

# How Do South Sudanese people want to be governed? Lessons from Lived Experiences

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## Abstract

The moment is propitious to take a hard look at how South Sudanese people want to be governed, a topic that has long been a matter of public and political debate in the country since 2005. Though a multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial nation, South Sudan is governed by what on paper is decentralization though practically the system is centralized with political powers resting entirely at the national level more so with the president. This, for the most part, is centralization of political power at the national level where political elites use ethnicity as a political card for securing political power at all levels of government. Since becoming an autonomous region in 2005 and subsequently an independent state in 2011, the nation's citizens have been yearning for a form of government that empowers the people to exercise political control, limits the power of the head of state, prevent dictatorship, corruption, and economic decline, provides for the separation of powers between governmental entities, and ensures the protection of natural rights and civil liberties. However, that political system has not yet been realized. This paper examines the current state of political system of governance in South Sudan through the lens of people's lived, social, economic and political experiences and shares findings from conversations with key stakeholders from various sectors of society about their experiences and challenges in their work with the hope to enable citizens choose and decide what suited them in terms of the appropriate system of governance for South Sudan. It finds that the absence of good governance in South Sudan has been extremely damaging to the government's corrective intervention role, particularly in the maintenance of peace and security, as well as promotion of economic growth and the creation of the wealth needed to confront poverty and improve human development. Overall, while some people at the grassroots were initially negative to departure from decentralization to federalism, most expressed support for an alternative form of governance in South Sudan, preferably a system that is politically and economically acceptable and technically and administratively viable.

**Keyword:** South Sudan, federalism, decentralization, constitution-making process, system of governance

## 1.0 Introduction

The impetus for writing this paper grew out of our more than 8 years of consultancy work and lived experiences in the Republic of South Sudan. In light of this, the purpose of this paper is to synthesize key take away from our interactions with key social and political institutions and elites of society who make or shape the main political and economic decisions in South Sudan on what South Sudanese people, and particularly young *people*, want, particularly on the preferences for political system of governance with a view to the degree and form of decentralization or devolution of state powers, and to come up with some key recommendations that will not only boost the implementation of the current R-ARCSS peace agreement but also contribute to effective participation of citizens in the upcoming permanent constitution making process. South Sudan is undertaking the implementation 2018 R-ARCSS, a peace accord which

came as a result of armed political violence in 2013 due to internal power wrangles and trust deficit among the political elites of the ruling SPLM Party. The trigger of the power struggle was around transfer of political power from the president to the other aspiring members of the party who were interested in the seat of the president in the then planned 2015 general elections. Some observers claimed that the war erupted entirely due to lack of willingness to embrace internal party democracy within the SPLM leadership while others went further to attest that it was basically greed for wealth of the country.<sup>1</sup> The political idea of power sharing on ethnic line is one of the political triggers for armed violence in South Sudan before and after the independence of South Sudan from the rest of Sudan in July 2011.<sup>2</sup> Based on this ideology, the template for negotiating peace agreements is normally inclusive of protocol on power sharing. The terminology “power sharing” in the South Sudan peace agreement of 2018 was changed into “responsibility sharing”. The principle of responsibility sharing was an alternative strategy to embrace decentralization of the political power from centralized persons or groups to another person or group.

After extensive examinations of these concepts, community members were given the opportunity to suggest which governance system they would want to see in South Sudan. In fact, most of the community members in different regions or states who were advocating for devolution of more powers and federal system in South Sudan hold the view that the current decentralized system is dictatorial in nature, allowed the national government to deconcentrated powers instead of devolving powers, promoted corruption to flourish, caused divisions and created domination by the powerful or elites. Corruption and dishonesty in the political and bureaucratic realms have impeded the ability of local governments to provide services and social justice in South Sudan.<sup>3</sup> As a result of this, South Sudan is expected to transition from decentralization to federation when the new constitution is made. The question of South Sudan adopting federal system of governance or any other appropriate system of governance has also been raised more recently by majority of South Sudanese during the national dialogue.<sup>4</sup> In the view of most international scholars and South Sudan’s citizens, the society of South Sudan will never witness sustainable peace and stability till proper and functional system of governance is introduced and properly implemented.<sup>5</sup> To build proper knowledge for understanding good governance and which system of governance is most appropriate for South Sudan requires investment on public dialogues and debates tilted towards shaping citizens’ attitudes toward the new political dispensation in South Sudan. This is the focal point of this paper. This paper comes timely at a time when the country has just embarked on the public debates and conversations on the permanent constitution-making process which necessitates participation of all South Sudanese.

## 2.0 Sharing of power between the center and the sub-national level

### *Decentralization in South Sudan*

The Interim Constitution of 2005 prescribes a decentralized system with three levels of government: national, state and local.<sup>6</sup> The Local Government Act of 2009 also prescribes a decentralized system which permitted traditional authorities to be integrated into local councils,

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<sup>1</sup> Center for Preventive Action (2023). Instability in South Sudan. Accessed 09 March 2023, <https://www.cfr.org/global-conflict-tracker/conflict/civil-war-south-sudan>

<sup>2</sup> Amnesty International (2023). South Sudan’s conflicts are not just between communities. Retrieved 09 Sept, 2023, <https://www.amnesty.org/en/latest/news/violent-conflicts-in-south-sudan-almost-always-involve-human-rights-violations-and-abuses-and-crimes-under-international-law/>

<sup>3</sup> Dagne, Ted (2011). “*Republic of South Sudan: Opportunities and Challenges for Africa’s Newest Country*”. Congressional Research Service. Retrieved March 2023.

<sup>4</sup> JOHNSON, DOUGLAS H (2023). Federalism in the history of South Sudanese political thought: Rift Valley Institute Research Paper

<sup>5</sup> D’Agoût, M. (2022). Understanding the Colossus: The Dominant Gun Class and State Formation in South Sudan. *Journal for Political and Military Sociology*, 47(2).

<sup>6</sup> Dagne, Ted (2011). “*Republic of South Sudan: Opportunities and Challenges for Africa’s Newest Country*”. Congressional Research Service. Retrieved March 2023.

continuing a practice established under colonial condominium rule.<sup>7</sup> The Transitional Constitution enacted in 2011 reversed some of the decentralization provisions in the Interim Constitution of 2005, creating a more centralized state.<sup>8</sup> In most of the country, county legislative assemblies do not exist, county commissioners and town mayors are largely appointed from the center, borders between the local administrations are not demarcated, and it is not clear how local government can raise revenues or receive transfers from the center to provide local service delivery. In addition, under the current decentralized system of governance, political power and resources are controlled by the central authority which has powers to appoint and remove local leaders and decides on fiscal allocation for states. Many people felt that the return to armed conflict in 2013 had genuine decentralization of powers in the South Sudanese state more unlikely. Citizens generally viewed power to still rest with the central government. Most of the civil society members expressed support for citizens' views on decentralization in South Sudan, stating that the current system of governance is from top to bottom and that is the main failure of decentralization in this country. This suggests that while it is too early for people of South Sudan to worry about the type of governance they want, it is also good that the people of South Sudan have identified the system of governance they would like to see implemented in the new constitution early on. It is now on the Parliamentary Committee on Federalism now to do the comparative analysis and come up with a federal model that will favor citizens at the periphery.

Indeed, many community leaders and civil organizations that we interacted with across the country complained that government had failed to provide adequate services to the population. Instead, many citizens viewed support from development and humanitarian organizations as critical for delivery of basic state functions. The South Sudanese people gave several examples of NGOs and UN-backed projects ranging from health services to educational, water, agricultural and emergencies. This reflected a popular lack of trust in the political will to fully implement decentralization and delivery services as prescribed by the constitutional and legal framework. Therefore this paper strongly advocates for public service delivery and economic management to be concentrated at the state level. The formula of fiscal allocations to states is not adequately based on the needs of the people, population density and priorities of the state government; therefore, this paper demands more autonomy for state finances to boost peace and economic development. It also calls for the need to decentralize the justice institutions, devolve law enforcement to local level, and harmonize tax administration to eliminate multiple taxations.

### *Arguments and Reservations for Federalism*

While 'decentralization' is described as a transfer of responsibilities, resources, and autonomy to the states and local government levels,<sup>9</sup> 'federalism' is defined as a system of government in which sovereignty is constitutionally shared between central government and constituent political units such as states.<sup>10</sup> Federalism thereby means a form of governing where power and wealth are shared in intra-governmental relations at three levels – national, state and local. In fact, R-ARCSS prescribes for a federal system to be worked into the new constitution of South Sudan.<sup>11</sup> A federation is characterized by a constitutionally guaranteed devolution of powers

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<sup>7</sup> <https://docs.southsudanngoforum.org/>. The South Sudan Local Government Act of 2009. The purpose of this Act was to provide for the establishment of local governments, their powers, functions and duties, structures, composition, finances and any other matters related thereto.

<sup>8</sup> "The Transitional Constitution of the Republic of South Sudan, 2011". *Government of South Sudan*. Retrieved 12 July 2022.

<sup>9</sup> Campbell, Tim. *Quiet Revolution: Decentralization and the Rise of Political Participation in Latin American Cities* (University of Pittsburgh Press, 2003).

