

A Conceptual Framework for Resolving the Crisis of Governance and Leadership in South Sudan

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Abbreviations

5Rs	Repatriation, Relief, Resettlement, Rehabilitation, and Reconstruction
CANS	Civil Authority of New Sudan
CPA	Comprehensive Peace Agreement
DDR	Disarmament, demobilization and reintegration
DPF	Development Policy Forum
ECSS	Ebony Center for Strategic Studies
FSI	Failed States Index
GoSS	Government of Southern Sudan
GPRA	Government Performance and Results Act
GRSS	Government of the Republic of South Sudan
ICSS	Islamic Council of South Sudan
IGAD	Intergovernmental Authority on Development
IGSS	Interim Government of South Sudan
IMF	International Monetary Fund
NDSS	National Dialogue of South Sudan
NLA	National Legislative Assembly
SPLM-FD	Sudan People's Liberation Movement Former Detainees
SPLM-IG	Sudan People's Liberation Movement In Government
SPLM-IO	Sudan People's Liberation Movement in Opposition
SSCC	South Sudan Council of Churches
SSRDB	South Sudan Reconstruction and Development Bank
TCSS	Transitional Constitution of South Sudan
TGNU	Transitional Government Of National Unity
TGSU	Transitional Government of SPLM Unity
USAID	United States Agency for International Development

Executive Summary

This ‘Conceptual Framework for Resolving the Crisis of Governance and Leadership in South Sudan’ states the problem as political dysfunctionality. The paper uses two analytical tools to articulate the nature of the crisis: a 3-circle Venn diagram and a fragility trap. For nine (9) years, the SPLM leaders now in conflict did nothing to improve the plight of their citizens. In this regard, a transitional government of national unity (TGNU) led by the same actors will ensure that South Sudan remains in the vicious cycle of fragility for years to come. Instead, what is needed is an Interim Government of South Sudan (IGSS) that is guided by an overarching vision of sustained peace, economic growth, and poverty eradication.

The framework proposes to resolve the stated problem through a three-prong approach: a) sustained peace through direct talks between the warring parties; b) national dialogue, which is a multi-stakeholder forum to discuss six (6) key issues/challenges facing South Sudan; and c) intra-SPLM dialogue on the underlying causes of political dysfunctionality within the ruling party that in turn triggered violent conflict on December 15, 2013.

The paper lays out a monitoring and evaluation agenda with outcomes and performance indicators to be overseen by an independent body. A post-conflict agenda is dedicated to improving governance and enhancing the effectiveness of public sector organizations and institution.

I. Statement of the Problem

Since 1983, the Sudan People's Liberation Movement (SPLM) has been the vehicle by which the oppression of South Sudanese under several regimes in Khartoum has been vanquished; the instrument by which the long-standing civil war was ended; and the mechanism by which independence was achieved. Yet, over time, particularly since 2005, the SPLM and its leaders have greatly declined in effectiveness, mired in corruption, tribalism, and mismanagement while its unique vision has been forgotten, resulting now in a dysfunctional government despised by many though once the darling of the world. The current violent conflict started in December 2013 is the result of this dysfunctionality, which if not halted will plunge the new nation into the abyss.

We can unambiguously conclude, in the light of the preceding paragraph, that there is now a general consensus within the development policy community (local, regional, and international) that the underlying cause of the current violent conflict in South Sudan is the failure of the political system to build resilient institutions and effective governance¹. That is, **political dysfunctionality** has in turn led on the one hand to the crisis of governance and leadership, and on the other into a fragility trap.

1.1 The Nature of Crisis

The challenges of post-conflict 'normalization' in South Sudan since 2005 have been enormous. They have proven too big for the ruling SPLM party, and for its political and military leadership. The government and the political leadership have so far failed to create the types of institutions that would have effectively prevented the country's descent into this morass². Rather than preventing predatory behavior by those who control the means of violence, they have enabled it. Today, the conflict shows every signs of being a straight-out fight for power and money: there are no ideological agendas (i.e. visions) worthy of the name at stake, nor even ethnic ones.

As we have pointed out in the preceding paragraph, that the crisis is primarily political, but ethnic targeting and communal mobilization brought about a quick escalation to appalling levels of brutality against civilians. A number of communities would seem to have aligned themselves with military factions, giving the conflict a dangerous ethno-military nature. Gains on the battlefield are encouraged as a means to strengthen position at the negotiations table. Communal conflicts are reflected in political disputes, and are compounded in our view by what appears to bet inherent weakness of the United Nations Mission in South Sudan (UNMISS)³.

One of our primary tasks is to seek to understand how a dispute over political power, not oil, triggered clashes in Juba on December 15, 2013. This is especially relevant when the lucrative deposits of oil, which is generating billions of dollars for

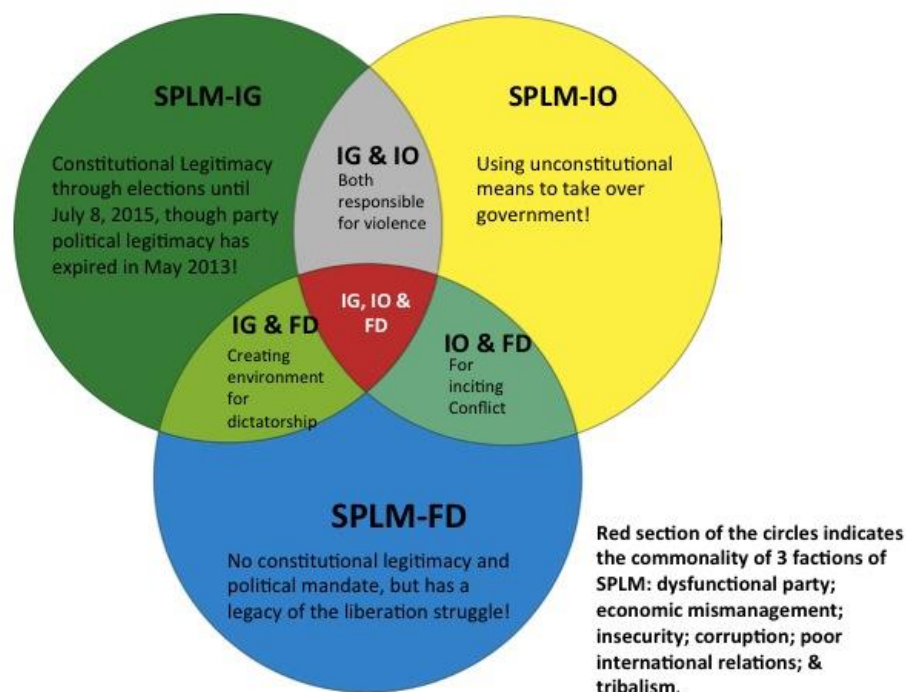
¹ South Sudan is topping the list of failed states index for the year 2014.

² Failure to write a permanent constitution, failure to hold convention on time to choose the party flag bearer, and all dysfunctions within the party hierarchy and the grassroots, leading to the famous charge that the party "has lost vision and direction."

³ Demonstrated by the inability to protect persons who have taken refuge in their camps (e.g. the killing in Akobo at the UNMISS camp). Moreover, we have credible information from some of the international NGO agencies working in South Sudan that a sizeable number of people in Juba UNMISS camp are dual nationals of USA, UK, Canada, and Australia. The question is why is the UN keeping them in the camp and not repatriating them to their second home countries.

the world's youngest nation and its partners is raising the stakes for the parties to the conflict - making the "prize" of control of the central state ever more alluring. But, we think that this struggle for power and resources is essentially confined within the SPLM ruling party in South Sudan. Hence, we would like to analyze the nature of crisis in South Sudan, for the sake of conceptual clarity, through a 3-circle Venn Diagram given in Figure One below. Our focus on the ruling party – the Sudan People's Liberation Movement (SPLM) – is because the internal struggle for power and resources within it has landed the country on the top of failed states index (FSI) for the year 2014.

Figure One: A 3- Circle Venn Diagram Model For Analyzing The Failure of Political System in South Sudan



Let us then look at our analytical instrument in the form of the Venn Diagram, which had been one of the problem solving tools used by the late Dr. John Garang de Mabior. In the *Garangian* tradition of critical thinking, each of the three circles in the above Venn Diagram represents a faction of the Sudan People's Liberation Movement (SPLM). The three factions are⁴: a) SPLM-IG; b) SPLM-IO; and c) SPLM-FD, respectively represented by green, yellow, and blue circles. It would be recalled that the current crisis of governance in South Sudan was triggered by an internal disagreement within the SPLM Political Bureau (SPLM-PB) when Dr. Riek Machar challenged, in February 2013, the leadership/chairmanship of President Salva Kiir. Dr. Machar raised the following six (6) issues as clear evidence of leadership failure of Chairman Kiir:

- a) Dysfunctional SPLM;
- b) Generalized insecurity in the country;
- c) Economic mismanagement;

⁴ IG (in government); IO (in opposition); and FD (former detainees).

- d) Pervasive corruption;
- e) Foreign policy failure; and
- f) Tribalism.

We think that the three factions of the SPLM are equally responsible for the above six (6) symptoms of South Sudan's malady. This is because they were all in the government during the period from August 2005 to July 23, 2013. This is a long period in which they could have resolved these issues amicably and without resorting to the current senseless war that has thus far cost the country thousands of human lives and billions of United States dollars in both private and public properties. Hence, we have determined that these six issues (i.e. key elements of the crisis) constitute the commonality (**red area of the intersection of the three circles**) of the three factions of the SPLM.

The grey area in the Venn Diagram constitutes the commonality (**current senseless war**) between SPLM-IG and SPLM-IO. President Kiir would seem to have had taken Dr. Machar's six points as key elements of an agenda for a comprehensive reform when in July 2013 he overhauled his government. But, the subsequent events leading to the eruption of violent conflict on December 15, 2013 would tend to indicate that the crisis of governance in South Sudan is essentially underpinned by the struggle for power and resources and not driven by the desire for building resilient institutions and effective governance, which would in turn lead to sustained peace, economic growth, and poverty eradication.

The light green area depicts the commonality (**propensity to dictatorship within the party**) between SPLM-IG and SPLM-FD. The lack of internal democracy within the SPLM was spearheaded by key elements of the SPLM-FD when in 2008 those of Telar Ring Deng and Aleu Ayieny Aleu were dismissed not only from the political bureau, but also from the SPLM. Moreover, Manoh Aligo was dismissed from the party by this same elements and Dr. Lam Akol Ajawin was forced to break away from the SPLM and formed his own SPLM-DC. Moreover, the spokesman of SPLM-FD was one of the key framers of the Transitional Constitution of South Sudan (TCSS) that gave President Kiir the constitutional power to dismiss elected governors and dissolve elected legislative assemblies.

