SOUTH SUDAN: Realising Peoples Sovereignty

"From Communal to Industrial South Sudan"

PROLOGUE

The history of many postcolonial African states reveals that inherited colonial administrative systems were largely designed to serve external interests rather than the aspirations, cultures, and governance traditions of African peoples. In many cases, these systems weakened indigenous institutions, communal ownership structures, and traditional mechanisms of accountability, social cohesion, and collective responsibility.

As South Sudan advances its constitutional development in the era of the Fourth Industrial Revolution, it has a unique opportunity to reimagine governance beyond colonial administrative models. Sustainable peace, stability, and prosperity will depend on institutions rooted in the country's cultural diversity, indigenous knowledge systems, and communal socio-economic foundations. The Revitalized Transitional Constitution of the Republic of South Sudan (R-TCRSS), the Local Government Act 2009, and related laws provide a constitutional basis for realizing Peoples' Sovereignty through the recognition, incorporation and involvement of the mandated Council of Traditional Authority Leaders (NCOTAL) and States COTALs in the National and States Legislative Structures respectively. Also ensure autonomous Community Governance Institutions (CGIs) under Communal Equity Federalism (CEF).

The prolonged transitional period has, however, contributed to instability by reinforcing elitist led ethno-military political entrepreneurship (EMVPE) and eroded social fabrics and democratic legitimacy. Endless power-sharing arrangements have often rewarded armed influence rather than preferable accountable governance, while delaying a credible constitutional transition and undermining public confidence in peacebuilding efforts. This booklet advocates for an inclusive Constitution-Making Process (CMP) that ensures meaningful participation of TALs in constitutional and governance institutions, consistent with the R-TCRSS, the CMP Act 2022, and the Commission for Truth, Reconciliation and Healing Act 2024. Under the theme "From Communal to Industrial Society," the booklet proposes pathways for transforming communal economies into inclusive, productive, and equitable industrial systems. It advances Community Equity Federalism (CEF), realised through Community Equity-Led Resource Governance Systems (CELRGS), supported by Community Investment Trusteeships and community-owned investment enterprises. The vision is not to replace communal identities but to modernize and integrate them into institutions capable of supporting industrialization, technological advancement, sustainable development, and national unity. Ultimately, the booklet contributes to the national discourse on building culturally grounded, accountable, and economically transformative institutions that enable South Sudanese citizens to meaningfully realize their sovereignty.

PREFACE

In a noble attempt to promote progressive development at the grassroots in the Republic of South Sudan, Mr. Acuil Malith Banggol has struggled to develop ideas that, if accepted and implemented, might finally bring socio-economic transformation in the rural communities through community governance structures. It should not be news to any student of development in different societies that the inherited governance institutions since independence have not delivered any tangible progress to the rural citizens of most developing countries – certainly in South Sudan. Thus, Mr. Acuil has, since independence consistently attempted to bring focus on the rural communities of South Sudan.

Initially, the author of these revolutionary ideas for South Sudan made a focused attempt to put substance in the governance of traditional societies through their chiefs or kings. This was the idea implicit in the work that saw the creation of Councils of Traditional Authority Leaders (COTALs) at the turn of the century. With a substantial hand of the Swiss Government, with the assistance of committed personalities such as Dr. Conradin Perner, aka Kwacakworo, traditional authorities (chiefs) were organized into councils in each Payam into bodies that might give an authoritative voice for the needs of rural peoples in their jurisdictions. To state it as a dream, one needs to look at the local governance in Swiss Cantons where local governance is effectively in the hands of the people. COTALS were established as the local institutions that brought a voice and action to the nation and the states as they are known in South Sudan.

The central focus of ideas about the participation of local institutions should not be lost in the myriad of acronyms presented. The reader should simply bear in mind that the various institutional structures presented are to be rooted in the COTALs from local Boma government all the way to the States and the National levels to ensure participation of the local population not only in the enjoyment of the benefits of constitutional government, but also in production and distribution systems in a federal arrangement. It is to be noted that this is particularly taken care of through the proposition to ensure traditional society participation in legislature structures all through to the national federal level. Perhaps the reader should be reminded that the reference to current legal systems (including the R-ARCISS) is not to place the proposed COTALs in a fatal legal conflict abyss – COTALs will be fitted into any agreed upon constitutional system.

Like any new ideas emerging from the intellectual world of any society, the proposed ideas about the integration of rural/local South Sudan into its 'modern' constitutional structures, these ideas will need publicity, discussion and gradual absorption leading to their total implementation. The benefits from these ideas are not only in the form of institutional reforms, but include the creation of robust rural populations equipped with the wherewithal for simultaneous socio-economic progress with their urban counterparts. This publication gives meaning to the popular revolutionary phrase "aluta continua"!

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ACKNOWLEDGEMENT

The National Council of Traditional Authority Leaders (NCOTAL) Interim Secretariat presents its compliments and sincere appreciation to the UNMISS Political Affairs Division for its unwavering support in advancing the Council's mission. The UNDP South Sudan Country Office supported the July 2023 Consultative Workshop on the Status, Roles, and Functions of Traditional Authority Leaders (TALs). As a follow-up to advocacy efforts aimed at securing the recognition, incorporation, and participation of TALs in national governance processes, the UNMISS Political Affairs Division sponsored a second Consultative Workshop in July 2024 on the Status, Roles, and Functions of Traditional Authority Leaders in the Constitution-Making Process (CMP). This support was further strengthened through assistance in publishing and launching the book South Sudan: Kuluna Sawa, which highlights the significance of NCOTAL in the Constitution-Making Process, nation-state building, and nationhood development. On 30 June 2025, the UNDP South Sudan Country Office supported a successful forum commemorating what Hon. Pia Philip Michael, Undersecretary of the Ministry of Peacebuilding, described as the 78th Anniversary of the historic Juba Conference of 12–13 June 1947.

The NCOTAL Steering Committee has since transitioned into the NCOTAL Interim Secretariat. The Secretariat is encouraged by the continued commitment of the UNMISS Political Affairs Division, which supported a third consultative workshop entitled Harnessing the Roles of Traditional Authority Leaders in Promoting Political

Dialogue and Social Cohesion in South Sudan. The workshop was convened under the theme: Building Bridges for Peace and Unity in Diversity: The Role of Traditional Authority Leaders (TALs).

The workshop proposed several strategic actions, including: (a) the establishment of a National Civic Engagement Forum to mobilize South Sudanese across urban and rural communities, as well as the diaspora, to seize the opportunities presented by the Constitution-Making Process; and (b) the mobilization of resources and partnerships with legitimate South Sudanese institutions to support the inclusive implementation of the Extended R-ARCSS (2018). The overarching objective is to advance a people-led agenda for reconciliation, healing, forgiveness, reparation, disarmament, demobilization and reintegration (DDR), and the consensual adoption of federal and democratic governance principles in the South Sudan contexts.

To build upon these achievements, the NCOTAL Interim Secretariat is engaging civil society organizations, faith-based leaders from Christian and Islamic communities, and leaders of African Traditional Religions. The Secretariat also seeks collaboration with like-minded civic actors, UNMISS, IGAD, the diplomatic community accredited to South Sudan, signatories and non-signatories to the Extended R-ARCSS, and relevant institutions within the Revitalized Transitional Government of National Unity (RTGoNU).

The NCOTAL Interim Secretariat remains inspired by President Salva Kiir Mayardit's commitment that South Sudan should never return to the destructive conflicts of 2013 and 2016, which arose from political competition for power and privilege. Accordingly, the Secretariat's strategies are guided by the ten resolutions of the South Sudan National Dialogue (SSND 2017), Chapter V of the Extended R-ARCSS on reconciliation, healing, forgiveness, reparation, and DDR, and Chapter VI on the Constitution-Making Process.

In pursuing its mission, the NCOTAL Interim Secretariat will align its strategies and action plans with the provisions of the Transitional Constitution of the Republic of South Sudan (TCRSS) 2011, as amended, particularly Articles 2, 5, 33, 36(4), 167, 168, 202, and 203.

The NCOTAL derives its legal authority from the Local Government Act (LGA) 2009. Section 119 establishes the National Council of Traditional Authority Leaders, while Sections 120 and 121 define its status and functions. Throughout this report and related literature, the term “National” is used in place of “Southern Sudan” to reflect the current constitutional and political reality. Efforts are underway to advocate for amendments to the LGA 2009 to ensure consistency with revised laws and the ongoing Constitution-Making Process.

I wish to express my sincere appreciation to Mr. Peter Riddle and the team at Agenda for Reconciliation UK for their valuable guidance, encouragement, and support. Special appreciation is extended to the leadership and staff of the Ministry of Peacebuilding, the Local Government Board, and the National Constitutional Review Commission (NCRC) for delegating senior officials to participate in the 30 June 2025 Consultative Workshop. Particular gratitude is owed to Professor Julia Duany and Professor Leben for their insightful discussion papers and intellectual contributions.

The author is grateful for the confidence and endorsement of the NCOTAL Interim Secretariat in recognizing him as a Technical Advisor to continue his commitment supporting the Secretariat’s mission. Appreciation is also extended to all representatives of Traditional Authority Leaders whose experience, wisdom, and contributions enriched the deliberations and outcomes of the workshops and this publication.

This publication will be followed by actions by the NCOTAL Interim Secretariat to commemorate the 14th Anniversary of the Independence of the Republic of South Sudan on 9 July 2025.

INTRODUCTORY NOTES

South Sudanese have consistently demanded federalism, as affirmed in Chapter 6.2.2 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), which calls for a context-specific federal model grounded in equity, justice, and shared responsibility. Understandably, no federal system is universal. Each must reflect its society's unique realities. This is evident in that there are no, so far, two identical models of federalist systems amongst the entire United Nations member states. South Sudan is no exception. It's appropriate federal model shall be with consensually agreed parameters in multinational and multiregional South Sudan.

It could reasonably be argued that many of the institutional weaknesses affecting postcolonial African statutory state systems originate from the legacy of the Berlin Conference (1884-1885) and the subsequent Scramble for Africa, which imposed externally designed administrative structures that often disregarded indigenous governance systems, communal institutions, and sociocultural realities. In this context, the evolution of South Sudan during the Fourth Industrial Revolution should not rely on a simplistic replication of inherited colonial administrative models. Instead, governance reforms should be grounded in context-specific institutional arrangements that reflect the country's historical, social, cultural, and economic realities. This shall be consistent with the national development agenda of "Taking Towns to Rural People"-adaptation of modern institutions, strategic planning and fourth industrial revolution into Indigenous Communal Market Economies (ICMEs).

Importantly, the Revitalized Transitional Constitution of the Republic of South Sudan and the laws of South Sudan recognize the principle of Peoples' Sovereignty. This creates a strategic opportunity to design and institutionalize an appropriate governance framework suited to the multinational and multiregional character of South Sudan. Such an approach is consistent with Article 1(4) of the RTCRSS, as well as the Local Government Act 2009, particularly Section 6(4) on Community Governance; Section 107 on the Community; and Sections 112, 119, 120, and related provisions defining the status, roles, and functions of Traditional Authority Leaders (TALs) and their respective National and State Councils of Traditional Authority Leaders (COTALs). Accordingly, this booklet identifies strategic opportunities for advancing socio-economic, socio-political, and cultural sovereignty through inclusive institutional restructuring. These opportunities are reflected in the strengthening of the National Legislative Assembly, public administration systems, and fiscal federalism mechanisms guided by the principles of the Community Equity–Led Resource Governance Strategy (CELRGS), embedding Community Equity Federalism (CEF). The framework seeks to harmonize statutory governance with indigenous communal governance systems in order to promote equitable resource management, participatory development, social cohesion, institutional legitimacy, and sustainable peacebuilding across South Sudan.

On June 3, 2006, Joshua, President Salva Kiir Mayardit emphasized that appropriate governance should be rooted in both common law and traditional legal heritage. This aligns with Article 36(4) of the Transitional Constitution of the Republic of South Sudan, which mandates inclusive representation of the country's diversity to strengthen unity. This booklet, South Sudan: Realising Peoples Sovereignty suggests a model of Community Equity-Led Resource Governance Strategy (CELRGS), embedding Community Equity Federalism (CEF). It is building on the R-TCRSS mandates on socioeconomic, sociopolitical and sociocultural rights of Ethnicities and Cultural Communities (Nationalities) The booklet has a suggested model of CEF to help Nationalities (Ethnicities and Cultural Communities) to transform from being passive beneficiaries into interactive participants in wealth creation to influence cooperative governance and promoting communal equity participation.

Comparative experience shows that suppressing diversity breeds conflict, while recognizing multiple identities and ensuring meaningful autonomy promotes stability. As Gerard Mc Hugh notes, exclusion from political and socio-economic life fuels instability. A federal, inclusive democratic system is therefore a strategic necessity for South Sudan—one that upholds rule of law, human rights, and community participation. Community Equity Federalism offers a viable path by constitutionally recognizing diversity, empowering local institutions, and equitably sharing power and resources. By aligning reforms with community-based governance, South Sudan can transform diversity into a foundation for unity, resilience, and lasting peace.

The booklet layout is in four parts. Part One gives collections of quotations by Presidential Policy Directives, and an inspirational leadership statement by Dr. John Garang de Mabior on the essence of wealth being wealthy peoples and that the opposite is true, poor people don't have powerful government. Also included is the ideological foundation of the African Communal Social Responsibility Norms (ACSRNs). Part Two: Some selected case studies from successful African models of communal equity principles. Part Three: Recommended CEF Institutional Frameworks in diagrams with explanatory remarks. Part Four: CEF Governance Ethical Oversight by giving drafts of some urgent submissions on status, roles and functions of the National Council of Traditional Authority Leaders (NCOTAL) and the Traditional Authority Leaders (TALs). Also included is a tentative plan for a proposed NCOTAL Conference in 2026 on peacebuilding at national, states and counties across the country.

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PART ONE

LEADERSHIP POLICY DIRECTIVES

President Salva Kiir Mayardid

- President Kiir's call, on May 2010, that: "…Our culture identification and development in all its forms must be unchained and facilitated… through research, …to reach the same heights, as is the case elsewhere in our continent or the rest of the globe for that matter…"
- 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…" *President Kiir, June 3, 2006*
- "Security demands and keeping Comprehensive Peace Agreement (CPA) on track deprived us of financial resources required to expedite the process of translating the goal of Taking Towns to Rural Areas into concrete reality…
- Rural transformation with a view to taking towns to the rural areas shall be the number one priority in my economic agenda.
- Every department in my government shall, therefore, be guided in its performance and operations by this priority of priorities: Taking Towns to Rural Areas" President Kiir on May 21st 2011 (Banggol (2014)

South Sudan Revolutionary Icon Dr. John Garang de Mabior Concluded that:

- A government of poor people shall surely be poor. Because where else could the government acquire its resources without productivity by the people? Government resources emanate from peoples' production ability. This is because hakuma in and by itself has nothing. What is hakuma? People who are poor could only have a poor government. People who are weak could have a weak government. These are natural facts. Because where else could things fall from? Unless people produce then they could not have a strong government. It is not the other way around. Our concept of government is that it is a huge giant phenomenon with a lot of resources where people could benefit from it as much as they could loot. It should be the other way around. People have to be productive to make their government wealthy. People have to be strong to make their government strong.

Dr. Tom Mboyo

On the model of governance appropriate to African Communal Governance:

- The expression of relevant of the symbiotic federal model by Tom Mboyo: 'This cannot just be defined in one word because it represents a lot of things for example our belief that in Africa, the kind of economic, social and political institutions that make sense must find their meaning in the African setup. That any new organization which we bring up must be based from on some traditional concept to life, it must not just be imported from outside, for example we are clan-minded, we’re tribal-minded in that we’re communal in our concept of life. Now it is necessary that our new institutions are based on this approach what we have called in our definition of African socialism, mutual social responsibility, that is a person is not just an individual.

Quotes on Regionalism and Federation

Gerard Mc Hugh, President of Conflict Dynamic International, June 2018

✓ *“… It’s a sure thing: when people are excluded from political, economic, and socio-cultural opportunities it leads to strife in society and invites conflict…”*

The Bengali poet and Nobel literature prize winner Rabindranath Tagore (1861-1941)

✓ *“We are all the more one, because we are many! For we have made ample room for love in the gap where we are sundered* [separated by cultures not the same in norms]*. Our unlikeness* [not being uniform] *reveals its breadth of beauty radiant with one common life* [freedom, peace and prosperity] *like mountain peaks in the morning sun.* [We are] *United in Diversity…”*

Ticking-Off Against Any Compulsory, Coerced Unity!!!

- In their book- *The principles of federalism* (2012: 17-18- the experts in the celebrated and successful unity in diversity of commune federal Cantons of Swiss federalism concluded that: *“Efforts to deny or suppress multiple identities within a diverse society have almost invariably led to contentions, secessions or civil wars… An essential element therefore in federation* *involving a diverse society has been the acceptance of the value of diversity and of possibility of multiple loyalties expressed through the established 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…"*

Empirical Facts about TALs: The Republic of South Sudan

- Kuol (2008:69-83) findings on the roles of TAL provided evidence that TAL played transformational leadership role in mobilizing local material and human resources that helped the liberation efforts in period 1983-2004.
- The chiefs' courts presumably will continue to be one of the major justice providers in South Sudan during the next decade. Due to the customary law's flexibility and mutability, these courts are able to adapt to social change (Leonardi et al. 2011).
- In South Sudan, a high percentage of court cases are solved in chiefs' courts according to customary law (Santschi 2010).
- Some (mostly external) actors criticize customary law practices – for instance for their partial noncompliance with human-rights standards (Santschi 2010).
- Large majority of people interviewed in Aweil East County look on customary law practices as 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 (Santschi 2010).

- Wassara (2007:7) emphasizes on the democratic nature of TAL 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…"*
- Banggol (2014): Roles of Traditional Authority Leaders in Taking Towns to Rural Peoples in South Sudan

➢ **Legal Mandates on the Councils of Traditional Authority Leaders (COTAL)**

- R-TCRSS Article 167(1):The institution, status and role of Traditional Authority Leaders (TALs), according to customary law, are recognized under this Constitution.
- R-TCRSS Article 168(1): Legislation of the states shall provide for the role of Traditional Authority Leaders (TALs) as an institution at local government level on matters affecting local communities.
- R-TCRSS Article 168(2): Legislation at the National and state levels shall provide for the establishment, composition, functions and duties of Councils for Traditional Authority Leaders (COTAL).

- **Status of the Community in accordance with Local Government Act (LGA) 2009:**

- Section 6.4: The Community Governments are the Local Authorities which pre-existed in all the homelands of the people and in the urban settlements of the people founded on their customs and traditions where customs are the source of legislation and where cultures are the basis of strength, harmony and inspiration, to which Local Government institutions shall be committed, respected and promoted.
- Section 107 of LGA 2009 mandates the Community to be:
- Section 107(1) Community is the basic organization of Government in the Society
- Section 107(2) The Community shall comprise of the clans, neighborhoods and families who reside within the territorial of the Local Government
- Section 107(3) Each Community shall have the right to organize its local institutions of its People in accordance with the provision of Local Government Act 2009 and the Customary Law
- Section 112 of LGA2009 mandates the status of Traditional Authorities to be:
- Section 112(1): The Traditional Authorities shall be institutions of traditional system of governance at the State and the Local Government levels which shall (a) be semi-autonomous authorities at the State and Local Government levels, (b) administer customary law and justice in the customary law courts in accordance with the provisions of the Local Government Act and other applicable laws and (c) exercise deconcentrated (Traditional Communal Federal System)

powers in the performance of executive functions at the local government levels within their respective jurisdiction

- Section 112(2): Respect to all rights enshrine in TCRSS and the respective State Constitution
- Section 113(1) There shall be two types of Traditional Authorities in South Sudan as follow:
- Section 113(1)(a): Kingdoms with centralized monarchial systems of rule, whose institutions shall perform local government functions while maintaining their status as the institutions of the kingdoms concerned in given States of South Sudan covering the territorial areas of one or more counties. The kingdom are divided into: (i) chieftainships; (ii) subchieftainships and (iii) headman-ships
- Section 113(1)(b): Chiefdoms with decentralized system of the rule, which shall perform traditional and local government functions covering the territorial areas of counties where the traditional authorities are organized on the basis of lineages and clans which are divided into (i) subchieftainship, and ii) headmens-ships
- Section 119(1): Pursuant to the provisions of Article 166, 167 and 168(1)&(2) of TCRSS 2011, as amended on Local Government, Traditional Authority and Role of Traditional Authority, there shall be established in:
- Article 119(1)(a) South Sudan, a Council to be known as “The Council of Traditional Authority Leaders (COTAL); and
- Article 119(1)(b): Each State of South Sudan, a State Council of Traditional Authority Leaders (COTAL) whose composition,

functions and duties shall be determined by relevant State Legislature.

- Section 119(2): Pursuant to the provisions of Article 5 of TCRSS 2011, as amended on the source of legislation, in South Sudan, the Council of Traditional Authority Leaders (COTAL) shall be the custodian of the customs and traditions of the Peoples of South Sudan as the source of legislation.

  Section 120: The Council of Traditional Authority Leaders shall be composed of forty five membersas follows:

  a) Four elected representatives of each State Council of Traditional Authority Leaders, at least one of whom shall be a woman; and

  b) Five members appointed by the President after consultation with the relevant authorities.

- Section 121: Functions and Duties of the Southern Sudan Council of TraditionalAuthority Leaders

  121(1) The functions and duties of the Southern Sudan Council of Traditional Authority Leaders shall be, but not limited to:-

  a) provide a forum for dialogue with all levels of government on matters ofcustoms and traditions of the people of Southern Sudan;

  b) intervene to resolve inter-tribal disputes by applying customary and traditional conflict resolution mechanisms;

c) foster peace building and resolution of conflicts through mediation and other conciliatory mechanisms;

d) advise all levels of Government on matters of traditions and customs of the people of Southern Sudan; and

e) perform other functions and duties as provided for in this Act or any other applicable law or regulations.

Perceptions and Meaning of CGIs Community Government Institutions (CGIs) ***A. M. Banggol (2014)***

- Historically, culturally, administratively and demographically, the proposed South Sudan Community Equity Federalism model is perceived within South Sudanese geopolitical understanding, values, norms, beliefs and mutual collaboration expressed and exercised in form and content of <u>Greater</u> Regions, states, counties, payams, bomas and Extended families in <u>Greater</u> Homelands of 73 Nationalities in their respective Communal Federation or union of community elders, gender or youth associations;
- Communal Equity federalism within South Sudan contexts and character in rural homelands each of respective: CGIs – *wut* in Jieng, *Jur* in Bari, *Ringara* in Azande, *Cheng* in Naath, *Omadia* in Chollo Kingdom and *Dhok Hot* in Acholi, just to mention but a few. Each is perceived within distinct cultural existence identified with a living language and social, political and economic pattern and vales. Each CGIs is a distinct prototype noticeable in thousands of CGIs, popularly known

as chiefdoms of several communities or kingdoms of a People or a nationality amongst Anyuak and Chollo;

- With urbanization and modernity; there has emerged an urban CGIs as a replica of rural CGIs alongside similar number of elites Community Leaders by intelligencia; example of Jieng Council of Elders and now the Greater Equatoria, Bahr el Ghazal and Upper Niles Councils of Elders. Each of such entities associated with age, gender and profession is perceived as collaboration of greater regions, states, communities, counties, payams, bomas and extended families. Each is noticeable with demonstrated abilities formed to support interdependency, mutuality, peaceful coexistence, prosperity and unity in diversity.

Alphabetically enlisted 73 names of the Nationalities in South Sudan

- (A) Acholi, Adio, Aja, Anyuak, Atuot, Avukaya and Azande totaling 7 nationalities
- (B) Bai, Baka, Balanda-Boor, Balanda Mbviri, Banda, Bari, Binga, Bongo and Boya totally 9 nationalities
- (C) Chollo (Shiluk); is 1 Nationality
- (D) Didinga, Dongotono, Dali; totaling 3 nationalities
- (F) Feroghe; is 1 nationality
- (G) Golo; is 1 nationality
- (I) Ifoto, Imatong and Indri; totaling 3 nationalities
- (J) Jieng (Dinka), Jiye, Jur Belie, Jur Chol (Luo) and Jur Modo; totaling 5 nationalities

- (K) Kachipo *(Nyepo and Suri)*, Kakwa, Kara, Keliko, Ketepo, Kresh and Kuku; totaling 7 nationalities
- (L) Lango, Latuka (Otuho, Uttohu), Logir, Lokoya, Lolubo, Lopit, Lorwama and Lugbwara; totaling 8 nationalities
- (M) Maban, Madi, Managayat, Moro Modo, Moro Kodo, Mundari and Murle; totaling 7 nationalities
- (N) Naath (Nuer) Ndogo, Ngulgule, Nyangatom, and Nyangwara; totaling 5 nationalities
- (P) Pari and Pojulu; totaling 2 nationalities
- (S) Sere, Shatt and Shilluk (Chollo); totaling 3 nationalities
- (T) Tenet, Teuth, Tid, Toposa and Tonga, totaling 5 nationalities
- (U) Uduk; is 1 nationality
- (W) Woro; is 1 nationality
- (Y) Yulu; is 1 nationality

PART TWO
COMPARATIVE CASE STUDIES

Introductory Notes": **Tapping into Unexplored Opportunities**

1. Introductory Remarks

The Transitional Constitution of the Republic of South Sudan (2011) and the Local Government Act (2009) mandate the recognition and inclusion of Traditional Authority Leaders (TALs) through the National and State Councils of Traditional Authority Leaders (NCOTAL and COTALs). However, the NCOTAL has not yet been reconstituted, creating a significant gap between legal provisions and their implementation.