<sup>10</sup> Roschek, Jorg (2016). "Federalism in Europe, America and Africa: A Comparative Analysis". *Federalism and Decentralization: Perceptions for Political and Institutional Reforms*, retrieved 25 March 2023

<sup>11</sup>. JOHNSON, DOUGLAS H (2023). Federalism in the history of South Sudanese political thought: Rift Valley Institute Research Paper

from the centre to regional units or states and representation of these in the central government.<sup>12</sup> This creates a shared sovereignty between federal and subnational entities that is not found in decentralized system. Effective federal systems can also impede abuse of power at the centre by giving constitutional power to regions or states. Devolving functions to smaller units that are closer to the population, in theory, increases consensus and legitimacy concerning the choice of public services.<sup>13</sup> This, in turn, can be expected to foster cooperation, vigilance, as well as acceptance of and adherence to rules of public sector integrity. This would be especially true where the financing of public services is devolved via the assignment of tax instruments or the collection of user fees. In plural or socially fractionalized nation like South Sudan, the question then arises whether jurisdictions can be so designed so as to maximize social homogeneity and social capital, and therefore the propensity to cooperate at the local level.

As far as interactions with the grassroots are concerned, there were mixed reactions vis-à-vis federalism. Those who expressed their support for federalism as their preferred system of governance noted that federalism has been a popular demand of the people of South Sudan since the Juba Conference in 1947. Their preference for federalism was closely linked with higher level of autonomy for the states because of devolution of more powers. Bringing government closer to the people is intended to better match social services and public decisions to local needs, and thus enhance the efficiency and transparency in the use of government resources.<sup>14</sup> With regards to transparency, community representatives stated that under the Interim Constitution of South Sudan, citizens have the right to access public information and records held by state entities. These rights are not respected in practice by the government, which is hostile to scrutiny and lacks functional capacity. This is notably true for revenue derived from the oil, gold and other natural resources' sectors, which accounts for a majority of the government's receipts. These demands of the citizens are corresponding with an April 2020 UN expert-panel report which stated that South Sudanese natural resources were illicitly extracted due to non-transparent management.<sup>15</sup> The experts also reported that a 2019 open-tender process did not improve the transparency of oil and non-oil-related transactions. Citizens expected federalism to allow a broader range of groups to participate in decision-making processes and thus to invest in the political system, rather than to undermine it. At the same time, federalism promises to bring decision-making power closer to ordinary citizens. This may increase the level of political participation and lead to more responsive government. Across the ten states of South Sudan, most citizens assumed that federation, if implemented properly in the country, will enhance the downward accountability of government officials, thereby leading to a deepening of democracy in the 18-year old country. A democracy that excludes too many of the governed from taking part in what is supposed to be their government runs the risk of becoming an aristocracy—government by a small, privileged ruling class—or an oligarchy—government by an elite, typically wealthy, few. For a democracy to survive it must retain the substantial support of both the people and the leaders they choose. History has shown that democracy is a particularly fragile institution. In fact, of the 120 new democracies that have emerged around the world since 1960, nearly half have resulted in failed states or have been replaced by other, typically more authoritarian forms of government.<sup>16</sup> It is therefore essential that democracies be

<sup>12</sup> Spina, Nicholas (2013). "Explaining political decentralization in parliamentary democracies". *Comparative European Politics*.

<sup>13</sup> Jam (1999). "[The political economy of democratic decentralization](#)", retrieved 26 March 2023

<sup>14</sup> Lijphart, Arend (1977). *Democracy in Plural Societies: A Comparative Exploration*. New Haven, CT: [Yale University Press](#).

<sup>15</sup> Bednar, Jenna (2011). "The Political Science of Federalism". *Annual Review of Law and Social Science*. doi:10.1146/annurev-lawsofsci-102510-105522.

<sup>16</sup> Heilbrunn, John R. (2014). *Oil, Democracy, and Development in Africa*. Cambridge University Press.

designed to respond quickly and appropriately to the internal and external factors that will inevitably threaten them.

While citizens' opinions vary, a consensus of political scientists agrees that most democracies are based on six foundational elements: *Popular sovereignty*: The principle that the government is created and maintained by the consent of the people through their elected representatives. *An Electoral System*: Since according to the principle of popular sovereignty, the people are the source of all political power, a clearly defined system of conducting free and fair elections is essential. *Public Participation*: Democracies rarely survive without the active participation of the people. Health democracies enable and encourage the people to take part in their political and civic processes. *Separation of Powers*: Based on a suspicion of power concentrated in a single individual—like a king—or group, the constitutions of most democracies provide that political powers be separated and shared among the various governmental entities. *Human Rights*: Along with their constitutionally enumerated rights freedoms, democracies protect the human rights of all citizens. In this context, human rights are those rights considered inherent to all human beings, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other considerations. *A Rule of Law*: Also called due process of law, the rule of law is the principle that all citizens are accountable to laws that are publicly created and equitably enforced in a manner consistent with human rights by an independent judicial system.<sup>17</sup>

Whereas these arguments reasoned with most people, reservations to the concept of federalism lingered among some people, especially in Jonglei, Unity and Warrap states. This may be attributed to the political history of the advocacy of federalism being tied to particularistic interests. In Jonglei, federalism as associated with the Kokora concept, a Bari word for “division”, triggered fears that introduction of federalism in South Sudan might culminate in expulsion of other tribes from the Equatoria region. Some people noted that this would derail the prospect of ‘unity in diversity’ and the notion of ‘one nation’. Our diversity makes us unique and we must continue to respect that diversity, people concluded. In Unity State, the notion of federalism raised concerns about the management of natural resources. Concretely, they wondered what and how the benefits from natural resources would be distributed, and how this would affect between those states harboring more natural resources than others. For example, the 2018 Peace Agreement decimated the nine counties of Unity state to seven, with two resource-rich counties becoming part of Ruweng Administrative Area. This practice, in the view of community representatives, has already spurred tensions and contributed to recurrence of conflicts among the communities of the two areas. In Warrap, people who generally embraced the idea of federalism cautioned to introduce it in phases, starting with dual and fiscal federalism before exploring other forms of federalism, such as cooperative and ethnic federalism.

In a nutshell, citizens felt that federalism was preferable but stressed that it required nurturing of people committing to democratic governance, respect of laws, human rights and diversity, and independence and interdependence of government institutions. Members of the national parliament who were interviewed separately on this matter supported these views of the citizens across the ten states in regard to federalism, but suggested it to be modernized to cooperative federalism, a type that is being widely practiced in the United States, Canada, Australia, New Zealand, Germany and other politically and economically stable countries in the world. For them, under this form of federalism, political powers and national resources would be shared

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<sup>17</sup> Phirinyane, Molefe B.; Mooketsane, Keneilwe S. (2016). “Governance in the Health Sector Procurement: The Role of Public and Private Practitioners in Botswana”. *Public Procurement Reform and Governance in Africa*. pp. 277–297.

equally by states and central government. Apart from being the best form for ensuring unity in diversity, cooperative federalism, they asserted, allows governmental power not to be concentrated at any governmental level or in any agency. Instead, the national and state governments share power. For instance, bureaucratic agencies at the national and state level normally carry out governmental programs jointly.<sup>18</sup> Because the governments' responsibilities are split between many levels of government, citizens and organized interests have many access points to influence public policy.<sup>19</sup> As to why they supported this model, people believed that cooperative federalism can be contrasted with the dual federalism, which maintains that the national and state governments have distinct and separate government functions. In 'dual model' different levels of government operate within their mutually exclusive areas of power as provided under the law and compete with each other.<sup>20</sup> In 'fiscal model', federal and state governments consider each other's interest in the exercise of their constitutionally given authority. In fiscal federalism, preferences and priorities of people living in one particular state are different and may not fit into the national agenda. Therefore, the autonomy granted by the federal constitution to the states provides an environment to enable local preferences at the state.<sup>21</sup> Fiscal federalism is therefore intended to satisfy these local preferences. i.e., states in South Sudan need to assume the responsibility over licensing vehicles and collecting of revenues with part of that money going to central government.

In conclusion, most people, including members of the national parliament who had an encounter with us, were in favor of a federal system of governance to be enshrined in the new constitution of South Sudan. Community representatives and members of the national parliament generally believed that the peace agreement coupled with an effective federal system of government is the only way forward on the path to sustainable peace and development in South Sudan. Citizens believed that federalism might not just accord states constitutionally embedded political, administrative and fiscal powers, but could help sustain fragile unity and diversity, prevent dictatorship and promote democracy, accelerate economic and human resources development and delivery of social services to the citizens, and mitigate internal conflict. This nationwide espousal of federalism chimes with the proposals and recommendations previously put forward by the National Dialogue (2019) which supports the establishment of a federal system of governance in South Sudan and stressed the need for the RTGoNU to reflect on this demand, the R-ARCSS (2018) which recognizes that a federal system of government is a popular demand of the people of South Sudan and the need for the RTGoNU to reflect this demand by way of devolution of more powers and resources to the lower levels of government, the Transitional Constitution of South Sudan (2011), Local Government Act (2009), and the Southern Sudan Interim Constitution (2005), all of which stated that South Sudan ought to be governed on the basis of a decentralized and democratic system as all embracing principles for its people.