The light blue area shows the commonality (**incitement of conflict, evidenced by December 6, 2013 press release**) between SPLM-IO and SPLM-FD. It is, however in our view, that the press release of December 6, 2013 was a consequence of weak internal democracy within the SPLM. Hence, political dysfunctionality is a function of weak internal democracy within our political parties in general, and the SPLM in particular.

1.2 The Vicious Cycle of Fragility

States are fragile, in our view, when they suffer major authority, legitimacy and capacity deficits, diminishing their ability to provide basic governance and to safeguard the security and human rights of their populations. The absence of sustained development in rural areas, in turn, deepens the fragility of the state, creating a vicious circle of fragility that is difficult to break.⁵ South Sudan's leadership has not

⁵ See, for instance, Institute of Development Studies, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH 29 May 2014.

established the conditions for long-term development. The underlying political and economic conditions are too fluid and too risky to encourage savings and long-term investment, with communities and individuals focusing on quick returns instead. The elite has shown a marked disposition to act in predatory fashion toward the income and wealth of the nation, deepening the nation's fragility.

For nine (9) years, the country has been in the hands of the groups that are now in conflict with one another. During that time, nothing was done to improve devastated social and economic infrastructures; to settle communal disputes over land and access to resources; to resettle and integrate returning populations; and/or to take even rudimentary steps toward the consolidation of a state at the service of its population. Moreover, for nine (9) years the leaders now in conflict stood back and let international partners⁶ do all the work of providing few basic services that are now available, while devoting essentially all of its time and energy to angling for a portion of the oil revenue stream⁷.

Hence, it would seem to us that SPLM's vision of taking towns to the rural areas has been denied as well as the dividends of peace and pride of independence. When the ordinary South Sudanese people look to Juba, for John Garang's noble idea of taking the towns to them in the rural areas, they see a predatory elite willing to inflict any number of tragedies upon them in order to keep, or take over, control of the state. But, the more they fight, the more the state they are fighting to control cracks and threatens to collapse altogether. This is, in our view, the reality of South Sudan today. It is necessary, therefore, to express it in raw terms (i.e. conceptual clarity, so that no one is left in any confusion about the gravity of the situation. Our professional conviction demands that we provide a robust analysis of development issues facing an independent Republic of South Sudan.

The World Bank articulates five critical phases of the vicious cycle of fragility. The Bank states that, "If countries experience repeated cycles of poor governance, low investment, new stresses and violent relapses, they can remain stuck in a fragility trap⁸." We present in Figure Two below, a modified version of the vicious cycle of fragility. It is our sincere hope that all the stakeholders in the viability of the South Sudanese State would try to internalize the phases of fragility trap, so as to appreciate the key elements of the proposed conceptual framework.

⁶ Close to 80% of health is provided by the NGOs and education shares in similar neglect

⁷ Evidenced by the letter of President Kiir to 75 current and former senior officials accusing them of having stolen \$4.5 billion.

⁸ The Way Out of Fragility Trap, a presentation made at the World Bank South Sudan Country Team Retreat, May 28 – 30, 2014 at Windsor Resort, Nairobi, Kenya.

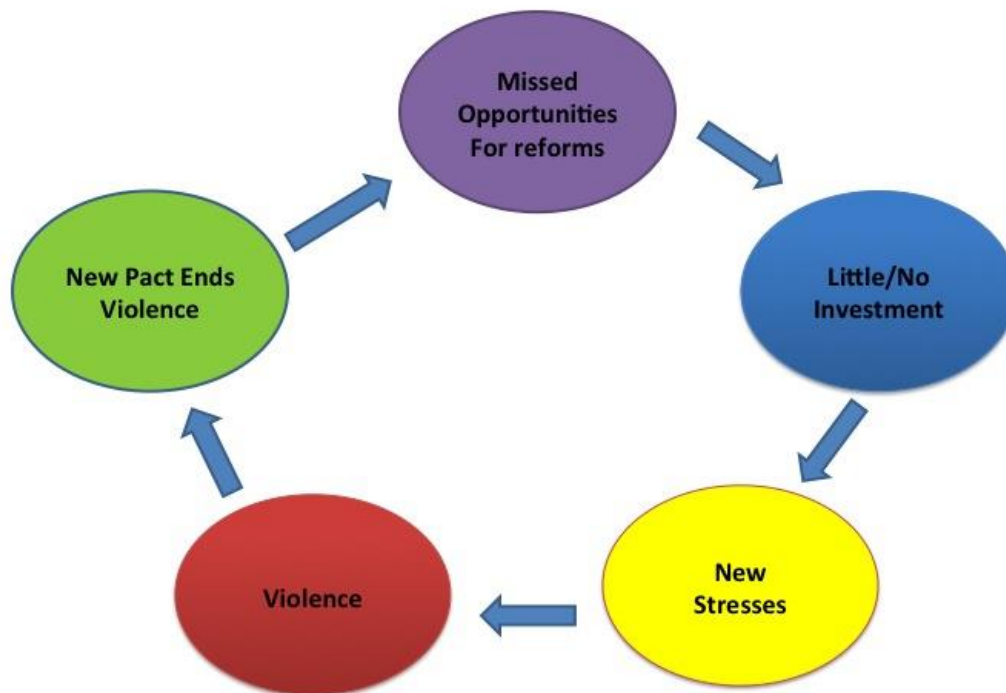


Figure Two: Fragility Trap as Conceptualized by the World Bank

The first phase (**brown circle**) is when a country out of conflict (or newly independent country, such as South Sudan) misses an opportunity to reform institutions of resistance to those of a nation-state. It would be recalled that the SPLM had issued in August 2004 its blueprint known as the **SPLM Strategic Framework for War-to-Peace Transition**, which was calling for a comprehensive reform. President Kiir (then Cdr.) was in-charge of the transformation of the Sudan People's Liberation Army (SPLA) from a guerrilla army into a professional army of a state. Vice President Igga (then Cdr.) was responsible for the transformation of the SPLM into a political party ready to govern in a multi-party democracy environment. While Dr. Machar (then Cdr.) was given the task of transforming the Civil Authority of New Sudan (CANS) into a robust civil service of Southern Sudan and eventually of an independent South Sudan.

The SPLM strategic framework was shelved after the tragic death of Dr. John Garang de Mabior. This failure to reform institutions of resistance, in turn, led South Sudan to the second phase (**blue circle**) of low investment in key areas, such as: basic services, social capital, human capital, physical capital, infrastructure, and so forth. Our estimates show that the Government of Southern Sudan (GoSS) and Government of the Republic of South Sudan (GRSS) have received an estimated amount of \$20.0 billion of oil revenues during the period 2005 – June 2014⁹. Moreover, World Bank records show that GoSS/GRSS claimed to have spent \$1.3 billion on roads during the same period, yet it is public knowledge that there is only one highway of 192 km (i.e.

⁹ The Minister of Finance in his budget speech to the NLA on July 2, 2014 has given a figure of \$19.0 billion for the period 2006 – June 2014. Our calculations for 2005 tend to indicate that GoSS had at least received \$1.0 billion of oil revenues in that year; hence our estimated total figure is \$20.0 billion.

Nimule – Juba road). But, this was funded by United States Agency for International Development (USAID). In fact, that amount of money could have built 1,300 km of paved roads.

Low investment in the key areas that we have just mentioned, in turn, led to generalized-discontent and new stresses constituting the third phase (**yellow circle**) of the fragility trap. The stresses were manifested in political recklessness and misguided actions by a number of warlords and militias (e.g. George Athor Deng, David Yau Yau, Gabriel Taginyang, Peter Gadet, Bapiny, Oluny, Peter Abdurrahman Sulu, etc.). Political recklessness was also demonstrated by the SPLM. The two press conferences of December 6 and 8, 2013, in our view laid the basis for the eruption of the current senseless war, in which all the factions of the SPLM are losers.

The fourth phase (**red circle**) is the eruption of violent conflict, as it happened on December 15, 2013. The fifth phase (**green circle**) is the peace agreement aimed at ending the violent conflict, which if it fails to address the problem it would lead to the first phase (or **brown circle**) of missed opportunities to address the root causes of the crisis of governance. We would argue that the Agreement to Resolve the Crisis in South Sudan, signed by President Kiir and Dr. Machar on 9 May 2014 in Addis Ababa, Ethiopia is already an indication of the failure to address the underlying causes of the crisis of governance and leadership in the country. This agreement was witnessed and guaranteed by the Ethiopian Prime Minister, Hailemariam Dessalegn who is also the Chairman of IGAD Assembly. The key paragraph in that agreement is, in our view, the following:

Agree that a transitional government of national unity will offer the best chance for the people of South Sudan to take the country forward; and that such a government shall oversee government functions during a transitional period, implement critical reforms, as negotiated through the peace process, oversee a permanent constitution process, and guide the country to new election; and thus direct our respective representatives to the IGAD-led peace process to negotiate the terms of a transitional government of national unity.

A transitional government of national unity (TGNU) as conceptualized in the above cited passage will ensure that South Sudan would remain for a long time in the vicious cycle of fragility. In fact, TGNU is a misnomer, for it should be transitional government of SPLM unity (TGSU). This is because the “IGAD-led peace process to negotiate the terms of a transitional government” is dominated by the three factions of the ruling party – Sudan People’s Liberation Movement.

II. Key Elements of the Conceptual Framework

The sudden and indefinite adjournment of the Addis Ababa peace talks raises, in our view, the risk that the two sides in the present conflict will yet again fail to seize the opportunity to put the country back to the path of sustained peace and development. Now more than ever, we are obliged to seize the moment in drafting a framework that would put the country back together. The framework is made up of three pillars - a) sustained peace; b) national dialogue; and c) intra-SPLM dialogue - organized around ten (10) distinct, though interlinked issues. We recommend a three-prong approach, along the three pillars, to resolving the crisis of governance and leadership in South Sudan. Sequencing in the erection of the three pillars of the conceptual framework

would be desirable in the ideal world. But, given the urgency of stopping the bloodshed in the country, we recommend that the three pillars be erected simultaneously.

