



Political Elites and the Contested Constitutionalization of Federalism in South Sudan: Power, Identity and Strategic Ambiguity

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ABSTRACT

This article attempts to examine the process of the “constitutionalization” of federalism and its implications for governance and peacebuilding as seen in the eyes of political elites. The study is of convergent mixed methods design which involves the use of a survey, key informant interviews, focus group discussions, and documentary analysis. The findings suggest that political power, resource interests, political survival, identity, coalition dynamics and evolving political opportunities influence elite federalism involvement. Nevertheless 79.5%-84.0% of the respondents felt that elite opposition to federalism was characterized by a desire for central authority and political control, and 72.7% indicated that there was a gap between elite endorsement and action. Elite perspectives were also significantly associated with perceived peacebuilding outcomes ($R = .433$; $R^2 = .188$; $p < .001$), while the addition of governance factors increased the explanatory power of the model to $R^2 = .288$. The article demonstrates that federalism is not merely a constitutional design exercise but a political process. It elaborates the concept of **Strategic Constitutional Ambiguity** to shed light on how unresolved constitutional issues can preserve room for manoeuvre, delay the redistribution of power, and keep political options open. It also theorizes **managed incompleteness** as a condition in which political accommodation can be maintained even when institutional settlement remains incomplete. In turn, durable federalism requires converting political compromises into joint, participatory, and institutionalized governance.

Keywords: Federalism; political elites; South Sudan; constitutionalism; strategic constitutional ambiguity; peacebuilding.

INTRODUCTION

Federalism has become a permanent feature in the constitutional and political discourse in South Sudan. It is based partly on the country's deep social and political diversity and on long-standing anxieties about the dominance of central power, political exclusion, unequal access to resources and decision-making power. Federalism has therefore been treated by many of its proponents as an institutional framework to manage territorial diversity and integrate subnational autonomy with national governance (Livingston, 1952; Fessha & Dessalegn, 2022). Yet the constitutionalization of federalism presents a fundamental political difficulty. A meaningful federal arrangement redistributes political authority, administrative responsibility, fiscal resources, and institutional influence between the centre and constituent units. Federalism therefore affects not only the structure of the state but also the interests of political actors occupying different positions within that structure. The question of federalism consequently becomes a question of who gains, who loses, who exercises authority, and who controls the institutions through which resources and political decisions are distributed. Political elites therefore occupy a pivotal position in determining whether federalism becomes constitutionally entrenched, remains rhetorically acknowledged, or is resisted altogether. Comparative evidence demonstrates that federalism is shaped by political bargaining as well as constitutional design. In Nigeria, political-class struggles have interacted with ethnic and regional cleavages, shaping struggles over federal power-sharing,



while continuing demands for constitutional reform reflect unresolved contestation over the distribution of powers between the federal center and constituent units (Ohazuruike, 2022; Suberu, 2023).

In Ethiopia, federalism emerged as an institutional response to politically mobilized ethnonational diversity, while changing political dynamics and elite political culture have shaped its operation (Fiseha, 2019; Gedamu, 2021). These experiences suggest that federalism is not simply a constitutional mechanism for managing diversity but a politically negotiated institutional arrangement, with the existing relationship especially relevant in South Sudan. Its constitutionalization is still caught up in a precarious arrangement of politics, in conflicting state-building processes, and in unresolved issues over the allocation of authority between the national and subnational levels. Decentralization is also contained in the Transitional Constitution, 2011 (as amended), and the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) has established a permanent constitution-making process based on a federal and democratic system and devolution of powers and resources to subnational units (Republic of South Sudan, 2011; IGAD, 2018).

This article is thus not trying only to explain why federalism is desired in South Sudan. Instead, it asks how political elites filter the flow of the shift from the societal demand for and political acceptance of substantive constitutional and institutional federalization. This is noteworthy because political support does not necessarily lead to institutional action. According to the study, 72.7% of the respondents felt that there is a mismatch between public endorsement for federalism and its actual practice. Meanwhile, over four-fifths of respondents believed that resisting federalism is part of elite resistance, and felt that they are losing centralized political authority and dominance. This indicates that elite interactions with federalism are more correctly described as a politicized maneuvering for strategic positioning than as any "federalist" or "anti-federalist" stance. The article thus offers four related arguments. Firstly, political elites who benefit from the central authority have an interest in opposing political restructuring when they feel that federalization will have an adverse effect on their political advantages. Second, elites that are not part of the dominant political system might see federalism as a way to gain representation, autonomy, and political power. Third, the endorsement of federalism can be achieved in the face of an implementation shortfall; that is, political actors can affirm the legitimacy that comes with federalism, but they can reject or delay its distributive institutional ramifications. Fourth, constitutional uncertainty can become politically relevant. This article theorizes about this possibility under the term Strategic Constitutional Ambiguity. Strategic Constitutional Ambiguity is the state in which unresolved constitutional arrangements become politically useful because they offer some flexibility for bargaining, delay hard choices about power and resources, and enable political players to adjust to the evolving political context. The idea is not to imagine that all the constitutional ambiguity is a "purposeful" creation by certain individuals. Instead, it points to a political process by means of which uncertainty can be beneficial in an unsettled political structure.

The present article, drawing on the Political Settlement Approach, focuses on the interplay between power distribution, elites, power bargaining, and institutional outcomes (Khan, 2010; Di John & Putzel, 2009). The South Sudanese case suggests that political settlements may sometimes be maintained not through complete institutional agreement but through what this article terms managed incompleteness: a condition in which unresolved institutional questions allow competing actors to sustain temporary accommodation without reaching definitive agreement. This study employed a convergent mixed-method approach, which involves qualitative and quantitative evidence. The results of the survey are combined with key informant interviews, focus group discussions, and documentary evidence used to analyse elite positioning, preferences for the constitution, governance, and peacebuilding. The paper has three major contributions to make. First, it treats political elites as "mediators of constitutionalization," not simply proponents or detractors of federalism. It sees political elites as "mediators of constitutionalization," not just as proponents or opponents of federalism. Second, it brings Strategic Constitutional Ambiguity into the discussion as a way in which institutional uncertainty can be politically useful in the midst of an unstable political settlement. Third, it suggests an understanding of the process of political accommodation which takes into account the incompleteness of institutional settlement. The analysis thus shifts the debate on federalism from a question of the form of federalism which South Sudan should embrace to a form focusing on its meaning and effectiveness in the South Sudan context: How, by whom, under what conditions, and through what political processes is federalism constitutionally meaningful and institutionally effective?



LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Federalism, Power and Constitutional Accommodation

Federalism is typically defined as a constitutional structure in which political authority is shared between the national and subnational levels of government, each with constitutionally guaranteed powers and some level of autonomy (Elazar, 1987; Livingston, 1952). Its importance is not limited to the formal allocation of governmental functions. Federal arrangements also shape political representation, territorial autonomy, and resource distribution among different levels of government.

Livingston's (1952) sociological interpretation is especially pertinent to divided societies in that it has made federalism a part of a continuum of social and political diversity and accommodation. Federalism can thus also offer institutional structures to enable geographically or culturally diverse communities to engage in a shared political system. Political theory introduces another level of interest, focusing on bargaining, representation, competing interests, and the distribution of political power (Zahrin & Mohamed, 2022).

The perceptions above illustrate the importance of federalism in many ethnically, regionally, linguistically, and historically diverse states. It can offer groups ways to gain recognition and autonomy without loss of a common state. These attributes can turn federalism into a useful tool of political accommodation and peacebuilding in post-conflict societies.

Federalization has its political downside as well, however. Transferring decision-making to subnational levels can diminish the influence and discretionary powers of central authorities, alter access to resources, generate new political centres and change existing relations of influence. Federalism thus is a project that is both institutional and distributive in nature.

Federalism and Political Conflict in South Sudan

The federalism debate in South Sudan is not only of a historical and political origin but extends beyond its independence. Political contestation has been dictated by questions of centralisation and decentralisation, regional autonomy, representation and resource distribution, amongst others.

The Transitional Constitution of 2011 laid the foundations of decentralization as a principle of governance, and the R-ARCSS gave further political endorsement to a federal and democratic system in the permanent constitutional process. Federalism has thus rests in a unique political landscape: it has been politically legitimated without being fully institutionalized.

Based on the existing literature, federal demands in South Sudan can be attributed to a number of causes which include historical marginalization, political exclusion, ethnic differences, unequal resource distribution and governance failures (De Chand, 1995; Abdulbari, 2013). Federalism is thus often understood as a potential way to attain unity in diversity. However, providing an explanation for the demand of federalism does not equate to providing an explanation to the contestation of its institutionalization. The unresolved question remains to be:

How is it that there is uncertainty about the concrete constitutional realization of federalism while it is recognized politically? To be able to answer this question, it is necessary to go beyond the social foundations of federalism to the political actors that mediate in the institutional translation of federalism.

Political Elites and Constitutional Outcomes

There is an unequal distribution of political institutions, constitutional negotiations, economic resources, and decision-making spaces among political elites. Constitutional arrangements, then, can, as a result, signal both societal preferences and bargaining among actors whose interests are differently impacted by constitutional change. This is what is clearly evidenced by empirical literature from Nigeria and Ethiopia. Ohazuruike (2022) demonstrates how the power struggle in the political class is linked to ethnic and regional divisions and affects power-sharing in Nigeria. Federalism is still a feature of ongoing constitutional debates and political reconfiguration, as Suberu (2023) shows.



In Ethiopia, Fiseha (2019) explores how federalism came to be an institutional solution to the politically mobilized ethnonational diversity, but also to local political dynamics. Moreover, in relation to ethnic federalism and political power reproduction, Gedamu (2021) raises the link among ethnic federalism, elites' political culture, and the reproduction of political power. All these show that federalism is not just a formal solution to diversity. It is shaped by political interests and elite bargaining in its adoption, operation and reform. Political elites can thus serve a dual role that, while related, can also be conflicting. They may moderate demands for inclusion and autonomy in society but they may also serve to defend prevailing arrangements of authority. Federalism can increase political influence, which can be a source of support for an actor, while it can also jeopardize access to centralized resources, which may be a source of opposition for an actor. Therefore, elite preferences are relational and not absolute.

The Political Settlement Approach

The main theoretical approach for this study is the Political Settlement Approach. Political settlement scholarship focuses on the linkages between power distribution, elite interests, bargaining and institutional outcomes (Khan, 2010; Di John & Putzel, 2009). Institutions are not autonomous of political power. They are instead designed, interpreted and implemented by actors with different political, economic and coercive resources.

This is an important way of thinking about federalization, as it is a mechanism of shifting authority. The establishment or development of subnational institutions may shift the balance of power between the national and local levels, influence the availability of resources and impact on political opportunities for competing coalitions. The approach establishes three expectations. First, elite interests shape constitutional preferences. Second, the nature of constitutional bargaining is shaped by existing distributions of political power. Third, the political settlement in which institutional outcomes are negotiated. These expectations are broadly borne out by the South Sudanese evidence and suggest another question: what about the end of the bargaining process if there is not a full institutional agreement?

From Political Settlement to Institutional Incompleteness

The standard approach to political settlement analysis is to focus on bargaining and negotiated accommodation. However, negotiation does not always lead to full institutionalization. In situations where actors are not completely aligned on the distributive effects of reform, it may be easier from a political perspective to delay critical choices than making a definitive agreement. Uncertainty can then keep some bargaining flexibility and keep the expectations of competing actors different regarding future institutional arrangements.

This possibility is an important difference between settlement by institutional agreement and settlement by managed incompleteness. There are ways of dealing with incompleteness without leading to political failure. The temporary incompleteness may help to accommodate where actors lack absolute trust and/or incentives for complete agreement. But failing to complete the process over an extended period can lead to institutional uncertainty, to a reduced sense of accountability, and to the generation of unresolved conflicts over authority and resources. This political flexibility-institutional certainty divide offers the conceptual link with Strategic Constitutional Ambiguity.

