

THE POLITICAL SYSTEM IN THE REPUBLIC OF SOUTH SUDAN: UNDERSTANDING CONCEPTUAL THEORY OF THE SUDAN PEOPLE LIBERATION MOVEMENT GOVERNANCE SINCE 2005.

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النظام السياسي لجمهورية جنوب السودان: فهم نظرية الحكم للحركة الشعبية لتحرير السودان منذ عام 2005م

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Abstract:

This study sheds light on the lack of a clear strategy for building the Governance system in South Sudan. The study employ variety of methods used among which are descriptive, inductive, deductive, statistical interview and questionnaire for collection of data pertinent to the study. In addition to qualitative and quantitative techniques. The data collected were analyzed by using both qualitative and quantitative methods. Data were analyzed by using Statistical Package for Social Science (SPSS) version 21.

The key Findings, The Parliamentary and Federal system is the most preferable by majority of the respondents as the best for country with high illiteracy and tribal tendency. Application of democratic system is needed in South Sudan, for avoiding problem of one-party governance system. Key element of the Conclusion: The current political system doesn't in any way represent the ideal state for democratic system. The necessity to initially develop inclusive coalition of stakeholders to come up with comprehensive permanent constitution. The federalism must be implemented to avoid ethnic and regional disintegration.

BACKGROUND OF THE STUDY:

The CPA provided a Government of Southern Sudan (GOSS) in 2005, that is virtually run by SPLM (its share was 70%) and enjoyed full independence, financially, politically and security-wise all through the interim period. Hence, the SPLM was expected to implement its vision of the New Sudan in the South. Since its formation in 2005, the Government of South Sudan has many institutions. These institutions were not connected up by rampant lack of coordination within government system. To ensure complete lack of accountability and transparency, those affect the governance system since its formation in 2005.

South Sudan achieved its independence in 2011 led by the leading liberation movement, the Sudan People’s Liberation Movement (SPLM). The SPLM and its national army, the SPLA, however are fragile coalitions of various militia and political entities that often fought, against each other during the previous civil war. The weakness of South Sudan’s political institutions will be a continuing factor in addressing these needs. The SPLM was born from the decades of fighting in the bush. It is an army with a political wing.

Building of political system in the Republic of South Sudan has undergone through several stages since the inception of the state in terms of inability of the system to overcome the legacy of process of its formation that has led to lack of sufficient flexibility to cope with unfolding realities on the aftermath of separation in addition to upsurge of crisis after the shutdown of flow of oil which constitute 98% of the economic income of Republic of South Sudan leading not only to slowing down in the progress of building of political institutions in the country but also in the appearance of seemingly new political system upon the declaration of political institutions such as the National Legislative Assembly of the new nation on 26/08/2011 followed by the first declaration of the Republic of South Sudan, the Council of States, the National Council of Ministers and the National Judiciary Authority in Juba the Capital City of Republic of South Sudan.

Since CPA was sign in 2005, the governance system in South Sudan doesn’t have enough strong and firm political system. South Sudan facing some challenges, however these challenges are the weakness of the foundation on which the legitimacy of the new state South Sudan on rests.

The problem statement:

Lack of clear strategy for building the governance system in South Sudan, and it weakness that fostered the very forces that pulled it apart the political system of Republic of South Sudan and the extent of flexibility of the new political institutions in order to build strong and firm political system.

Objectives of the study:

- To identify challenges facing the new nation in its efforts to build state institutions.
- To study the extent to which the SPLM, as the ruling party to transform the political system from a military revolutionary movement to a political party.
- The overall objective for engagement in South Sudan is to promote efficient coordination through mitigation of conflicts between the government institutions to enable growth and development.
- To create cohesion between the programs of SPLM and institutions of the government to improve performance of political system, this can lead to good governance and rule of law

Conceptual Framework of the Research (CFR).

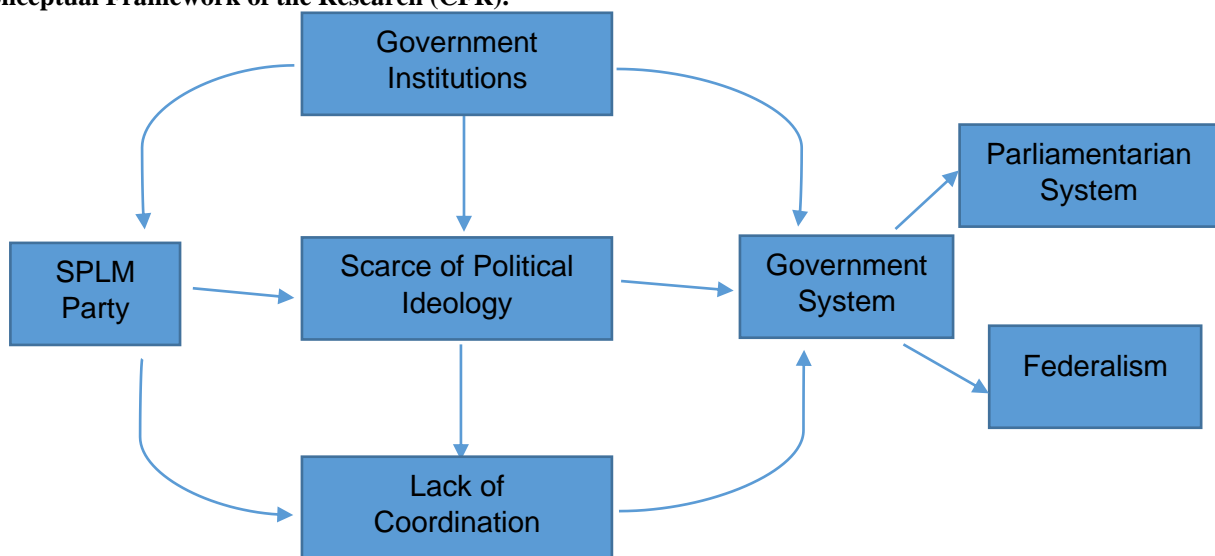


Figure 1: A chart showing the Conceptual Framework of the Research.

The SPLM government that took office in 2005 was in many ways still more a liberation army than a government. The weakness of political institutions, the overlap of party and government, and party and army, all contributed to the inability of the SPLM as a party to resolve these growing developments. The SPLM was not able to manage such

institutions. Institutions take time to develop and without proactive external participation, South Sudan institutions, demonstrably weak, are not likely alone to be up to these demands because of scarcity.

The Figure 1: A chart showing the Conceptual Framework of the Research, clarified the concept of federation, separation of powers and introduced the Parliamentary form of government. Parliament can balance and monitor the political ethnic diversity through coalition. In other word, parliament can be a culture diverse community, and became a good democratic system in a country with high illiteracy and tribal tendency.