2.1 Sustained Peace Through Direct Negotiations Between SPLM-IG and SPLM-IO

We think that the IGAD model of multi-stakeholder peace talks is inappropriate and could prolong this senseless war. In this regard, the IGAD-mediated peace talks must be confined to the two warring factions – SPLM-IG and SPLM-IO. This is because negotiations among the parties involved in a war are among the most critical and sensitive of all bargaining processes. Both open and closed door meetings, some of them secret, may be necessary to reach a peace agreement. This makes peace talks different from an inclusive stakeholder conference or national dialogue. It is important to remember that peace processes do not always lead to peace, even if the principal parties sign a peace agreement before applauding global leaders and gratified mediators.

The tension between inclusive and exclusive approaches is present in any peace process. The challenge for facilitators, mediators, and parties alike is to determine how to manage these tensions, how to integrate discussions at different levels of openness into a comprehensive whole. In general, ‘national dialogue’ refers to the convening of broad-based discussions to mobilize a wider range of opinion on particular issues, to re-negotiate some aspect of governance or to restructure the state.¹⁰ While some national dialogues exercises have played a role in political transitions, most are of a much more limited nature. In fact, most political transitions are managed without any national dialogues, though the language is nevertheless sometimes used.¹¹

The sustainability of peace surely rests on causes as complex and dynamic as the initiation of war. No claim of causality is made between sustainability of peace and civil society participation. We think that a successful peace agreement must be followed by targeted short, medium and long-term interventions, which would collectively translate the agreement into long-term peace through justice and sustainable development.

2.1.1 Cessation of Hostilities (COH)

We think that the IGAD-mediators should building on the May 9, 2014 Kiir-Riek Agreement on the cessation of hostilities (COH) to defuse the tension created by the unfortunate incidents of December 15, 2013. The warring factions of the SPLM according to the agreement are dedicated to a genuine national healing process. But, a genuine national healing process and building of trust in South Sudanese society will have to be through a national dialogue with a comprehensive agenda. We nevertheless

¹⁰ Examples include the current national dialogue in Nigeria on federalism and the proposed one in Kenya on ‘the government’s transformation agenda’. Previous such examples include the 2013 national dialogue in Malawi to discuss all aspects of economic policy. A more recent example is the 2013 Somalia national dialogue on reforming the judiciary. And there are current calls in Zimbabwe and Uganda for national dialogues to help address deficits in both legitimacy and policy.

¹¹ In Egypt, the interim President supposedly held two ‘national dialogues’ on proposals by the then military commander, General Sisi, for constitutional reform. Each lasted a few hours.
<http://www.dailynewsegypt.com/2013/12/20/mansour-holds-first-national-dialogue-on-roadmap/>

think that COH is a precondition for the success of the three-prong approach being advanced in this paper.

The warring factions can ensure sustained cessation of hostilities if they refrain from:

- Attacks on the civilian population, including acts of rape, sexual abuse and torture as provided by various national, continental and international instruments;
- All acts of war; and
- Any form of instigation, including propaganda that fan ethnic hatred, as well as any other action that may undermine the peace process.

The warring factions must also vow to uphold the dignity and sovereignty of the people of South Sudan. Humanitarian corridors are to be made accessible to allow the delivery of all humanitarian assistance, urgent supply of aid to all displaced populations and assist the displaced and refugees who wish to return to their original areas of abode or elsewhere within the Republic of South Sudan. We also think that South Sudanese citizens with dual nationalities who are in the UNMISS camps must be repatriated to their second home countries as they have no reason to be in these camps.

We, however, think that the immediate formation of a Monitoring and Verification Mechanism (MVM) under the leadership of IGAD is imperative. This would in turn enable MVM to monitor the activities of the warring factions and acts associated with their forces; and armed groups under their control or invited allied forces that may complicate the peace process.

2.1.2 Justice and Reconciliation

United Nations investigations have found that both sides in the brutal conflict have committed gross human rights abuses including rapes, mass killings and torture. Civilians were not only caught up in the violence, they were directly targeted, often along ethnic lines.¹² The international community calls for investigations to be conducted quickly, independently and in a transparent manner consistent with international standards and principles. Moreover, the African Union has established a commission of inquiry on South Sudan (AUCISS), which is “tasked with investigating violations of human rights and humanitarian law committed during the crisis and making recommendations relating to healing, reconciliation, accountability, and institutional reforms¹³.”

Whether post-conflict justice and reconciliation should be determined at the global, national or local level, we would urge South Sudan to benefit from the review of the experiences of International Criminal Tribunals (ICTR), truth and reconciliation of South Africa, and Wunlit model of local reconciliation. Although in practice political tensions and elite interests can create contradictions and undermine judicial credibility at every level, the experience points to how each level could potentially be complementary. We examine this in section 2.2.1 of this paper (i.e. subsection 2.2.1.E on truth and reconciliation).

¹² The UN report is primarily based on more than 900 interviews with eyewitnesses and victims. <http://www.un.org/apps/news/story.asp?NewsID=47195#.U7u6fV5LdG4>

¹³ From a press release issued the African Union on the extension of the mandate of AUCISS, released on July 10, 2014.

The shift of interest toward local accountability mechanisms is occurring at the same time as international criminal law is expanding its reach. We believe that both trajectories could be part of the same process in that they seek forms of viable justice that are less directly connected with the formal authority, which may be very partial and compromised in politically fragile post-conflict circumstances. But, reconciliation under the Wunlit model is still holding, though the GRSS has not made use of it in resolving inter-ethnic violence. The process that led to the Wunlit model was personally supervised by President (then Cdr.) Kiir who can now utilize that experience to rescue the country from the current senseless war.

These tasks and mechanisms to redress grievances must be supported so as to exact appropriate penalties for acts of human rights violations and atrocities, and build capacity to promulgate and enforce the rule of law. Incorporating the concept of restorative justice, they include extraordinary and traditional efforts to reconcile ex-combatants, victims, and perpetrators. It is important to set up an impartial and accountable legal system to deal with abuses; in particular, creation of effective law enforcement, an open judicial system, fair laws, humane correctional systems, and formal and informal mechanisms for resolving grievances arising from conflict, such as the current senseless war.

Support for traditional justice provides much needed diversity in each context, guarding against what the Security Council refers to as ‘one-size-fits-all’ solutions (UNSC 2004:1). Due regard must be given to indigenous (e.g. Wunlit model) and informal traditions for administering justice or settling disputes, to help them to continue their often vital role.

2.1.3 The Role of Development Partners

We emphasize the need for South Sudan to take full responsibility for its own destiny. This calls for its leaders to pursue policies that are fitting for the country’s long-term interest - sustained peace, economic growth, and poverty eradication. In this regard, the role of development partners is imperative in achieving these elements of its long-term interest.

In the area of sustained peace, the troika plus EU and China are providing financial resources and policy advice to the IGAD mediation team. However, we think that multilateral institutions, such as the World Bank, African Development Bank, International Monetary Fund (IMF) can play a critical role in assisting the peace process, especially in ensuring clarity of the language of the various articles of agreement. It would be recalled that the World Bank and IMF assisted in the Wealth Sharing Protocol of the Naivasha Comprehensive Peace Agreement (CPA) of 2005. Moreover, early involvement of the key development partners in the peace talks would ensure that the agreement is reflected in national strategies for economic growth, social harmony, and poverty alleviation, reduction, and eventually its eradication.

But, more important is the role of the multilateral financial institutions in the process of building resilient institutions and effective governance. We have diagnosed in section I of this paper that the main problem in South Sudan is **political dysfunctionality**. And this requires the post-conflict government to design and implement wide ranging economic, institutional and resource management reforms. We, nevertheless, recognize that the role of development partners is often framed around technical and normative issues, with inadequate attention to political and

institutional realities and national reform priorities. It is our hope that their participation at the peace talks phase would enable them to pay sufficient attention to political and security issues, which are essentially intertwined with the development agenda.

2.1.4 Disarmament, demobilisation and reintegration strategy

Disarmament, demobilization and reintegration (DDR) process is crucial to the initial stabilization of war-torn societies as well as their long-term development. But, a DDR program is only as good as the peace agreement and overall reconstruction efforts. That is why discussions over the terms of DDR must be integrated into peace negotiations and viewed as part of a broader security, stabilization, and recovery strategy, rather than a stand-alone intervention.

South Sudan is no stranger to disarmament, demobilization and reintegration (DDR) initiatives. Phase one of DDR was launched after the CPA was signed in 2005. The disarmament, demobilization and reintegration process was meant to contribute to security and stability so that recovery and development could begin. It is important to recognize that in South Sudan DDR activities have at times heavy-handed and experienced as instances of aggression by communities that felt singled-out for disarmament. In such instances, DDR has ironically contributed to conflict, rather than to peace.

DDR should, therefore, create an enabling environment for political and sustained peace by dealing with security problems posed when ex-combatants struggle to adjust to normal life, during the vital transition period from conflict to peace and development. In this regard, we recommend the following:

- Disarmament: removing weapons from the hands of combatants;
- Demobilization: taking the combatants out of military structures;
- Reintegration: integrating combatants socially and economically into society.

The immediate goal is the restoration of security and stability, through the disarmament of warring parties. Demobilization of armed groups is another fundamental step in the improvement of security conditions at the end of an armed conflict. The long-term goal of DDR is the sustained social and economic reintegration of ex-combatants into a peaceful society. However, DDR programs are not comprehensive development projects; they are temporary measures to facilitate the transition from war to peace.

It is, therefore, important to assign the work of DDR to national commissions that coordinate the efforts of all international partners.¹⁴ Strengthening managerial and technical expertise of the local commissions will avoid long delays in the demobilization process. DDR efforts must be sensitively staged and sequenced to avoid giving any community that it is being disarmed while its neighbors and rivals are not.

2.2 A Call for National Dialogue

¹⁴ Success of Burundi's DDR program is attributed in part to the ability of Burundian authorities to make their own decisions. www.reliefweb.int. Institute for Security Studies, a South Africa-based think tank

We support the concept of a multi-stakeholder forum to build consensus on the resolution of the six (6) issues underlying the crisis of governance and leadership, which we have highlighted in section I of this document. This subsection of the paper is organized around three key questions:

- a) What is the agenda of a national dialogue or multi-stakeholder forum;
- b) Who are to attend such a forum; and
- c) How to implement what would be agreed upon at the forum¹⁵.

The imperative of a multi-stakeholder forum on the urgent issues of governance and leadership would be comprehended through an analytical tool, which illustrates the four critical dimensions of a state. These are **citizenry**, **development**, **democracy**, and **leadership**.