### 3.0 Making a Permanent Constitution for South Sudan

Since 2005, the nation of South Sudan has been under transitional constitutions, making it difficult to address the deep ethnic divisions, recognize the many customary legal practices that

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<sup>18</sup> Forsyth, Murray (1981). *Unions of States: The Theory and Practice of Confederation*. Leicester University Press

<sup>19</sup> Diamond, Martin (1961) "The Federalist's View of Federalism", in Benson, George (ed.) *Essays in Federalism*, Institute for Studies in Federalism, Claremont, p. 22. Downs, William (2011) "Comparative Federalism, Confederalism, Unitary Systems", in Ishiyama, John and Breuning, Marijke (eds) *Twenty-first Century Political Science: A Reference Handbook*, Sage, Los Angeles, Vol. I, pp. 168–170.

<sup>20</sup> Law, John (2012) "Sense on Federalism", in *Political Quarterly*, Vol. 83, No. 3, p. 544.

<sup>21</sup> Diamond, Martin (1961) "The Federalist's View of Federalism", in Benson, George (ed.) *Essays in Federalism*, Institute for Studies in Federalism, Claremont, p. 22. Downs, William (2011) "Comparative Federalism, Confederalism, Unitary Systems", in Ishiyama, John and Breuning, Marijke (eds) *Twenty-first Century Political Science: A Reference Handbook*, Sage, Los Angeles, Vol. I, pp. 168–170.

continue to serve local communities, ensuring diversity and inclusiveness, participatory, and transparency in terms of decision-making in the country. Consistent with international human rights law, there is a need for a bill of rights to be incorporated into the new constitution of South Sudan. The new constitution should indeed be of permanent nature rather than subject to frequent amendments to allow consistency and continuity in institutions and governance. There is also a need for the permanent constitution to strengthen the competence of local government to improve service delivery at subnational level and speed up the implementation of key reforms prescribed in the R-ARCSS concerning civil service, judiciary, army and independent institutions for the people of South Sudan to realize their full potential. While acknowledging the importance of a permanent constitution, citizens at the dialogues noted that they had not participated nor were they consulted on the previous constitutional making processes, i.e., Interim Constitution (2005) or the Transitional Constitution of South Sudan (2011). Citizens expressed that because the previous constitution-making processes were done hurriedly; there were no inclusive consultations. The political leaders either sat at Nyankuron Cultural Center, Home and Away Hotel, Parliament or SPLM House in Juba to decide on the document.

#### *Mandatory term limits for all holders of public offices*

In this section, we presented the argument that all South Sudanese of different walks of life are demanding for term limits for all holders of public office enshrined in the new constitution to grant regular rotation of office holders unlike in the previous constitutions of South Sudan which omitted mandatory term limits. In the United States, terms limits, also referred to as rotation in office, restrict the number of terms of office an officeholder may serve. At the federal level, the 22nd Amendment to the United States Constitution limits the president of the United States to two four-year terms. State government offices in some, but not all, states are term-limited, including executive, legislative, and judicial offices. Term limits date back to the American Revolution between 1765 and 1789 and prior to that, to the democracies and republics of antiquity.<sup>22</sup> The Council of 500 in ancient Athens rotated its entire membership annually, as did the ephorate in ancient Sparta.<sup>23</sup>

In South Sudan, there is a great need to mobilize and advocate to limit all holders of the public offices, for example, President, Governors, Commissioners and Mayors, to two four-year terms with the age to contest for presidency fixed at 35 to 75 years; the age to contest for Governorship, Commissionership and Mayorship set at 21 years and above. In terms of academic qualifications required to qualify for an office, it was widely proposed by the community representatives that a Presidential or gubernatorial aspirant should hold a bachelor's degree and above, while a Commissioner and Mayor should have Diploma as a minimum qualification. The need to have a five year fixed-term for all members of the Independent Commissions of the Government of South Sudan was also widely proposed. Though considered part of the executive branch of government of South Sudan with regulatory or rulemaking authority, independent commissions are to be exempted from presidential control with limited powers for the president to dismiss the agency's head or a member. The members of the independent commissions, in our views, are to be subjected to parliament vetting and appointed by the President with the consent of the Parliament for a fixed five-year term without reappointment. Not only is this step important as it upholds the principles of good governance, it further ensures there is a

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<sup>22</sup> Bobrick, Benson. *Angel in the Whirlwind: The Triumph of the American Revolution*. Penguin, 1998 (paperback reprint)

<sup>23</sup> Bancroft, George (1854–1878). *History of the United States of America, from the discovery of the American continent – eight volumes*. Volumes committed to the American Revolution: Vol. 7; Vol. 8; Vol. 9; Vol. 10

continuation in the change of power within the country, therefore, promoting the emergence of a new generation of leaders. These interventions require collaborative efforts from various civil society organizations, government institutions, pro-democracy movements as well as continental bodies such as the African Union (AU). At the core of this, should also be the political willingness of the Head of States to adhere to and uphold their country's constitutions while respecting the rule of law and the institutions that defend it. Secondly, we also need to recognize and acknowledge the key role that young people play within African politics. In many African countries, the youth have been able to organize and mobilize themselves through different movements that have challenged and toppled authoritarianism. Digital tools such as social media can instantly raise awareness on matters that would ordinarily be suppressed by repressive governments. In addition, we recommended that the constitution should also define the number of travels abroad allotted to public office holders, especially members of the executive branch of government. Furthermore, we call for an Act of Parliament to provide for the granting of attractive end-of-service pension and other retirement benefits to the holders of the public offices, including the President, upon their ceasing to hold public offices. These lifetime benefits, in our view, would be provided, as an honor, to leaders who have not been removed from the office by force, through impeachment or other sporadic means. The end-of-service benefits are a security for the future of the bureaucrats and politicians after the end of their services to the nation, and their protection from the risk of unemployment and inability to work, and when for their old age, so that such benefits can help them in the future and the life of their family members.<sup>24</sup> In addition, these competitive after-service benefits would also serve as a strategy to persuade leaders to relinquish power without resistance, as well as a mechanism for preventing tyranny and corruption in the government.

#### *Demand for an end to notion of 'Double Portfolioing'*

In this section, we focused on the question of whether ministers should have seats in the legislature and proposed that no person should be allowed to hold two or more positions in the same government in South Sudan. In this case, we advocated for an end to 'double portfolio-ing' in South Sudan, for example, where an MP also holds a ministerial portfolio. We believed this interfered with the independence of parliament. In our view, cabinet members must not be members of parliament since it might create authoritarian conditions by weakening the legislature, making it vulnerable to buy-offs and pressures. In our view, too, appointing cabinet members from the legislature is giving the executive undue patronage power over the legislature with which to reward supporters and sideline opponents and critics. This patronage power may weaken the legislature as a co-equal branch of government and weaken the system of separation of the powers.<sup>25</sup> This may not be as problematic in a parliamentary system (where the main political dynamic is between the government and the opposition, and where the opposition performs scrutiny and oversight functions) but can undermine checks and balances in a presidential system like South Sudan (where maintaining the mutual independence of the executive and legislative branches ought to be a cornerstone of liberty and good governance). Finally, being a member of a legislature is a busy job. In addition to plenary debates and committee work, members have to stay in touch with constituents, interest groups and party activists. They may have to travel a long way between the legislature and their home

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<sup>24</sup> I. Afrobarometer Dispatch No.30, Dulani. B. (May 2015). African publics strongly support term limits, resist leaders' efforts to extend their tenure. [https://afrobarometer.org/sites/default/files/publications/Dispatches/ab\\_r6\\_dispatchno30.pdf](https://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r6_dispatchno30.pdf) (accessed 2020/12/18)

<sup>25</sup> The International Institute for Democracy and Electoral Assistance (IDEA) (2019). Constitution Brief: Should Ministers be Members of the Legislature? Accessed 09 Sept 2023, <https://www.idea.int/sites/default/files/publications/should-ministers-be-members-of-the-legislature.pdf>



constituencies. Being a minister is also a full-time job. Trying to combine these two roles can lead to even highly competent people being overstretched and neglecting one or both roles. Members of the legislature might be eligible for appointment to ministerial office provided that, on accepting such office, they cease to be members of the legislature, as explicitly stated in the constitution of Federal Republic of Nigeria.