I would caution against certain overgeneralizations often made in discussing presidential and parliamentary models of government. The first time that the collective opinion of southern Sudanese was canvassed concerning a national political issue was at the Juba Conference of 1947.¹

Federalism was desired by majority to be applied in South Sudan. Jacob K. L. support that federal system (FS) is the most appropriate system for the governance and sustainable development of South Sudan Jacob K. L. (2014)². The state origin of the respondents significantly affects their choice for the best kind of federalism to be implemented in South Sudan.

The majority agree that federalism refers to several states forming a union but remain independent in their internal affairs. Positive attitudes toward federalism were documented among the questionnaire respondents', since the majority of them recognized federalism as a tool of political integration in heterogeneous/ diverse societies; a tool to promote an appropriate local government.

Importance of the Research:

The importance of this research emanates from the need to shed light on the reality of political system in the Republic of South Sudan as a new country in Africa against the background of the new world order and local, regional and international changes and lack of coordination between the political institutions, insufficiency in basic infrastructure and internal armed strife by a number of armed social groups following 2010 elections, and disputes over land and grazing areas.

The research also tries to present a systematic study on system of rules and performance of its various organs and institutions and how to select an advanced scientific methodology for a social and political system to build a strong national state.

The study has obtained a number of findings the importance of which are:

- 1- Endorsement of Parliamentary system is the most preferable by the majority of the respondents as the best system to be implemented in South Sudan because for Country with high illiteracy and tribal tendency.

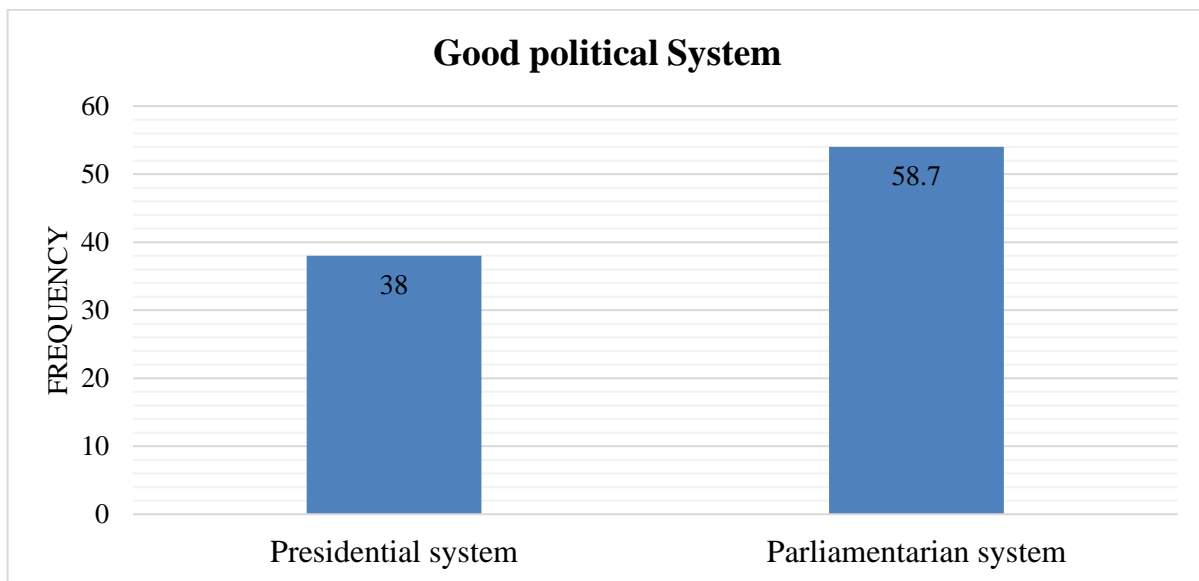


Figure 2: show the good political system for South Sudan indicated by the respondents.

- 2- Federalism is the most appropriate system for governance to be applied in South Sudan and best ruling system preferable by the majority of respondents based on devolutions of powers to avoid ethnic and regional tensions which may lead to separation of main historical regions of South Sudan. (Supported by Juba Conference 1947, and Regional Dialogue 2019). Decentralization and Centralization system (see Table 1, below).

¹-Johnson, DOUGLAS H. 2014, Federalism in the history of South Sudanese political thought, Published by the Rift Valley Institute (RVI), page 26 St Luke's Mews, London W11 1DF, United Kingdom. PO Box 52771 GPO, 00100 Nairobi, Kenya. (The Juba Conference of 1947, page 6).

² -Lupai, Jacob. k., South Sudan: issues in perspective, 1st Edition may2014, Associated Information & Service Agency Ltd, P.O.Box 4242 Kampala-Uganda, page 110.

Table 1: shows the ruling system preferred respondents to govern South Sudan

No	Preferred governing system	Frequency	Percentage
1	Federal system	56	60.9
2	Decentralization system	25	27.2
3	Centralization system	11	12
Total		92	100

Source: field data 2019

There was significant correlation ($r = 0.436, P < 0.01$) found between the origin state of the respondents and their choice on the best ruling system for South Sudan. In this correlation, Federal system was highly supported among respondents originated from Greater Upper Nile (78.2%) and Greater Equatoria (72%). And half of the respondents from Bahr el Ghaza supported Decentralization system (see Figure 2 below).

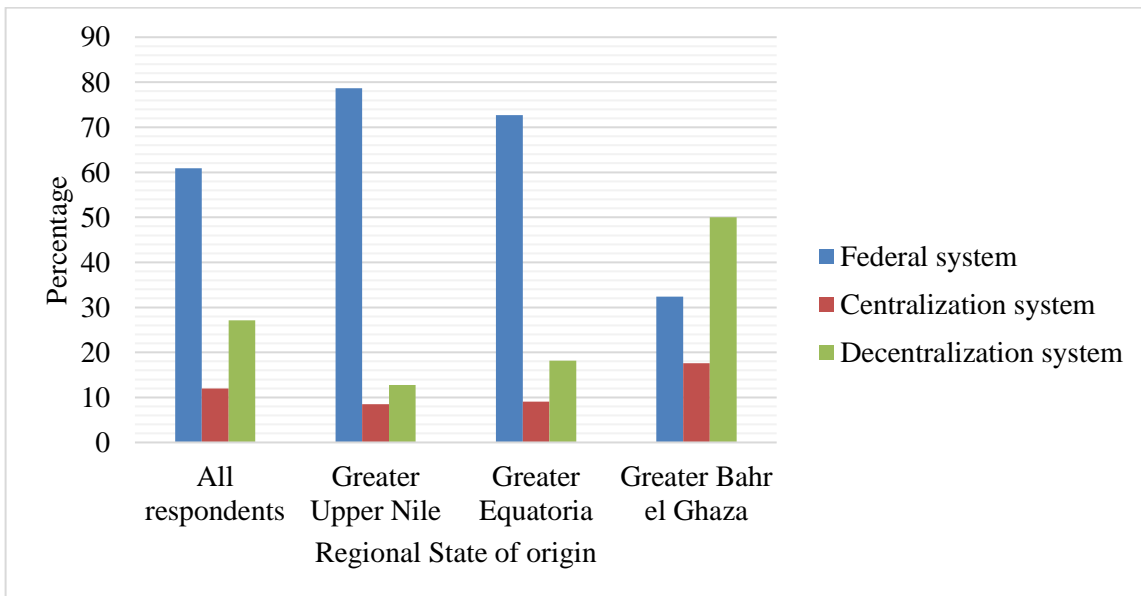


Figure 3: shows influence of respondents' origin states to the choice of best ruling system for South Sudan.