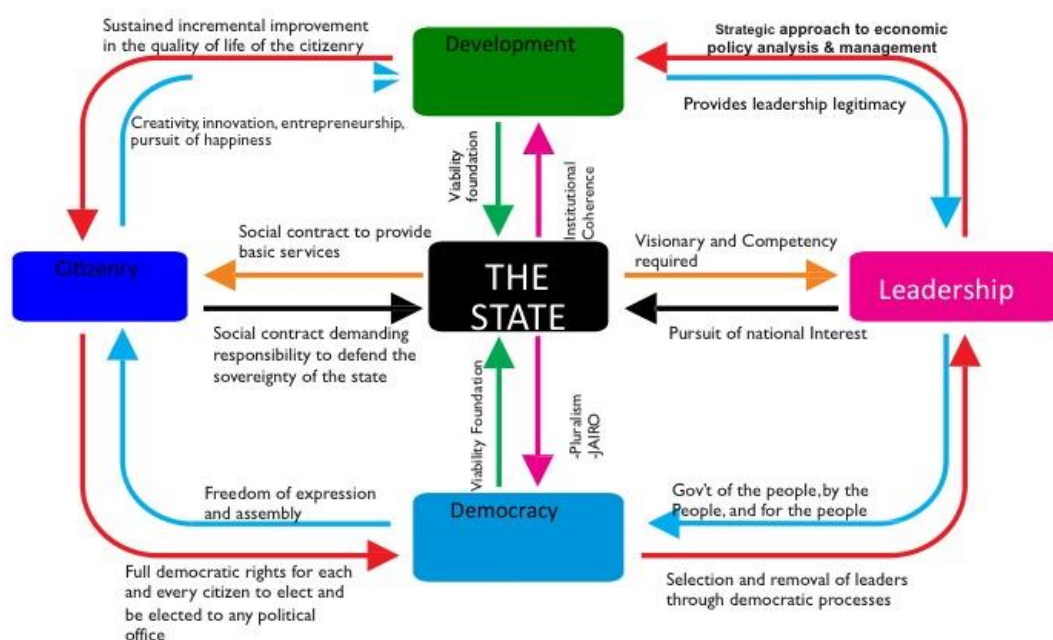
The analytical tool is given in the form of a circular flow chart (i.e. Figure Three below). It depicts, on the one hand the inter-linkages between the four dimensions, and on the other the organic linkage between each of the dimension with the state at the heart of the circular flow chart. The citizenry is, in our view, the foundation of a healthy state; a fact that must be internalized by both the population and leadership. The instrument for the process of internalization is the social contract between the State and its citizens. The State is required by the contract to ensure provision of basic human rights and services, such as security, universal primary education, primary health care, the right to life and to own property, freedom of expression, and religious freedom.

The citizenry would in turn reciprocate or is essentially obligated by the terms of the social contract to defend the sovereignty of the State from both internal and external threats and aggressions. Moreover, the social contract ensures full democratic rights (e.g. freedom of expression and assembly) for each and every citizen of a given age (normally 18 years and above) to elect and be elected to any political office in the land. The two-way arrows (see Figure Three) between citizenry and democracy elucidate the imperative of a social contract. Following the outer anti-clockwise arrow from the citizenry rectangle through democracy rectangle, we illustrate that the people have the power to select/elect and remove leaders of government (i.e. legislature and head of the executive branch) through democratic and peaceful means enshrined in the constitution.

An elected leadership would, in our view, perform three critical functions: ensure the establishment of effective governance (i.e. government of the people, by the people, and for the people); the pursuit of national interest; and strategic approach to economic policy analysis and management as the foundation for a development strategy focusing on sustained peace, economic growth, and poverty eradication. A visionary leadership would derive its legitimacy from a development model that creates sustained incremental improvement in the quality of life of the citizenry. Such a model of development would in turn enhance the viability foundation of the State, especially if the State is underpinned by institutional coherence.

¹⁵ These questions have been raised recently by Andrew Ladley in a discussion paper for the World Bank roundtable meeting held in Nairobi, Kenya on 23 -24 June 2014. The title of the paper is: "Viewing 'national dialogues' through related lenses: peace process, development, institutional reform, and political economy."

Figure Three: A Circular Flow Chart of the Four Dimensions of State



We would like to stress, once more, that the social contract between the State and citizenry as depicted in Figure Three above is a necessary, though not sufficient condition for the viability of South Sudanese state. Hence, we call for a national dialogue on the key attributes of a South Sudanese state that would promote creativity, innovation, entrepreneurship, freedom, liberty, and pursuit of happiness of its people.

2.2.1 The Agenda

The overarching objective of the proposed national dialogue of South Sudan (NDSS) is to agree on how to tackle the **political dysfunctionality** that has undermined national security and economic development. The NDSS agenda will have to be comprehensive in order to tackle the six (6) symptoms of our illness. In this regard, we propose the following:

- Restructuring/reconstructing the South Sudanese State (i.e. call for a federated system of governance);
- A new social contract between the State and citizenry;
- Post-conflict Repatriation, Relief, Resettlement, Rehabilitation, and Reconstruction (5Rs) Program;
- The Role of the Military in Politics;
- Interim Government of South Sudan (IGSS); and
- Truth and Reconciliation.

These six (6) agenda items of the NDSS are briefly highlighted below.

A) Reconstructing the South Sudanese State

The NDSS should be an opportunity for all the stakeholders to have a comprehensive look at the type of state they would like to be established. In the last few months, the

people of South Sudan have been embroiled in a debate on the need to establish a federated South Sudanese state. The debate primarily became serious when the SPLM-IO leader, Dr. Riek Machar announced that federalism will be one of issues to be addressed at the IGAD-mediated peace talks in Addis Ababa, Ethiopia. Moreover, there has been a persistent call since 2011 by the citizens of Greater Equatoria (i.e. the three states of Central, Eastern, and Western Equatoria) for federalism. But, the emerging debate on federalism has recently got the GRSS senior officials irritated. These officials attempted to curb the peaceful debate by confiscation of newspapers covering federalism¹⁶.

We think, in the light of the preceding paragraph, that the NDSS should give a priority to the debate on federalism so as to prevent the unfounded killing of innocent citizens. Hence, we would like to call for the restructuring of the state through genuine discourse on the type of a state that would meet the aspirations of ordinary South Sudanese people. Such a discourse must start with the question of federalism. Our role in the DPF is to provide technical backstopping through analytical exposition of the issues underpinning the NDSS agenda. It is our determined quest for serving the people of South Sudan that has led us to volunteer once more to participate in the second liberation struggle – **liberation from the liberators**¹⁷.

But, this second liberation does not require lethal weapons. It requires ideas, creative reasoning, and visions through peaceful means, such as the NDSS discourse. In this regard, let us briefly highlight the types of state existing in the world, as by way of searching for the most appropriate model could be adapted to the objective conditions of South Sudan. We would highlight three types – federal, unitary, and confederal systems.

A **federal system** is a type of state in which government power is divided between the national government and subnational governments through the constitution. A federal system can be contrasted with two other types of state - unitary and confederation. We will briefly examine three models of federalism – Ethiopia, Germany, and United States of America (USA). But, we would provide more models during the course of the NDSS meetings. We would like to commend the GRSS for including in the FY2014/15 budget, peace as one of the six (6) building blocks to which allocation has been made. Building block sixth is on priority investments in peace and reconstruction. Such a budgetary allocation would enable the country to finance the national dialogue through its own resources.

A **unitary system** is one in which power is centralized in the national government. Any powers that regional governments enjoy are at the discretion of the national government. It would be recalled that this is the system in the old Sudan that underpinned the crisis of state and identity, which eventually led to the separation of Southern Sudan from Sudan. In this regard, two good examples of unitary systems are modern France and Japan. We envisage the DPF to provide a technical critique of such a system during the NDSS process. That is, for the purpose of this paper we

¹⁶ It has also been reported that in Maridi, Western Equatoria a South Sudanese citizen who was expressing his views about federalism was gunned down!

¹⁷ The framers of this document are grateful to Prof. John Akec, Vice Chancellor of Juba University for this point – his contribution during the DPF discourse of July 19, 2014 was on: liberation from the oppressors, which have been achieved; liberation from the liberators (not yet); and liberation from poverty (not yet). We fully agree with him on the sequencing of the three types of the liberation struggle.

would not give a comprehensive critique of a unitary system until the convening of the NDSS.

A **confederation** is a system of government in which sovereign states delegate power to a central government for specific purposes. Examples: defense and the regulation of trade. The government of a confederation acts on behalf of the member states, not on the citizens of those states. Switzerland is a modern example of a confederation.

We now turn to highlight federalism as a likely system for South Sudan. Federal states share some essential qualities, despite variations that may arise due to given realities (or objective conditions) of countries with a federated system of governance. These essential qualities include the rule of law and constitutionalism, local autonomy and representative federal government institutions. Such institutions provide benefits to the citizens for they enjoy, on a sustainable basis, the loyalty of all the component units of the federation. One of the areas where federal systems exhibit considerable variations is the way they organize the second level of government. For instance, in the case of the older federations such as the USA and Germany, they portray major distinctions in the division of power between federal and state levels of governance.

The States in the USA stand on fairly different grounds as compared to the Swiss Cantons, which are positioned in a way that permits the different, racial, linguistic and cultural groups maintain their diversities within the federal union. The newer federal systems seem to be influenced largely by diversity based considerations. For example, the recent constitutional reforms in Belgium have created room for the ethno-linguistic communities to enjoy certain constitutionally entrenched collective rights and freedoms while maintaining the regions to play its more familiar role within the federal structure.

While often categorized as a democracy, the United States of America is more accurately defined as a constitutional federal republic. What does this mean? “Constitutional” refers to the fact that government in the United States is based on a Constitution: the supreme law of the USA. The Constitution not only provides the framework for how the federal and state governments are structured, but also places significant limits on their powers. “Federal” means that there is both a national government and governments of the fifty (50) states. A “republic” is a form of government in which the people hold power, but elect representative to exercise that power.

As a republic, the ultimate power within the American system rests with the people. This power is exercised through regular, scheduled elections in which voters select the President, members of Congress, and various state and local officials. These officials and their staffs formulate policy, make laws, and direct the day-to-day operations of government.