### *The need for an independent and impartial judiciary*

This section underscored the importance of an independent and impartial judiciary for a peaceful, democratic, and prosperous South Sudan. An independent and impartial judiciary, we believe, shall serve as the custodian of the constitution by merit of its power to review any executive or legislative act that does not conform to constitutional rule. All citizens must be treated equally before the law. To make this happens; the judges must be vetted by the National Justice Commission (NJC) and the Parliamentary Judiciary Committee (PJC) to be independent and impartial. Like several other citizens across the country, we felt that some people can get away with the same crime that lands others in prison for years. Crucially, this inequality before the law can trigger mob justice. Where people don't have faith in the judiciary, they might end up taking the law into their own hands. Some citizens expressed concern that even government officials did not respect the law. The example of a government official who was jailed for a crime committed against the state in 2007 but freed from prison without state orders by his relatives was cited to illustrate how such impunity undermines the rule of law.<sup>26</sup> Equality before the law means that everybody who commits a certain crime gets a sentence mentioned in the Penal Code for such a crime, regardless of his social group.<sup>27</sup> Laws favoring a particular group or individuals over others contravene the spirit of equity and equality before the law. If impunity by officials is not punished, this might undermine social values, norms, attitudes, or practices conducive to the rule of law.<sup>28</sup> Judicial independence and impartiality, according to the European Committee on Legal Cooperation (CDCJ), means that courts are not subject to improper influence from the other branches of government or from private or partisan interests.<sup>29</sup> Judicial independence and impartiality is also important to the idea of separation of powers. According to OHCR, Judicial independence is maintained by appointments for life, which removes any dependence on the Executive, with voluntary retirement and a high threshold for dismissal by the Legislature, in addition to a salary that cannot be diminished during their service. Some of the practices highlighted include the removal of judges from office by the government without adhering to the governing laws, as well as other established processes. This draws allegations that judges in South Sudan are simply answerable to individual political leaders, especially those on the executive side. This has serious implications for the administration of justice and the rule of law in the country. It is therefore incumbent upon the permanent constitution to provide for judicial independence as a pillar of peace and order. This suggests that the constitution should reform the rule of law and justice sector to strengthen existing institutions and strengthen all links in the justice system. Effective rule of law means that everyone is equally accountable.<sup>30</sup> In this way,

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<sup>26</sup> Office of the United Nations High Commissioner for Human Rights (OHCR): Basic Principles on the Independence of the Judiciary adopted 06 September 1985 by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>

<sup>27</sup> Duke University Bolch Judicial Institute, What Does Fair and Impartial Judiciary Mean and Why is it Important? <https://judicialstudies.duke.edu/2019/11/what-does-fair-and-impartial-judiciary-mean-and-why-is-it-important/>, accessed 22 March 2023

<sup>28</sup> European Courts of Human Rights (2021): Independence and Impartiality of the Judicial System <https://www.coe.int/en/web/execution>, retrieved 20 March 2023

<sup>29</sup> The European Committee on Legal Co-operation (CDCJ) (2023). Judicial independence and impartiality, <https://www.coe.int/en/web/cdcj/judicial-independence-and-impartiality>, retrieved 20 August 2023

<sup>30</sup> Meron, Theodor (2005). Judicial Independence and Impartiality in International Criminal Tribunals, *The American Journal of International Law* Vol. 99, No. 2 <https://doi.org/10.2307/1562502>

an independent judiciary will contribute eventually to the democracy and signals the changing political and legal environment of South Sudan. In fact, majority of South Sudanese agreed on the judiciary's role as a primary mechanism for strengthening accountability and addressing corruption and dishonesty in the political and bureaucratic realms of government in South Sudan. This demonstrates that judiciary, including both statutory judicial institutions and traditional or customary systems, plays a crucial role in resolution of political and other disputes.

#### *Building strong and effective rule-of-law institutions*

Building strong, effective rule-of-law institutions remains a daunting task for South Sudan for the past 18 years. Citizens across the country emphasized the need to build capacity of the judiciary, the Ministry of Justice and Constitutional Affairs, the correctional or prison services and the police. It is observed that in South Sudan, there are broad ranges of issues that the constitution-making process should address. Citizens expected acknowledgement of culture and heritage in the constitution, an equitable distribution of power, a need for professional national army loyal to the country, observation of human rights, clear separation of military from politics and segregation of duties, affirmative action for women and youth at all levels and branches of government enshrined in the new constitution of the Republic of South Sudan. The demand for an acknowledgment of culture in the new constitution was also confirmed by the members of national parliament who took part in the consolidated community meetings and suggested translation of new constitution into local languages so that it is clearly understood by all citizens and take ownership over the constitution. In addition, they proposed elimination of harmful cultural practices to be incorporated in the permanent constitution. For them, any cultural practice that is incompatible and inconsistent with South Sudanese indigenous cultures and practices is considered harmful and therefore unacceptable.

#### *The need for lean and effective government*

Lean government emphasizes making government more efficient, responsive, and satisfying to citizens and employees alike while simultaneously respecting individuals and changing the way people think about government.<sup>31</sup> A lean government focuses on governing and serving citizens with respect and continuously improving service delivery by cutting out “waste” and “inefficiency” in processes, thereby resulting in better services overall, engaged civil servants as well as more value for tax-supported programs and services.<sup>32</sup> Generally, proponents also see that a lean government is a means to expand the capacity of government to provide more services per unit of investment.<sup>33</sup> Finally, citizens at the dialogues urged a lean and effective government. There were complaints of duplicated government structures, from commissions to cabinet ministries, which should be restructured and reduced to make them more effective. Political accommodation of liberators was another issue that was seen as an unnecessary burden on the public purse and the efficiency of South Sudanese government. Citizens demanded a downsizing of government after conclusion of RTGoNU to boost service delivery by cutting out “waste” and “inefficiency” in processes, thus making government more cost-effective. Citizens asked government to cut down on deputy ministers and ministerial advisors. Some attendees proposed that only core ministries like justice and defense have deputy ministers. Most people agreed that

<sup>31</sup> Bureau of the Budget and Management Research (2023). Lean Government in the U.S. City of Baltimore. Accessed 18 August 2023, <https://bbmr.baltimorecity.gov/about-lean-government>

<sup>32</sup> Four Principles Company (2023). Achieving a More Efficient Public Sector with Lean Government: A lesson from the US State of California, accessed 08 Sept 2023, <https://fourprinciples.com/expert-opinion/achieving-a-more-efficient-public-sector-with-lean-management-principles/>

<sup>33</sup> Krings, David, Dave Levine, and Trent Wall (2006). "The Use of 'Lean' in Local Government," *Public Management (PM) Magazine, International City/County Management Association*, 88:8.

having five vice presidents was excessive. They also agreed that the current size of the South Sudanese government (45 cabinet ministers) and a bicameral legislative power, comprising the Revitalized National Legislative Assembly (Lower House) and the Council of States (Upper House) with a combined total of 650 members of parliament and more than 36 Specialized Committees is also excessive. They believed taxpayers could get more for their money if government slimmed down.

#### *More legislative powers for members of Parliament*

Most of the community representatives that we had an encounter with also underlined the need for South Sudan Legislative Assembly (SSLA) to possess considerably more constitutional powers to enable the national parliament better comprehend the scope of executive power and expose its misdeeds. They felt that there was a need for the new constitution to curb some presidential powers and allow legislative assembly to retain more legislative powers, including powers to impeach and unseat a president. Most of them agreed that more powers are given to the executive branch of government than they needed. Revocation is a one tool that they believe is being used by the executive branch to scare off and silenced the MPs since establishment of the RToGNU in 2020. In the new constitution, parliament must get back its full powers, including the powers to summon and impeach President, citizens demanded. This will be accomplished on the basis of the universal principle of supremacy of law which states that the government and its officials and agents, including private actors, are accountable under the law; that no one (including the President) is above the law; law is above everyone, and it applies to everybody.<sup>34</sup>

#### *Affirmative action for the youth and women*

Most people at the community meetings across the ten states agreed that affirmative action for the youth and women need to be enshrined in the new constitution of South Sudan. For the purpose of this paper, affirmative action referred to as an action or policy favoring those who tend to suffer from discrimination, especially in relation to economic welfare like employment or education. However, in the views of citizens, affirmative action is an attempt to make progress toward substantive, rather than merely formal equality of opportunity for those groups, such as youth and women, which are currently underrepresented in significant positions in South Sudan. For them, they demanded more than just 35% affirmative action plan for women's participation in political institutions which is included in the 2018 revitalized peace agreement. Although women account for over 60% of the population in South Sudan, most of whom are young, they are still underrepresented in politics and peace efforts and only 2% of Parliamentary seats and very few gubernatorial and ministerial positions are held by women.<sup>35</sup>

In addition, while premised on the argument that major groups have long been marginalized and excluded from the mainstream political and social life in South Sudan, citizens proposed the inclusion of youth representation in national and states' parliaments, in foreign missions as Ambassadors and on all local councils. According to UN-sponsored Program for Creating Opportunities for Youth Employment in South Sudan (YEM) of 2021, youth is defined as all young persons, female and male, aged 18 to 30 years.<sup>36</sup> This definition and adoption is subject to confirmation or amendments by Legislative Assembly of South Sudan. While youth constitutes

<sup>34</sup> Krings, David, Dave Levine, and Trent Wall (2006). "The Use of 'Lean' in Local Government," *Public Management (PM) Magazine*, International City/County Management Association, 88:8.