This reflection highlights Untapped Opportunities because of absence of the NCOTAL and State COTAL and resulting under-utilized opportunities within South Sudan's community resource governance framework, including:

- The Community Development Fund (CDF), which is mandated to be at least 3% of the National Budget. The CDF has no effective community aspects to demand for it and to embody the CDFE INTO THE PROPOSED community-Equity Led Resources Governance Strategies (CELRGS) supporting Community Equity Federalism (CEF) in multinational and Multiregional Federal South Sudan
- Community Development Committees (CDCs) linked to Community Government Institutions (CGIs),
- Corporate Social Responsibility (CSR) provisions,
- World Bank emergency and recovery financing, and mechanisms for inter- and
- intra-community conflict resolution

- Joint voice to lobby for legislation, enactment and enforcement of the Community Land Rights Law for Investment, pursuant to the RTCRSS 2011, THE Local Government Act (LGA) 2009 and the other South Sudan Laws combined

The aim is to illuminate these opportunities rather than present definitive findings. The observations are not based on exhaustive research but are intended to stimulate inquiry, accountability, and further engagement by CGIs and relevant stakeholders.

South Sudan's legal and policy framework provides a strong foundation for community rights and resource benefits. These include the CDF, oil revenue-sharing arrangements (5%, with 2% allocated to communities), CSR obligations, and requirements for social and environmental stewardship. However, within the Community-Embedded Local Resource Governance Systems (CELRGS) framework, these provisions remain largely underutilized due to weak or underdeveloped Community Government Institutions.

The central challenge is not the absence of resources, but limited institutional capacity. Weak governance structures, unclear systems, and insufficiently inclusive decision-making constrain communities from effectively accessing and managing available resources.

From the perspective of Cooperative, Equitable, and Functional (CEF) Fiscal Federalism, the issue lies in weak institutional intermediation. Without transparency, participatory budgeting, and accountability, resource flows are prone to elite capture, fragmentation, and inequitable distribution.

The priority, therefore, is to operationalize CELRGS by strengthening CGIs into credible, rule-based institutions capable of transparent fund management, inclusive decision-making, enforcement of social and environmental safeguards, and alignment with national fiscal decentralization frameworks.

In doing so, CEF Fiscal Federalism can transition from a theoretical concept into a functional system of shared prosperity—where communities exercise stewardship, ensure accountability, and translate resource endowments into sustainable development outcomes.

2. Selected Case Studies

Case Study (1): Experience of Post-Colonial Land Dispossession in Zimbabwe.

1.1. *Introduction*

Post-colonial land reform in Zimbabwe was initially framed as a corrective measure to address historical injustices created during colonial rule, particularly the unequal distribution of land between white commercial farmers and the black majority. The Fast Track Land Reform Programme (FTLRP) launched in 2000 marked a turning point, redistributing large-scale commercial farms to black Zimbabweans. While this policy succeeded in dismantling racially skewed land ownership patterns, it has, over time, evolved into a more complex and contested process.

In recent years, land reform has increasingly shifted away from its original redistributive justice objectives toward patterns of dispossession affecting rural communities, particularly in mineral-rich areas. This transformation reflects a broader dynamic in which land is no longer valued solely for agricultural production but also for its extractive potential. As a result, a new wave of displacement—often less visible but equally disruptive—has emerged, raising concerns about equity, governance, and sustainable development.

1.2 *From Redistribution to Elite Accumulation*

A major critique of Zimbabwe's post-2000 land reform is that it has facilitated elite accumulation rather than broad-based empowerment. While the FTLRP was intended to benefit landless peasants, evidence suggests that politically connected individuals, including members of the ruling elite, disproportionately acquired prime land holdings.

This phenomenon has given rise to so-called "land barons", individuals who control multiple or highly productive farms, often without fully utilizing them. Instead of dismantling inequality, land reform has, in some cases, reproduced it along class lines—effectively replacing racial land disparities with class-based land concentration.

The result is a dual structure in rural Zimbabwe: a small, politically connected elite with access to high-value land and resources, and a large population of rural households with insecure tenure and limited productive capacity. This shift undermines the original redistributive intent of land reform and raises questions about accountability and transparency in land allocation processes.

1.3 Displacement in Mineral-Rich Areas

A defining feature of contemporary land dispossession in Zimbabwe is the displacement of rural communities from resource-rich areas, particularly those with significant mineral deposits such as gold, platinum, lithium, and diamonds.

One prominent example is the Chilonga case, where approximately 177 hectares of communal land were earmarked for a large-scale mining and development project. Local residents faced eviction under government directives, often justified through statutory instruments or legal provisions that prioritize 'national development'. However, such actions frequently occur without adequate consultation, compensation, or resettlement planning.

Similarly, in areas such as Mazowe, communities have been displaced to make way for mining operations and elite land acquisitions. These cases highlight a recurring pattern: rural populations are relocated to facilitate commercial exploitation of natural resources, often without receiving tangible benefits from these projects.

This trend reflects what scholars describe as "accumulation by dispossession"—a process where land and resources are transferred from vulnerable communities to more powerful actors, including corporations and political elites.

1.4. *The Persistence of the "Colonial Present"*

Despite the end of formal colonial rule, many aspects of land governance in Zimbabwe continue to resemble colonial-era practices. This phenomenon, often referred to as the "colonial present," is characterized by top-down decision-making, lack of community consultation, and the prioritization of external economic interests over local livelihoods.

In many instances, affected communities are not meaningfully involved in decisions regarding land allocation or development projects. Traditional land uses—such as subsistence farming, grazing, and cultural practices—are disrupted or entirely eliminated. This continuity between colonial and post-colonial governance structures suggests that political independence has not fully translated into inclusive and participatory land management systems.

1.5. *Environmental and Cultural Impacts*

The expansion of mining activities has had profound environmental and cultural consequences. Extractive operations often lead to deforestation, soil degradation, and water pollution, rendering land unsuitable for agriculture or habitation after mining concludes.

In addition, mining projects frequently encroach upon culturally significant sites, including ancestral burial grounds and sacred landscapes. The destruction or relocation of these sites disrupts social cohesion and undermines the cultural identity of affected communities.

These impacts are particularly severe in communal areas, where livelihoods are closely tied to land and natural resources. The loss of fertile land and access to water sources exacerbates poverty and food insecurity, further marginalizing already vulnerable populations.

1.6. *The Role of Mining, Investment, and Politics*

Zimbabwe's vast mineral wealth has made the mining sector a central focus of economic policy and foreign investment.

The government has actively sought to attract investors, often prioritizing large-scale mining projects as a pathway to economic growth and revenue generation.

However, this emphasis on investment has sometimes come at the expense of local land rights. Foreign companies—particularly from countries such as China—play a significant role in sectors like lithium and chrome mining. While these investments contribute to national revenue, they have also been associated with forced evictions, environmental degradation, and limited benefit-sharing with local communities.

Political dynamics further complicate this landscape. Reports suggest that some local leaders and officials leverage mining partnerships for personal gain, reinforcing patterns of elite capture and weakening governance mechanisms. Legal frameworks such as the Communal Lands Act (Chapter 20:04) have been used to justify the reallocation of communal land for development purposes, often without sufficient safeguards for affected populations.

1.7. ***In Conclusion***

Post-colonial land dispossession in Zimbabwe has evolved from a project of redistributive justice into a more complex system characterized by elite accumulation, resource-driven displacement, and governance challenges. While the FTLRP addressed historical inequalities in land ownership, it has not fully achieved equitable or sustainable outcomes.

Instead, a new form of dispossession has emerged—one that prioritizes extractive industries and investment over the rights and livelihoods of rural communities. This shift reflects broader structural issues, including weak institutional accountability, politicized land allocation, and the enduring legacy of colonial governance practices.

Addressing these challenges requires a renewed commitment to inclusive land governance, transparent allocation processes, and stronger protections for communal land rights. Without such reforms, the cycle of dispossession is likely to persist, undermining both social equity and long-term development in Zimbabwe.

Case Study (2): Liberia Land Rights Reform -Final Report

2.1. ***Introduction and Context:***

The enactment of Liberia's Land Rights Act (LRA) of 2018 marked a historic milestone in Africa's land governance landscape. Widely regarded as one of the continent's most progressive land reform laws, the LRA formally recognizes customary land ownership, granting communities legal rights over their ancestral lands while ensuring equal rights for all individuals within those communities, including women and youth. A central institutional innovation under the LRA is the establishment of Community Land Development and Management Committees (CLDMCs). These committees are mandated to oversee community land governance, including decision-making, dispute resolution, and land use planning. To operationalize the Act, the Liberia Land Authority (LLA) adopted detailed regulations in November 2022 to guide the registration and governance of customary land. Despite initial delays in passing the law, national and international stakeholders remain strongly committed to its implementation. The LRA is widely seen as a transformative framework capable of empowering rural communities, strengthening tenure security, and unlocking the economic potential of land while safeguarding it for future generations.

2.2. *Implementation Progress and Donor Support:*

Implementation of the LRA has been supported by a coalition of development partners and civil society organizations (CSOs). Notably, the United States Agency for International Development (USAID) has played a leading role in advancing land governance reforms in Liberia for over a decade. Through successive programs—including the Land Policy and Institutional Support (2010–2015), Land Conflict Resolution Program (2013–2016), Land Governance Support Activity (2015–2020), and the Land Management Activity (2021–2025)—USAID has supported policy development, institutional strengthening, and community-level interventions. Partners such as the Swedish Government, the Tenure Facility, the United Nations Development Programme, the European Union, and the World Bank have provided additional support. Pilot initiatives funded by donors have reached over 150 communities, testing the six-step process required to obtain customary land deeds. These pilots have generated critical lessons, leading to the development of standardized templates and national guidelines adopted by the LLA. To date, approximately 12 communities have successfully secured customary land deeds, while many others remain at different stages of the process.

2.3. ***The Community Land Protection Program (CLPP):*** A cornerstone of Liberia's land reform implementation has been the Community Land Protection Program (CLPP), developed and implemented by the Sustainable Development Institute (SDI) and Namati, with support from USAID's Integrated Land and Resource Governance (ILRG) program. The CLPP adopts a bottom-up, governance-first approach to land formalization. It emphasizes that legal recognition of land rights should follow—not precede—community empowerment and institutional strengthening.

2.3.1. ***Key components of the CLPP include:*** Community Self-Identification (CSI): Defining community membership and boundaries**.** Legal education: Raising awareness of land rights under the LRA(a) By law development: Establishing locally agreed rules for land and resource use, (b) CLDMC formation: Ensuring representative and accountable leadership, (c) Boundary harmonization: Resolving disputes with neighbouring communities. This approach strengthens local governance systems, promotes inclusive participation, and reduces the risk of elite capture or conflict. By prioritizing governance, the CLPP ensures that communities are better prepared to manage land sustainably and equitably once formal rights are secured.

2.4. ***Evaluation and Learning:*** To assess the effectiveness of customary land formalization, USAID initiated an impact evaluation in 2014, focusing on CLPP implementation across 45 treatment and 45 control communities in Lofa, Maryland,

and River Gee Counties. However, the outbreak of the Ebola Virus Disease significantly delayed implementation until 2016. Budget constraints further limited progress, with only 23 communities completing the intervention by 2017. Recognizing the importance of the learning opportunity, USAID continued funding through ILRG. In 2019, SDI resumed activities in 31 communities, while Green Advocates

Case Study (3): Acholi Farmers Group (South Sudan)

The Acholi community—one of the 73 nationalities of South Sudan—is a Luo-speaking population primarily located in Eastern Equatoria State. Agriculture forms the backbone of Acholi livelihoods, and one of its most effective indigenous systems is the Acholi Farmers Group: a well-organized, community-based labour cooperative.

This group operates as a structured form of socio-economic trusteeship embedded in customary law, governance systems, and cultural norms. It is founded on consensually agreed labour-sharing principles, with clear rules governing participation, accountability, and coordination. Members collectively organize farm work in a rotational system, ensuring that each household benefits from pooled labour during the farming season.

A defining feature of the system is the balanced allocation of time:

Individual members dedicate part of the day to their own household farming.

The remaining time is committed to collective work, where members support one another's farms in turn.

The host household for each farming session provides meals and refreshments, reinforcing solidarity and reciprocity within the group. The system is guided by strong values of mutual responsibility, efficiency, and accountability, aligned with African Communal Social Responsibility Norms (ACSRNs).

The Acholi Farmers Group demonstrates high levels of organization, reliability, and productivity. Its success highlights its potential as a scalable model for broader socio-economic transformation. With appropriate support, this system could be expanded to incorporate additional pillars such as agro-processing (value addition), structured trading systems, and cooperative-based credit financing.

Similar labour-sharing traditions exist across other South Sudanese communities under different names. For example, among the Jieng people (Dinka), it is referred to as Akut, though it is less formalized and often practiced on an ad hoc basis. The Danka's most established trusteeship systems are centered on cattle camps and traditional authority structures, which play a key role in community governance but remain underdeveloped in areas such as market integration and institutionalized economic practices.

Overall, the Acholi Farmers Group offers a compelling indigenous model of cooperative development that blends cultural values with practical economic organization, providing important lessons for strengthening community-driven development across South Sudan.

Case Study (4): The Morrill Act of 1862- Democratizing Higher Education through Federalism

The Morrill Act of 1862, signed into law by Abraham Lincoln on July 2, 1862, stands as one of the most transformative education policies in modern history. Enacted during the turbulence of the American

Civil War, the Act represented a strategic federal investment in human capital, national development, and social mobility. Its central objective was to expand access to higher education beyond elite classical institutions and align learning with the practical needs of an industrializing society.

4.1. ***Purpose and Vision:***At its core, the Morrill Act sought to democratize higher education by making it accessible to the "industrial classes"—farmers, labourers, and emerging technical professionals. Unlike traditional universities that emphasized classical studies such as Latin, philosophy, and theology, the Act prioritized practical and scientific disciplines, particularly agriculture, engineering (mechanic arts), and military tactics. This shift reflected a broader vision: 'education as a tool for economic transformation and nation building'. By equipping citizens with applied knowledge and technical skills, the Act aimed to strengthen agricultural productivity, industrial capacity, and national resilience during a period of crisis.

4.2. ***Innovative Funding Mechanism:*** A defining feature of the Act was its federal land-grant model, which created a sustainable financing mechanism for public universities without direct cash transfers. Each state received 30,000 acres of federal land for every member of Congress it had. These lands—amounting to over 11 million acres nationwide—were either developed or sold, with proceeds used to establish and endow colleges. In many eastern states lacking available federal land, the government issued land scrip, allowing them to claim and sell land in the western territories. This mechanism not only funded education but also facilitated westward expansion and land commodification, embedding the Act within broader national development dynamics.

4.3. ***Institutional Impact and Expansion:*** The Morrill Act led to the establishment or strengthening of more than 69 public universities, forming the backbone of the modern American public higher education system. Notable institutions that emerged from or were supported by this framework include: Cornell University, Pennsylvania State University, and Michigan State University. These institutions became centres of innovation, research, and extension services, particularly in agriculture and engineering. Over time, they evolved into comprehensive universities offering a wide range of disciplines while maintaining their original mandate of public service and applied research.

4.4. ***Federalism and Policy Significance:*** The Act is a landmark example of cooperative federalism, where the federal government provided resources and policy direction while states retained responsibility for implementation and management. This balance allowed for localized adaptation while maintaining a unified national vision for education and development. Importantly, the Morrill Act was not a one-time intervention but part of a broader legislative trajectory. The second Morrill Act of 1890 expanded access by supporting historically Black colleges and universities (HBCUs), addressing racial disparities in education—albeit within the constraints of segregation at the time. This expansion reinforced the Act's foundational principle: education as a public good accessible to all segments of society.

4.5. ***Long-Term Developmental Impact:*** The long-term effects of the Morrill Act are profound and multifaceted: (a) ***Educational Access:*** It significantly widened access to higher education, particularly for rural and working-class populations. (b) ***Economic Transformation:*** By promoting agricultural science and engineering, it contributed to increased productivity and industrial growth; (c) ***Research and Innovation:*** Land-grant universities became hubs for applied research, directly benefiting local communities through extension programs. (d) ***Institutional (e) Legacy:*** It laid the foundation for modern public university systems that continue to drive national and global knowledge economies. Moreover, the Act demonstrated how strategic public investment in education could yield sustained socio-economic returns, making it a model frequently referenced in policy discussions worldwide.

4.6. ***Conclusion:*** The Morrill Act of 1862 represents a pivotal moment in the evolution of higher education and public policy. By linking federal resources to state-led institutional development, it created an enduring framework for inclusive, practical, and innovation-driven education. Its success lies not only in the universities it established but also in its broader philosophy: that education should serve the needs of society, empower citizens, and drive national progress. For contemporary policymakers—particularly in developing and federal or decentralized systems—the Morrill Act offers a compelling lesson: well-designed, equity-oriented education policies can transform societies when aligned with economic realities and supported by sustainable financing mechanisms.

Case Study (5): Eight Pillars ("Mountains") of Peacebuilding for People's Sovereignty in South Sudan

To strengthen people's sovereignty in South Sudan, the Eight Mountains of Peacebuilding proposed by Lind Cope can be contextualized into the following coherent pillars:

5.1. Household Stability and Prosperity. Promote resilient families through livelihoods, food security, and social protection.

5.2. Ethical and Values-Based Leadership, Advance faithful, righteous, and accountable leadership grounded in African Communal Social Responsibility Norms (ACSRNs).

5.3. Wealth Creation and Economic Productivity: Support production, value addition, and trade to drive inclusive economic growth.

5.4. Learning and Skills Development by expanding functional literacy, youth education, accelerated adult learning, and digital competencies (ICT and AI) to participate in the Fourth Industrial Revolution. Responsible Media Engagement: Strengthen both mainstream and social media as tools for information, dialogue, and peace messaging.

5.5. Constructive: Entertainment and Culture by promoting sports, music, and positive content creation to foster unity and social cohesion.

5.6. Participatory and Legitimate Governance that enhances trust, ownership, and citizen participation in decision-making processes.

5.7. Access to Science and STEM Development: improved access to science, technology, engineering, and mathematics to support innovation and sustainable development.

5.8. Together, these interconnected pillars provide a holistic framework for peacebuilding that reinforces social cohesion, economic resilience, and inclusive governance in South Sudan.

Case study (6): Ineffectively regulated and unsupervised Financial Programs

With effective involvement of the Bank of South Sudan Microfinance monetary policies the following initiatives could impact lasting positive impacts supporting Community Wealth Building (CWB) and Community-driven Developmental Programs (CDDPPs) empowering NCOTAL, States COTALs and TALs at counties and CGIs to enhance community based decision-making process

6.1. Case Study: Socioeconomic Opportunities Project (SNSOP): Cash Transfers are Helping Women Create Businesses and Regain Hope in South Sudan 2023: Socioeconomic Opportunities Project (SNSOP). It is locally known as 'Shabaka Meisha,' a $199 million five-year safety net program funded by the World Bank. The project provides cash transfers and access to income-generating opportunities to fragile communities and aims to strengthen the National Safety Net Delivery System in South Sudan. It covers 20 counties and targets. SNSOP is targeting 1.2 million poor. So far, it covers 20 counties and targets 157,000 households, including 24,000 refugees and 38,500 host communities. This relevant intervention could be more impactive if it incorporates the following institutional and governance linkages: The Bank of South Sudan Multisectoral Technical Coordination (MTC) Forum on needed complementary roles by relevant institutions. (a) The NCOTAL, States COTALs and TALs at counties, Payams and Bomas institutions for the purpose of good governance and sustainable nation building and institutional legitimacy. (b) The NCOTAL could ensure wider ownership and linking the SNSOP into national and grassroots peace dialogues. States COTALs would ensure equitable development and linking SNSOP into local cross border peace dialogue. (c) TALs in counties, payams and bomas institutions could link SNSOP into needed Community Equity Led Federalism instruments of Community Investment Trust (CIT) and Community Investment Holdings Companies (CIHC) Ltd transformation and sustainable development in beneficiary communities.

6.2. ***Case Study: The South Sudan Safety Net Project (SSSNP):*** The South Sudan Safety Net Project (SSSNP), often referred to in the context of World Bank initiatives, is a key social protection program designed to provide income-generating opportunities and basic services to vulnerable households in South Sudan. Here are the key details regarding the SSSNP and related World Bank activities in South Sudan: South Sudan Safety Net Project (SSSNP) Details (a) Purpose: To support families affected by conflict, economic instability, and floods, particularly those facing extreme poverty. (b) Target Group: The project prioritizes female-headed households, households with disabled members, and those without regular income. (c) Key Activities: It provides cash transfers and, in some cases, implements labour-intensive public works (LIPW) to build community assets, such as water canals in flood-affected areas. (d) Scope: The project has supported approximately 65,000 vulnerable households, allowing beneficiaries to engage in small-scale businesses, such as selling vegetables and dried fish. (e) Implementation: The World Bank often partners with organizations like UNOPS for delivery. (f) Impact: Beyond direct cash aid, the project includes training in nutrition, sanitation, hygiene, and financial literacy. 9g) Related World Bank Initiatives: (i) Financial Sector Support: The World Bank is providing an $18 million facility to help the Bank of South Sudan build a financial sector development strategy and improve policy formulation. (ii) Economic Strategy: The bank is shifting its portfolio from immediate relief to long-term development to promote economic stability. The project, which operates across various regions including Torit, is highly valued by beneficiaries for providing a "game-changer" in terms of economic empowerment for families in high-risk areas.

Part Three: Essays on Suggested Strategic and Institutional

3.1. Essay (1) : SOUTH SUDAN: Realising Peoples Sovereignty "from Communal to Industrial South Sudan"

Introductory Notes

South Sudanese have consistently demanded federalism, as affirmed in Chapter 6.2.2 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), which calls for a context-specific federal model grounded in equity, justice, and shared responsibility. Understandably, no federal system is universal. Each must reflect its society's unique realities. This is evident in that there are no, so far, two identical models of federalist systems amongst the entire United Nations member states. South Sudan is no exception. It's appropriate federal model shall be with consensually agreed parameters in multinational and multiregional South Sudan.

It could reasonably be argued that many of the institutional weaknesses affecting postcolonial African statutory state systems originate from the legacy of the Berlin Conference (1884-1885) and the subsequent Scramble for Africa, which imposed externally designed administrative structures that often disregarded indigenous governance systems, communal institutions, and sociocultural realities. In this context, the evolution of South Sudan during the Fourth Industrial Revolution should not rely on a simplistic replication of inherited colonial administrative models. Instead, governance reforms should be grounded in context-specific institutional arrangements that reflect the country's historical, social, cultural, and economic realities. This shall be consistent with the national development agenda of "Taking Towns to Rural People"- adaptation of modern institutions, strategic planning and fourth industrial revolution into Indigenous Communal Market Economies (ICMEs).

Importantly, the Revitalized Transitional Constitution of the Republic of South Sudan and the laws of South Sudan recognize the principle of Peoples' Sovereignty. This creates a strategic opportunity to design and institutionalize an appropriate governance framework suited to the multinational and multiregional character of South Sudan. Such an approach is consistent with Article 1(4) of the RTCRSS, as well as the Local Government Act 2009, particularly Section 6(4) on Community Governance; Section 107 on the Community; and Sections 112, 119, 120, and related provisions defining the status, roles, and functions of Traditional Authority Leaders (TALs) and their respective National and State Councils of Traditional Authority Leaders (COTALs). Accordingly, this booklet identifies strategic opportunities for advancing socio-economic, socio-political, and cultural sovereignty through inclusive institutional restructuring.

