

Research Article

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Constitutional decentralization and ethnic federalism: Implications for governance effectiveness in South Sudan

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Abstract

Keywords

Constitutional decentralization;
ethnic federalism;
governance effectiveness;
South Sudan; post-conflict governance;
political participation;
service delivery;
national cohesion;
fragile states.

Constitutional decentralization and ethnic federalism are widely advocated governance reforms aimed at improving public service delivery, enhancing political participation, and managing diversity. While decentralization can strengthen local governance and accountability in stable contexts, evidence from conflict-affected and ethnically diverse states indicates mixed outcomes. Experiences from the United States, South Africa, and Kenya demonstrate that decentralized systems with strong institutions and fiscal authority can enhance service delivery and citizen engagement. Conversely, ethnic-based federalism in countries such as Ethiopia, Bosnia and Herzegovina, and Iraq has sometimes intensified identity-based conflicts, territorial disputes, and political fragmentation. South Sudan, the world's newest nation, presents a unique context with over sixty ethnic groups, fragile institutions, and a recent history of civil conflict. Although the country operates under a decentralized constitutional framework, debates continue over transitioning to an ethnic federal arrangement. This study explores the implications of constitutional decentralization and ethnic federalism for governance effectiveness in South Sudan. It argues that while decentralization may promote political participation and local service delivery, ethnic federalism could exacerbate divisions in the absence of strong institutions and effective conflict-management mechanisms. Understanding these dynamics is critical for designing governance reforms that balance ethnic inclusion, national cohesion, and sustainable development in fragile, post-conflict contexts.

Introduction

Globally, constitutional decentralization has been promoted as a key reform in governance to improve public service delivery, enhance accountability, and encourage citizen participation in decision-making (Rondinelli, Nellis, and Cheema, 1983; World Bank, 2000). Many governments have implemented different forms of political, administrative, and fiscal decentralization in an effort to bring decision-making closer to local communities and better address their needs (Faguet, 2014). Studies suggest that decentralization can improve access to vital services and help reduce poverty, especially when local authorities have significant financial independence and administrative control (Oates, 1999; Smoke, 2015). However, its impact is not uniform and depends on factors like the strength of institutions, political environment, and the quality of local governance (Treisman, 2007). In places affected by fragility or conflict, decentralization may strengthen local institutions, but it can also provide opportunities for elites to gain power, lead to political fragmentation, or even cause renewed instability (Brancati, 2006; Bardhan and Mookherjee, 2006).

In Africa, decentralization and federal systems have often been used to address ethnic diversity and foster socio-economic growth. South Africa provides an example where decentralization has yielded positive results, thanks to strong intergovernmental cooperation and considerable fiscal powers at the subnational level (Fessha, 2010; Steytler, 2016). In contrast, Ethiopia's ethnic federal model has led to increased political divisions and disputes over borders (Aalen and Muriaas, 2017; Vaughan, 2015). In countries like Sierra Leone and Côte d'Ivoire, granting real authority to local councils has improved governance responsiveness to citizens' needs (Fanthorpe, 2006; Lutz & Linder, 2004). However, persistent issues, such as corruption, weak administrative capacity, and political fragmentation, continue to hinder these efforts (Boone, 2014; World Bank, 2017). In East Africa, Kenya's devolution process has improved service

delivery and increased civic involvement, although challenges like corruption and coordination difficulties still exist (World Bank, 2015; Kramon & Posner, 2016).

South Sudan, a country made up of more than sixty different ethnic groups, functions under a decentralized constitutional framework. However, it is still involved in ongoing debates about whether ethnic federalism is suitable for the nation. While this system could better reflect the country's diverse social and cultural makeup, it also has the potential to deepen existing divisions, particularly due to the weak institutions and long-standing conflicts that are present in the region (Johnson, 2016; IGAD, 2018; de Waal, 2014). This study explores how constitutional decentralization and ethnic federalism influence governance effectiveness in South Sudan, focusing on the relationship between inclusivity, political stability, and national unity (OECD, 2018). After more than twenty years of armed conflict, South Sudan gained independence from Sudan, yet both countries have continued to face instability. These events highlight how unresolved governance problems, weak institutions, and political fragmentation can prevent lasting peace and stability, even after formal political agreements have been made.

Problem Statement

The major problem in South Sudan is achieving effective governance in a context of extreme ethnic diversity, fragile institutions, and a history of prolonged civil conflict. Constitutional decentralization has been implemented to promote local participation and improve service delivery; however, global and regional experiences indicate mixed outcomes. In the United States, dual and cooperative federalism has generally strengthened local governance and policy innovation (Treisman, 2007). In Europe, Bosnia and Herzegovina's ethnic-based decentralization has contributed to political paralysis and limited coordination at the state level (Brancati, 2006). In Asia, Iraq's decentralized federal arrangements intensified sectarian disputes over territory and

resources (Boone, 2014). In Africa, South Africa's decentralization improved local service delivery, whereas Ethiopia's ethnic federalism exacerbated ethnic polarization and conflict (Aalen & Muriaas, 2017). The gap is that in South Sudan, empirical research examining how constitutional decentralization and ethnic federalism affect governance effectiveness is limited. Without such evidence, policymakers face challenges in designing reforms that balance ethnic inclusion with national cohesion (IGAD, 2018; Johnson, 2016).