Strategic Constitutional Ambiguity

The core conceptual contribution of the article is Strategic Constitutional Ambiguity. It denotes a situation in which uncertainty about the constitution becomes a useful political tool to enable multiple actors to maintain bargaining space, postpone the allocation of benefits, and adjust to political developments. The distinction is important. Constitutional ambiguity describes doubt about institutional meaning, authority, allocation, or implementation. On the other hand, Strategic Constitutional Ambiguity is when such ambiguity becomes politically useful in the context of an uncertain political settlement. The concept builds on the Political Settlement Approach in two ways. First, it deflects any attention from institutional outcomes toward the degree of institutional completeness generated by political bargaining. Secondly, it implies that a political settlement can be maintained in the face of uncertainty, which can be engineered through negotiations.

The idea must not, however, be construed as an indication that such an ambiguity is intentionally created by specific elites. This empirical evidence does not prove the intentions of all the political actors, as it does not prove ambiguity to be a politically functioning system.

Conceptual Framework

The conceptual framework integrates political-elite interests, federalism, constitutional ambiguity, governance, and peacebuilding outcomes to explain the contested constitutionalization of federalism in South Sudan. It builds on the Political Settlement Approach, which emphasizes the interaction between political power, elite interests, bargaining, and institutional arrangements. The framework is an extension of this because it takes into account the process of changing from a societal demand for federalism into constitutional discussion and institutionalizing it, and how the lack of resolution of constitutional issues can provide room for continued political bargaining.

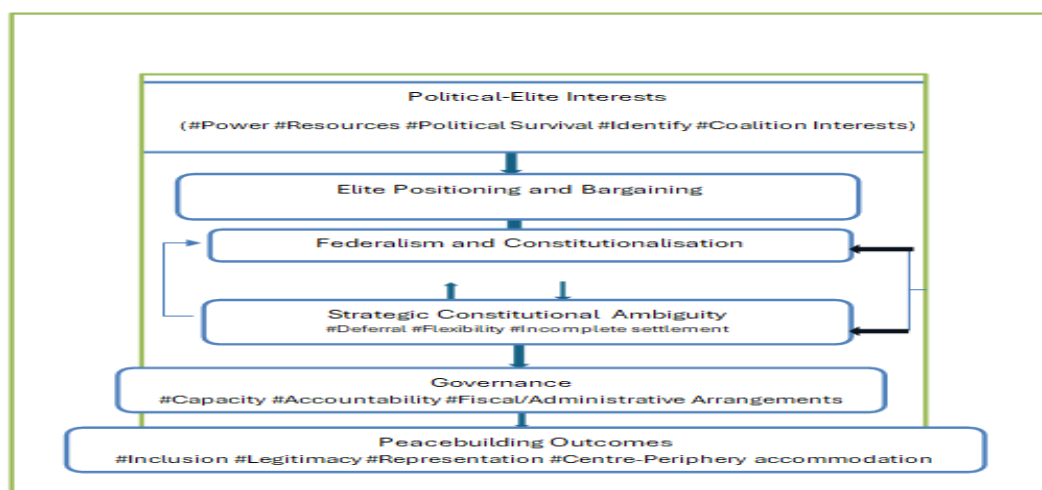
The political-elite interests are the starting point of the framework. These interests are related to maintaining or shifting political power, access to resources, political survival, positioning in constituency and identity, and coalition building. The interests that shape the willingness of elites to either support, resist, conditionally endorse, or delay support for federal reform will vary.

The main institutional question that plays a critical role in the negotiation of these interests is federalism. Federalism is a constitutional issue of authority distribution between national and subnational governments in political, administrative, and fiscal aspects. Constitutionalization thus is not merely a matter of formal recognition of federalism; it is also a negotiation about how power is actually shared, how resources are distributed, how representation is divided, and how institutional influence is exercised.

The framework then brings in constitutional ambiguity, specifically Strategic Constitutional Ambiguity as conceptualized in this study. It is when a problem over the interpretation, distribution, order, or exercise of constitutional power is politically useful because it gives actors bargaining room and postpones hard bargaining over distribution. Strategic Constitutional Ambiguity is thus not viewed as a measured quantitative variable but rather as an interpretive mechanism developed from the dialectics of elite interests, constitutional bargaining and incomplete institutional settlement.

Governance is an institutional context in which the constitutional commitments are implemented. It includes institutions' capacities, accountability, financial and administrative systems, representation, and the capacity of institutions to put agreed political systems into practice. The degree to which political and constitutional commitments then become effective institutional practices is thus influenced by governance.

Lastly, peacebuilding outcomes are the degree to which political and institutional arrangements have facilitated inclusion, representation, institutional legitimacy, accountable governance, the accommodation of centre–periphery interests and the management of political differences without further violent conflict.



Source: Author's conceptualization based on the study findings (2026)

The framework is not intended to imply a simple linear causal relationship. Rather, it depicts a dynamic political process in which the elements interact. Political-elite interests shape positions on federalism; constitutional bargaining can produce both agreement and ambiguity; ambiguity may temporarily facilitate political accommodation while postponing institutional clarification; and governance conditions affect whether constitutional commitments can be translated into effective institutional arrangements. Governance conditions may, in turn, reshape elite incentives and subsequent political bargaining.

The framework therefore advances four related propositions. First, political-elite interests influence the form and extent of support for federalism. Second, because federalization redistributes authority and resources, constitutionalization becomes a site of political bargaining among competing interests. Third, unresolved constitutional questions may generate Strategic Constitutional Ambiguity, allowing political actors to maintain flexibility while postponing difficult institutional choices. Fourth, governance capacity conditions the translation of political and constitutional commitments into institutional practices that affect peacebuilding.

This framework complements the Political Settlement Approach by extending attention beyond the distribution of power and bargaining among political actors to the consequences of incomplete institutional settlement. It consequently provides an analytical basis for examining why political agreement on federalism may coexist with uncertainty concerning its constitutional meaning, implementation, and institutional consequences.