These opportunities are reflected in the strengthening of the National Legislative Assembly, public administration systems, and fiscal federalism mechanisms guided by the principles of the Community Equity–Led Resource Governance Strategy (CELRGS), embedding Community Equity Federalism (CEF). The framework seeks to harmonize statutory governance with indigenous communal governance systems in order to promote equitable resource management, participatory development, social cohesion, institutional legitimacy, and sustainable peacebuilding across South Sudan.

On June 3, 2006, Joshua, President Salva Kiir Mayardit emphasized that appropriate governance should be rooted in both common law and traditional legal heritage. This aligns with Article 36(4) of the Transitional Constitution of the Republic of South Sudan, which mandates inclusive representation of the country's diversity to strengthen unity. This booklet, South Sudan: Realising Peoples Sovereignty suggests a model of Community Equity-Led Resource Governance Strategy (CELRGS), embedding Community Equity Federalism (CEF). It is building on the R-TCRSS mandates on socioeconomic, sociopolitical and sociocultural rights of Ethnicities and Cultural Communities (Nationalities) The booklet has a suggested model of CEF to help Nationalities (Ethnicities and Cultural Communities) to transform from being passive beneficiaries into interactive participants in wealth creation to influence cooperative governance and promoting communal equity participation.

Comparative experience shows that suppressing diversity breeds conflict, while recognizing multiple identities and ensuring meaningful autonomy promotes stability. As Gerard Mc Hugh notes, exclusion from political and socio-economic life fuels instability. A federal, inclusive democratic system is therefore a strategic necessity for South Sudan—one that upholds rule of law, human rights, and community participation. Community Equity Federalism offers a viable path by constitutionally recognizing diversity, empowering local institutions, and equitably sharing power and resources. By aligning reforms with community-based governance, South Sudan can transform diversity into a foundation for unity, resilience, and lasting peace.

The booklet layout is in four parts. Part One gives collections of quotations by Presidential Policy Directives, and an inspirational leadership statement by Dr. John Garang de Mabior on the essence of wealth being wealthy peoples and that the opposite is true, poor people don’t have powerful government. Also included is the ideological foundation of the African Communal Social Responsibility Norms (ACSRNs). Part Two: Some selected case studies from successful African models of communal equity principles. Part Three: Recommended CEF Institutional Frameworks in diagrams with explanatory remarks. Part Four: CEF Governance Ethical Oversight by giving drafts of some urgent submissions on status, roles and functions of the National Council of Traditional Authority Leaders (NCOTAL) and the Traditional Authority Leaders (TALs). Also included is a tentative plan for a proposed NCOTAL Conference in 2026 on peacebuilding at national, states and counties across the country.

3.2. Essays

Essay (1): Profile: **South Sudan National Council of Traditional Authority Leaders (NCOTAL)**

This profile of the NCOTAL is written within a suggested Framework of Community Equity Led Resource Governance Strategy (CELRGS) and Communal Equity Federalism (CEF)

a.1. *Words and meanings*

- ✓ CEF: Communal Equity Federalism model of Cooperative Federalism in South Sudan context of diversity and demand for equity participation, justice and mutually shared responsibility of unity in diversity. The Extended R-ACRSS 2016, Chapter 6.2.2: to initiate federal model appropriate to South Sudan's multinational and multiregional character.
- ✓ CGIs: Community Government Institutions mandated by the R-TCRSS 2011, as amended Article 33; *Rights of Ethnicities and Cultural Communities;* read together with the LGA 2009, Sections 6.4: *The Community Governance*[1] *Institutions,* and 107: *The Community*[2]
- ✓ CELRGS: Community-Equity Led Resource Governance Strategy

1 The LGA 2009, Section 6.4: **The Community Governments** are the Local Authorities which pre-existed in all thehomelands of the people and in the urban settlements of the people founded on their customs and traditions where customs are the source oflegislation and where cultures are the basis of strength, harmony and inspiration, to which Local Government institutions shall be committed, respected and promoted.

2 The LGA2009, Section 107: The Community (1) Community is the basic organization of Government in the Society. (2)The Community shall comprise of clans, neighborhoods and families whoreside within the territorial area of a Local Government Council. Each community shall have the right to organize its local institution of governance, protect and promote the welfare of its people in accordance with the provisions of this Act and the customary law.

- ✓ TALs: Traditional Authority Leaders who are the Customary Authorities in the Multinational and Multiregional South Sudan
- ✓ R-TCRSS: Reconstituted Transitional Constitution of the Republic of South Sudan
- ✓ LGA: Local Government Act 2009
- ✓ Extended R-ACRSS: the Extended Revitalized Agreement on Conflict Resolution in South Sudan
- ✓ NCOTAL: the NCOTAL Conference of Traditional Authority Leaders. It is mandated by the R-TCRSS article 167, 168: *National and States Council of Traditional Authority Leaders [COTAL]*; read together with the LGA 2009, Sections 112, 113, 119, 120 and 121.
- ✓ UNDRIP: United Nations Declaration of the Rights of Indigenous Peoples

a.2. **Executive Summary**

South Sudan continues to experience governance, land, resource, and social cohesion challenges largely rooted in weak institutional linkages between the Statuary State Institutions and Community Governments Institutions (CGIs): the Customary Institutions. Despite constitutional recognition of Traditional Authority Leaders (TALs) systems, customary institutions remain inadequately integrated into national governance, resource management, peace building, and economic transformation frameworks. The mandated South Sudan National Council of Traditional Authority Leaders (NCOTAL) seeks to provide a national customary governance platform capable of institutionalizing community participation, communal equity, indigenous justice systems, and traditional stewardship in state-building, Nationhood building and appropriate federal governance processes. NCOTAL is argues that Communal Equity Federalism model is appropriate. Within the perspectives of Community Equity Led Resource Governance Strategy (CELRGS) and Communal Equity Federalism (CEF), NCOTAL is envisioned as:

a. A constitutional customary governance institution;

b. A guardian of communal land and resource rights;

c. A mediator of intercommunual harmony;

d. A strategic partner in peace building and development; and

e. A vehicle for equitable federal transformation.

The CELRGS framework recognizes that sustainable peace and economic transformation in South Sudan require governance legitimacy rooted in communities themselves.

The NCOTAL therefore advances a governance model founded upon:

- ✓ Indigenous sovereignty,
- ✓ Communal mutualism,
- ✓ Equitable resource governance,
- ✓ Participatory, equity and cooperative federalism
- ✓ Restorative justice, and community- cantered development.

This institutional profile proposes: A conceptual framework, Governance structure, Operational pillars, Strategic objectives, Legal alignments, and An implementation model for the NCOTAL.

a. The framework aligns with:

(i) The Transitional Constitution of the Republic of South Sudan;

(ii) The Local Government Act 2009;

(iii) African customary governance principles; and

(iv) International standards on indigenous and community rights.

Ultimately, NCOTAL is envisioned as a foundational pillar for rebuilding trust between the people and the state through culturally legitimate, equitable, and community-driven governance systems.

a.3. ***Background***

Traditional authority institutions remain among the most enduring and socially legitimate governance systems in South Sudan. For generations Kingdoms, chiefs, elders, clan custodians, spiritual leaders, and customary councils governed communal relations, regulated access to land and natural resources, mediated conflicts, preserved cultural values, and maintained social harmony.

However, post-colonial and post-conflict governance systems progressively weakened indigenous governance structures through excessive administrative centralization, politicization, and exclusion from national policy frameworks. This disconnect contributed to recurring land disputes, intercommunal conflicts, governance legitimacy deficits, and inequitable resource governance.

At the same time, contemporary governance challenges increasingly demonstrate that sustainable peace, federalism, and development cannot be achieved through centralized political institutions alone.

Rather, durable transformation requires integration of community-based governance systems into constitutional and developmental structures.

The Community Equity Led Resource Governance Strategy (CELRGS) and Communal Equity Federalism (CEF) therefore propose a transformative governance approach that:

a. Recognizes communities as primary governance stakeholders;

b. Places equity at the centre of resource governance;

c. Promotes participatory federalism; and

d. Institutionalizes indigenous governance systems as partners in state building.

Within this framework, the South Sudan National Council of Traditional Authority Leaders (NCOTAL) emerges as a strategic national institution capable of:

a. Linking state governance with customary legitimacy;

b. Advancing community equity governance;

c. Strengthening social cohesion;

d. Protecting communal land rights;

e. Supporting restorative justice systems; and

f. Promoting inclusive economic participation.

The NCOTAL therefore represents a transition from symbolic recognition of traditional authority toward functional integration of indigenous governance systems into national governance, federalism, peace building, and development processes.

1.1. ***Conceptual Framework:*** *Philosophical Foundation:* NCOTAL derives legitimacy from:

a. *African Communalistic Mutualism;*

b. *Indigenous sovereignty of communities;*

c. *Customary legitimacy and ancestral stewardship;*

d. *Participatory and devolved governance;*

e. *Community equity in natural resource governance;*

f. *Social harmony and customary restorative justice.*

1.2. The Council operates under the principle:

1.2.1. ***"Resources belong to the people through their communities before administrative states.":*** This conceptual foundation aligns with the proposed CELRGS and CEF by recognizing:

(i) *Communities as primary custodians of land and natural resources;*

(ii) *Traditional authority as a governance institution;*

(iii) *Equity as the foundation of peace and economic justice;*

(iv) *Federalism as communal participation rather than administrative centralization.*

1.3. ***Core Governance Philosophy:*** NCOTAL advances:

a. *Community Sovereignty;*
b. *Customary Constitutionalism;*
c. *Equity-based resource governance;*
d. *Intergenerational stewardship;*
e. *Social cohesion and reconciliation;*

f. *Subsidiarity governance principles;*

g. *Mutual coexistence among communities.*

1.4. **Institutional Profile:** Official Name

a. *The National Council of Traditional Authority Leaders (NCOTAL) and States Council of Traditional Authority Leaders (States COTAL)*

b. *Institutional Nature: A fully autonomous national customary governance institution established by national legislation and recognized under the Constitution and Local Government Act.*

c. Institutional Character**:** NCOTAL is:

I. Non-partisan politically;

II. Non-militarized;

III. Community-based;

IV. Customary-legitimate;

V. Constitutionally recognized;

VI. Advisory, mediatory, developmental, and regulatory in communal affairs.

d. ***Headquarters: National and States Capitals.***

i. Jurisdiction: Nationwide across all states, administrative areas, counties, payams, bomas, and traditional jurisdictions.

ii. Core Constituency

- ✓ *Kings*
- ✓ *Paramount chiefs;*
- ✓ *Executive chiefs;*

- ✓ *Head chiefs;*
- ✓ *Clan elders;*
- ✓ *Spiritual/cultural custodians;*
- ✓ *Women traditional leaders;*
- ✓ *Youth customary representatives;*
- ✓ *Community land custodians.*

e. ***Governance Structure***

a. NCOTAL Conference: The supreme policy organ composed of:

i. *Two envoys of the kingdoms each Four*

ii. *(4) Paramount chiefs as delegates from each including the State traditional authority chairpersons;*

iii. *Appointed members (optional)*

iv. *Representatives of women and youth customary councils;*

v. *Traditional African Religious Leaders as indigenous cultural institutions.*

f. ***Status:*** LGA 2009, Section 112: Status of Traditional Authorities

i. The Traditional Authorities shall be institutions of traditional system of governance at the State and Local Government levels which shall

ii. *Be semi-autonomous authorities at the State and local government levels;*

iii. *Administer customary law and justice in the customary law courts in accordance with the provisions of this Act and any other applicable law; and*

iv. *Exercise de-concentrated powers in the performance of executivefunctions at the local government levels within their respective jurisdictions.*

v. In the exercise of the delegated and/or de-concentrated powers, the Traditional Authorities shall observe, respect and adhere to the Act of Rights as enshrined in the Comprehensive Peace Agreement, the National, Southern Sudan andState Constitutions.

g. ***Empirical Facts about TALs***

i. Leadership Policy Directives

- Policy Statement on Symbiotic Model of Federation: President Kiir's call, on May 2010, that: *"…Our culture identification and development in all its forms must be unchained and facilitated… through research, …to reach the same heights, as is the case elsewhere in our continent or the rest of the globe for that matter…" 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…"* President Kiir, June 3, 2006

- President Kiir reiterated that*: "Security demands and keeping Comprehensive Peace Agreement (CPA) on track deprived us of financial resources required to expedite the process of translating the goal of Taking Towns to Rural Areas into concrete reality…Rural transformation with a view to taking towns to the rural areas shall be the number one priority in my economic agenda. Every department in my government shall, therefore, be guided in its performance and operations by this priority of priorities: Taking Towns to Rural Areas"* President Kiir on May 21st 2011 *(Banggol) 2014*

4.3.2. Survey Results

Surveys Results and Facts: Relevance of the TALs and the Communal Institutions in Conflict Transformation and Constitutionalism in Multinational an Multiregional South Sudan

1. Fitch Rating Polls Results: Survey of the Southern Sudan Public Opinion, September 6-27, 2011 by International Republican Institute (IRI) on who the respondents think actually has primary responsibility for managing (Solving Local/Communal Disputes/Conflicts); page 26:

a. Traditional Authority Leaders (TALs)	**42%**
b. Local Government	**26%**
c. Members of the Community	**11%**
d. State Government	**10%**
e. National Government	**10%**
f. Others (?…..)	**01%**

@A. M. Banggol

4.3.3. Roles: LGA 2009, Section 119. Councils of Traditional Authority Leaders:

a. Pursuant to the provisions of Article 175 (2) of the Constitution, there shall be established in:

b. Southern Sudan [National] Council to be known as "the [National] Council of Traditional Authority Leaders; and

c. Each State of Southern [South] Sudan, State Council of Traditional Authority Leaders whose composition, functions and duties shall be determined by relevant State legislation.

d. Pursuant to the provisions of Article 5 of the Constitution, the Council of Traditional Authority Leaders shall be the custodian of the customs and traditions of the people of Southern Sudan as a source of legislation.

4.3.4. **Roles**

a. Elect leadership;
b. Approve strategic policies;
c. Ratify customary governance frameworks;
d. Approve national peace and resource governance resolutions.

4.3.5. ***The NCOTAL Secretariat:***

a. Responsible for executive leadership.
b. Composition
c. President/Chairperson;
d. Deputy Chairperson;
e. Secretary General;
f. Directors of thematic departments;
g. State representatives.

4.3.6. **Functions**

a. Policy implementation;
b. Intergovernmental coordination;

c. National mediation initiatives;

d. Strategic partnerships.

4.3.7. **Representing South Sudan at the regional and International traditional framework ,conferences and development**

a. Council of Traditional Authority Leaders (COTALs)

b. Highest moral and advisory organ.

c. Responsibilities

d. Cultural guidance;

e. Ethical oversight;

f. Protection of customary legitimacy;

g. Inter-community reconciliation.

3.2.8. **State Councils of Traditional Authorities**

a. Coordinate customary governance at state levels

b. Functions Community mediation, State-level policy engagement, Land governance coordination, Resource conflict management.

3.2.9. **County and Boma Structures**

a. Grassroots implementation structures.

b. Roles Community consultations, Customary justice, Land and grazing management, Peace building, Local economic mobilization.

5. **Strategic Objectives**

5.1. ***Governance Objectives***

a. Promote community-cantered federal governance; e.g the proposed CEF embedded in the suggested CELRGS;

b. Institutionalize communal participation in decision-making;

c. Strengthen customary governance systems.

5.2. ***Resource Governance Objectives***

a. Protect communal land ownership;

b. Ensure equitable benefit-sharing from natural resources;

c. Prevent exploitative land acquisitions;

d. Promote community equity participation in investments.

5.3. ***Peace and Social Harmony Objectives***

a. Prevent intercommunal conflicts;

b. Promote restorative justice systems;

c. Strengthen indigenous reconciliation mechanisms.

5.4. ***Economic Objectives***

a. Promote community-owned enterprises;

b. Facilitate cooperative and communal investments;

c. Support local commodity market systems;

d. Enhance communal wealth creation.

5.5. ***Cultural Objectives***

a. Preserve indigenous knowledge systems;

b. Protect cultural heritage;

c. Promote African communal values.

5.6. ***Environmental Objectives***

a. Protect forests, water systems, grazing corridors, and sacred lands;

b. Promote indigenous environmental stewardship.

5.7. Operational Pillars

Pillar I: *Community Equity Governance .**Pillar II**: Customary Justice and Peace building.* ***Pillar III****: Land and Natural Resource Governance,* ***Pillar IV****: Economic Empowerment,* ***Pillar V:*** *Cultural and Social Preservation,* ***Pillar VI****: Climate and Environmental Stewardship*

6. Legal and Policy Alignment

6.1. ***Constitutional Alignment: The framework aligns with:***

6.1.1. *Transitional Constitution Articles 166–168 recognizing Traditional Authority;*

6.1.2. *CELRGS/CEF principles;*

6.1.3. *Community participation provisions.*

6.2. ***Local Government Act Alignment: The Local Government Act 2009:***

6.2.1. Recognizes traditional authorities as governance institutions;

6.2.2. Establishes councils of traditional authority leaders;

5.2.3. Integrates customary law within local governance structures.

6.3. ***Alignment with CELRGS: The NCOTAL operationalizes CELRGS through:***

6.3.1. Community equity ownership;

6.3.2. Participatory resource governance;

6.3.3. Community consent mechanisms;

6.4. ***Local benefit-sharing systems: Alignment with CEF- the NCOTAL strengthens*** Communal Equity Federalism through:

a. Community sovereignty participation;

b. Equitable decentralization;

c. Indigenous federal representation;

d. Grassroots governance legitimacy.

6.5. ***International Alignment: The framework is consistent with:***

a. Membership of the NCRC in accordance with the R-TCRSS 2011, as amended, Articles 5, 202, 203

b. Several Instruments of the Extended R-ACRSS 2018 implementations;

c. African Charter on Human and Peoples' Rights;

d. United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) principles on indigenous participation;

e. Sustainable Development Goals;

f. African Union Agenda 2063[3].

g. Compensation and Restoration Commission Act 2024, Article 11(g)

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3 Strategic framework (2013-2063) for socio-economic transformation, aiming to turn Africa into a global powerhouse. It focuses on inclusive growth, sustainable development, regional integration, good governance, and peace, driven by pan-African ideals and the goal of a peaceful, prosperous, and united continent.

7. Implementation Model

S/No	Phase	Activities	Outputs
I	Legal Institutionalization	a. NCOTAL inaugural Conference b. Enact NCOTAL Act; Develop customary governance regulations; Establish national and state councils. c. Establish NCOTAL and States COTAL Secretariat	a. Legal recognition; b. Institutional structures operationalized.
II	Institutional Capacity Development	a.Leadership training; b. Customary governance harmonization c. Customary Administrative systems establishment.	a. Functional governance systems; b. Professionalized customary administration.
III	Community Equity Governance Integration	a. Community land registration support; b. Resource governance forums; c. Community investment frameworks.	a. Reduced resource conflicts; b. Increased community participation.
IV	Peace building and Social Harmony	a. Intercommunal dialogue forums; b. Indigenous mediation systems; c. Restorative justice strengthening.	d. Enhanced social cohesion; e. Reduced communal violence.
V	Economic and Development Integration	a. Community cooperatives; b. Commodity market participation; c. Community equity funds.	d. Localized economic empowerment; e. Community wealth generation.

8. In Conclusion

The proposed South Sudan National Council of Traditional Authority Leaders (NCOTAL) represents a strategic institutional response to the longstanding disconnect between SSIs systems and community-based legitimacy structures in South Sudan. Within the frameworks of Community Equity Led Resource Governance Strategy (CELRGS) and Communal Equity Federalism (CEF), NCOTAL is not merely a cultural institution, but a transformative governance mechanism capable of:

a. Strengthening constitutional federalism,

b. Institutionalizing community participation,

c. Protecting communal land and resource rights,

d. Promoting restorative justice,

e. Advancing social harmony, and

f. Facilitating equitable economic transformation.

Therefore the future stability and prosperity of South Sudan depend significantly on whether governance systems can reconnect with the social realities, indigenous institutions, and communal structures that continue to shape the daily lives of citizens. Traditional authority institutions remain among the most trusted and socially rooted systems within communities. Their integration into governance and development frameworks is therefore both a constitutional necessity and a strategic national imperative. The NCOTAL offers South Sudan an opportunity to transition from conflict-cantered governance toward legitimacy-cantered governance founded upon:

a. Communal mutualism,

b. Equity,

c. Inclusivity,

d. Subsidiarity, and

e. Indigenous stewardship.

If effectively institutionalized, legally empowered, and operationally supported, NCOTAL can become:

a. a national pillar for peace building,

b. a guardian of community sovereignty,

c. a custodian of indigenous justice systems,

d. a partner in equitable resource governance, and

e. a foundation for people-cantered federal transformation.

Ultimately, the NCOTAL provides a pathway toward rebuilding the Republic of South Sudan from the community upward — where governance legitimacy derives not only from political authority, but also from the consent, participation, equity, and collective aspirations of the people themselves.

More studies are needed to examine possibilities of enhanced constitutional Schedules between the SSIs and CGIs on exclusive, concurrent and residual powers, including conflict resolution mechanism on rising conflict in respect to concurrent powers guided by the global best practices and customs in South Sudan

Essay (2): Why Communal Equity Federalism (CEF) is Appropriate in Multinational and Multiregional South Sudan

Executive Summary

South Sudan is a multinational, multicultural, and multiregional society composed of more than seventy nationalities with diverse indigenous governance traditions, economic systems, and cultural identities. Since independence, the search for an appropriate governance and economic model has remained central to national stability, unity, and development. Imported governance systems that rely either on centralized socialist structures or individualistic capitalist dominance have struggled to adequately address South Sudan's realities of diversity, inclusion, equity, and communal coexistence. This policy brief argues that Communal Equity Federalism (CEF) offers a more suitable governance and economic framework for South Sudan because it is rooted in Indigenous Communal Market Economies (ICMEs) and African Communalist Social Responsibility Norms (ACSRNs). Unlike centralized socialist systems or corporate capitalist models, CEF recognizes both collective identity and individual initiative while ensuring equitable participation among regions, states, counties, payams, ethnicities, and cultural communities. Through comparative benchmarking with Socialist Owned Market Economies (SoMEs) and Corporate Capitalist Market Economies (CCMEs), this paper demonstrates that CEF provides a balanced and context-sensitive framework capable of promoting unity in diversity, constitutional inclusion, equitable representation, and sustainable nation-building in South Sudan.

Introduction.

The challenge of state-building in South Sudan is fundamentally linked to the challenge of designing an appropriate governance model for a highly diverse society. South Sudan is not a homogenous nation-state but rather a multinational and multiregional polity composed of distinct historical communities, indigenous governance systems, and cultural identities. Consequently, governance arrangements that ignore these realities risk producing exclusion, mistrust, resistance, and instability.

Historically, many postcolonial African states adopted imported governance systems inspired either by socialist centralism or capitalist liberalism. However, governance systems cannot simply be copied from one context and transplanted into another without adaptation to local realities. Effective governance emerges when political institutions align with the beliefs, norms, traditions, and socioeconomic structures of the people they govern.

This policy brief examines why Communal Equity Federalism (CEF) is more appropriate for South Sudan than centralized socialist or majoritarian capitalist systems. It argues that South Sudan requires a governance framework that institutionalizes inclusion, equity, communal responsibility, and coexistence among its diverse nationalities and regions. CEF provides such a framework because it derives legitimacy from indigenous communal traditions while simultaneously accommodating modern constitutional governance and economic innovation.

Comparative Benchmarking of Governance and Economic Models

1. ***State-owned Socialist Market Economies (SoMEs)***

State-owned Socialist Market Economies are observable in contexts such as the People's Republic of China under the leadership of the Communist Party of China (CPC). China's model has achieved remarkable economic growth, lifted millions from poverty into the middle class, and transformed the country into one of the world's largest economies. The model benefits from a large workforce, strong state coordination, and an extensive domestic market.

However, the governance structure of SoMEs is primarily organized through democratic centralism, where political authority is concentrated within a centralized elite leadership structure. Although presented ideologically as governance on behalf of the proletariat, in practice the model is frequently perceived as elitist and highly centralized.

In multinational societies such as South Sudan, centralized governance systems risk generating perceptions of ethnic domination and exclusion. Under conditions of entrenched ethnopolitical narratives and historical mistrust, centralized authority can easily be interpreted as favoring one region or community over others. Consequently, a top-down socialist governance model may intensify political tensions rather than promoting inclusion and legitimacy in South Sudan.

2. ***Corporate Capitalist Market Economies (CCMEs)***

Corporate Capitalist Market Economies emphasize private ownership, individual accumulation of wealth, market competition, and constitutional protection of private enterprise. These systems often encourage innovation, entrepreneurship, efficiency, and economic expansion.