Specific Objectives

i. To analyze the structure and functioning of ethnic-based governance systems shaped by constitutional decentralization policies in South Sudan by reviewing government documents, interviews, and case studies within the study period. ii. To identify and examine at least three major challenges associated with implementing ethnic federalism in fragile and post-conflict states, using South Sudan as the case study. iii. To assess, through qualitative and comparative analysis, the potential of a centralized governance model as an alternative approach for enhancing national unity and governance effectiveness in South Sudan within the scope of the research timeframe

Significance of the Study

Constitutional Decentralization and Ethnic Federalism: Implications for Governance Effectiveness in South Sudan

This study is of substantial relevance to a broad spectrum of stakeholders in South Sudan, including ordinary citizens, constitutional office bearers, students of law, scholars, state institutions, civil society organizations, development partners, members of the judiciary, and political actors.

For Constitutional Office Bearers in South Sudan: The research provides well-grounded, evidence-based perspectives to support

policymakers, legislators, and government officials in structuring governance arrangements that improve public service delivery, foster inclusive political participation, and reinforce national unity. Its findings can contribute to constitutional review processes and guide deliberations on ethnic federalism or other possible systems of governance.

For Law Students at the University of Juba:

The study serves as an important academic resource for understanding both the theoretical foundations and practical dimensions of constitutional decentralization, ethnic federalism, and governance effectiveness, particularly within post-conflict settings. It enriches academic research, classroom learning, and critical discussions on law, governance, and state formation.

For Researchers: This work contributes meaningfully to the body of knowledge on federalism, decentralization, and governance in fragile and ethnically plural societies. By offering empirical evidence from South Sudan, it facilitates comparative studies with experiences in Africa, Asia, Europe, and the Americas, thereby supporting broader scholarship on post-conflict governance and institutional frameworks.

For Government Institutions: Government ministries, local administrations, and public sector agencies can utilize the study's findings to strengthen policy implementation, enhance coordination across different tiers of government, and improve the overall efficiency of public service provision.

For Civil Society Organizations: Non-governmental organizations, advocacy networks, and community-based groups may draw upon the insights presented to promote active citizen participation, monitor governmental performance, and advance transparency and accountability initiatives.

For International Partners and Donors: Institutions such as IGAD, the United Nations, and the World Bank can apply the study's conclusions when designing development programs, allocating financial and technical resources, and supporting initiatives aimed at national cohesion and sustainable growth.

For the Judiciary and Legal Practitioners: Judicial officers, legal professionals, and scholars can gain valuable insights into constitutional decentralization and federal governance systems, enabling them to interpret laws effectively, adjudicate conflicts, and uphold the rights and freedoms of citizens.

For Political Parties and Local Leaders: The research can inform policy development, stimulate constructive dialogue among various ethnic communities, and promote improved governance practices at the regional and local levels. By addressing these diverse groups, the study integrates theoretical analysis with practical application, encouraging informed policymaking, strengthening legal scholarship, and advancing sustainable governance to foster peace, stability, and long-term development in South Sudan.

Key Scholars on Ethnic Federalism in Africa

Asnake Kefale (2013) – Author of *Federalism and Ethnic Conflict in Ethiopia: A Comparative Regional Study* (first published 2013), which analyses Ethiopia's ethnic federal system and its implications for peace and regional relations.

Lovise Aalen (2002; 2011) – Known for *Ethnic federalism in a dominant party state: The Ethiopian experience 1991–2000* (CMI Report, 2002) and *The Politics of Ethnicity in Ethiopia: Actors, Power and Mobilisation Under Ethnic Federalism* (Brill, 2011), which explore ethnic federalism, political mobilisation, and ethnic representation in Ethiopia.

John Markakis (2011) – Scholar of ethnicity, state formation, and governance in the Horn of Africa; notable work includes *Ethiopia: The Last*

Two Frontiers (James Currey, 2011), which addresses ethnic identities and political boundaries in Ethiopian and regional contexts.

Christopher Clapham (1996; 2017) – Has analyzed federalism and ethnic politics across Africa; key works include *Africa and the International System: The Politics of State Survival* (Cambridge University Press, 1996) and *The Horn of Africa: State Formation and Decay* (Hurst Publishers, 2017), which discuss federal arrangements, ethnic conflict, and state structure in the Horn.

Francis Mading Deng (1993–1995 period and later) – Leading scholar on identity, self-determination, and governance in Sudan/South Sudan whose work (e.g., on self-determination and conflict management in Sudan) informs debates on ethnic federalism, minority rights, and state legitimacy. (His major works on identity and self-determination span the 1990s and beyond.)

