

**LEGAL SUPPORT AND CAPACITY DEVELOPMENT IN SELECTED
LOCAL GOVERNMENTS IN SOUTH SUDAN**

A Thesis

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Masters of Business Administration in Local Government**

By:

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October, 2013

DECLARATION A

"This proposal is my original work and has not been presented for a degree or any other academic award in any university or institution of learning".

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15th / DEC / 2013

DECLARATION B

"I/we confirm that the work reported in this proposal was carried out by the candidate under my/our supervision".

Name and Signature of Supervisor

Date

Name and Signature of

Date

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Thank you all.

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ABSTRACT

The topic of the study was "legal support and capacity development in selected local governments in South Sudan". It was guided by four objectives which included ; (i) To identify the demographic characteristics of resume down in terms of education, gender, level of age, education, gender, level of work and working experience.(ii) To determine the level of legal support in local government ,(iii)To determine the extent of capacity development in local government, its hypothesis was test the null hypothesis of no significant relationship between the level of legal support and the extent of capacity development in selected local governments in South Sudan. The methodology of the study was descriptive designs. Finally the findings indicated the levels of legal support and capacity development in South Sudan. Major conclusions has been generated such as the extent of the level of legal support and capacity development in selected local governments in south Sudan was generally low. The research recommendations stated that Local governments ought to recognize the role of clear legal procedures in execution of their day to day work for effective service delivery to the people of South Sudan. It also needs to train most of its workers in Local government policies and guide lines to equip workers with knowledge for better service delivery. These will include; the media, NGOs, CBOs of South Sudan particularly Equatorial states need to sensitize people about the advantages of getting legal skills through programmes initiated by the civil society. They also need to begin projects that addresses the dilemmas of poor governance in communities for better social, economic transformation. Through their media they also need to bring attention of the world of the bad practices which may hinder service delivery and which may require legal redress in courts of law. The international communities like the UN, UNICEF, and the AU, EU, The World Bank, International Monetary Fund should finance programmes geared towards improved legal frame work and legal support among the people of South Sudan. They should also put noble praises for those people who have worked tirelessly put in place legal frame works and those have helped their people and built their capacity interms of legal fraternity.

CHAPTER ONE

THE PROBLEM AND ITS SCOPE

1.1 Background of the study

1.1.1 Historical perspective

The modern system of legal support was created by the legal advice and assistance Act 1994. The Act was a part of the sweeping reforms to the welfare state introduced by Attlees post war labour government. It re presented the first coherent attempt to provide a comprehensive system of state funded legal support.

The term capacity development has evolved from past terms such as institutional building and organizational development. In the 1950s and 1960s these term referred to community development that focused on enhancing the technological and self help capacities of individual in southern Sudan. In the 1970s, following a series of reports on international development an emphasis was put on building capacity for technical skills in southern Sudan and also in the administrative sectors of developing countries. In the 1980s the concept of institutional development expanded even more. Institutional development was viewed

as long –term process of building up a developing country’s government, public and private sector institutions and NGOs.

In southern Sudan the issue of legal support and capacity

1.1.2 Theoretical perspective

According to Apolo Nsibambi (1998) states that the argument commonly presented is that local people do not have the requisite capacity for managing local governments and therefore functions, responsibilities and resources should not be devolved to them. In most cases such an argument stands in the way of decentralization. Admittedly, it is true that most developing countries, African countries in particular, present peculiar conditions of multiple weaknesses incapacity where their public sector, civil society, and private sector are weak. However, within the argument of capacity building for local governance, this argument carries undertones of colonialism. Since the process of development is a process of capacity building, a country cannot afford to wait for Local Governance Capacity to develop. During the 1950s when Africa started clamouring for political emancipation, the colonial powers at the time were quick to respond that Africans had no capacity to govern themselves.

According to the Local Government Framework for South Sudan (2006), Southern Sudan has in existence a rudimentary system of local government that evolved from many different models dating back to the historical period of the development of the system of governments in the Sudan between 1821 -2006. In evolution the local government councils in Southern Sudan grew from two provinces of the then two provinces of Equatoria and Upper Nile (1821) which was subdivided into three by splitting Equatoria into Equatoria and Bahr EL Ghazal provinces, and further split to six provinces of Jonglei, Upper Nile Bahr El Ghazal, Lakes, Western and Eastern Equatoria in 1976. Same provinces were later amalgamated into three regions of Southern Sudan of Equatoria, Bahr El Ghazal and Upper Nile in 1983 but subdivided again into ten current states of Southern Sudan in 1994. Over all this period the history of Local Government in South Sudan and the Sudan as a whole has sadly been that over centralization of authority, powers, and service delivery by the central government in Khartoum and the provinces, regions and states in Southern Sudan while the under-development of the people of the South and their areas remain the most prevalence scenery of governance in all spheres of life and rule.

1.1.3 Conceptual perspective

The term "community capacity development" has evolved from past terms such as institutional building and organizational development. In the 1950s and 1960s these terms referred to community development that focused on enhancing the technological and self-help capacities of individuals in rural areas. In the 1970s, following a series of reports on international development an emphasis was put on building capacity for technical skills in rural areas, and also in the administrative sectors of developing countries. In the 1980s the concept of institutional development expanded even more. Institutional development was viewed as a long-term process of building up a developing country's government, public and private sector institutions, and NGOs (Smillie, Ian 2001).

Prior to the mid 20th-century, literature on legal aid emphasized collective enforcement of economic, social and cultural rights. As classic welfare states were built in the 1940s and following World War II, an underlying principle was that citizens had collective responsibility for economic, social and cultural rights; and the state assumed responsibility for those unable to provide for themselves through illness and unemployment. The enforcement of economic, social and cultural rights was to be collective,

through policies rather than individual legal action. Laws were enacted to support welfare provisions, though these were regarded as laws for planners, not lawyers. Legal aid schemes were established, as it was assumed that the state had a responsibility to assist those engaged in legal disputes, but they initially focused primarily on family law and divorce (Regan, Francis 1999). The concept of legal support was established in accordance to promoting community welfare and development for inclusion (Regan 1999).

Local governance is being promoted in a number of African countries because it is believed that it provides a structural arrangement through which local people and communities can participate in the fight against poverty at close range. However, it is acknowledged that various capacities of a multiplicity of stakeholders and actors need to be strengthened to meet the requirements of effective and responsive local governance.

The Transitional Constitution of South Sudan, which was enacted in 2011, prescribes a Decentralized system of governance with three levels of government: "(a) the national level, which will exercise authority in respect of the people and the states; (b) the state level of government,

which shall exercise authority within a state, and render public services through the level closest to the people; and (c) local government level within the state, which shall be the closest level to the people” (The Transitional Constitution of the Republic of South Sudan 2011).

The lesson from other highly heterogeneous countries is that decentralized governance is best suited in dealing with diversity, improving the delivery of services, and entrenching participation and accountability (Kimenyi 1997). As the experiences of other African nations have shown, concentration of power in the center is associated with a whole range of outcomes that undermine unity and development. For this young nation, a major focus must be the strengthening, and not the weakening, of the decentralized federal system. Actions that weaken sub-national governments are likely to create a volatile situation, as some population groups will be marginalized and deprived.

Simultaneously, (democratic) decentralization had increasingly been perceived as a way to improve overall local governance — in south Sudan as well as elsewhere in Africa. It aims at enhancing the participation of the local population in decision making processes. Thereby, it fosters

transparency, accountability and responsiveness, and aids efficient and effective policy- implementation (Lutz and Linder 2004: 2).

Particularly in post-civil war contexts, decentralization may contribute to regaining the trust of previously marginalized local populations in the government and to establishing political and economic participation in a multiethnic environment (Draft Strategic Options Paper No 1: 2; Branch and Mampilly 2005: 6). Since traditional authorities in Africa continue to be important, it is obvious that contemporary programs of decentralization and strengthening local governance do not take place in a vacuum. Political/democratic decentralization involves high standards of legitimacy and accountability of rule/administration at the local level. 'It is only when constituencies come to exercise accountability as a countervailing power that decentralization is likely to be effective' (Agrawal and Ribot 1999: 477). Downward accountability can be established in electoral processes, through procedures of recall, legal recourse through courts, third party monitoring, the media, education, embeddedness of leaders in their local communities, belief systems, threats of social unrest, and so forth (ibid.: 478).