However, in deeply diverse and politically sensitive societies such as South Sudan, majoritarian capitalist systems can unintentionally reinforce inequalities between communities and regions. Economic and political dominance favouring numerically larger or historically advantaged groups may be interpreted as ethnic or tribal hegemony. This can produce perceptions of exclusion among smaller population communities and potentially trigger resistance, instability, or fragmentation.

While CCMEs stimulate creativity and private enterprise, their excessive individualism may weaken communal solidarity and mutual obligations that remain central to African indigenous societies. Therefore, although capitalist systems possess developmental strengths, they require substantial adaptation before becoming suitable for South Sudan's communal realities.

3. Indigenous Communal Market Economies (ICMEs)

There is, so far, no universally identical model of federalism, monarchy, democracy, or governance among member states of the United Nations. Successful governance systems are generally those adapted to the historical experiences, cultural values, and social structures of respective societies. South Sudan society is not dissimilar.

Among the more than seventy nationalities of South Sudan, indigenous systems of governance and economic organization continue to operate through communal values, kinship responsibilities, customary laws, and mutualistic obligations. These Indigenous Communal Market Economies (ICMEs) are guided by African Communalist Social Responsibility Norms (ACSRNs), which balance individual rights with communal obligations and community-led care upon individual member, community-based Instruments and Community Wealth Building (CWB) influencing collaboratuve and mutualistic collective ownership enhancing Community-Driven Development Programmes (CDDPS). The accumulative impact is a collective voice supporting a popular agenda rather than fragmentation permiting divisive political extremism. The philosophical foundation of ICMEs is summarized in the principle:

"I am because you are; you are because I am."

This philosophy recognizes the individual as an important components for the community wellbeing. This is affirming that personal prosperity and communal wellbeing are interconnected. Innovation, creativity, and private ownership are respected, appropriate and encourage through verbal praises and demonstrated respect, but privately accumulated wealth is also understood as carrying social responsibility within kinship and likewise, toward the broader community.

Unlike rigid socialism or unrestricted capitalism, ICMEs create a middle path that combines communal solidarity with individual initiative. This balance makes them particularly suitable for South Sudan's social realities.

Why Communal Equity Federalism (CEF) is Appropriate for South Sudan

4. **CEF Reflects South Sudan's Diversity**

South Sudan consists of multiple regions, ethnicities, languages, cultures, and customary governance systems. CEF recognizes diversity as a national asset rather than a threat. It institutionalizes unity in diversity by ensuring equitable representation across all governance levels. Article 1(4) of the RTCRSS mandated: South Sudan is governed on the basis of a decentralized democratic system and is an all-embracing homeland for its people. It is a multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully co-exist." It defines South Sudan as an inclusive homeland that legally recognizes and protects its rich diversity, ensuring that various ethnic, cultural, and religious groups can peacefully coexist within the state. CEF acknowledges the political significance of the greater three historical regions:

4.1. Bahr el Ghazal

4.2. Equatoria

4.3. Upper Nile

Under CEF, governance structures would be designed to ensure balanced participation among these regions while preserving national unity. Article 36(4) of the RTCRSS 2011, as amended is paraphraseedt: the composition of governments at all levels shall take into account cultural,customs, ethnic and regional diversity in order to promote mutualistic development national cohesion in unity in diversity and command South Sudan national loyalty.

a. ***CEF Promotes Inclusive Democracy:*** CEF seeks to prevent domination by centralized elites or majority groups. Instead, it promotes inclusive democracy through equitable representation at every governance l

   i. Regions represented through equitable regional participation in national decision-making and governance systems.

   ii. States represented through state institutional frameworks.

   iii. Counties represented according to county structures in accordance with the numbers of its payams.

   iv. Payams represented according to CGIs and community-led institutional arrangements.

   v. Community Governance Institutions (CGIs) represented according to customary systems and cultural communities

Such a layered representation structure strengthens legitimacy, participation, and ownership of the Federal Statuory State Institutions (FSSIs) by local communities through their CGIs and respective Community-based Instruments.

b. ***CEF Integrates Customary Governance with Constitutional Governance:*** One of the major governance challenges in South Sudan has been the disconnect between modern state institutions and indigenous customary systems. CEF bridges this divide by constitutionally recognizing Community Governance Institutions (CGIs) and integrating them into national governance structures. It established consentually agreed paramaters of scheduling exclusuve, concurrent, residual powees and resolution mechanisms for resolving conflicts arising from concurrent powers between the CGIs and FSSIS in legislative structure, public administration and fiscal federalism. With this uch integration would:

i. Strengthen local legitimacy

ii. Reduce governance alienation

iii. Promote customary conflict resolution

iv. Preserve cultural identity

v. Improve accountability at grassroots levels

This approach allows modern constitutional governance to coexist with indigenous customary governance in complementary partnership.

c. ***CEF Encourages Equitable Development***

CEF by recognizing CGIs Commercial Instruments of Community Investment Trusts (CITs) wholly owning a Community Investment Holdings Company (CIHC) Ltd. The latter shall establish Community Investment Companies (CICs) as subsidiary instruments capable to acquire a minimum of 31% equity participation in medium and large-scale investments in South Sudan. CEF recognizes that peace and stability depend on fair distribution of opportunities, services, and resources. By decentralizing governance and promoting communal equity, the model reduces perceptions of marginalization and exclusion. CEF seeks to enable CGIs to transit from being passive beneficiaries into interactive participants through creation of Community Wealth Building (CWB) guiding Community-deriven Development Programmes (CDDPs). This shall become a catalyst for Community Ownership and Strategic Stake in peaceful coexistence and national cohesion embedding unity in diversity. A qualitative transition from ongoing elitist-led ethno-military violent political entrepreneurship (EMVPE) when divisive ethnopolitical competition invest in violence through delivery of bullet boxes instead of ballot boxes to chose a popular agenda. Through CWB guided CDDPs the CEF is the most appropriate model of federalism. Under CEF equitable federal arrangements would encourage:

i. Balanced infrastructure development

ii. Inclusive economic participation

iii. Local ownership of development initiatives

iv. Community-based resource governance

v. Inclusive shared national prosperity

This is particularly important in South Sudan, where uneven development has historically contributed to political grievances and conflict.

d. ***CEF Strengthens Nationhood and Nationstate building in South Sudan*** which uneven cannot succeed through forced assimilation or centralized domination. Sustainable nationhood requires voluntary unity built upon mutual recognition, dignity, and coexistence.

CEF strengthens nationhood by:

i. Respecting cultural diversity

ii. Protecting communities' interests irrespective of population size, regions and states.

iii. Encouraging intercommunal cooperation

iv. Building trust among regions

v. Promoting constitutional coexistence, through this framework, South Sudanese identities can coexist within a shared national identity without fear of cultural erasure or political exclusion.

5. ***Policy Recommendations:*** To operationalize Communal Equity Federalism in South Sudan, the following measures are recommended:

5.1. Constitutional recognition of Community Governance Institutions (CGIs).

5.2. Constitutional Schedules determining exclusive, concurrent, residual powers and solution mechanisms for resolving conflicts arising from concurrent powers.

5.3. Equitable regional representation across national institutions.

5.4. Decentralized governance structures linked from regions to communities.

5.5. Integration of customary laws within constitutional frameworks.

5.6. Establishment of constitutional regulatory compliance mechanisms supporting CEF Legislature, public administration and fiscal federalism.

5.7. Promotion of communal equity in resource governance and development planning.

5.8. Institutional safeguards against ethnic domination and political exclusion.

5.9. Civic education programs promoting unity in diversity and communal mutualism.

6. *In Conclusion*

South Sudan's governance challenge is not merely political; it is civilizational and structural. The country's diversity requires a governance framework capable of balancing unity with autonomy, individual initiative with communal responsibility, and constitutional order with indigenous legitimacy.

Neither centralized socialist systems nor unrestricted capitalist models adequately address South Sudan's realities of multinational coexistence, communal identity, and equitable participation. While both models contain valuable elements, their direct transplantation into South Sudan risks reinforcing exclusion, mistrust, and ethnopolitical competition.

Communal Equity Federalism (CEF) offers a more appropriate and sustainable alternative because it is rooted in the lived realities, traditions, and communal values of South Sudanese societies. By integrating Indigenous Communal Market Economies with inclusive constitutional federalism, CEF creates a framework for unity in diversity, equitable governance, grassroots participation, and sustainable nationhood building.

Ultimately, the future stability and prosperity of South Sudan will depend on its ability to construct a governance system that all communities recognize as legitimate, inclusive, equitable, and reflective of their shared destiny.

Essay (3): Conceptual Framework of the Handbook: Advancing Peoples' Sovereignty- Justification for the initiative of CELRGS–CEF model

Conceptual Framework of the Handbook: Advancing Peoples' Sovereignty

Justification for the initiative of CELRGS–CEF model

Introductory Notes:

South Sudanese have consistently demanded federalism, as affirmed in Chapter 6.2.2 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), which calls for a context-specific federal model grounded in equity, justice, and shared responsibility. Suitably, no federal system is universal; each must reflect its society’s unique realities.

On June 3, 2006, President Salva Kiir Mayardid directed that governance should be rooted in both common law and traditional legal heritage. Correspondingly, this aligns, now, with Article 36(4)[4] of the Transitional Constitution of the Republic of South Sudan, mandates inclusive representation of the country’s diversity to strengthen unity.

Comparative experience shows that suppressing diversity would consistently breed conflict, while recognizing multiple identities and ensuring meaningful autonomy promotes stability. As Gerard Mc Hugh, President of Conflict Dynamics International warned: “exclusion from political and socio-economic life fuels instability”.

A federal, inclusive democratic system is therefore a strategic necessity for South Sudan. It shall be the model of federalism that upholds rule of law, human rights, and community participation. Community Equity Federalism (CEF), offers a viable path by constitutionally recognizing diversity, empowering Community Government institutions (CGIs) mandated by the R-TCRSS, Articles 33, 37(2), 166(6)(c), read together with the LGA 2009, Section 6.4[5] and 107. The CEF shall ensure equitably sharing power and resources. By aligning reforms with Community Equity Led Resource

4 The R-TCRSS 2011, as amended: The composition of governments shall take into account ethnic, regional and social diversity in order to promote national unity and command national loyalty.

5 The LGA 2009, Section 6.4: **The Community Governments** are the Local Authorities which pre-existed in all the homelands of the people and in the urban settlements of the people founded on their customs and traditions where customs are the source oflegislation and where cultures are the basis of strength, harmony and inspiration, to which Local Government institutions shall be committed, respected and promoted.

Governance Strategy (CELRGS), South Sudan can transform diversity into a foundation for unity, resilience, and lasting peace.

Executive Summary

South Sudan's sovereignty is fundamentally rooted in the sovereignty of its peoples. However, since the 2013 crisis, externally mediated processes that prioritize short-term stability over sustainable governance have heavily shaped national decision-making. These processes have largely excluded communities and instead empowered armed groups engaged in elitist led ethno-military violent political entrepreneurship Ethnomilitary Violent Political Entrepreneurship (EMVPE)- Dr. Majak DeAgoot terms them the "Gun Class". This imposed context has entrenched a cycle of violence, opportunistic rebellion, and elite-driven power-sharing arrangements detached from citizens' interests. This paper advances the Communal Equity Led Resource Governance Strategy (CELRGS) as a pathway toward Communal Equity Federalism (CEF). It is a governance model that restores people-centred sovereignty. Anchored in the Transitional Constitution (R-TCRSS 2011), the Local Government Act 2009, and Chapter 6.2.2[6] of the R-ARCSS 2018, the CELRGS/CEF framework proposes institutional restructuring that recognizes Community Government Institutions (CGIs), empowers Traditional Authority Leaders (TALs), and ensures equitable resource governance in a multinational and multiregional South Sudan.

1. ***Problem Statement:***

Crisis of Sovereignty and Governance: South Sudan's current governance crisis stems from externally influenced mediation frameworks that:

6 The Extended R-ACRSS 2018, Ch.6.2.2: Initiate a Federal and democratic system of government that reflects thecharacter of South Sudan in its various institutions taken together, guarantees good governance, constitutionalism, rule of law, human rights, gender equity and affirmative action;

a) Prioritize elite bargains and power sharing over inclusive participation

b) Restrict dialogue to selected deadliest armed actors, reinforcing militarization

c) Incentivize rebellion as a pathway to political recognition

d) This has enabled EMVPE, where elites mobilize narrow ethnic nationalism in the absence of coherent ideological foundations. The result is:

e) Weaponing of ethnic identity

f) Entrenchment of zero-sum politics

g) Cycles of distrust, violence, and institutional fragility

h) Power-sharing arrangements, often implemented in bad faith, have fostered elite capture of resources and governance systems, while communities remain marginalized.

2. ***CELRGS/CEF: A People-Centred Federal Alternative***

The CELRGS/CEF model repositions sovereignty within communities by aligning governance with South Sudan's historical aspiration for federalism (1955–2004) and its multinational character.

Core Principles:

- ✓ Community Sovereignty and Equity
- ✓ Inclusive Governance and Participation
- ✓ Equitable Resource Sharing and Benefit Distribution
- ✓ Unity in Diversity through Consensual Federal Arrangements

3. ***Institutional Architecture of CEF***

3.1 Legislative Federalism:

3.1.1. The CEF Frameworks proposes a bicameral or tricameral legislature incorporating the National Council of Traditional Authority Leaders (NCOTAL): the purpose is by ensuring direct community voice in national decision-making and constitutional processes.

a. The National Council of Traditional Authority Leaders (NCOTAL) as an Upper House

b. State-level COTALs for decentralized representation

3.2 *Fiscal Federalism and Economic Transformation: The* CEF advances a plural economic model integrating:

a) Indigenous Communal Market Economies (ICMEs)

b) Corporate Capitalist Market Economies (CCMEs)

c) State-Owned Socialist Market Economies (SoSMEs)

d) Through CELRGS, CGIs become economically proactive by:

i. *Promoting local production and cottage industries*

ii. *Enhancing value addition and trade*

iii. *Supporting national export systems*

3.3 ***Community Investment Frameworks: This through Communal embedded strategies meant to E***stablish:

3.3.1. Community Investment Trusts (CITs)

3.3.2. Formation of Community Investment Holding Companies (CIHCs)

These mechanisms shall enable communities to generate wealth, enhaning self-reliance, and contribute to national GDP growth.

3.4 Community Land Rights and Legal Foundations

The framework calls for:

a. Enactment of a Community Land Rights Law for Investment (2027)

b. Full operationalization of RTCRSS Article 171(5)

c. Land governance becomes the anchor for equitable investment and community empowerment.

3.5 ***Public Administration and Division of Powers***

The CEF defines a clear constitutional structure:

a. Federal Statutory State Institutions (FSSIs): Foreign affairs, defense, monetary policy

b. CommunityGovernmentInstitutions(CGIs):Autonomous authority over customary and all Community affairs on concurrent and residual governance powers.

c. Conflict resolution mechanisms will address overlaps in concurrent powers, ensuring functional federalism.

4. *Re-centring Communities in Governance*

Despite constitutional recognition, CGIs have been marginalized and perceived as economically passive. In reality, they:

a. Predate formal state institutions

b. Possess credible customary conflict resolution mechanisms

c. Hold the potential to drive grassroots economic transformation

d. Strengthening CGIs and empowering TALs through NCOTAL participation in the Constitution Making Process (CMP) will:

   i. *Restore trust in governance*

   ii. *Enhance inclusive participation*

   iii. *Bridge the gap between state and society*

5. Breaking the Cycle of EMVPE

The persistence of EMVPE is driven by:

a) Externally imposed elite exclusivity tied to militarized negotiation criteria

b) Ideological vacuum, leading elites to weaponries ethnic identity

c) This creates:

   i. *"Heroic theft" and normalization of corruption*

   ii. *Militarization of communities*

   iii. *Spread of small arms and communal conflicts*

iv. *CEF disrupts this cycle by:*

v. *Removing incentives for militarized recognition*

vi. *Embedding legitimacy in community institutions*

vii. *Promoting accountability and equitable governance*

6. ***The Role of NCOTAL Conference 2026***

The planned NCOTAL Conference 2026 is a critical milestone to:

a) Consolidate TALs' collective voice

b) Endorse CELRGS–CEF frameworks

c) Develop legislative and policy proposals

d) Strengthen grassroots participation in national governance

e) This builds on resolutions from TALs across all counties, states, and administrative areas since 2023.

Conclusion: Toward Sustainable Peace and People-Centred Sovereignty

South Sudan's enduring instability is not merely a security problem. it is a structural governance crisis rooted in the exclusion of its people. The dominance of elitist, militarized political entrepreneurship and externally driven power-sharing arrangements has undermined sovereignty, deepened divisions, and perpetuated conflict.

The CELRGS/CEF framework offers a transformative alternative. By anchoring governance in communities, recognizing traditional authority systems, and institutionalizing equitable federalism, South Sudan can transition from fragile elite bargains to durable, people-centred governance made possible by the Community

Wealth Building (CWB) permitting the agenda of Community-Driven Development Programmes (CDDPs).

The path forward requires:

a) Popular agenda guided by Peoples Sovereignty to shift from elite dominance to community inclusion

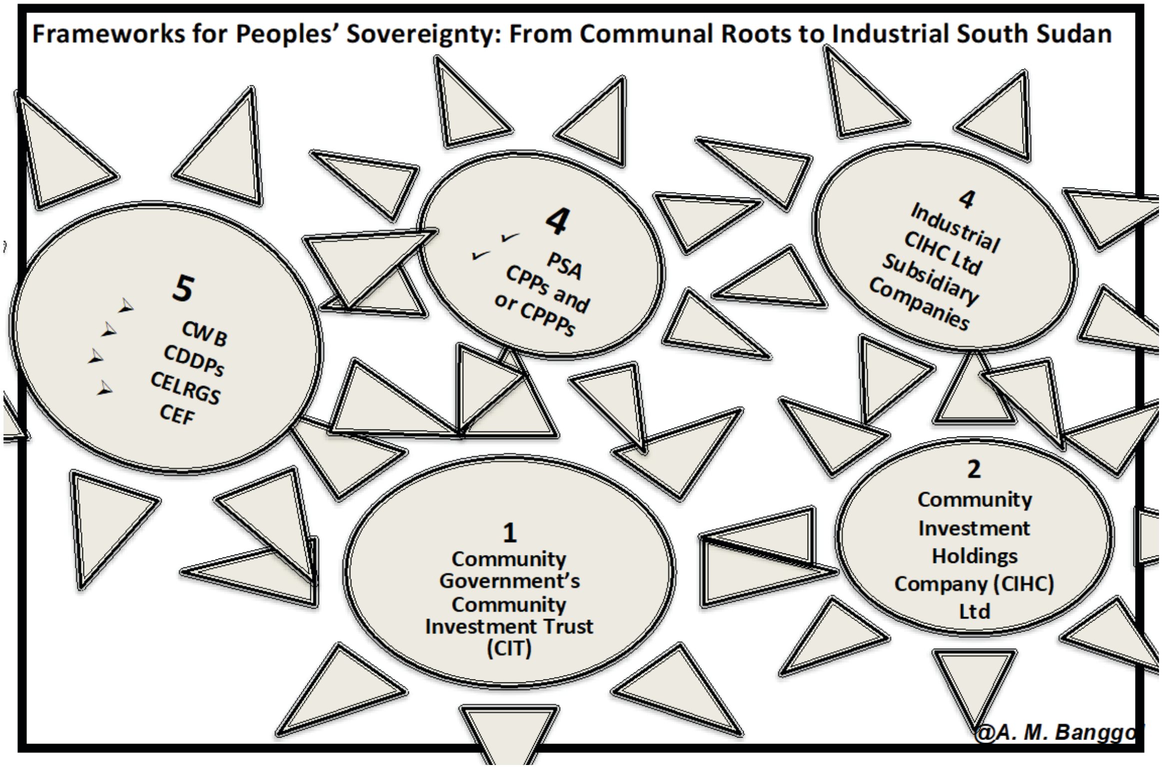
b) Legal and constitutional reforms aligned with federal principles.

c) Empowerment of CGIs and TALs as pillars of governance

d) Ultimately, sustainable peace, justice, and prosperity in South Sudan depend on restoring sovereignty to its rightful holders—the people—through a consensual, equitable, and functional federal system.

3.2. *Suggested Strategic and Institutional*

3.2.1. *Diagram (1): Transformational Framework for Peoples' Soveriegnity:*



Explanatory Notes

The diagram outlines five interlinked pillars that enable the effective implementation of the Community-Equity Led Resource Governance Strategy (CELRGS) in support of Communal Equity-Led Federalism (CEF):

Economically Autonomous Community Government Institutions (CGIs)

CGIs function as the primary governance units, empowered to manage community resources and drive local economic development with administrative and financial autonomy.

Community Investment Trust (CIT)

1. **Community Investment Trust (CIT)**

    1.1. The CIT serves as the fiduciary and asset-holding vehicle on behalf of the community to:

        1.1.1 Ensuring transparent management, protection, and

        1.1.2 Reinvestment of community wealth.

2. **Community Investment Holdings Company (CIHC) Ltd**

    2.1. Wholly owned by the CIT, the CIHC Ltd operates as the corporate investment arm shall be;

        2.1.1. Structuring, managing, and

        2.1.2. Scaling community commercial interests.

3. **Subsidiary Community Investment Companies (SCICs)**

    3.1. Established under the CIHC Ltd, these subsidiaries operationalize investments across sectors including:

3.1.1. Supported by demarcated, resource-rich community land rights, recognized as bankable economic assets in accordance with the R-TCRSS 2011 (as amended), Articles 37(2)(a), 166(6)(c), and 171(5).

3.1.2. Commercial and Legal Framework

3.1.3. The CIHC Ltd, through its subsidiary community-owned commercial entities, engages in structured Production Sharing Agreements (PSAs) and other commercial arrangements. These provisions are mandated by the South Sudan Companies Act 2012, Article 323(5), mandating a minimum of 31% equity participation for able nationals [including community investment instruments]; in medium- and largescale investments, governs.

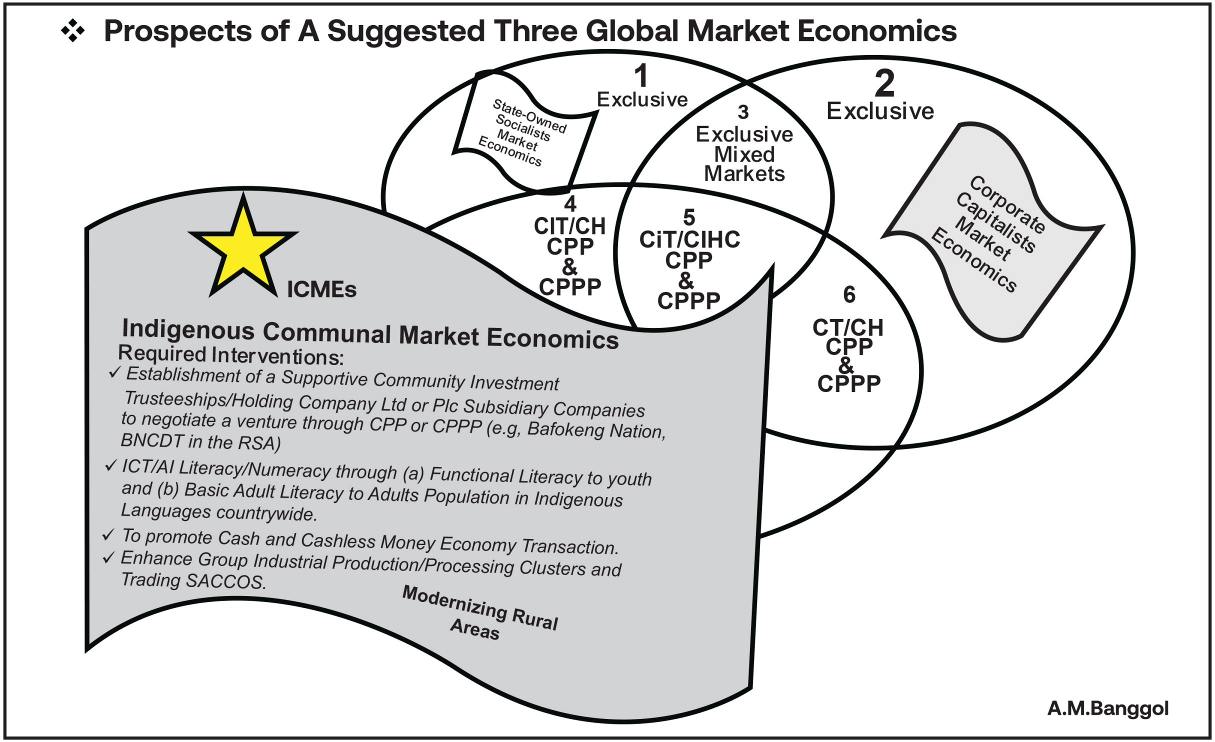
4. **The Intended Purposes**

4.1. The five-pillar structure integrates socio-economic governance as follows:

4.1.1 Fiduciary oversight, corporate investment, and

4.1.2 Resource-backed commercialization to ensure sustainable, equitable, and legally grounded community building (CWB) influencing consentually agreed paramaters of Community driven Development Programs (CDDPs), CELRGS and CEF.