Research Gap and Emerging Studies on Ethnic Federalism in South Sudan

There is a substantial amount of research on ethnic federalism in African countries, especially in Ethiopia, with studies by authors such as Kefale (2013), Aalen (2002, 2011), Markakis (2011), and Clapham (1996, 2017). Additionally, there is considerable work on governance issues in Sudan and South Sudan, including studies by Deng (1993–1995). However, specific research focused on ethnic federalism in South Sudan is still limited. Most of the existing literature centers on the political and institutional structures of other African nations, leaving a gap in understanding how ethnic federal systems might affect governance effectiveness, national unity, and conflict resolution in South Sudan.

A recent study by Akuei Abraham Deng (2026) aims to fill this gap by exploring the concept of ethnic federalism in South Sudan which of demand. The research identifies the difficulties of creating a decentralized system of governance in a country that has recently emerged from conflict

and is characterized by a diverse ethnic composition. It also points out potential benefits of an ethnic federal approach, such as better representation at the local level and more efficient delivery of public services. At the same time, the study raises concerns about risks like political fragmentation, control by elites, and the possibility of worsening ethnic conflicts. The findings highlight the importance of more empirical research to guide policies on decentralization and power-sharing in settings that are ethnically diverse and have a history of conflict.

Theoretical Review

1. Social Contract Theory

Social Contract Theory provides one of the foundational explanations for the origin and legitimacy of the state. The theory, advanced by classical philosophers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, argues that political authority emerges from an agreement among individuals to form a government that can provide order, protection, and social stability. The theory suggests that individuals surrender some of their natural freedoms in exchange for collective security, peace, and organized governance structures (Duignan, 2024; Britannica, 2025). Hobbes argued that without a central authority, society would exist in a state of chaos where life would be insecure and dominated by conflict. He therefore supported a strong central authority as necessary for maintaining order and security. Locke, on the other hand, recognized natural rights such as life, liberty, and property, but still argued that a government was necessary to protect these rights through law and impartial authority. Rousseau expanded the concept by emphasizing collective will and political legitimacy through public consent (Britannica, 2025).

In fragile or post-conflict states, Social Contract Theory is often used to justify strong state authority during early state-building phases. Where institutions are weak and social trust is

low, strong central governance may help prevent fragmentation and conflict. The theory, therefore, provides a useful framework for analyzing governance debates in South Sudan, where national unity and institutional consolidation remain key challenges. The absence of strong national cohesion may weaken decentralized systems if local elites capture authority or if governance structures reinforce ethnic divisions. In the context of constitutional decentralization, Social Contract Theory suggests that governance structures must prioritize security, the rule of law, and the protection of citizens' rights. If decentralization weakens the state's ability to maintain order or provide equal protection across regions, it may undermine the social contract between citizens and the state. This theoretical perspective supports arguments that centralized authority may be necessary in fragile, ethnically divided societies until institutional and political stability is achieved.

2. Institutional Theory

Institutional Theory emphasizes that governance effectiveness depends primarily on the strength, capacity, and quality of institutions rather than governance structure alone. According to this perspective, institutions such as legal systems, public administration, and accountability mechanisms shape political and economic outcomes. Research on federal and decentralized governance systems in Africa shows that institutional design strongly influences whether federalism successfully manages ethnic diversity. Weak institutional frameworks often prevent federal systems from effectively managing identity-based conflict, even when decentralization is constitutionally adopted (Demerew et al., 2025).

Institutional Theory further suggests that decentralization can create governance fragmentation if administrative and fiscal capacity is weak. Instead of improving service delivery, decentralization may distribute limited state capacity across multiple levels of government, reducing efficiency and accountability. In fragile

states, decentralization can also create competition between subnational units for resources and political power, especially where ethnic identities strongly shape political mobilization.

In South Sudan, institutional weaknesses such as limited administrative capacity, weak fiscal systems, and fragile rule of law may reduce the effectiveness of decentralized governance systems. Institutional Theory, therefore, suggests that strengthening core state institutions may be more important than changing governance structure alone. This theoretical perspective supports arguments that centralized governance may help build institutional capacity before implementing extensive decentralization reforms.

Types of Federalism

Ethnic federalism is a governance system where political boundaries and administrative powers are organized along ethnic, linguistic, or cultural lines. It grants regions autonomy over local governance, language, education, and resources while remaining part of a federal state. In Africa, Ethiopia exemplifies this model, though it can entrench divisions, heighten competition for resources, and weaken national cohesion, particularly in fragile or post-conflict states like South Sudan.

Federalism is a system of government in which sovereignty is constitutionally divided between a central authority and subnational units such as states, provinces, or regions. The way power is allocated and exercised varies across countries, giving rise to different types of federalism shaped by historical, cultural, political, and economic factors.

Dual Federalism: Dual Federalism, also known as Layer Cake Federalism, is marked by a distinct separation of powers between the national government and subnational governments, allowing each to function independently within their designated areas. This model was prominent in the United States from 1789 to the 1860s.

Cooperative Federalism: Cooperative Federalism, or Marble Cake Federalism, highlights the interaction and shared responsibilities between different levels of government. It involves overlapping authority and joint decision-making processes. Germany exemplifies this system from 1949 until the adoption of its Basic Law.

