

Back to Our Communities in Quest for Federation in South Sudan Significance of Traditional Commune Federal System (TCFS) in South Sudan

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Introduction

Fulfilling a significant assured social cohesion, mutual coexistence and inclusivity in South Sudan, is contingent to level of reconciliation, healing remorsefulness, harmony and unity in diversity amongst the 72 nationalities comprising of 300 discrete cultural communes. Reckoning promising answers, the writer is inspired by tolerant ideals of inclusivity, justice and participatory democracy and good governance in contexts of multinational, multireligion and multicultural South Sudan. To realize this noble goal, it's a prerequisite to enhance genuine and emphatic listening and dialogue. The diverse cultures should engage in mutual recognition, respect and reciprocal deep thinking. They must mutually collaborate to navigate towards freedom, peace and prosperity for all in the country. To avoid being seen exotic and a strange institution that invokes resistant, the South Sudan nation state is obliged to incorporate and involve Traditional Authority Leaders (TALs) and Traditional Commune Federal Systems (TCFS) in its entire institutional framework and organizational culture.

Information on names and homelands of each of the 64 now 72 nationalities of South Sudan is in www.gurtong.org or The New Dawn a booklet by A. M. Banggol. It is mentioned in a report and the resolutions of All Tribe Peace Conference, held in Juba in 2015. Central Equatoria State Government hosted the conference (Radio Tamazuj: 2015). During the dialogue, eight newly identified nationalities were added. They are Dali, Jur Modo, Ketepo, Kresh, Lorwama and Nyepo. The homelands of the newly identified nationalities shall be established. Early records on population size and digits of sub-nationalities proved intricate needing a census.

Alphabetically the identified 72 Nationalities or the Peoples or Communities of the observed Multinational Democratic Federal South Sudan are:

- (A) Acholi, Adio, Aja, Anyuak, Atuot, Avukaya and Azande.
- (B) Bai, Baka, Balanda-Boor, Balanda Mbvir, Banda, Bari, Binga, Bongo and Boya.
- (C) Chollo
- (D) Dali, Didinga, Dinka and Dongotono.
- (F) Feroqhe.
- (G) Golo.
- (I) Ifoto, Imatong and Indri
- (J) Jiye, Jur Belie, Jur Chol (Luou) and Jur Modo.
- (K) Kakwa, Kara, Keliko, Ketepo, Kresh and Kuku.
- (L) Lango, Latuka, Logir, Lokoya, Lolubo, Lopit, Lorwama and Lugbwara.
- (M) Maban, Madi, Managayat, Moru, Moro-Kodo, Mundari and Murle.
- (N) Ndogo, Ngulgule, Nuer, Nyangatom, Nyangwara and Nyepo
- (P) Pari and Pojulu.
- (S) Sere, Shatt and Suri.
- (T) Tenet, Teuth, Tid, Toposa and Tonga.
- (U) Uduk.
- (W) Woro, and
- (Y) Yulu.

Beliefs and Assumptions of the Essay

The presupposition is that: Though acceptable, the secretive foreign system of governance, christened as the modern nation state, that is adapted in form of post-colonial systems in Africa, South Sudan included, could not achieve remorsefulness, harmony, peaceful coexistence and social harmony. This goal is contingent to institutionalize genuine inclusivity and unity in diversity recognized in the Constitution. The modern nation state of South Sudan should institutionally be framed and organizationally adapted within the changing contexts and demands of multiculturalism and Multinationalism of South Sudan. If paste cut from colonial systems that exclude, then the modern nation state of South Sudan has no future of social cohesion and institutional solidity in a fictitious unitary centralized governance system. This system could not acquire legitimacy and respect by the rural majority if it continues to exclude the most customarily influential and dependable TALs and TCFS in South Sudan. The threat is in modern nation state becoming nominal, delinked is caused by the misguided perception to legitimize, omits and not incorporating and involving the institutions, status and roles of TALs and TCFS as mandated by the Constitution. It is believed that without legitimizing the TCFS in systems of governance the tendency of exclusion, marginalization and the delegitimization could erode the needed social cohesion, social contract and social capital that is needed in nationhood building in multinational South Sudan.

Essence of Traditional Commune Federal Systems (TCFS)

The envisioned content and form of South Sudan and its territorial integrity is qualified by article 4 of SSTC 2011 read together with section IV.10 and IV.11 of SPLM Constitution 2008 and SPLM's guiding principles and values. In that South Sudan is mandated by the Constitution to be governed on the basis of decentralization with a view of devolving more federal powers to the Peoples. The SPLM manifesto envision is seen that devolution of powers shall be incomplete if it does not equally empower the TALs to fully exercise their powers entrusted to them by the Constitution and the law and without obstruction from any centre: nationally, state and local government. The type of decentralization envisioned should empower the masses, and not the regional elites. The purpose of empowerment is to enable the masses to exercise authentic federal power on all issues that affect them to extend where and when necessary a full autonomy. It shall be a system that is embracing and legitimizing the homelands of its Peoples of Traditional Commune Federal Systems. In a separate event during the All Tribes Peace Conference, Juba, Nyakuron on February 17th to 18th, 2015 resolution 2 (c) called on the negotiating parties to ensure that federalism should be the system of governance in the country. "...A federal system should be the system of governance in South Sudan and it should be part of the peace dialogue..." (www.sudantribune.org)

The depicted terminology of Traditional Commune Federal System (TCFS) is devised to distinguish the status and roles of the millennia old system of governance that continued. TCFS exists as a form of livelihood and customary governance that supported traditional coping mechanisms and mutuality within and across nationalities in South Sudan. TCFS is observed as a demographic reality, a mode of customary governance and mutual coexistence and recognition being customarily perceived and practiced as a norm of federated communes in rural South Sudan.

Tier and Dhal (2005: 36) observation is rearticulated to acknowledge the complexities in South Sudan that reveal significance of customary governance in each of the 72 nationalities. Some nationalities exist in collections of hundreds of sub-nationalities ascribes in diverse cultural communes. Each commune is distinguished and exists within a community owned territorial integrity. This possessive and entitlement of territory is reciprocally and mutually recognized within customary laws and is restricted by perceived and protected rights that are mutually recognized. These birthrights include building of dwellings, cultivation, fishing, grazing of livestock, hunting, conserving, and exploiting and managing forest products. These privileges are constitutionally mandated to be institutionally incorporated and customarily in the process of a federated governance and peaceful coexistence as Traditional Commune Federal Systems (TCFS). Such patterns of livelihood, rights and values of self-rules and birthrights have inevitably created a bond of social cohesion and political identity and belongingness. In multinational South Sudan, each commune of the over 300 diverse cultures of the 72 nationalities is discretely distinct from its neighbors.

For millennia these cohesions have created sense of identity and customary solidity that created a self-style traditional nationhood. It is reflected in customs, governance and administrative lifestyle noticeable in songs, folk tails and principles. Such establishment could be equated to territorial integrity of a modern nation state. The later, the nation state, by necessity, has emerged as collaboration of power and greed and with a purpose to extend exploitative and domination influence over other communes as legitimate of annexation. In South Sudan there is mutually recognized territory, Peoples, communes, moral, spiritual, judicial and administrative jurisdictions of kings and other forms of populist governance. Such territorial integrities lacked only elements of modern perception of sovereignty recognized internationally. It does not have diplomatic connectivity similar to the modern nation state as members of the United Nations. Under TCFS, governance is perceived under traditionally enthroned authority dependable on youth age-set as a legion of ric, monyomiji, opinion leaders, spiritual leader, a chief or a king.