1.1.3 Contextual perspective

Development of legal support systems enables the development of popular participation in the development process of any economy, legal support systems help in promotion of human rights and peace.

In retrospect, the people of Southern Sudan like their brethren in the North lived under a highly centralized system of direct rule for 130 years under the two colonial regimes of the Turko-Egyptian rule 1821 — 1898 and the Anglo- Egyptian rule 1899 — 1955. They as well experienced different forms of decentralization for 55 years before and during the Sudan post independence period (1951-2006). But despite its half a century year experience in decentralization the Sudanese people in the marginalized areas of the Sudan, in the South, West and East remained poor, illiterate and under-developed. During the same period of its practice of decentralized system of government the Sudan experienced a protracted civil war that devastated most of the people of Southern Sudan and those in the marginalized region of the country thereby rendering the concept of decentralization meaningless as national experience to be proud of except for the wealth of knowledge gained in the practices of its variety of forms of decentralized government (The Local Government Framework for South Sudan, 2006).

1.2 Statement of the Problem

The capacity building approach is used at many levels throughout, including local, regional, national and international levels. Capacity building can be used to reorganize and capacitate governments or individuals. International donors like USAID, often include capacity building as a form of assistance for developing governments or NGOs working in developing areas (Lutz and Linder 2004). Capacity building highly works hand in hand with legal support and human rights to provide a platform for participation and citizen development.

Local Governments should possess legitimacy and people's confidence in fulfilling its responsibilities of delivering basic services to its citizens. However, the key problems facing the local governments in South Sudan today is inadequate legal and policy support and extremely low capacities to cause and manage development in a sustainable way.

The local governments have no powers of exercising their legitimate authorities within the frame work of the Local Government Act, 2009 as the general picture is that nobody, including some of the local government institutions, recognize this Act as binding. The powers of local governments therefore end up being usurped. While the low capacity

contributes to inability of the local governments in carrying out their mandated responsibilities on one hand, there is also inadequate legal and or policy framework existing to marshal the capacity building efforts of other stakeholders like the donors, UN Agencies and NGOs on the other hand for example, communities in most Local Governments are not empowered to participate in decision making and national building.

Although there are improvements in the legal structure and system development in South Sudan, there are many lacunas in the law since legal rights for participation protection have not fully been developed. The constitution of South Sudan under the legal proceedings approves for legal support not only in the courts of law but also for population development (Local Government Act, 2009).

It is within the statement that the study analyzed the role of legal support and capacity development in selected local governments in South Sudan.

1.3 Purpose of the study

This study established the relationship between legal support and capacity development in selected local governments in South Sudan.

1.4 Objectives of the study

1.4.1 General Objective

To establish how legal support affects capacity development in local government, South Sudan.

1.4.2 Specific objective

- i. To determine the level of legal support in local government
- ii. To the extent of capacity development in local government
- iii. To establish if there is a relationship between the level of legal support and the extent of capacity development in selected local governments in South Sudan.

1.5 Research questions

- i. What is the level of legal support in local governments?
- ii. What is the extent of capacity development in local governments?
- iii. Is there any relationship between the level of legal support and the extent of capacity development in selected local governments in South Sudan?

1.5 Hypothesis

- (i) There is no significant relationship between the level of legal support and the extent of capacity development in selected local governments in South Sudan.
- (ii) There is a significant relationship between the level of legal support and the extent of capacity development in selected local governments in South Sudan.

1.6 Scope of the study

1.6.1 Geographical Scope

In this study, research was conducted in South Sudan. South Sudan is a landlocked country in east-central Africa that is part of the United Nations sub-region of Eastern Africa (South Sudan The World Face book, 2011). Its current capital is Juba, which is also its largest city; the capital city is planned to be moved to the more centrally located Ramciel in the future (South Sudan profile BBC, 2011). South Sudan is bordered by Ethiopia to the east, Kenya to the southeast, Uganda to the south, the Democratic Republic of the Congo to the southwest, the Central African Republic to the west and Sudan to the north. It includes the vast swamp region of the Sudds, formed by the White Nile and known locally as the Bahra/Jaba/.

1.6.2 Content Scope

This research determined the level of legal support in terms of constitutional laws, policies and human rights and development in selected local government in South Sudan.

1.6.3 Time Scope

This study of research started in March '2012 and was completed in four months time (from March 2013-July 2013).

1.6.5 Theoretical Scope

The researcher based on Moore's theory of Knowledge and Action. The bulk of Moore's work on knowledge and action is directed towards explaining how knowledge affects action.

1.7 Significance of the study

This research is anticipated to help different stakeholders in the following ways;

The study is so significant because it would allow the researcher to take stock of the legal and policy instruments existing in this country in relation to local government operation. The researcher will also understand the role of and the extent to which these legal and policy instruments in guiding local governments as well as capacity issues; highlighting the

gaps/challenges and implications to the operational arrangements but also try to understand how the people who need the capacity have to say.

The study report can also be used by development partners for their programming, local governments themselves to know their legal and capacity status for planning purposes and other researchers to compare notes.

The community can benefit from this study either directly through getting to know how their local governments operate or indirectly receiving services that are programmed based on this report.

1.8 Operational definitions of key terms

Local Government: Is term is built by two words: Local refers to a particular limited area while Government refers to organization or agency through which a political unit exercises authority. Therefore Local Government in this study was to mean an organization or agency through which political powers are exercised within a particular limited geographical area.

Legal Instrument: Is any lawful or statutory apparatus that guide the conduct and behaviour of a particular group or the society as a whole.

Capacity development: The process of gradual growth, improvement, expansion and advancement of ability, facility, competence and capability of managing affairs of (local government).

Local government personnel: This refers to all the manpower of the local government; both local and seconded.

Policy: Document providing guidelines and or guiding principles, procedures and course of action for local governments.

Political policy decentralization — Political decentralization transfers political authority to the local government through the establishment of elected local governments.

Decentralization: The empowerment of the people through the empowerment of the local public sector

Fiscal decentralization: The rules that define roles and responsibilities among different levels of governments for fiscal functions such as planning, budget preparation, budget execution, revenue generation, intergovernmental fiscal transfers and public sector borrowing. Under decentralized system of governance, local governments need the following powers to be able to play a meaningful role in local government

administration. The power to: administer and manage local government finance and manage procurements; change and enforce plans for the use of local government's geographical jurisdiction and local economic and local development; to engage, in local human resource management and make local employment decisions to flexibly administer and deliver local services.

Rule of law: The term to mean independent, efficient, and accessible judicial and legal system with a government that applies fair and equitable laws equally consistently, coherently, and prospectively to its entire people.

Good governance: Will be referred to as having openness, participation, accountability, and transparency as key elements.

The above conceptual framework attempts to define the holistic nature of local government capacity development. Capacity development must address all key areas for the beneficiary to be able to realize his/her full potential to perform the roles and responsibilities prescribed by law. Key aspects of this holistic approach include four main focus areas with each corresponding to its strategic action points and activity centres:

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2.0 Introduction

This chapter looked at the earlier research documents of different researchers; literature with an aim of identifying a problem of concern eventual number of duplication of early research work is done. Apart from going through other related work. It also involved critically going through other services of materials that are related with the research topic. The chapter also looked at the concepts, opinions, and ideas from authors/experts in relation to the research objectives.