On the Ethiopian model of federalism, the constitution provides for a federal government and nine regional states known as “Killil” (Plural “Killiloch”) conferred with different sets of responsibilities relating to important political, economic and social matters. Moreover, it would be interesting to see the approach followed in organizing the federal and Killil Governments. The Ethiopian Federal system is parliamentary that allows the legislature to exercise oversight and control over the executive. The Constitution confers enumerated and limited powers and

responsibilities upon the Federal Government. It (federal government) has the power, for instance, to formulate and implement national policies, plans and strategies concerning the overall economic and social developments.

The Constitution empowers the Federal Government of Ethiopia to formulate and execute national policies and strategies in the financial and monetary areas, as well as for the utilization and conservation of natural resources. Moreover, it is within the jurisdiction of the Federal Government to set country wide standards concerning public health, education, science and technology, as well as for the preservation of cultural and historical sites. These powers and responsibilities have somehow peculiar relevance in addition to the more customary functions of the Federal Government in the spheres of defense, foreign relations, inter-state and international trade and commerce. In the legislative sphere, the federal jurisdiction is again very wide. It includes, among others, power to enact laws concerning the utilization of land and other natural resources, enforcement of political rights enshrined in the Constitution, electoral laws and procedures, the penal, commercial and labor codes of the country.

In the light of the two models of federalism we have briefly presented in the preceding paragraphs, we think that South Sudan is essentially a federal state. How come? Let us look at the Transitional Constitution of South Sudan (TCSS), which calls the current system a decentralized system of government (Article 47 of the TCSS), which can also be argued is form federalism. There are a number of articles in the constitution, however, that makes the system of government a hybrid of federal and unitary including Article 101 (r & s) of the TCSS. We think that Article 101 (r & s) undermines the principle of federalism. What is more is contradictory to the principle of decentralization is that the judiciary is centralized as well and the fiscal arrangement although well articulated in the constitution, has not been implemented in letter and spirit.

Regardless of the missing links, South Sudan's system is federal in a sense of its definition because the constitution confers some powers to the central government and some powers to the states. This by definition happens only in a federated state. Part of the recent heightened debate on federalism has a lot to do with very serious misconception about what federal system really means. For some, since federal is being advocated by Equatorians, it must be *Kokora* masquerading in federalism. This we think is not accurate for federalism has nothing to do with segregation of people, and it has all to do with constitutionally based sharing of power between a federal government and subnational governments. This misconception has, in our view, made others to believe that Federalism would mean that every person must live and work in her/his state of origin. This is also not true.

Citizens of a federal state are free to choose states of their residents or where they work. Federalism is not discriminatory, it only preserves unique features of different units, which are given some level of autonomy, but they are all part of the whole. Federalism has also been misconstrued to mean allowing people to fully own resources located in their geographical areas. This is also a false assumption because it depends on what the people agree on. Nothing will happen automatically as a result of being a federated state. The nature of federalism is negotiated and people agree on things that will keep the country united and access benefits equally. Hence, it will need to be agreed and put on the constitution.

We think that the NDSS should debate on all the types of a federal system, including the right of the states to opt out of the union if their interests are not being

served. Unless it is agreed upon during the NDSS process that people can leave the union at will, federalism does not automatically guarantee secession. Hence, no one will break away unless this is a legal basis that is acceptable to all the participants at the NDSS for any state of the country to break away.

We are also concerned that the debate on federalism has been constrained by the presidency. For instance, there have been people who believe that federalism takes away some powers of the President. But, such powers were stipulated in the TCSS, which created what we call “constitutional dictatorship” where the president fires elected governors! This cannot happen in a real federalism.

In conclusion, the debate on federalism in South Sudan should start with the current system of government by looking at issues that make it less federal. This may include repealing article 101 (r and s) of the TCSS. It is important also to understand that there is not a universally agreed upon template on how a federal system should look like - it all depends on the peculiarities of each country. In other words, federated countries do not necessarily look alike; each country is unique based on its history, geography and culture. The only thing that is common amongst federal states is that power is shared between two levels of government based on constitutionalism.

B) A New Social Contract between the State and Citizenry

We want to state unambiguously, at the outset of this subsection of the conceptual framework, that one of the founding fundamental principles of the SPLM/A constitutes engineering transformative politics destined to promote universal liberty, freedom, and autarky in the Sudan. Achieving these broad-based social objectives rests with reforming Sudanese political institutions to adequately meet citizenry aspirations. The new Sudanese freedom organization, the SPLM, redefined “the proper place of individuals within society, and particularly [focused on] how political institutions may best be organized so that the citizens of the state can flourish and prosper¹⁸”.

In the entire period of liberation, the SPLM had unwritten social contract with the people of marginalized areas of Sudan. It positioned itself as a ‘proper political institution’ for the people and by the people, promising services, stability, and impartial political space, and luring in marginalized masses to participate in its grand agenda. Indeed, the SPLM’s grand political philosophy (social contract) was to be tested following a peaceful settlement of the conflict with the Sudanese government. The CPA marked an entry point for this exercise, with the Government of Southern Sudan (GoSS), led by the SPLM, assuming its responsibilities supposedly earmarked in its founding manifesto some 20 years prior. With its major responsibilities being system recovery and the delivery of direly needed services to the masses in the South, the SPLM garnered considerable institutional and financial support, both from its own oil revenues and the international development partners, receiving billions of dollars for reconstruction.

Despite all financial and institutional efforts afforded the SPLM in the last decade, the new Sudanese political institution failed to meet even the modest of expectations. Instead of living up to its grand promises to the people, it became unresponsive to the fundamentals of good governance, sidelining masses and leaving them stranded in an abject poverty. Its politics turned elitist, with heightened corruption and lack of

¹⁸ See for instance, Wraight 2008

accountability, social or otherwise. Inequality between the governed and the elite widened, as political institutions command an elevated access to state resources than do social (service delivery) institutions.

The SPLM substandard performance in effectively delivering to the citizenry partly explains the emergence of new sets of violence in South Sudan, suggesting the urgent need for a new social contract between the State and citizenry be instituted to regain peace and stability. This new social contract must emphasize institutional reforms that guarantee sufficient endowments in social projects. On the political side of things, these reforms need grounding in constitutionalism and participatory democracy, with well thought through political decisions derived from popular consent. On the policy side, there must be clearly defined empirically testable commitments between the State and Citizenry.

In the above stated commitments, service delivery, demanded by the citizenry and supplied by the government, should be a priority. A new social contract for a new beginning in South Sudan, therefore stipulates the following commitments, to be implemented in the next 5 years:

- Allocate 30 percent of annual public spending for social investments, including health, education, and social welfare;
- Build and equip 10 referral hospitals, one for each state;
- Build and equip 79 county hospitals;
- Build and equip 79 high schools, one for each county;
- Build and equip 79 technical colleges, one in each county;
- Build and equip health extension facilities in each boma or village;
- Build and equip elementary and primary schools in each boma or village;
- Modernize the three (3) national universities (Juba, Upper Nile, and Bahr el Ghazal);
- Earmark 20 percent of annual spending for food production;
- Institute village councils to identify grassroots development needs and to oversee development exercises at this level;
- Institute elections for county, payam, and boma levels' officials—this allows the governed to choose and manage their leaders.

C) Repatriation, Relief, Resettlement, Rehabilitation, and Reconstruction (5Rs)

The 5Rs program presupposes COH and a political agreement between the three factions of the SPLM. In this regard, the point of departure of the 5Rs program is that the 1.3 million displaced persons must be resettled so as to engage them in the productive activities of the economy, and most importantly, to have their normal and useful life again after they have been in hardship for long.

We would, however, like to think outside the box when it comes to 5Rs. We are proposing a South Sudan Reconstruction and Development Bank (SSRDB) to be tasked with the rebuilding, among other things, of Bor, Bentiu, and Malakal. Moreover, its mandate should include urban development, infrastructure, and rural development consistent with the principle of “taking towns to the rural areas.” We would prepare a separate paper on 5Rs and on the concept of SSRDB, which can be presented to the NDSS.

D) The Role of the Military in Politics

We have included this as one of the key topics that should be addressed by the NDSS. A separate paper is being commissioned for this purpose.

E) Interim Government of South Sudan

We have developed in May 2014 the concept of an Interim Government of South Sudan (IGSS) that should assume its responsibilities on July 9, 2015. That proposal by the Development Policy Forum (DPF) was made in the context of a statement from the U.S Secretary of State, Mr. John Kerry in which he reported that President Salva Kiir Mayardit has agreed to the idea of an interim government. The proposal seeks to build a consensus around the concept of an interim government by advancing some ideas. In this regard, The DPF team calls for the formation of an Interim Government of South Sudan (IGSS) with a clear mandate expressed in its mission, specific objectives, and defined outputs that would enable it to lead the country's transition to democracy over a term not to exceed 36 months, beginning on July 9th, 2015 (this is attached as annex to the current document).

The mission and objectives of IGSS are guided by an overarching vision of sustained peace, economic growth, and poverty eradication through resilient institutions and effective governance. The IGSS document provides an elaboration of political rationale, tenure, size, composition, selection criteria, and the nature of the legislative process for IGSS during the interim period. The IGSS is conceptualized to consist of a Collegial Presidency (CP) and a Cabinet headed by a Prime Minister. Three alternatives are given with respect to the legislative branch of government during the interim period.

The Cabinet would report to a Collegial Presidency. The CP will consist of five (5) members with high qualities of personality and character. The head of the CP will be called Interim President (IP) with two deputies. The post of Interim President will rotate among the three regional representatives in the Collegial Presidency every six months. The Collegial Presidency would play an oversight role rather than an active role in the day-to-day management of the government.

In the interim period, a Prime Minister and two Deputies, representing the three greater regions, will head the government (i.e. Executive). The DPF recommends eighteen (18) ministries and thirteen (13) commissions. And authorities/agencies Ministers will be chosen on the basis of a robust set of criteria, e.g. technical knowledge, experience, and moral solvency.

The Interim Government's legal basis will be set out in an extraordinary Act of the National Legislature of South Sudan. As a non-elected government, the IGSS must be especially mindful to be inclusive in its decision-making practices, making its performance the basis of its own legitimacy. A proposal toward the creation of terms of reference is included, as well as a logical framework for Monitoring and Evaluation of the IGSS's performance.