These TCFS, though were not identified as such, but were recognized by the British colonial administration and dubbed them the colonial indirect rules. Alfred Lokuji (PhD), in reference to importance of Traditional Authority Leaders, once told Gurtong interviewer that: *First and foremost, [TALs and TCFS] are the only institutions many of us in traditional in the [villages] may know. The district commissioner and any government official from the towns are visitors and often have to be introduced even to the way the communities live.... In spite of the fifty years of independence, the governance we inherited from colonialists has not penetrated our cultures and still remains strange to the vast majority of our Peoples.* To inveterate the prominence and eminence of TALs and TCFS, Dr. Alfred concluded that: *“... I believe that the majority members of our rural household could never talked to a government official without a consent from their community leaders...”* This is suggesting that any level of government or development agency without incorporating and recognizing TALs and TCFS could not achieve a meaningful interactive participation and wider ownership that is institutionally and organizationally connected to the rural communities in modern nation state of South Sudan.

Each nationality and commune in South Sudan has opted for its form of a traditional commune federal arrangement. This has been characterized with pattern of livelihood, autonomous jurisdiction, protection of life and property, mutual recognition and

coexistence within itself and neighbors. When colonialism adopted TALs and TCFS, it aimed to undermine or bring under control of these numerous TCFS. The land of TCFS was annexed and owned by the invading colonizers. The TCFS mode of governance and protection of land was destroyed or subordinated. Some TCFS were used to enslave the citizens and to exploit their human and material resources. The essence of colonial nation state was to subjugate and to loot the resources while excluding the TCFS in decision on matters that affected the commune and its Peoples.

Perception of TCFS in International Human Rights Law

The relevance of recognizing the TCFS derives its significance from the perceived notion of and mechanism of decolonization. It originated under the United Nations and African Charters on Human Rights. Chapter 1:1:2 on the purpose of United Nations, which is: To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of Peoples, and to take other appropriate measures to strengthen universal peace. African Charter on Human and Peoples' Rights under article 19 states that: All Peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another. And also it is explicit under article 20(1) that: All Peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen. Similarly, article 20(2) of the Charter states that: Colonized or oppressed Peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community. Article 20(3) adds that: All Peoples shall have the right to the assistance of the State Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

In South Sudan article 33 of The South Sudan Transitional Constitution (SSTC) 2011 mandates recognition of nationalities and cultural communities to have the right to freely, enjoy and develop their particular cultures. Article 36(1) mandates that all levels of government in South Sudan shall be guided by the principles of decentralization and devolution of powers to the Peoples through their appropriate levels of governance. It lowest constituent units closer to Peoples, TALs within TCFS could best manage and direct commune's affairs. In the view of this article such devolution is only manageable under federation that should include traditional federal arrangements. Legitimacy of TALs and TCFS is explicitly mandated under article 166(6)(i) to acknowledge and incorporate the role of TALs, [TCFS] and customary law in local government system. Article 166(6)(j) also mandates involvement of communities in decision relating to the exploitation of natural resources in their areas and promote safe and healthy environment. Article 176(1) explicitly mandates that the institutions, status and roles of TALs and [TCFS] in according to customary law, are recognized under the Constitution.

Challenges of Elitism and Exclusion of TCFS

The challenge is that; like most postcolonial African nation states, South Sudan included, the institutional framework and organizational culture are exclusive and are disconnected from the TALs and TCFS- the Peoples, despite the legal mandates and envisioned political will. As a result it is suspected that governance institutions and

organization culture are likely to suffer chronic ills of disharmony, exclusion and injustice. Elitism and political curtailism with limited ideological substances could not perceive a needed social contract that could explore social capital of its Peoples in rural areas.

It is sad that modern nation states in Africa continued to portray themselves as external and coercive. Mostly they appear as a coalition for power sharing of prototype colonial nation state. Experience has shown that postcolonial nation state usually ends in looting natural resources in forms of salaries and benefits to employees of public administration limited to the minority towns' dwellers. Like the colonizing nation state, the postcolonial state ignores a meaningful allocation of resources that should have uplifted the dare backwardness and poverty caused by fragility and disadvantage in access to modernization. The tendency to undermine TCFS and TALs is exacerbated by negative impacts of lack of access to skill, knowledge and modern means of production.

In South Sudan, President Kiir warned against such lootings and envisaged a way forward. He envisioned that: *"...We also have to wean ourselves away of the habit of depending on the bonanza of oil revenues. Nations cannot be built on windfall profits. Consequently, the portion of oil revenues that may be dedicated to rural transformation shall be devoted, **in real terms**, to that transformation..."* Likewise, to chart the way forward and as indicative of strong political will to support the SPLM policies on rural transformation, President Kiir on May 2010 reminded South Sudanese that: *"...In 2004 - a year before the formation of the SPLM - led government in Southern Sudan we adopted a development plan entitled: **Strategic Framework for War - To - Peace Transition**. The centrepiece of that plan is **TAKING TOWNS TO RURAL AREAS** of the country. Regrettably, for the last five years our achievement in this regard was, if at all, minimal. I do not need to elaborate on the reasons, suffice it to say that the demands of security, which is an indispensable pre-requisite to keeping the CPA on track, have deprived us of the financial resources required to expedite the process of translating the goal of **Taking Towns to Rural Areas** into concrete reality. As a result our rural populace kept gravitating to urban centres and thus putting more pressures on the limited urban and suburban services and amenities. The migration from rural to urban areas also divested the rural areas of a relatively able workforce. From now on, **Fellow Citizens**, that trend shall be stopped...)* To derived the idea home, in his opening remarks of the All Tribes Peace Conference for Peace and Federation on February 17th, to 18th, 2015, Nyakuron Cultural Centre, Juba, South Sudan, the Central Equatoria Governor Clement Wani Konga, who chaired the event, told the conference that South Sudan's government has failed to achieve development because political leaders put their own interests first and have forgotten the [P] eople[s] of South Sudan (Radio Tamazuj: 2015). In the past the rural-urban migration was judged to be a local problem in Africa. However, with globalization and exacerbated by chronic instabilities in most urban Africa countries the rural-urban migration is increasingly become a worldwide challenges. Rural migrants to towns become the most vulnerable victims of human trafficking. There are evident that the recent increased of desperate migrants in most of the high seas waters are being swelled by courageous, naïve and desperate rural migrants turned international migrants. The era of information and technology, though benefited the civilization, it has made access to information more readily available to be abused or mislead the users. Frustrated rural migrants who attracted by dreams of modernized developed world would not hesitate to take a risk.

The way forward is to capacitate and to empower the TALs and TCFS to advocate and lobby for their recognition and incorporation in all levels of government and programs. TALs and their stakeholders should timely exert more efforts to effectively and efficiently explore the opportune political will in support on TCFS in South Sudan. The political will to recognize the roles of Traditional Commune Federal System was made on June 3, 2006 by President Kiir who stated that: *The Judiciary of Southern Sudan and the legal fraternity in Southern Sudan, as a whole, have the monumental task of developing our legal system, based on common law and our traditional legal heritage, which has to be researched into, ascertained, harnessed and made available for the purposes of sourcing our legislative process, among other things. Our governance must be well grounded in our traditional laws and customs. It must be borne in mind by all that this has been one of underlying causes in quest for freedom and human dignity. Our culture identification and development in all its forms must be unchained and facilitated to reach the same heights, as is the case elsewhere in our continent or the rest of the globe for that matter.*

The purpose of this article:

This article is an attempt, a part in series of articles meant, to contribute towards identifying the significance and effect of Traditional Authority Leaders (TALs) and their numerous Traditional Commune Federal Systems (#TCFS) in modern rural and the emerging urban establishment of nation states in South Sudan. Weight of roles of TALs and TCFS is being discussed from two pragmatic presumptions. The purpose is to suggest a pragmatic mechanism to build an effective inclusive, just and good local government. First is through identifying and reflecting on statements on the role of TALs in Taking Towns to Rural Peoples in South Sudan similar to other multicultural nation states in Africa. Secondly is in analyzing the perceived roles by TALs in guaranteeing transparent and participatory services delivery and wider ownership of peaceful coexistence in Rural South Sudan.