2.1 Theoretical review

According to the Local Government Framework for South Sudan (2006), Southern Sudan has in existence a rudimentary system of local government that evolved from many different models dating back to the historical period of the development of the system of governments in the Sudan between 1821 -2006. In evolution the local government councils in Southern Sudan grew from two provinces of the then two provinces of Equatoria and Upper Nile (1821) which was subdivided into three by splitting Equatoria into Equatoria and Bahr EL Ghazal provinces, and

further split to six provinces of Jonglei, Upper Nile Bahr El Ghazal, Lakes, Western and Eastern Equatoria in 1976. Same provinces were later amalgamated into three regions of Southern Sudan of Equatoria, Bahr El Ghazal and Upper Nile in 1983 but subdivided again into ten current states of Southern Sudan in 1994. Over all this period the history of Local Government in South Sudan and the Sudan as a whole has sadly been that over centralization of authority, powers, and service delivery by the central government in Khartoum and the provinces, regions and states in Southern Sudan while the under-development of the people of the South and their areas remain the most prevalence scenery of governance in all spheres of life and rule.

Concepts, Opinions, Ideas from Authors Experts

Legal support

Local Government has in essence been enshrined into all constitutions in the Sudan (2005-2006) as the Comprehensive Peace Agreement (CPA) commits governments in the Sudan to adopt federal decentralization policies. Further, the adoption of such policies is affirmed by the Interim National Constitution of the Sudan (INCS) which recognizes four levels of government (Go NU, GOSS, State and Local Government) to which

authority is devolved to share power and wealth in the context of the Sudan. In conformity with the INCS the constitutions of GOSS and States in Southern Sudan affirm decentralization as a policy issue to be adhered to in the practice of governance within their own jurisdictions. But practice in Africa and elsewhere shows that the enshrinement of local government into the constitution as the case in the Sudan is not sufficient in itself unless the affirmative action required to launch decentralization policies by the Governments of the National Unity and the Government of Southern Sudan is consciously taken to drive the course of effective transfer of power to sub-national governments is undertaken with zeal and vigour.

Non-the-less, the experience of South Sudan so far (2005-2006) raises the issue of political will to adopt and implement any form of a meaningful decentralization policy into question mark. In this case a meaningful decentralization policy that puts the effective transfer of power into the plat forms of the GOSS and States pre-supposes the clear articulation of such constitutional principles like the Self-rule for the People and detailed specification of the roles of GOSS, State and Local government in the achievement of the Millennium Development Goals (MDGs) in a decentralization policy document or a Blue Print to emphasize government

commitment to the devolution of authority and power to Local Authorities for effective organization of local government in South Sudan.

While it may be true that "local governments act more in accordance with the needs and priorities of local communities than would higher authorities"(Jeni Klugman1994), local governance on its part requires that even

higher authorities in accomplishing their share of the job, work in accordance to the laws, needs and priorities of the local community in close partnership with them.

Capacity development

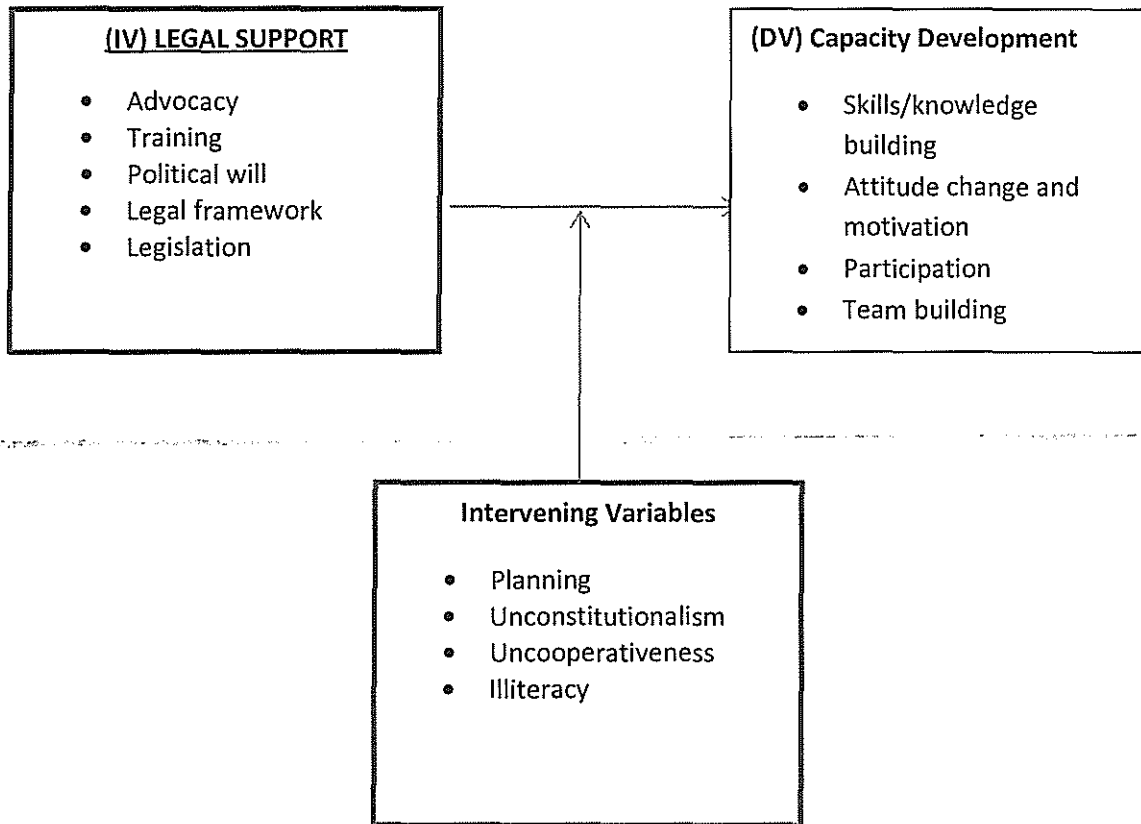
The past decade has witnessed a resurgence of interest in the issue of capacity development and with it the redefinition of the concept, with the intent of moving away from the traditional acceptance of capacity development based on technical training and foreign expertise and to capture the concept in its complexity and entirety. There is some evidence (Wade, 1987; Bardhan, 1993; Baland and Platteau, 1995 and 1999) of successful co -operation within local communities in the management of common property resources. This is because in small groups with similar needs, shared norms and patterns of reciprocity monitoring is facilitated

and sanctions are easier to implement. Thus, conserving and maintaining common resources that are vital for the poor may be better achieved by devolution of power to these communities. There are also a number of cases showing that centralized bureaucracies have failed in important functions. Small autonomous communities show better results than central bureaucracies in the maintenance of crucial infrastructure, such as irrigation schemes (Baland, 1995).

Again little evidence on a small number of countries finds limited improvements that are not exclusively attributable to decentralization. South Africa provides the most easily assessable case. Between 1995/96 and 1998/99, the two major social service programs -education and health care -grew above the rate of inflation and faster than total provincial expenditure. As a result, they captured an increasing share of provincial spending, crowding out expenditure on non-social services, such as provincial roads, tourism promotion, agricultural development and economic affairs. In a way, expenditure with a more immediate impact of welfare and distribution is preferred to expenditure with a longer-term impact and with public good characteristics (World Bank, 1998).

Apolo Nsibambi (1998) states that the argument commonly presented is that local people do not have the requisite capacity for managing local governments and therefore functions, responsibilities and resources should not be devolved to them. In most cases such an argument stands in the way of decentralization. Admittedly, it is true that most developing countries, African countries in particular, present peculiar conditions of multiple weaknesses incapacity where their public sector, civil society, and private sector are weak. However, within the argument of capacity building for local governance, this argument carries undertones of colonialism. Since the process of development is a process of capacity building, a country cannot afford to wait for Local Governance Capacity to develop. During the 1950s when Africa started clamouring for political emancipation, the colonial powers at the time were quick to respond that Africans had no capacity to govern themselves.

2.2 Conceptual framework



Source: Researcher devised, 2013

In the conceptual frame, the independent variable is backed up by elements such as advocacy, training, political will, legal frame work and legislation which need to be developed to increase legal support that will increase citizen capacity building highlighted by elements such as skills building, attitude change and motivation plus team building. The two

variables are affected by elements such as planning, Unconstitutionality, uncooperativeness and illiteracy. For instance, planning may either positively affect legal support towards capacity building or negatively affect it.