<sup>35</sup> 2021 UN Report on South Sudan: International Standards and Contemporary Technologies (Population and Housing topics). Presented by Julius Sebit Daniel, Deputy Director for Census and Surveys, 29 May- 1 June 2017. Dar es Salaam Tanzania

<sup>36</sup> International Labor Organization (ILO Evaluation Summaries, 2011): Creating opportunities for youth employment in South Sudan - Mid Term Joint Evaluation

most of South Sudan's population and also play vital roles in their communities, they are rarely given a platform to express their needs and problems with only 73 members in the national parliament which now accommodate 550 members, according to South Sudan Youth Parliament, a body which drew its membership from different political parties in the country.<sup>37</sup> According to 2019 UN estimates and 2008 South Sudan Housing and Population Census, South Sudan has a population of 12.8 million people of which 73% of that are youth aged between 18 and 30 years and are facing a big problem of unemployment.<sup>38</sup> It is no wonder, a research by the African Youth Initiative Network in South Sudan found that 75% of people who engaged in cattle raiding and Inter-communal clashes and currently in various prisons across the country are comprised of youth. This is attributed to lack of guidance and counseling, redundancy and poverty. Youth unemployment in South Sudan is the highest in Africa. A data published by International Labor Organization (ILO) in 2023, put youth unemployment in South Sudan at 88%,<sup>39</sup> although the African Development Bank and UNDP say it could be as high as 90%.<sup>40</sup> This has been attributed to the ineffective education system that trains graduates in humanities instead of vocational studies and also government's failure to plan accordingly.<sup>41</sup> Yet no motion has been moved on the floor of parliament by youth members of parliament in regard to reviewing current education system in the country. Therefore, giving youth representation in politics and allocating youth fund annually is a more drop in the ocean. Since the youth comprises of the biggest percentage in all constituencies and representatives of these areas are elected by the universal adult suffrage and the fact that the Constitution allows 18 year old registered voter to stand for any position, including for presidency, the youth can freely contest for the other positions without necessarily being accorded affirmative action.

To this end, it is therefore, acknowledged that the best affirmative action policy for South Sudan youth should be putting in place an enabling environment toward improving their welfare and livelihoods. An economically empowered youth can ably participate in politics.<sup>42</sup> In light of this, South Sudanese government can adopt mechanism such as creating positions of youth representatives in the legislature. It can be complimented by further increasing the allocation to the youth fund by establishing small enterprise finance agencies and adopting employment tax incentives among others. Secondly, government can adopt the policy of allocating a certain percentage of its procurement programs to youth as is done in Kenya, Uganda and Rwanda.<sup>43</sup> In 2012, for instance, the Kenyan government adopted the Access to Government Procurement Opportunities Initiative to enable Youth, Women and Persons with Disabilities access 30% of government tenders.<sup>44</sup> The same would suffice for these special interest groups in South Sudan. Lastly, government should invest a reasonable amount of money in the sports, recreation, arts and culture initiatives and programs. This sector is capable of employing a reasonable number of youth in the country. The same would suffice for these special interest groups in South Sudan. Finally, in the view of most community representatives, the only way of resolving youth

<sup>37</sup> The South Sudan Youth Parliament (SSYP) is youth assembly which interchanges, discusses, and debates issues of societal importance.

<sup>38</sup> South Sudan Population and Housing Census, 2008: Presentation to UN Regional workshop on the 2020 World Programme on PHC.

<sup>39</sup> International Labor Organization (2023): South Sudan's Total Youth Unemployment, 2023-2024 Data Forecast. Unemployment, youth total (% of total labor force ages 15-24) (modeled ILO estimate) in South Sudan was reported at 19.91 % in 2021.

<sup>40</sup> According to AfDB, UNDP and UNESCO Institute of Statistics, unemployment in South Sudan is estimated at 40% of the population while youth unemployment is estimated at 90%, and it continues to rise. Youth unemployment is exacerbated by low levels of education, limited skills, and a weak economy.

<sup>41</sup> Buny, AA and Apet, DA (2022). Human Resources and Economic Development: A South Sudanese Perspective

<sup>42</sup> Soma, E. (2020). Women in South Sudan's National Peace Processes, 2015-2018. OXFAM, <https://panafrica.oxfam.org/latest/policy-paper/our-search-peace>

<sup>43</sup> World Bank (2019). Inter-Parliamentary Union, April 2021, Youth Participation In National Parliaments, <https://www.ipu.org/youth2021>

<sup>44</sup> Kangethe, T.W. Ann, Simiyu, D. Newton & Mukabi, Fredrick (2021): Primacy of Awareness Raising on Uptake of Access To Government Procurement Opportunities by The Youth A Study of Isiolo County. *International Journal of Research in Business and Social Science* (2147-4478) 11(4):230-247

DOI:10.6007/IJARBS/v11-i4/9665

problems in South Sudan is by creating potential avenues by which they can empower themselves and not special political representation.

## 4.0 Improving Governance

### *Equitable land use and management to prevent conflicts*

Public service delivery and corruption, land management, separation of powers, civic space and security sector reforms topped citizens' concerns. Equitable land utilization seemed to be lacking in the country. As a result, the citizens called on government to ensure equitable land use and management to regulate land related disputes and prevent conflicts. To ensure equitable land use and management in South Sudan, there is need to clearly define land ownership in the new constitution. In the previous Transitional constitutions of South Sudan, including the Land Act of 2009 which reiterates the constitutional provision that the people own all land in South Sudan, land ownership and management was not clearly defined and issues related to land ownership were typically left unaddressed. In that prospect, the citizens proposed that, in the new constitution, they would need to see to it that land ownership rests with the community with the government taking only the regulatory role. Anti-corruption agencies need to be strengthened with powers to prosecute corruption cases related to land grabbing in the states and beyond. Despite the 2018 peace deal, South Sudan is still suffering from lawlessness with different elements still taking laws into their own hands and causing undue suffering of children, women and the elderly.<sup>45</sup> Against this background, citizens stressed the need to realize peace and prevent conflicts through equitable and sustainable land use planning and efficient management. A land management is a much broader term which, according to the United Nations Economic Commission for Europe comprises the process by which natural and built resources of land are put into good effect.<sup>46</sup> Enemark (2005) defines a land management paradigm which includes land policies, land administration functions, and a land information system.<sup>47</sup> Land administration functions, which are the operational part of land management, ensure proper management of land tenure, land value, land use, and its planning and development. The administration functions of land operate within the land policies and are facilitated by the information system. Land development is the strategic part of land administration that constitutes a series of steps that are taken to achieve long-term goals. Other issues which were raised to be addressed included the need to improve civic space and security reforms, empowerment of women, youth and traditional authorities. Political freedoms and civic space not only for civil society members but also politicians are a precondition for the conduct of free and fair elections.<sup>48</sup> Free, fair, credible, peaceful and inclusive elections are key elements of democracy and the rule of law in the country. In South Sudan, elections are expected not only to mark the end of the transition phase but also represent a wider opportunity to move towards democracy, good governance and development.<sup>49</sup> Elections can be an important mechanism to consolidate peace, to give legitimacy in the eyes of the people to elected institutions, to support reconciliation and to

<sup>45</sup> Heegde, Martijn, Hilhorst, and Porchet 2022. Land Governance for Equitable and Sustainable Development: South Sudan Food and Security and Land Governance Factsheet (Maastricht: IS Academie), <http://www.landgovernance.org/system/files/Sudan%20%20Factsheet%20landac%20april%202211.pdf>

<sup>46</sup> United Nations Economic Commission for Europe. (1996) Land Administration Guidelines. Geneva

<sup>47</sup> Enemark, S. (2005) Land Management and Development. CLGE International Conference 2005, European Professional Qualifications in Geodetic Surveying, Brussels, 1–2 December 2005

<sup>48</sup> UN Human Rights Council (2023): South Sudan: the Commission's mandate remains crucial as the civil & political space continues to deteriorate. **Statement at the 52nd Session of the UN Human Rights Council Enhanced Interactive Dialogue on the report of the Commission on Human Rights in South Sudan Delivered by Nicola Paccamiccio. Accessed 08 Sept 2023** <https://www.civicus.org/index.php/media-resources/news/united-nations/geneva/6292-south-sudan-the-commission-s-mandate-remains-crucial-as-the-civil-and-political-space-continues-to-deteriorate>

<sup>49</sup> United Nations Mission in South Sudan (UNMISS) (2023). South Sudan: Peace and security key for credible, free and fair elections, say returnees, retrieved 09 Sept 2023, <https://african.business/2023/06/apo-newsfeed/south-sudan-peace-and-security-key-for-credible-free-and-fair-elections-say-returnees>

influence how democratic politics can become sustainable with a vibrant and active civil society.<sup>50</sup> Similarly, progressive security sector reforms are urgently necessary to create a conducive environment for elections and avoid a slide into war lordism in parts of the country. To ensure free and fair elections in South Sudan, there is a need for electoral law system that is similar to that of Rwanda where the winner never takes all. One reason some people support the Rwanda-style “winner never takes all” approach is that it encourages candidates to pay attention to small states and not just get out the vote in big numbers. While typically rewarding larger parties, it also allows smaller parties to garner representation that is proportionate to their votes received in an election.<sup>51</sup>

#### *Inclusion of Civic Education to National Curriculum*

At the outset, citizens called for an inclusion of civic education not only to the education curriculum in the country, but to the new constitution. The main argument of this would be to educate citizens about the theoretical, political and practical aspects of citizenships, as well as their rights and duties. The overall goal of having civic education, according to the community representatives, is to promote civic engagement and support democratic and participatory governance in South Sudan. The idea behind civic education is to promote the demand for good governance (i.e. an informed and engaged public), as a necessary complement to efforts to improve governance. To this end, the South Sudanese government needs to enshrine civic education in the new constitution and other government protocols as a way of facilitating the peace agreement implementation, as well as a way to help people understand the peace implementation in various forums and work with the citizens and political parties to the agreement. However, in order to make civic education works, the government needs to work with diplomatic, humanitarian and development organizations and citizens across the country to try and support civic education. Apart from investing in civic education, the people would want to see the government supporting technical political processes, including the constitution-making process, and creating a conducive environment for free and fair election in South Sudan.