Initially it should be acknowledged that there are contrasting views about the weakness and irrelevance of TALs under modernization as being suggested by ‘experts’ and elites on South Sudan. The article reflects on other experiences in other modern nation states in Africa. In those countries TALs have proved relevant and predestined in administration of justice and building and managing nationhood building. This is realized through ways and means to enhance inclusive, just and good governance in modern multicultural and multinational nation states in Africa.

The supposition is to incorporate and involve TALs’ systems in apparatus of modern nation state of South Sudan is more relevant. This assumption is considering the endless changing contexts and demands of the evolving modern nation state of multinational and multicultural South Sudan. To reiterate, South Sudan is a home to an estimated 72 nationalities each with a living language making a South Sudanese commonality characterized with over 300 mosaic distinct cultures and norms.

Some suspected Social and Political Ills in South Sudan

Several research works suggest that under unity in diversity, South Sudan collaborative resistance evolved since the year 600 AD with invasion of a colonizing modern nation state. This invasion was by Amr Bin Aas that marked the penetration by fascistic Arab Nation State that annexed and exploited the colonized communities.

In South Sudan it was followed by invasions by other colonizers like Turks in 1821, followed by 1883 Berlin Conference that divided Africa territories into colonial rights to enslave and annex lands owned by TCFS. The process destroyed or attempted to undermine these traditional commune federal systems.

In South Sudan the danger against harmony and rule of law could be blamed on essence of lawlessness based on archaic and none humane perceptions of colonial nation state. These ills include the archaic 'lawful' stealthily and forcible detachment of cows, looting of cattle during fight and abduction of children. This form of crime is repugnant within any of South Sudan communes. However it is not regarded as a crime across nationalities, communes and cultural divides. It is mistakenly regarded as a heroic practice and commendable source of wealth making. Also in South Sudan rampant existence of small arms with youth and weak nation state apparatus has weakened the authority of Traditional Authority Leaders and has limited enforcement of rule of law unless more coercive measures are considered. Another predicament in South Sudan is that there is the perceived cultural hegemony considering the extreme and glaring difference in sizes of population and diverse demography. In South Sudan there is elitism and political cartelism of the minority educated town dwellers that collude against the majority rural community by allocating the bonanza of oil revenue as their salaries and their wellbeing. Political elites in South Sudan encourage fragmentation of commune to create a phenomenon of community gurus as champions, protectors and philanthropists of their communities. These malpractices if left without fully recognizing the status and roles of TALs and involving the TCFS in building a national social capital and social contract would results into creating a nominal nation state delinked from the rural majority.

During 1955-1972 and 1983-2004 fascistic Khartoum encouraged commune, sectarian chauvinistic and individualistic social groups to wedge differences and promote the culture of divide. Khartoum ruled through unhealthy competition and pitting disharmony amongst South Sudanese commune federal systems and their elites. Similar to the North-South divide, cultural and religious discrimination and the resultant coalition to fight against such justice; it is logical for a responsible conscious decision maker and activist to recognize that regionalism and cultural diversities could spill over to disharmonize the multinational and multicultural South Sudan.

Challenges of Manipulative Citizenry in South Sudan

There is a great lot that could be derived from Richard J. Vale in his article: Is the Sudan conflict best been understood in terms of race, religion, or regionalism? Of May 22, 2011. Richard convincingly justified that the three antagonistic elements contributed greatly into shaping the old Sudan. The then protagonists in Sudan conflict explored such realities differently. Khartoum adopted manipulative citizenry to demonize Africans, none-Muslims and Southerners. Simultaneously Khartoum incited superiority of Arab race, Islamic religion and Northern regional supremacy that ignited resistance. The Sudan Peoples' Liberation Movement (SPLM) opted to explore the then existing international, regional and national consciousness against exclusion and marginalization. Instead SPLM called for inclusive, just and good governance through bringing decisions of governance closer to the Peoples. The result was a coalition of all the marginalized communes in North, South, across religion and race against the center-Khartoum. This picture was adopted in implementation of the Comprehensive Peace Agreement (CPA) 2005. The mosaic systems of governance

made late Nugud of Sudanese Communist Party to once conclude that: ‘...During CPA there was one country and two systems of governance. Unfortunately with independence of South Sudan there are now two identical countries and one system of governance...’ This warning meant to alert South Sudan not to blindly adopt a spill over of exclusive governance of Old Sudan that was not sensitive to diversity.

In their report, the Principles of Federalism (2012: 17-18), the experts on Swiss Federalism wrote: “... Efforts to deny or suppress multiple identities within a diverse society have almost invariably led to contention, secession or civil war. An essential element therefore in federation encompassing a diverse society has been the acceptance of the value of diversity and of possibility of multiple loyalties expressed through the establishment of constituent units of government with genuine autonomous self-rule over those matters most important to their distinct identity. Equally important has been the recognition of the benefits within a diverse society to be derived from shared purpose and objectives providing the basis for the parallel processes of shared rules...”

Kwacakworo (Dr. Conradin Perner), in his interview in Gurtong Trust, explained that: “...The root cause of the war conflict and disharmony in Sudan was the lack of respect for cultural identity and cultural values and respect for Southerners (Jenuubeen)...” Kwacakworo warned that: “...One should never forget that all cultures are equal. He further concluded that there is no one culture better than the other. Numbers do not count in the cultural question. If you have ten people with a culture and you have one person with a culture, they are all of equal values and need the same respect...” In practice, the ruling party, SPLM’s principles and values on recognition of multiculturalism are mandated under article 5(2) Decentralization and devolution of powers. Article 5(7) Participatory Democracy, respect of democratic institution, and collective leadership. In uniqueness to multiculturalism in South Sudan SPLM lobbied for article 36(4) of SSTC (2011) mandating composition of government at all levels shall take into account nationality/community, regional and social diversity in order to promote unity and command a South Sudanese national loyalty where every one culture counts and is dependable.

Logically, such notions of mobilization in South Sudan that warranted self-actualization and consciousness have shaped the political and cultural practices amongst any of the 72 nationalities and over 300 discrete cultures. These sentiments were cemented by slogans of inclusivity, justice, freedom, peace and prosperity for all irrespective social strata, gender, faith and nationality. During the 1983-2004 liberation process, SPLM recognized and relied entirely on TALs and their TCFS in resources mobilization and management of the liberated areas. Hence future attempts to deviate from such recognition is likely to ignite the sense of a call for recognition and involvement of these diverse TCFS as part of an inclusive, just and good governance in South Sudan. It does not need a clever mind to be aware of likely disharmony and resistance against a replicated centralized and archaic system of Old Sudan.

The proposed Solution is Inclusivity and Unity in Diversity

In South Sudan, efforts to reframe inclusive and just good governance dictate reforming the western style democracy of representative democracy and democratic pluralism. This type of western style democracy limited to geographical

constituencies and multiparty democracy deficient and is irrelevant under multicultural existence like South Sudan. The reason is it could not create and support social cohesion, inclusivity, mutual trust and peaceful coexistence amongst the 72 nationalities and their related 300 culturally distinct communes in the country.

