Building Legitimate and Accountable government in South Sudan

Re-thinking inclusive governance in the post CPA-2005

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Abstract

Inclusive governance is significant to the realisation of democracy and peace dividends in states emerging from conflict. In principle, it offers platform for equitable representation of the ethnic majority, minority, marginalised and indigenous groups in public decision making bodies as well as ensuring that these groups benefit equally from development initiatives. In South Sudan, the exercise of inclusivity has been marred with contradictions between constitutional provisions and extant practices, for example, political parties are found to be the foci for rewarding the 'warlords' dubbed as freedom fighters at the expense of participatory civilian structures, the nerves of ethnic factionalism over nationalism, exercise of centralised nomination system, all of which breed disaffection and tensions among the citizenry. Moreover, the observed militarisation of public service, perception of ethnic favouritism in public employment and appointments, the 'felt' development marginalisation of regions outside Central Equitoria, and unequal share of national resources comprise practices that violate the foundations of inclusive governance. In effect, these malpractices around inclusivity have fermented call for federalism (return to 23 semi-autonomous colonial districts with federal mandates) as a viable inclusive development platform over the current constitutionally mandated decentralisation (where South Sudan is sub-divided into 10 states). These ills in the exercise of inclusivity compounded with the inability to meet the 25% quota threshold for women & minorities across appointive and elective positions cast doubt on the facets of legitimacy and accountability in post-CPA South Sudan. Thus, achieving consensual and inclusive state in South Sudan must begin with constitutionalism, citizen-accelerated and equitable development and political leadership open to salient arguments on federalism and state stability.

Key words: Participation, equality, federalism, marginalised

1.0 Introduction

The application of Concepts inclusiveness, legitimacy, accountability and the state are interdependent and reinforce each other. Article 21[1] of universal declaration of Human Rights (adopted 1948) provides for democratic participation of everyone in the governance of his/her country whether directly or through freely chosen representatives. Article 2[2] of the same instrument entitles everyone to all rights and freedoms set forth in the declaration, without distinction of any kind, such as race, colour sex, religion, political or other opinion, national or social origin, property, birth or other status. Therefore, in a democracy, inclusivity is achieved by citizens consenting to leadership emerging out of 'free elections' (legitimate) who in return are expected to exercise transparency (accountability) in their actions and decisions on behalf of the citizenry. In other words, the concepts of inclusivity, accountability and legitimacy form such a 'reinforcing triangle' in democratic states and remain important in realising the peace dividends in post conflict states such as South Sudan.

Inclusivity could also be viewed in the realm of creating spaces for citizens' voices in development and decision-making processes. This space is important in improving the socio-economic and political opportunities for citizenry as espoused by Mwayu (2007). Put in the context of post conflict states, participation of the citizens in

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[1] Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to public service in his country. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

[2] Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

development process is not only significant in building consensus on real needs of the people but also bringing the reality of peace dividends closer to the communities. Such dividends when realised and lived, will defer feelings of rebellion against the incumbent government and a possible relapse to violent conflict. Besides, participation entrenches the citizens' right to influence the governance decisions of their country whether directly or indirectly.

Inclusivity also implies equality before the law whether in the context of benefitting from development or representation of minorities or originally marginalised social groups such as the poor, women, ethnic and religious minorities, indigenous people and other disadvantaged groups. Indeed, the International Covenant on Civil and Political Rights(ICCPR) and the Declaration on the Rights of National or Ethnic, Religious or Linguistic Minorities (UNDM) adopted by United Nations(1992) have both reiterated the need to have minorities exercise their political power across the legislative, executive and administrative spheres of their country as envisioned in Article 25[3] of the ICCPR. It also means that governance institutions and policies are accessible, accountable and responsive to majority, minority and disadvantaged groups, protecting their interests and providing diverse population with equal opportunity for public Services.

The African Charter on Human and Peoples' Rights provides ground-breaking protection for the rights of peoples in its Articles 19–24. These cover the rights of peoples to self determination, existence, freedom from domination, to freely dispose of wealth and natural resources, cultural development, peace and security, and a satisfactory environment. The African Commission on Human and Peoples' Rights has not provided a general definition of the scope of the term 'peoples'; however, in a number of cases, it has interpreted these rights as applying to communities with ethnic, religious or linguistic characteristics. Examined from this cue, critical examination of ethnic and minority representation in the public service of post-conflict South Sudan remains paramount as a measure of inclusive government.

Based on various conceptualisation of inclusivity aforementioned, certain elements are found to cut across: equality before the law, citizenry participation, and citizenry representation in elective and appointive public positions. Thus, for the purposes of this paper, inclusivity is also viewed in realm of equal enjoyment of development and peace dividends in the context of post-conflict South Sudan. Moreover, the paper argues that all these virtues of inclusivity must be realised in a democratic space which largely embraces the concepts of accountable and instrumentally[4] legitimate leadership. While focusing on post-conflict South Sudan since the signing of Comprehensive Peace Agreement (CPA, 2005), this paper undertakes to examine the political dimensions of inclusive governance through the lenses of: political parties (the SPLM and opposition), the 2010 elections and in(ex)clusivity, participation of women and minorities, citizenry engagement in constitution making process, and ethnic inclusion in public service. In addition, the emergent demand for federalism despite the existence of constitutionally entrenched decentralised system of governance is examined through inclusivity realm.

1.1   Methodology

The study adopted a two-prong approach in data collection: Secondary data review and qualitative primary data collection methods. Reviews were carried out across the following documents: The interim constitution (2005), Transitional Constitution (2011), the elections and political parties Acts (2012), the Local Government Act (2009). Human Development Indices, Public Budget Documents and the international conventions/covenants on human rights and publications deemed authoritative on the statebuilding have been reviewed. Moreover, press statements by the government and the SPLM/IO (SPLM in opposition) have been analysed to contextualize emerging issues in the aftermath of December, 2013 conflict outbreak. These views are deemed significant since they speak to the political dimensions of statebuilding which is at the centre of this study. The aim of secondary review was to embed the findings of the study unto scientifically sound discussions documented about the process of statebuilding in South Sudan.