3.3.2. **Diagram (2):** Prospects of familiarising State-Owned Socialist Market Economics (SoSMEs) and the Corporate Capitalist Market into Indigenous Communal Market Economics (ICMEs) Economics (CCMEs)



Briefing Note

Subject: Comparative Economic Models and Implications for Integrated Communal Market Economies (ICMEs) in South Sudan

1. **Purpose**

To clarify the distinctions between dominant global economic models—State-Owned Socialist Market Economies (SoSMEs), Corporate Capitalist Market Economies (CCMEs)—and the emerging Integrated Communal Market Economies (ICMEs), on one hand, and on other the emerging Integrated Communal Market Economies (ICMEs), and their practical applications within respective Community-based in the South Sudan contexts.

2. **Overview of Economic Models**

1. State-Owned Socialist Market Economies (SoSMEs): A hybrid system in which the state retains ownership of strategic sectors while allowing market mechanisms to guide resource allocation. These systems operate under centralized political control but incorporate competition, pricing, and private participation to drive efficiency.

Key Features: State ownership of core assets; regulated markets; developmental planning.

Examples: China, Vietnam, and Laos.

2.1 ***Corporate Capitalist Market Economies (CCMEs):*** Market-driven systems dominated by large corporations and institutional investors, where capital concentration shapes production and market behaviour.

2.1.1. **Key Features:** (a) Concentration of capital in major firms (b) Separation of ownership and management and (c) Strong market power influencing pricing, supply chains, and consumer behaviour.

2.2. **Integrated Communal Market Economies (ICMEs):** An emerging model that integrates community-based production and ownership structures into wider market systems. It emphasizes inclusive growth, social equity, and local economic empowerment.

2.2.1. ***Key Features: (a)*** *Community or cooperative ownership**, (b)** Worker associations and shared technology**, (c)** Alignment of local needs with broader market participation **(d)** Balance between social welfare and economic efficiency*

2.3. **Comparative Functional Spheres: (a)** Sphere 1 (SoSMEs only): Full state control of strategic sectors and national infrastructure.(b) Sphere 2 (CCMEs only): Private corporate dominance and capital-driven markets, (c) Sphere 3 (SoSMEs + CCMEs): Hybrid zones where state frameworks attract private capital (e.g., industrial partnerships leveraging low-cost labour and infrastructure), and Spheres 4, 5, 6 (ICME-linked): Joint ventures between SoSMEs and ICMEs Partnerships between ICMEs and CCMEs Multi-stakeholder models integrating community ownership with state and private capital. A practical illustration is the Royal Bafokeng Nation Development Trust and its investment arm, Royal Bafokeng Nation Holdings Company Ltd, which successfully combine communal ownership with corporate investment structures.

3. **Implications for South Sudan:** The ICME framework presents a viable pathway for inclusive economic transformation by embedding community ownership within market systems. This can be operationalized through:

3.1 Establishment of Community Investment Trusts (CITs) by capable Community Government Institutions. Creation of Community Investment Holdings Companies (CIHC Ltd) as wholly owned investment vehicles

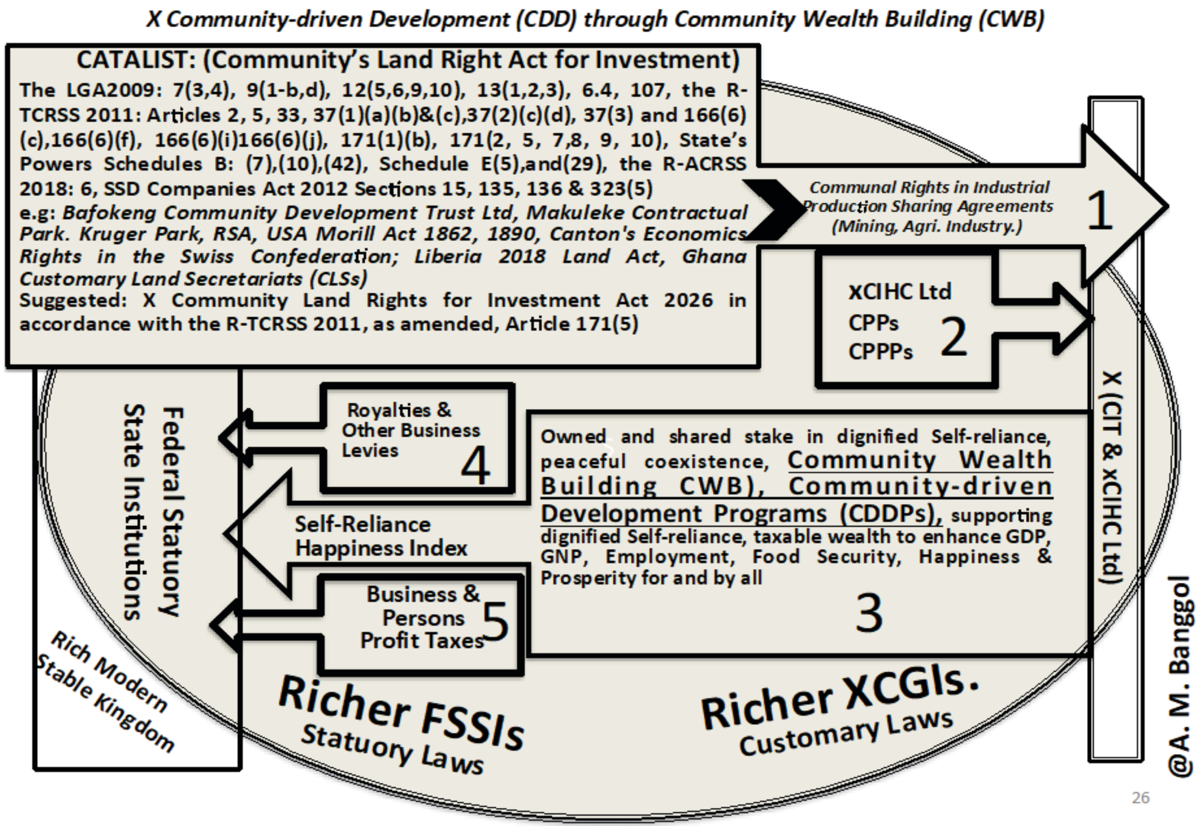
3.2 Deployment of Subsidiary Community Investment Companies (SCICs) to participate in: (a) Public-Private Partnerships (PPPs) and Public-Community Partnerships (PCPs) (b) Public-Community-Private Partnerships (PCPPs)

4. **Key Takeaways: (a)** SoSMEs and CCMEs represent dominant but contrasting global models—state-led versus capital-led; (b) ICMEs offer a third pathway cantered on community ownership and inclusive growth. **(c)** Hybrid collaboration across all three models is both feasible and proven. **Thus,** South Sudan can leverage ICMEs through structured community investment vehicles to drive equitable development and economic sovereignty.

5. **Conclusion:**

Adopting an ICME-based framework, anchored in Community Investment Trust structures, provides South Sudan with a practical and scalable model to integrate communal ownership into national economic development while attracting both state and private investment partnerships in either or both of the CPPs and/or CPPPs.

3.2.2. Diagram (3):



Explanatory Notes

Community-Driven Development Programs (CDDPs) under CEF/ CELRGS

1. **Purpose**

The NCOTAL Conference 2026 shall deliberate and endorse strategies to enable the NCOTAL Secretariat to engage relevant institutions seeking legislation and enactment of Community Land Rights Law for Investment. This is mandate a national framework enabling community-led economic development through Community Wealth Building (CWB) under Community Equity-Led Federalism (CEF), guided by legally grounded CELRGS principles and procedures.

2. **Challenges**

Communities remain largely administrative units without economic agency, limiting their ability to generate wealth, attract investment, and be able to effectively and sustainablly contribute meaningfully to national growth.

3. Suggested Policy Solution

Establish economically autonomous Community Government Institutions (CGIs) as trusteeship drivers of local development, transforming communities into producers, investors, and co-owners of economic assets.

4. **Framework Overview**

Institutional Structure:

4.1 CGIs: Legally recognized, autonomous community authorities

4.2. Community Investment Trusts (CITs): Custodians of community assets

4.3. CIHC Ltd: Community-owned holding company (commercial arm)

4.4. Subsidiary Community Investment Companies (SCICs) Ltd: Sector/project-specific subsidiaries

5. **Land & Investment Mechanism:**

5.1. Allocate community land to CITs under a Right of Use for Investment

5.2. Enact Community Land Rights Law for Investment (per R-TCRSS 2011, Art. 171(5)

5.3. Convert demarcated resources-rich land into a bankable economic asset while retaining community ownership

6. **Partnership Model:**

6.1. CIHC Ltd enters Production Sharing Agreements (PSAs)

6.2. Enables

6.2.1. *Community-Private Partnerships (CPPs)*

6.2.2. *Community-Public-Private Partnerships (CPPPs)*

6.2.3. *Governed by South Sudan Companies Act, 2012, Article 323(5) permitting 31% equity stake by the SCIC Ltd, in negotiated PSAs.*

7. **Expected Outcomes**

7.1. Inclusive wealth creation and community self-reliance

7.2. Increased investment inflows and local productivity

7.3. Expanded tax revenues (royalties, corporate and personal taxes)

7.4. Contribution to GDP/GNP growth and national stability

8. **Strategic Value**

8.1. Shifts development from state-led distribution to community-led production under the CELRGS Framework in Community Equity Federalism (CEF), in accordance with the Extended R-ACRSS 2018, Chapter 6.2.2.

8.2. Embeds equity, ownership, and accountability at the local level

8.3. Strengthens federal decentralization and economic resilience

9. **Recommendations**

9.1. The NCOTAL Conference 2026 is requested to:

9.2. Approve the CDDPs framework under CEF/CELRGS

9.3. Agree on strategies to:

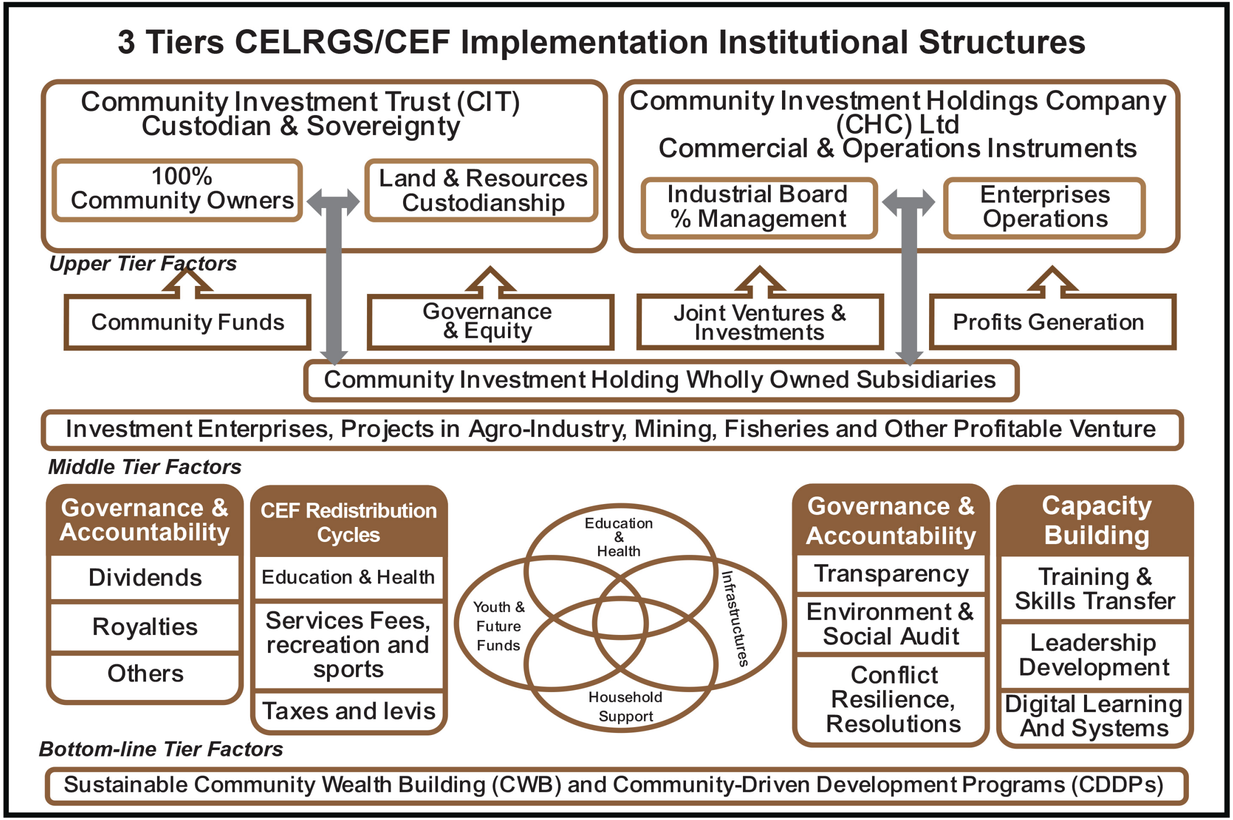
9.3.1. *Initiate legislation for Community Land Rights for Investment*

9.3.2. *Pilot implementation through selected CGIs*

9.3.3. *Develop regulatory guidelines for PSAs, CPPs, and CPPPs*

9.3.4. *Approval to adopt and pilot the framework.*

Diagram (4): **Suggested Tiers (3) Community Equity Led Resource Governance Strategy (CELRGS)**



Explanatory Notes

The 3-Tiers Community Equity Led Resource Governance Strategy (CELRGS) is explained as follows:

1. Upper Tier: Custodian and Supervision through:
    1.1. Community Investment Trusts with 100% Community Ownership
    1.2. Custodianship of Community land rights Regulations
    1.3. Commercial Operations Instruments: Community Investment Holdings Company (CIHC) Ltd
2. Middle Tier: Community owned Investment Instruments
    2.1. CIHC Subsidiary Community Investment Companies in potentially profitable ventures in agro-industrial production, processing and trading.
    2.2. Immediate Outputs: Community Funds, Governance Equity, joint ventures, Profits Generation
3. Bottom Tier: Community Wealth Building (CWB) deriving Community-Driven Development Programmes (CDDPs) to enhance Symbiotic Communal mutualism across diverse socioeconomic levels in rural areas. Immediate outputs: Governance/Accountability & Peoples Dignified self-reliance and sovereignty: Transparency, Environmental and Social Impact Assessments/Audit, Community led Conflict Resolution Mechanisms.
    3.1. CEF Redistribution Cycles:
        3.1.1. Education, health,
        3.1.2. Infrastructure
        3.1.3. Youth Development Fund,
        3.1.4. Future Generations Funds,
        3.1.5. Community-Community Peacebuilding Programs

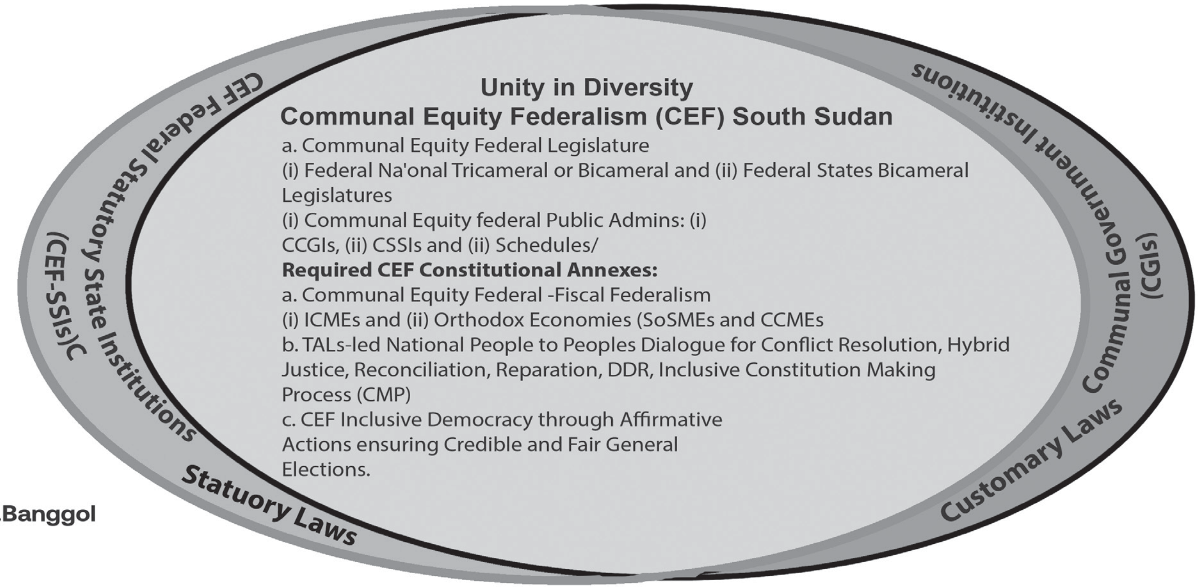
Diagram (5): Communal Equity Federalism (CEF)

Unity in Diversity

Symbio'c Consensually Agreed Sovereignty

A case for Social & Poli'cal Contract in South Sudan

Paraphrased from The House of War Africa, Mayen Deng (2013: 145)



A.M.Banggol

Explanatory Notes

Suggested CELRGS/CEF Public Administrative Framework

1. The CELRGS/CEF framework establishes fully autonomous Community Government Institutions (CGIs) anchored in constitutional and statutory provisions as follows:

1.1. Legal Mandate of CGIs:

1.2. CGIs derive authority from the R-TCRSS 2011 (as amended) —Articles 1(4), 2, 33, 36(4), 167(1–3), and 168 (1–2) - read together with the Local Government Act (LGA) 2009, Sections 6.4, 8.3, 107, 112, 119, 120, and 121.

1.3. Constitutionally mandated as indicated above

1.4. Constitutional Schedules shall define:

1.4.1. Exclusive Powers

1.4.2. Concurrent Powers

1.4.3. Residual Powers

1.4.4. Conflict Resolution Mechanisms:

a. Clear legal mechanisms shall be established to resolve disputes arising from concurrent powers between CGIs and Federal Statutory State Institutions (FSSIs) across national, state, and local levels.

b. Status of Federal Statutory State Institutions (FSSIs):

c. FSSIs shall constitute the formal Local Government system in accordance with the R-TCRSS 2011 (as amended), particularly Articles 1(4), 2, 33, 36(4), and 166, read together with the LGA 2009.

d. Federal Governance Structure:

e. National Level: Governed under Articles 1(4), 2, 33, 36(4), 50, 121, and 169(3).

f. State Level: Governed under Article 162 of the R-TCRSS 2011 and relevant provisions of the LGA 2009.

2. Federal Administrative Units:

2.1. A Federal National Capital City and State Municipalities shall be established in accordance with the R-TCRSS 2011 (as amended) and the LGA 2009.

2.2. Oversight and Regulatory Authority:

2.2.1. The Local Government Board, in coordination with CGIs, shall be vested with authority to:

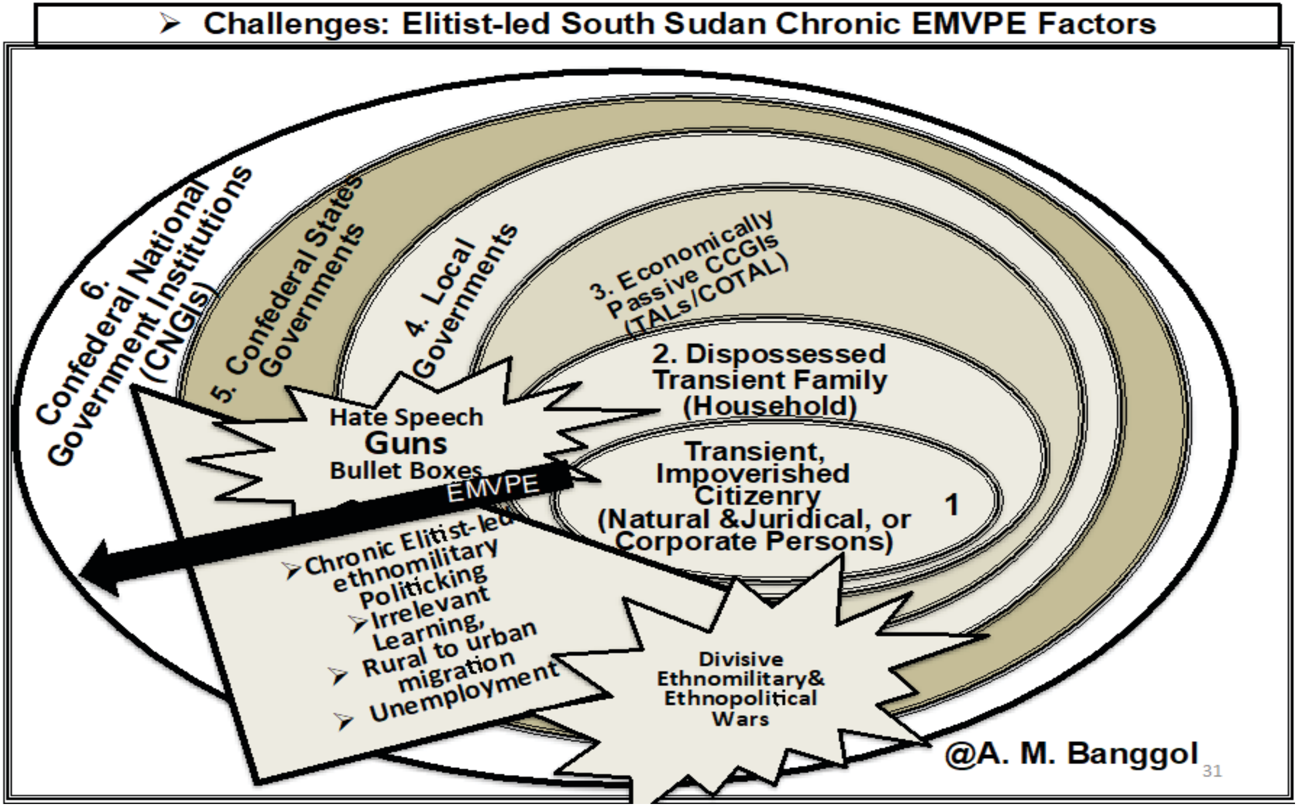
2.2.2. Enforce Constitutional Schedules

a. Regulate intergovernmental relations

b. Operationalize CELRGS/CEF principles through statutory instruments

3. In Conclusion: This framework ensures a clear separation of powers, strengthens community autonomy, and institutionalizes coordinated governance across all levels of the federal system.

Diagram (6): CEF Fiscal Federalism Frameworks



Explanatory Notes:

Challenges of Elitist-Led Ethnomilitary Violent Political Enterprises (EMVPE) Framework in South Sudan

The diagram illustrates framework of a stratified societal impacts and systemic challenges driven by Ethno-Military Violent Political Extremism (EMVPE) within an elitist-led framework.