METHODOLOGY

The research design and philosophical approach

The study used a convergent mixed-methods design based on a pragmatic philosophical approach, since pragmatism was suitable for it because the study looked at the role of political elites in the constitutionalization of federalism, a politically complicated process that involved both measuring patterns in elite perceptions and interpreting the political processes by which constitutional positions are formed, negotiated, and contested.

The quantitative and qualitative aspects were therefore employed as complementary sources of evidence and combined during the process of interpretation. The quantitative part looked at the patterns in the respondents' perceptions of the political elite's interests, political power, resource interests, political survival, identity, and the elite's position on federalism and constitutional reform. The qualitative part gave more in-depth explanations of the interests, motivations, political positioning, bargaining practices, and constitutional engagements of the political elites.

The primary data were supplemented by a documentary analysis which looked at the relevant constitutional, political and policy documents. This enabled a comparison to be made between the formal constitutional positions and commitments and the participants' descriptions of political practice and of the way in which the elites engaged with federalism.

Strategic Constitutional Ambiguity was not taken as a quantitative variable to be measured directly, but was instead formulated as an interpretive concept on the basis of the survey findings, the interviews, the focus group discussions, and the documentary evidence relating to constitutional uncertainty, political bargaining, changing political positions, the gap between endorsement and implementation, and the deferral of institutional decisions. The concept thus arose out of the empirical evidence showing how political elites deal with federalism and constitutional reform.

The study site and the population

The study took place in Juba County, in the Central Equatoria State of South Sudan. Juba was chosen since it is the main political and administrative centre of the country and because it is home to the national political institutions, the political elites, the political parties, the civil society organisations, the community leaders and all other bodies that are directly involved in discussions concerning the constitution and federalism.



The group of people included political elites, representatives of political parties, community leaders, representatives of civil society, and other knowledgeable stakeholders who had direct experience of or knowledge regarding political decision-making, constitutional reform, federalism, and the processes by which elite politicians operate in South Sudan.

The study was not aiming at considering the respondents based in Juba as statistically representative of the whole South Sudanese population; instead, it took advantage of Juba's connections to people who are closely involved in the political and institutional processes through which federalism is discussed, negotiated, and placed in the constitution.

Sampling Procedure

The study used both probability and non-probability sampling methods in keeping with the convergent mixed-methods design. In order to carry out the quantitative part of the study, stratified random sampling was mainly employed to select community leaders. Representativeness was achieved through stratification to represent the different social and geographical groups in the study population and to reduce the reliance on a single group of respondents when examining people's perceptions of political elites and constitutional reform.

A purposive sampling method was selected to identify participants whose first-hand knowledge and experience covered the qualitative dimension to address this. The participants were representatives of the political elite, political parties, civil society, community leaders and other knowledgeable stakeholders. They were chosen because they were able to give detailed information on elite interests, political bargaining, constitutional reform, federalism, and the political position of elites. Firstly, the combined sampling method enabled the study to focus on the overall pattern of perceptions of political elites, and on the more basic political processes through which elites interact with constitutional reform and with federalism.

Respondent Profile and Sample

A total of 97 questionnaires were distributed, and 88 (90.7%) were returned. The qualitative component included 43 KIIs and three FGDs with 36 participants each, 12 participants in each. The demographic factors taken into account were gender, age and level of education. These characteristics offer background information on the composition of the respondents, and are relevant in the interpretation of evidence on political elites, political positioning, and constitutional reform.

Table 1. Study participants and data sources

Data source	Participants/instruments
Questionnaires	97 distributed; 88 completed; 90.7% response rate
Key-informant interviews	43 interviews
Focus-group discussions	3 FGDs; 36 participants
Pilot study	19 participants

Gender Distribution

There was a slight male predominance, as 83.0% of people were male and 17.0% were female (Figure 4). This is because there were a lot more males than females as respondents, which means the views that were being heard in the study were significantly male dominated.

This composition is important as background for understanding the views of political elites, political positioning, federalism, and constitutional reform because of the political and institutional orientation of the



study. Concurrently, the relative size of female respondents has reduced, making the results of this sample less representative of the female population and should be treated as such when drawing conclusions from the data.

Age Distribution

The age distribution revealed that 44.3% of the respondents were aged 41–50 years followed by the 31–40 age group (36.4%). Those under the age of 30 made up 12.5% and those 51 years and older accounted for 6.8% of the respondents (Figure 5).

It can be seen from the above distribution that the majority of the respondents were within the age group 31–50 years. This age profile is important to the study because the research aimed to gather the views and experiences of people who have some knowledge and experience of the political, constitutional and institutional process in South Sudan and thus it included people in this age group.

Education Level

According to the education profile, the group of respondents were relatively highly educated. 47.7% of respondents had a university degree, 30.7% had a Master's qualification, 15.9% had a diploma, 1.1% had secondary education as their highest qualification and 4.5% had a doctoral qualification.

Hence, about 83 per cent of the respondents had university education with Bachelor's, Master's and doctoral qualifications. It is relevant to the study because the participants were required to give informed reports of political and constitutional processes such as the involvement of political elites in discussions relating to federalism and constitutional reform.

Overall, the respondent profile suggests that the study relied heavily on male adult and fairly highly educated respondents. These characteristics need to be taken into account in interpreting these findings. The sample was not meant to generate nationally representative estimates of the population of South Sudan, but rather to provide analytically useful evidence from respondents with knowledge of political and constitutional processes. The results therefore do not provide for analytical interpretation of the processes within elite political and constitutional decision-making, but do not lend themselves to generalization to all South Sudanese citizens.

The development of the research instruments

The research instruments were designed based on the research objective, research questions, literature review, conceptual framework, and Political Settlement Approach. The quantitative questionnaire mainly included structured items which were intended to record the respondents' perceptions of the political elite's interests and their position concerning federalism and constitutional reform. The questionnaire contained questions relating to the various aspects of elite involvement with federalism such as political power, resource interests, political survival, identity, and political positioning. In order to allow for a systematic comparison of the respondents' views on these different dimensions, Likert-type response scales were employed.