Ethnic Federalism: Ethnic Federalism, sometimes referred to as Nationality or Communal Federalism, structures subnational entities based on ethnic, linguistic, or cultural identities to safeguard minority rights and prevent the dominance of a single group. Ethiopia's 1995 Constitution is a notable example of this model.

Fiscal Federalism: Fiscal Federalism centers on the financial relations among different levels of government. It involves the allocation of taxation authority, spending responsibilities, and intergovernmental financial transfers to support balanced regional development. Both India, under its 1950 Constitution, and Canada, following its 1867 Constitution Act, demonstrate fiscal federalism.

Asymmetrical Federalism: Asymmetrical Federalism grants varying degrees of authority to subnational units to address historical, cultural, and political differences. India's state of Jammu & Kashmir had special autonomy before 2019, and Spain's 1978 Constitution provides autonomy to regions like Catalonia and the Basque Country as examples.

Centralized Federalism: Centralized Federalism is characterized by the central government maintaining significant control over subnational units, with these units largely acting under the authority delegated by the center. Nigeria's 1960 Constitution illustrates this form of federalism.

Competitive Federalism: Competitive Federalism promotes subnational governments competing for investment, residents, and businesses by improving governance and services, which encourages efficiency and innovation. The

United States has seen this model emerge prominently since the 1980s, especially after the Reagan era, through fiscal competition among states.

In summary, these seven types of federal systems showcase the diversity of federal arrangements around the world, reflecting how nations manage the balance between national unity and regional autonomy through various historical, political, and institutional approaches.

Merits of Ethnic Federalism

Ethnic federalism offers several potential benefits in multi-ethnic states.

Political inclusion ensures that ethnic minorities are represented in governance, helping to address historical marginalization (Horowitz, 1985).

It provides cultural and linguistic autonomy, allowing regions to preserve their languages, traditions, and cultural identity (Aalen, 2011). By accommodating demands for self-determination, ethnic federalism can act as a conflict mitigation mechanism, reducing tensions between groups (Tsegaye, 2013).

The model also supports decentralized governance, enhancing local participation and responsiveness to community needs (Horowitz, 1985).

Finally, it establishes a framework for peaceful coexistence by creating legal and administrative structures to manage ethnic diversity within a single state (Aalen, 2011).

Demerits of Ethnic Federalism

Despite its potential advantages, ethnic federalism has notable drawbacks. It can lead to the entrenchment of divisions, reinforcing ethnic identities and deepening social and political cleavages (Young, 2006).

It may foster resource competition, as ethnic groups vie for access to political power and economic resources (Horowitz, 2000).

Ethnic federalism can weaken national cohesion, reducing loyalty to central state institutions and increasing the risk of fragmentation (Aalen, 2011).

In fragile states, it can create security threats, contributing to the proliferation of militias and recurring violence (Young, 2006). Moreover, the legal recognition of ethnic autonomy carries secession risks, potentially enabling regions to pursue independence (Tsegaye, 2013).

Impact of Ethnic Federalism in Africa

In Africa, ethnic federalism has functioned as a double-edged sword, producing both inclusive governance outcomes and deepened societal fragmentation when poorly managed. On the one hand, it offers recognition and political space to historically marginalized groups; on the other, it can institutionalize identity divisions and intensify conflict.

The experience of Ethiopia illustrates this duality clearly. While ethnic federalism initially aimed to empower diverse nationalities, it also contributed to secessionist tendencies and internal instability. The separation of Eritrea in 1993 (formalized after the 1992 referendum) demonstrated how constitutionally recognized self-determination could culminate in state fragmentation. More recently, tensions between the federal government and the Tigray People's Liberation Front (TPLF) escalated into violent conflict between 2020 and the extended instability witnessed into 2024/2025, underscoring how ethnic-based federal arrangements can exacerbate political and military confrontations when trust collapses (Abbink, 2020).

In Nigeria, although the federal structure allows for the accommodation of multiple ethnic groups, state boundaries often align with dominant ethnic

identities. Quantitatively, this has preserved representation, but qualitatively it has intensified competition over resources, political offices, and federal allocations, reinforcing ethnic patronage rather than national cohesion (Suberu, 2001).

The case of Sudan, which led to the emergence of the Rapid Support Forces (RSF) and the Sudan People's Liberation Movement/Army-North (SPLM/A-North), including the eventual independence of South Sudan, illustrates the dangers of ethnic institutionalization. Long-standing political and ethnic divisions between the North and South culminated in South Sudan's secession in 2011 (Young, 2006). However, ethnic politics persisted post-independence, culminating in the 2013–2026 political crisis, characterized by widespread violence along ethnic lines. The Dinka, as the country's largest ethnic group, were symbolically and verbally targeted in public discourse. Reports indicate that indirect labels and coded language were used to identify Dinka individuals along highways, facilitating militia attacks. This environment of ethnic polarization has also coincided with the growth of tribal militias challenging government authority, further undermining national cohesion and security. From the author's perspective, ethnic federalism is unsuitable for South Sudan. Institutionalizing ethnicity within political and administrative structures exacerbates divisions, encourages group-based competition, and fosters conditions for exclusion and marginalization. The rise of tribal militias targeting both rival ethnic groups and state institutions exemplifies how ethnically structured governance can escalate violence and weaken state authority. The author argues that governance models emphasizing national unity, inclusive institutions, and resource distribution are better suited to promoting stability, reducing militia activity, and fostering sustainable development in South Sudan.