#### *Retirement age-limits for civil servants and politicians*

One of the salient issues that was raised by most citizens at the community meetings was that there is a need for the new constitution of South Sudan to set a retirement (pension) age-limits for civil servants and politicians at 65, an age upon which an employee may be required to retire from work and upon which an employee is entitled to receive a pension from the government. Countries such as United States and Australia have set their mandatory retirement age for civil servants and politicians at 65, so South Sudan will not be alone in this episode. If the legal age from which a civil servant or politician is entitled to retire is set at 65 years, there will be additional financial benefits to the working class and more employment opportunities for the Youth. This therefore spurred the citizens to generally call on the Parliamentary State Affairs and Good Governance Committee of the RTNLA, the Ministries of Labor and Public Services and the Public Service Commission to convene a meeting for discussing the Civil Service Bill. The House Committee for Justice and Legal Affairs, together with other relevant institutions in the parliament and in the executive of the government of South Sudan, need to examine the legality of the bill and take a bold decision to this effect in line with the recommendations of the Public

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<sup>50</sup> USAID's Center of Excellence on Democracy, Governance, and Human Rights (2023). Supporting Free and Fair Elections, Retrieved on 09 Sept 2023 <https://www.usaid.gov/democracy/supporting-free-and-fair-elections>

<sup>51</sup> Hereward Holland (2010). SPECIAL REPORT-In Rwanda Inc., an election exposes repression. Retrieved 08 Sept 2023, <https://www.reuters.com/article/rwanda-idUSLDE6731H820100805>

Service Commission and this paper's findings and recommendations. The provision will then come into effect once the Parliament endorses the bill. Describing the rationale behind setting the mandatory retirement age, citizens said the new provision would lower financial burden on the South Sudanese government, while bringing uniformity in the retirement age across various civil services. Presently, civil servants don't retire and if they retire, they retire in their 90s or beyond without any pension or other associated benefits from the government in return for their services to the nation. If the retirement age is set at 65, the government can utilize civil servants for a specific period of time and take good care of them when they retired from work. Moreover, since the government makes high investment in career development of civil servants, the new provision will ensure the government has experienced civil servants for more years.

#### *Liberal ideas to make economy works effectively*

Since creation of the semi-autonomous region of Southern Sudan in 2005 and subsequently independence of South Sudan in 2011, South Sudan virtually lacks liberal ideas or scope of the market and government intervention policies to make economy works effectively. While most of the citizens agreed that the real problem in South Sudan is deeply entrenched government corruption and political violence, others say it is lack of effective economic system. This makes all citizens to call on the government to correct problems of market failure in order for South Sudan to join the club of developed economies in the region and beyond, cut off black market currency exchange and stabilize skyrocketing prices. In the view of many academic scholars, an economy that produces goods and services needs to have proper peace and security whereby people begin to produce import substitution goods with less dependence on imports.<sup>52</sup> If this is done the country will have enough reserves of foreign currency and people will be able to produce either for themselves or surpluses for export. However, for others, there is a need to maintain the current US-style free market economic scheme so that prices for goods and services are set freely by the forces of supply and demand without intervention by government policy. For others still, they encouraged having a developmental state economic system embodying strong state intervention, as well as extensive regulation and planning. For these citizens, they believe that while a capitalist free-economic system may not be applicable in a developing country like South Sudan, developmental state economic system under which the government could control prices, the black-market foreign exchange rate, and the flow of currency in and out of the country, may solve the current economic problems South Sudan is grappling with. For some people still, a coordinated-market economy like the system in Germany where the government oversees the market, control the forces of supply and demand, and to some extent, regulate the market actions, would be the best form of economic model for South Sudan.

All in all, most people agreed that one way that South Sudan government would surely speed up the process to national economic development in the country is by opening it eyes to policy successes abroad. They suggested that in this increasingly and interdependent world economy, the makings of a replicable model through a process of institutional borrowing and creative adaptation will be the key weapons for South Sudan. In qualifying their argument, the people, particularly the elites, cited the example of four developed East Asian economies, also known as the "*Asian Tigers*" (i.e. Hong Kong, Singapore, South Korea, and Taiwan), a force to reckon

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<sup>52</sup> U.S. Department of State (2023). Peace and Security in Africa: The Impact of Development Policies in the Implementation of the Silencing the Guns Initiative. Accessed on March 2023, <https://www.state.gov/peace-and-security-in-africa-the-impact-of-development-policies-in-the-implementation-of-the-silencing-the-guns-initiative/>

with simply because they emulate ideas around the globe and turned them into their own.<sup>53</sup> The term “miracle” as we have used it throughout this paper has been applied by westerners more than one to the *Four Asian Tigers* mentioned above, and even to Australia’s modern development history. It has been used to describe their achievements in post-war times, when in just half a century they developed from an obscure and isolated ‘land of despair’ to ‘major economies’, perhaps, imperial powers of the 21<sup>st</sup> century.<sup>54</sup> In our part as South Sudanese, our rapid post-war rise from the ashes of marginalization, repressions, and Islamization to become, by some measures, the wealthiest (at least by African standard), and by any measure a huge economic powerhouse of the 21<sup>st</sup> century (not to the American or European standards, however, but at least also by African standard) — would require learning and replicating successes of others as one of our greatest priorities and strengths.

As young nation with the desires to develop democratically and economically, learning from others must be a priority for South Sudan. At a national level, this is particularly important so when others seem to have something stronger or better than South Sudan does, it has to be adopted, adapted, and uniquely improved, making the strengths of a potential competitor or foe into our own. One good example here is Japan in its earlier days. More than 1,000 years ago and even quite recently, Japan learned much from China to the point where it was no longer a vassal nation but considered itself a superior one.<sup>55</sup> Since then, Japan continuously repeated the process to some extent in the 16<sup>th</sup> century, including learning the use of firearms from the west. In the *Meiji Period*, Japan furiously studied western imperial powers till it became one of them. After the war with the United States and Germany in 1945, and leading up to the drop of Atomic Bombs on its cities in 1945, Japan learned much from America, admittedly with little choice to start with, but went on beyond its compulsory lessons to the point where it reversed courses and became internationally recognized as a superpower, at least industrially.<sup>56</sup> Another good example here is South Korea, whom its love of technology and its citizens’ willingness to follow geek fashion trends certainly play a part, too, in its development and industrialization. Once an impoverished nation destroyed by war just like South Sudan, South Korea has emerged as a major technology innovator and manufacturing powerhouse of the world, with the world’s 15<sup>th</sup> largest economy, putting it ahead of Australia by two margins. Once known as a “poor country,” it has opened itself to capitalism, democracy, and an emergent multiculturalism, all forces that have driven its growth and prosperity in the 21<sup>st</sup> century. The nation maintains a distinctly Korean perspective, including unique work habits, cultural obsessions, and tangled relationships with its oppressive North Korea.<sup>57</sup>

Most of the South Korea's economic successes are attributed to President Park Chung-hee, the man who ruled Korea for 18 years (1961-1979). President Park is credited for building the economic foundation of the country, which reshaped and modernized South Korea, and protecting the country from North Korea, as well as leading Korea to technological and global prominence. During his rule, Park began a series of economic reforms that eventually led to rapid economic growth and industrialization, now known as the Miracle on the Han River, giving

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<sup>53</sup> "Can Africa really learn from Korea?". *Afrol News*. 24 November 2008. Archived from the original on 16 December 2008. Retrieved 26 February 2023

<sup>54</sup> Michael Sarel (2006). Growth in East Asia

What We Can and What We Cannot Infer. Accessed April 2023, <https://www.imf.org/external/pubs/ft/issues1/>

<sup>55</sup> Media Global Economy (2022). Developments in Japan-China Economic Relations over the Past 50 Years since the Normalization of Diplomatic Relations: Facing Losses Due to Media-Induced Misperception. Retrieved 29 August 2023, [https://cigs.canon/en/article/20220325\\_6668.html](https://cigs.canon/en/article/20220325_6668.html)

<sup>56</sup> H. Horaguchi & K. Shimokawa, *Japanese Foreign Direct Investment and the East Asian Industrial System: Case Studies from the Automobile and Electronics Industries* (Springer Japan, 2002).

<sup>57</sup> Leea, Jinyong; LaPlacab, Peter; Rassekh, Farhad (2008). "Korean economic growth and marketing practice progress: A role model for economic growth of developing countries". *Industrial Marketing Management*. 37 (7): 753–757. doi:10.1016/j.indmarman.2008.09.002.