3- The kind of Federalism to be implemented in South Sudan is Regional Federalism by Majority of respondents.

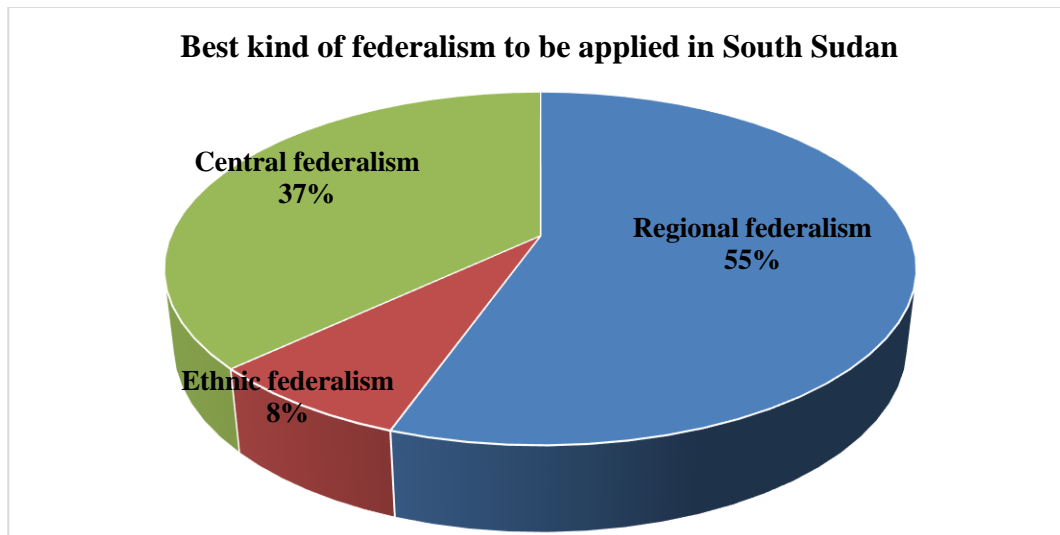


Figure 4: shows the respondent choice for the best kind of federalism to South Sudan.

4- Decentralization is constitutionally weak and very fragility with absence of accountability, decision making remain centralized and top-down in South Sudan, (Supported by researcher Nada Eissad and Peter Biar Ajak).

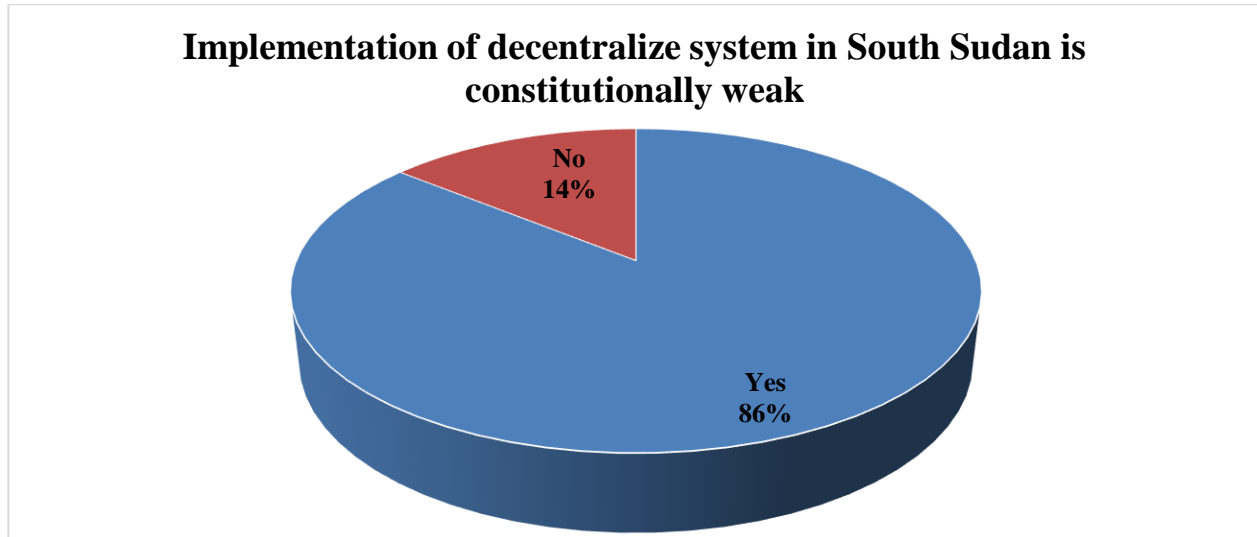


Figure 5: shows the response of the questionnaire respondents to the statement that; implementation of decentralize system in South Sudan in constitutionally weak.

5-The most serious threat to building South Sudan Nation is the lack of the application of democracy to avoid problem of one-party governance system because leaders are intentionally not working in a specific governance for the people of South Sudan, as not concerned about democratic transformation. (The idea was supported by Dr. Peter Adowk 2018, in his statement: SPLM lack of democracy and democratic structure and institutions in the SPLM).

The ability of SPLM with regard to Democratic transformation were supported by the following reasons:

- There is no democracy with-in SPLM party and the party does not accept the competitions.
- War within the party that ruined the South Sudan came as result that certain leaders within the party the party tried to push the idea of democratic transformation in the party.
- The SPLM party was not interest in transformation and they would like to remain in deform and jungle institution which no accountability.
- Democratic transformation means equal chance to compete rule of law and freedom at all level, a political party which lack programs cannot survive in that environment, SPLM may be defeated.

On the other hand, only 26 respondents (28.3%) agreed that SPLM as ruling party is concerned about Democratic Transformation.