A semi-structured interview guide was prepared in order to obtain detailed descriptions of the way political elites have been involved in federalism and constitutional reform. The interviews looked at elite interests, political bargaining, power considerations, resource interests, political survival, identity, constitutional preferences, and the manner in which political elites influence or react to the constitutionalization of federalism. The use of a semi-structured format enabled similar topics to be discussed in the various interviews while at the same time allowing the participants to give their own experiences and explanations which were specific to their situation.

A distinct focus group discussion guide was created in order to gain contextual insights into the subjects of political elites, political representation, identity, federalism, and constitutional reform. In order to provide context and carry out triangulation of the primary evidence, the documentary sources were examined, these



including the Transitional Constitution of the Republic of South Sudan (2011), the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), and other relevant political and policy documents.

Pilot Testing and Instrument Refinement

We first tested the instrument with a small group of participants to find any confusing questions or technical problems. Based on their feedback, we changed the wording of several items to make them clearer. We also fixed minor layout issues in the online survey. After these changes the instrument was retested using a different group thus ensuring that all the changes had been effected appropriately. This provided a guarantee that the instrument clear and of high quality prior to use in the main study.

Before the main data collection, it was tried as a pilot study with 19 participants. The aim of this pilot study was to assess the clarity, relevance, comprehensibility, sequence and feasibility of the questionnaire administration. The information gained from the pilot was applied to the wording, organization and presentation of the items of the questionnaire prior to the actual main survey.

The interview and focus group guides were also checked to make certain that the questions were specifically geared towards the study objective and were well enough open in order to obtain detailed accounts of political-elite interests, political positioning, constitutional bargaining, and federalism.

The validity of the instruments

The validity of the content was established by making sure that the instruments were in line with the particular aim of the study, the research question, the theoretical framework, the conceptual framework, and the relevant literature on political elites and the constitutionalization of federalism. The review of the quantitative instrument looked at how relevant, clear, and adequate the items were for capturing the main dimensions of the political elite's engagement with federalism and constitutional reform.

The qualitative instruments were intended to address the main themes while at the same time enabling the participants to give explanations that went beyond the set response categories. A variety of qualitative data sources such as key informant interviews, focus group discussions and documentary data were used hence ensuring that there is consistency and credibility of the emerging interpretations.

The reliability of the quantitative instrument

The reliability of the quantitative instrument was tested by Cronbach's alpha, and the reliability of the scale that measured Political Elites' Perspectives was $\alpha = .733$. The coefficient was greater than the usual .70 standard indicating good internal consistency of the scale. This finding validates the instrument for study of the perception of the political elite's involvement in federalism and constitutional change among respondents.

The reliability of qualitative evidence

Trustworthiness was increased by using methodological triangulation, applying interview and focus group guides systematically, comparing the different participants' accounts and combining the qualitative evidence with the results from the survey and the documentary evidence. Care was taken to separate the participants' accounts from the researcher's interpretation of them. Since federalism and constitutional reform are politically sensitive issues in South Sudan, the researcher interpreted the participants' statements in the context of their political and institutional circumstances.

The concept of Strategic Constitutional Ambiguity was consequently developed from converging evidence concerning patterns of political positioning, constitutional uncertainty, bargaining, and implementation rather than from assumptions about the private intentions of individual political actors.



Data Collection and Analysis

The data were collected using questionnaires, key informant interviews, focus group discussions and document review. The quantitative data was analysed using descriptive statistics and inferential statistics, such as frequencies, percentages, mean and standard deviation were used to summarize the perceptions of the respondents on the interests and position of the political elite. Then correlation and regression analyses were carried out in order to look at the relationships pertinent to the study's objective regarding the role of political elites in the constitutionalization of federalism.

The qualitative data obtained from the interviews and the focus group discussions were analysed thematically. The themes that occurred repeatedly were identified, coded and then compared across the different categories of participants, and were interpreted with reference to the research question and the conceptual framework. Special attention was paid to the themes relating to political power, resource interests, political survival, identity, political bargaining, constitutional positioning, and elite engagement with federalism.

Documentary evidence was employed in order to give a background in terms of the institutions and history involved and to compare the formal constitutional obligations and political positions with the participants' descriptions of political practice.

The qualitative and quantitative findings were combined when they came to interpretation, and this allowed the statistical patterns relating to the views of political elites to be looked at together with the participants' explanations of elite interests, political bargaining, constitutional positioning, and the political processes associated with federalism.

Ethical Considerations

The study followed relevant academic and ethical requirements for research involving human participants. Participation was voluntary, and participants were informed about the purpose of the study and their right to participate without coercion. Confidentiality and appropriate protection of participants' identities were maintained, particularly given the politically sensitive nature of political and constitutional discussions. Data were collected and used for academic purposes, and information obtained from participants was presented carefully to avoid unnecessary exposure or attribution that could create political or personal risks. Documentary materials were also used responsibly and interpreted within their appropriate institutional and political contexts.

RESULTS AND ANALYSIS

Elite Power Retention and Resistance to Federalism

The strongest empirical pattern concerns the relationship between federalism and the retention of centralized political authority.

Table 2. Elite power retention indicators

Indicator	Agreement	Mean
Elites oppose federalism because they fear losing centralized control	81.9%	4.25
Elites resist federalism to maintain political dominance	84.0%	4.17
Resistance to constitutionalizing federalism reflects a desire to preserve political dominance	79.5%	3.91

More than 80% of respondents associated elite resistance to federalism with concerns about losing centralized authority and political dominance. These findings indicate that the perceived threat of federalism is principally distributive. The federalization process can lead to the formation of new political centers of power, alter the



process of resource distribution, increase subnational decision-making power and reduce the discretionary power of central institutions.

In the case of actors whose political influence relies on a central organization, these changes may be a direct political expense for them. This is confirmed by the qualitative evidence. Elite positioning was linked to an assertion of a defensive stance on the centralization of fiscal and administrative power, a conservative approach to political power, a tendency to leave things well enough alone, and a political survival calculus. Elite resistance is not necessarily to be equated with ideological opposition to federalism. Rather, federalization is threatening for the purposes of political power if it jeopardises existing power arrangements.

