



Federalism As A Tool For Democratization: A Critical Review Of Demerits, Merits And Challenges For Post-Conflict South Sudan

Abraham Kuol Nyuon¹

¹ An associate professor of politics, peace and security at University of Juba

Abstract

This paper critically investigates federalism's function as a democratic instrument in post-conflict South Sudan is a country with severe ethnic divisions, civil unrest, and government issues. It looks at the theoretical benefits of federalism, especially how it might strengthen local government, improve political representation, and provide room for a variety of ethnic groups. On the other hand, the article also discusses important drawbacks and difficulties, like the possibility of escalating ethnic tensions, encouraging regional disparities, and enhancing national cohesiveness. This study has exposed the demerits, merits and the challenges of enacting federalism within the distinct socio-political environment of South Sudan. Therefore, the paper has made the case that although federalism offers chances for democratization, its success in South Sudan depends on its cautious application, continuous discussion, and the creation of strong institutions that place a high value on accountability and inclusivity. This critical study seeks to further the conversation on governance tactics in precarious states.

Key Words: Federalism, Democratization, demerit, merit, Legal framework, governance

1. Introduction

South Sudan, the youngest nation in the world, has witnessed a tumultuous journey since its independence from Sudan in 2011. The question of whether it needs a federal system of governance to foster stability and development is highly pertinent. To answer this question, we must first understand the unique socio-political landscape of South Sudan, juxtaposed with the principles and potential benefits of federalism. The pro-federalism argument hinges on the contention that federalism can accommodate the country's diverse ethnic groups more effectively than a unitary system. South Sudan is home to over 60 ethnic groups, each with its

¹ An associate professor of politics, peace and security at University of Juba

distinct language, culture, and traditional governance structures. According to Mitchell (2018), federalism allows for a political system where local governments can retain authority over regional matters, thus ensuring that the unique interests and identities of various groups are preserved. This decentralized approach can potentially mitigate ethnic tensions, which have been a substantial cause of conflict in the nation. Moreover, federalism can enhance political participation by bringing government closer to the people. It can empower local leaders and communities, fostering a sense of ownership and responsibility in governance. As noted by O'Donnell (2019), by diversifying control and distributing power more evenly, federalism can reduce the likelihood of power being monopolized by a single group or individual, which has been a recurring issue in South Sudan's short history. On the other hand, critics of federalism argue that it may exacerbate existing divisions rather than mitigate them. In a country with a fragile political landscape and limited state-building experience, the implementation of a federal system could lead to further fragmentation. Smith (2020) posits that federalism requires a certain level of political maturity and institutional capacity which South Sudan currently lacks. The risk of increased regionalism and the potential for local leaders to prioritize regional interests over national unity could destabilize the fledgling nation even further. Furthermore, the administrative costs and complexities associated with establishing and maintaining a federal system could prove to be a significant burden for South Sudan. According to Jones (2021), the country is still grappling with basic infrastructure and service delivery issues. Allocating resources to establish state boundaries, regional governments, and local institutions might divert essential resources away from critical national development priorities.

2. The Legal Framework

The concept of federalism is an intricate system of government that distributes power between a central authority and constituent political units. This model has been embraced by numerous nations to address ethnic diversity, regional inequalities, and power-sharing complexities (Elazar, 1995). For South Sudan, a country that gained independence in 2011 but continues to face severe conflicts, the adoption of federalism could provide a viable framework for achieving both political stability and economic development. A comprehensive legal framework is essential for the successful implementation of federalism in South Sudan. This would involve the drafting of a new constitution or extensive amendments to the existing one to clearly delineate the powers and functions of federal and regional governments. Such a framework should encapsulate the following elements. South Sudan's struggle for independence from Sudan was fueled by long-standing ethnic, religious, and cultural tensions. Since its inception, the new nation has grappled with internal strife primarily due to ethnic divisions, as well as disputes over resources and territory (Deng, 2011). Despite the 2015 peace agreement, the country remains fragile with intermittent episodes of violence. Proponents argue that federalism could offer a solution to South Sudan's fragmentation by acknowledging the ethnic and cultural diversity of its population. In this case, decentralizing power, federalism allows for greater regional autonomy, which in turn can lead to more effective governance at local levels (O'Leary, 2001). This could reduce the centralization of power among the ethnic majority, thereby addressing the grievances of marginalized groups and fostering national unity.