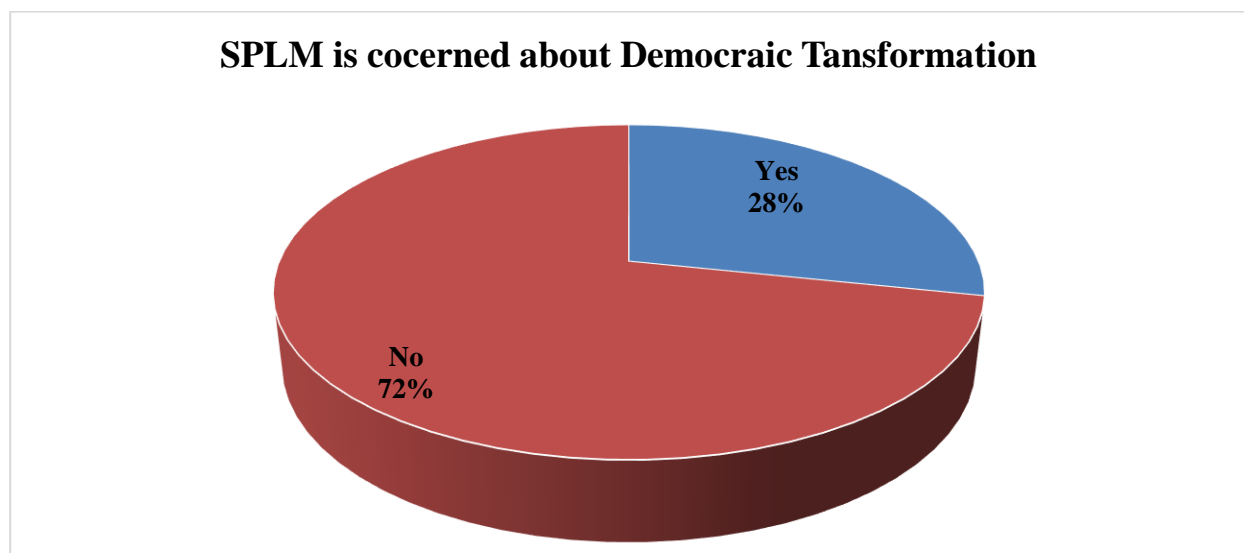


Figure 6: shows the view of the respondents regarding concern of SPLM about Democratic Transformation.

6- The respondents mention several causes, summarized in three main causes namely; power struggle, tribalism and corruption, but most of them pointed on the power struggle as root causes of the conflict in South Sudan, beginning of the current conflict in the country among leaders of SPLM were they competing for presidential candidate. (See Figure 7).

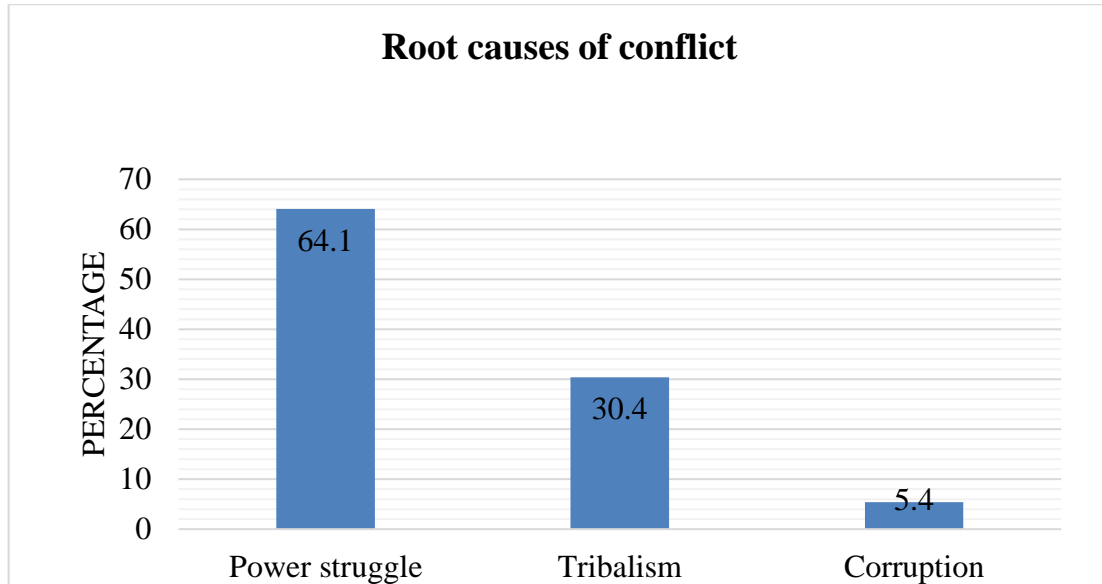


Figure 7: shows the main causes of conflict in South Sudan indicated by the respondents, and the percentage of respondent indicate them.

7- The SPLM need to transform from movement to party, as the majority of respondents recognized that. But the challenges transform from movement to party, based on SPLM senior leaders holding a press conference against action of party chairman Salva Kiir, in December 6,2013 Juba, because of the fooling points:

=The shift in decision making process from SPLM national organs to regional and ethnic lobbies around the SPLM chairman when it came to appointments to positions in the government.

=The effort to transform the SPLM a liberation movement into amass based political party have totally been frustrated by the chairman, ignored the grassroots views and Lack of collective leadership and the paralysis of the general secretariat.

=The SPLM never see that all southerners are contributors to movement, thinking that those who were in the bushes were only liberators forgetting the contribution made by people in town were much greater. Indeed, transforming SPLM into political party will delete jungle mentalities that were only liberators.

=Transformation of SPLM to political party is required because most of its members in the all government institutions are still commandos in military and Other observed that SPLM was form from groups and individuals with different political ideologies, so after independence and as ruling party it must have vision and mission, and also must gave political direction party aims and objectives.

=Transformation is very crucial to SPLM party and work within its political manifesto otherwise SPLM will die and became history.

=Some respondents who recognized the absolute necessity to transforming SPLM into political party sees that, it is too late to do that, because the baseless war waged by SPLM leaders made many of its followers suspicious about SPLM.

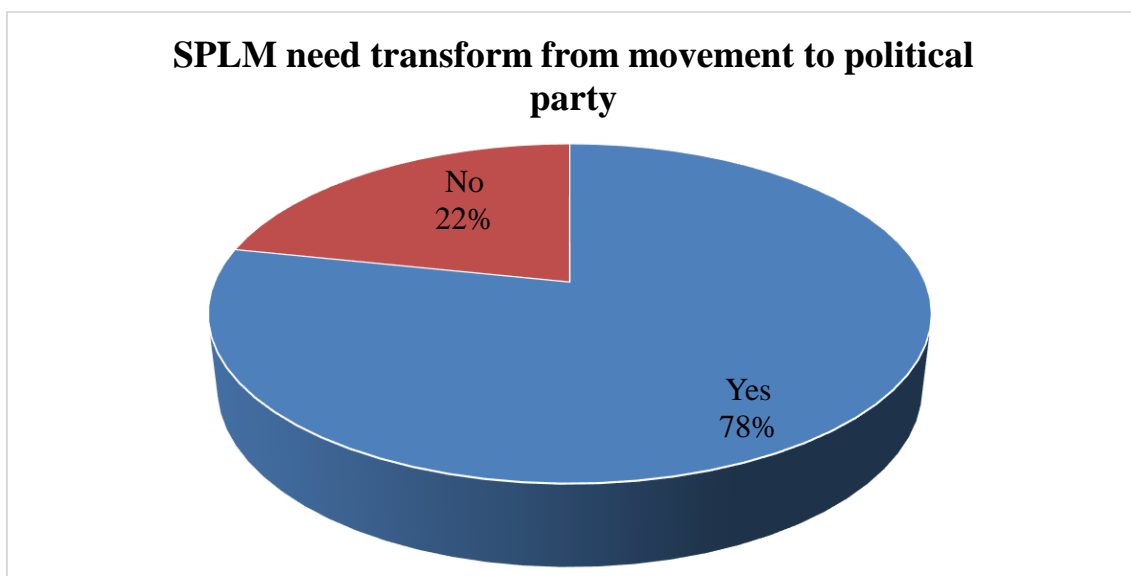


Figure 8: shows the view of the respondents regarding the SPLM needs for transform from movement to political party.