2.3 Related Studies

Level of legal support of the local government

According to the USAID South Sudan Local Government Assessment (2009), the CPA, the Republic of Sudan Interim National Draft Constitution, the Interim Constitution of Southern Sudan (ICSS), and the Local Government Act of 2009 clearly state that the GOSS has a three-tier structure: Government of Southern Sudan, the 10 state governments and “local governments” within each state. Counties are in effect the third tier of government and are subsequently formed by payams and bomas. As the legislation currently stands, states have a large degree of autonomy from the GOSS, as the legislation truly describes decentralized states in all three spheres (political, financial and administrative). The 2009 Local Government Act demonstrates interest in deepening political decentralization through implementing elections for a four-year period of the county commissioners (or mayors) and members of the legislative

councils. This Act also shows the intention to advance the professionalization of the civil service by appointing chief administrators that are required to be career officers with university degrees (USAID, 2009).

The promulgation of local government legislations for effective organisation of local government is as well essential for the establishment of relevant institutions of local government in South Sudan. That is, the formulation and enactment of local government legislation is crucial in terms of the spirit and content of the type of laws and regulations to be adopted by the government of South Sudan for the proper organisation of the local authorities before their creation and eventual establishment if they are to function as viable institutions of local government. But till now the proposed Local Government Act for South Sudan has yet to be formulated and legislated by the Legislative Assembly of South Sudan due to delays in the decision to create a central body for local government with the competence to formulate such legislations since the establishment of GOSS in 2005. This role is now assumed by the Local Government Board (LGB) created in May 2006 in lieu of a Ministry of Local Government (USAID, 2009).

UNOCHA (2010) states that more importantly though, the spirit of the local government laws and regulations expected of its legislations is that of the concern for "giving to the people their peace dividend" One year on the peace dividends known to the people are the gun silence and the existence of governments in the South but no change in service delivery nor in the status of their local institutions of government as the majority of the local government councils if not all have statically remained non-functional. This situation can only change with full commitment to the implementation of the Local Government Act, 2009 for South Sudan as the law that regulates all aspects of local government required for the initial establishment of local government in the South. To be effective however, the Act will have to be supported with the legislation of such other complements like the Public Service rules and regulations, financial rules and regulations, Public Accounts procedures and Tax schedules, Office Routine rules and regulations, Codes of Professional Ethics, to mention but few (UNOCHA 2010). Finally, in content the expected legislations

21 should clearly articulate the statutory stances of the local government Authorities as legal bodies with autonomous existence, provide them the competences with which their authorities are to function and the guiding principles of governance which direct their operations towards the

achievement of the ultimate goals of local governments of efficient and effective service delivery to the people and their development locally.

In the light of the above, the need to decide the right course of action to establish viable local government authorities as desirable institutions of government for the people of South Sudan constituted the cornerstone against which all efforts and time devoted were to be measured during the course of the processes and the stages of the development of the local government Act, 2009. Since 2009 when the local government Act was enacted, concerted effort was exerted by relevant stakeholders in search for a relevant system of local government that is suitable to the existing post-conflict situation in South Sudan and furthers the one that gives the people the power to rule themselves locally (Agrawal, 1999).

Extent of capacity development in the local government

Development is a process of progressive and qualitative movement from inability to ability, from incapacity to capacity. Therefore it is conceptually normal to start from a point of weak local governance capacity and work towards strong local governance capacity. Without this pre-disposition decentralized governance in most developing countries may never be embarked on.

When it comes to local governance there are many stakeholders and players. They are in the Public sector, in the private sector, in civil society, among donors and development partners, at local community, national, regional and international levels. The capacity or lack of it, for local governance cannot be pinned only on the community in question. The appropriate predisposition for capacity building for local governance is to assess each player's capacity vis a vis their roles so that each one's capacity is strengthened to play that role effectively. For examples, (i) while in many countries central government authorities hesitate to embark on decentralized governance policies for reasons related to inadequate capacity at local level, it has been discovered that the same central governments do not possess adequate capacity to analyze, formulate, and effectively manage decentralized governance policies.

(ii) While many Donors and Development partners have a tendency of blaming local governments of having no capacities to implement local level development projects, it is often the case that the same Donors and Development partners do not have the requisite capacity in terms of understanding and working within local community cultural and social

environments to promote community sensitive development. The real situation on the ground in many developing countries is that inadequate capacity is a problem found among almost all players involved in decentralized governance. The difference is in extent and degree to which the capacity is lacking (USAID, 2009).

Kimenyi (2004) states that in the context of an increasingly globalizing world, challenges and requirements of capacity building for local governance should always be analyzed and diagnosed taking into account the full range of stakeholders and actors analysis at community, local, national, regional and international level. Such an analysis should always be conducted in a participative manner to make the stakeholders and actors involved in local governance to share a common understanding of one another's strengths and weakness. This would in turn facilitate the process of cooperation, harmonization, and synergy in capacity building activities. The framework given in the diagram below was used by the author to conduct a governance capacity assessment in Uganda, Rwanda, Liberia, and Tanzania and was found to be very useful.

Kimenyi (2004) adds that we have belaboured the point on local governance as an all actors embracing situation because experience has

shown that in most cases local governance capacity building programmes, projects, and activities concentrate on local governments. We need to maintain the distinction between local governments' capacity building, which would concentrate on local governments, and local governance capacity building, which would emphasize strengthening the capacities of all the actors in governance at the local level. This would set the appropriate parameters for effective participation in the development process by all actors.

However, it has to be recognized that when it comes to participation in financing the production and provision of these services the poor are at a loss. The challenge for developing countries, given their situation of extremely low incomes, is that of how to encourage the poor to participate in financing the services they need (Kimenyi, 2004). Most poor populations are quick to agitate for participation but when it reaches the level of participating in the financing they still want some donor or central government to foot the whole bill. Central government on its part gets money from taxes paid by the people. But however efficient and effective a tax system is, if it is taxing a poor population, it will yield poor revenues. There is a limit beyond which a hungry person can milk a hungry cow. The fundamental problem with most African societies is that they suffer

from double weakness. Their central and local governments are weak while at the same time their private and civil society sectors are also weak (vertical and horizontal weakness). This double weakness is not only in terms of resources (human, material and financial) it is also in terms of institutions, systems, information, networking, skills, knowledge, etc (Kimenyi 2004; Agrawal 1999).

Conceptually, all countries could be placed in four categories as follows:

the strong ones where the central and local governments as well as the civil society and the private sector are all strong (A), the partly strong ones where the central and local governments are strong but with relatively weak civil society and private sector (5), the partly weak ones where central and local governments are weak but civil society and private sector are relatively strong(C), and the weak ones where central and local governments are weak as well as civil society and the private sector (D). Most sub-Saharan African countries, especially those that LDCs, are in category D (Kauzya 2000).

Otobo (1999), a fundamental component of local governance capacity building should be dedicated to strengthening the capacity of local communities to generate sustainable income. It is true that the common

practice in African countries where the central government controls a lion's share of revenue at the detriment of local governments undermines local governance capacity building in respect to priority setting, planning, local capital investment, and eventually consumption. However, the point that local governments' revenue is just a component of local governance financial capacity should not be lost.

Local governance financing should not be seen from the point of view of central government and local government revenue sharing alone. It should be examined in light of the finance deployment policies of all actors as well. There are many financing institutions local, regional as well as international that hastate to disburse funds to local community level either because the local levels do not provide guarantees for the funds or because the central government does not accept such disbursements, or both. This jeopardizes the development of the capacities of local communities to manage programmes, projects, and funds even when they have participated in the formulation of such programmes.

A local governance policy that is conceived with capacity building in mind should include provisions for financing systems that would put funds at the disposal of the local level so that such funds not only cater for the

needs of local communities, but also provide opportunity for them to develop revenue generation and financial management capacity.