Primary data (expert-interviews) were collected through semi-structured interviews held with government officers and heads of non-state institutions in Juba, leaders of political parties (the SPLM, SPLM/Io, SPLM-DC), the IGAD delegation mediating peace in South Sudan and representative of council of churches in South Sudan. These were complimented by the insider knowledge derived from discussions with policy makers, donor

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[3] Every citizen shall have the right and the opportunity to take part in the conduct of public affairs.
[4] Instrumental legitimacy as used in this context refers to situation where the leadership is able to deliver on public goods and services as part of peace dividends in a satisfactory manner to the citizenry.

agencies and research institutions working in South Sudan on issues of statebuilding. Elite focus group discussions with Sudanese living in Kampala and Nairobi to capture the perceptions of Sudanese in the diaspora specifically at the outbreak of violent conflict in December, 2013. Community focus groups were held with South Sudanese with an aim of capturing the experiences and perceptions of citizens on inclusivity and service delivery, effectiveness of governance within the states and across the states. These groups comprised the leaders of the Boma, female and male university students, the business community and women groups from the larger Equatoria.

1.2 Participatory Democracy as a theoretical underpinning of inclusive governance Beginning 1960s, participatory theorists and practitioners spelled out a conception of democracy based on the premise that citizens participating in collective decision-making on matters that affect their lives should be "an integral moral value of contemporary democratic theory" (Bachrach, 1975:52). For them, since any social relation is political in that it revolves around a structure of authority, increasing and extending the scope of participation and political equality entails democratizing society. Society "can be seen as being composed of various political systems, the structure of authority of which has an important effect on the psychological qualities and attitudes of the individuals who interact with them; thus, for the operation of a democratic polity at national level, the necessary qualities in individuals can only be developed through the democratization of authority structures in all political systems" (Pateman, 1970: 35). For this reason, "it is important that individuals take all the possible chances to participate" (Gbikpi, 2005:109). "Full participation" designates thus a process wherein "each individual member of a decision-making body has equal power to determine the outcome of decisions" (Pateman, 1970: 71).

According to Lynd (1965), participatory democracy proposes to accomplish two specific goals: that each individual takes part in all decisions affecting the quality and conduct of his/her life; and that society is arranged to promote the independence of human beings and to provide the means for their common participation. This means that the participatory ideal can be interpreted as a design of *social inclusion*, which aims at institutionalizing a new democratic sovereignty relying on the dialectic between civil society and the political system (Santos, 2002). Allegretti reaches the same conclusion in *Democrazia partecipativa. Esperienze e prospettive in Italia e in Europa* (2010), when describing participatory democracy as a dynamic and open-ended project based on a "game" of active confrontation between civil society and institutions. In this light, social movements are regarded as one of the most important vectors of political change and transformation. On the one hand, they "carry on conflicts and antagonistic practices, breaking the limits of the systems in which such acts occur" (Melucci, 1985:795): collective mobilizations contest dominant codes and discourses of society. On the other hand, they point at creating a new symbolic order, a new cultural hegemony offering different interpretations of the social universe: in this respect, movements aspire to establish innovative definitions of norms and public situations, to promote new ideas, issues and solutions, and finally to invent alternative institutions. Even more radically, Santos retains that "democracies must transform themselves in social movements, in the sense that State must transform itself in an [open] space of cultural experimentation" (Santos 2002:51). In the same vein, Claude Lefort envisions modern democracy as an "empty place" (Lefort, 2007) that possesses no definitive goals—or rather, it possesses many such goals but none can succeed "in being accepted as the incarnation of the people-as-one" (Cunningham, 2002:186).

Participatory democracy is thus linked to a very strong notion of popular sovereignty, insomuch as it conceives of grassroots participation as a way to constitute, demolish, and reconstitute "the category of the people" (ibid., 5). In other words, this position does not simply assume "the fact" of the *demos* (as a pre-existing body with a shared identity) as the base for democratic politics. This means that radical democratic sovereignty substantiates an ongoing conflict between those politically included and those not for the "re-signification" of the boundaries and identity of demos itself (Rancière, 2007). In this perspective, democracy becomes "a project concerned with the political potentialities of ordinary citizens"; with their capacity to become "political beings" (Wolin, 1996: 31). To synthesize, participatory approach addresses the "quantitative" dimension of mass democracy by emphasizing the political role of civil society. It intends to find out "how many people take part in how many political venues to make how many decisions" (Citroni, 2010: 41). Accordingly, participatory theory embraces and promotes the political inclusion of all individuals aiming at the enlargement and radicalization of democratic citizenship.

2.0 South Sudan's political parties: between elitism and inclusivity

In the context of South Sudan, ethnic extracts and liberation fighters' identities have defined the interactions and mobilisation strategies in the political landscape. SPLM massive following as evidenced in the 2010 elections was largely on the basis of supporting liberators and independent heroes. "The people saw SPLM as the only

path to their freedom from the North (Sudan)"[5]. This perception painted SPLM as an outfit of freedom fighters where positions and candidacy in the party were negotiated on the perceived role at independence fight. "The citizenry was convinced that SPLM/A had the interests of South Sudanese and would work for non-discriminate state unlike the North, anyone of the contrary opinion was perceived to be against the subsequent independence that would follow in 2011"[6]. Given the strong liberation identity with SPLM, it won a whopping 93% of the 2010 elections with the opposition managing a paltry 7%.

While the results of Elections in April 2010 may indicate a united and vision-driven SPLM/A, this is not the reality on the ground as the findings indicated. "...The struggle for people of South Sudan has taken 50 years and SPLM was formed in 1983 to liberate the South Sudanese, this popularised it as an independent party, however, even after independence, it has remained largely a liberation tool than transformative political party."[7] Similarly, opinion emerging from the South Sudanese university students points to lack of differentiation between SPLM as a military liberation tool and SPLM the political party with adequate structures to accommodate the non-liberation fighters on board. They observed that reward for the elites within SPLM had overridden the country development agenda and a number of persons who never participated in liberation war against Sudan have always felt discriminated as members of the party, hence, SPLM in its current architecture fail the billing of a democratically sane political outfit open to majority of South Sudanese. "SPLM might have won majority seats but it is yet to shed off its military identity that towards embracing a civilian outfit with real development and democratic ideals for the South Sudanese...this makes it an outfit for liberators than civilians".[8] In the lead-up to the 2010 elections, frustration with a centralized nomination process resulted in more than 350 SPLM members running as independent candidates.