F) Truth and Reconciliation

There is agreement, both from within South Sudan and in the international community, for "an urgent need for the institution of genuine national efforts at

reconciliation to facilitate healing¹⁹.” However, there is no agreement on whether justice or reconciliation should come first. The United Nations and other human rights agencies are calling for those who committed atrocities in the ongoing war to be prosecuted. Those who think that justice should take the priority over reconciliation are the most vocal ones. For example, the United Nations Special Adviser on the Prevention of Genocide Adama Dieng argues that justice should be the priority because “bringing those who have committed atrocities to justice will be a critical step towards bringing this fractured young nation together²⁰.” The absence of justice, according to Dieng, will result in the continuation of atrocities²¹. Some international reports even “argue that South Sudan’s long history of impunity for serious human rights violations has contributed to the cycle of violence²².”

South Sudanese seem to hold the same position. Some researchers who interviewed South Sudanese, for example, found that all the people they interviewed said that “there must be accountability, at all levels, for the atrocities committed during the current crisis”²³. However, what the interviewees were saying was that the other side, and not their side, must be held accountable. According to researchers’ findings, “The Government believes that at least opposition leaders must be held accountable, and, in turn, the opposition believes that Government officials must be held accountable.”²⁴ These findings are supported by how South Sudanese defend their leaders on online forums, including comments that they make under articles published by online newspapers such as *Sudan Tribune*. They play victim games and they believe that the opposite side, and not their side, deserves to be prosecuted for atrocities committed at the start and during the ongoing civil war. Most of them do not even admit that their side has committed any atrocities.

Given the above reality, the justice-first position does not, in our view, seem to be the optimum solution. Researchers who look into practicalities of reconciliation and healing models disagree with both justice-only and justice-first models²⁵. Justice-only or justice-first models make leaders who committed atrocities resort to individual survival strategies, instead of caring about suffering citizens. On top of this, the United Nations and the African Union do not have powers to arrest the indicted leaders who are protected by their people.

The case of Sudan is one of those examples. Therefore, justice-first would mean suspending the foreseeable peace until those who committed atrocities and are

¹⁹ African Union, “Interim Report of the African Union Commission of Inquiry on South Sudan (AUCISS)” (2014): 4.

²⁰ Adama Dieng, “Accountability in South Sudan—the African Union steps up,” *African Renewal* (2014): Retrieved from <http://www.un.org/africarenewal/web-features/accountability-south-sudan-%E2%80%93-african-union-steps>.

²¹ Ibid.

²² Michelle Kagari, “South Sudan: UN report on conflict echoes urgent Amnesty International call for accountability,” *Amnesty International* (2014): Retrieved from <http://www.amnesty.org/en/news/south-sudan-un-report-conflict-echoes-urgent-amnesty-international-call-accountability-2014-05->

²³ American Bar Association, “Assessment of Justice, Accountability, and Reconciliation Measures in South Sudan: Final Report and Recommendations,” *Rule of Law Initiative* (2014): 3.

²⁴ Ibid., 3.

²⁵ Jlateh Vincent Jappah and Danielle Taana Smith, “Transitional Justice: Prioritizing Truth Commissions or International Tribunals to Ensure Healing and Reconciliation,” *Journal of International and Global Studies*, Vol 5 (2013).

still in power or are being protected by their communities become vulnerable first to be arrested and prosecuted.

Besides, there is no concrete evidence showing that prosecutions of those who commit atrocities reduce further engagement in atrocities and violence. For example, the International Criminal Court (ICC) has indicted, for atrocities committed against the Darfuris, President Omar al Bashir of Sudan and some senior members in his administration. Yet, his government still commits atrocities not only in Darfur but also in Nuba Mountains and Blue Nile. Furthermore, indictments of the Sudanese leaders, the Kenyan leaders, the former Liberian president, and the former president of Cote d'Ivoire did not deter the leaders from their immediate neighboring countries from engaging "in acts of atrocity against their civilian populations"²⁶."

Another problem of justice-first theory of reconciliation is that those who commit atrocities while in power are more likely to keep on with violence instead of opting for peace if they know that their compromises will end up in them being locked up in prison. Sudanese leaders, again, serve as one of the examples of this reality. The apartheid leaders in South Africa, for example, would not have given up their power if they had not been assured that doing so would not lead to their prosecution. As Jappah and Smith put it, "The apartheid government negotiated a transitional constitution that ensured amnesty of some form and assured that a smooth transition would occur, without widespread retribution"²⁷."

Because of the above examples, we believe that prioritizing reconciliation and healing over prosecution of those who have committed atrocities is what can bring sustained peace to South Sudan. Stated differently, the strategy that we prefer is the one that has the potential to bring sustained peace and maintain it all over the country. Prioritizing truth-seeking over prosecution was what ensured smooth transition that put an end to apartheid regime in South Africa²⁸. Our choice for truth and reconciliation model of South Africa over justice is not based on South African situation only. But, over a comprehensive literature review that we have undertaken for this document. Evidence has shown since the 1990s that some reconciliation commissions work better than others. So, we base our choice of the truth and reconciliation model on the models that had worked better.

We briefly discuss these models (those that worked and those that did not work) before outlining the steps that we would like South Sudanese to take to bring peace to the country, reconcile with one another, and heal themselves from atrocities committed against one another during the two (i.e. 1991 & 2013) civil wars that they have experienced.

The first example that we would look into is the National Commission on Truth and Reconciliation of Chile. This commission was instituted in order to bring about healing and reconciliation to Chileans who suffered from the atrocities committed against them by General Augusto Pinochet's government from 1973 to 1998. During this period, many people were killed. Bodies of most of them could not be found, causing widespread anger among the citizens. Before he retired in 1998, General Pinochet "appointed the majority of Supreme Court judges, whom he

²⁶ Ibid., p. 8.

²⁷ Ibid., p. 4.

²⁸ Ibid.

expected would decide his fate at a later date²⁹.” He also granted amnesty to his government for the atrocities it committed³⁰. In 1990, General Pinochet’s successor Patricio Aylwin constituted the National Commission on Truth and Reconciliation and she apologized to the nation on behalf of those who committed atrocities³¹.

However, both the commission and the apology of the President did not succeed in promoting the reconciliation and healing among Chileans. The President was weak to take decisive actions and “The commission lacked the power to take action against perpetrators, as Pinochet continued to wield tremendous influence over the Chilean military and society³².” The commission could not even compel testimonies or publicly name perpetrators because it lacked jurisdiction authority³³.

Second, the Rwandese Commission of Inquiry constituted after the civil war that ended in 1992 did not achieve fostering reconciliation and healing between the Rwandese. Even though the commission managed to gather and report the widespread violations of human rights that had taken place during the war. It did not succeed because “There were no mechanisms put in place to address long-standing historical disputes³⁴.” The result of the commission to foster reconciliation and healing between the two rivaling Rwandese ethnic groups was the genocide of 1994 in which about 800,000 Tutsis and moderate Hutus lost their lives within 100 days³⁵.

The third example is the South African Truth and Reconciliation Commission (TRC). This commission is believed to be a success story. The approach that the commission took was “that perpetrators would openly confess their human rights abuses and prove that such atrocities were committed with political motive³⁶.” Also, The TRC was given powers to grant amnesty to those who would appear before its members and apply for amnesty after testifying³⁷. It also had the powers to recommend prosecution against those who would refuse to appear and testify before its members³⁸.

There are common characteristics shared by the commissions that failed to foster reconciliations and healings among citizens. They lacked judicial powers to grant amnesty and to recommend prosecutions. They were also not free from the control of those who had committed atrocities. The commission of inquiry in Rwanda, in particular, did not have clear mechanisms for fostering reconciliation and healing among the Rwandese. It was because of the lack of clear mechanisms that led to its failure to focus on the historical causes of the problem. Contrary to the commissions that failed, the South African TRC succeeded because it had judicial authority to grant amnesty and to recommend prosecutions to those who refused to testify.

The steps that South Sudanese took before the current civil war broke out in the year 2013 resembled the steps taken by commissions that failed in Chile and in

²⁹ Ibid., p. 5.

³⁰ Ibid.

³¹ Ibid.

³² Ibid., p. 6.

³³ Ibid.

³⁴ Ibid., p. 7.

³⁵ Ibid.

³⁶ Ibid., p. 4.

³⁷ Ibid.

³⁸ Ibid.

Rwanda. The reconciliation and healing commission that was instituted by the President and his Vice President and led by Archbishop Daniel Deng Bul was not given judicial powers to grant amnesty or to recommend prosecutions. Recent research carried out on the same topic in South Sudan shows that a “significant distrust of a perceived Government-led process among a majority of civil society members and the opposition has grown.”³⁹ The President still held powers of single-handedly granting amnesty. Yet, he and his Vice President were commanders of some soldiers who might have committed human rights violations during the North-South civil war. This was one of the reasons why many people from Bor community refused to accept the apology from the then Vice President Dr. Riek Machar in 2012. They regarded it as political maneuvering.

Moreover, the Commission of Inquiry that was formed by the African Union on December 30, 2013 is likely to fail like the one that failed in Rwanda in the 1990s. Like the Rwanda’s Commission of Inquiry, the South Sudan’s Commission of Inquiry will give a comprehensive report about the human right violations committed during the current civil war, but its reports will lack mechanisms to foster reconciliation and healing among South Sudanese. There has to be a South African-like commission instituted and given enough powers to recommend prosecutions and to give amnesty without being controlled by the President or any other powerful person in the country.

For genuine peace, reconciliation, and healing to take place in South Sudan, we recommend the following steps.

First, there must be a law guaranteeing that those who agree to testify before the commission and apologize for the atrocities they have committed against other South Sudanese should be granted amnesty by the commission. Those who refuse to testify before the commission should be prosecuted. This law should trump immunity.

Second, the Reconciliation and Healing Commission should be instituted by the act of parliament, not by the executive order. Some South Sudanese who are skeptical about the ability of reconciliation commissions such as the National Platform for Peace and Reconciliation which was launched on April 5, 2014 believe that “perhaps with proper implementing legislation and a clearer mandate, the Platform may be able to accomplish something useful⁴⁰.” It should be given judicial powers to grant amnesty and to recommend prosecutions. The only power that the commission will not have is the court proceeding power. The judiciary will retain that power. The commission shall have the powers to summon anybody, including the President, to appear before it to testify and can grant amnesty to all who have sincerely testify.

Third, the commission shall prioritize reconciliation and healing over prosecution. No law shall revive a case in which the amnesty was granted by the commission. But the judiciary has the final authority to acquit or convict those who are recommended to be prosecuted by the commission.