Similarly, in Cameroon, linguistic and ethnic divisions underpin the Anglophone crisis, where demands for federal restructuring reflect perceptions of exclusion and marginalization (Fomunyoh, 2018). In Kenya, devolution through

county governments has strengthened local governance but also reinforced ethnic identities, occasionally triggering inter-tribal clashes over political power and land (Owino, 2017).

Overall, the African experience suggests that while ethnic federalism can enhance inclusion, without strong institutions, equitable resource distribution, and national integration mechanisms, it risks deepening divisions and fueling conflict.

4. Fiscal Federalism

Fiscal Federalism: Fiscal federalism focuses on the financial relationships between central and subnational governments. It defines how revenue is raised, shared, and spent, and addresses the degree of fiscal autonomy enjoyed by constituent units. The core objective of fiscal federalism is to ensure that subnational governments possess adequate financial resources to effectively discharge their constitutionally assigned responsibilities. Key characteristics of fiscal federalism include revenue-sharing arrangements between levels of government, independent taxation powers for subnational units, intergovernmental fiscal transfers, and a degree of budgetary autonomy. These mechanisms are designed to address vertical and horizontal fiscal imbalances and promote equitable development across regions. A commonly cited example is Canada, where provinces enjoy significant revenue-raising powers through taxation, while the federal government administers transfer payments such as equalization grants to reduce regional economic disparities and ensure comparable public services nationwide.

Asymmetrical Federalism: Asymmetrical federalism refers to a system in which different subnational units possess unequal levels of autonomy or authority. This arrangement often emerges from historical, cultural, ethnic, or political considerations, where specific regions demand or are granted special governance arrangements distinct from others. Key characteristics include unequal devolution of powers, constitutionally recognized special-status

regions, and tailored autonomy agreements that reflect regional particularities. For example, Spain grants enhanced autonomy to Catalonia and the Basque Country, particularly in fiscal and cultural matters. Similarly, India previously accorded Jammu and Kashmir special constitutional status under Article 370, granting it broader autonomy than other states before its revocation in 2019.

Synthesis of Federal Models: Federalism is not a monolithic concept; rather, it manifests in diverse forms shaped by historical experiences, ethnic composition, fiscal arrangements, and political objectives. While dual and cooperative federalism emphasize functional division or power-sharing between levels of government, ethnic and asymmetrical federalism address issues of identity, autonomy, and regional diversity. Fiscal federalism, meanwhile, ensures that subnational units have the financial capacity to fulfill their responsibilities effectively. Understanding. These variations are critical for policymakers, particularly in diverse and fragile states such as those in Africa, where federal arrangements must balance national unity, equity, political stability, and cultural diversity.

4.2 Empirical Review

Empirical evidence from African federal systems presents mixed conclusions regarding the ability of federalism to mitigate conflict in post-conflict societies. Comparative studies suggest that while federal arrangements can help preserve territorial integrity and provide institutional frameworks for inclusion, they do not automatically prevent ethnic or political tensions. In several cases, federal systems have failed to reduce exclusionary practices or identity-based political disputes, particularly where democratic institutions are weak, governance capacity is limited, or political elites lack genuine commitment to federal principles. Scholars argue that federalism's effectiveness in conflict mitigation depends largely on its design, implementation, and the broader political context. Where federal structures are manipulated for elite dominance or ethnic mobilization, they may exacerbate grievances

rather than resolve them. Consequently, federalism in post-conflict African states must be accompanied by strong institutions, inclusive governance, equitable resource distribution, and sustained political will to achieve long-term peace and stability.

Fiscal Federalism

Fiscal federalism focuses on the financial relationships between central and subnational governments. It defines how revenue is raised, shared, and spent, and addresses the degree of fiscal autonomy enjoyed by constituent units. The primary objective of fiscal federalism is to ensure that subnational governments have sufficient financial capacity to perform their constitutionally assigned functions effectively. Key characteristics of fiscal federalism include revenue-sharing arrangements, independent taxation powers for subnational governments, intergovernmental fiscal transfers, and budgetary autonomy. These mechanisms are intended to address vertical and horizontal fiscal imbalances and promote equitable regional development. A classic example is Canada, where provinces possess significant revenue-raising powers, particularly through income and sales taxation, while the federal government provides transfer payments such as equalization grants to reduce regional disparities and ensure uniform public service provision across the federation (Watts, 2008).