8- The need of political system in South Sudan to establish effective system and mechanism for promoting dialogue and strengthen coordination and cooperation at all levels of government. Majorit supported National dialogue policy. (See Figure 9).

The state origin of the respondents significantly influenced their choice for supporting National Dialogue as tool for Nation Building, using Pearson’s Correlation ($r = -0.305, P < 0.010$).

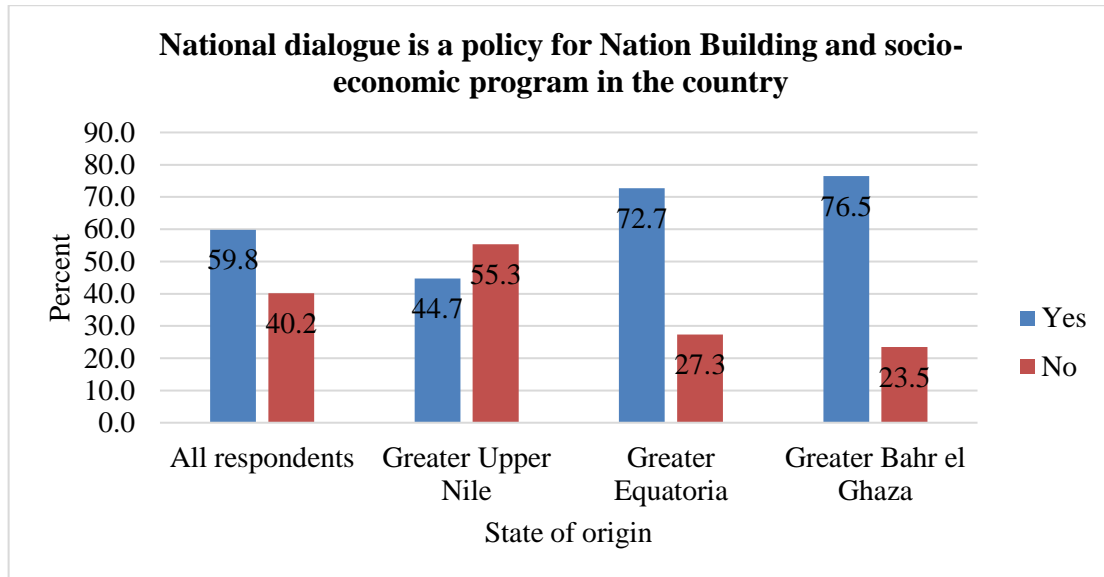


Figure 9: shows the influence of respondents’ state of origin on the supporting National Dialogue Policy for Nation Building.

9- National Dialogue is efficient in addressing the root cause of conflict in South Sudan and is the back bone for solving problems like number and boundaries of states. And it be one of the government policy for nation building and socio-economic program in the country. The replies of the respondents are shown in Figure 9 below.

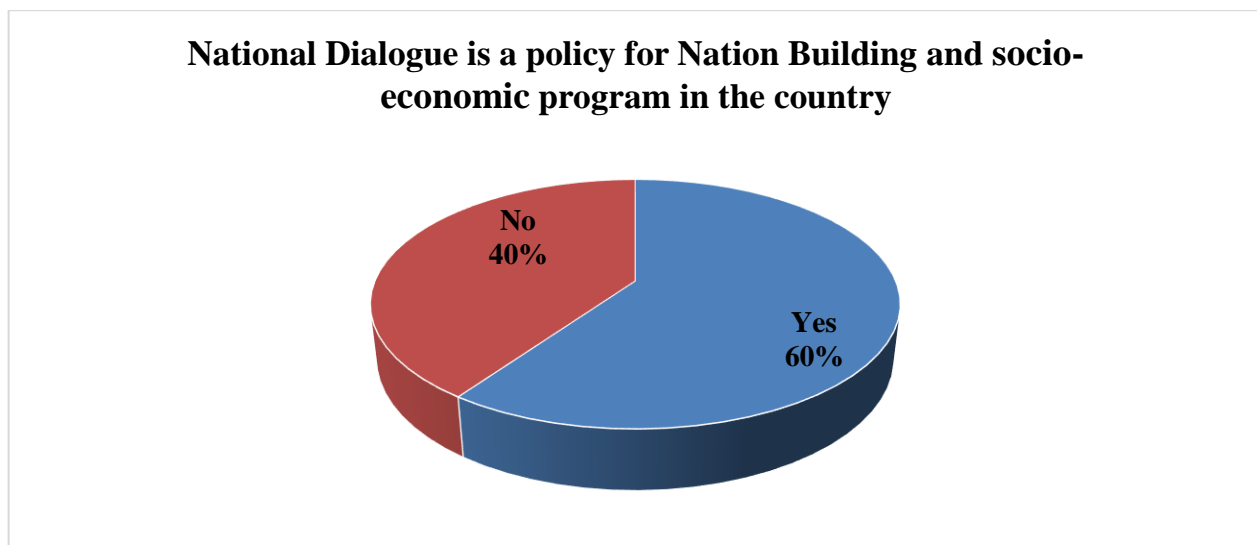


Figure 10: shows the response of the questionnaire respondents to the statement that; National Dialogue is a policy for Nation Building and socio-economic program in the country.

The analyses of the data shown in Figure 10, they point the following to support this view:

- Most of respondents supported the idea because they agreed that national dialogue requests the government to reform the country and to bring peaceful coexistence to people during this hardship time of war. Also the unity of south Sudanese will develop the nation and encourage peace building programs, where there is transparency and accountability.
- Some respondents admitted that, National Dialogue can build socio-economic welfare.
- Other respondents appreciate the initiation of the national dialogue, as it is a good policy to let the government fulfil its own agenda and to maintain the peace, stability, reconciliation and development of the country. This initiated to bring peace among ourselves and to promote development and sustainability in the country.
- Some concluded that this tool is the only way where southerners can agree about the governance system and to achieve some basic program of infrastructure, socio-economic development projects and services.

10-Repetition of constitutional amendments:

The “Repetition of constitutional amendments have negative impact on government legitimacy” are shown in Figure 11.