To explain this let us examine the two main streams of thoughts of any nationhood commonality. They two thoughts emanate from two different ideological backgrounds with evident differences between mutual recognition and domination or hegemony. Firstly is that of mono-culturalism which charms an image of uniformity based on hegemony of one culture/language over others in a country. It regards other nationalities/cultures as inconsequential as 'tribes' and as 'ethnicities'. Monoculture tendency would suggest that there are worthless cultures and entities that could only be 'assimilated' into a 'superior' mono-cultural, mono-religious unitary nation-state. This monoculturalism works to suppress diversity considered a threat to national unity and social cohesion. Monoculturalism considers diversity as a threat to national unity. However, evident indicate that suppressions generate resistance and legitimize revolt against cultural, racial and religious domination and hegemony.

In South Sudan there are tendencies to deviate from SPLM's principles through loose use of archaic slogans like One Nation! One People! Such a slogan suggests that diversity is a problem and that we should pretend to be a monoculture entity before achieving any level of social cohesion and national solidity. It goes further to disrupt the efficacy that we could be responsible in our cultural diversities to create harmony, social cohesion and remorsefulness within our unity in diversity.

The second stream of thought conjures the image of diversity, multiculturalism, creating Unity in Diversity of United Peoples under a Multinational State and Democratic Pluralism under Federation and Federalism. The correct slogan is Unity in Diversity! SPLM's Manifesto 2008 proclaimed decentralization with a view of devolving more federal powers to lower constituencies. The envisioned system is inclusive, just and good governance. It is where the exercise of the political, economic and administrative authority in the management of the country's affairs at all levels shall be Peoples-based (interest groups and civil society organizations). Under such a situation individuals and groups have effective say (lobby and advocated for legislation, enactment and implementation of policies) in the allocation and management of resources and in decisions on matters that affect their lives.

Call for Multinational Democracy (MND) in South Sudan

This section argues that the Peoples of South Sudan must research innovatively into Multi-National Democracy (MND) in South Sudan. Republic of South Sudan either a Decentralized States or State Federation or Regional Federation is envisioned like a vehicle driven on four wheels with a spare wheel. This car shall be with local engine, federate seats, and driven by a licensed driver. A president or prime minister elect could hold this position. It is a mental picture of a car model with a nationally made engine with consensually agreed seats of federated constituent units. The car is to be driven on paved road of constitutionality and operation manual of multiparty and multinational democracy, technician of ideologues. The lubricants are a blend of Party Political Work as a perception, conviction and relevant cultures in all spheres of socio-polity-economic, cultural, Executive, Legislature and Public Administration. The ignition source shall be the burning love and dedication to South Sudan

nationhood and commonality where every one culture and entity counts. Individual desire, societal desire and Peoples' General Will to freedom, peace & prosperity should cement the unity in diversity as stainless alloy resistant to bad governance.

This kind of multinational democracy could also be suggested in a formula as follow:

Multinational Democracy (**MND**) is a function of: (Representative Democracy (**RD**) + Democratic Pluralism (**DP**) + Inclusive Democracy (**ID**) + Direct Democracy (**DD**) + **PO** (Political Outlook- The ideological perceptions.

That is:

MND = DP + RD + ID + DD + PO

Where it is explained as follow:

1. **Democratic Pluralism (DP)** - this means multi-party and political pluralism with freedom of association, freedom of political views and freedom of expression.
2. **Representative Democracy (RD)** - this means a democratic process where decision - making is by consensus or by voting. This leg of democracy shall meet the constitutional mandate of the Act of Rights in South Sudan where inalienable individual rights are recognized and exercised under universal suffrage that allows adults of 18 years and above the right to vote and to contest elections. Representative Democracy means that representation is based on citizenship and on agreed ratio of population under specific geographical constituencies. Sizable nationalities and their sub-nationalities and clans as communes enjoy Geographical Constituency.
3. **Inclusive Democracy (ID)** – this means smaller nationalities that may not meet the criteria of Representative Democracy will be represented on the basis of their cultural identity. This recognizes the rights of language, culture and nationality. SPLM must adopt an affirmative action on Inclusive Democracy to translate its vision of inclusivity as a revolutionary transformation from Old Sudan. Also allowing them to form their own constituencies may include disadvantaged groups such as physical challenged people. Larger constituencies like intellectual and professionals that cut across nationalities can be represented, as shall be approved by the Peoples of South Sudan. There can be a constituency representing and giving a voice to those who heroically and with dedication sacrificed dearly for the nation, like the wounded heroes and heroines, widows and needy war veterans. Also to be recognized are the elderly in form of backbenchers.
4. **Direct Democracy (DD)**- This mode of democracy is incorporated under federal arrangement where an individual could lobby for a legislated and enacted policies could be amended or put into halt if needs arise. Some criteria may be established to govern **DD**. Most important prerequisite is collection of sign up number of citizens that approve the conduct of local, regional and or national referendum. The results of **DD** are binding and enforceable. Switzerland and USA practice **DD** more frequently than any other nation states.
5. **Political Outlook (PO)**- That is ideological perception within the contexts and demands of TALs and TCFS incorporated into modern nation state of South Sudan.

Empirical Evident of Significant of TALs

Santschi: 2010 observed that: “...*Chiefs play an important role in community life in the young nation of South Sudan. They provide an array of vital services, from*

mobilizing people for community projects to adjudicating disputes and administering customary law. Sometimes criticized as being an unelected group of old men, they will nevertheless play a vital role in South Sudan's steps to building viable, effective, local government institutions...) Santschi 2010 in her report: Chiefs, state-building, and development in independent South Sudan, acknowledged that: *"...Chiefs are significant stakeholders at the local level. They wield considerable socio-political influence, and many are seen as legitimate representatives of their communities. They provide important public services, and are vital for local governance..."* Santschi 2010 also reported that: *"...The large majority of people interviewed in Aweil East County look on customary law practices are positive. They described the chiefs' courts as efficient, transparent, and affordable compared to higher-level statutory law courts. In addition, their practice of considering the context and circumstances of the parties in conflict and the fact that verdicts are partly negotiated between the courts' members and the conflicting parties, seem to correspond to the litigants' expectations..."* The most adorned ticket to bearing of TALs' system is the statement by President Kiir on May 21st, 2010 that: *"...Traditional leaders, law – enforcement agencies and the people at large stood firm against the fomenters of trouble. In this respect, they have shown the same resilience which they have exhibited during the struggle to thwart all attempts to divide them or disturb peace and disrupt tranquility in their communities..."*