Asymmetrical Federalism

Asymmetrical federalism occurs when different subnational units within a federation enjoy unequal levels of autonomy or authority, often as a result of historical, cultural, ethnic, or political factors. Certain regions may be granted special rights or governance arrangements that are not extended to others. Key characteristics include unequal devolution of powers, constitutionally recognized special-status regions, and tailored autonomy agreements. For example, Spain grants greater fiscal and political autonomy to Catalonia and the Basque Country, particularly in areas of taxation and cultural governance (Keating, 2013).

Similarly, India previously accorded Jammu and Kashmir special constitutional status under Article 370, providing it with broader autonomy than other states until its revocation in 2019 (Ganguly, 2016).

Synthesis of Federal Models

Federalism is not monolithic; it manifests in diverse forms shaped by historical context, ethnic composition, fiscal arrangements, and political objectives. While dual and cooperative federalism emphasize the division or sharing of powers, ethnic and asymmetrical federalism address issues of identity, autonomy, and regional diversity. Fiscal federalism ensures that subnational units possess the financial capacity necessary to fulfill their responsibilities. Understanding these forms is particularly important for policymakers in diverse and fragile states, such as those in Africa, where federal arrangements must balance unity, equity, political stability, and diversity.

4.2 Empirical Review

Federalism and Conflict in Post-Conflict States

Empirical evidence from African federal systems presents mixed conclusions regarding federalism's capacity to mitigate conflict in post-conflict settings. Comparative analyses indicate that while federalism can contribute to maintaining territorial integrity and providing institutional mechanisms for inclusion, it does not necessarily prevent ethnic or political tensions. In several African cases, federal arrangements have failed to reduce exclusionary practices or identity-based political conflicts, particularly where democratic institutions are weak or political commitment to federal principles is limited (Yimenu, 2015). Studies further suggest that the effectiveness of federalism in conflict mitigation depends on its institutional design, the distribution of power and resources, and the broader political environment. Where federal systems are manipulated by political elites or aligned with ethnic mobilization, they may deepen grievances rather than resolve them. Consequently,

federalism in post-conflict African states must be supported by strong democratic institutions, inclusive governance practices, and equitable resource distribution to promote sustainable peace (Burgess, 2012; Suberu, 2009)

Decentralization and Service Delivery in Africa

Studies across Sub-Saharan Africa show that decentralization can improve service delivery when it is supported by strong accountability systems, adequate funding, and administrative capacity. However, decentralization often fails when local governments lack fiscal autonomy, administrative expertise, or oversight mechanisms. Evidence from South Sudan demonstrates that decentralization has produced mixed outcomes. While decentralization has increased local participation and responsiveness in some areas, it has also been associated with corruption, tribalism, nepotism, and uneven development due to weak implementation and limited accountability structures (Kwori, 2022). Research further shows that decentralization is not a guaranteed solution to conflict or governance challenges. Its effectiveness depends on the presence of strong legal frameworks, financial decentralization, and balanced power-sharing arrangements between central and local governments.

Ethnic Federalism and Political Stability

Empirical research on ethnic federalism suggests both stabilizing and destabilizing effects. In some cases, ethnic federalism provides minority groups with political representation and cultural recognition. However, it may also institutionalize ethnic identity as the primary basis of political competition. Studies of federalism and ethnonational conflict in Africa show that federal structures sometimes reinforce ethnic mobilization rather than reduce it. In countries with strong ethnic political identities, federal systems may increase competition over territorial control, resources, and political power (Fiseha, 2024). In multiethnic African states, ethnic federalism may contribute to political

fragmentation if national identity and institutional capacity are weak. This is particularly relevant for fragile states where political institutions are still developing and where political competition often follows ethnic lines.

2.4. Governance Models in Fragile States

Evidence from fragile and post-conflict states suggests that strong centralized governance systems may be more effective during early state-building stages. Centralized governance can improve security coordination, policy implementation, and national development planning. In early state formation phases, centralized authority may help build national identity and strengthen institutional capacity. Research also suggests that decentralization alone does not resolve conflict unless accompanied by the strict rule of law, accountability, and institutional effectiveness. In fragile contexts, weak decentralized systems may create governance vacuums that local elites or ethnic groups may exploit, potentially increasing instability (Kwori, 2022; Yimenu, 2023). Overall, empirical literature suggests that governance effectiveness depends on institutional strength, political commitment, and state capacity. In fragile and ethnically diverse societies, governance structure reforms must be carefully sequenced to avoid reinforcing social divisions.

3.5. Methodology

Constitutional Decentralization and Ethnic Federalism: Implications for Governance Effectiveness in South Sudan. This study adopts a qualitative research approach to examine how constitutional decentralization policies influence the effectiveness of ethnic-based governance in South Sudan. A qualitative design is particularly appropriate for this research because it facilitates an in-depth exploration of governance perceptions, institutional realities, and policy implications within a fragile, post-conflict, and ethnically diverse context (Creswell and Poth, 2018). By prioritizing rich, descriptive data, the study captures the nuanced interactions between

decentralization, ethnic identity, institutional capacity, and national cohesion dimensions that are often overlooked in quantitative analyses (Patton, 2015). This approach enables an interpretive understanding of the socio-political dynamics shaping governance effectiveness in post-conflict states.