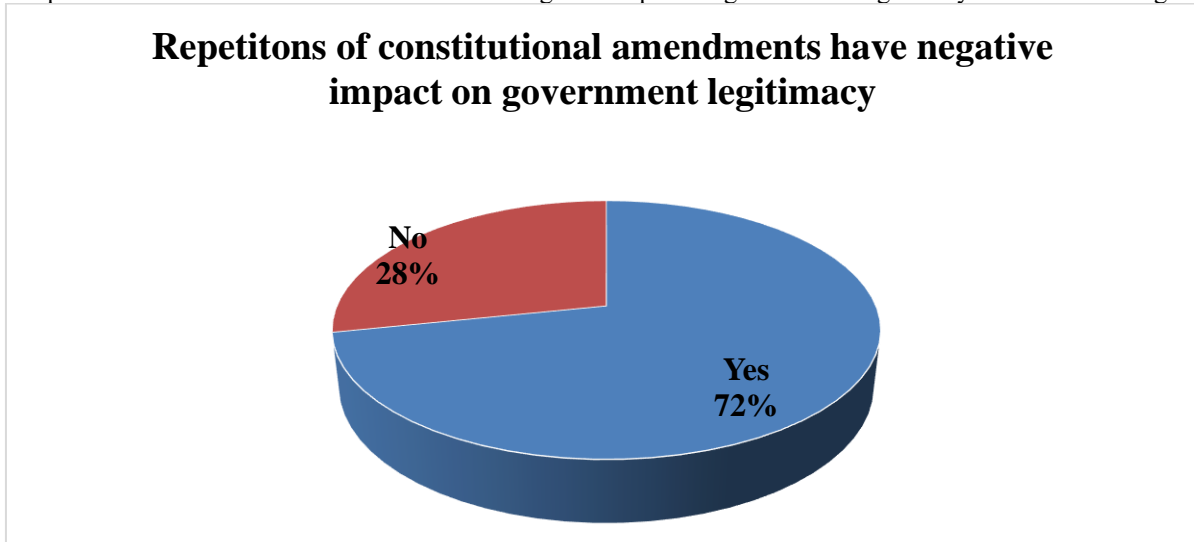


Figure 11: shows the response of the respondents to the statement that, repetitions of the constitutional amendments have negative impact on the government legitimacy.

The analysis of replies there strengthened their idea with several reasons, under here they are summarized:

- First amendment of any constitution requires consensus of the people it governs, in other words constitution conference and referendum anything less than that is a constitutional crisis and it leads to illegitimacy.
- Ruling party wants to remain in power forever, and extension of presidency and parliamentary terms and it is done according to government will to not serve the interest of the people of South Sudan.

11- There is continually critical violation of the R-ARCSS, while the R-JMEC is silence to monitor and evaluate. Figure 12.

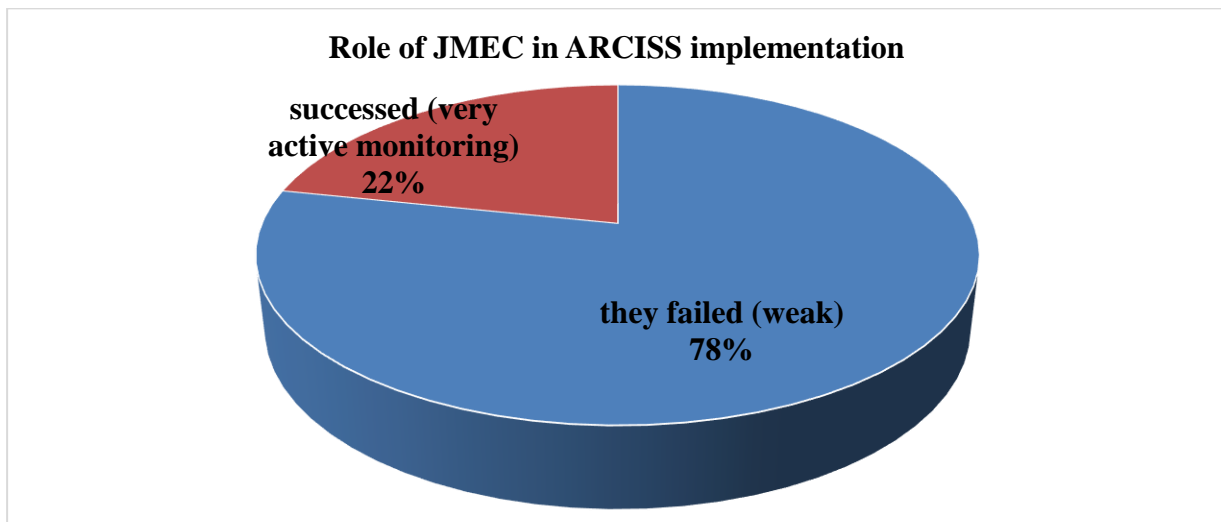


Figure 12: shows the view of the respondents regarding the role JMEC in ARCISS

The data in the Figure 12, shows that, majority of the respondents responded negatively, as they assured the failure of JMEC to anchor the agreement. And the following comments were stated:

- JMEC has failed miserably because it lacks strong political support from IGAD, AU and international community and political corruption from the top leaders of IGAD as well as unwillingness from international community.
- JMEC failed because when the opposition was forced to evacuate Juba for their safety, the JMEC was quiet and never challenged what was happening.
- Up to this moment the JMEC is ineffective and its mandatory tasks are not being implemented. In other words, the JMEC was toothless partial and part of government.
- JMEC had totally failed to protect the agreement for which it was initiated.
- JMEC is ineffective because violation of ceasefire for many times monitoring and evaluation on resolution of conflict in South Sudan was not significant in terms of responsibility provided to JMEC.

12-SPLM need internal reform:

Majority of the respondents agreed that; SPLM need internal institutional reform (see Figure 13). They support their proposal by stating that, internal reform will allow SPLM members to be united and work for one goal to achieve development. To be efficient and effective political party must allow democracy and avoid ethnic tribal sentiments and enhance an ideology based on human values, democracy and abandon systematic corruption. It needs to address good governance leadership through capacity building and remove those who believe on ethnical concept in decision maker. Need also that the party organ could give directive to it cadres, take responsibility, accountability, to arrange and allow internal political participation and competition.