The Conditional Politics of National Unity

Elite support for federalism displays a more conditional pattern. Agreement that federalism strengthens national unity ranged between **59.0% and 65.9%**, substantially lower than the findings associated with power retention. This means that national unity is not a consistently unambiguous principle of behaviour of the elites. An actor may invoke federalism as a mechanism for strengthening unity when federalization is perceived as politically advantageous, while invoking national unity as a justification for resisting federalization when decentralization threatens centralized authority. Federalism can therefore simultaneously be represented as: a mechanism for national unity and a threat to national unity. The difference depends upon how political actors understand the consequences of redistributing authority. This finding reinforces the argument that elite constitutional preferences are relational rather than fixed.

Ethnic Allegiance and Political Positioning

Ethnic identity constitutes another important dimension of elite positioning, but the findings caution against reducing federalism to ethnicity alone.

Table 3. Ethnic positioning and elite preferences

Indicator	Agreement
Elites from less politically dominant ethnic groups are more likely to support federalism	80.7%
Elites align federalism positions with ethnic-group interests	73.9%
Federalism debates can strategically mobilize ethnic constituencies	71.6%

Three findings are particularly significant:

- **80.7% agreed that elites from less politically dominant ethnic groups are more likely to support federalism;**
- **73.9% agreed that elites align their federalism positions with the interests of their ethnic groups;**
- **71.6% believed that federalism debates can be strategically used to mobilize ethnic constituencies.**

The evidence therefore demonstrates an interaction between ethnicity and political power.

Federalism may provide politically marginalized groups with opportunities for representation, recognition, and access to authority. Elites whose constituencies are disadvantaged within centralized arrangements may consequently have stronger incentives to support federal restructuring. On the other hand, elites with a more central role in politics might see the possibility of losing central power through federalization.



The relationship should thus be expressed as:

Elite constitutional preference = ethnic position + political location + resource access + political incentives.

This interpretation does not overlook the extremes, which are to ignore the relevance of ethnicity to political behavior, or to assume that ethnicity is the sole reason for political behavior.

Elite Positioning as Strategic Political Calculation

The findings as a whole illustrate that federalism is not an even playing field for participation and that engagement is not always motivated by a clear set of principles. Political actors may change constitutional positions based on negotiations for peace, power dynamics in coalitions, institutional opportunities, political survival and changing power distribution. Thus, the distinctions between elites and pro-federalism or anti-federalism are not sufficient. It is possible for an actor to support federalism prior to his entering the arena of concentrated political power, and then become more careful once he is in it. Another may oppose federalism when it is seen as a threat to an existing arrangement, but favour it when it provides additional representation or institutional power. Federalism is thus a political resource that can mean different things depending on the actors' roles in the larger political settlement.

The Endorsement-Implementation Gap

Elite engagement is especially manifest in the linkage of public support and action. The data that **72.7%** of respondents thought there was a disconnect between the institutional endorsement of federalism and its use is noteworthy. Federalism is a discourse that resonates with the political appeal of inclusion, participation, and local autonomy, national unity, the management of diversity, and peacebuilding. The implementation of these decisions, however, involves concrete decisions on legislative power, executive power, fiscal power, resource distribution, territorial autonomy, and intergovernmental relations. Elite interests come into play at this juncture. Federalism thus can serve as a political discourse that empowers political actors without the need to embrace its redistributive effects. The endorsement-implementation gap is consequently not simply an administrative problem. It can be a reflection of unspoken politics about what federalism is about.

Constitutional Ambiguity and the Politics of Deferral

The evidence suggests that the institutionalization of federalism remains an ongoing challenge. Decentralization is recognized in the constitutional structure, and there are elements related to federalism in the R-ARCSS. There is an implicit recognition of decentralization in the constitutional structure and a clearer commitment to federalism and democratic constitutional restructuring in the R-ARCSS. The outcome is a constitutional and political status quo where federalism is not a no-go zone and is not fully adopted. The result is a kind of 'institutional suspension', with the point being that the vertical power sharing is recognized politically but remains contingent on further constitutional discussions and institutionalization. The analytical question here is then: is there here a simple institutional weakness or something else? The evidence indicates a more nuanced picture in which actors have significant political stakes in a clear federalization, and unsettled constitutional issues leave room for continued negotiations. This is the context in which it may be possible to use ambiguity strategically.

DISCUSSION AND THEORETICAL CONTRIBUTION

Federalism as a Contested Political Project

Quantitative data strongly support the argument that federalism is not a neutral institutional option in South Sudan, while qualitative evidence and a documentary analysis confirm this conclusion. It is a political venture that is subject to dispute. The findings indicate that the process of elite engagement is influenced by political survival, control over resources, identity, dynamics of coalitions, representation, and changing political opportunities. This discovery justifies the Political Settlement Approach as it shows that constitutional



institutions are not independent of the distribution of political power in which they are negotiated (Khan, 2010). But this view is extended with the South Sudanese evidence. Political-settlement analysis usually asks the question of how negotiating actors negotiate institutional arrangements. The answer to this question, at least in the context of the evidence here, is that when actors have an incentive to bargain, but the institutional settlement is incomplete, it becomes an interesting question. This is where Strategic Constitutional Ambiguity becomes analytically relevant.

Strategic Constitutional Ambiguity

Strategic Constitutional Ambiguity refers to a condition in which the deliberate or negotiated lack of precision in constitutional arrangements enables competing political actors to manage disagreement over the distribution of governmental authority, resources, representation, fiscal powers, and territorial autonomy. Rather than resolving these contentious questions through a definitive constitutional settlement, political actors may defer or leave aspects of the settlement open, thereby preserving room for continued bargaining and political accommodation.

The process can therefore be understood as divergent elite interests, constitutional bargaining, unresolved institutional questions, political flexibility and continued negotiation. This perspective offers a critique of the traditional view of political bargaining as leading to a stable institutional outcome and political balance. Where authority, financial resources, representation, and territorial autonomy are salient political goods that have distributional implications for competing actors, ambiguity can be a way for them to manage distributional tensions without needing to reach a first and full-time agreement.