1. **Societal Layers and Structural Degradation**

1.1. Layer 1: Transient, impoverished

1.1.1. Households and subsequently

1.1.2 Both natural and corporate citizens.

1.1.3. This is characterized by economic vulnerability and limited access to basic services.

1.2. **Layer 2:**

1.2.1. Weak and under-resourced Community Government Institutions (CGIs),

1.2.2. CGIs unable to effectively represent or protect community interests.

1.3. **Layers 3–6:**

1.3.1. Progressive institutional erosion affecting:

1.3.1.1. Local Government Authorities

1.3.1.2. State Governments

1.3.1.3. Federal/National Institutions

1.3.2. These layers exhibit diminished

1.3.2.1. Capacity,

1.3.2.2. Legitimacy, and

1.3.2.3. Service delivery.

2. **Core Dynamics of EMVPE**

2.1. Elitist led, ethnomilitary,

2.2. Factional, and

2.3. Partisan structures:

2.3.1. Exploit socio-economic vulnerabilities to mobilize impoverished populations

2.3.2. Incite communities and institutions to join armed factions

2.3.3. Direct confrontation against statutory state institutions

2.4. Seek political leverage through negotiated power-sharing arrangements, often resulting in:

2.4.1. Entrenched elite privileges

2.4.2. Perpetuation of exclusionary governance systems

3. **Instruments of EMVPE**

3.1. Key mechanisms used to sustain and expand EMVPE include:

3.1.1. Delegitimization of State Sovereignty

3.1.2. Militarization of Society, including proliferation of weapons among civilians

3.1.3. Hate Speech and Incitement, reinforcing ethnic divisions and conflict narratives

4. **Negative Impacts**

4.1. Breakdown of social cohesion and destruction of societal fabrics

4.2. Widespread loss of human life and displacement

4.3. Depletion of economic, human, and material resources

4.4. Entrenchment of inequality and institutional fragility

4.5. Loss of development opportunities and long-term national stagnation

5. **Outcome: Entrenchment of the Fragility Trap:** These dynamics collectively reinforce a cycle of:

5.1. Chronic instability

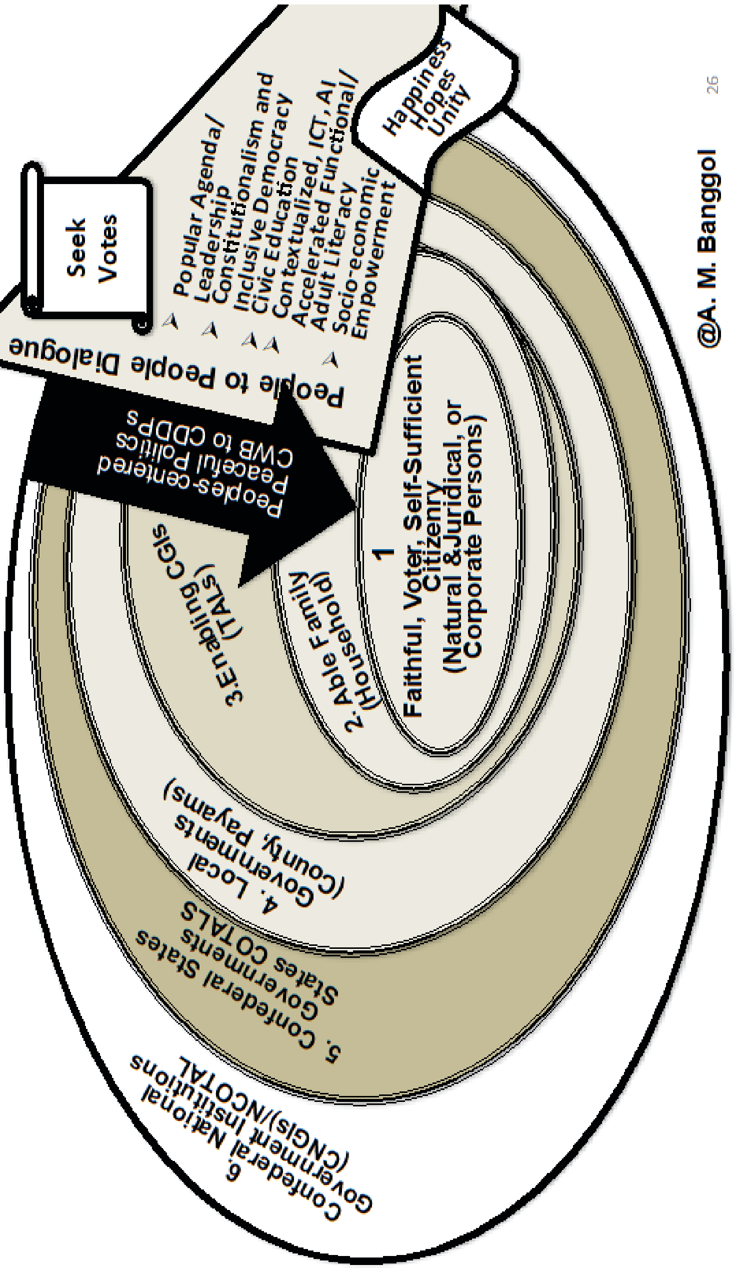
5.2. Ethno-political fragmentation

5.3. Weak governance systems

5.4. Ultimately sustaining a protracted fragility trap in South Sudan, where conflict, poverty, and weak institutions mutually reinforce one another.

Diagram (4):

➤ **CEF Solution: Problem: Elitist-led South Sudan Chronic EMVPE Factors**



Explanatory Notes:

Framework for Community-Equity Federalism (CEF)

The diagram illustrates a structured framework for Community-Equity Federalism (CEF), grounded in the principles and operational mechanisms of the Community-Equity Led Resource Governance Strategy (CELRGS). It is designed for application within the multinational and multiregional context of South Sudan, enabling layered and mutually reinforcing societal transformation.

1. **Stratified Impact Layers**

1.1. Layer 1: Foundational Social Units**:** At the base of the framework lies the empowerment of the individual and immediate social structures:

1.1.1. A responsible and informed voter

1.1.2. A self-sufficient household

1.1.3. A resilient extended family unit

1.1.4. Active participation in community-owned corporate entities

1.1.5. This layer establishes the socio-economic and civic foundation necessary for sustainable development.

1.2. **Layer 2: Community Government Institutions (CGIs):** This layer focuses on strengthening Community Government Institutions (CGIs) as communal trusteeship engines of local transformation:

1.2.1. Enhancing citizens' capacity to choose and sustain peaceful coexistence

1.2.2. Protecting a shared stake in stability, justice, and good governance

1.2.3. Promoting dignified self-reliance and productivity

1.2.4. Generating taxable wealth, thereby contributing to national GDP and GNP growth

1.2.5. CGIs serve as the critical interface between communities and formal governance systems.

1.3. **Layers 3–6: Statutory State Institutions**

1.3.1. The upper layers consist of progressively structured governance institutions:

1.3.2. Local Government Authorities

1.3.3. State Governments

1.3.4. **National Government Institutions**

1.3.4.1. These layers are envisioned to become economically strengthened ("rich") and functionally responsive, driven by the productivity and accountability generated from the lower layers.

1.3.4.2. Transformational Impacts

1.3.4.3. The framework is expected to produce the following systemic outcomes:

a. Community-driven development agenda: Communities actively demand and shape policies through Community-Driven Development Programs (CDDPs)

b. Responsive political leadership: Electoral competition incentivizes leaders to adopt relevant, development-oriented programs

c. Grassroots peacebuilding: Strengthened people-to-people dialogue mechanisms fostering social cohesion

d. Popular ownership of governance: Reinforcement of constitutionalism, rule of law, and accountability

e. Human capital development: Contextualized ICT and AI literacy supported by functional youth education and accelerated adult learning

f. Inclusive economic empowerment: Expansion of microfinance systems and implementation of CELRGS to ensure equitable resource governance

g. National transformation: Realization of a peaceful, inclusive, just, and prosperous South Sudan, where all actors are recognized and held accountable

1.3.5. **Conclusion**

1.3.5.1. The CEF framework operationalizes a bottom-up development model, where empowered communities drive governance outcomes, and higher-level institutions derive legitimacy, capacity, and wealth from the productivity and stability of the foundational layers. It aligns democratic participation with economic empowerment to achieve long-term national cohesion and prosperity.

Diagram (5):

Diagram 5-a: Suggested CEF Federal National Legislature

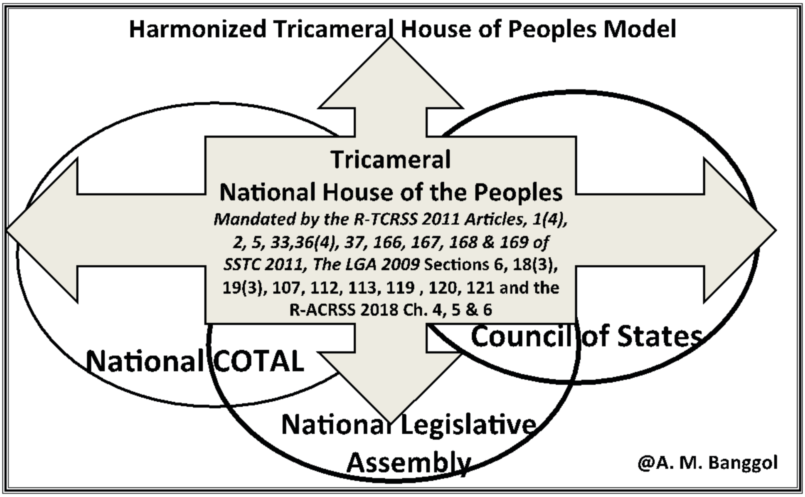
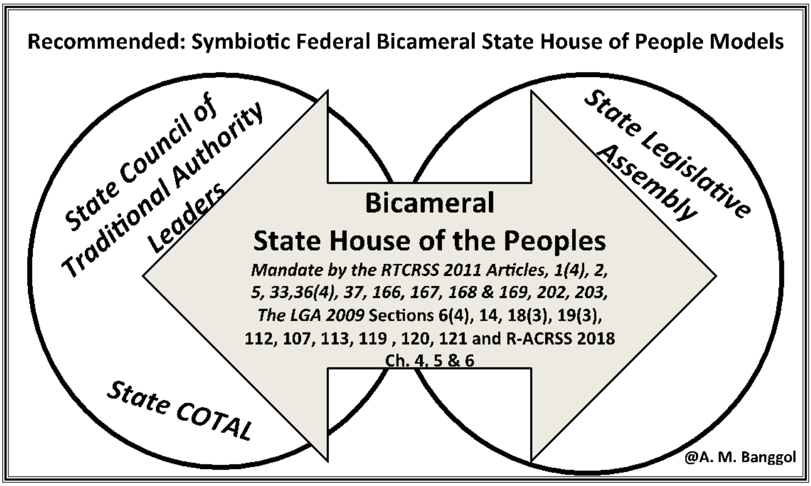


Diagram 5-b: Suggested CEF Federal States Legislature

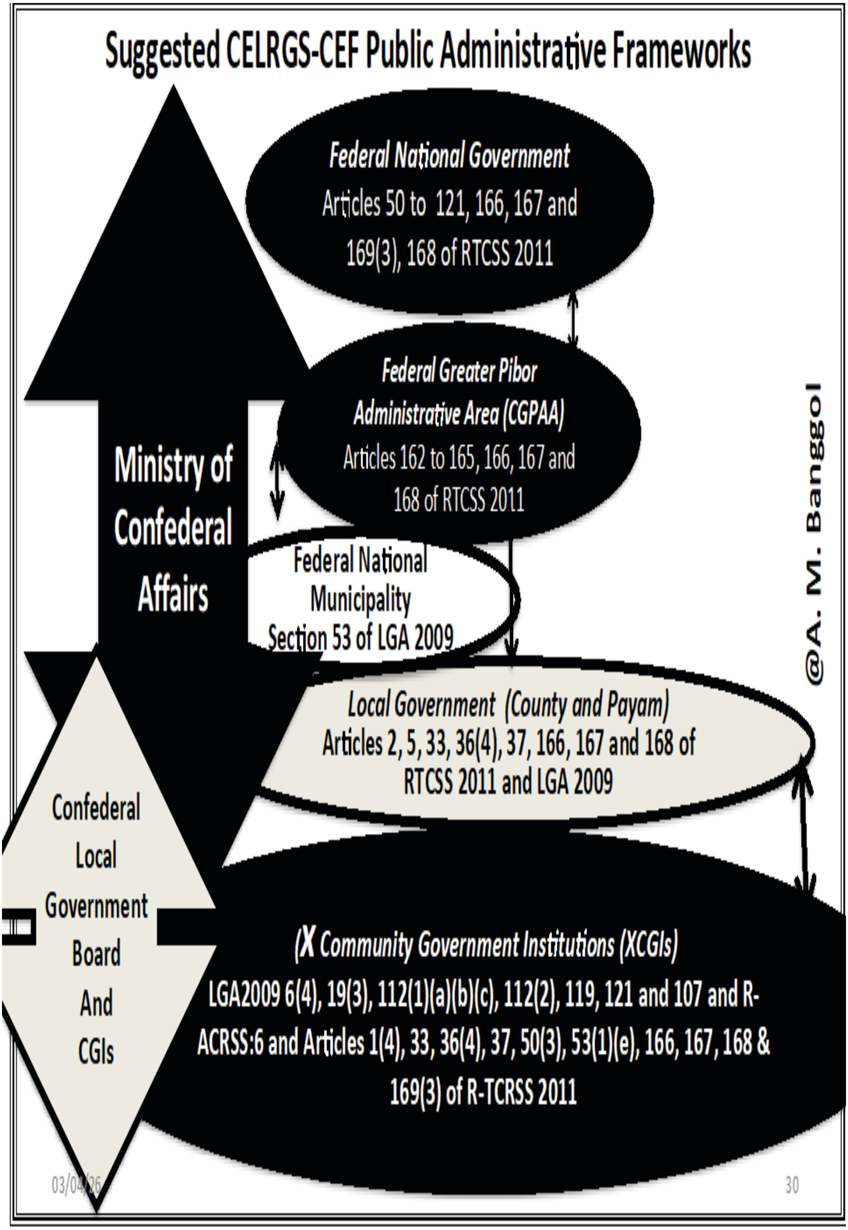


Explanatory Notes

Diagram 5-a: The proposed CEF Federal National Legislature is structured as a bicameral institution consisting of the National House of the People and the National Council of Traditional Authority Leaders (NCOTAL).

Diagram 5-b: The proposed CEF State House of the People comprises the elected State Legislative Assembly and the State Council of Traditional Authority Leaders (COTAL).

Diagram (6):


Suggested CELRGS-CEF Public Administrative Frameworks
Federal National Government
Articles 50 to 121, 166, 167 and 169(3), 168 of RTCSS 2011
Federal Greater Pibor Administrative Area (CGPAA)
Articles 162 to 165, 166, 167 and 168 of RTCSS 2011
Ministry of Confederal Affairs
Federal National Municipality Section 53 of LGA 2009
Local Government (County and Payam)
Articles 2, 5, 33, 36(4), 37, 166, 167 and 168 of RTCSS 2011 and LGA 2009
Confederal Local Government Board And CGIs
(X Community Government Institutions (XCGIs)
LGA2009 6(4), 19(3), 112(1)(a)(b)(c), 112(2), 119, 121 and 107 and R-ACRSS:6 and Articles 1(4), 33, 36(4), 37, 50(3), 53(1)(e), 166, 167, 168 & 169(3) of R-TCRSS 2011
@A. M. Banggol
03/04/26
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Explanatory Notes

Suggested CELRGS/CEF Public Administrative Framework

1. The CELRGS/CEF framework establishes fully autonomous Community Government Institutions (CGIs) anchored in constitutional and statutory provisions as follows:

1.1. Legal Mandate of CGIs

1.1.1. CGIs derive authority from the R-TCRSS 2011 (as amended)—Articles 1(4), 2, 33, 36(4), 167(1–3), and 168(1–2)—read together with the Local Government Act (LGA) 2009, Sections 6.4, 8.3, 112, 119, 120, and 121.

1.1.2. Constitutional Allocation of Powers:

a. Constitutional Schedules shall define:

b. Exclusive Powers

c. Concurrent Powers

d. Residual Powers

e. Conflict Resolution Mechanisms:

2. Clear legal mechanisms shall be established to resolve disputes arising from concurrent powers between CGIs and Federal Statutory State Institutions (FSSIs) across national, state, and local levels.

2.1. Status of Federal Statutory State Institutions (FSSIs):

2.1.1. FSSIs shall constitute the formal Local Government system in accordance with the R-TCRSS 2011 (as amended), particularly Articles 1(4), 2, 33, 36(4), and 166, read together with the LGA 2009.

2.1.2. Federal Governance Structure:

a. State Level: Governed under Article 162 of the R-TCRSS 2011 and relevant provisions of the LGA 2009.

b. National Level: Governed under Articles 1(4), 2, 33, 36(4), 50, 121, and 169(3).

3. Federal Administrative Units:

3.1. A Federal National Capital City and State Municipalities shall be established in accordance with the R-TCRSS 2011 (as amended) and the LGA 2009.

3.2. Oversight and Regulatory Authority:

3.2.1. The Local Government Board, in coordination with CGIs, shall be vested with authority to:

a. Enforce Constitutional Schedules

b. Regulate intergovernmental relations

c. Operationalize CELRGS/CEF principles through statutory instruments

d. This framework ensures a clear separation of powers, strengthens community autonomy, and institutionalizes coordinated governance across all levels of the federal system.

Part Four: Submissions for Dialogue and Endorsements By NCOTAL Conference 2026

Submission (1):

Community Land RIGHTS FOR INVESTMENT AUTHORITY ACT, [2027]

(CLARA Act)

PREAMBLE

- **Guided** by and firmly committed to the explicit provisions of the Revitalized Transitional Constitution of the Republic of South Sudan (RTCRSS)—in particular Articles 2, 33, 37, 166(6), 167, 168, 169(3), abd 171(5)—as well as the relevant provisions of the Local Government framework, this instrument affirms its foundation in constitutional authority, democratic governance, and the rule of law.
- **WHEREAS** sovereignty belongs to the people in accordance with Article 2 of the Constitution;
- **RECOGNIZING** the right of ethnicity and cultyral communities to govern themselves in accordance with the customs beliefs and norms combtible to the Constitution under Article 33 and the right to property under Article 28 read together with Article 37(2)(c)(b) on government economic goals;
- **MINDFUL** of the Federal Systems of governance under Articles 1(4), 2, 5, 167, 168, 169(3), and 171(5), which mandates a Community Land Rights Law compatible with the Constitution;
- **AWARE** of the need for equitable sharing of resources and development as provided under Articles 37(2)(b)

- **ACKNOWLEDGING** the role of customary land tenure and community governance institutions in land administration;
- **NOW THEREFORE,** this Act is enacted to operationalize community land rights in investment governance.

PART I: PRELIMINARY PROVISIONS

Article 1: Short Title and Commencement

This Act may be cited as the Community Land Rights for Investment Authority Act, (2027).

Section 2: Purpose of the Act: This Act gives effect to:

a. Article 2 of the Constitution: (People's Sovereignty);

b. Article 33 (Public Participation);

c. Article 37 (Government Economic Goals);

d. Articles 166(6)(c) (Socioeconomic Development, and 171(5) Community Land Rights and Governance and Traditional Authority);

e. Articles 202–203 (Constitution Making Process).

PART II: ESTABLISHMENT OF THE AUTHORITY

Article 3: Establishment:

a. There is established the Community Land Rights for Investment Authority (CLARIA).

b. The Authority derives its legitimacy from the sovereignty of the people as enshrined in Article 2 of the Constitution.

Article 4: Legal Status and Constitutional Link: The Authority shall:

a. Operate within the framework of Community-Equity Federalism governance under Articles 33, 37, 166 and 171;

b. coordinate with the South Sudan Land Commission as mandated under the Constitution;

c. recognize customary authority structures in accordance with Articles 1(4),2, 5, 33, 37, 166(6)(c), 167, 168 of Constitution.

PART III: FUNCTIONS AND POWERS

Article 5: Functions (Constitutional Sources of Legislation){ The Authority shall:

a. Ensuring Constitutionalism, customs, traditions of the Peoples participation in land decisions in line with Article 33;

b. Promote equality and inclusion under Article 37;

c. Regulate land-based investments consistent with equitable resource sharing (Articles 37–166);

d. Fulfilling the mansated recognition integration and involvement of community-based institutions in self governance, interactive participatory approach, and Community Land Rights Laws under Articles 166(6)(c) and 171(5);

e. Safeguard community land rights as an expression of people's sovereignty [Article 2 and 171(5)].

PART IV: COMMUNITY LAND GOVERNANCE

Article 6: Recognition of Community Land Rights

6.1. Community land rights shall be recognized as constitutionally protected interests derived from:

6.1.1. People's sovereignty (Article 2);

6.1.2. Property rights principles;

6.1.3. Customary governance systems recognized under Article 166(6)(c) and 171(5) Community Land Rights Law.

Article 7: Free, Prior and Informed Consent (FPIC)

7.1. FPIC is a constitutional requirement derived from Article 33 on participation and 166(6)(c).

7.2. No investment shall proceed without demonstrable community consent subject to the regulatory compliance frameworks compatible with Constitution and the Laws of South Sudan;

PART V: INCLUSION AND EQUALITY

- **Article 8:** Equality and Non-Discrimination: All land governance processes shall comply with Article 2, 5, 33, 37, 171(5): all levels of government objectives promoting indigenous private sector development ensuring equal participation regardless of gender, age, or status.
- **Article 9:** Women and Youth Participation in accordance with the Constitution on;

9.1. Women and youth shall have guaranteed representation in decision-making bodies.

9.2. This provision operationalizes constitutional equality and social justice principles.

PART VI: Community Equity Led Resource Governance Strategy (CELRGS) principles in LAND GOVERNANCE

Article 10: Community Governnance Institutions (CGIs) and FSSIs governments shall exercise land governance functions in accordance with Articles 171(5) and relevant laws.

Article 11: Role of Traditional Authorities: Traditional authorities (TALs) and their respective NCOTAL and State COTALs shall:

a. participate in land administration under the Constitution and Laws of South Sudan

b. Ensure customary legitimacy of land decisions;

c. Collaborate with statutory state institutions in accordance with Constitution Schedules on exclusive, concurrent, residual powers and solution mechanisms for resolving conflicts arising from concurrent powers between CGIs and FSSIs.

PART VII: RESOURCE GOVERNANCE AND INVESTMENT

Article 12: Equitable Resource Sharing: All investments shall comply with the Constitution and the Laws of South Sudan by ensuring:

a. fair distribution of benefits;

b. community development contributions; and,

c. transparency in revenue flows.

PART VIII: ENVIRONMENTAL AND LAND USE PLANNING

Article 13: Sustainable Development Principle: Land use planning shall align with constitutional principles of sustainable development and intergenerational equity.

PART IX: TRANSPARENCY AND ACCOUNTABILITY

Section 14: Public Accountability: In line with Article 33, all land agreements shall be publicly disclosed and subject to community oversight.

PART X: DISPUTE RESOLUTION

Article 15: Multi-Level Dispute Resolution: Dispute resolution shall reflect decentralized governance principles:

a. Community mediation (customary level);

b. State-level arbitration;

c. National adjudication mechanisms.

PART XI: ENFORCEMENT

Article 16: Constitutional Compliance: Any violation of this Act shall constitute a violation of constitutional principles, particularly:

a. People’s sovereignty (Article 2);

b. Equality (Article 37);

c. Participation (Article 33).

PART XII: COORDINATION

Section 17: Institutional Coordination

The Authority shall collaborate with:

the South Sudan Land Commission;

the National Council of Traditional Authorities Leaders (NCOTAL);

relevant ministries and state governments.

PART XIII: MISCELLANEOUS

Article 18: Regulations: The Authority may issue regulations necessary to give effect to this Act and the Constitution.

THE COMMUNITY LEADERSHIP COMPETENCY AND EDUCATION ALIGNMENT Resolution, 2026

1. The suggested purpose of the Resolution No..../2026 to include:
   1.1. Provide for the alignment of community leadership with competency, literacy, and merit-based governance;
   1.2. Strengthen People's Sovereignty under the Community Equity Led Resource Governance Strategy (CELRGS) and Communal Equity Federalism (CEF);
   1.3. promote continuous learning among Traditional Authority Leaders and Community Oversight structures; and for related matters.
2. The followings are the Resolution endorsed by the NCOTAL Conference 2026, as follows:

PART I

PRELIMINARY

1. **Title and Commencement:**

This Resolution may be cited as the Community Leadership Competency and Education Alignment Principle, 2026.

This Resolution shall come into force on such date as NCOTAL Conference 2026 may, by endorsement as a resolution by the NCOTAL Conference 2026.

2. **Purpose of the Resolution:** The purpose of this Resolution is to:

a) Promote competency, literacy, and merit in community leadership

b) Strengthen People's Sovereignty through a combination of customary governance stewardship and knowledge-based governance;

c) Address structural imbalances between education systems and customary law stewardship through leadership pathways;

d) Institutionalize continuous learning and professional development for community leaders.

3. **Application:** The principles in this Resolution shall apply to—

a) Traditional Authority Leaders (TALs) at all levels;

b) Community Oversight and Accountability structures;

c) Community Governance Institutions (CGIs), established under applicable laws.

4. **Guiding Principles:** This applicable principles be guided by the following principles:

a) People's Sovereignty;

b) Communal Equity and Inclusion;

c) Functional Meritocracy;

d) Cultural Legitimacy;

e) Continuous Learning;

f) Complementarity between Community Governance Institutions and Statutory State Institutions.