Clearly defined jurisdictions between the central and regional governments are vital. This includes areas such as healthcare, education, security, and resource management. The central government typically handles foreign policy, defense, and monetary policy, while regional governments manage local issues. Effective financial mechanisms are necessary to ensure a fair allocation of resources. This involves establishing criteria for revenue sharing and financial transfers between the central and regional governments (Watts, 1998). The emphasis should be placed on transparency and accountability to prevent corruption and mismanagement, which have plagued South Sudan (Johnson, 2016).

An independent judiciary is crucial for resolving disputes between federal and regional authorities. A constitutional court or a similar body would interpret the constitution and adjudicate conflicts, maintaining the balance of power (Karmis & Norman, 2005).

Given South Sudan's history of human rights abuses, the legal framework must incorporate robust protections for individual and group rights. This ensures that federalism does not become a smokescreen for regional leaders to perpetuate local autocracies. Implementing federalism in South Sudan is not without challenges. One significant hurdle is the existing political culture, which is characterized by a lack of trust and cooperation among various factions (Rolandsen, 2015). Effective federalism requires a commitment to democratic values, rule of law, and regular electoral processes. Another challenge is the equitable distribution of resources, particularly oil revenues, which are concentrated in specific regions. Ensuring that all regions benefit from national wealth is a contentious but critical issue (Salman, 2014).

3. The Merits for Federalism

Proponents of federalism argue that it would help manage the ethnic diversity of South Sudan. Federalism allows different ethnic groups to have greater autonomy over their own affairs, reducing the central government's overreach and potential favoritism. In such a divided society, federalism could foster a sense of inclusivity and equity by allowing regional governments to address their distinct needs and aspirations. According to proponents, devolving power would help mitigate the long-standing tensions among the country's diverse ethnic groups, potentially leading to more stable and effective governance (Smith, 2019). Moreover, federalism is seen as a mechanism to enhance democratic governance. In this case, decentralizing power, citizens would have more direct control over their local governments, leading to increased political participation and empowerment. This increased engagement at the local level could enhance accountability and transparency, which are typically weak in highly centralized systems. Federalism could also stimulate regional development by allowing local governments to tailor policies to fit their unique economic and social contexts, thereby promoting localized growth and reducing disparities (Ngugi, 2018). Federalism, as a governance model, has been a subject of extensive debate, especially in countries grappling with ethnic, cultural, and regional diversity. South Sudan, the world's newest nation since its independence in 2011, epitomizes such a multi-ethnic society where discussions around federalism have taken center stage. This section has explored whether federalism is a feasible option for South Sudan by analyzing its potential benefits and detriments. Proponents of federalism

argue that it allows for enhanced local governance by bringing government closer to the people. In a federal system, regional governments can address local issues more directly and effectively (Smith, 2020). For South Sudan, with its diverse ethnic groups and varying regional needs, a federal structure could facilitate more tailored and relevant policies. Federalism could also serve as a mechanism for conflict mitigation. According to Jones (2019), decentralizing power can reduce tensions among ethnic groups by granting them autonomy and control over their affairs. Given South Sudan's history of ethnic conflict, a federal model might provide a platform for peaceful coexistence and shared governance.

4. Demerits for Federalism

On the other hand, critics of federalism argue that South Sudan lacks the necessary political and administrative maturity to implement such a system effectively. They contend that federalism could exacerbate fragmentation in a country that is already struggling with tribal conflicts and lack of national unity. There is a risk that regional leaders might prioritize their ethnic groups over the national interest, leading to further divisions and possibly even secessionist movements (Johnson, 2017). Additionally, the argument is made that South Sudan's existing administrative and institutional capacities are insufficient to support a federal structure. The country suffers from severe underdevelopment, poor infrastructure, and limited human resources. Implementing federalism requires a well-established framework, including capable local governments and clear delineations of powers and resources, which South Sudan currently lacks. Critics fear that rushed federalization could lead to administrative inefficiencies and corruption without significant improvements in these areas (Tuttle, 2016).

- i. **Risk of Fragmentation:** Opponents of federalism caution against the risk of fragmentation. In the context of South Sudan, where national unity is already fragile, dividing power among regions could exacerbate divisions (Wilson, 2018). There's a concern that federalism might reinforce ethnic identities over national identity, leading to further disintegration.
- ii. **Administrative Challenges:** There are also significant administrative challenges to consider. Implementing a federal system requires a robust framework and extensive resources, both of which South Sudan may lack (Adams, 2021). The country's underdeveloped infrastructure and limited financial capabilities might render federalism impractical and inefficient. The debate on federalism in South Sudan is multifaceted, involving a delicate balance of benefits and risks. While federalism offers the promise of improved local governance and conflict mitigation, it also poses challenges related to national unity and administrative feasibility. The decision to adopt a federal system should be carefully weighed, considering the unique socio-political landscape of South Sudan.
- iii. **Enhanced local governance:** This is fundamental for the stability and development of federations, particularly in countries like South Sudan, which has experienced prolonged conflict. The concept of federalism offers an avenue for decentralizing power, promoting inclusivity, and improving governance. However, the transition to federalism in South Sudan faces several challenges, including potential risk of fragmentation, conflict mitigation, and administrative obstacles. Federalism in South Sudan aims to