Hoehne (2008:14) quoted Johnson 1986:63-76) that: *"... in the late 19th century, first the Turko-Egyptian and then Anglo-Egyptian administrations set out to establish control over southern Sudanese territories... initially the British tried to simply take over and co-opt traditional authorities and customary law... Soon, however, they realized that effective administration was impossible in this way... when they used force to extract tributes and control, the colonizers faced rebellion from side of Nuer..."* To provide empirical evidence that Traditional Authority Leaders played roles in prehistoric South Sudan, Igga (2010:31-46) elaborated that the Kush Kingdom was one of the greatest civilizations of the then pre-historic world. Igga established that *"...In 710 BC Pianki at age of twenty-one years old ruled Napata, which was one of the ancient kingdoms in Sudan. Pianki decided to mobilize over 100,000 men and ordered the recapture of land..."* (Igga 2010:32). Pianki is referred to as Pienk - meaning renowned in Dinka- (Deng 2013:93-94). This suggests that Traditional Authority Leaders systems, structures and roles have existed in ancient Sudan long before the advent of colonizers. In South Sudan, the establishment of socio-economic, traditional political groups and the collective defense of settlements were largely dependent on prominent clan elders, spiritual and war leaders (Malok 2009:5). This became crystal clear with the advent of the Turks' invasion of the Sudan in 1821. After the collapse of the Ottoman Empire, the British and the Egyptian colonialization of Old Sudan followed. However, those conquests were resisted in South Sudan through communities' traditional leadership. For instance, the Azande led their resistance through King Gbudwe. Names like Kon Anok, Dhieu Alam, Biar Abit and Ariath Kon, amongst others, in Dinka Nationalities and Guek Ngundeng of Nuer, led their communities in such resistance (Malok 2009:5). Besides that Arop (2012:26-53) concluded that, during those decades of wars against external invaders, TALs waged resistance that subsequently evolved into liberation wars 1955-1972 and 1983-2004. Kuol, also, claimed that because of such roles by TALs, South Sudan has never come to a proper and well-organized system of externally imposed colonial governance, except recently when it achieved independence in 2011 (Deng 2013:47).

In separate writings, Arop (2012:1-17), Malok (2009: 4-26) and Yom (2005:35-51), explained that the period of 1821-1955 was characterized by invasions, annexation of land, enslavement, wanton killings and looting and destruction of resources. The periods of 1955 -1972 and later in 1983-2004 experienced wars of liberation struggle. Kuol's (2008:69-83) findings on the roles of TALs provided evidence that TALs played transformational leadership role in mobilizing local material and human resources that helped the liberation efforts in period 1983-2004. Wassara (2007:7) emphasized on the democratic nature of TALs that: *"...Traditional Authority Leadership has been heritably selected and appointed but also practices have shown that open nomination and democratic elections have been witnessed recently..."*

Bid for Recognition of Traditional Commune Federal Systems

In modern South Sudan, the government of South Sudan in accordance to Local Government Act (LGA) 2009, section 115 two types of TALs' systems are recognized. Sections 6, 18(2) and 19(3) of LGA 2009 and articles 166, 167 and 168 mandates incorporation of TALs' systems in modern nation state institutions. In South Sudan there are Kingdoms amongst the Anyuak People of Jonglei State, Chollo Peoples of Upper Nile State and the Kingdom of Azande People. There are other mixed systems of authority. Traditional commune federal systems serve as a perfect foundation for any meaningful and a purposeful Peoples' centered modern institutions. These systems suggest a sense of inclusive and good governance closer to the Peoples.

Many well-placed leaders in South Sudan appreciate the roles play by TALs and their systems. Example is Governor Jemma Nunu Kumba, the first South Sudanese appointed woman governor in Western Equatoria State (2007-2010). Governor Nunu was quoted in 2008 (www.gurtong.org) that: *"Chiefs are important because they live with the People. They know the problems of the People. Their People listen to them, so when they talk to the People they listen. We, the government are a bit far from the People, but the chiefs are living right there with their People. Traditionally, every citizen lives under the authority of those traditional leaders and chiefs. They know how to mobilize, they know how to pass messages and their People respect them. So my administration will see that this relationship is sustained. I am now glad that they have been able to form a council, which is a forum where they can come and raise common issues facing them and lay common strategies. It is also a channel through which the government can reach them with services..."* In deed the viable process to enhance inclusive, just and good governance that guarantees wider ownership and interactive participation.

Also, to demonstrate the relevance of TALs and TCFS in enhancing peaceful dialogue and sustainably manage and mitigate conflicts. Example is in Northern Bahr el Ghazal State, the President of the Traditional Court in Warawar Peace Market, Chief Deng Luol Akuei of Abiem Community in Eastern Aweil County could support this argument. Amid armed conflict during 1983-2004 wars, Chief Deng Luol initiated collaboration with a community leader of the Misseriya Arabs, the late Ahmed Hammed and his successor, Adam Mohammed Ahmed of Southern Kordofan. These two TALs of arch conflicting Dinka and Misseriya communities invented in 1991 a corridor of peace mechanism and a peace market popularly known as Warawar Peace Market. This social contract and political capital was envisioned, institutionalized and collaboratively implemented with a huge success amidst armed conflict. Though

Warawar Peace Market suffered several targeted attacks on the corridor and the market itself, the initiative persisted because the TALs supported the initiative. In Warawar Peace Market and corridors leading to and from it there were mechanisms of conflict mitigation, mediation and negotiated access implemented by TALs. These instruments were institutionalized as were envisioned, reframed and negotiated by the TALs of the two communities during the then Sudan war (1983-2004). Today, despite the strained cross border relationship between Sudan north and South Sudan, Warawar Peace Market is flourishing. Because of such conflict mitigation and mutuality envisioned, established and supervised by TALs of Dinka and Misseriya community, Warawar Peace Market could not be affected by border closure. The success story of Warawar Peace Market is a vibrant validation in support of the interpretations that TALs could play an enhancing role in mobilizing interactive participation and wider ownership of efforts leading to implementation and realization of benefits of the goal: 'Taking Towns to Rural Peoples' in South Sudan.

Also, since 2008, in Northern Bahr el Ghazal, the state government sponsored cross border peaceful dialogue between Dinka Malual in one hand and Misseriya and Rezeigat Arab nomads have been conducted and its recommendations implemented by TALs of both sides of divide. In Warrap State, since 2008, the conflict between Apuk Giir in one hand and Aguok Mou and Kuac Ayok was resolved and implemented by TALs of both sides. TALs could again amicably resolve recent flares in the area that surface due to new coexistence challenges. During the British administration of Old Sudan, seasonal border conferences were organized between adjacent communities to resolve conflict and to dialogue on harmony and coexistence to share common natural resources. Traditionally, chiefs, kings and elders male and female are entrusted to solve conflict arising from livelihood in rural South Sudan. This could be asserted that the ongoing political wrangling that was sparked off on December 13th, 2013 has caused a lot of deep wounds whose solution shall eventually depend on roles to be played by TALs and the spiritual leaders.

Comparative Analysis from Other African Countries

In Ghana, "... although the colonial regime found chieftaincy a necessary agent for political and administration of the country this was resisted by elitists successive governments since 1951. The post colonial elitists government mistakenly suggested chieftaincy unsuitable for governance in democratic Ghana..." (IDG 2010: 15). This according to the research concluded "...The anti-colonial trend, democratic movement and perceptions of western style democracy and election as the foundation of representing the people emerged as a challenge that relegated chieftaincy to be classified as non-democratic institutions..." (IDG 2010:14). With increased influence of movements for popular elective governance, the Watson Commission and the Coussey Committee on political reforms in Ghana could not salvage chieftaincy from marginalization in Ghana (IDG 2010:14). However, two decades later, in Ghana, the Akuffo-Addo Commission recommended chieftaincy for inclusive, just and good governance. The commission urged modernization of the chieftaincy institution suggesting a need for educated chiefs (IDG 2010:21). As a result of such findings and recommendations and as mandated by the Chieftaincy Act of 2008, the current position of the chief is complementary to institutional framework and organizational culture, to the government in Ghana nationally, provincially and at district levels.

