

MAKING FEDERALISM WORK IN SOUTH SUDAN

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Framing the Issue

The Republic of South Sudan is comprised of three provinces—Bahr el Ghazal, Equatoria and Greater Upper Nile, which are subdivided into 10 states: Northern Bahr el Ghazal, Western Bahr el Ghazal, Warrap, Lakes (Bahr el Ghazal); Unity, Upper Nile, Jonglei (Greater Upper Nile); and Western Equatoria, Central Equatorial (which contains Juba, the national capital) and Eastern Equatoria (Equatoria). The Transitional Constitution of South Sudan, which was enacted in 2011, prescribes a *decentralized* system of governance with three levels of government: “(a) the national level, which will exercise authority in respect of the people and the states; (b) the state level of government, which shall exercise authority within a state, and render public services through the level closest to the people; and (c) local government level within the state, which shall be the closest level to the people” (The Transitional Constitution of the Republic of South Sudan 2011).

According to the constitution, while the national government has far-ranging powers, states also have broad executive and legislative rights giving them a fair degree of self-governance. In many respects, the transitional constitution is fairly progressive with respect to devolving decision making authority to appropriate levels of government. This is especially true in relation to service delivery, which is primarily the function of states. Even the lowest unit of government—the local level—is expected to undertake many functions that enhance broad citizen participation, the hallmark for good governance. Furthermore, the constitution also recognizes traditional authority and lays a good foundation for a decentralized federal system of governance.

What's at Stake?

As the country prepares to write a new constitution to replace the transitional one, a debate is emerging about the merits and demerits of unitary and federal systems.

For example, in a *Sudan Tribune* opinion editorial, Isaiah Abraham makes a strong case for a reversion to a unitary state, and argues that “economically, federalism hurts poor states and most of the time, it encourages unnecessary competition and selfishness. In another word, it breeds inequality and we don’t want it happen in our land. Some states are rich while others could be left behind” (Sudan Tribune 2012). Such arguments suggest an inclination to weaken the decentralized structures in favor of a unitary state. Unfortunately, Africa’s post-independence experiences with unitary state structures have been disastrous. In fact, unitary systems have instead produced the same dreaded results that Abraham attributed to federalism—high levels of inequality, marginalization of vulnerable groups (e.g., women, rural inhabitants, ethnic minorities, and the urban poor) and the promotion of policies that have made corruption and rent seeking endemic. Unitarism concentrates power in the center and enhances the ability of the ethno-regional groups that control the central government to maximize their interests and values at the expense of other citizens, especially those which are not politically well-connected (Kimenyi and Meagher 2004).

There is often a strong motive for ruling political elites to concentrate powers in the central government. Concentration of power enhances the ability of political elites to redistribute income and wealth in their favor and their supporters’ favor, usually at the expense of the larger majority. As has been the case for many African countries during most of the post-independence period, the common tendency for leaders has been to create strong unitary states. Additionally, those countries that had some form of decentralized governance structures before independence, often had post-independence rulers that abolished such systems, arguing that they were not effective instruments of governance and economic development.

These leaders saw the unitary system as the best institutional arrangement to unite the diverse ethnic and religious groups that inhabited their countries. But, the results of the strong unitary African states are well known—abuse of power, high levels of corruption and financial malfeasance, oppression of minority and other vulnerable groups, regional inequalities, and so on. In addition, many groups that came to view themselves as disenfranchised and deprived by the existing system of governance resorted to destructive mobilization in an effort to improve their participation in economic and political markets and to minimize further marginalization. The results were brutal civil wars and extremely high levels of political instability.

South Sudan is a very large country with a population estimated at slightly over 8 million with complex ethnic diversity. There are about 60 different ethnic groups of varying sizes currently residing in South Sudan, making diversity management particularly important (UNOCHA 2010). In addition, effectively delivering public goods and services in such a varied and complex environment presents many challenges. To deal effectively with the immense human development obstacles that the new country faces, it must design and implement governance structures in which the civil servants and political elites are accountable to both the citizens and the constitution. Such governance structures must also allow for broad participation of the citizenry in social, political and economic affairs.

Only a decentralized system would bring these desired outcomes in South Sudan. The lesson from other highly heterogeneous countries is that decentralized governance is best suited in dealing with diversity, improving the delivery of services, and entrenching participation and accountability (Kimenyi 1997). As the experiences of other African nations have shown, concentration of power in the center is associated with a whole range of outcomes that undermine unity and development. For this young nation, a major focus must be the strengthening, and not the weakening, of the decentralized federal system. Actions that weaken sub-national governments are likely to create a volatile situation, as some population groups will be marginalized and deprived.

There are several advantages of a decentralized system of governance for a country like South Sudan. First, decen-

tralization, especially if it is guaranteed by the constitution, brings government closer to the people and makes it relevant to their lives and the problems that they face. Second, decentralization enhances the ability of the people at the local level to participate in the design and implementation of policies affecting their lives. This is especially critical given the fact that the people at the local or community level have more information about demand and supply conditions in their communities than those in Juba, and hence are able to help the government adopt policies that significantly enhance the efficient and equitable allocation of public resources. Third, decentralization increases competition in government provision and therefore enhances government efficiency. Fourth, decentralization improves accountability since civil servants and political elites are forced to work closely with those who provide the resources (i.e., tax payers) that pay their salaries and support their activities. Finally, decentralization enhances the ability of local communities to maximize their values and thus minimizes the conflict that often arises when some groups are forced to sacrifice their traditions and cultures in favor of some national value dictated by those groups that control the central government.

Policy Recommendations

As South Sudan prepares to move from its transitional constitution to a permanent framework of governance, the new nation should focus on strengthening the federal system. Already, there are concerns that the centralization of power in Juba is marginalizing some groups and is creating corruption and wasteful allocation of scarce public resources. Currently, the country's states and their constituent local governments are not really constitutionally functional entities. The people of South Sudan must resist temptations to concentrate power in the national government at the expense of state and local levels of government. Important policy actions should include:

- **Prioritize data mapping.** Currently essential information to implement a decentralized system efficiently is not available. It is therefore critically important that the GoSS prioritize the undertaking of a comprehensive data mapping exercise that should include the gathering of up-to-date information on the characteristics of the states such as population, resources, economic activities, the economy and the state of service delivery.

Such data would assist in the designing of an effective system of intergovernmental transfers.

- **Focus on capacity building for civil servants.** Probably the most serious constraint to implementing a decentralized system of governance in South Sudan is the lack of administrative capacity at the national, state and local levels. The country urgently requires trained personnel to manage the public sector. Thus, a priority for the Government of South Sudan and its development partners would be to invest heavily in capacity building. Several capacity training modalities should be investigated, with a view to identifying models that are cost effective and appropriate for the country.
- **Increase revenues for state governments.** One key aspect of strengthening the system is to ensure that state entities receive a share of the natural resource revenues so that they can provide essential services. Resource transfers to the states are critical, but this will require South Sudan and the Republic of Sudan to agree on the issue of oil shipment as soon as possible.

References

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