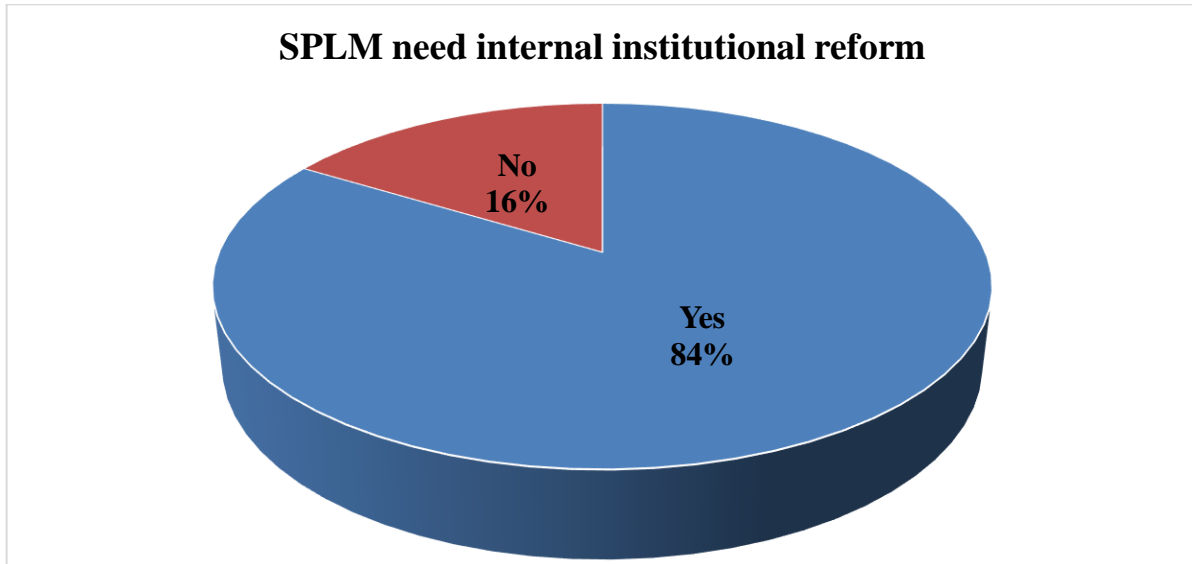


Figure 13 shows the view of the respondents regarding the SPLM needs for institutional transformation.

13- Arusha Agreement will unite SPLM factions:

Some of the respondents believe that Arusha Agreement cannot unite SPLM factions, because of following:

- The division between the leaders has deepen and ambition for power has taken root, some inner circle has already decided that they cannot work together with their former colleagues anymore.
- SPLM leaders enjoyed being separated in order enjoyed many positions in this senseless war and this agreement is done more than three years ago but no unification until now.
- The gaps between SPLM leaders became big to be solved by Arusha agreement. No common baseline for unity as corruption and lack of human values, civilized political ideology is overwhelming. No unity for SPLM leaders will not unless they do not make clear change to it foundation, vision, mission and objectives.
- The damage that occurred within the party will not be restored easily due to enmity which was created by the war within party.

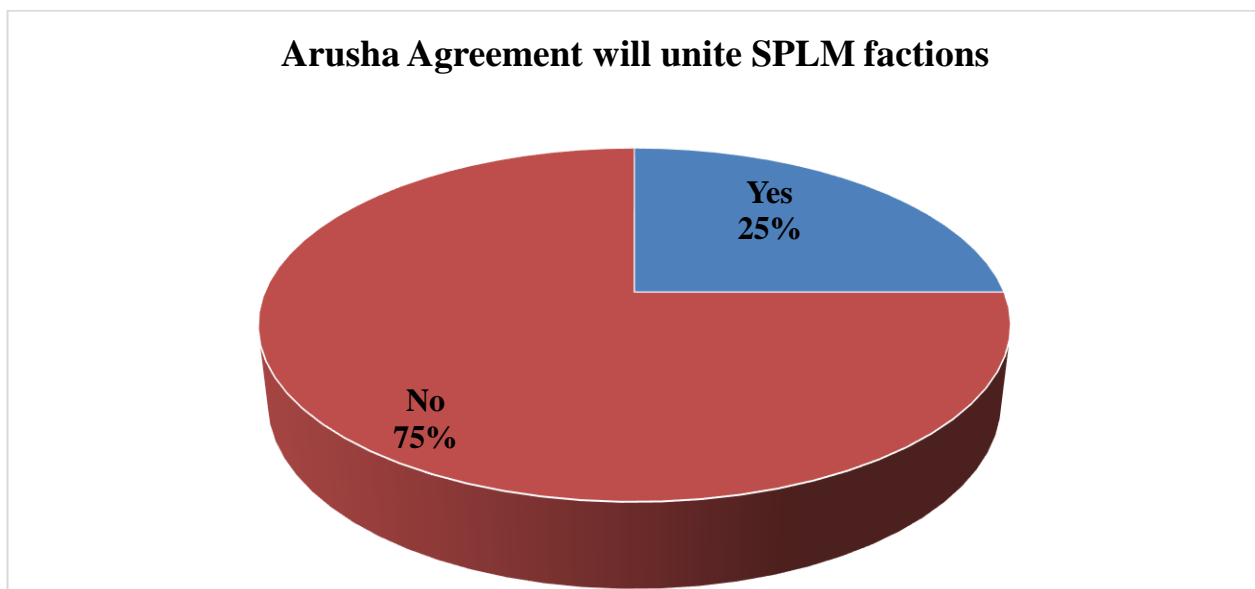


Figure 14: shows the view of the respondents regarding the will upon Arusha Agreement in unification of SPLM factions.

14- Repetition of constitutional amendments:

The transitional constitution gives extraordinary powers to the President with almost no checks afforded to other branches of government. The President cannot be impeached. He can dismiss the national and state assemblies and remove the Vice President and state governors from office, as well as any justice or judge³.

President Kiir exercised these powers in January and July 2013 when he removed two state governors and the Vice President from office and dismissed his entire cabinet. The national review process is far behind schedule and almost entirely an elite exercise.

The basic concept of a written constitution—providing the formal rules for how the state will function—is still not familiar to most South Sudanese.

The analysis of majority of the respondents replied by ‘Yes’. They strengthened their idea with several reasons, under here they are summarized:

- First amendment of any constitution requires consensus of the people it governs, in other words constitution conference and referendum anything less than that is a constitutional crisis and it leads to illegitimacy.
- Ruling party wants to remain in power forever, and extension of presidency and parliamentary terms and it is done according to government will to not serve the interest of the people of South Sudan.

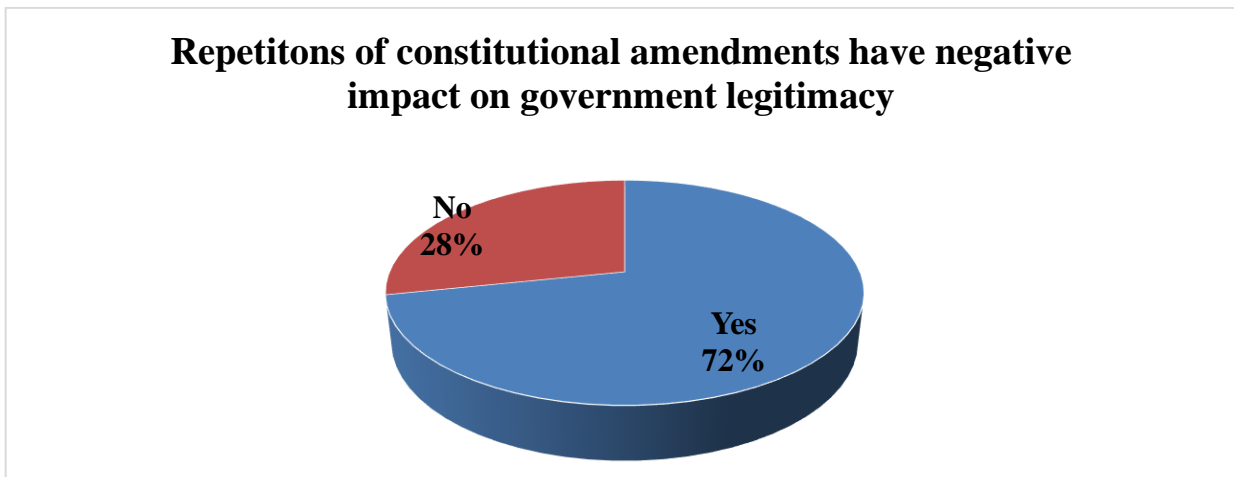


Figure 15: shows the response of the respondents to the statement that, repetitions of the constitutional amendments have negative impact on the government legitimacy.