The familiarization mission by South Sudan government supported by Government of Switzerland in 2013 to Ghana, South Africa and Botswana identified roles of TALs in complementing the roles of government in public administration, adjudication and services delivery. In that in the three countries visited it was found that modern nation states existence in rural areas is minimal. The rural areas and amongst the rural-urban communities is dominated by the TALs in administration of law and in supporting the government role to delivery social services in the three countries visited. Judiciary systems and magistrate courts in urban areas recognize TALs' systems. Ministry of Local Government and the judiciary systems endorse enthroned TALs in Ghana, South Africa and Botswana. In South Africa and Ghana there are national, provincial and districts house of chiefs that are involved in decisions that influence rural communities. In Botswana the second national chamber is the National House of Chiefs. Similarly in South Sudan the Constitutional mandates on roles of TALs should have been implemented in accordance to articles 167 and 168 of SSTC 2011.

In Botswana a Presidential Commission known as the Venson Commission 2001 concluded that: "... the role of traditional leaders in Botswana remains pivotal to the development process..." "...Successful services delivery depends on the extent to which communities are engaged through their traditional structures of Kgosi (Chief) and Kgotla (District/Village House of Chiefs) where government officials at any level would consult with the community on matters that affect the community..." (Sharma 2010: 5-6). Dikgosi structures are responsible for the traditional legal system and development amongst their communities. Ntlo ya Dikgosi (National House of Chiefs), is part and parcel of the law making process because it is recognized as the second chamber of legislative systems in Botswana. Bills on issues affecting communities and the Traditional Structures are tabled in Ntlo ya Kgosi before final legislation is made by the Parliament of Botswana and House Business of Ntlo ya Dikgosi) and Chairman of Ntlo ya Dikgosi.

In South Sudan and in accordance to the Constitution, the law and political will there are many TALs Acts that have been enacted in several states. However, due to suspected tendencies of exclusion and marginalization, elites suppress the realization of these policies into meaningful institutional framework and organizational cultures. Also the TALs themselves lack the capacity to lobby for implementation and adherence to Constitutional rights that mandate recognition and involvement of TALs.

The Quest for Federation in Multinational South Sudan

The call for federalism in South Sudan serves well with the institutional framework as perceived and mandated by perceptions, the laws and the Constitution. Federation is envisioned under paragraph IV.10 and IV.11 of SPLM Manifesto 2008 and mandated under articles 47, 48, 49, of SSTC 2011 and schedules A, B, C, D & E. There are clear three layers of governances whose competence has been made as follow: Federal National Government under articles 50, to 121 166, 167 and 168 of SSTC 2011. The decentralized federal State Government is under articles 162 to 165, 166, 167 and 168 of SSTC 2011. Local Government (County and Payam) mandates competences be under articles 33, 36(4), 166, 167 and 168 of SSTC 2011 and LGA 2009. The other two constituent units of the federated South Sudan are the Municipality under section 53 of LGA 2009 and the TALs Systems and the TCFS under articles 166, 167 & 168 of SSTC 2011 and Sections 6, 18(3), 19(3), 112 and 115 of LGA 2009.

There are historical facts that support the call for federation within South Sudan contexts and demands of Multinationalism and multiculturalism that have been united in diversity. History of Federalism and Federation in South Sudan could be claimed to have existed since the inception of the existing Traditional Commune Federal System that could be noted in Bomas. The pattern of existence as federated collectively and collaboration resistance and liberation wars against slavery were waged individually and collaboratively. Much more was demonstrated in the near unanimous unity of purpose during the 2011 referendum with credible and orderly results of 98.83% in favour of separation. Political calls for federation could be traced back to June 1947 Juba Conference call for Federal System and optionally for independence and or a referendum when TALs delegates requested to be given time to consult with their communities. Federalism Agenda featured high in 1953 and 1958 elections in Old Sudan led by Federal Party. During the early ages of independent Sudan the 1958 Military Coup was against likely move to consider South Sudanese call for federation. Though the process to acquire federation for Southern Sudan then was disrupted by the military rule the 1965 Round Table Conference on South Sudan renewed the Southern Sudanese demand for federation. For records Equatorians' Conferences in 2006, 2008, 2012 and 2013 call for Federation. This call is now more vivid and there are voices calling loudly.

In South Sudan there are Legal promulgations and mandates on Federation. Sections 6(1), (2), (3), (4), 18(3), 19(3), 112 and 119 of LGA 2009 recognize and mandate of what could be termed as the Traditional Commune Federation Systems in present Boma constituent unit under TALs. SSTC 2011 Schedules: A- National Powers 58, B- Powers of States 42, C- Concurrent Powers 33, D- Residual Powers- Situational and E- Resolutions of Conflict should it arises amongst the federated constituent units. Most importantly are articles 33, 36(4), 47, 48, 49, 166, 167 & 168 of SSTC 2011 on cultural diversity, inclusivity, levels of government, Devolution of Powers, Inter-Governmental Linkages and TALs Roles in Legislature/Executive respectively.

In exercise of devolution of powers each of the ten states has its state legislative assembly and executive organ of the government. Each state has clear competence and powers authorized under article 48 of SSTC 2011 on devotion of powers. In practice each states' authority has competence to issue vehicles number plates and many other powers devolved to states including some competences to collect revenues, taxes and levies.

In quest for federation in modern nation state of South Sudan, there are observed inconsistencies in competencies as mandated by SSTC 2011. Interest groups should identify these inconsistencies. Then there should be a process of dialogue to find amicable solution. Interest groups could then make their submission to the National Constitutional Review Commission for consideration. The challenges are in competences of President, the Governors, the Executive, the Legislature and the roles of the local government in regards to TALs and incorporation of TCFS institutionally and in the process of decision making at relevant levels of government.

Envisaged Fiscal Federalism in South Sudan

Dialogues on federation are now focus on inclusivity, autonomy and power sharing. Little is being discussed about the sovereign powers and their institutions. There is a

lot being taken for granted. But it is vital to bring those into surface. But the reasons of lack of adherence to the principles of decentralization with a view of devolving more federal powers could be sensed in resources allocation. Such level of tension could be seen in evident from the level of the national budget allocation during 2006 to 2011 and even now. The national budget consumed 74% of the resources while only 26% was reserved for all of the ten states (Deng 2013:50). There was no evidence of any allocation to rural areas throughout South Sudan. No level of the executive and the legislative, in the country, has so far adhered to articles 166, 167 and 168 of SSTC 2011 as mandated in the establishment and recognition of COTAL at state and national levels.

Researchers and policy promoters could learn from the Swiss experience on fiscal federation and others. This could enable the actors and policy-makers to suggest relevant policies for South Sudan. Bellow are issues on Fiscal Federalism as envisaged in Principles of Federalism, a Guide for Good Federal Practices- a Swiss Contribution (2012:103-209). The book recommends study and research and dialogue on issues of assignment of functions, allocating taxes, financial transfers, fiscal equalization and fiscal Sustainability.

Envisioned Roles of TCFS in Inclusive, Just and Good Governance

It could be reiterated here that provisions of article 166(6)(c), 166(6)(i), 166(6)(j) and 167(1) of SSTC 2011 should be considered when identifying priorities, allocation of resources and wider ownership and interactive participation by the target communities. In that the objective of local government is to encourage the involvement of communities and community based organizations in the matters of local government, promote dialogue amongst them on matters of local interest. It is challenging that in design and program implementation of Community Development Funds (CDF) and others, the TALs and TCFS have been excluded.

Judging from the above it could be recommended that the ongoing faith led National Platform for Peace and Reconciliation (NPPR) should revisit its approach to include and to incorporate the TALs and TCFS. This could enhance access, interactive participation wider ownership and with mechanism to involve local capacities.