Data collection relied on three complementary qualitative methods. First, key informant interviews were conducted with government officials, constitutional experts, and civil society leaders to explore the objectives, implementation challenges, and governance outcomes associated with constitutional decentralization in South Sudan (Bryman, 2016). Second, document analysis was undertaken, focusing on constitutional drafts, peace agreements, and relevant policy documents, to assess the legal foundations and institutional arrangements supporting ethnic federalism (Bowen, 2009). Third, focus group discussions were held with community leaders and governance stakeholders to capture local-level experiences, perceptions, and responses to decentralized governance and ethnic political competition (Krueger & Casey, 2015).

Participants were selected using purposive sampling, ensuring the inclusion of individuals with relevant expertise, practical experience, and direct involvement in governance processes and constitutional reform. This sampling strategy enhanced the credibility, depth, and relevance of the data collected (Etikan et al., 2016).

Data analysis was conducted using thematic analysis, following the systematic procedures outlined by Braun and Clarke (2013). The analysis revealed four dominant themes. First, institutional weaknesses highlighted how decentralization can overstretch fragile administrative and fiscal capacities. Second, ethnic political competition demonstrated that governance structured along ethnic lines often intensifies disputes over resources and political authority. Third, challenges related to national identity and cohesion emerged, indicating that

weak national integration undermines the effectiveness of ethnic federal arrangements. Finally, centralized governance surfaced as a potential stabilizing mechanism, suggesting that a strong central authority may promote national unity, enhance policy coordination, and mitigate risks associated with ethnic federalism (Kwori, 2022; Yimenu, 2023). Overall, the methodology provides a robust framework for understanding the complex governance implications of constitutional decentralization in South Sudan and offers empirically grounded insights for policymakers and constitutional reform efforts.

Data analysis and interpretation

This section explores and interprets qualitative information collected from document reviews, interviews with key informants, and selected case studies.

The analysis is informed by Social Contract Theory and Institutional Theory, which guide the evaluation of governance structures in South Sudan. The findings are connected to the study's three main goals. Social Contract Theory helps understand the relationship between the state and its citizens, emphasizing the need for legitimacy and inclusion. Institutional Theory, on the other hand, explains how formal and informal rules, such as ethnic-based systems, influence how organizations operate and what policies are implemented. The researcher closely examines the patterns, connections, and consequences found in the data.

Objective (i): Structure and Functioning of Ethnic-Based Governance

The study starts by looking at the constitutional and legal framework.

The Transitional Constitution of 2011 created a decentralized system at national, state, and local levels, promoting devolution, state independence, and the recognition of ethnic diversity. The Local Government Act of 2009 introduced counties, payams, and bomas, and included traditional

leaders in official frameworks. Document analysis shows that this system was designed to increase participation, inclusion, and stability after conflict.

However, interviews reveal that there is a difference between the original plan and what is actually happening. Political leaders have used decentralization to promote ethnic interests, especially in the expansion from 10 to 28 and later 32 states. Those interviewed see these changes as politically driven rather than necessary for effective administration. This suggests that decentralization has led to ethnic territorialization.

Three operational trends were identified:

1. Administrative borders often follow ethnic divisions rather than serving administrative efficiency, increasing competition based on identity.
2. The inclusion of traditional leaders in governance has made their roles political, reducing their impartiality.
3. Local governments lack financial independence, relying heavily on central support and patronage systems.

These observations suggest that governance in South Sudan has shifted toward being identity-based rather than institution-based, which weakens accountability, service delivery, and the effectiveness of institutions.

Objective (ii): Challenges of Ethnic Federalism Three major challenges were identified:

1. Ethnic identity has become more politicized, leading to increased competition based on ethnicity, especially in areas with rich resources. Administrative boundaries have also become sources of conflict between communities.
2. Subnational governments often lack skilled workers, independent financing, and infrastructure, which limits real decentralization.

3. Some ethnically defined states have seen the rise of local armed groups, weakening central control and risking instability.

These patterns suggest that ethnic federalism in fragile contexts may increase divisions instead of managing diversity effectively.

Objective (iii): Evaluating Centralization

The study looks at centralization as a possible solution.

Respondents believe that a stronger central authority could improve financial management, security coordination, and national unity. However, too much centralization might exclude minority groups and concentrate power in the hands of a few. Comparative analysis shows that a balanced approach, keeping local administrative powers while centralizing key financial and security functions, could be more sustainable.

Cross-Cutting Themes and Overall Conclusion

Three main themes emerged throughout the analysis: the tension between identity and institutions, the impact of post-conflict fragility, and the need for gradual, step-by-step reforms.

The study concludes that ethnic federalism in South Sudan has led to fragmentation, identity-based politics, and weak institutions. For sustainable governance, it is important to focus on building strong, accountable, and nationally oriented institutions that can go beyond community divisions. It is also essential to manage decentralization carefully and thoughtfully.