Most capacity building activities include workshops, seminars and long or relatively short courses. Such activities constitute just a small portion of capacity building if it is taken holistically. A holistic capacity building approach would assess capacity of: the policy environment, institutions, individuals and teams, before assessing whether there are adequate facilities, funds and logistics. The important point to note here is that trying to build capacity in one area without the others often wastes efforts, time and resources because in the final analysis the ultimate results cannot be achieved (see the conceptual framework).

Any capacity building endeavour should be premised on solid and clear objectives. To use the management jargon these should be objectives that are S.M.A.R.T. (Specific, Measurable, Attainable, Realistic, and Time bound). Most developing countries, especially those in Africa have put in place decentralization measures/policies but not all of them have the same objectives. As an example, below are the objectives pursued by the decentralization policy in Rwanda, (Government of Rwanda: Ministry of Local Government and Social Affairs 2000).

Effective local governance requires strong institutions at Central and Local Government levels as well as institutions that bring together all actors and stakeholders. For example; it is not adequate to create and strengthen local government councils if they are not supported by a national legislature that advocates for their work at higher levels and puts in place national legal frameworks that guide and facilitate their work at local governance levels. Institutions of Central Government and institutions of Local Governments must all be strengthened in order to work in partnership for local governance development. Needs for institutional building for local governance express themselves at several levels and in all sectors (October, 1999).

Research gaps

The study identified alternating gaps in legal support systems in South Sudan that have not been put to help people participate in national development and planning. The study clarified that there is need for an improved system in national development agenda that answers in to solving national development questions through capacity building.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Research Design

This study employed the descriptive survey design. Descriptive studies are non-experimental researches that describe the characteristics of a particular individual, or of a group. It deals with the relationship between variables, testing of hypothesis and development of generalizations and use of theories that have universal validity. Descriptive surveys are used to discover causal relationships (descriptive correlation), differences (descriptive comparative), to provide precise quantitative description and to observe behavior. Mugenda and Mugenda (1999) observe that a research design can be thought of as the structure of research. According to them, it is the 'glue' that holds all of the elements in a research project together. A design is used to structure the research, to show how all of the major parts of the research project work together to try to address the central research questions.

3.2 Population of the Study

The target population included the Local government officials, NGO officials, other development partners like World Bank, USAID, Department

for International Development (DFID) local community members/beneficiaries, and political leaders, mainly from Central Equatorial, but extended to Eastern Equatorial and Central Equatoria States, South Sudan.

3.3 Sample Size

In view of the nature of the target population where the number for all departments included in the study, a sample was taken from each category

Table 1: Respondents of the Study

Category of respondents	Total population	Sample size	Percentage	Sampling method
Administrators	08	04	3.3	Convenience
Procurement officers	39	26	14	Stratified
Financial officers	26	20	09	Stratified
Transport and travel officers	10	8	4.3	Stratified
Beneficiaries	180	100	68.4	Stratified
Total	263	158	100	

Source: primary data

The Sloven's formula is used to determine the minimum sample size.

$$n = \frac{N}{1 + N a^2}$$

3.4 Sampling Procedures

Samples were selected and data collected from them and made generalization on the whole population from which the sample have been chosen. To get respondents sample size to participate in the study, the researcher set a selection criterion where respondents were selected basing on the category of the respondents. Simple random technique was used to collect data from different categories of the respondents already determined. Then a sample was obtained.

3.5 Research Instruments/ questionnaires

Structured questionnaires were used and distributed to the determined respondents. The questionnaire is more convenient since it can be freely due to its anonymous nature. Questionnaires are also efficient and convenient in collection of quantitative data that makes it feasible (Sekaran.2003; Amin 2005). It's also less expensive than interviews and many people can be reached in a short period of time.

Questionnaires are formatted and structured for purposes of precision and accuracy in the data collection, to ensure that the items have the same measure and reliability. Questionnaires were closed-ended questions where respondents were given a set of alternative questions to pick from. This helped in easy coding of the data and also helps the respondents to respond fast.

The questionnaires were based on questionnaires previously developed. Cronbach's coefficient alphas (α) was used and the formula was based on Amin, 2005.

3.6 Validity and Reliability of the Instruments

Testing the validity of the research instrument

The validity is the extent to which a measurement instrument actually measures what is designed to measure (Amin, 1999). The validity of the instruments of this study referred to the content of the Questionnaire. To make sure that the questionnaire measured what was intended to measure, to ensure the clarity of questions, their effectiveness and the time required to complete the questionnaire, the researcher assessed its content validity and reliability. To test the content validity, the study used a panel of ten experienced researchers in the domain in the states of

South Sudan to assess their suitability and relevancy of the research objectives of the study and research questions. They were asked to assess the validity of the questions in the questionnaire by ranking them from 1 to 4 against objectives of the study and the research questions. 1- stood for strongly disagree, 2-Disagree, 3-Agree, and 4 for strongly agree. From there, a Content Validity Ratio (CVR) and Content Validity Index (CVI) was calculated.

$$CIV = \frac{\text{Number of items valid}}{\text{Total number of items}}$$

Total number of items

CVR was calculated by subtracting the total number of items judged to strongly disagree (1), and disagree (2) from the total number of items judged to strongly agree (4) and agree (3), thereby dividing them to a half of people asked to judge the questionnaire.

ii Testing the reliability of the research instruments

Reliability refers to the consistency of a measure. A test is considered reliable if we get the same result repeatedly. In order to test the reliability of the questionnaire, the researcher conducted a preliminary testing of the questionnaire before constructing the final copies to be distributed later in

the field for actual data collection. The questionnaire was tested to a selected sample, which the researcher planned to use in the study.

The questionnaire was based on questionnaires previously developed. Cronbach's coefficient alphas (α) was used and the formula was based on Amin, 2005.

3.7 Data Gathering Procedures

After attaining a letter from the College of Higher degrees and Research to go and collect data, a formal request to collect data was obtained from the different categories of the respondents.

Upon acceptance, the researcher made an appointment to meet with the respondents to individually get their consent and inform them that a research is being conducted for academic purposes and that their time is needed to fill in the questionnaires. Then the questionnaires were distributed and later on picked from the respondents for analysis.

Before the administration of the questionnaires

1. An introduction letter was obtained from the College of Higher Degrees and Research for the researcher to solicit approval to conduct the study from respective respondents.

2. When approved, the researcher secured a list of the qualified respondents from the research area in charge and select through systematic random sampling from this list to arrive at the minimum sample size.

3. The respondents were explained about the study and were requested to sign the Informed Consent Form (Appendix 3).

4. Reproduced more than enough questionnaires for distribution.

5. Selected research assistants who assisted in the data collection; brief and orient them in order to be consistent in administering the questionnaires.

During the administration of the questionnaires

The respondents were requested to answer completely and not to leave any part of the questionnaires unanswered.

The researcher and his assistants were emphasized retrieval of the questionnaires within five days from the date of distribution.

On retrieval, all returned questionnaires were checked if all are answered.

After the administration of the questionnaires

The data gathered was collated, encoded into the computer and statistically treated using the Statistical Package for Social Sciences (SPSS).

3.8 Data Analysis

The data was collected through a structured questionnaire and was coded and entered into the computer and statistically treated using the special package for social scientists (SPSS). Descriptive statistics was used to determine the distribution of respondents on personal information and the questions under each of the variable.

Pearson linear correlation coefficient was used to test the hypotheses between the variables. Frequencies and percentage distributions were used to analyze data on the respondent's profile; means were used on decentralization and community participation in development planning.

3.9 Ethical Considerations

To ensure confidentiality of the information provided by the respondents and to ascertain the practice of ethics in this study, the following activities were implemented by the researcher:

The researcher got a transmittal letter from College of Higher Degrees and Research which help him to introduce to the place where he is going to carry out the research. The questionnaire was anonymous and the responses in the questionnaire were confidential. Informal consent was got from the respondents to participate in the research.