Similarly the notion of supporting peace process as recommended by the African Commission of Inquiry in South Sudan should have added the need to incorporate TALs and TCFS. This could help in the process of finding potential means and methods to enhance and sustain peaceful coexistence amongst the 72 nationalities in the multinational and multicultural South Sudan.

It is logical that partnership between World Bank and the Government should consider involvement of the TALs and TCFS. Hence the process should consider the principles of Do No Harm and issues of building on local capacities for peace. This is very important because the funds are actually loan against the Peoples of South Sudan. Logically also is that the project as based on priorities to be defined by the communities. The Chair of the South Sudan Local Government Board on May 16th, 2015, emphasized the need for ensuring the role of oversight of the project. The purpose is to ensure achievement of the goals and objectives of the LGOSEED- The Local Governance and Service Delivery Project. The project has identified six facts in its community engagement fact sheet that include communication engagement,

comprehensive social and conflict analysis, facilitate planning process, participation of community and grievance redress mechanism. The LOGOSEED project document has also identified nine unique features of the LOGOSEED Project that included community as the core, knowledge sharing, focus on local government, sustainability, learning opportunities and shared project management. The program design included five facts in the Payam Development Grant Sheet that include Payam Development Grant (PDG), PDG financed projects, management of the projects, allocation of the PDG and its relation with ongoing projects in the county.

Obviously it could be noticed that the project has not concretely mentioned the need for a cross cutting element of governance, oversight and wider ownership in the project through community leadership of TALs and TCFS mechanisms. If the TALs and TCFS are incorporated and involved in identifying the priorities the process could help the project stakeholders, the target groups and the TCFS to develop their institutional framework and organizational culture to create needed connectivity within each of the community, across the communities and with the local government, the state and national government. This shall be by encouraging and to build the capacities of TALs and their TCFS to lobby for policies legislation, enactment and implementation of policies and procedures in accordance to articles 166, 168 and 169 of SSTC for establishment of COTAL at all levels.

In Conclusion

The elitists' empty claims in ticking-off that politicizing communities is a threat to inclusive, just and good governance is emanating from individualistic, selfish, power distant ills. Such mischiefs are exacerbated by cluelessness of the elitists about the significant roles that could be played by a political conscious citizens in their communities. In a supposition, it could be claimed that political conscious citizens in community would instead pass informed decision when voting. Politically conscious communities could vote for the right candidate with the relevant elections agenda. If they were equally politicized, communities would certainly establish objective mechanisms to seek enforcement of Constitutional mandates in accordance to the law. In that rights are demands driven. It is false to call for no involvement and incorporation of TALs and TCFS in political decisions on matters that affect them most. It is a constitutional mandate to furnish communities with relevant ideological perceptions, institutional framework and organizational culture in managing inclusive, just and good governance in multinational and multicultural South Sudan. Suggesting that political consciousness is a monopoly of elites is deceitfulness and oppressive. In South Sudan, logically, the stern foundation pillars for effective adherence to principles of good federation are the TALs and TCFS, which are closer to the Peoples. Politicizing communities and involving them would make them real stakeholders in ensuring the stability of their nation states and ensuring empowerment of the masses, and not the elites who tend to exclude TALs & TACFS in the rural South Sudan. Elitists turned looters and power brokers fighting their treasonous wars are now using less politically conscious communities.

The importance of TALs and TCFS and the need to incorporate them in modern nation state of South Sudan could be realized in the status of the Peoples and their traditional commune federal systems. That could be noticed in Johari (2010:47) proposition: “...there are four elements that constitute a People[s] centered modern nation state. Firstly, the Peoples- population- that lives in peace, security and liberty.

Secondly is the land and territorial integrity that is enabling productivity to meet the basic needs and production. Thirdly, the government that is able to protect the life and the property including protecting territorial integrity against any aggression. Fourthly, the sovereignty and supreme power and authority that is unchallenged in safeguarding internal and external socio-polity-economic and cultural sphere of the citizens...” It could be concluded that if TALs and TCFS are incorporated and involved in all phased of program, the South Sudan envisioned decentralized to devolved more federal powers could be sustainably and timely achieved and widely owned by the communities.

Importantly, Peoples, their TALs and TCFS should be recognized as vital for sustainability of South Sudan. They should be incorporated to institutionalize the social contract to ensure stability and harmony in a multination nation state of South Sudan. This belief could be comprehended in reading to Mayen (2013:142-144) in his book “House of War, Civil Wars and State Failure in Africa”. In his book, Mayen’s views contributed convincingly in connecting state failure in Africa and their fragility to attempts of bad governance in a centralized nominal nation state. That system, which delinks and undesirably excludes the community institutional framework and organizational culture, has proved that it could not ensure stability and harmony in many multinational and multicultural nation states in Africa. In that many states in Africa that suffered instability, fragmentation and separation could be attributed to manner that those nation states have excluded communities systems of traditional commune federal systems of governance.

Many post colonial nation states become token and fabricated without foundation and a future of nationhood. Why? Because many of these nominal nation states unwisely created incompatible nation state institutions dominated by elites. The elites delegitimize traditional commune federal arrangement and are not inclusive of their communities in decision-making process. To find a solution it needs innovation to create nation states institutions that recognize, incorporate and involve community institutions. For that Mayen (2013:145) suggested a model depicting a relevant social contract for sustainability and peaceful coexistence in multinational and multicultural states in Africa. Mayen (2013:143) convincingly explained that in Africa’s post-independence, internal efforts to consolidate state power, regional coalition of communities dissatisfied with nation state institutions that exclude them. The negative impact of exclusion became political and military pressures that have determined the very existence of those countries.

Since 1955 instability in Old Sudan was caused by South Sudanese communities coalition to wage armed and political struggle ending in 2004. Alongside that the same coalition was positively explored by SPLM to wage the armed and political struggle, to win 2010 elections and 2011 referendum. The South Sudan communities’ coalition was spontaneous because of a common agenda and mechanism deployed to create a sense of responsibility amongst the 72 communities in their diverse cultures. There was a mutual recognition and social contract to rely upon each other that brought the victory to acquire South Sudan sovereignty on July 9th, 2011. The viability of a united diversity is being demonstrated and has shown that any delegitimization of any section or a community by our systems in modern nation state in South Sudan is a threat to stability.

The Way Forward is back to our Communities

To paraphrase (Hames 2007:181-2008) today in South Sudan, Governors' Fora provide a process of a balanced bottom-up, a top-down and lateral collective networking, listening and discourse, collaborative learning, deep thinking and strategic navigations. Such consultative forum would allow mutual dialogue, trust and interdependence amongst conferees and subsequently their followers. Similarly this could be judged of the Commissioners' Fora through which, occasionally, counties commissioners have been called to mutually confer on matters of local government. Therefore a suggested national routinized consultative fora could be composed of (1) South Sudan Legislative Assembly, (2) Council of States and (3) National Council of Traditional Authority Leaders (COTAL). It is envisaged that such a forum shall enhance a mechanism of Decentralization with a view of giving more federal powers to regions and their traditional commune federal systems and implementation of the goal 'Taking Town to Rural Peoples'. But most importantly, such a forum may allow national leaders to impact what Bass and Riggio (2006:21) suggest. It could enhance the roles of leaders to influence "...inspirational motivation, idealized influence, intellectual stimulation and individual consideration and coaching..." to COTAL members and their followers who are anticipated, as a result to emulate their transformational and change national leaders.

