



The Electoral System for South Sudan: Apportioning Immediate to Long-term Needs

By Robert Gerenge

The people of Southern Sudan overwhelmingly voted for self-determination in the January 2011 referendum that gave rise to the world's newest state, the Republic of South Sudan. With 98% voting for secession, this seemed the yearning of a lifetime, thanks to the Comprehensive Peace Agreement (CPA) that made this democratic exercise possible, among a plethora of other provisions. As the six-year old CPA that marked an end to Africa's longest civil war pitting the Khartoum Government and the Sudan People's Liberation Movement/Army (SPLM/A) lapses in July 2011, and formally giving way for the sovereigns in South Sudan to determine their future, the new political dispensation will pose opportunities, challenges and choices.

One of the most crucial choices that will face framers of the new Constitution will be the type of electoral system that will be adopted. This system will need to take cognisance of the social and political fabric of the new South Sudanese state. Beyond its primary effect of translating votes cast into seats in Parliament, an electoral system shapes party systems. For instance, the 50 per cent plus one system for presidential elections is susceptible to creation of party coalitions as seen recently in Guinea and Democratic Republic of Congo. An electoral system also plays a role in societal conflicts, either by aggravating or reducing tensions especially in relation to the question of inclusivity or exclusivity of groups or interests in governance. The First-Past-the-Post system (FPTP), at times referred to as "Winner-Take-All" may have had a bearing on the ubiquitous conflicts that have characterised Kenyan elections since 1992 with its epitome in 2007. There, contests have been characterised by political elites manipulating the electoral system to preserve and enhance their grip on power, through practices such as gerrymandering; all because of the perceived or apparent gain of those with access to political power to the exclusion of the rest. Nonetheless, the Kenyan experience does not prejudice some of the benefits of the FPTP system, such as direct lines of accountability between MPs and their constituents. Within the broader democratic framework, the electoral system also has a bearing on the system of government of a country; especially the relationship between the executive and the legislature, which may produce governance paralysis or efficacy depending on the system of government, and to some extent, the type of electoral system.



Woman showing off her ink-marked finger after voting in the January 2011 referendum in Southern Sudan. Photo courtesy of Suleiman Abdullahi (<http://upiu.com/>)



The ensuing complex and rather delicate state-building process in post-July 2011 South Sudan will take place against the backdrop of very high expectations for the dividends of secession by the citizens, which the new state may be incapable of attending to, both in the short-term and medium-term, posing a further threat to the fragile state. With hopes high, people expect their social and material conditions to change soon in this highly impoverished society. Having dealt with the common “enemy” (the North) through the referendum, political and social fissures that had previously been sublimated in the South have now begun to re-emerge. Since January 2011, over 1000 people have lost their lives due to conflict between the Government of Southern Sudan and armed militia. This is intra-Southern Sudanese conflict, not between North and South as was the case previously. More so, should the people of Abyei choose to unite with South Sudan in the impending referendum, the latter will need to consider the unique dynamics of this oil-rich territory: the perennially conflictual relationships between the Misseriya Arabs who are akin to the North and the Ngok Dinka who are akin to the South.

When deciding which electoral system to adopt, most countries look at their history and the prevailing social and political factors such as the existence of minorities and ethno-demography, political configuration such as diversity of interest and ideological groups including demobilised militia groups in post conflict settings who have political aspirations and so forth. For South Sudan, all these issues are relevant in their considerations. Often, highly segregated societies opt for Proportional Representation (PR) systems in order to promote politics of geometrical tolerance, otherwise referred to as politics of accommodation. The immediate objective here is normally to promote representation with ultimate goal of attaining peace and political stability. South Africa is a case in point. However, this system deprives accountability of the elected to the electorate and hence has the propensity for nurturing poor governance.

In South Sudan, the numerical dominance of Sudan People’s Liberation Movement (SPLM) within the government does not augur well for proponents of direct accountability, and by implication, for democratic development. Yet for ordinary people with high hopes for dividends of secession, what will ultimately matter is whether their social and economic needs are met, not in ten years time but “very soon” with potential backlash effects if these dividends are not forthcoming. Even though such social and economic needs cannot be attended to instantaneously, regardless of the type of government, *ceteris paribus*, a government that does not shoulder a reasonable amount of accountability for its performance will leave a lot to be desired. This is the dilemma between “needs and necessity” that is likely to face South Sudan.

Plurality/Majority systems such as FPTP and Two-Round Systems that carry the promise of accountability deprive the representational aspects which a PR system delivers, especially when it comes to minority groups or interests. Mixed systems have been appropriated by countries such as Lesotho to accommodate the benefits of both proportional representation and plurality/majority systems. But experience in Lesotho has shown that such benefits can be circumvented by party interests. The gist of this thread of argument is not to create some sort of a ‘no way forward’ but to bring to fore the essence of calibrating both immediate and medium/long-term needs for the people of South Sudan within the strand of choice of an electoral system. After all, electoral system is just a segment in the Constitution and overall democratic architecture. That said, the framers of the new Constitution for South Sudan must keep these issues in mind when deliberating on their preferred electoral system. Unlike most African states, which systematically inherited colonial relics that shaped their post independence state-building processes, South Sudan has, arguably, relatively more latitude in terms of [political] choices. Even so, it is essential to apportion immediate to long-term needs when making such choices in order to be successful.