The failure of SPLM to hold consultative meetings through national conventions is largely responsible for cropping culture of exclusionary politics in SPLM.. While observing the tendencies and practices in SPLM, the key informants in the study were of the opinion that: "SPLM has never held national convention to allow members align its structure to constitutional demand and democratically elect the party leadership…the fact that the party leader even dismissed elected party council members confirms that SPLM is leaning towards selected membership than participatory structure needed in a democracy"[9]. These barriers have meant those disgruntled with party leadership have had to form their own parties as new political power bargaining platforms or fight within the SPLM with the latter resulting into dismissals and subsequent violent conflicts as witnessed in December, 2013. In addition to its intra-party feuds, SPLM is still not yet registered as a political party as it has failed to agree on its constitution and other vital documents but being inseparable with government has allowed it to weather the storm of constitutional assault. The fact that SPLM is unable to consolidate itself on common ideologies and even fail to transcend the ethnic affiliations is a marker of exclusionary party politics that hamper the consolidation of democracy in post-conflict states.

The SPLM is, therefore, painted as exclusionary and elitist party with its popular support and legitimacy in the 2010 elections largely drawn from historical and euphoric support for independent parties in most African states. In practice, SPLM has entrenched itself as a party of reward for warlords and freedom fighters in the pre-CPA (2005) without any regard for the constitutionalism and free popular participation which would otherwise ensure that it enjoys symbolic legitimacy with South Sudanese. SPLM would be more inclusive if it would afford the South Sudanese a platform to consolidate their opinions, ideas and vie for public offices. At the moment, the opinions are mixed on what ideologies the SPLM is riding on with respect to the country's socio-economic development and nationalisation of the citizen's desire from the expansive rural areas of South Sudan. To strongly identify with liberation fighters at the expense of civilian driven-agenda except in vote hunting demonstrate exclusive political party traditions detrimental to a country healing from decades of conflict. On this front, Knopf (2013) posits that since the formation of SPLM, it has never succeeded in developing participatory civilian party structures with authentic grassroots mobilization and organization across communities and identity groups, such as women and youth groups.

Ethnic cleavages and factionalism have come to rock the internal stability of SPLM as new alignments take shape in the aftermath of failed intra-party dispute resolution which peaked in 2013. More specifically, the perceived undermining of the SPLM members' rights to make decisions on the affairs of their party following

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[5] Interview with CSO official in South Sudan
[6] FGD with male university student
[7] Interview with a member of SPLM/A-IO
[8] FGD with female university students
[9] Interview a member of South Sudan political bureau

the disbandment of the council and sacking of the party members who expressed in their interest in vying as party flag bearers in the presidential race was conceived as dictatorial and a threat to internal democracy in SPLM… "SPLM leadership failed to honour party structures by failing call convention…then the members who dared to challenge the perceived dictatorial tendencies were dismissed from their positions including those in the cabinet…a grouping opposed to such actions under the former vice president emerged reinforcing the undercurrent Dinka-Nuer divide in SPLM."[10] The effect of such divisions has been bulkanisation of South Sudan regions on the basis of ethnic dominance and a relapse into inter-ethnic violence.

Ethnicisation of SPLM demonstrates that as a ruling party, it is still deficient in inclusive political party practices that would manage competing demands across groups in the society by providing opportunities where citizens can influence decision-making process, debate policies and voice their concerns. In analyzing the violent conflicts in South Sudan since December, 2013, the BTI (2014) concludes that the internal competition within SPLM has assumed ethnic dimensions on two major divisions, the Nuer-faction headed by former vice-president, Riek Machar and the Dinka faction, headed by the president, Salva Kiir. In previous studies, Daron and Robinson (2012) argue that political inclusivity not only reduces violence and instability but also contributes to development and growth. The virtue of political party inclusivity is therefore viewed as instrumental element in sustainable peace and state-building in countries emerging from conflict such as South Sudan.   In the study by Relly et al (2008), they contend that in volatile, conflict-prone or post-conflict societies, deficient political party structures can present even more hazardous consequences. They further observe that political competition in such societies often gravitates around sectarian, exclusive, often national or ethnic identities or geographic bases. The fact that SPLM is beginning to lean towards ethnic sectarianism and polarisation is a political plague in need of immediate constitutional and national cohesions cure in the young state of South Sudan

In analyzing the SPLM wrangles from June 2013 that led to an outbreak of South Sudan conflict in December, 2013, Stignant (2013) concludes that events demonstrate that elections (2015) will also be a test of the SPLM's ability to manage internal decision-making and selection processes in a democratic and peaceful manner. This is because beyond the top party leadership, contests will take place at the local level as candidates are nominated through the county, state and national structures heightening internal competition with possibility of further exclusion of candidates not loyal to party leadership but have grassroots support. Even more alarming is the fact the current violations are carried out in the context of legislations that prohibit the same as the Transitional Constitution (2011).[11] As to whether this provision will be adhered to remain debatable given past experiences with 2010 elections under the Interim Constitution of South Sudan (2005-2011). However, without revised party electoral procedures and transparent decision-making process, the risk of similar tension remains high, as does the possibility of conflict which reinforce exclusionary politics perpetuated by political parties.

The practices of SLPM indicate disregard for the national constitution by failure to hold convention and duly register as a political party, lack of internal democracy through centrally influenced political party nomination system and reward of the so called-freedom fighters with party positions, non-legislated party provisions for affirmative action on representation of the marginalized groups (ethnic minorities, women, the youth and persons with disability), emergent and persistent ethnic identities in SPLM leading to factionalism over nationalism. Thus, to redeem SLPM as an inclusive party, both its internally democracy and respect for constitutionalism have to be prioritized with citizenry given ample space to participate in the SPLM affairs and determine the direction of the party in terms of governance.