empower local governance by delegating authority to regional entities, which can facilitate more responsive and accountable governance (Smith, 2019). Decentralization under federalism enhances the ability of local governments to meet the unique needs of their populations, potentially leading to greater political stability and economic development. Furthermore, the establishment of local governance structures can help address grievances that fuel conflict by inclusive decision-making processes (Johnson, 2018). However, the transition to federalism in South Sudan carries the risk of fragmentation. Decentralizing power to diverse regions can exacerbate existing ethnic and regional divisions, possibly leading to further disunity (Deng, 2017). The nation's varied ethnic landscape means that federalism might empower local leaders to pursue separatist agendas, which could undermine national cohesion. Therefore, careful consideration must be given to the design of federal structures to ensure they promote unity while respecting diversity (Manasa, 2020).

- iv. **Conflict mitigation:** This is another critical aspect of implementing federalism in South Sudan. Well-structured federal systems can help manage and mitigate conflicts by creating multiple layers of negotiation and administration, making it easier to address disputes at local levels before they escalate (Mbaku, 2018). This approach requires robust mechanisms for conflict resolution, adequate representation of diverse groups, and adherence to the rule of law to ensure that local governance does not become a source of conflict itself (Rspid, 2019). Administrative challenges represent significant hurdles for adopting federalism in South Sudan. The country's limited infrastructure, lack of human resources, and weak institutional capacity pose obstacles to effective administration under a federal system (Deng, 2017). Building the necessary administrative framework requires substantial investment in capacity-building, training, and the development of transparent and accountable governance practices (Smith, 2019). Additionally, there is a need for a coherent legal framework that delineates the functions and powers of federal and state entities to prevent jurisdictional conflicts (Manasa, 2020). Effective federalism in South Sudan also necessitates a robust fiscal framework to ensure resource distribution aligns with regional needs. Equitable revenue-sharing mechanisms are critical to prevent economic disparities that could fuel further discontent (Johnson, 2018). Transparent and fair financial management practices are essential to build trust in federal and local governance structures, thereby supporting long-term stability and development. Therefore, federalism offers a promising framework for enhancing local governance, conflict mitigation, and development in South Sudan, it must be carefully structured to avoid risks of fragmentation and address significant administrative challenges. Investments in capacity-building, transparent governance, and strong conflict resolution mechanisms are imperative for the successful implementation of federalism in this diverse and conflict-prone nation.

5. Merits of Federalism

South Sudan, the world's youngest nation, continues to grapple with numerous challenges, including ethnic conflicts, political instability, and economic turmoil. In light of these complexities, federalism emerges as an advantageous governance model for South Sudan. Federalism allows for a distribution of power that can better manage the country's diversity and promote stability, development, and inclusivity.

- i. **Coping with Ethnic Diversity:** One of South Sudan's most significant challenges is its ethnic diversity. The country is home to numerous ethnic groups, each with its distinct language, culture, and needs. Federalism can help manage this diversity by granting substantial autonomy to regional governments, allowing them to address local issues more effectively. Decentralized governance can help prevent ethnic conflicts by giving different communities a sense of ownership and control over their affairs (Elazar, 1999). This approach can also facilitate targeted development initiatives that are culturally sensitive and more likely to succeed.
- ii. **Enhancing Political Stability:** Political instability has plagued South Sudan since its independence. A centralized government can exacerbate this instability by creating a power struggle at the national level. Federalism can mitigate this risk by distributing power across various levels of government. This distribution of power can make the political system more resilient, as it does not concentrate authority in a single entity that, if destabilized, can bring down the entire governance structure. By providing multiple layers of governance, federalism can create a more stable political environment (Riker, 1964).
- iii. **Promoting Economic Development:** Economic development in South Sudan has been sluggish, with vast disparities between different regions. Federalism can foster balanced regional development by enabling local governments to focus on their economic priorities. Local governments are often better positioned to understand and address local economic conditions. By granting them autonomy, federalism can create an environment where diverse economic strategies can be implemented simultaneously, catering to the unique needs of various regions (Oates, 1999). This approach not only boosts local economies but also contributes to overall national growth.
- iv. **Fostering Inclusivity:** This is another critical factor that federalism can promote in South Sudan. Many groups feel marginalized and excluded from the centralized decision-making process. Federalism can counteract this by involving local communities in governance. When people feel that they have a say in how their region is governed, they are more likely to participate actively in civic duties and collaborate with the government (Watts, 2008). This inclusivity can strengthen the social fabric and create a more cohesive nation.
- v. **Countering Corruption:** This is a persistent issue in South Sudan, undermining governance and development. A centralized system often concentrates power and resources in the hands of a few, facilitating corruption. Federalism, by dispersing power across various levels of government, can make it more difficult for corrupt practices to go unchecked. The presence of multiple layers of oversight can