The way forward is to adhere to the resolutions of the historic TALs' Conference, known as Resolution of Kamuto, Kapoeta County, New Sudan of June 29th, - July 10th, 2004 that resolved: (1) The conferees commit themselves and impress upon the Sudan Peoples' Liberation Movement and Government of South Sudan, the governments of the Nuba Mountains and Funj States to continue organizing such an event at least once every year, where they shall meet at County level once every three months and at a State level once every six months. Resolution (4): Unity of Purpose to create and strengthen all institutions or activities that shall deepen the sentiments of unity and harmony amongst our respective communities. Resolution (12) The Role of Traditional Leaders and Chiefs in Society shall: Enhance the role and responsibilities of Traditional Leaders and Chiefs in all aspects, particularly as regards to the tenure and ownership of land and other resources belonging to their respective communities. The resolutions of the historic meeting could be translated to be calling upon the SPLM and Government of South Sudan and partners to assist with establishing County, State and national fora for the Traditional Leaders and Chiefs. Similar views calling for a routinized consultative fora amongst South Sudanese nationalities was expressed by His Grace Bishop Lokudu who advised that: "...From the background of our tribes...from the ancestors of this land, you are representing our ancestors, our parents, and all the people in South Sudan... This is the best kind of the meeting that is needed for us to look into problems that we are in..." (Radio Tamazuj: 2015).

The centrality of unity in diversity under recognized TCFS could be taken from a paraphrased a observation of Zaninotto (2011:15-19). Zaninotto observed that South Sudan is a country that needs social building. But that may require a mechanism to involve all its nationalities, which are at war with each other. The challenge is that the ruling elites exclude these nationalities and their TALs' institutions.

The significance of Elites Councils of Elders amongst all the rural-urban nationalities could not be overemphasized if it is described as fundamental in urban areas. However, reading from views of Dr. Alfred on page 3 above and Governor Nunu on page 11 above, Elites Council of Elders' influence is limited amongst the elites and

town dwellers for sociopolitical, economic and cultural dialogue. Elites Councils of Elder should not be expected to spill over its influence to hinder the process needed to create the network, discourse, mutuality through TALs and their TCFS in rural areas. TALs and TCFS not the Elites Council of Elder are decisive and momentous in dialogue for creating harmony, mutuality and peaceful coexistence of the envisioned South Sudanese nationhood amongst the 72 nationalities in rural South Sudan. Delegitimizing and exclusion of TALs' institutions inhibits their roles as human components essential to empower the embryonic government institutions in governance and in delivery of basic social services. The consequence of this exclusion is a rampant loss of resources along the unconstitutionally recentralized decentralized system between the national and state governments and by extension the states and local government. Elitists Councils of Elder should not be sanctioned to extend domination of elitism and political curtailism to over shadow the roles of TALs' systems in connecting their TCFS to sprouting institutions of modern nation state of South Sudan.

In line with the ideal of empowering local and grassroots roles to participate in the governance process, Gaventa and Camilo (1999: 2) suggested that: a citizen's participation in the governance process takes three dimensions: First, is the social and project participation. Second is political participation. The third component is participation in determining the economic issue. To achieve this, in South Sudan, there is a need for a pragmatic approach. In that TALs' capacities to lobby for recognition of their roles should be an additional priority. As a result the ongoing process of supporting the roles of COTAL through South Sudan Local Government Board (SSLGB) is applauded. However, SSLGB is dominated by elites who in principles lack the interest in empowering the TALs and like any other institutions of South Sudan modern nation state, SSLGB is equally identified to suffer cluelessness about the constitutional mandates on roles and status of TALs. The remedy is to have a parallel approach, through civic movements and professional services, that would equally empower TALs to have institutional and organizational abilities to demands for their rights as mandated by the Constitution and the law.

All stakeholders should support TALs to lobby SSLGB and all stakeholders to adhere to SSTC 2011 article 166(6)(b) mandates that: *"...establish the local government as close as possible to the Peoples..."* Article 166(6)(c) mandates Local Government to: *"...encourage the involvement of communities and community-based organizations on matters of local government, promote dialogue among them on matters of local interest..."* Article 166(6) (i) mandates all levels of government in Republic of South Sudan to *"... acknowledge and incorporate the role of Traditional Authority and customary law in the local government system..."* Article 166(6) (j) mandates to *"... involve communities in decision related to the exploration of natural resources in their areas and promote a safe healthy environment..."* SSTC 2011 Article 167(1) mandates that: *"...The institutions, status and role of Traditional Authority, according to customary law, are recognized under this Constitution..."* Also Article 168(1) sets terms of office that: *"...Legislation of the states shall provide for the roles of Traditional Authority as an institution at the Local Government level on matters affecting local communities..."* Similar mandate under Article 168(2) mandates that: *"... Legislation at the National and States levels shall provide for the establishment, composition, functions and duties of Council of Traditional Authority Leaders (COTAL)..."* Article 169(3) demands National Government to promote and encourage

the participation of the Peoples in the formulation of its development policies and programs. This could be attained through National COTAL.

With legitimization and incorporation of TALs' system it is feasible to implement and achieve intended purpose in implementing SSTC 2011 article 181(2) on establishment, composition and function of the Fiscal and Finance Allocation and Monitoring Commission. The commission could engage social and institutional factors of National COTAL, State COTAL and individual TAL's institutions to fulfill its constitutional mandates under article 181(2) (a) to ensure and monitor any grants throughout all levels of governance in the country. Article 181(2) (b) is to guarantee appropriate sharing of resources at states, local government and Boma levels. Article 181(2) (c) is to safeguard transparency and fairness in the process of allocation and implementation. Article 181(2) (d) to monitor utilization of grants and; article 181(2) (e) is to engage TAL and TCFS on issues that interest the local communities.

There is a need for a paradigm shift in globalization. The resolutions of Berlin Conference (1884) divided the world into zones of influence to colonized and subjugate the colonized TCFS, enslave and loot their prosperities and annex the lands of communities under colonization. Globalization combined with the New World Order meant global market that undermined local markets and by extension reduced local capacities to create wealth. With bad governance, exclusions and marginalization the puppet and instable governments in under developed countries are causing rural-urban migration to become a global migration. Media, information & communication technology and human trafficking are logically fueling the globalized migration to modern world. It is a responsibility of the developed world to promote inclusive, just and good governance and to contribute towards making sweet homes where migration to urban and beyond is not a choice to escape despair and poverty.

Suggested Actions

1. Make presentations to the executive and the legislature at states and national levels. Topic: Freedom is Our Responsibility- Building Effective and Inclusive Local Government for Peace and Services Delivery.
2. Make presentations to TALs, COTAL and stakeholders.
3. Make presentations to development agencies, donor community and civil society to promote awareness and build consensus or roles of COTAL in good governance and peaceful coexistence throughout South Sudan.
4. Encourage COTALs in states to lobby for formation of national COTAL to engage all actors locally, at states and national levels.
5. Educate and encourage TALs in states to form their SSACOTAL similar to the Council of Traditional Authority Leaders of South Africa (CONTRALESA) and the East Africa Association of Traditional Authority Leaders.
6. Seeking funding to publish the dissertation report to enrich the literature.
7. South Sudan Local Government Board and stakeholders to lobby for a Presidential Commission to investigate and recommend on roles of TALs in South Sudan.
8. Engage Government of Switzerland and other stakeholders to diversify their conduit beyond relying on the ongoing process of partnership with SSLGB. In that development agencies like the World Bank, United Nations Agencies to reconsider their old mentality that TALs and TCFS are irrelevant in realization of the modern nation state in South Sudan.

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