000 ^[34]	<u>Bahr el Ghazal</u>		
<u>Shilluk</u>	500,000 ^[35]	<u>Greater Upper Nile (Fashoda State)</u>	<u>Shilluk</u>	<u>Nilotic</u>
<u>Suri (Kichepo)</u>	30,000 ^[36]	<u>Greater Upper Nile (Boma State)</u>	<u>Baale</u>	<u>Surmic</u>
<u>Tennet</u>	10,000-30,000	<u>Equatoria (Imatong State)</u>	<u>Tennet</u>	<u>Surmic</u>
<u>Thuri (Shatt)</u>	70,000 ^[37]	<u>Bahr el Ghazal</u>	<u>Thuri</u>	<u>Nilotic</u>
<u>Toposa</u>		<u>Equatoria (Kapoeta State)</u>	<u>Toposa</u>	<u>Nilotic</u>
<u>Uduk</u>		<u>Greater Upper Nile (Northern Upper Nile State)</u>	<u>Uduk</u>	<u>Koman</u>
<u>Yulu</u>		<u>Bahr el Ghazal</u>	<u>Yulu</u>	<u>Central Sudanic</u>
<u>Zande (Azande)</u>		<u>Equatoria</u>	<u>Zande</u>	<u>Zande</u>