South Korea one of the fastest growing national economies during the 1960s and 1970s, albeit with costs to economic inequality and labor rights. This era also saw the formation of family-owned companies supported, with prominent examples including industrial conglomerate like *Hyundai*, *Lucky Goldstar (LG)*, and *Samsung Electronic* that remain dominant and influential in the country today. Park is credited with playing a pivotal role in the development of South Korea's tiger economy by shifting its focus to export-oriented industrialization.<sup>58</sup> When he came to power in 1961, South Korea's per capita income was only US\$72.00, with most of its technical and financial aid coming from other communist bloc countries such as the Soviet Union, East Germany and China.<sup>59</sup> In 1962, Park announced that it was "time for South Korea to wean itself from a passive position of relying on foreign aid and to assume a proactive role of taking responsibility on major international issues".<sup>60</sup> One of Park's main goals was to bring in 24 hour provision of electricity, which was a major change as previously homes and businesses were provided with electricity for a few hours every day. His other priority was to enhance South Korea's international standing in the community of nations, end the poverty of South Korea, and lift the country up from being an underdeveloped economy to a developed economy via statist method to national development. Statist method is relating to a political system in which the state has substantial centralized control over social and economic affairs.<sup>61</sup> Economic statism promotes the view that the state has a major, necessary and legitimate role in directing the major aspects of the economy, either directly through state-owned enterprises and economic planning of production, or indirectly through economic interventionism and macro-economic.<sup>62</sup>

Using the Soviet Union Economic Policy and its Five Year Plans as a model, Park launched his first Five Year Plan in 1962 by declaring the city of Ulsan as a "*Special Industrial Development Zone*". With the second Five Year Plan in 1967, Park founded the Kuro Industrial Park in Southwestern Seoul, and created the state owned Pohang Iron and Steel Company Limited to provide cheap steel for the businesses who were founding the first automobile factories and shipyards in South Korea. Reflecting its statist tendencies, the Park government rewarded large family-controlled corporate groups who met their targets under the Five Year Plans with loans on easy terms of repayment, tax cuts, easy licensing and subsidies.<sup>63</sup> Later in April 22, 1970, Park launched his *Saemaul Undong Philosophy* (New Community or Village Movement), a political initiative that set out to modernize the rural South Korean economy by providing electricity and running water to farmers, building paved roads, and replacing thatched roofs with tin roofs. For him, the prevalence of the thatched roofs on farmers' homes was a sign of South Korea's backwardness. The *Saemaul Undong* idea was based on the Korean traditional communalism called Hyangyak and Dure, which provided the rules for self-governance and cooperation in traditional Korean communities. The movement initially sought to rectify the growing disparity of the standard of living between the nation's urban centers, which were rapidly industrializing, and the small villages, which continued to be mired in poverty. *Diligence, self-help* and *collaboration* were the slogans to encourage community members to participate in the

<sup>58</sup> Sung-Hee Jwa (2020): "Theory and Empirics of the Institutional Evolution of Economic Development: Application to Korean Economy with Empirical Verification", Seoul Journal of Economics, Vol. 33, No. 2, Summer

<sup>59</sup> Steinberg, David I. (1989). *The Republic of Korea: Economic Transformation and Social Change*. Westview Point. Boulder and London, [www.asianinfo.org/asianinfo/korea/economy.htm](http://www.asianinfo.org/asianinfo/korea/economy.htm)

<sup>60</sup> [Some Lessons from the East Asian Miracle Archived](#) 29 September 2018 at the [Wayback Machine](#), a 27-page paper published by the World Bank, Joseph E. Stiglitz. In addition to the Four Asian Tigers, Stiglitz also lists the economies of Japan, Indonesia, Malaysia, and Thailand as part of the East Asian Miracle.

<sup>61</sup> T. Youn-Ja Shim, ed. (2010). *Korean Entrepreneurship: The Foundation of the Korean Economy*. New York: Essays on such topics as American-educated technocrats in the 1960s and their role in South Korea's economic growth, and entrepreneurial family companies in South Korea, as well as China and Japan.

<sup>62</sup> Page, John (1994). "The East Asian Miracle: Four Lessons for Development Policy". In Fischer, Stanley; Rotemberg, Julio J. (eds.). *NBER Macroeconomics Annual 1994, Volume 9*. NBER Macroeconomics Annual. Vol. 9. Cambridge, Massachusetts: MIT Press. pp. 219–269. doi:10.1086/654251.

<sup>63</sup> Byung-Nak Song (2003). *The Rise of the Korean Economy (3rd ed.)*. New York: Oxford University Press.

development process. The early stage of the movement focused on improving the basic living conditions and environments, whereas later projects concentrated on building rural infrastructure and increasing community income.<sup>64</sup> Technological innovation, coupled with democratic governance, brought South Korea out of the grip of poverty and transformed the country into an industrial powerhouse.<sup>65</sup> Technology, therefore, must be the answer to creating the next leap in productivity, ingenuity and prosperity in South Sudan, if our goal, as repeatedly asserted by the South Sudanese leaders, is to get rid of poverty in a timely fashion. The Korean way of developing new markets is different from other countries. In the U.S., Canada and Western Europe, for instance, new technologies are introduced by private companies. If the public adopts the new technology, the government might step in to tax it and ensure that a single standard of interconnection is maintained. But the private markets take the first step toward legitimizing the technology through public acceptance. In South Korea, the government is often involved with technological development from day one. The government selects a promising technology, provides funding for research, and then works to get company buy-in.

In an attempt to devise strategies and policies for greatly reducing poverty, initiating sustainable development in the newly independent state and operate a South Korean-like economy, many scholars of international development and political economy have proposed that even if South Sudan could not afford to emulate others far away it could learn from the successes of others nearby. This reminds us of a conversation we had with the U.S. Ambassador to South Sudan Mr. Thomas J. Hushek, the 3<sup>rd</sup> United States Ambassador to South Sudan who served from 2018 to 2020, when we met him at the American Embassy in Juba in July 2019. While our conversation was centered around what South Sudan can do to learn from other countries and how it can ignite hope for a brighter future, he told us that “even if it is difficult for the people of South Sudan to follow United States in terms of democracy and economic success, they can emulate the successes of other African countries nearby, for instance, Botswana, Rwanda and Tanzania.” Defining the “most successful” country in Africa can be subjective, as success may be evaluated based on various criteria such as economic performance, political stability, social development, or quality of life. That being said, some countries often stand out as relatively successful in different aspects. Often cited as one of Africa’s success stories, Botswana has maintained political stability and steady economic growth since gaining independence from the UK in 1966. The country has a relatively small population of 2.3 million and has benefited from its diamond industry and prudent fiscal management.<sup>66</sup> Botswana has made significant strides in education, healthcare, and social development. The country has been the most progressive nation on the African continent with a strong economy and relatively high GDP per capita.<sup>67</sup> For a country to be considered progressive, it has to fulfill two important traits: *Economic Growth* (represented by a vibrant strong economy that works, not just for a few percentage of people, but for many of its citizens), and a *Political Freedom* (represented by a system that encourages freedom of expression, where people can express their views freely, without fear). Botswana has fulfilled all these rudimentary requirements. The country has sustainable infrastructure (*best Universities for finance, medicine and engineering*), strong rule of law (*best political systems with strong*

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<sup>64</sup> Lee-Jay Cho; Somi Seong; Lee, eds. (2007). *Institutional and Policy Reforms to Enhance Corporate Efficiency in Korea*. Seoul: Korea Development Institute

<sup>65</sup> Sang Chul Suh (1978). *Growth and Structural Changes in the Korean Economy, 1910-1940*. Harvard East Asian Monograph: Harvard University Press

<sup>66</sup> World Bank (2009). Botswana’s Success: Good Governance, Good Policies, and Good Luck. Retrieved 30 April 2023,

<https://documents1.worldbank.org/curated/en/304221468001788072/9301078127/additional/634310PUB0Yes0061512B09780821387450.pdf>

<sup>67</sup> Charles, AB (2021). Factors that Contributed to the Economic Success of Botswana: A Master Degree of Thesis, Peter Fraser University.