3.10 Limitations of the study

The anticipated threats to validity in this study was as follows:

- Some key informants might not have revealed in detail the gaps and deficiencies that are affecting its success; this might have affected the content validity of the first research question.
- The research environments are classified as uncontrolled settings where extraneous variables could possibly have influenced on data gathered such as comments from other respondents, anxiety, stress, motivation on the part of the respondents while on the process of answering the questionnaires.
- Testing: the use of research assistants was expected to render inconsistencies such as differences in conditions and time when data was to be obtained from respondents. This was minimized by

orienting and briefing the research assistants on the data gathering procedures.

- Instrumentation: the research tools were non-standardized hence a validity and reliability test was done to arrive at a reasonable measuring tool.
- In terms of geographical coverage , the research looked at only two States of Eastern and Central Equatoria due to limitations in financial and financial facilitation.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND INTERPRETATION OF DATA

4.0 Introduction

This chapter covers analysis of data and the findings of the study. The general objective of the study was to investigate how legal support affects capacity development in local government in South Sudan. The first section of the chapter presents the demographic data of the respondents. The analysis proceeds according to the specific objective as explored by the study's questionnaire.

Response rate

The study targeted 158 respondents as local government officials, NGO officials, other development partners, community members/beneficiaries and politicians. Out of 158 questionnaires that were administered to respondents, 144 were completed and returned. This was a response rate of 81.4%. According to Mugenda (1999) a 50% response rate is adequate, 60% is good and one of 70% and above is rated as very good. This implies that basing on this assertion; the response rate in this case of 81.4% was very good.

Demographic information

In order to achieve the main purpose of this study, the researcher found it useful to find out the demographic information of the respondents. The demographic information of the respondents included: Gender, Age, Highest Education Qualifications and Number of years in service.

Table 2: Demographic characteristics of respondents.

	Category	Frequency	Percentage
Gender	Male	103	71.5
	Female	41	28.5
	Total	144	91%
Age	Below 20 years	7	4.9
	20-35 years	75	52.1
	36-45 years	51	35.4
	45 years and above	11	7.6
	Total	144	91%
Marital status of respondents	Married	109	75.7
	Single	29	20.1
	Divorced	6	4.2
	Total	144	91%
Highest level of education	Below diploma(no education, certificates)	60	41.7
	Diploma	17	11.8
	Bachelors Degree	40	27.8
	Masters	27	18.8
	Total	144	91%
Present position	General positions	65	45.1
	Administrator in finance, human resource, procurement.	45	31.3
	IT, program Assistant, Analyst	25	17.4
	Transport and travel, Driver, Engineer	9	6.3
Working experience	Total	144	91%
	Less than 2 years	24	16.7
	2-4 years	46	31.9
	5-7 years	67	46.5
	8 years and above	7	4.9
Total	144	91%	

Source: primary data 2013

Results in Table 2 about demographics, evidence that that majority 103(71.5%) of respondents were male while female respondents were only 41(28.5%). This implies that males are more represented in local governments and thus benefit more than women from local government programmes. Table 2 too, reveals that majority 75(52.1%) of respondents were aged 20-35 years, 51(35.4%) were aged 36-45 years, 11(7.6%) were aged 45 years and above whereas, 7(4.9%) are under 20 years of age- implying fair representation of respondents by age. In terms of marital status,109(75.7%) were married, 29(20.1%) were single whereas 6(4.2%) divorced. This reflects that most respondents have family responsibilities.

Regarding highest level of education, 60(41.7%) of respondents did not reach diploma level probably are certificate holders, 40(27.8%) degree holders 27(18.8%) are master holders and 17(11.8%) are diploma holders. Education results indicate that most south Sudanese have very low level of education which could be due to instabilities in south Sudan. Regarding present position of respondents; majority 65(45.1%) are in general positions as counselors, associates, security and support staff; 45(31.3%) are in administration and finance, 25(17.4%) of respondents are in the network technicians and program assistants and analysts while

7(4.9%) are in transport and travel, driving and engineering department. Regarding experience 67(46.5) of respondents had worked for 5-7 years, 46(31.9%) had spent 2-4 years, 24 (16.7%) had worked for less than 2 years of age whereas, 7(4.9%) had worked for 8 years and above while in the present position –implying they had enough experience and suitable to give required data for this study.

Legal Support in Local Governments in South Sudan.

The independent variable of the study was legal support and the first objective was to determine the extent of legal support in local governments in south Sudan.

Table 3: Rate of Agreement/Disagreement to questions on legal support.

Response	Frequency	Percentage
Number of Strongly agree and agree responses.	617	28.56
Number of Disagree and strongly disagree responses.	1543	71.44
Total	2160	100

Table 2 suggests that 617(28.56%) responses on legal support were strongly agree and agree whereas 1543(71.44%) responses were disagree and strongly disagree responses. It thus implies that legal

support is low in local governments in south Sudan, that is, there is pervasive unlawful practice in local governments in South Sudan.

Table 4: Mean values of items on legal support in local governments in South Sudan.

Items	Mean	Interpret	Rank
There are many regulatory laws governing local government in South Sudan.	2.53	Low	1
The implementation of local government programmes are guided by the drafted laws	2.45	Low	2
The local government laws have helped foster the development of decentralization in South Sudan	2.45	Low	2
Cases of abuse in the local government are fully handled by the existing laws.	2.45	Low	2
The local government policies enable the involvement of the local community in monitoring and implementation of development projects.	1.76	Low	5
The institutional framework of the local government is strongly recognized by the national courts	1.70	Very Low	6
The local government laws empower the local community members to demand for accountability from the different management committees	1.68	Very Low	7
The government prioritizes the local government sector in South Sudan	1.68	Very Low	7
There are clearly drafted laws that govern the operation of local government in South Sudan	1.68	Very Low	7
Decentralization of the local government is fully enshrined in the national constitutions and other statutory instruments	1.50	Very Low	10
The local government laws promote transparency and accountability in the promotion of decentralization in South Sudan	1.45	Very Low	11
The government of South Sudan enacts laws that are pro-development in the country.	1.43	Very Low	12
There are low cases of corruption due to the existence of local government laws	1.42	Very Low	13
The existing local government laws are very friendly and they directly support development	1.42	Very Low	13
The local government laws have enabled clear implementation of decentralization programmes in South Sudan	1.41	Very Low	15
Over mean	1.80	Low	

Source: primary data 2013

Results on legal support are shown in table 4 above. The mean values in the table are interpreted according to the criteria shown in table 1, about interpretation of means. Table 4 suggests that the independent variable-legal support has a low mean of 1.80. This implies that majority of the respondents disagree and strongly disagreed to the items on legal support in local governments. It implies that stakeholders in local governments of South Sudan do employ unlawful practices different from set legal standards, in their day to day operations. All items on the independent variable (table 4) had means ranging from 1.41 to 2.53, thus interpreted low, which meant low level of legal support in local governments in South Sudan. The overall mean response on legal support questions, implied absence of legal support in local governments. For instance, the first question that, there are many regulatory laws governing local governments in South Sudan scored a mean response of 2.53 meaning that there are few regulatory laws governing local governments. The second, third and fourth items scored a low mean value of 2.45 which meant that the implementation of local government programmes are not guided by the drafted laws, local government laws have not helped foster the development of decentralization in South Sudan, and that cases of abuse in the local government are not fully handled by the existing laws

respectively. Mean of 1.76 for question five implied that local government policies do not call for involvement of the local community in monitoring and implementation of development projects. Mean of 1.70 on question six imply that the institutional framework of the local government is not recognized by the national courts. The mean of 1.68 on items seven, eight and nine imply that government does not prioritize local government sector, drafted laws that govern the operation of local government are not clear and the laws do not empower the local community members to demand for accountability from the different management committees respectively. Question 10 to 15 scored very low means which implied that decentralization of the local government is not fully enshrined in the national constitutions and other statutory instruments, local government laws do not promote transparency and accountability, the government of South Sudan does not enacts pro-development laws, existing laws prompt high level of corruption in South Sudan, the existing local government laws are cheap and they don't support development, the local government laws have not enhanced implementation of decentralization programmes in South Sudan.