Opposition parties in South Sudan in relatively large numbers, with registrar indicating more than 23 (Stignant, 2013), however, despite their numeral strength and presence, the opposition parties have almost no political influence and power. These parties which would offer alternates to SPLM were found to be lacking in support base, deficient in institutional governance capacities and political programs; thus, they largely remain reactive outfits to SPLM without a measure of inclusionary practices. "...little is known of the agenda of opposition parties because after their apparent formation, they tend to operate almost like SPLM/A...no conventions for their members and they hardly criticise the government policies..."[12] "The opposition parties are yet to reach the citizens and identify with community wishes, people hardly know them except amongst the Shilluk people who have come to largely support SPLM-DC as was in 2010 elections, maybe the parties as just clubs for accessing

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[10] FGD with business group from South Sudan
[11] Article 26(1) provides every citizen with a right to participate in every level of the government directly or through freely chosen representative.., and shall have the right to nominate himself or herself, or to be nominated for a public office in accordance with the constitution.
[12] Interview with NGO worker in South Sudan

power...nothing far from SPLM."[13] The findings allude to the fact the very formation of opposition parties by former SPLM strongmen means these parties (opposition) cannot form formidable force to fight exclusionary practices around ethnicity, unconstitutionalism and warlord reward system. These parties have adopted a strong ethnic identity and rotate around personalities rather than democratic ideals. Just like SPLM, adherence to the provision of the Political Parties Act (2012) and the TCSS (2011) provisions on political party conduct and structure remain remote in the opposition parties.

In the political transformation index by BTI (2014), it is indicated that besides the SPLM-DC, the only serious (relatively organised) opposition parties in South Sudan are United Democratic Party (UDP) and the South Sudan Democratic Forum (SSDF) with relative little influence. The insignificant influence on matters of national importance by the opposition when they claimed had insufficient representation on the National Constitutional Review Commission (NCRC), the body responsible for developing the country's permanent constitution without altering the structure in 2012. How these opposition parties transform within the political space in need of collaborative leadership will be significant in influencing the inclusiveness of the political party architecture in 2015 general elections, the first after independence and possible during the dispensation of permanent constitution.

With respect to constitutionalism amongst the opposition, only a few held regular party conventions or established communication networks. "These parties do not even have offices, they are the bargaining chips for those able to galvanise some ethnic support."[14] The perceived weakness and unpopularity of the opposition parties with a majority of South Sudanese has meant that intra-SPLM squabbles would continue given its surety to win the next elections. "The absence of organised, participatory and citizen-driven opposition parties would always hand SPLM assured victory, that is why there's intense fight to control but it would be better to democratise its institutions."[15] It is imperative that a more civilian and ideologically-driven parties are constituted in South Sudan as part of sharing the political dividends of hard-won peace amongst citizenry. In this light, the Political Parties Act, passed in March 2012, mandated new and more rigorous requirements for registering political parties lauded as a mechanism of creating sanity in the political party operations in South Sudan. How far such progressive legislation billing will be lived up to is very significant South Sudan's ethno-politics in need of harmonisation.

It is quite evident from the discussion that the political party system (both the ruling SPLM and the opposition) remain largely elitists. The parties have become defined avenues for negotiating power and accessing control over state resources by the country's top elites. There is a tendency to reward former liberation fighters with party positions at the expense of universal suffrage and competitive politics extant in a democracy. This is witnessed in the parties' candidate nomination practices (2010 elections) and the failure to hold national conventions where new leadership could be put in place. The political parties thus, by their non-conformity to law of the land have perpetuated the culture of unconstitutionalism in South Sudan. These parties unless reformed and governed according to the provisions of the constitution cannot be said to represent the wishes of the people but are more of elite clubs.

3.0 The 2010 elections: free or manipulated!

Elections have become the principal means to legitimate the new leadership and institutions that emerge from a negotiated settlement to a civil war. Such post-conflict elections carry a tremendous burden. They are called upon to settle the contentious issues of internal and external legitimacy and must be organized under the difficult circumstances of societal disorder, general insecurity, fear, distrust, and institutional breakdown (Timothy, 1998). In a number of cases, including Angola (1992), Cambodia (1993), El Salvador (1994), Mozambique (1994), Bosnia-Herzegovina (1996), and Liberia (1997), elections have been designated in the peace accord as the mechanism for ending the transition (Krishna, 1998).

In south Sudan, the 2010 elections were part of the CPA (2005) provisions. The CPA called for a six-year transitional period during which the key provisions of the agreement would be implemented. "Elections meant a lot to South Sudanese who needed their voices to be heard at the National Legislation Assembly."[16] The provisions of CPA (2005) included holding of national elections in Sudan to cement the country's democratic transformation and put in place accountable governments in both Northern and Southern Sudan to oversee the

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[13] FGDs with female university students
[14] Interview with former SPLM council member
[15] Interview with a member of SPLM/IO
[16] Interview with South Sudan mediation team member

January 2011 referenda on self-determination for the people of Southern Sudan and Abyei and popular consultations for South Kordofan and Blue Nile states to address any shortcomings of the CPA. "While it is clear that CPA had provided for elections, it was more of a solidarity test for the people in the South who were eager to signal the North about impending separation towards self-rule."[17] While the elections in 201 should have been conducted in a democratic manner to bear to the principles of inclusive governance, they turned out to be elite-driven and deprived of the general citizenry's expectations. On overall, the conduct of the political parties' elites contradicted the politically inclusive virtue advanced by Wolin (1996:31) that democracy becomes "a project concerned with the political potentialities of ordinary citizens"; with their capacity to become "political beings".

In Southern Sudan, the 2010 elections resulted in overwhelming majorities for the SPLM. While the presidential election, which resulted in the election of President Salva Kiir, was deemed generally free and fair by international observers within the semi-autonomous region of Southern Sudan, observers believed the SPLM manipulated state elections to provide for the election of SPLM governors in some states where nomination certificates of SPLM were given to party-preferred candidates rather than the real winners of party primaries. "South Sudanese were united in their quest for transparent elections but officials of SPLM literally rigged out 'non-liberators' popular with the people at the expense of party-preferences...this was the beginning of diminishing popular participation."[18] The effect of such practices was a disaffcetionate citizenry, political party hopping (where dissidents in the SPLM primaries either ran as independent candidates or joined the opposition parties) and violent actions. In its report on the 2010 elections in South Sudan, the Carter Centre (2011) observed that public perception of manipulated elections for SPLM governors in Jonglei and Unity states triggered violence, resulting in deaths and injuries in 2010.

The political climate under which elections took place in South Sudan was wanting. The findings indicate that incidences of insecurity and candidate-targeted violence remained large contributors to exclusionary political practices. "The election environment was in a limbo of its own, freedom of expression was limited, civilians and opposition members who dared to challenge the government were detained unlawfully."[19] According to Human Rights Watch (2010) report on Sudan 2010 Elections, in one incident, on February 18, security officials arrested three members of the opposition party, SPLM-DC - Denis Aywork Yor, Priyjwok Akol Ajawin, and Amjad Angelo Marino - at Juba airport, took them to a nearby military detention center, and questioned them separately for several hours about their political party activities. The men spent the night at the detention center before military officials transferred them to a police station, where they were later released without charge. Human Rights Watch also found that the media environment in South Sudan has deteriorated significantly in recent weeks. For example, on March 3, armed security officials stormed the offices of Bakhita FM, a community-based radio station run by the Catholic Church, and Liberty FM, a private radio station, and arrested the two directors at the stations. The incident occurred after Liberty FM aired an interview with the campaign manager of an independent political candidate in Juba.