5. **Interpretation:** In this Resolutions, unless the context otherwise requires—

“Community Governance Institutions” means community-based governance bodies recognized under law;

“COTALs” means Community Oversight and Accountability structures;

“FSSIs” means Federal Statutory State Institutions;

“Functional Literacy” means the ability to read, write, and apply basic knowledge in governance;

“Conference ” means the NCOTAL Conference 2026 and any subsequent consultative by the TALs in accordance with the NCOTAL Charter and Resolutions;

“TALs” means Traditional Authority Leaders.

PART II

MINIMUM LEADERSHIP COMPETENCY REQUIREMENTS

6. **Literacy Requirement:**

A person shall not be eligible for nomination or election as a Traditional Authority Leader or member of a COTAL unless that person:

a) Possesses functional literacy; and

b) Demonstrates basic civic and governance knowledge.

The NCOTAL may prescribe minimum qualifications for different leadership levels.

7. **Leadership Certification:** A person elected or appointed under these Principles shall, within a prescribed period:

a) Undergo certified leadership and governance training; and

b) Obtain certification from an accredited institution.

c) A person who fails to comply with subsection (1) shall be subject to disciplinary measures in accordance with these Principles.

PART III
NOMINATION AND ELECTION OF LEADERS

8. **Merit-Based Nomination:**

Communities shall, in nominating candidate:

a) Prioritize individuals with education, skills, and public service experience; ensure inclusion of women and youth, where applicable.

9. Dual Legitimacy Requirement A person shall qualify for leadership under these Principles, only where such person demonstrates:

a) Cultural legitimacy within the community; an

b) Functional competence, including literacy and governance capacity.

PART IV
CONTINUOUS LEARNING AND DEVELOPMENT

10. Obligation for Continuous Learning

Every Traditional Authority Leader and member of a COTAL shall:

a) Undertake continuous professional development

b) Participate in periodic governance training.

The NCOTAL and States COTALs shall establish mechanisms for certification and revalidation.

11. **Community Knowledge Mobilization:** Community Governance Institutions shall:

    a) Identify educated members of the community;
    b) Engage such members in governance and advisory roles.

Professionals and public officials may be appointed or seconded to support community governance.

PART V

TRANSITIONAL PROVISIONS

12. **Transitional Arrangements:** A person holding office at the commencement of these Principles who does not meet the requirements shall:
    a) be granted a transitional period; and
    b) enroll in literacy and certification programmes.
    c) No person shall be removed solely for non-compliance during the transitional period if that person demonstrates commitment to compliance.
13. **National Literacy Programme:** The Government shall:
    a) Implement functional literacy programmes for youth and adults;
    b) Establish accelerated adult education certification systems;
    c) Integrate traditional knowledge with modern education.

PART VI

INSTITUTIONAL COORDINATION

14. **Coordination Mechanism:** There shall be coordination between:

a) Community Governance Institutions; an

b) Relevant State Institutions.

The Conference may establish a coordination forum to:

a) Monitor implementation;

b) Resolve disputes;

c) Ensure policy coherence.

PART VII

ENFORCEMENT AND COMPLIANCE

15. Oversight

The NCOTAL through it's instruments in States, Counties and CGIs, shall designate an authority responsible for oversight.

The Annual performance and competency reviews shall be conducted.

15. Sanctions: A person who fails to comply with this Act may be subject to:

a) Warning;

b) Mandatory retraining;

c) Suspension;

d) Removal from office in accordance with due process.

PART VIII

MISCELLANEOUS

16. **Regulations**

The NCOTAL may make regulations for the better carrying out of the provisions of this Act.

17. Repeal and Savings

Any existing practices inconsistent with these Principles are hereby modified to conform to this Act.

SCHEDULE

18. Indicative Training Modules
    a) Civic Governance
    b) Resource Management
    c) Conflict Resolution
    d) Public Accountability
    e) Community Leadership Ethics

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to reform community leadership structures by integrating literacy, competency, and merit-based principles into traditional governance systems. It aims to bridge the gap between education and leadership, strengthen People's Sovereignty, and align governance structures with the demands of modern statehood and the evolving knowledge economy.

Submission No (2):

NATIONAL COUNCIL OF TRADITIONAL AUTHORITY LEADERS (NCOTAL)

CHARTER ON RULES, REGULATIONS, AND ROTATIONAL LEADERSHIP

PREAMBLE

- ✓ We, the Members of the General Assembly of the National Council of Traditional Authority Leaders (NCOTAL),
- ✓ Guided by the Revitalized Transitional Constitution of the Republic of South Sudan (RTCRSS), in particular:
- ✓ Article 1(4) on the territory of the Republic of South Sudan;Article 2 on the supremacy of the people of South Sudan;

- ✓ Article 33, guaranteeing the rights of ethnicities and cultural communities to govern themselves;
- ✓ Article 36(4), which establishes a nation-state identity grounded in unity in diversity and equitable representation among the Greater Regions of Bahr el Ghazal, Equatoria, and Upper Nile;
- ✓ Articles 167 and 168, which recognize, incorporate, and provide for the establishment, status, roles, and functions of Traditional Authority Leaders and their councils at national and state levels;Read together with the Local Government Act, 2009 (LGA), particularly:
- ✓ Section 6(4) on the recognition of Community Government Institutions (CGIs) that predate the trusteeship establishment of the Federal Republic of South Sudan and symbiotically collaborate collectively through Federal Legislation, Public Administration and Fiscal Sovereignty at all levels;
- ✓ Section 113 on the types of Traditional Authority Leaders, including Chiefdoms, Kingdoms, and Generational Customary Governance Systems;
- ✓ Sections 119, 120, and 121 on the establishment, composition, functions, and duties of the National and State Councils of Traditional Authority Leaders;
- ✓ Affirming the principles of federalism, including the determination of exclusive, concurrent, and residual powers between Community Government Institutions (CGIs) and the trusteeship institutions of the Federal Republic of South Sudan at national, state and local government levels, in accordance with the Federal Constitution;

- ✓ Committed to inclusivity, gender equity, popular participation, peaceful coexistence, national unity, and the prevention of regional domination;
- ✓ Resolved to strengthen institutional legitimacy, accountability, and balanced leadership;
- ✓ Do hereby adopt this Charter to regulate autonomous federal leadership, governance, decision-making, accountability, and rotational leadership within NCOTAL.

ARTICLE 1: LEGAL BASIS AND AUTHORITY:

1.1. This Charter derives its legal and normative authority from:

a. The RTCRSS, particularly Articles 1(4), 2, and 33;

b. Article 36(4) of the RTCRSS, safeguarding the multinational and multiregional character of South Sudan and the principle of unity in diversity;

c. Articles 167 and 168 of the RTCRSS on the recognition and establishment of Traditional Authority Councils; and

d. The Local Government Act, 2009, particularly Sections 112, 119, 120, and 121.

1.2. This Charter shall be binding upon all organs, leaders, members, and affiliated structures of NCOTAL throughout the Federal Republic of Republic of South Sudan.

ARTICLE 2: OBJECTIVES OF THE CHARTER: The objectives of this Charter are to:

a) Institutionalize rotational leadership at national and state levels to ensure equitable regional representation;

b) Promote inclusive governance reflecting South Sudan's multi-regional and multicultural character;

c) Strengthen community-driven and autonomous federal leadership through recognized Traditional Authority institutions, based on a symbiotic relationship between Community Government Institutions and federal trusteeship institutions, in accordance with the Federal Constitution;

d) Prevent domination by any single region, community, or interest group; and

e) Enhance legitimacy, transparency, accountability, and unity within NCOTAL.

ARTICLE 3: COMPOSITION OF LEADERSHIP:

3.1. The supreme leadership of NCOTAL shall consist to:

a. One (1) Chairperson;

b. Two (2) Co-Chairpersons; and

c. A regionally balanced and rotational NCOTAL Secretariat.

3.2. The leadership shall collectively represent the following Greater Regions:

a. Greater Bahr el Ghazal;

b. Greater Equatoria; and

c. Greater Upper Nile.

3.3. At no time shall more than one senior leadership position, including the Chairperson and the Secretary-General of the NCOTAL Secretariat, be held by representatives from the same Greater Region.

ARTICLE 4: PRINCIPLE OF ROTATIONAL LEADERSHIP:

4.1. The office of Chairperson shall rotate among the three Greater Regions.

4.2. Each rotation cycle shall be for a fixed term, recommended at three (3) years, as prescribed by NCOTAL regulations.

4.3. During each term:

a. The Chairperson shall be drawn from one Greater Region

b. The two Co-Chairpersons shall be drawn from the remaining two Greater Regions.

4.4. Upon completion of a term, the Greater Region of the outgoing Chairperson shall assume one Co-Chairperson position in the subsequent rotation cycle.

ARTICLE 5: ELECTION AND SUCCESSION:

5.1. The NCOTAL General Assembly or a duly authorized representative body shall elect the Chairperson and Co-Chairpersons.

5.2. Elections shall:

a. Respect the rotational and regional balance requirements of this Charter;

b. Be transparent, participatory, and democratic; and

c. Comply with equality principles under the RTCRSS.

5.3. In the event of a vacancy in the office of Chairperson:

a. A Co-Chairperson from the next rotational Greater Region shall assume the office in an acting capacity; and

b. A substantive election shall be conducted within a period prescribed by NCOTAL regulations.

ARTICLE 6: POWERS AND FUNCTIONS

6.1. Chairperson: The Chairperson shall:

a. Provide strategic leadership and represent NCOTAL at national, regional, and international levels;

b. Convene and preside over meetings of NCOTAL leadership and organs; and

c. Ensure compliance with this Charter and applicable laws.

6.2. Co-Chairpersons: The Co-Chairpersons shall:

a. Assist and support the Chairperson in the execution of leadership functions;

b. Oversee assigned thematic, institutional, or regional portfolios; and

c. Act collectively as a safeguard against abuse of power and unilateral decision-making.

ARTICLE 7: DECISION-MAKING AND CONSENSUS

7.1. NCOTAL leadership shall prioritize consensus-based decision-making.

7.2. Where consensus cannot be achieved, decisions shall require:

a. A simple majority vote; and

b. At least one affirmative vote from each Greater Region.

7.3. This mechanism shall ensure inclusivity and regional balance in conformity with the RTCRSS.

ARTICLE 8: ACCOUNTABILITY AND REMOVAL

8.1. All NCOTAL leaders shall be accountable to the General Assembly.

8.2. Grounds for removal shall include:

a. Gross misconduct;

b. Violation of this Charter;

c. Abuse of office; or

d. Actions undermining regional balance, unity, or institutional integrity.

8.3. Removal proceedings shall observe due process and comply with the Local Government Act, 2009, particularly Sections 119–121.

ARTICLE 9: GENDER, YOUTH, AND MINORITY INCLUSION

9.1. NCOTAL shall promote gender equity and the effective participation of women at all levels.

9.2. Youth and women shall be represented as observers, without voting rights, through duly constituted Youth and Women Unions at national and state levels.

9.3. The principle of rotational leadership shall not negate affirmative action measures provided for under the RTCRSS.

ARTICLE 10: AMENDMENT OF THE CHARTER

10.1. This Charter may be amended by a two-thirds (⅔) majority of the NCOTAL General Assembly.

10.2. Any amendment shall remain consistent with the RTCRSS and the Local Government Act, 2009.

10.3. No amendment shall abolish or undermine the principles of equitable participation and rotational leadership among the three Greater Regions.

ARTICLE 11: ENTRY INTO FORCE

11.1. This Charter shall enter into force upon its adoption by the NCOTAL General Assembly and shall remain binding unless lawfully amended in accordance with this Charter.

Session (3):

A structured, guideline for identifying and negotiating Community Public–Private Partnerships (CPPs) under a Community-Equity Land Rights Governance System (CELRGS) in South Sudan.

Structured Guidelines for Identifying and Negotiating CPPs under CELRGS (South Sudan)

1. ***Foundational Principles: All CPPs must be grounded in:***

1.1. Community Sovereignty: Rooted in the Revitalized Transitional Constitution of South Sudan, especially community land rights provisions.

1.2. Free, Prior and Informed Consent (FPIC): No project proceeds without genuine, documented community consent.

1.3. Equity & Inclusion: Benefits must reach women, youth, and vulnerable groups.

1.4. Sustainability: Economic, social, and environmental balance.

1.5. Transparency & Accountability: Open processes and auditable agreements.

2. *Identification of Potential CPP Opportunities*

2.1. Sector Prioritization

2.1.1. Identify sectors with high community impact:

2.1.2. Agriculture & agro-processing

2.1.3. Natural resources (forestry, fisheries, minerals)

2.1.4. Ecotourism

2.1.5. Infrastructure (roads, energy, water)

2.1.6. Social services (health, education)

2.2. Community Asset Mapping

2.2.1. Undertake participatory mapping to identify:

2.2.2. Land and natural resources

2.2.3. Cultural and heritage sites

2.2.4. Human capital (skills, labor)

2.2.5. Existing local enterprises

2.3. Investment Readiness Criteria: A potential CPP should meet:

2.3.1. Clear land ownership under customary/ community tenure

2.3.2. Defined economic viability

2.3.3. Social acceptability

2.3.4. Environmental feasibility

2.3.5. Alignment with local and national development plans

3. **Institutional Framework under CELRGS**

3.1. ***Community Governance Institutions (CGIs)***

3.1.1. Represent community interests

3.1.2. Custodians of communal land

3.1.3. Mandated to negotiate and approve CPPs

3.2. ***Role of Government***

3.2.1. Policy guidance and regulation

3.2.2. Legal enforcement

3.2.3. Safeguarding public interest

3.3. ***Role of Private Sector***

3.3.1. Capital investment

3.3.2. Technical expertise

3.3.3. Market access

4. **CPP Partner Identification and Due Diligence**

4.1. ***Investor Screening: Assess potential partners based on:***

4.1.1. Financial capacity

4.1.2. Track record in similar environments

4.1.3. Compliance with ESG (Environmental, Social, Governance) standards

4.1.4. Reputation and ethical conduct

4.2. ***Risk Assessment***

4.2.1. Political and security risks

4.2.2. Land disputes

4.2.3. Environmental risks

4.2.4. Market volatility

5. Community Engagement Process

5.1. *Awareness and Sensitization*

5.1.1. Public forums explaining CPP concept, risks, and benefits

5.1.2. Use of local languages and culturally appropriate communication

5.2. *Consultation and Consent (FPIC)*

5.2.1. Multi-stage consultations

5.2.2. Documentation of consent decisions

5.2.3. Inclusion of marginalized groups

5.3. *Negotiation Mandate*

5.3.1. Community formally mandates CGI representatives

5.3.2. Clear negotiation objectives and red lines

6. Negotiation Framework

6.1. *Key Negotiation Elements*

6.1.1. Land use terms (lease, concession, joint venture)

6.1.2. Revenue-sharing mechanisms

6.1.3. Employment quotas for locals

6.1.4. Local content requirements

6.1.5. Infrastructure commitments

6.2. *Benefit-Sharing Model*

6.2.1. Direct payments (royalties, lease fees)

6.2.2. Equity participation for community

6.2.3. Social investment (schools, clinics, water systems)

6.3. ***Safeguards***

6.3.1. Environmental protection clauses

6.3.2. Cultural heritage protection

6.3.3. Conflict resolution mechanisms

7. **Legal Structuring of CPP Agreements**

7.1. ***Agreement Components***

7.1.1. Parties and roles

7.1.2. Duration and renewal terms

7.1.3. Financial arrangements

7.1.4. Monitoring and reporting obligations

7.2. ***Legal Instruments***

7.2.1. Community Commercial Instruments (CCIs)

7.2.2. Lease agreements or joint venture contracts

7.2.3. Memoranda of Understanding (MoUs)

8. **Implementation and Governance**

8.1. ***Joint Management Structures***

8.1.1. CPP Steering Committee (Community + Investor + Government)

8.1.2. Defined decision-making processes

8.2. ***Monitoring & Evaluation***

8.2.1. Periodic performance reviews

8.2.2. Financial audits

8.2.3. Social and environmental impact assessments

9. **Conflict Prevention and Resolution**
   - 9.1. Establish grievance redress mechanisms
   - 9.2. Use customary and formal legal systems
   - 9.3. Independent arbitration where necessary

10. **Exit and Sustainability Strategy**
    - 10.1. Clear exit clauses
    - 10.2. Land restoration obligations
    - 10.3. Capacity building for community continuity
    - 10.4. Transition to full community ownership where feasible

11. **Capacity Building under CELRGS**
    - 11.1. Training CGIs in negotiation and contract management
    - 11.2. Legal literacy on land rights
    - 11.3. Financial management and governance training

12. **Documentation and Transparency**
    - 12.1. Public disclosure of agreements (where appropriate)
    - 12.2. Community-accessible reporting systems
    - 12.3. Digital and physical record keeping

13. **Practical Outcome: If applied correctly, these guidelines will:**
    - 13.1. Reduce land conflicts
    - 13.2. Improve investor confidence
    - 13.3. Ensure equitable benefit-sharing
    - 13.4. Strengthen community sovereignty and economic empowerment

Session (4):

Field-usable Step-by-Step Negotiation Toolkit

Purpose:

a) Designed specifically for Community Governance Institutions (CGIs) operating under CELRGS in South Sudan.

b) It is structured as an actionable guide—not just policy language—so it can be used during real negotiations.

CPP Negotiation Toolkit for CGIs under CELRGS (South Sudan)

PHASE 1: PREPARATION (Before Engaging Any Investor)

Step 1: Establish Legitimate Mandate

1.1. Convene a community assembly

1.2. Confirm CGI authority to negotiate on behalf of the community

1.3. Record resolutions (signed, witnessed, archived)

✓ **Output: (formal) community negotiation mandate**

Step 2: Define Community Interests: Ask and document:

2.1. What do we want? (jobs, revenue, infrastructure)

2.1.1. What must we protect? (land, culture, environment

2.1.2. What are our non-negotiables?

2.2. Tool: Community Priority Matrix

2.3. Rank needs:

2.4. High

2.5. Medium

2.6. Low

Step 3: Map Community Assets: Identify:

3.1. Land size and boundaries

3.2. Natural resources

3.3. Strategic location advantages

3.4. Tip: Use participatory mapping (elders + youth + women)

- ✓ **Output: Community Asset Register**

Step 4: Build Negotiation Team: Include:

4.1. CGI leaders

4.2. Legal advisor (if available)

4.3. Technical expert (land, agriculture, mining, etc.)

4.4. Women and youth representatives

- ✓ **Rule: No single individual negotiates alone**

Step 5: Understand Legal Position: Ground your authority in:

5.1. The National Constitution, Kiir Mayardid Community Land Right Law

5.2. Customary land ownership rights

5.3. Local government laws

- ✓ ***Outcome: Confidence and legitimacy in negotiations***

PHASE 2: INVESTOR SCREENING

Step 6: Identify Potential Investor

6.1. Sources:

6.1.1. Government referrals

6.1.2. Direct proposals

6.1.3. NGOs or development partners

Step 7: Conduct Due Diligence: Ask:

7.1. Know Your Partners

7.1.1. Who are they? (Ownership, nationality)

7.1.2. Do they have money? (Proof of financing)

7.1.3. What is their track record?

7.2. Output: Investor Assessment Report

7.3. Red Flags:

7.3.1. No verifiable past projects

7.3.2. Pressure to rush agreement

7.3.3. Lack of transparency

PHASE 3: COMMUNITY CONSULTATION (FPIC)

Step 8: Awareness Meetings: Explain clearly:

8.1. Project type

8.2. Benefits

8.3. Risks

8.4. Use local language and open forums.

Step 9: Free, Prior and Informed Consent (FPIC)

9.1. Allow time for internal discussion

9.2. Avoid coercion or elite capture

9.3. Document consent (minutes, signatures, video if possible)

9.4. Rule: No consent = No deal

Step 10: Define Negotiation Mandate: Community must approve:

10.1. What CGI can agree to

10.2. What must return for further consultation

PHASE 4: NEGOTIATION PROCESS

Step 11: Set Negotiation Agenda: Agree with investor on:

11.1. Scope of project

11.2. Timeline

11.3. Key issues

Step 12: Negotiate Core Terms

12.1. Land Use Terms

12.1.1. Lease duration (avoid excessively long terms)

12.1.2. Size and boundaries

12.1.3. Reversion rights after project ends

12.2. Benefit Sharing

12.2.1. Negotiate a mix of:

a. Financial Benefits

b. Lease fees

c. Royalties

d. Revenue percentage

e. Equity Participation

f. Community ownership stake

g. Non-Financial Benefits

h. Jobs (clear quotas)

i. Schools, clinics, roads

j. Skills transfer

12.3. Employment Terms

12.3.1. Minimum % of local employment

12.3.2. Skills training commitments

12.3.3. Fair wages

12.4. Environmental & Social Safeguards

12.4.1. No destruction of sacred/cultural sites

12.4.2. Environmental protection plan

12.4.3. Land restoration obligations

Step 13: Use "Pause & Consult" Rule

13.1. Never finalize on the spot

13.2. Return to community before agreeing to major terms

PHASE 5: AGREEMENT FORMALIZATION

Step 14: Draft Agreement: Include:

14.1. Roles of all parties

14.2. Financial terms

14.3. Timeline

14.4. Penalties for breach

Step 15: Independent Review

15.1. Legal review (if possible)

15.2. Community validation meeting

15.3. Rule: If people don't understand it, don't sign it

Step 16: Sign with Transparency

16.1. Public signing ceremony

16.2. Copies kept by CGI and community

16.3. Witnessed by government authority

PHASE 6: IMPLEMENTATION & MONITORING

Step 17: Establish Joint Management Committee

17.1. Members:

17.1.1. CGI representatives

17.1.2. Investor

17.1.3. Government observer

Step 18: Monitor Performance

18.1. Track:

18.1.1. Payments made

18.1.2. Jobs created

18.1.3. Projects delivered

18.1.4. Tool: Simple Community Scorecard

Step 19: Financial Accountability

19.1. Public reporting of revenues

19.2. Transparent use of funds

PHASE 7: CONFLICT RESOLUTION

Step 20: Grievance Mechanism

20.1. Clear process for complaints

20.2. Accessible to all community members

Step 21: Dispute Resolution

21.1. Start with dialogue

21.2. Escalate to mediation

21.3. Use courts/arbitration if necessary

PHASE 8: EXIT & LONG-TERM CONTROL

Step 22: Plan for Exit

22.1. Land must revert to community

22.2. Infrastructure remains (if agreed)

Step 23: Build Community Capacity

23.1. Train locals to manage assets

23.2. Prepare for future self-reliance

23.3. FIELD CHECKLIST (Quick Use)

23.4. Before signing any deal, confirm:

23.4.1 Community consent obtained

a Land clearly defined

b Benefits clearly quantified

c. Environmental safeguards included

d Dispute mechanism agreed

e Exit terms defined

23.4.2 BOTTOM LINE: This toolkit ensures CGIs:

a. Negotiate from strength, not desperation

b. Protect community land sovereignty

c. Secure real, measurable benefits

d. Avoid exploitative agreements

Submission (5): **Reference Sheet for Field Use: CELRGS – CGI POCKET NEGOTIATION CARD**

1. ***MANDATE FIRST***

1.1. Community assembly approval

1.2. Signed resolution

1.3. Clear priorities & non-negotiables

2. ***KNOW YOUR VALUE***
    2.1. Land defined (size, boundaries)
    2.2. Resources identified
    2.3. Strong negotiation team (incl. women & youth)
3. ***CHECK INVESTOR***
    3.1. Identity & financing verified
    3.2. Track record confirmed
    3.3. No proof / rushing / secrecy = WALK AWAY
4. **COMMUNITY CONSENT (FPIC)**
    4.1. Explain benefits & risks clearly
    4.2. Free, Prior & Informed Consent
    4.3. No consent = NO DEAL
5. ***NEGOTIATE CORE TERMS***
    5.1. Land: size, duration, return rights
    5.2. Money: fees, royalties, revenue share
    5.3. Equity: community ownership stake
    5.4. Jobs: % locals + skills training
    5.5. Safeguards: environment & culture protected
    5.6. ule: Pause & Consult (never agree on the spot)
6. ***SIGN SAFELY***
    6.1. Clear written agreement
    6.2. Community understands
    6.3. Legal check if possible
    6.4. Public signing + copies shared

7. ***MONITOR DELIVERY***

    7.1. Track money, jobs, projects

    7.2. Use community scorecard

    7.3. Transparent reporting

8. ***RESOLVE & EXIT***

    8.1. Grievance system in place

    8.2. Disputes: talk → mediate → arbitrate

    8.3. Land returns to community

    8.4. Build future self-reliance

    8.5. FINAL CHECK (BEFORE SIGNING): Consent:

    8.6. Land

    8.7. Benefits

    8.8. Safeguards

    8.9. Disputes

    8.10. Exit

9. ***RULE OF THUMB***

    9.1. If unclear, rushed, or unfair → DO NOT SIGN

Submission (6)

STANDARD CONTRACT CLAUSES
(CPPs under CELRGS – South Sudan)

1. Parties to the Agreement

    1.1. Defines the contracting entities.

    1.2. This Agreement is entered into between:

        a. The Community Governance Institution (CGI) acting on behalf of the community; and

        b. [Investor/Company Name].