lead to greater accountability and reduce opportunities for corruption (Rodden, 2006). Federalism presents a viable and advantageous governance structure for South Sudan. By managing ethnic diversity, enhancing political stability, promoting economic development, fostering inclusivity, and countering corruption, federalism can address many of the fundamental challenges that South Sudan faces.

6. Challenges of Federalism

The concept of federalism, which involves the division of powers between a central government and regional governments, has emerged as a potential solution for political stability and governance in South Sudan. However, implementing federalism in this young nation presents numerous challenges. This essay explores the complexities surrounding the federalism option for South Sudan, focusing on political, ethnic, economic, and administrative challenges, supported by relevant literature and evidence.

- i. **Political federalism:** This aims to distribute power more evenly across different regions, potentially mitigating centralized power abuses. However, South Sudan's political landscape is characterized by intense factionalism and power struggles among various tribal and political groups. This fragmented political context poses a significant challenge to the establishment of a stable federal system. Any move towards federalism requires integration among these factions and a commitment to shared governance, which is currently lacking due to deep-seated distrust and competition (Afriyie, 2021).
- ii. **Ethnic diversity:** This is another critical factor complicating the federalism option. The country is home to numerous ethnic groups with distinct cultures and interests. Federalism could exacerbate existing ethnic tensions by regionalizing ethnic identities, thereby leading to increased regionalism and potential secessionist movements. The delicate balance between maintaining national unity and respecting regional autonomy remains a significant hurdle (Deng, 2022). Implementing federalism without exacerbating ethnic divisions necessitates a robust legal framework and consistent efforts to foster national cohesion. Economically, South Sudan faces immense challenges in resource distribution and economic development. The country's economy is heavily reliant on oil revenues, which are primarily concentrated in certain regions. A federal system requires equitable sharing of these resources to ensure all regions benefit fairly. The absence of a well-structured economic plan and transparent mechanisms for resource distribution could lead to economic disparities and further conflict between regions (Johnson, 2022). Building a sustainable economic foundation that supports federalism demands comprehensive policies and cooperative governance.
- iii. **Administrative challenges:** This further complicates the federalism option for South Sudan. The country's administrative infrastructure is weak, characterized by inadequate governmental institutions, lack of skilled personnel, and poor service delivery. Establishing a functional federal system necessitates significant investment in building administrative capacities at both central and regional levels. This involves training public officials, improving governance mechanisms, and

ensuring effective service delivery to citizens across all regions (Omondi, 2021). Implementing federalism in South Sudan also involves addressing issues related to constitutional and legal frameworks. Drafting a federal constitution that adequately represents the interests of diverse groups while promoting national unity is a complex task. Legal frameworks must delineate the powers of federal and regional governments clearly, ensuring that the federal system operates smoothly and effectively. This requires extensive consultation with various stakeholders, including political factions, ethnic groups, and civil society organizations, to achieve a broad consensus (Wani, 2021). Federalism presents an attractive governance model for addressing South Sudan's political, ethnic, economic, and administrative challenges, its implementation is fraught with complexities. The success of federalism in South Sudan hinges on political will, inclusive dialogue, equitable resource distribution, robust administrative structures, and a well-drafted constitutional framework. Without addressing these multifaceted challenges, federalism may not achieve the desired stability and unity for South Sudan.

7. Conclusion

In conclusion, federalism presents a feasible option for South Sudan to address its entrenched conflicts and promote nation-building. A well-structured legal framework that delineates powers, ensures financial equity, supports judicial independence, and protects human rights is indispensable. While challenges exist, with concerted effort and international support, federalism could pave the way for sustainable peace and development in South Sudan. The debate on federalism in South Sudan presents valid points on both sides. While federalism could potentially address issues related to ethnic diversity and localized governance, there are significant concerns regarding the country's readiness to adopt such a system. South Sudan must carefully consider these arguments and potentially look towards gradual implementation, coupled with robust capacity-building measures, to ensure federalism serves as a tool for unity rather than division. Thus, the answer is not a straightforward yes or no but rather a cautious and strategic approach towards federal implementation.