Definitive federalization would involve the political parties in South Sudan in a deliberative process that addresses essential issues of the distribution of government power, representation, fiscal resources and territorial autonomy and that institutionalizes these issues. In areas of disagreement, where they have political consequences or impact on existing arrangements, constitutional ambiguity can be a way of delaying and/or diffusing hard decisions instead of clearing them up.

Strategic Constitutional Ambiguity thus builds on the Political Settlement Approach by emphasizing the fact that political stability may be maintained via not just agreement on institutional arrangements, but also through settlement uncertainty, deferred settlements, and constitutional ambiguity. The article's theoretical contribution is thus to see ambiguity as not only a potential shortcoming or a lack of design in the constitution, but as a potentially consequential aspect of political settlement in cases where there is no final agreement between competing elites.

Managed Incompleteness

The second proposition suggested by Strategic Constitutional Ambiguity is that "Managed Incompleteness" can be a mechanism for maintaining political settlements. Managed incompleteness is the ability of political actors to remain flexible and mutually interested in a settlement, but there is insufficient agreement on essential features of governance and constitutional authority. However, in the context of incompleteness, there can be political room to further negotiate, especially when trust is low and power, resources, representation, and territorial claims are contested and difficult to resolve.

But, the concept of managed incompleteness is not necessarily good or bad. Its political role is related to its longevity and institutional implications. Temporary incompleteness can offer some room for manoeuvre, at least to avoid political impasses and allow more flexibility for potential future negotiation. But when issues of the Constitution are not resolved or become protracted, this flexibility evolves into institutional uncertainty, undermines trust in constitutional processes and renders it difficult to determine who is responsible for the application of public power.

Thus, the central conflict is between political flexibility and institutional consolidation. Flexibility can also contribute to maintaining a political settlement in the short-term by enabling competing actors to defer decisions on controversial issues. However, sustained uncertainty can erode the building of clear institutional



roles, predictable institutional authority and held-to-account institutional governance. It is important to understand the difference, especially for peacebuilding, since there is immediate political conflict in the settlement but the underlying issues of settlement regarding representation, authority, and resource distribution may leave institutional grievances unaddressed.

From a federalism perspective, this means that the sustainability of a peace settlement cannot be assessed solely by whether political actors have reached agreement. Attention must also be given to what remains unresolved, for how long, and with what consequences for the distribution and exercise of constitutional authority. Managed incompleteness may therefore constitute a transitional feature of political settlement, but its prolonged institutionalization can constrain the consolidation of legitimate and accountable federal governance.

Elite Perspectives, Governance and Peacebuilding

Further, linking to the theme of peacebuilding and elite perceptions, this illustrates the need for institutional mediation. The statistical analysis shows a moderate positive correlation between elite perceptions and perceived peacebuilding outcomes:

Table 4. Regression results for perceived peacebuilding outcomes

Model	R	R ²	F	p
Elite perspectives	0.433	0.188	F (1,86) =19.897	< .001
Elite perspectives + governance mediation	0.537	0.288	F (2,85) =17.197	< .001

$R = .433$; $R^2 = .188$; $F (1,86) = 19.897$; $p < .001$.

Elite perspectives thus account for about 18.8% of the variance in the perceived peacebuilding outcomes. When governance mediation factors are incorporated, the relationship becomes:

$R = .537$; $R^2 = .288$; $F (2,85) = 17.197$; $p < .001$. The explanatory power subsequently increased from 18.8% to 28.8%.

Figure 3. Change in explanatory power with governance mediation

Theoretically important for this finding, meaning that an explanation that is too out of the upper echelons is avoided. The political elites do not have a monopoly on the outcome of peacebuilding processes, and they are accountable to the governance system. Moving from $R^2 = .188$ to $R^2 = .288$ indicates that institutional capacity and governance mechanisms play a role in the ability to establish durable arrangements out of political commitments.

Comparative Significance

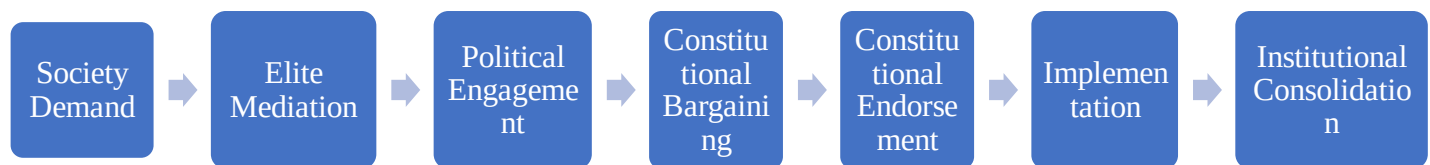
The results of the South Sudan study are comparable to other findings, demonstrating a specific constitutional state. Elite respect for compromise has played a crucial role in the negotiation of federal togetherness and subnational autonomy in Cyprus (Umaner-Duba, 2021). In Nepal, political elites channeled grassroots demands for inclusion, and disagreements amongst political elites hindered constitutional change (Chamlagai, 2021). Examples from Nigeria show that federalism still has its ties to regional and elite competitions, while those from Ethiopia show how the federal institutions can become integral to elite political strategies (Ohazuruike 2022; Fiseha 2019). There is a key difference, however, between South Sudan and other realities. In a well-developed federal system, this elite competition usually occurs in an *already developed federal constitutional order*. The political contestation in South Sudan is not just about the way federal institutions work, but *whether and when federalism will be fully embraced and institutionalized*. Thus, constitutional

uncertainty in South Sudan is not just an inadequacy in a set framework of the federal system. It is part of the political contestation on the shape of the state in the making.

Processual Federalization

The results therefore confirm a processual understanding of federalization. Federalization is not a one-off constitutional process. It is more appropriately expressed as:

Figure 4. Processual federalization



The constitutionalization of federalism is a process through which societal demands are mediated by political elites, articulated through political engagement, negotiated through constitutional bargaining, formally endorsed, implemented, and progressively consolidated within governing institutions. During each stage, political actors may enable, direct, obstruct, or delay institutional change. It is a processual understanding that supplements those that define constitutional recognition as federalization. A state can be pro-federalism without being federalist. Likewise, constitutional stipulations can be in place, but not have adequate institutional powers to influence political behaviour. Federalization is thus only meaningful if the constitutional obligations are realized in the form of working institutions.