These practices could only work to ferment violent conflicts and deny the citizenry free space to elect their leaders as envisaged in inclusive governance principles. More appalling was the fact that the state allowed its agents of maintains law to perpetuate arrests aimed at silencing the dissident voices from the government. "The experience of 2010 elections reinforced the need to separate the party from the army so that democracy in South Sudan can thrive without the police or military interferences in politics"[20] In her assessment of the legitimacy of the 2010 elections, Knopf (2013) concludes that the elections were marred by intimidation and violence by the SPLM, therefore, the question of independent choices remained compromised.

In addition to violent environment, the study indicated that a majority of voters in the elections were not aware of their obligations, rights and responsibilities in the process. In civic education was largely remote making the elections exercise amenable to elite manipulation. Compounding such voter ignorance is the high illiteracy rates found in the rural areas where a majority of South Sudanese reside. "It could have been the case where people were voting euphorically or on the advice of some political aspirants who would manipulate the circumstances...we needed to have sensitised the people."[21] It can only be hoped that provisions of South Sudan Elections Act (2012) will significantly help in voters' sensitisation before elections of 2015.

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[17] FGD with the South Sudanese business community
[18] Interview with the former member of SPLM
[19] Interview with CSO official
[20] Interview with a member of SPLM/IO
[21] Interview with former independent candidate in 2010 elections

The 2010 South Sudan elections present a zero-sum exercise that was characterised by the phenomenon of 'electoral choiceness', in which the winners were predetermined by the ruling elites in the SPLM and the losers were handed defeated with no alternative route to recourse. The environment and the definitive events around candidates' nomination, SLPM rigging, voter and candidate intimidation including use of violence are not only recipes for exclusionary political party systems but also the root causes of general disaffection of the citizenry in the ability of SPLM to lead a unitary, inclusive and political heterogeneous South Sudan into sustainable development path.

The elections of 2010 in South Sudan while attracting large participation of people was in itself exclusive and exercise that does not fit the billing of democratic process. While the outcomes of the same was legitimized, it must be pointed that the very lack of information amongst the citizenry on the demands of electoral process, the regulations, the use of violence by SPLM members, the shambolic and centralized party nomination process amounted to exclusionary political practices. There was a large scale ignorance of electoral regulations compounded by lack of established legal systems for seeking redress on electoral disputes. Hence, by its characterization, the 2010 election was not only exclusionary but entrenched the 'electoral choiceness' where elites were the largest beneficiaries hence a political loss to the local citizenry whom had largely expected that their preferred candidates would largely appeal to the popular SPLM party and prevail in the elections.

The dominance of SPLM in the semi-autonomous region of South Sudan during the 2010 elections is evident in the manner that it produced all the representatives to the former council of states under the Government of National unity from the Southern Constituencies as summarised in table 3.1. similarly, the SPLM won 87 seats from the Southern Constituencies to the former National Assembly of the Republic of Sudan compared to NCP's 2 and SPLMDC's 1 in the 2010 elections as summarised in table 3.2.

Table 3.1: Representatives of Southern Sudan in the Former Council of States of the Republic of Sudan

State	No. of Representatives	Party designation
Central Equatoria	2	SPLM
Lakes	2	SPLM
Jongolei	2	SPLM
Western Equatoria	1	SPLM
Western Bahr- El Ghazal	2	SPLM
Upper Nile	1	SPLM
Warrap	2	SPLM
Unity	1	SPLM
Northern Bahr- El Ghazal	2	SPLM
Total	15	

SOURCE: South Sudan Statistical Year Book, 2011

Table 3.2: Former Members of National Assembly of the Republic of Sudan elected from Southern Constituencies.

PARTY	STATES									
	Upper Nile	Central Equatoria	Warrap	Lakes	Unity	Eastern Equatoria	Northern Bahr- el Ghazal	Western Bahr- el Ghazal	Western Equatoria	Jongolei
SPLM	10	12	12	8	6	10	8	3	6	12
NCP	0	0	0	0	1	0	0	0	0	2
IND	0	0	0	0	0	0	0	0	0	0
USAP	0	0	0	0	0	0	0	0	0	0
SANU	0	0	0	0	0	0	0	0	0	0
UDSEM										
UDF										
SPLMDC	1	0	0	0	0	0	0	0	0	0

Source: South Sudan Statistical Year Book, 2011

4.0 Participation of Women and Minorities

4.1 The CPA and women's political representation in South Sudan

The independence of South Sudan came with various forms of expectations and hope for better future for all South Sudanese through democratic governance, gender equality and stronger voices and participation of all groups of people in policy making and governing bodies of the new country. The CPA (2005) stipulated a 25 per cent for women's representation in all levels of government in recognition of their roles and contributions and to the liberation struggle. The interim period from 2005 to 2010 saw a number of women get into decision-making positions in the former Government of South Sudan where women made up 28 of the 170 parliamentarians in the Southern Sudan Legislative Assembly with another five women in the Council of states.

Gender equality is recognized in Republic of South Sudan's (RSS) key governance instruments, including the Transitional Constitution (2011) as central pillars for building lasting peace and sustainable development, a belief that is shared by those in the country's leadership. "The voices of women in public sphere have been enshrined both in the TCCs and CPA, what matters most is how far we can implement those provisions in our country."[22] The transitional constitution requires at least 25 percent female participation in the legislative and executive branches of government at the national and state levels. At the time of independence in 2011, women held 99 of the 332 seats in the NLA but occupied only five of the 50 seats in the Council of States in South Sudan. The Government of South Sudan had largely not met the 25 percent representation requirement for women at the state level. Five women served in the 21-member cabinet, while four of 12 deputy ministers were women. The second period beginning in 2011 to 2015 indicates a near-double in women's representation in the Legislative Assembly under the Transitional Constitution (2011). "The figures are impressive given that we are a young nation but we need to make women to be elected beyond just constitutional reservations."[23] Table 4.1 below gives a summary of the representation of by gender at the National and County levels as of 2010 elections in South Sudan.