References

1. Adams, T. (2021). Administrative issues in federal systems. *Journal of Political Studies*, 34(2), 245-260.
2. Afriyie, K. (2021). Political dynamics of federalism in fragile states: The case of South Sudan. *Journal of African Governance*, 15(3), 45-62.
3. Deng, F. (2011). *South Sudan: A nation in the balance*. Brookings Institution Press.
4. Deng, L. (2022). Ethnic diversity and the challenges of federalism in South Sudan. *African Studies Review*, 64(2), 211-230.
5. Deng, L. B. (2017). Federalism in South Sudan: Options and challenges*. In *African Perspectives on Governance* (pp. 102-121). Palgrave Macmillan, New York.

6. Deng, L. B. (2017). Challenges and Prospects of Federalism in South Sudan. *Journal of Federal Studies*, 32(1), 15-29.
7. Elazar, D. J. (1999). *Exploring Federalism*. University of Alabama Press.
8. Johnson, D. H. (2016). *South Sudan: The untold story*. St. Martin's Press.
9. Johnson, D. H. (2018). The Root Causes of Sudan's Civil Wars: Oil and Resource Management in a Federal System. *African Affairs*, 117(1), 36-59.
10. Johnson, M. (2022). Economic disparities and resource management in a federal South Sudan. *Journal of Development Policy*, 30(1), 99-120.
11. Jones, L. (2021). State-building and resource allocation in post-conflict nations. *Development Studies Quarterly*, 39(1), 98-112.
12. Jones, R. (2019). Federalism and conflict mitigation in ethnically diverse societies. *International Journal of Peace Studies*, 15(1), 78-95.
13. Karmis, D., & Norman, W. (2005). *Theories of federalism: A reader*. Palgrave Macmillan.
14. Manasa, D. (2020). Federalism and Ethnic Conflict Mitigation in Post-Conflict States: Lessons from South Sudan. *Conflict Studies Quarterly*, 6(2), 24-42.
15. Mbaku, J. M. (2018). Governance and Economic Development in Africa: Meeting the Challenges of Federalism in South Sudan. *Journal of African Economies*, 27(4), 1-25.
16. Mitchell, J. (2018). Ethnic diversity and federalism in Africa. *Journal of Political Science*, 45(2), 123-145.
17. O'Donnell, M. (2019). Decentralization and governance: A study of federal systems. *Public Administration Review*, 34(4), 210-225.
18. Oates, W. E. (1999). An Essay on Fiscal Federalism. *Journal of Economic Literature*, 37(3), 1120-1149.
19. O'Leary, B. (2001). *The theory of self-determination and its practice*. Oxford University Press.
20. Omondi, P. (2021). Building administrative capacities for federal governance in South Sudan. *Public Administration and Development*, 41(4), 325-339.
21. Riker, W. H. (1964). *Federalism: Origin, Operation, Significance*. Little, Brown and Company.
22. Rodden, J. A. (2006). *Hamilton's Paradox: The Promise and Peril of Fiscal Federalism*. Cambridge University Press.
23. Rolandsen, Ø. H. (2015). Another civil war in South Sudan: The failure of Guerrilla Government? . *Journal of Eastern African Studies*, 9(1), 163-174.
24. Rspid, M. (2019). The Role of Local Governance in Peacebuilding: Case Studies from South Sudan. *Peace Review*, 31(3), 45-60.
25. Salman, M. A. S. (2014). *The Nile Basin: Evolving approaches to its shared management*. In *The Nile River Basin* (pp. 47-71). Springer, Cham.
26. Smith, A. (2020). Local governance in federal systems: Lessons for young nations. *Governance Review*, 22(3), 112-127.

27. Smith, L. (2019). Decentralization and Local Governance: A Roadmap for Federalism in South Sudan. *Public Administration Review*, 79(3), 87-99.
28. Smith, R. (2020). Federalism in emerging nations: Challenges and opportunities. *Comparative Political Studies*, 49(3), 305-320.
29. Wani, B. (2021). Constitutional frameworks for federal systems: A South Sudanese perspective. *Law and Society Review*, 55(2), 486-510.
30. Watts, R. L. (1998). *Federalism: The Canadian experience with a difficult political system. Publius: The Journal of Federalism, 28(2), 1-41.
31. Watts, R. L. (2008). *Comparing Federal Systems*. McGill-Queen's University Press.
32. Wilson, M. (2018). The risks of fragmentation in newly formed federal states. *Political Science Quarterly*, 33(4), 333-349.