Capacity development in local governments in south Sudan.

The dependent variable of the study was capacity development in local governments in South Sudan and the second objective was to determine the degree of capacity development in local governments in south Sudan.

Table 5: Rate of Agreement/Disagreement to questions about capacity development in local governments in south Sudan.

Response rate	Frequency	Percentage
Number of Strongly agree and agree Responses	1485	68.75
Number of disagree and strongly disagree responses	675	31.25
Total	2160	100

Source: Primary data 2013

Table 5, suggests that **1485 (68.75%)** responses on capacity development were strongly agree and agree responses. It also suggests that **675 (31.25%)** responses were disagree and strongly disagree responses. This implies that most responses were agree responses.

Table 6: Mean values on items about capacity development in Local Governments in South Sudan .

Items	Mean	Interpreted	Rank
There are many development programmes being implemented by the government and other development partners in South Sudan	3.26	Very high	1
The local people are happy with the number of projects established by the government and other development partners	3.14	High	2
There are many beneficiaries who are already benefiting from different development programmes established by the ministry of Local Government	3.14	High	2
The local people have enabling environment for development activities in South Sudan	3.09	High	4
Decentralization of the local government programmes have helped eradicate poverty in the population	3.04	High	5
Clear monitoring mechanisms have been drafted to aid the implementation of different development programmes	3.04	High	6
The local people have ability to achieve socio-economic goals on their own	3.04	High	6
Many people have been trained to accomplish the different decentralization programmes in South Sudan	2.69	High	8
The local people have been entrusted with different development activities in South Sudan	2.62	High	9
The local people have been entrusted with different development activities in South Sudan	2.58	High	10
The local people have been empowered to achieve development through the different decentralization programmes	2.58	High	10
The government consults technical personnel when introducing the different development partners	2.58	High	10
All the Local Government projects have been successful in south Sudan	2.31	Low	13
All the Local Government projects have been successful in south Sudan	2.13	Low	14
The programmes that have been introduced by government and other development partners have been implemented by the local people.	2.06	Low	15
Overall mean	2.75	High	

Source: Primary data 2013

Table 6 displays results on capacity development - the dependent variable of the study. Most of the questions scored high means in the range of 2.51 to 3.25 and to which most respondents agreed. The table presents an overall mean of 2.75 which implies most respondents agreed to items thus high level of capacity development in local governments of South Sudan. It further implies that there exists many capacity development programmes in local governments of south Sudan. This could be due to many developmental organizations coming up in South Sudan which are spear headed by the United Nations and the South Sudan government.

The High level of capacity development is signified or indicated by very many development programmes being implemented by the government and other development partners in South Sudan (3.26), presence of many local people who are happy with the number of projects established by the government and other development partners(3.14), many beneficiaries of different development programmes established by the ministry of local government(3.14), The local people have enabling environment for development activities in South Sudan(3.09), high level of poverty eradication due decentralization of the local government programmes (3.04). Clear monitoring mechanisms have been drafted to aid the implementation of different development programmes (3.04).The

local people has ability to achieve socio-economic goals on their own (3.04). Many people have been trained to accomplish the different decentralization programmes in South Sudan (2.69). The local people have been entrusted with different development activities in South Sudan (2.62). The local people have been entrusted with different development activities in South Sudan (2.58). The local people have been empowered to achieve development through the different decentralization programmes (2.58). The government consults technical personnel when introducing the different development partners (2.58). All the Local Government projects have been successful in south Sudan (2.13). The programmes that have been introduced by government and other development partners have been implemented by the local people (2.06). From above it can be concluded that capacity development is high in local governments in south Sudan.

Relationship between legal support and capacity development of in local governments in south Sudan

Table 7: Relationship between legal support and capacity development of local governments in south Sudan

Variables correlated	Pearson r-value	Level of significance	Interpretation	Decision on Ho
Level of legal support and capacity development	0.101	0.03	Significant	Rejected

Tabulated Sig value = 0.05

Results in table 7 suggest that the computed significance value (sig = 0.003) is less than tabulated significance value (sig=0.05) implying that the Pearson correlation coefficient (r=0.102: Sig 0.03) is significant, hence; Legal support is significantly correlated with capacity development leading to rejection of the null (Ho) hypothesis of no correlation between the study variables at 5% level of significance.

Table 8: Regression analysis between Legal support and capacity development in local government in south Sudan

Variables regressed	Adjusted R2	F-value	Sig	Interpretation	Decision on Ho
Level of legal support and capacity development	3.84	1.212	0.03	Significant	Accepted

Sig value = 0.05

Results in table 8 suggest that Legal support significantly affects capacity development [(computed $F=1.212$) < (tabulated $R^2=3.84$); (computed sig= 003) > (standard sig= 0.05)] hence rejecting the null hypothesis that legal support is not significantly related to capacity development at 0.05% level of significance. Results indicate that Legal support strongly affect capacity building development.

CHAPTER FIVE

FINDINGS, CONCLUSION AND RECOMMENDATION

5.0 Introduction

This chapter presents a summary of major findings, conclusions, recommendations and areas of further research.

5.1 Findings

Demographic characteristics of respondents

In the study, majority of the respondents were male rating at 103 frequency and 71.5%. In terms of age, majority of the respondents were aged between 20-35 years accounting 52% and the least number of respondents in terms of age were respondents aged below 7. This demarcation in terms of age implied majority of the respondents who are either affected by legal support or capacity building the young people aged between 20-35. By characteristic this age group is a very pro-active group that needs to indulge in matters of state and community. Majority of the respondents were married while 41.7% of the respondents were individuals whose academic qualifications were below a diploma level.

Legal support in local governments of South Sudan

While determining legal support, the highest mean was 2.53 interpreted as low (There are many regulatory laws governing local government in South Sudan). This had an implication that there were no regulatory laws governing local governments in the area under study. The lowest mean of the study was 1.41 interpreted as very low (The local government laws have enabled clear implementation of decentralization programmes in South Sudan). This section of the study had an implication that there is a very slow and poor implementation of the laws that support the decentralization program.

The overall mean of legal support items was 1.80 which is equivalent to 45%. This implies that legal support in local governments is below average. It means absence of legal standards thus most activities in local governments are executed dishonestly.

Capacity development in local governments in south Sudan

The second objective of the study was to determine the extent of capacity building and the highest mean of the study was 3.26 (There are many development programmes being implemented by the government and other development partners in South Sudan). This implied that there are

better levels of capacity building in the area under study bearing in mind that government and development partners are at play. The lowest mean of the study 2.06 which as a low rank (The programmes that have been introduced by government and other development partners have been implemented by the local people). This section had an implication that government and other sectors fail to have their projects to be implemented; this could some time be attributed to the failed consultation and participation of the masses.

The overall mean of capacity development items was 2.75 which is equivalent to 68.75%. This implies that capacity development in local governments is fair. It means absence of legal standards thus most activities in local governments are executed dishonestly. The increase in knowledge, output rate, management, skills, and other capabilities of an organization through acquisition, incentives, technology, and training in local governments of south Sudan is at 68.75%.

Relationship between legal support and capacity development in local governments in south Sudan.

There is a low correlation between variables studied [$r=0.101$, sig = 0.03]. This implies there is a great change in legal support (compared

to early CPA days) that brings about on capacity development of local governments in south Sudan.

5.2 Conclusions

Most employees/ stakeholders in local governments of south Sudan are married male people with low education level and working experience of 5-7 years.

Legal support in local governments of south Sudan is as low as 45% thus absence of legal support, capacity development is fair at 68.75% thus local governments try to develop stakeholders with new skills and training. There is no relationship between legal support and capacity development implying that legal support does not affect capacity development.