Table 4.1: Gender Representation at National and State Levels of the Government of Sudan.

		STATES										
	Assembly	SSLA	Upper Nile	Jongolei	Unity	Warrap	N.BG	W.BG	Lakes	W.E	E.E	C.E
Gender	Male	114	36	35	36	36	36	36	35	35	35	35
	Female	53	10	12	12	12	11	12	13	11	13	12
	% of seats filled by women	32	22	26	25	25	23	25	27	24	27	26

Source: South Sudan Year Book, 2011

Whereas the provisions of the CPA(2005) were candid and clear on the slots for women in the governance architecture of the Government of South Sudan, the failure to meet this requisite was largely blamed on the high illiteracy levels of women in South Sudan (UN Women, 2011). While reflecting on the slow realisation of women's political participation South Sudan, Jane Kani (2011) contends that contestations and challenges to women's political participation cut across socio-economic issues such as differential education status, age, marital status, class family background, ethnic and regional variations, all of which affect the ability of women in South Sudan to effectively take up their positions in the decision-making organs. In observing the fate of Sudanese women, consensus form FGDs indicates the need to shore up education level of girls and increase public investment in girls' training so that more females can benefit from the constitutional provisions. "The state has to as a matter of urgency invest in the education and training of women so that opportunities towards enjoyment of such provisions become a reality if are ever to achieve an inclusive governance"[24]

The Transitional Constitution of South Sudan (2011) hereafter referred to as TCSS (2011) provides for promotion of women's political participation. In Article 16(4a) [25] , the TCSS reaffirms South Sudan's commitment to inclusive governance that embraces itself to gender diversity and the historical role that women

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[22] Interview with government officer from Juba

[23] Interview with South Sudanese female attorney

[24] FGDs with female university students

[25] Article 16(4a) it states that all levels of government shall promote women's political participation in public life and their representation in the legislative and executive organs by at least 25% as an affirmative action to redress imbalances created by history, customs and traditions.

played in the quest for self determination. In this respect, the Electoral Act (2012) to be implemented in the subsequent elections states that (Article 60(2)) the National Legislative Assembly is composed of members elected as: 60% representing geographical constituencies in the Republic of South Sudan (RSS), 25% representing women elected on the basis of proportional representation at the national level, and 15% elected on the basis of proportional representation on the closed party lists. While this is a great indicator, there are blind spots to the extent that no legal sanctions are put in place for non-compliance with such provisions. Similarly, there are no provisions for rank order in the political parties' lists.

With respect to the composition and inclusion in the Council of States, there is a total break from the presidential influence as originally witnessed. In the current Council of States all representatives of the former Council of States of Sudan and 25% representatives appointed by the president of South Sudan are members, a provision which in itself was gender neutral. Under Article16(4) of the TCSS(2011), it is clear that the Council of States shall promote women's participation in public life and their representation in the legislative and executive organs by at least 25% as an affirmative action to redress imbalances created by history, customs, and traditions. In the Electoral law (2012)[26], the election of women is provided for under the reserved vote for the fourth person who has to be a woman. While this is a promissory dividend for women of South Sudan, compliance with this provision in the net elections (possibly 2015) will be a great determinant of its realisation. "The TCSS and its predecessor Interim Constitution have championed for great changes, the political will might be a significant player in the implementation so that women and men are equitably represented in all levels of governance"[27]. These views might only express the practice inherent amongst post-conflict states where law *de jure* does not match *law de facto.*

With respect to the decentralised units especially the State Assemblies and the executive organs, the TCSS (2011) values in the input and participation of women. In Article 162 and 163, it states that the territory of South Sudan is composed of ten states governed on the basis of decentralisation out of which there shall be legislative and executive arms. Thus, in fulfilment of the principle of affirmative action, women shall be allocated at least 25% of the seats and positions in each legislative and executive organ of each state, without prejudice to their right to compete for remaining seats and positions in such organs. Indeed, the Electoral Act (2012) in Article (61) states that the total number of members of the States Assembles for the whole country shall be 400 men and women to be apportioned to states by the commission in accordance with the population size of each state: 60% of the members shall be elected to represent geographical constituencies at the level of the state concerned; 25% of women shall be elected on the basis of proportional representation at the state level from closed women list; and 15% of the members shall be elected on the basis of proportional representation at the state from closed party lists. However, there are no legal sanctions for non-compliance with these provisions as well as lack of placement rules in the party lists which mighty present post elections legal loopholes which might largely deny women an opportunity to participate fully in the affairs of their government as elected representatives.

On the representation of women and minorities, the CPA (2005), the TCSS (2011) and the Elections Act (2012) are more pronounced on the necessary affirmative action that would redress the cultural, historical and other discriminatory practices that have kept women away from decision-making organs. More specifically, these legislations have provisioned for women's election into the National Legislation Assembly, the State Assemblies and their respective executive organs, and the Council of states. However, there is a silence on the fate of minorities, lack of established mechanisms for ethnic inclusion and representation coupled with silence on legislative sanctions for non-compliance with the stated provisions that are to be effected in the next elections.

5.0 The permanent constitution making: Where are the citizens?

The TCSS (2011) gives the National Constitutional Review Commission (NCRC) authority to write and submit to the President of the Republic a draft constitutional text and explanatory report. The TCSS (2011) outlines a process to be undertaken in as far as achieving this objective is concerned in articles 202 and 203. The Constitution (TCSS, 2011) identifies four stages through which the permanent constitution-making exercise will pass before the promulgation of its resultant supreme document. These stages include the National Constitutional Review Commission, the National Constitutional Conference, the National Legislature and the assent of the president (Sudd Institute, 2013). It must be emphasized at this level that the multi-stage approach aimed at

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[26] Article 60(3) states that there shall be four representatives from each state in the Council of States   elected by members of the State Legislative Assembly. Every member of the State Legislative Assembly shall have four votes one of which must be cast for a woman. The top four candidates with highest number of valid votes shall be declared elected.
[27] Interview with a female SPLM member

achieving a participatory and inclusive process largely informed by citizenry engagement on a document that would capture their vision for South Sudan.