2. Purpose of the Agreement
    2.1. Clarifies the objective.
    2.2. The purpose of this Agreement is to allocate defined community land for investment under mutually agreed terms that ensure community benefit, sustainability, and lawful use.
3. Description of Land / Project Area
    3.1. Specifies exact scope.
    3.2. The land subject to this Agreement is located at [Location], measuring approximately [Size], with boundaries defined in Annex A.
4. Tenure and Duration
    4.1. Defines timeframe.
    4.2. This Agreement shall be valid for a period of [X years], renewable upon mutual consent and performance review.
5. Community Consent Clause (FPIC)
    5.1. Protects legitimacy.
    5.2. This Agreement is based on Free, Prior, and Informed Consent (FPIC) obtained through recognized community decision-making structures.
6. Benefit Sharing Mechanism
    6.1. Ensures tangible returns.
    6.2. The Investor shall provide benefits including:
        6.2.1. Annual land lease payments
        6.2.2. Employment quotas for community members
        6.2.3. Social infrastructure (schools, water, health, etc.)
        6.2.4. Revenue-sharing percentage: [X%]

7. Roles and Responsibilities: Clarifies duties.
   7.1. CGI:
      a. Ensure peaceful access to land
      b. Represent community interests
   7.2. Investor:
      a. Develop project as agreed
      b. Comply with laws and standards
      c. Deliver agreed benefits
8. Environmental and Social Safeguards
   8.1. Protects land and people.
   8.2. The Investor shall conduct Environmental and Social Impact Assessments (ESIA) and implement mitigation measures in line with national and community standards.
9. Employment and Local Content
   9.1. Promotes inclusion.
   9.2. Priority shall be given to qualified community members for employment and local procurement.
10. Payment Terms
   10.1. Defines financial flows.
   10.2. All payments shall be made transparently through agreed channels and documented in quarterly reports.
11. Monitoring and Compliance
   11.1. Ensures accountability.
   11.2. A Joint Monitoring Committee (JMC) shall oversee implementation and
   11.3. Compliance with this Agreement.

12. Dispute Resolution

    12.1. Prevents escalation.

    12.2. Disputes shall be resolved through:

    a. Community mediation

    b. Arbitration

    c. Competent courts (if necessary)

13. Termination Clause: Defines exit conditions.

    13.1. This Agreement may be terminated if:

    a. Material breach occurs

    b. Failure to deliver agreed benefits

    c. Violation of laws or community rights

14. Force Majeure:

    14.1. Covers unforeseen events.

    14.2. Neither party shall be liable for failure to perform due to events beyond reasonable control (e.g., conflict, natural disasters).

15. Amendment Clause

    15.1. Allows flexibility.

    15.2. This Agreement may only be amended through written consent of both parties and community approval.

16. Transparency and Disclosure

    16.1. Builds trust.

    16.2. Key terms of this Agreement shall be publicly disclosed to the community.

17. Governing Law: Anchors legality.

    17.1. The laws of the Republic of South Sudan shall govern this Agreement.

18. Signatures and Witnesses

    18.1. Final validation.

    18.2. Signed by authorized representatives and witnessed by community leaders and relevant authorities.

    18.3. Optional Add-ons (Recommended)

        a. Gender inclusion clause

        b. Youth participation clause

        c. Cultural heritage protection clause

        d. Security arrangements clause

Submission (7)

RIGHTS FOR INVESTMENT AUTHORITY ACT, [2027], The (CLRIA Act)

PREAMBLE

- **GUIDED** by and firmly committed to the explicit provisions of the Revitalized Transitional Constitution of the Republic of South Sudan (RTCRSS)—in particular Articles 2, 33, 37, 166(6), 167, 168, 169(3), 171(5), 202, and 203—as well as the relevant provisions of the Local Government framework, this instrument affirms its foundation in constitutional authority, democratic governance, and the rule of law.

- **Consensually agree** on dire need for specific Act of Law operationalizing constitutional provisions on sovereignty, participation, equality, decentralization, and resource sharing by creating a structured system for governing community land in the context of investment. It bridges customary and statutory systems while ensuring inclusive and sustainable development.

- **WHEREAS** sovereignty belongs to the people in accordance with Article 2 of the Constitution;
- **RECOGNIZING** the right to participation under Article 33 and the right to property under Article 28 read together with Article 37 on equality and non-discrimination;
- **MINDFUL** of the decentralized system of governance under Articles 47, 166(6), 167, 168, 169(3), and 171(5), which recognize the role of local governments and traditional authorities;
- **AWARE** of the need for equitable sharing of resources and development as provided under Articles 202 and 203;
- **ACKNOWLEDGING** the role of customary land tenure and community governance institutions in land administration;
- **NOW THEREFORE,** this Act is enacted to operationalize community land rights in investment governance.

PART I: PRELIMINARY PROVISIONS

Section 1: Short Title and Commencement

This Act may be cited as the Community Land Rights for Investment Authority Act, (2027).

Section 2: Purpose of the Act

This Act gives effect to:

2.1. Article 2 (People's Sovereignty);

2.2. Article 33 (Public Participation);

2.3. Article 37 (Equality and Non-Discrimination);

2.4. Articles 166–171 (Socioeconomic Development, Community Lad Rights and Governance and Traditional Authority);

2.5. Articles 202–203 (Constitution Making Process).

PART II: ESTABLISHMENT OF THE AUTHORITY

Section 3: Establishment:

3.1. There is established the Community Land Rights for Investment Authority (CLRIA).

3.2. The Authority derives its legitimacy from the sovereignty of the people as enshrined in Article 2 of the Constitution.

Section 4: Legal Status and Constitutional Link

The Authority shall:

4.1. Operate within the framework of Community-Equity Federalism governance under Articles 33, 37, 166 and 171;

4.2. Coordinate with the South Sudan Land Commission as mandated under the Constitution;

4.3. Recognize customary authority structures in accordance with Articles 33, 37, 166, 167, 168 and the Laws of South Sudan.

PART III: FUNCTIONS AND POWERS

Section 5: Functions (Constitutional Sources of Legislation)

The Authority shall:

5.1. Ensuring Constitutionalism, customs, traditions of the Peoples participation in land decisions in line with Article 33;

5.2. Promote equality and inclusion under Article 37;

5.3. Regulate land-based investments consistent with equitable resource sharing (Articles 37–166);

5.4. Fulfilling the mandated recognition integration and involvement of community-based institutions in self governance, interactive participatory approach, and Community Land Rights Laws under Articles 166(6)(c) and 171(5);

5.5. Safeguard community land rights as an expression of people’s sovereignty [Article 2 and 171(5)].

PART IV: COMMUNITY LAND GOVERNANCE

Section 6: Recognition of Community Land Rights

6.1. Community land rights shall be recognized as constitutionally protected interests derived from:

6.2. People’s sovereignty (Article 2);

6.3. Property rights principles;

6.4. Customary governance systems recognized under Article 166(6)(c) and 171(5) Community Land Rights Law.

Section 7: Free, Prior and Informed Consent (FPIC)

7.1. FPIC is a constitutional requirement derived from Article 33 on participation and 166(6)(c).

7.2. No investment shall proceed without demonstrable community consent subject to the regulatory compliance frameworks compatible with Constitution and the Laws of South Sudan;

PART V: INCLUSION AND EQUALITY

Section 8: Equality and Non-Discrimination

8.1. All land governance processes shall comply with Article 37: all levels of government objectives:

8.1.1. Promoting indigenous private sector development

8.1.2. Ensuring equal participation regardless of gender, age, or status.

Section 9: Women and Youth Participation in accordance with the R-TCRSS article 9:

9.1. Women and youth shall have guaranteed representation in decision-making bodies.

9.2. This provision operationalizes constitutional equality and social justice principles.

PART VI: Community Equity Led Resource Governance Strategy (CELRGS) principles in LAND GOVERNANCE

Section 10: Community Governance Institutions (CGIs) and FSSIs governments shall exercise land governance functions in accordance with Articles 171(5) and relevant laws.

Section 11: Role of Traditional Authorities

Traditional authorities (TALs) and their respective NCOTAL and State COTALs shall:

11.1. Participate in land administration under the Constitution and Laws of South Sudan;

11.2. Ensure customary legitimacy of land decisions;

11.3. Collaborate with statutory state institutions in accordance with Constitution Schedules on exclusive, concurrent, residual powers and solution mechanisms for resolving conflicts arising from concurrent powers between CGIs and FSSIs.

PART VII: RESOURCE GOVERNANCE AND INVESTMENT

Section 12: Equitable Resource Sharing: All investments shall comply with the Constitution and the Laws of South Sudan by ensuring:

12.1. Fair distribution of benefits;
12.2. Community development contributions; and (c)
12.3. Transparency in revenue flows.

PART VIII: ENVIRONMENTAL AND LAND USE PLANNING

Section 13: Sustainable Development Principle

13.1. Land use planning shall align with constitutional principles of sustainable development and
13.2. Intergenerational equity.

PART IX: TRANSPARENCY AND ACCOUNTABILITY

Section 14: Public Accountability

14.1. In line with Article 33, all land agreements shall be publicly disclosed and
14.2. Subject to community oversight.

PART X: DISPUTE RESOLUTION

Section 15: Multi-Level Dispute Resolution: Dispute resolution shall reflect decentralized governance principles:

15.1. Community mediation (customary level);

15.2. State-level arbitration;
15.3. National adjudication mechanisms.

PART XI: ENFORCEMENT

Section 16: Constitutional Compliance: Any violation of this Act shall constitute a violation of constitutional principles, particularly:

16.1. People's sovereignty (Article 2);
16.2. Equality (Article 37);
16.3. Participation (Article 33).

PART XII: COORDINATION

Section 17: Institutional Coordination: The Authority shall collaborate with:

17.1. The South Sudan Land Commission;
17.2. The National Council of Traditional Authorities and Leaders (NCOTAL);
17.3. Relevant ministries and state governments.

PART XIII: MISCELLANEOUS

Section 18: Regulations: The Authority may issue regulations necessary to give effect to this Act and the Constitution.

National Council of
Traditional Authority Leaders
Steering Committee

The Interim NCOTAL Secretariat, Juba, The Republic of South Sudan

NCOTAL Conference- Draft

a. **Venue: TBD-** Juba South Sudan

b. **Dates:** TBD

c. **Conference Theme:** ***“Advancing People’s Sovereignty:***

d. **Conference Strategic Frameworks:**

   i. *“Revitalizing Traditional Authorities Institutions in advancing Peoples’ Sovereignty, Inclusive Governance and Peaceful Dialogue for Unity in Diversity in South Sudan.”*

   ii. *“Institutionalizing People-Centred federal Governance for Sustainable Peaceful Coexistence and Constitutionalism.”*

   iii. Adopt policies enabling NCOTAL-led institutions to serve as bridge mechanisms advancing people-to-people peacebuilding and inclusive governance rooted in indigenous norms, community-equity resource governance (CELRGS), and community wealth building.

1. **Conference Framework Goals**

   1.1 ***Overall Goal:*** To convene a National NCOTAL Conference that strengthens the collective role of Traditional

Authority Leaders in peacebuilding, civic engagement, nationstate identity and nationhood towards a multinational and multiregional South Sudan.

1.2 **Overall Objective:** Unity of purpose among Traditional Authority Leaders in support of peaceful constitutional engagement and national cohesion.

1.3 ***Specific Objectives***

1.3.1 Call for Inclusive National Dialogue led and supported by Traditional Authority Leaders.

1.3.2 Adoption of a Civic Engagement Charter committing stakeholders to non-violence, rejections of hate speech, and peaceful constitutional processes.

1.3.3 Capacity-building for NCOTAL structures at national, state, and local levels.

1.3.4 Socio-Economic Empowerment for Peacebuilding, with emphasis on rural development, women, and youth through: Community Wealth Building (CWB) approaches thus enabling Community-Driven Development Programs (CDDPs) mechanisms.

2. **Project Holder:** Interim NCOTAL Secretariat

3. **Facilitating Partner:** CLIP (See Attachment MoU)

4. **R-TGoNU Support Modalities:**

4.1. R-TGoNU Lead, Guidance by the Ministry of Peacebuilding

4.1.1. Convene funding partners to confirm pledges

4.1.2. Seek Council of Ministers endorsement dates and venue and direct States and Administrative

Areas to collaborate in facilitating States COTALs delegates to attend the Conference;

4.1.3. Enabling NCOTAL institutions to collaborate with States Ministry of Peacebuilding to conduct NCOYAL States Conferences;

4.1.4. *The Conference shall be held under the auspices of President Salva Kiir Mayardit.*

5. **Support Modalities:**

This program is envisaged in short and long-term phases. The long-term phase shall commence upon the NCOTAL establishment as a result of a successful NCOTAL Conference in March 2026. This phase shall begin with the end of a successful short phase. This proposal is seeking support for the short-term phase, in n the next 5 months (February 2026 to June 2026). During this phase, the interim NCOTAL Secretariat/CLIP collaboration establish the Conference Organizing Committee (CoC) that shall:

5.1. Continue to engage potential partners to seek committed financial, in-kind, technical and professional services pledges;

5.2. Convene All Partners Meeting to confirm pledges by mid February 2026

5.3. Seek in-kind support for immediate office space/ equipment and appointed Chief Consultant to lead Conference Secretariat with ToRs to ensure effective communication, preparation, conduct of the conference and submission of the Conference Report by mid April 2026

5.4. Office space is urgently needed to accommodate the established CoC, this is to instrumentally implement Secretariat plans to mobilise the pledges and keep all partners engaged as follow:

5.4.1. The Chief Consultant as the team leader to report to the Interim NCOTAL Secretariat Secretary General.

5.4.2. One Chief Reporter, 3 notes takers and media team

5.4.3. Consultation with a Legal Team providing professional services by drafting and compiling NCOTAL Rule and Regulations and Presentations of Policies to be discussed and approved by the NCOTAL Conference 2026;

5.4.4. The CoC is the instrument through which the NCOTAL/CLIP Collaborators shall reach out countrywide in states and abroad, if any.

5.5. Continue public and media engagement

5.6. There is an urgent need for office equipment, stationary, reasonable means of shared transport, refuelling and services.

5.7. The CoC shall establish mechanisms indicating schedules to keep all partners informed and engaged.

5.8. The NCOTAL/CLIP signed MoU, as attached, grant the NCOTAL Conference Organization Committee to access banking facilities.

6. **Attached Documents**

   6.1. NCOTAL/CLIP Mou

   6.2. Recommendations from the COTAL Conference in Juba - NCOTAL Secretariat

   6.3. NCOTAL Appeal for Legal Services

7. **Problem Statement**

Why now, is the NCOTAL Conference 2026 should top the priorities? South Sudan's governance and statebuilding efforts continue to be constrained by weak constitutional legitimacy and the politicization of violence through ethnocentric power sharing arrangements. A persistent challenge is the mislabelling of localized criminality and traditional conflict practices as Ethno-Military Violent Political Extremism (EMVPE). This conflation distorts policy formulation, weakens rule of law, and undermines effective security sector and governance responses.

Following the 2013 political crisis, complex political and security dynamics were reduced to narrow ethnic narratives, a pattern that continues to shape public discourse and institutional decision-making. Today, criminal incidents are increasingly framed as political or coup-related threats, enabling non-state and criminal actors to claim ethnic or political legitimacy and avoid accountability. This dynamic erodes institutional credibility, fuels mistrust between citizens and the state, and obstructs inclusive governance reforms.

The absence of credible intermediary institutions capable of linking communities with formal governance structures remains a critical structural gap. Strengthening nationally recognized platforms anchored in Traditional Authority Leaders is essential to improve conflict analysis, mediate disputes, enhance accountability, and support inclusive dialogue. Addressing this gap will contribute to improved governance effectiveness, reduced political violence, and a transition from militarized power competition toward constitutional order, nationstate identity, and inclusive development grounded in unity in diversity.

8. **NCOTAL Conference Background and Justification**

South Sudan continues to experience recurrent cycles of political and communal violence. This instability is largely driven by exclusive, ethnopolitically negotiated power-sharing arrangements that grant disproportionate privileges and entitlements to warring elites. Such arrangements inadvertently incentivize continued investment in Ethno-Military Violent Political Extremism (EMVPE). As a result, peace consolidation, inclusive governance, and socio-economic recovery remain persistently undermined. Core drivers include identity-based political mobilization, weak institutional legitimacy, and the prolonged absence of a fully consensual constitutional order. Conflict analyses consistently identify EMVPE as a major source of instability in South Sudan. The EMVPE constrains peaceful political participation, weakens social cohesion, and erodes public trust in state institutions. These risks directly align with conflict-prevention concerns articulated in African Union (AU), IGAD, and UN Peacebuilding Fund (PBF) frameworks.

In the South Sudanese context, EMVPE manifests through the systematic marginalization of Traditional Authority Leaders (TALs) in the negotiation and implementation of weakly facilitated, elite-driven power-sharing arrangements. Where TALs are excluded from governance implementation, political and military actors are able to instrumental ethnic identity for mobilization. The erosion of TALs' institutions undermines customary conflict-prevention mechanisms and fuels inter-communal distrust. Consequently, ethnic identity is increasingly invoked to justify armed violence linked to competition over political power, territorial control, and access to public resources. These practices directly contradict AU, IGAD, and UN principles on constitutionalism, inclusive governance, and peaceful political competition.

These dynamics persist in an environment characterized by low inter-communal trust, limited mechanisms for peaceful coexistence, and weak early-warning and prevention systems for violent extremism. The continued marginalization of TALs perpetuates fragmented civic and governance structures, particularly at sub-national and community levels. Collectively, these conditions heighten the risk of conflict relapse and weaken national peacebuilding capacity.

The weakening of the TALS-led Confederal Communal Governance Institutions (CCGIs), largely due to the non-establishment of the National Council of Traditional Authority Leaders (NCOTAL) that further aggravates the situation. Historically, TALs have played a central role in mediation, conflict prevention, and customary justice. However, their effectiveness has declined as a result of delayed institutional establishment, limited legal recognition, and weak integration of the status, roles, and functions of NCOTAL and corresponding State-level COTALs. These gaps have constrained incorporation of TALs guided community-led conflict prevention, mutual trust, and peaceful coexistence.

This decline persists despite clear mandates under the Revitalised Transitional Constitution of the Republic of South Sudan (R-TCRSS), the Local Government Act (2009), and the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS, 2018). Consequently, community-based peace infrastructures remain largely underutilized.

Similarly, while periodic Governors' Forums and state-level engagements have been convened, implementation of agreed outcomes remains weak. The objectives and recommendations of the South Sudan National Dialogue (2017–2019) have also not been fully realized, largely because NCOTAL was not established as a central actor linking ethnicities and cultural communities laterally and vertically with the National, States and Local Governments with the CCGIs. Decisions remain largely non-binding, because Traditional Authority Leaders are insufficiently involved in problem analysis, solution design, and implementation. This limits national ownership and community legitimacy, contrary to principles of inclusive and participatory governance. Establishment of the NCOTAL and State-level COTALs would ensure instrumentally clear delineation of exclusive, concurrent, and residual powers between CCGIs and statutory state institutions, including robust conflict-resolution mechanisms to address disputes arising from the exercise of residual powers.

These governance gaps are most evident in rural and conflict-affected areas, which host the majority of the population and where state presence remains limited. In such contexts, TALs continue to be the most legitimate and trusted actors. As South Sudan approaches general elections, their continued exclusion risks undermining civic engagement, voter education, and peaceful political participation.

As the country advances toward constitutional processes and future elections, these risks will intensify unless TALs are formally recognized, institutionally anchored, and effectively integrated at national, state, and local government levels through consensually agreed and constitutionally binding exclusive. Limited civic and voter education further creates fertile ground for identity-based manipulation and political violence. Strengthening inclusive, community-level peace actors through the full establishment of NCOTAL is therefore essential.

Addressing these institutional and structural gaps is critical to preventing identity-driven violent extremism and to strengthening inclusive governance, social cohesion, and nationally owned peacebuilding through Traditional Authority Leadership.

Since 2022, the UNMISS Political Division has facilitated consultative workshops which combine, successfully advanced understanding and practice of inclusive dialogue on the status, roles, and functions of Traditional Authority Leaders (TALs). These efforts are documented in respective reports and in the South Sudan Kuluna Sawa booklet, series of the Radio Miraya talk shows, and parallel consultations through South Sudan Council of Churches (SSCC) member churches. Due to financial constraints, participation was limited to Juba-based TAL representatives, falling short of the Local Government Act (LGA) 2009 requirements on the mandated NCOTAL composition. UNMISS Political Division support permitted a giant step in establishment of an Interim NCOTAL Secretariat. Upon establishment it instrumentally engaged the Ministry of Justice. The Ministry welcomed the initiative and committed into supporting legal recognition, incorporation, and constitutional alignment of TALs. These shall include compliance with the mandates to establish the NCOTAL and State-levels COTALs. The Secretariat also formed a partnership with the Church Leaders Initiative for Peace (CLIP). A

MoU is discussed and signed by the two collaborators[7]. Together the new collaborative partnership secured UNDP support in July 2025[8]. All initiatives converged on the priority of convening a national NCOTAL conference with representation from all ten states and the three Administrative Areas.

9. **Proposed Conference Agenda**

a. ***Day one- TBD:*** Opening Session and celebrations including a Prayers/Lunch (Host and venue and protocol to be determined)

b. ***Day Two- TBD: Discussion on status, roles and functions of the TALS and their NCOTAL as legislative institutions at national, states and Local Government Institutions*** as mandated by the R-TCRSS (2011), as amended, Articles 33: *Rights of Ethnicities and Cultural Communities*, 37(2)(b): **Government Economics Objectives**, 167(1,2,3), 168(1,2), read together with LGA 2009, Sections 6.4, 8.3 *the Community Government*; 107: *The Community;* the LGA 2009: sections 112, 110, 120 and 121: T**he Council of Traditional Authority Leaders (COTALs)**; articles 202 and 203: **the Constitution Making Process**;

c. ***Day Three- TBD: Role of Traditional Authority Leaders at national and state levels Collective call for inclusive political dialogue*** binding on the Extended R-ACRSS 2018, Chapter 4, 5 and 6 specially 6.2, 6.2.1, 6.2.3, 6.2.4, 6.2.5, 6.2.8 and 6.4

7 See attached MoU

8 See attached Report on the workshop.

d. ***Day Four- TBD:*** *Civic Engagement Charter on Commitment to ending violence and hate speech*

e. ***Day Five- TBD:*** *Promotion of inclusive internal communal dialogue and Engagement in the Constitution-Making Process to define nation-state identity and nationhood through peaceful means*

f. ***Day Six- TBD:*** *Communiqué and Closing Remarks to be followed by Cultural Festivities*

g. ***Day Seven- TBD:*** *Departure*

10. **Capacity Building**

a. Institutional strengthening of NCOTAL and affiliated traditional structures

b. Socio-Economic Empowerment and Peace Building Roles by the Confederal Communal Government Institutions and the COTAL institutions countrywide.

c. Rural development strategies

d. Women and youth-focused economic empowerment initiatives

11. **Roles and Responsibilities**

11.1. Partners/Collaborators (Proposed Support)

11.1.1. International political and diplomatic endorsement

11.1.2. Logistical support

11.1.3. Capacity-building support for: Faith-Based Institutions, NCOTAL structures (See attached MoU)

11.1.4. Women and youth at national, state, and local government levels

12. **Participation and Representation**

12.1. **Patronage:** Conference to be held under the auspices of H.E. President Salva Kiir Mayardit (subject to confirmation).

12.2. **Delegates**

12.2.1. ***States (10):*** Minimum of 5 delegates per state: At least 2 women representatives

12.2.2. ***Special Administrative Areas (3):*** Minimum of 2 delegates per area At least 1 woman representative

12.2.3. ***Presidential Appointees:***

12.2.4. Delegates: Minimum 35% women representation National Bodies: national Youth Union and National Women's Union

12.2.5. ***Facilitators and Resource Persons:*** To be determined

12.2.6. ***Invited Dignitaries:*** To be determined

13. **Follow-Up Actions**

13.1. Resource Mobilisation and Fundraising: Led by the Church, respective levels of government, dignitaries, and State COTALs

13.2. Ownership and Contribution: Material and financial contributions from stakeholders to reinforce national ownership of the process Project Ownership and Institutional Arrangements