Fourth, there shall be testimonies and apologies given by leaders as demanded by communities victimized during the two civil wars. There shall also be testimonies

³⁹ American Bar Association, “Assessment of Justice, Accountability, and Reconciliation Measures in South Sudan: Final Report and Recommendations,” *Rule of Law Initiative* (2014): iii

⁴⁰ Ibid.

and apologies given by individuals accused by individuals for having committed atrocities against them. The commission should be flexible. In communities where traditional models of reconciliation work better, for example, the commission should focus on how to use them better. There are examples that citizens give for their preference of traditional models over justice-based models. Researchers from the American Bar Association point out that the citizens interviewed cited “the well-documented 1999 Wunlit Nuer-Dinka Reconciliation Conference (Wunlit), as a workable model, which, while imperfect, might have lessons that could apply in the current context⁴¹.”

Fifth, reconciliation and healing should cover all South Sudanese communities. This is because the North-South civil war had touched almost every community. Excluding some communities from the process may not lead to true national healing and reconciliation.

Finally, reparation should be given in conditions where the commission deems it fit. However, the law should specify first who should be given reparation before the commission starts its work. This is to avoid biases in determining it.

2.2.2 Participants

The challenge, which is facing this proposal, is how to balance inclusiveness with the practicality of managing the national dialogue process so that it can produce tangible results. In terms of historical context, we can look at the Juba Conference of June 1947 as well as the SPLM first National Convention of April/May 1994 to draw lessons of experience. Besides the challenge of balancing the composition of NDSS, there is one about who would facilitate such a multi-stakeholder forum. Is the facilitation to be left to faith-based organizations, such as the South Sudan Council of Churches (SSCC) and Islamic Council of South Sudan (ICSS) or would it be most appropriate for academic and research institutions to facilitate and provide analytical guidance.

But, is it not better for the constitutionally mandated body, such as the NLA to facilitate the NDSS with spiritual guidance from the SSCC and ICSS on the one hand, and technical backstopping from academic institutions and research centers on the other. We are inclined to the idea of the establishment of a facilitation committee to be appointed by the NLA with a combined secretariat from the leadership of faith-based organizations and academics/research institutions. The third concern is about the venue for holding the national dialogue. We strongly recommend that the NDSS process have to take place inside South Sudan, but outside Juba. Rumbek or Torit would be ideal in the light of their historical relevance to the national liberation processes.

On who attends the NDSS process, we recommend the following indicative 15 categories of likely participants:

1. All the registered political parties through proportionate representation on the basis of membership in the NLA
2. Faith-based organizations
3. Civil society organizations
4. Universities and research centers
5. Traditional leaders (at the County level)

⁴¹ Ibid. iii

6. Former presidents of High Executive Council (HEC) and Coordination Council
7. Former Southern Sudanese Vice Presidents of Sudan
8. Speakers of NLA & ten (10) State Assemblies
9. Chamber of Commerce (national & 10 States)
10. Farmers Association (national & 10 States)
11. Workers Union (national & 10 States)
12. Women League (national & 10 States)
13. Youth League (national & 10 States)
14. General Union of Students of South Sudan (national only)
15. Representatives of the organized regular forces

2.2.3 Implementation Mechanism of National Consensus Outcomes

The IGSS is, in our view, the most appropriate mechanism to implement the outputs of the NDSS (i.e. what have been agreed upon). We also think that the role of development partners is critical in the implementation of the outcomes of NDSS. The role of troika (USA, UK, & Norway) plus China and European Union (EU) would be important in utilizing political capital they have with the people of South Sudan to leverage the implementation of the outcomes of NDSS. In addition to the troika plus two, multi-lateral institutions such as the World Bank, African Development Bank, and International Monetary Fund (IMF) have an important role not only in the provision of resources for the reconstruction program, but more so in technical backstopping (i.e. knowledge) for the building of resilient institutions and effective governance.

We strongly believe that the involvement of development partners in all the phases of the NDSS would ensure the viability of a South Sudanese state.

2.3 The Necessity for Intra-SPLM Dialogue

We have developed a policy matrix as an analytical tool for facilitating the intra-SPLM dialogue. The matrix reproduces the six (6) issues/problems that caused the initial fracture within the SPLM leadership, which in turn triggered the current violent conflict in the country. We present this in Table One below.

Table 1: A Policy Matrix for Resolving the Underlying Causes of Conflict within the SPLM Leadership

Issues of Contention	Respective Perspectives of the Factions for Tackling Issues & Harmonized Position by the Facilitation Team					
	SPLM-IG	SPLM-IO	SPLM-FD	Points of convergence	Points of divergence	Harmonized position
1. Dysfunctional SPLM						
2. Insecurity						
3. Mismanagement						
4. Corruption						
5. Foreign Policy Failure						
6. Tribalism						

A harmonized position of the three sections of the SPLM would provide an important point of departure to address three fundamental items of the intra-SPLM dialogue agenda. These are: a) creation of a conducive environment for a genuine internal democracy; b) revitalizing the vision of the SPLM; and c) formulating a

robust policy for addressing crisis of governance and leadership under the theme of: SPLM ready-to-govern⁴².

2.3.1 Internal Democracy

The current SPLM's war is a consequence of the lack of internal democracy within the Party. The SPLM is still run like a guerrilla movement without accountability. Moreover, it still suffers from the "hangover" of communism in which stories are fabricated to undermine if not eliminate unwanted comrades. The SPLM must democratize its institutions and structures or else it will disintegrate into several ineffective factions.

By internal democracy we mean that the various institutions of the SPLM, such as General Secretariat, Polibureau, National Liberation Council (NLC), and National Convention (NC) must discuss all issues through democratic methods. The SPLM leadership must also accept the fact that a strong political organization normally derives its strength from three tendencies within the party. Such tendencies are termed as: a) those at the center or mainstream of the ideology (what the party stands for) of the party; b) those to the left of the center of the party main orientation/direction; and c) those to the right of such a direction.

2.3.2 Revitalizing the Vision of the SPLM

We think that the vision of the SPLM is unambiguously stated as follows:

The SPLM shall set-up and establish good governance, where the exercise of political, economic and administrative authority in the management of the country's affairs at all levels shall be people-based, so that individuals and groups have an effective say in the allocation and management of resources and in decisions that affect their lives⁴³.

That is a very dynamic vision, which must be internalized by all the three factions of the SPLM. It is the failure of the SPLM to honor its well articulated vision that has in poor governance evidenced by the current crisis of governance and leadership. We urge the SPLM leadership to take a serious internal soul searching as to what have gone wrong within the Party.

2.3.3 SPLM ready-to-govern strategy⁴⁴

We think that the SPLM leadership should revisit its blueprint it had should in 1998. By way of addressing the underlying causes of the crisis of state and identity in the Sudan, the SPLM Political Secretariat⁴⁵ conceptualized the system of its governance, which is presented in table 2.1 below. The first column in the table is self-explanatory -- it gives the five basic units of party governance structure, starting from the lowest level, which is the Boma. The remaining four columns give corresponding political, ground rules governing elections or Electoral College, legislative and administrative structures to these units of the SPLM.

⁴² We are borrowing this from the ANC policy document called Ready to Govern.

⁴³ From the SPLM Vision, Programme and Constitution of the Sudan People's Liberation Movement, 1998. Yei/New Cush, New Sudan.

⁴⁴ Most of this section is based on - Southern Sudan: A Review of Institutions and Structures of Economic Governance. A background paper prepared for the World Bank's Sudan Country Team by Lual A Deng (2002).

⁴⁵ It was renamed in 2000 as Political Affairs Commission.

It should be stated at this juncture that the SPLM was founded as a political movement that is envisaged to embrace all diverse orientations. There was implicit assumption during the liberation struggle that all the citizens in the liberated areas were members of the SPLM. That is, they were expected to organize and compete, through a mechanism analogous to the American primaries system, for various offices within the SPLM structure. And this is, in our view, what made the SPLM to be a broad-based political authority, which derives its sovereignty, political morality and legitimacy in achieving the independence of South Sudan

Table 2.1: A Policy Matrix of Institutional Arrangement

Unit/level of Governance	Political Structure	Suffrage Structure	Legislative Structure	Administrative Structure
1. Boma	SPLM	BC (18 years +)	BLC (11)	BEC
2. Payam	SPLM	PC (600 delegates)	PLC (31)	PEC
3. County	SPLM	CC (1,800 delegates)	CLC (51)	CEC
4. Region	SPLM	RC (2,400 delegates)	RLC (100)	REC
5. National	SPLM	NC (3,000 delegates)	NLC (350)	NEC

Key: BC – Boma Congress, BLC – Boma Liberation Council, BEC – Boma Executive Council/Committee; PC – Payam Congress, PLC – Payam Liberation Council, PEC – Payam Executive Council/Committee; CC – County Congress, CLC – County Liberation Council, CEC – County Executive Council/Committee; RC – Regional Congress, RLC – Regional Liberation Council, REC – Regional Executive Council/Committee; NC – National Congress, NLC – National Liberation Council, and NEC – National Executive Council.

However, the SPLM leadership would seem to have lost its political morality in failing to deliver basic services to the people of South Sudan. The failure is a consequence of not utilizing the party structures as depicted on tables 2.2 and 2.3 below.

The implication of a broad-based political authority/movement is that it is a system in which all the people of a given territorial entity actively participate irrespective of their gender, religion, race, ethnicity, socio-economic status, and/or political orientation. The SPLM leadership can revitalize this concept of political pluralism by tolerating varied views and trends within the party. It is tolerance to pluralism that would enable the SPLM to restore its political morality and legitimacy to govern South Sudan.

Let us revisit what was conceptualized by the SPLM in response to the multi-ethnicity as well as multi-stakeholding nature of our society. It is in the form of a system of congresses, which is based on stake-hold instead underpinning the political ideology of the SPLM. This is an important distinction that needs to be made up-front before analyzing the voting or suffrage structure. There are multi-stakeholders, such as women, farmers, teachers, youths, traders and so forth, whose active participation is imperative for the emergence of a culture of internal democracy within the SPLM. These groups/stakeholders would therefore be able take active part in the process of public policy formulation through the party organs and structures.

The SPLM had in 1998 envisaged its internal pluralism to consist of three tiers: geographically based, group/stake-hold/interest-based, and appointment-based

representation. The rationale behind this system of Electoral Colleges is, in our view, to ensure constituency-based pluralism through effective as well as equitable participation of all the segments of society in the process of public policy. By way of achieving this objective a three-tier system of Electoral Colleges has been designed.