Testing of hypothesis

The hypothesis of no significant relationship between legal support and capacity development in local governments of south Sudan was rejected at 0.05% level of significance. ($F=1.212$, $\text{sig } 0.137 < 0.05$).

5.3 Recommendations

The government of South Sudan support to the local government.

Local governments ought to recognize the role of clear legal procedures in execution of their day to day work for effective service delivery to the people of South Sudan which can reduce on ignorance of civil servant.

It also needs to train most of its workers in Local government policies and guide lines to equip workers with knowledge for better service delivery.

To Civil Society

These will include; the media, NGOs, CBOs of South Sudan particularly Equatorial states need to sensitise people about the advantages of getting legal skills through programmes initiated by the civil society.

They also need to begin projects that address the dilemmas of poor governance in communities for better social, economic transformation.

Through their media they are also supposed to bring to attention of the world of the bad practices which may hinder service delivery and which may require legal redress in courts of law.

To International Community

The international communities like the UN, UNICEF, and the AU, EU, The World Bank, International Monetary Fund should finance programmes geared towards improved legal frame work and legal support among the people of South Sudan.

They should also put noble praises for those people who have worked tirelessly put in place legal frame works and those have helped their people and built their capacity in terms of legal fraternity.

Areas for further research

Legal mainstreaming and effective service delivery in Eastern and Central Equatorial South Sudan.

Capacity Building and business success in Equatorial State South Sudan.

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APPENDIX 1 A

TRANSMITTAL LETTER

COLLEGE OF HIGHER DEGREES AND RESEARCH

Dear Sir/Madam,

RE: INTRODUCTION LETTER TO CONDUCT RESEARCH IN YOUR INSTITUTION

Mr. Droma Bank Dominic Kat is a bonafide student of Kampala International University pursuing a Masters Degree of Business Administration in Local Government.

He is currently conducting a field research for his thesis entitled, "legal support and capacity development in selected local governments in south Sudan".

Your Organization has been identified as a valuable source of information pertaining to her research project. The purpose of this letter then is to request you to avail him with the pertinent information she may need.

Any data shared with him will be used for academic purposes only and shall be kept with utmost confidentiality.

Any assistance rendered to her will be highly appreciated.

Yours truly,

Novembrieta R. Sumil, Ph.D.

Deputy Vice Chancellor, College of Higher Degrees and Research

APPENDIX I B

TRANSMITTAL LETTER FOR THE RESPONDENTS

Dear Sir, Madam,

Greetings!

I am a candidate for Master of Business Administration in Local Government at Kampala International University. My study is entitled, "legal support and capacity development in selected local governments in south Sudan".

Within this context, may I request you to participate in this study by answering the questionnaire? Kindly do not leave any option unanswered. Any data you will provide shall be for academic purposes only and no information of such kind shall be disclosed to others.

May I retrieve the questionnaire within five days (5)?

Thank you very much in advance.

Yours faithfully,

Mr. Droma Bank Dominic Kat

APPENDIX II

CLEARANCE FROM ETHICS COMMITTEE

Date _____

Candidate's Data _____

Name _____

Reg.# _____

Course _____

Title of Study _____

Ethical Review Checklist

The study reviewed considered the following:

- Physical Safety of Human Subjects
- Psychological Safety
- Emotional Security
- Privacy
- Written Request for Author of Standardized Instrument
- Coding of Questionnaires/Anonymity/Confidentiality

— Permission to Conduct the Study

— Informed Consent

___ Citations/Authors Recognized

Results of Ethical Review

___ Approved

— Conditional (to provide the Ethics Committee with corrections)

— Disapproved/ Resubmit Proposal

Ethics Committee (Name and Signature)

Chairperson _____

Members _____

APPENDIX III

INFORMED CONSENT

I am giving my consent to be part of the research study of Mr. Droma Bank Dominic Kat that will focus on emotional intelligence and leadership styles.

I shall be assured of privacy, anonymity and confidentiality and that I will be given the option to refuse participation and right to withdraw my participation anytime.

I have been informed that the research is voluntary and that the results will be given to me if I ask for it.

Initials: _____

Date _____

APPENDIX IVA

KAMPALA INTERNATIONAL UNIVERSITY
COLLEGE OF HIGHER DEGREES AND RESEARCH

SURVEY ON DECENTRALIZATION AND COMMUNITY
PARTICIPATION

Dear Sir/Madam

I am a student of Kampala International University pursuing a Masters Degree of Business Administration in Local Government. Part of my requirement is an empirical investigation. The study I had conceived refers to a survey about legal support and Local government development. May I request you then to be part of this study by answering my questionnaire? Your views will be treated confidentially and the information gathered will be for academic purposes only.

** ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *
 *** ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** *

DIRECTION: Please respond to each item using the scoring guide below. Kindly write your best choice on the space before each item. Be honest about your option.

Rating	Response Mode	Description	Interpretation
(4)	Strongly agree	you agree with no doubt at all	V. Good
(3)	Agree	you agree with some doubt	Good
(2)	Disagree	you disagree with some doubt	Fair
(1)	Strongly disagree	you disagree with no doubt at all	Poor

** ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *

PART A: RESPONDENT'S PROFILE

(Please Tick): Age: _____

Gender: _____

Highest Educational Qualifications _____

Number of years in service _____

Level of Legal support

_____1. There are many regulatory laws governing local government in South Sudan

_____2. The existing local government laws are very friendly and they directly support development

_____3. The implementation of local government programmes are guided by the drafted laws

_____4. The government of South Sudan enacts laws that are pro-development in the country

_____5. The local government laws promote transparency and accountability in the promotion of decentralization in South Sudan

_____6. The government prioritizes the local government sector in South Sudan

_____7. There are clearly drafted laws that the govern the operation of local government in South Sudan

_____8. The institutional framework of the local government is strongly recognized by the national courts

_____9. Decentralization of the local government is fully enshrined in the national constitutions and other statutory instruments

_____10. The local government laws empower the local community members to demand for accountability from the different management committees

_____11. The local government policies enable the involvement of the local community in monitoring and implementation of development projects.

_____12. Cases of abuse of in the local government are fully handled the existing laws

_____13. The local government laws have helped foster the development of decentralization in South Sudan

_____14. There are low cases of corruption due to the existence of local government laws

_____15. The local government laws have enabled clear implementation of decentralization programmes in South Sudan

PART B: QUESTIONNAIRE TO DETERMINE THE EXTENT OF CAPACITY DEVELOPMENT

DIRECTION: Please respond to each item using the scoring guide below.

Kindly write your best choice on the space before each item. Be honest about

your option.

Rating	Response Mode	Description	Interpretation
(4)	Strongly agree	you agree with no doubt at all	V. Good
(3)	Agree	you agree with some doubt	Good
(2)	Disagree	you disagree with some doubt	Fair
(1)	Strongly disagree	you disagree with no doubt at all	Poor

** ** * ** * ** * ** * * ** * ** * ** * * ** * * ** * ** * ** * * ** * *

_____1. The local people have been empowered to achieve development through the different decentralization programmes

_____2. Many people have been trained to accomplish the different decentralization programmes in South Sudan

_____3. The local people have ability to achieve socio-economic goals on their own

_____4. There are many development programmes being implemented by the government and other development partners in South Sudan

_____5. Decentralization of the local government programmes have helped eradicate poverty in the population

_____6. The local people have enabling environment for development activities in South Sudan

_____7. Clear monitoring mechanisms have been drafted to aid the implementation of different development programmes

_____8. The local people have been entrusted with different development activities in South Sudan

_____9. The government consults technical personnel when introducing the different development partners

_____10. Decentralization planning is always made in consultation with the public (beneficiaries) in key areas.

_____11. There are many beneficiaries who are already benefiting from different development programmes established by the ministry of Local Government

_____12. The local people have been able to manage the different transformations in the development of decentralization

_____13. The local people are happy with the number of projects established by the government and other development partners

_____14. All the Local Government projects have been successful in south Sudan

_____15. The programmes that have been introduced by government and other development partners have been implemented by the local people.