IMPLICATIONS

The findings have important implications for constitutional reform, federal governance, elite bargaining, and peacebuilding in South Sudan. First, constitutional reform should distinguish between agreement on federalism as a principle of government and agreement on the institutional arrangements required to give that principle practical effect. Political actors may broadly support federalism while continuing to disagree over the scope of legislative and executive authority, fiscal autonomy, resource distribution, territorial autonomy, and intergovernmental relations. These questions therefore require explicit institutional treatment within the constitutional settlement rather than being left at the level of general political commitment to federalism.

Second, constitutional reform requires institutional flexibility without sacrificing constitutional clarity and institutional integrity. In contexts characterized by political volatility and low levels of trust, temporary sequencing and transitional arrangements may provide space for political accommodation and continued bargaining. Sequencing should not be a never-ending process, though. Transitional arrangements need therefore to be supported by clear procedures and institutional responsibilities as well as mechanisms for dealing with any outstanding constitutional issues. This is at the core of Strategic Constitutional Ambiguity: sometimes it may be politically useful to be ambiguous, but ambiguity can also eventually become a problem for constitutional certainty and accountability.



Third, federalization needs to be accompanied by governance capacity building. Effective autonomy does not automatically result from formal constitutional allocation of powers. The provision of adequate fiscal resources, administrative capacity, institutional accountability, and adequate intergovernmental relations are important for subnational governments to be able to effectively perform the constitutional roles assigned to them. Federalization must therefore be seen as more than a transfer of powers defined by the constitution, but as a process to develop the institutional capacity to make those powers work and to hold them to account.

Fourth, constitutional bargaining should go beyond the national political elites. There should be meaningful opportunities for subnational political actors, community leaders, civil society organizations, women, youth and other affected actors to participate in decisions about the structure and operation of federal governance. Such involvement should go beyond symbolic consultation to the establishment of processes which allow affected groups to express their interest, to influence institutional decisions, and to help to legitimate the resulting constitutional arrangements.

Fifth, federalization and peacebuilding must be considered as a relationship and not an inevitability. The idea of federalism should not be taken for granted as being peace-producing or peace-enabling. Its role in peacebuilding is linked to the division of power, resources, representation and opportunities to participate in political and constitutional systems, and to the way they are applied. Federalization, then, can be a possible peacebuilding option if the institutional design and implementation of a federal structure is sensitive to the identified governance issues and is effective in dealing with them, but not if it is poorly designed or its implementation is not completed.

Lastly, Strategic Constitutional Ambiguity reminds us of the importance of separating ambiguity as a temporary negotiating tool and ambiguity as a long-term institutional burden. The former might create room for political negotiation when an easy consensus is not reached; the latter can trigger issues of authority, resources, representation, and institutional responsibility, which are not solved. The governance dilemma is not one of the outright removal of ambiguity but of getting the temporary politics right that builds the credibility of processes for institutional clarification and consolidation. The long-term goal is the shift from an "accommodation around federalism" to an "institutional accommodation through federalism," in which "competing political interests are handled by predictable, accountable, and inclusive constitutional institutions.

CONCLUSION

This article focused on the central tenet of the Political Settlement Approach to constitutionalizing federalism in South Sudan and explored the political elites, power, identity, governance, and peacebuilding. The analysis shows that federalization is not a purely technical constitutional design process but rather a political contestation over the distribution of authority, resources, representation, legitimacy, multifaceted development, and the future form of the state.

The clearest empirical trend relates to the retention of elite power. Between 79.5% to 84.0% of the respondents saw elite resistance to federalism as the maintenance of centralized political control and power. Ethnic positioning also influences elite preferences, particularly where politically less dominant groups perceive federalism as a means of obtaining greater representation and access to authority. The findings, however, do not justify an ethnicity-only explanation. Ethnic positioning interacts with political location, resource access, coalition interests, and political survival.

The article thus introduces Strategic Constitutional Ambiguity as a way to understand the situations where constitutional uncertainty becomes a political tool in an unstable political settlement. This ambiguity may help to ensure the space for bargaining, delay redistributive choices, and enable political players to retain flexibility in those areas where a clear institutional agreement will be politically expensive.

The peacebuilding findings underscore the significance of governance. They find that elite perceptions are statistically significantly related to perceived outcomes of peacebuilding, and that the explanatory power rises from $R^2 = .188$ to $R^2 = .288$ when the mediation variables of governance are added. This shows that it is not



necessarily elite preferences that make political accommodation a durable institutional peace. The central issue, therefore, is not simply whether federalism is supported or opposed, but how demands for federalism are negotiated, instrumentalized, formalized, and translated into institutional arrangements. The findings suggest that political elites engage with federalism from different orientations and interests, creating tensions that may make substantive constitutional compromise problematic. Under such conditions, strategic constitutional ambiguity can emerge as a mechanism through which competing interests are accommodated and put to rest without resolving the underlying constitutional questions. While such ambiguity may facilitate short-term political accommodation, prolonged ambiguity can leave important questions of authority, representation, resources, and institutional responsibility unsettled.

The focus in this article is to move analytical focus away from the debate over “supporting” or “opposing” federalism, and toward the process of articulating federalism in the constitution and strengthening it in institutions. It offers a theoretical framework of strategic constitutional ambiguity to help analyze the ways in which political actors handle unsettled constitutional issues by deferral, flexibility, and incomplete resolution. The study also makes a normative suggestion: sustainable constitutional accommodation demands that political actors overcome the short-term, selfish incentives and engage in political self-sacrifice for the sake of the common good. Such self-transcendence is not an attempt to eliminate legitimate political differences, but rather the ability to set aside differences that serve to exclude others from the processes of inclusive, accountable, and legitimate constitutional governance for the citizenry. Federalization is thus not a constitutional product, but a historical process in which the demands of society, the elites' constitutional negotiation, implementation, and institutional consolidation are all dynamic actors over time.

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