15-Fragility of South Sudan Political system:

The majority of the respondents responded that the system is fragile, as shown in (Figure 16).

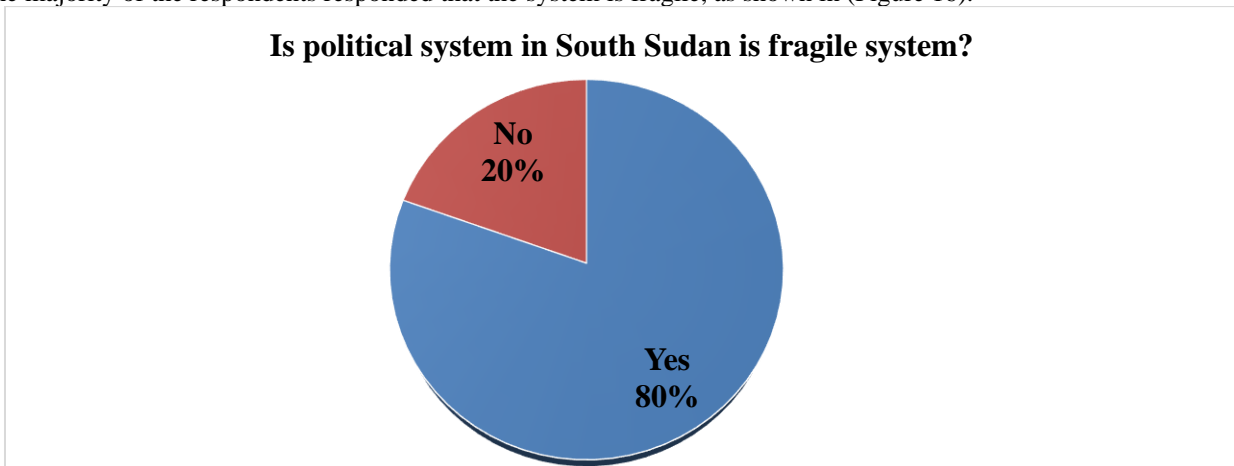


Figure 16: show the answers of the respondents toward fragility of the South Sudan political system.

Conclusion:

The Republic of South Sudan is still in the phase of formation and interchangeable reactions amongst the institutions that have produced the components of the state and which are still fragile and in need of support from the international community and particularly from the neighbouring countries.

It is true that South Sudan in general and Southern political parties and Sudan People’s Liberation Movement (SPLM) in particular have achieved a strategic goal of separating South Sudan to become an independent State through a referendum on 9th January 2011.

³- 2011. The Transitional Constitution of the Republic of South Sudan, article 101, sub article (q), page 55.

The current dominant status of Sudan People's Liberation Army where there is no departure between the political and military leadership as Head of State also doubles as the Commander in Chief of the Army. This dominance in case of political and democratic development leading to election of a civilian non-military personality to the presidency of the Republic of South Sudan in future may lead to eruption of conflict between the two institutions.

Democracy requires a high degree of political legitimacy. Therefore, a successful democratic culture includes the acceptance of the losing party and its supporters by virtue of the electorate and their permissibility of peaceful transfer of power and the concept of loyal opposition or friendly opposition as in the Government of Southern Sudan.

Internal leadership contests in preparation for elections in 2015 threaten to split the party, particularly between those loyal to President Salva Kiir and those to former Vice President Riek Machar. Such rifts also threaten to further politicize ethnicity, because institutions of party are weak.

Recommendations:

1. The SPLM, as the ruling party in Southern Sudan, needs some decisive decisions on fighting corruption to the level of zero tolerance.
2. Reorganizing the SPLA adding it to the specialized military units and redeploying them to guarantee the security of the new state without prejudice to the breach of public security.
3. The need for the State of South Sudan to democracy to avoid problems of one-party system, Democracy has the ability to resolve the ethnic problem in South Sudan.
4. The Federalism, must be implemented based on devolutions of powers to avoid Ethnic and regional federalism which may lead to separations of main historical regions of South Sudan.
5. Parliamentary system is best in state where is:
 - In the country have Culture diverse Community.
 - The Country with high illiteracy and tribal tendency.
6. The necessity to initially develop inclusive enough coalitions of stakeholders to support national confidence building and institutional transformation by drafting clear vision strategy to build governance institutions through enactment of a permanent and comprehensive constitution to be put in together by all political forces and civil society institutions so that this constitution become the safety valve for political stability in the Republic of South Sudan.
7. Other political parties in the Republic of South Sudan and all the intellectuals should work together to combat tribalism, corruption and nepotism and to refrain from opportunistic tendencies with regards to national tenets and to maintain democracy as a means to peaceful transfer of power without resorting to military coup d'états.
8. There must be some sort of proper cooperation between the two countries of (Sudan and South Sudan) to a certain degree of trust and clarity in order to provide a level of mutual trust beside formulation of legislations similar to international drafts particularly in the area of movement of civilians and trade in order for the border to be beneficial between the two countries.
9. The international community and the international organizations should assist the Republic of South Sudan to build the basic infrastructure and to provide aptitudes for state success as well as to ensure social, political and security stability and collection of arms that have littered the Republic of South Sudan.
10. Passage of legislations incriminating practice of private business by ministers and constitutional post holders while in public office and barring of establishment of public institutions dealing in private and public
11. The domination of the tribal majority within the SPLM and their influence in the top positions may push the minority tribes within the movement to bloc against the dominant tribe.
12. Government should separate army from politics and have one army training center and have well equipped army that is separated from parties because when a senior military officer is removed from power in politics then it took army as a supplementary way of getting better position in the same government through rebelling.
13. There was a dizzying mix of competition interests among IGAD block, therefore, I propose a structural change to the mediation architecture of some members of the IGAD who have direct competition of interests in South Sudan, especially Kenya, Sudan, Uganda.
14. My suggestions: Regional Federalism need to be more investigated, There should be national conference for South Sudan to agree about the permanent constitutions to discuss issue of Governance system in the country.

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