The first-tier is a geographically based constituency system. This first-tier system begins at the Boma level with the direct election/selection of delegates to the Payam Congress according to the population of a Boma. Here the voting process is based on universal suffrage in which all persons of 18 years old and above constitute the Boma Congress (BC) and are in turn eligible to vote and/or be elected as delegates to the Payam Congress (PC). The PC in turn elects from its members that came through Boma Congresses, delegates to County Congress (CC), which further elects delegates to the Regional Congress (RC). Finally the RC selects delegates to the National Congress/Convention (NC) from those who came through a system of geographical-based constituency. About one-third of a Congress beyond Boma level (i.e. at Payam, County, Regional and National) is elected through the first-tier (see table 2.2 below).

The Boma Congress also elects members of the Boma Liberation Council (BLC), which consists of 11 members or legislators (at least 3 should be women) for a five-year term. The BC is envisaged to meet at least once a year and has the power to dissolve the BLC. Other functions of the BC are to: i) issue policy directives in the form of resolutions; ii) initiate, formulate and evolve Boma consensus on the key political, economic and social policies; and iii) review decisions and reports of the BLC.

Table 2.2: System of Electoral Colleges

System	PC (# of delegates)	%	CC (# of delegates)	%	RC (# of delegates)	%	NC (delegates)	%
1 st Tier	200	33.3	755	42.0	850	35.4	1,031	34.4
2 nd Tier	301	50.2	803	44.6	1,065	44.4	1,216	40.5
3 rd Tier	99	16.5	242	13.4	485	20.2	753	25.1
Total	600	100	1,800	100	2,400	100	3,000	100

Source: Constructed by Lual A Deng from information contained in the Vision, Program and Constitution of the SPLM.

The second-tier system is through popular and syndicated organizations. These organizations are henceforth referred to as Civil Society/Community Organizations (CSOs/COs). The formation or election process of the congresses beyond the Boma level is through a system of Electoral Colleges. There are ten categories or groups with multiple interests and/or stakeholding in the process of public policy formulation in the second-tier. These are:

- i) Women;
- ii) Youth;
- iii) Farmers;
- iv) Workers;
- v) Disabled persons;
- vi) Teachers;
- vii) Business;
- viii) Chiefs, traditional leaders and veteran freedom fighters;

- ix) Professionals; and
- x) SPLM chapters abroad.

Each of the above categories elects its delegates at the relevant level. For instance, women association at the Payam and County levels elects representatives of women to the PC and CC respectively. The delegates of women association in the County Congress in turn elect their representatives to the Regional Congress. However, women regional associations elect their delegates to the National Convention.

The main feature of the second-tier is its emphasis on empowering all segments of the society/community through appropriate mixture of varied cultures, political, social and economic interests. It particularly provides a mechanism for adequate representation of women (see table 2.3 below), something, which the multi-party system has, in our view, failed to tackle even in countries with advanced form of democratic governance (e.g. United States of America)⁴⁶. The farmers, for instance, would normally be concerned with enabling policy environment that could in turn facilitate appropriate patterns of resource use (e.g. sustainable land use). Moreover, women associations would be concerned with public policy on issues of empowerment and equitable access to resources, such as land. These two examples show how each group/constituency would pursue its own interest and in this way ensuring the readiness of the SPLM to govern and deliver on its social contract with the people of South Sudan.

Table 2.3: Distribution of Delegates in the second-tier by Category of Membership

CSO	Delegates By Level of Governance Structure							
	Payam		County		Regional		National	
	#	%	#	%	#	%	#	%
Women	150	49.8	450	56.0	326	30.6	458	37.7
Farmers	22	7.3	75	9.3	201	18.9	138	11.3
Workers	10	3.3	75	9.3	170	15.9	115	9.4
Youth	50	16.6	75	9.3	139	13.1	183	15.0
Traders	12	4.0	15	1.9	45	4.2	92	7.5
Disabled	12	4.0	23	2.8	45	4.2	46	3.8
Chiefs	34	11.3	60	7.5	139	13.1	92	7.5
Teachers	21	7.0	30	3.7	0	0	0	0.0
Professional	0	0	0	0	0	0	46	3.8
SPLM Chapters	0	0	0	0	0	0	46	3.8
Total	301	100	803	100	1,065	100	1,216	100

Source: Constructed by Lual A Deng from information contained in the Vision, Program and Constitution of the SPLM.

The third-tier is by appointment and by virtue of office. The appointments to the NC (5%), RC (10%), CC (5%) and PC (5%) are made respectively by the Chairman of SPLM, State Governor, County Commissioner and Payam Administrator⁴⁷. A third category in the third-tier is that of constitutional office

⁴⁶ The Nordic countries, for example Norway, are the exception to this general statement. There were only 13 women Senators out of 100 Senators of the US Senate; 60 women out of 430 members of the US House of Representative in 2002.

⁴⁷ This system of appointment has been one of the points of disagreement within the SPLM Political Bureau. We think that this should be abolished.

holders who members of the SPLM, which should include in our view SPLM members in the legislative assemblies at all levels of governance structure in South Sudan.

III. Monitoring and Evaluation (M&E) of the Implementation of the Outcomes of the National Dialogue

While monitoring & evaluation may mean different things to different people, the purpose of M&E is to answer key questions on what interventions to take early on so as to achieve the intended results or meet project goals. Seen in this context, monitoring and evaluation are important management tools for tracking progress and facilitating the decision-making processes.

Monitoring is thus, “defined as a continuing function that aims primarily to provide the management and main stakeholders of an on-going intervention with early indications of progress, or lack thereof, in the achievement of results” while “Evaluation is the systematic and objective assessment of an on-going or completed project, program, or policy, and its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, development efficiency, effectiveness, impact, and sustainability. An evaluation should provide information that is credible, useful and enabling the incorporation of lessons learned into the decision making process of both recipients and donors.”⁴⁸

Therefore, in order to properly plan for monitoring and evaluation, a step-by-step approach helps. These includes, identifying who will be involved in the design, implementation and reporting, clarifying the scope of the project, developing the questions, selecting indicators, choosing the data collection methods, analysing and synthesizing the information acquired, interpreting findings, providing feedbacks and offering recommendations, and finally communicating findings to the stakeholders, and deciding how to use the obtained results to strengthen the organizational capacity.

Broadly speaking, in order to monitor the implementation of the outcomes of the NDSS, the following questions need to be thoroughly examined:

- (1) Relevance: Do the objectives and goals match the problems to be addressed?
- (2) Efficiency: Is the reform agenda delivered in a timely and cost-effective manner?
- (3) Effectiveness: To what extent does the intervention achieve its objectives? What are the supportive factors and obstacles encountered during the implementation?
- (4) Impact: What happened as a result of the reform? This may include intended and unintended positive and negative effects.
- (5) Sustainability: Are there lasting benefits after the intervention is completed in South Sudan?

For the interest of this framework and brevity, the following indicators and attendant interventions would give us the full picture of the resolution of the crisis and fulfilment of the reform agenda if fully monitored by one central body/authority. We elect to put these indicators in a policy matrix:

⁴⁸ Beaudry, S., & Sera, Y. (2009). Monitoring & Evaluation: Tips for Strengthening Organizational Capacity. World Bank: Social Development Department.

Table 3: Performance Indicators for Resolving Crisis of Governance and Leadership in South Sudan

S/No	Indicator	Interventions/Outcomes	Risks and Assumptions
1	Political Party Maturity	<ul style="list-style-type: none"> Complete peaceful divorce between the divergent interests (SPLM-IN-ON-FD) in the SPLM party Complete merger of diverse voices in the SPLM party with robust reform agenda such as writing new permanent constitution and adopting acceptable form of governance (i.e federalism or something version of it) South Sudan Led-Political Settlement now or in future Seeking Redress from Court without resorting to violent means 	
2	Holding Timely Elections	<ul style="list-style-type: none"> Re-instituting electoral commission and fully funding it Registration of political parties Conducting peaceful and free elections by 2017/2018 	
3	Measured Progress on Social and Economic Development and Early warning system	<ul style="list-style-type: none"> Reducing NGO Provision of Health services to less than 80% (NGO dependency be<80%) Increasing Transfers to States; Make GRSS Expenditure<38% of overall budget⁴⁹ Earmarking considerable resources for reconstruction of the ravaged states to >6% of budget Strengthening revenue generation capacity in the counties or bomas 	
4	Delivering Justice and Reconciliation	<ul style="list-style-type: none"> Identifying the prosecutable cases Do thorough investigations and bring charges against those who committed the heinous crimes against fellow South Sudanese during the crisis Carry out successful truth and reconciliation process by the end of the interim period 	
5	Post-conflict Repatriation, Relief, Resettlement, Rehabilitation, and Reconstruction (5Rs) Program	<ul style="list-style-type: none"> Successful disarmament by 2018 Fully integration of all ex-combatants into society by 2018 	
6	Government Performance and Results Act (GPRA)	<ul style="list-style-type: none"> NLA debates a Government Performance and Results Act (GPRA) and/or enacts a GPRA Government departments produce strategic and performance plans and reports Successful information gathering and data sharing among government agencies such as the National Bureau of Statistics, National Bureau of Standards, etc. 	

⁴⁹ See the 2014/2015 Budget Speech, presented to the National Legislature by MOFEP on 25 June 2014

3.1 Government Performances and Results Act (GPRA).

Government must be seen to take the M&E initiative seriously by creating appropriate policies and showing a willingness and capacity to control and guide implementation.

The NLA could pass a Government Performance and Results Act (GPRA) requiring all agencies to prepare three key documents:

- Strategic plans
- Performance plans
- Performance reports.

Infrastructure and financial and human capacities must be made available and be deployed as required to improve governance and enhance the effectiveness of public sector organisations and institution.

Only an informed Presidency, Ministry of Finance, State Governors, Public Service Commission etc. can play their essential role in ensuring that human, financial and other resources are well used to achieve the greatest impact.

Government departments need easy and ready access to non-financial progress reports, as well as to qualitative and quantitative information on the financial and non-financial performance of every institution falling within the scope of their mandate.

The reporting system must be clear about what information should be submitted by departments and other public entities including information on individual institutional performance; information on progress in implementing programmes and information on impact.

Public involvement too would improve the quality and impact of M&E making findings more widely accepted and useful.

A web-based system for providing information on progress in implementation will form part of the M&E system. It is important to design and implement a strategy for building the capacity of all government agencies to undertake monitoring and evaluation and to identifying where interventions are required as early as possible.