Recommendations

Gradually Reform Ethnic-Based Federal Structures: The government of South Sudan should begin a careful review and reform of state boundaries that are based on ethnicity. Instead of organizing administrative areas mainly by ethnic group, decision-makers should focus on making

the system more efficient, economically viable, and capable of delivering services. A national process to review the constitution should look at the federal structure again to reduce the emphasis on ethnic territory while ensuring that local communities still have a say in governance.

Strengthen National Institutional Capacity Before Deepening Decentralization: The government should focus on creating strong, professional, and fair institutions at the national level before moving towards more decentralized systems. This involves improving the civil service, training public officials, setting up better financial management systems, and preventing corruption. Strong institutions are necessary for effective decentralization; without them, federal systems may cause more division than improvement in governance.

Centralize Key Functions of Fiscal Management and Security Coordination: To maintain stability and unity, the central government should have more control over financial planning and security management in the near future. A single financial system can help share resources fairly among different regions, while centralized security control can stop local armed conflicts. This approach reduces the chance of separate power centers forming along ethnic lines.

Promote a Non-Ethnic National Identity Through Civic Education and Reconciliation: The government, civil society, and international partners should support programs that encourage national unity and teach citizenship values that go beyond ethnic identity. Public policies should encourage shared values and communication between communities. Building a unified identity is key to reducing competition based on ethnicity and ensuring long-term stability.

Depoliticize and Protect the Neutrality of Traditional Authorities: The state should clearly define the role of traditional leaders to avoid them becoming too political. Legal measures should protect customary leaders from government

manipulation so they can act as neutral leaders and mediators. This would help restore public trust and separate ethnic politics from traditional leadership.

Adopt a Phased and Hybrid Governance Reform Model: South Sudan should not choose between strict ethnic federalism and total centralization. Instead, a mixed approach is better. This model should involve some decentralization but also strong central oversight over important matters. The reform process should be slow, step-by-step, and supported by building institutions, improving finances, and having inclusive discussions. A gradual approach helps strengthen the system without causing sudden instability.

Conclusion

This article explores the structure, operation, and outcomes of ethnic-based governance within the context of constitutional decentralization in South Sudan.

Through a qualitative analysis of legal texts, interviews with key informants, and case studies, the study evaluates whether ethnic federalism has contributed to inclusion, stability, and responsible governance in a country still recovering from conflict. The results indicate that, as it currently exists, ethnic federalism has not created the necessary institutional unity or political stability needed for long-term state development in South Sudan.

Constitutional decentralization was introduced with the aim of enhancing representation, safeguarding minority rights, and transferring power to local communities. The Transitional Constitution of 2011 and the Local Government Act of 2009 set up a formal system for multi-level governance, focusing on autonomy and the acknowledgment of diversity. In theory, aligning administrative structures with ethnic groups was meant to address past injustices and prevent future marginalization.

Nevertheless, the application of this system has led to unexpected effects. Expanding the number of states and aligning political power with ethnic boundaries has increased competition based on identity rather than promoting national unity. Rather than reinforcing institutions, decentralization has often deepened community divisions and encouraged political activity along ethnic lines. In areas where there are disputes, administrative borders have become sources of conflict, increasing distrust and fragmentation.

Institutional shortcomings have also restricted the effectiveness of ethnic federalism. Many local governments lack sufficient administrative capabilities, reliable revenue, and competent civil services. Consequently, decentralization has often been more symbolic than real, with local authorities still relying heavily on the central government. Without strong institutions, federal systems cannot effectively provide services, ensure responsibility, or maintain stability.

The study also raises concerns about security fragmentation and the politicization of traditional leadership. In some areas, decentralized structures have coincided with localized security groups, making it difficult for the central government to coordinate effectively. Likewise, involving customary leaders in politicized state systems has sometimes reduced their impartiality and weakened their standing within their communities.

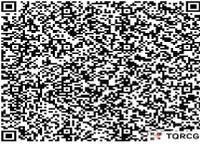
In summary, this article suggests that neither strict ethnic federalism nor heavy centralization is a complete answer. South Sudan needs a governance model that balances institutional development, national unity, and careful reform. Sustainable peace and stability are more likely to be achieved through the creation of inclusive, responsible, and nationally focused institutions that can overcome communal differences.

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Akuei Abram Dengis a South Sudanese legal scholar and practitioner with extensive experience in youth leadership and management. He holds a Bachelor of Laws (LL.B.) from Starford International University and a Master of Laws (LL.M.) from the University of Juba, South Sudan. His academic training has equipped him with comprehensive knowledge in legal theory, constitutional law, and governance, which he applies in both academic and professional contexts. Professionally, Akuei has significant experience in youth leadership and management, focusing on the development and implementation of programs that empower young people, enhance civic engagement, and foster leadership skills. His work has contributed to strengthening community participation and promoting sustainable development initiatives across South Sudan. In addition to his professional activities, Akuei Abram Dengis an active researcher and contributor to legal and governance studies, with particular emphasis on the intersection of law, policy, and youth development. His combined expertise in law and leadership provides a unique perspective on governance, policy implementation, and community engagement, positioning him as a key contributor to both academic scholarship and practical initiatives in South Sudan and the broader region.

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