The NCRC as per Article 202, sections 6, 7, and 8 of the TCSS(2011) is charged with conducting a nation-wide public information sharing and civic education programs on constitutional issues, soliciting experts' assistance, collect views and suggestions from all relevant stakeholders, and review the Transitional Constitution. None of the provisions for public opinion solicitation has ever been conducted by the NRC since it took office in 2012 literally transferring the constitution process ownership to the political class. "Constitution making process has become a Juba (government) project which abuses the citizens' rightful entitlement."[28] "…at the moment, very few South Sudanese are aware of the ongoing process albeit they are to be the consumers of those legislations"[29]. "It seems like the political class and the executive have appropriated the constitution making instead of building consensus with the citizenry."[30] There is a leaning towards believing that local citizens are 'illiterate' and would not have substantive input in the review process, and if they had any of that input, already their interests are catered for by the delegates whose selection process in itself was contested. How such a document will reflect the popular demands of people with respect to peace dividends remains elusive.

The review and constitution making process is dominated by the political class in terms of the composition. For instance, Sudd Institute (2013) notes that the National Constitutional Review Commission (NCRC), which currently comprises 55 members, have 44 of this 55 member body representing political parties, with the remaining 11 being shared 7, 2, 2 by the civil society organizations, faith-based groups, and a supposedly non-party affiliated Chairperson and Deputy Chairperson, respectively. This makes the process elitist and excusive to a majority of the citizens in South Sudan who are to be governed by the outcomes of such processes. While examining the constitution making process in South Sudan, Cook et al (2013) observe that the basic concept of a written constitution providing the formal rules for how the state will function is still not familiar to most South Sudanese. However, the government officers feel otherwise "In our current constitution, there is a provision for a constitutional conference because this constitution upon drafted shall be tabled in an all constitutional conference, that will discuss the constitutions and it is there and then where all the issues of governance will be discussed; the system of governance that we want in place, but now people have gone ahead of time and brought in federalism here."[31]

In South Sudan, the government made efforts to demonstrate representation from a variety of regions and ethnic groups, although it had not established any formal mechanism to achieve such balance (CHR, 2013). As a result, some ethnicities remained unrepresented in government. Although NCRC consultation sessions throughout the year aimed to include women, traditional leaders, civil society, and youth groups as participants, many complained of a lack of information from the government on the review process. The absence of a translation of the constitution in Arabic or local languages limited the ability of local and minority populations to engage meaningfully in dialogue and caused low turnout for several consultations around the country.

Securing citizen-driven and productive state in South Sudan must begin with constitution making. In most post-conflict scenarios, many people are governed by rules that they do not understand, respect or accept as is likely to be the case in South Sudan with the permanent constitution. In addition, a majority of the rural residents and those basically outside the political elite will not be reached for consultation on a document so significant to their lives. South Sudan must not adopt such a top-down approach in its pursuit for a permanent constitution. Should this happen, South Sudan would end up with a set of institutional arrangements that are immaterial to the lives of its citizens and the problems that they face and hence, cannot enhance governance and deal effectively with the problems that confront citizens. Thus, constitution making in South Sudan must be bottom-up, people-driven, inclusive and participatory. All citizens, regardless of their educational achievements, wealth status, ethnic origin, or religious affiliation, must be granted the space to participate fully and effectively in constitution making.

On participatory permanent constitution making, the process and the mechanism of adopting the outcome remain exclusive and elitist in nature. That the process remains politically dominated is evident in the NCRC's composition with the civil society and other interest groups given the least slots. The failure of the NCRC to

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[28] Interview with CSO official
[29] FGD with Business community
[30] Interview with former SPLM council member
[31] Interview with Government official part of the mediation

consult with the citizenry on the process of constitution making can only be interpreted to mean that South Sudanese will be recipients rather than producers of their new law.

5.0 The quest for federalism

It is significant to note that the governance architecture in South Sudan is on the basis of decentralized government.[32] The TCSS (2011) establishes three levels of government-national, state, and local aimed at bringing the government services and goods closer to people while at the same time capture the aspirations of the citizenry in the development process. However, the failure of the system to deliver on these noble goals coupled with powerful presidency[33] created by the TCSS (2011) has fueled the quest for a federal system of government as a viable alternate.

As of December 2013 at the outbreak of conflict, the call towards creation of federal states has grown louder than before. The reasons range from economic and resource sharing inequities observed under the current governance system, the ethnic discrimination in the public service appointments, and inequitable development across states with perceived concentration of development in Central Equitoria. In the recent past, the need to engage constructively and meaningfully on federalism surcafed at the Addis-Ababa negotiations   within the thematic group dealing with the system of governance "We acknowledge that a federal system of governance is a popular demand of large section of the population of South Sudan and therefore agree to reflect it by way of effective devolution of more powers to the states in this agreement particularly in the areas of security, judicial administration, law enforcement, fiscal reforms and public sector reforms."[34] The thematic group went ahead to press that the issue of federalism needed to be addressed in the permanent constitution making process and in the event that a transitional government is put in place, they would review the number of states with a view to increase or reduce to give effect to federalism.

These foundations in the quest for federalism also emanate from the fact the Transitional Constitution 2011 does not name the current decentralized system as federal, hence, the sharing of governance power is viewed as a quasi arrangement in which the presidency (executive) has an overriding power in socio-economic and political decision-making as exemplified in the interviews: "South Sudan is a rich country and we had oil revenue of almost like half a Billion dollars in a month…the problem is that the resources do not reach the 10 states to fuel any poverty eradication scheme neither boost Agricultural production hence the quest for legally constituted federal states"[35] Focus group discussions revealed that the discriminate/delayed release of development money to the states as provisioned for in the TCSS (2011) was partly responsible for the conflict but more so a reason to for federalism quest: "The National Government has been slow in releasing money meant for development purposes as in chapters two and three only paying recurrent expenditures…the practice generally delay delivery of public goods and services hence people feel the current administrative system is fully devolved and resourced to meet their needs". [36]

Thus, the perceived concentration of development process and economic functions in the hands of the National Government is largely viewed by South Sudanese as a cause of marginalization in the Country's development process, a situation which ought to have been remedied by peace dividend provisions. "The development is Juba-driven rather than from the Boma to Payam to the county to the state."[37] It is such a top-down approach that is seen to be disempowering the local citizenry who are forced to vacate their villages to search for better opportunities in Juba where development is thought to be concentrated… "If the National Government no longer gives the youths the money as was in the time of Garang', the states have little development and employment opportunities to keep youths engaged, then an automatic scramble for Juba opportunities will continue…that is why we need equitable share of resources across all the states"[38]. "They only take 20% to states, 80% remains in

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[32] TCSSS Article 4: South Sudan is governed on the basis of a decentralized democratic system and is an all embracing homeland for its people. It is a multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully co-exist.