*institutions*), and a buoyant economy and unemployment that is considerably lower than the regional average.<sup>68</sup>

Rwanda, despite its tragic history of genocide in the 1990s and a small population of about 13 million people, the country has undergone a remarkable transformation over the past two decades. The country has made significant progress in economic growth, social development, and political stability under the leadership of President Paul Kagame. Rwanda has become a model for good governance and development in Africa, although some concerns about political freedoms and lack of presidential terms limit persist. Despite the many obstacles created by the Rwanda genocide, the “*Land of a Thousand Hills*” has never succumbed to pressures and is advancing nonetheless. Since the civil war and the Rwandan genocide of 1994, the country has committed to recovery and restoration and has certainly exceeded all expectations. These many improvements in Rwanda are due to the great resiliency of the country’s people, a nation that will continue to rise above all obstacles. Rwanda’s economy is obviously one of the fastest growing economies in the whole of Africa. Nicknamed the ‘*Singapore of Africa*’, Rwanda emerged from the ashes of economic despondency and tremendous decay in its infrastructure; the madness of its political configuration and unmanageable levels of psychological trauma, to become an economic powerhouse and social nucleus of the African continent in such a few years with its explosive population growth notwithstanding. This development had been attributed largely by many scholars to the ingenuity, courage, competency, and turnaround management demonstrated by its leadership at the turn of the 21<sup>st</sup> century, as well as their ability to choose the right model of economic development from the getgo. Just like South Korea, the nation is following a statist model of economic development, an approach relating to or characteristic of a political system in which the state has substantial centralized control over social and economic affairs.<sup>69</sup> However, nothing has brought success to Rwandan economy more than the political configuration of Rwanda. The stability witnessed in the political scene, something very rare in several countries in Africa is an *end result* for economic success as there is a strong interface and interconnectedness between politics and economics.<sup>70</sup> Whatever disagreements one may have with President Paul Kagame’s leadership style, it is hard to categorize him as a time-waster – occupying a high office for a long time without tangible results or extravagant—wasteful when it comes to utilization of Rwandan’s financial resources. In Rwanda, the roads are new and clean. New buildings are popping up and most of them courtesy of private capital. This means Kagame has managed to sweet-talk investors from all over the world and they believe in him. There may be latent political challenges, but there seems to be accountability for the last 23 years since RPF Party took over the leadership of the country.

Tanzania, often known for its strong tourism and thriving telecommunications and banking sectors, the nation has experienced over 20 years of sustained economic growth, culminating in its transition from low-income to lower-middle-income status in July 2020. Between 2007 and 2018, the national poverty rate fell from 34.4 to 26.4 percent, while the extreme poverty rate dropped from 12 to 8 percent since the recession ended in 2010. According to the IMF and World Bank data of 2021-2022, Tanzania’s GDP was an estimated \$71 billion (nominal), or

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<sup>68</sup> “*Botswana Country Brief*”. World Bank (Retrieved 17 March 2023). Rwanda is the fourth-smallest country in Africa with a population of about 13 million people and is home to two main ethnic groups: the pastoral Hutu and the agricultural Tutsi tribes. In 1990, tensions rose between these two groups and sparked a civil war, resulting in the Rwandan genocide in 1994. The genocide led to the massacre of approximately 800,000 Tutsi civilians by Hutu extremists, marking one of the worst genocides in world history. Since then, Rwanda has been in a state of repair and has made great strides in many areas of development. In particular, the Rwandan government notes impressive improvements in education, fiscal management, healthcare and technology.

<sup>69</sup> African Development Bank (2006); Organization for Economic Cooperation and Development (OECD) Development Centre: *African Economic Outlook*.

<sup>70</sup> Coleman, Isobel (2010). “*Rwanda: Road to Recovery*”. *The Huffington Post*, New York, N.Y.. Retrieved 12 Nov. 2022.

\$218.5 billion on purchasing power parity (PPP) basis. Given that, Tanzania has one of Africa's fastest growing economies with nearly 7 percent annual national GDP growth since 2000. Private sector engagement is an essential component of the economic development of Tanzania and the country's efforts to reach middle-income status by 2025. Businesses in Tanzania are at the forefront of growth through job creation, innovation, generating tax revenue, and fair competition.<sup>71</sup> The Tanzanian private sector's vast financial resources and expertise in market-based solutions have the potential for tackling systemic societal challenges. Currently employing about 70 percent of the youth in Tanzania, the private sector provides a critical pathway to self-reliance.<sup>72</sup>

For the political and economic successes of those countries mentioned above to happen in South Sudan, a combination of factors must underline South Sudan's economic success. Among them are an emphasis on education, absorption of productive commercial ideas from abroad, extensive infrastructure development, a thoroughgoing land reform, very high rates of saving and investment, an effective industrial policy, more especially in formative stages, and ensuring that marketplace incentives to produce wealth rather than to seek a share of existing wealth are established with solid property rights. This requires the South Sudanese government to focus on collaborating with the private sector on more advanced research and development in order to hastily move the country into high-technology fields. Finally, to ensure economic success in South Sudan, the nation needs to invest in quality education system since it is critical in dealing with the development and human resources challenges South Sudan is currently facing. Investing in quality education and training in the wake of skilled-based society is one mechanism for increasing human capital and economic growth.<sup>73</sup> Quality education influences development through changes in the system of social stratification as well as through the expansion of knowledge.<sup>74</sup> To realize this in South Sudan, citizens further emphasized, South Sudan's leaders need to focus on investing heavily in the infrastructure as well as education and training to benefit the country through skilled workers and higher level jobs such as engineers and doctors—with the United States as South Sudan's model for general and higher education and Japan for vocational education. In the U.S. model, greater emphasis is placed on general and higher education than on job-specific skills. But incentives for close relationship between education and business are also stressed. Tax breaks are given for company donations of personnel and equipment to schools. On the contrary, the Japanese model of education placed greater emphasis on practical skills needed in a particular industry such as manufacturing, construction, or more traditional skills (e.g. handicrafts and weaving for women). In addition, the Japanese system of education focuses on the practical side of education, revolving around technology, IT development, and digital information. This structure of learning provides for greater career choices, innovations, and career paths for all, including people with special needs.

## 5.0 Conclusion

This paper offers reflections of the authors' lived experiences and interactions with key stakeholders of the society on the political system of governance that the South Sudanese people want to see implemented in their country and enshrined to the new constitution. The lived

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<sup>71</sup> "Basic Facts and Figures on Human Settlements, (2012), National Bureau of Statistics, Tanzania Ministry of Finance (2013). Retrieved 10 November 2022".

<sup>72</sup> *BBC News (II)* (31 March 2006). "Team reaches Nile's 'true source'". London. Retrieved 15 December 2022.

<sup>73</sup> *Food and Agriculture Organization/World Food Programme* (1997). "Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Rwanda". Retrieved 18 November 2022.

<sup>74</sup> Mulenga, Derek C. (November 2001). "Mwalimu Julius Nyerere: a critical review of his contributions to adult education and postcolonialism". *International Journal of Lifelong Education*. 20 (6): 446–470. doi:10.1080/02601370110088436

experiences of the authors were supported by the findings and recommendations of the existing literature, observations and anecdotal evidences. It noted shared concerns of citizens as well as differences in perception across the ten states. Citizens shared serious concerns about the quality of governance and service delivery at national and local levels, including but not limited to corruption, lack of accountability of office holders, wanting institutionalization of the rule of law, restrictions of civic space, delayed security reforms, and a bloated government and civil service. They strongly believed that regular rotation of office holders through term limits, an independent and impartial judiciary, mandatory retirement age-limits for civil servants, an inclusion of civic education to the national education curriculum, affirmative action for youth and women, and having a lean government would be effective mechanisms for fostering good governance in South Sudan. In addition, the citizens emphasized the need for primary elections within the party as a show of mature internal democracy in South Sudan. This means the ruling party (the SPLM) needs to exhibit mature internal democracy and transparency—which is the standard measure and yardstick for national politics—by allowing democratic processes to take centre stage at its primary elections. Such an exercise would be a befitting example and template upon which national democratic processes can and should be anchored. The process, which is a critical component of the party’s democratic culture, will allow and facilitate the flourishing of democracy within the party and facilitate the participation of the grassroots in the selection of their representatives. Internal party elections provide stepping stones and building blocks for personal and institutional growth. They present an opportunity for every member to participate both as candidates and voters. They also provide party members with an opportunity to learn, explore and grow politically. From the findings, it is also glaringly clear that the current intractable economic problems in South Sudan came as a result of 2013-2016 crises within the SPLA, the ruling party, as well as mismanagement of national resources by some folks who were thought to be economists and good administrators, but turned out to be amateurs.

One of the other factors which was raised by the citizens was the ubiquitous or pervasiveness of political dynasty in South Sudanese politics. Political dynasties have played a significant role throughout South Sudan’s history. Their ongoing existence and prominence convey a level of inequality in access to political influence that has spanned the country’s history. Despite successfully revolting against Arabs’ ruling monarchy, almost half of the elected and appointed officials and bureaucrats to the first South Sudanese Government (2005-2011) served alongside a blood relative. Since South Sudan became an independent republic in 2011, almost 500 parent-child duos and more than 200 pairs of siblings have served in government. More than 600 families have had two or more members in government. The same families maintain control over oil and other national wealth in the country. The existence of dynasties in South Sudanese politics brings into question the legitimacy of the country’s economic and political future and democracy. The existence of political dynasties has important consequences for South Sudan’s democratic legitimacy. A small number of families monopolizing political power and controlling national wealth can undermine the quality of democratic representation for citizens. Constitutional term limits and respect for national constitution was strongly stressed by all the people. That means elections must take place according to what is written in the constitution; no politician should repeal or change constitution unless through referendum. In absence of citizen-driven participatory permanent constitution, citizens concluded, any chosen system of governance in South Sudan will not work. In contrast, while some of the people perceived decentralization to be working and therefore need it to be maintained, others felt that decentralization has already failed the country and that the best form of governance would be

federalism. Despite these differing views and expectations from the citizens, the majority of South Sudanese people believed federalism to be the adequate system of governance for South Sudan. This is because, they believe, federalism comes with devolution of more powers, an increasingly important feature that grants higher level of autonomy to the states.

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