[33] Rut, 2014 notes that the presidential system of government in South Sudan is a winner-takes-all system. This model leads to a monosepalous (one head) system where the head of state is also the head of the executive arm of government and this leads to over-concentration of power in the hands of one person.

[34] Minutes of the Negotiation committee 23/09/2014

[35] Interview with former GoSS official

[36] FGD with male university students

[37] FGD with the business community

[38] Interview with South Sudanese lawyer

the centre...the states will only divide only 10% to the counties or less...that is not the best kind of Federalism. It's like a triangle turned upside down; many offices up there, services are done up there and decisions are done up there"[39] all which are key elements expressing dissatisfaction with the administrative arrangement in place as not impacting the needy country-side.

While the challenges about under the present system, some of the state officers in the study were of the opinion that the whole process has to be handled cautiously and research driven "For Federalism, we need to conduct a thorough research, even Ethiopia is a federal state and there are so many challenges...the government is not against federalism but we are saying give yourself time and make a thorough study so that when you come up with your position patch it up, argue it out so that when the time comes for a decision we will decide from an informed decision."[40] In response to recent thematic proposals on federal governance system, the Government of the Republic of South Sudan representatives at the negotiations acknowledged the popular demand and made a promise to the extent that "the TGONU[41] shall devolve more powers to the states during the transitional period through the institutional reforms in accordance with the provisions of this agreement (negotiations)… shall through the permanent constitution making process study and come up with the type of federalism or any other system of governance appropriate to the people of South Sudan." [42]

There is also the observed insubordination of the South Sudan Legislative Assembly, the judiciary and the security by the executive. This is seen as an affront to state interest whose cure would come in establishing legislated semi-autonomous territories in South Sudan with ability to have a say in security apparatus. Hence, there is need for the Government of South Sudan to re-think equal participation of the various ethnic groups in public service and enjoyment of peace dividends on equitable levels across all the states as debates and consultations are carried out on the feasible federal system applicable to South Sudan.

Federalism as presently advocated is viewed as a remedy to corruption that has become endemic in the public sector, a more bottom-up system of governance and initiation of development processes, closer delivery of services to the citizenry on the basis of locally defined priorities and demands thus satisfying the peace-dividend expectations. In essence, taming negative mobilization of ethnic extracts in South Sudan will largely rely on how their socio-economic and political expectations are met and dealt with, this thinking at the moment; seem centred on federalism as the kind of governance architecture to bring closure to citizenry who still feel economically and politically in the post-South Sudan independence era.

Conclusion

The theoretical foundations and the practical significance of inclusive governance in a democratic society remain sound and relevant, and, by extension need to be pursued. The political dimensions of inclusivity discussed as at the creation of South Sudan in the post CPA (2005) point to abundance of opportunities and a lull in the implementation at the same time. Stability and development of South Sudan depends largely on how the socio-economic and political factionalism capped with open rebellion is handled. This has to begin with the political elite loosening up their grip on power, embracing all-encompassing political completion, delivering the social goods to citizenry, de-ethnicizing and demilitarizing the public service so that all South Sudanese enjoy the equality provision under the Constitution. The paper therefore concludes that well-placed series of planned and coordinated development activities will manage the expectations, positively impact the perceptions of South Sudanese while at the same time reconcile the strained citizen-state relations. GoSS has to embrace a national dialogue aimed at re-uniting the citizens to nationalistic values, resurrecting the public trust in governance and its leadership and managing the peace dividend expectations. The aim of such undertaking is not only to sustain inclusive system but also an essential element in avoiding fragmentation and violence.

Recommendations

- Equitable delivery of public service and goods: The GoSS should put put strategic measures to meet the different development demands of its 10 states by devolving additional equalisation funds to states with high

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[39] Interview with SPLM-I/O member
[40] Interview with current Minister in the GoSS
[41] TGONU is the acronym for Transitional Government of National Unity under negotiation in Ethiopia after the outbreak of conflict in December, 2013.
[42] Position of the Regime (GRSS) at the Addis Ababa negotiations 23/09/2014

poverty indices. This will demand that the GoSS discusses with state leadership, citizens and development partners the priorities and introduce 'discriminate measures' aimed at delivering much needed development interventions as per the lens of beneficiaries.

- De-ethnicising public service: GoSS has to establish an independent public service commission in its permanent constitution mandated to look into the issues of ethnic balance and professionalising the public sector. A key interest would to ensure that the sector is de-scaling the militarisation of public service and striking equitable ethnic balance in the sector to restore inclusive feeling amongst the general public.

- Political parties: The parties as institutions of mobilising citizen agenda on national issues need to adopt the democratic principle of universal suffrage as espoused both in the TCSS(2011) and the political parties Act(2012). Aspects of elitism and centralised nomination systems witnessed in SPLM might only serve grow disaffection amongst the citizens in parties as vehicles of democracy in South Sudan. The registrar of political parties in the GoSS must closely monitor the political party activities on the extent to which constitutionalism is adhered to and advise where blatant violations of the law are committed.

- Women, youth and ethnic minorities: The already legislated quota system is a significant step in ensuring representation of women in public leadership, however, the permanent constitution should make affirmative provisions for the youths and ethnic minorities on the same with clearly spelt legal sanctions for non-compliance. Investment in the education of the youth and women including should be prioritised to ensure sustainable and full participation in the affairs of South Sudan.

- Permanent constitution making: There is need to hold consultative workshops with the citizenry across states on the contents of the document. This should be spearheaded by the NRC and civil societies so that a consensus is reached on the document that will shape the new socio-economic and political structure of South Sudan. Consultative processes will help to consolidate citizen participation, ownership and identity with document rather than making the whole process elite-driven.

- Federalism: The Government has to form a bipartisan committee to work with the NRC to debate a workable model of federalism that will fit South Sudan. More importantly, the model has define the issues of powers between national government and states, the development planning and resource allocation and inter-governmental relations. A clear federal schedule in the permanent constitution needs to spell out the functions and objectives of federalism.

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