

POSITION OF THE POLITICAL PARTIES ON THE TRANSITIONAL GOVERNMENT

1. Basis of the Resolution of the Conflict

This position paper is based on the following facts and realities in the country:

1. This war is devastating in terms of human loss, suffering, displacement and destruction of property as well as disruption of the social fabric between our communities. Hence, our priority is to bring it to a speedy end;
2. The immediate trigger to this senseless war was a struggle over power within the ruling party, SPLM;
3. There are factors that led to the rapid spread of the war the way it did. These are rooted in deficiencies in our governance system, security organs that lack a national character, weak infrastructure and absence of service delivery to our people outside towns.
4. The resolution of the conflict demands national action by all the stakeholders in the country;
5. Tragic as it is, this war provided an opportunity for the South Sudanese to resolve all the outstanding issues facing the country once and for all in order to bring about sustainable peace and nation-building;
6. The transitional government of national unity suggested by the principals of the warring parties to offer the best chance for the people of South Sudan to take the country forward, is meant to prepare a level ground for a healthy democratic practice in our country after the transitional period by carrying out the necessary reforms in the system. In other words, to create Good Governance that is good for those in government and those outside it.
7. In suggesting a resolution to the current conflict we need to be mindful of the following:

(a)- The armed rebellion led by a faction of the SPLM, SPLM/A-IO, has no legitimacy whatsoever. The only “legitimacy” it could claim stems from the fact that the government could not crush the rebellion militarily.

(b)- legitimacy is a covenant between the people and their government. Both must deliver on their part of the bargain. Therefore, if the government fails to provide security to its citizens resulting in death of thousands, displacement of a million plus, and destruction of their properties; or falls short in delivering services to them to promote their welfare, it should not behave as if it is “business as usual”. As much as the government can claim legitimacy not to be overthrown by force, it must also admit to have failed in carrying out its main responsibility in providing security (both from fear and from want) to its people and consequently must be ready to accept unavoidable changes within the government institutions, structure and leadership dictated by the need to bring this war to an end.

(c)- Sovereignty of the country is currently contested between the two warring parties; each has claim over some territories of the country. Only a Peace

Agreement will restore the exercise of sovereignty to the legitimate government that enjoys the confidence of all its people.

(d)- It is the two warring parties that are capable of stopping the war since it is only they who control the means of violence. Hence, their consent to and/or involvement in the Peace Agreement is unavoidable.

(e)- However, the two parties were together in ruling South Sudan for the last eight years. This is a period characterized by failure to deliver services and to build a national security sector, just to mention two critical areas. The same period saw some SPLM leaders and government officials growing into millionaires overnight and corruption became rampant. Hence, the two warring parties alone (which are actually one political party) are incapable of playing the role of the midwife to the genuine reforms the transitional government is meant to bring about.

(f)- Hence, the transitional government of national unity must involve all stakeholders.

8. The peace Agreement to be concluded by the negotiators is to be formulated by them into a Constitutional and Legal Framework.
9. The regional organizations, especially IGAD and AU, and the international community, particularly IGAD partners, EU and China, stood with the people of South Sudan at their time of need. They are grateful for this stand and expect them to support all efforts to arrive at a resolution of the armed conflict and assist in the implementation of the Peace Agreement.

2. Tasks/Functions of the TGoNU

The purpose of the transitional government is to establish and consolidate peace, instil confidence of the people in their government and lead the country to a genuine multi-party democracy. It is of vital importance that the forthcoming transitional government should be depicted in the minds of the people of South Sudan as a **Government of Reform Programme** and should practically be seen as such.

The tasks/functions of the Transitional Government of National Unity shall be as follows. These tasks shall be transformed into programmes that the TGoNU shall implement:

- 1- carry on all the normal functions of government during the transitional period predicated on good governance;
- 2- implement the Peace Agreement. This includes critical reforms in the security sector, civil service, national economy, etc...**These reforms will be spelt out in detail.**
- 3- oversee an integrated process of national reconciliation and healing;
- 4- carry out a population census (if time allows);
- 5- convene the national constitutional conference that shall discuss and agree on the principles of the permanent constitution for the country;
- 6- produce a draft permanent constitution and put it to a popular referendum for adoption;
7. facilitate registration of all the political parties and ensure a level democratic field for them consistent with the basic principles of multiparty democracy;

8. ensure the active participation of the people, as citizens, in politics and civic life through the exercise of fundamental freedoms, independent judiciary and the media;
9. revitalize agriculture and create sustainable rural livelihoods by directing oil revenues to rural infrastructure and agricultural development;
10. invest in service delivery such as health sector, education, water and infrastructure;
11. Reform the diplomatic service, consolidation of relations with countries and regional and international bodies;
12. expedite the repatriation, relief, rehabilitation, and resettlement of the refugees and IDPs, and reconstruction of conflict-affected areas, while healing the trauma from conflict; and
13. conduct free and fair elections towards the end of the interim period on the basis of the permanent constitution.

3. Duration of the TGoNU

The transitional period shall commence as soon as the institutions and structures agreed upon in the Peace Agreement are set in place and the transitional government of national unity constituted. A reasonable balance needs to be struck between the necessity for a short period before the elected organs thereafter take control, and a longer one to implement the most essential reforms that must be effected so as to ensure a stable democracy after the transitional period.

It is suggested that the transitional period be **three** years commencing on the conclusion of the Peace Agreement.

4. Structure and Composition of the TGoNU

4.1 Ending the war

It is our considered opinion that a power sharing formula inclusive of all the stakeholders that puts the warring parties in key roles in the country is the only realistic way to stop the current devastating war. However, since both are incapable of implementing the anticipated reforms, given their track record in power for eight years in addition to vested interests, we believe that that task must be put in more capable hands. It will be a false peace that puts power only in the hands of the warring parties. Therefore, all political parties should be part and parcel of the TGoNU.

It cannot be overemphasized that our country will enjoy sustainable peace, not just a stop of war, when and only when the suggested and agreed reforms are implemented during the transitional period.

In order to translate the Reform Programme into tangible reality, we believe that, despite the obvious differences, the experiences of: Cote D'Ivoire between President Laurent Gbagbo and Alassane Quattara, Zimbabwe between President Robert Mugabi and Prime Minister Morgan Changerai, and the Kenyan experience of President Mwai Kibaki and Prime Minister Raila Odinga are examples that can inform the situation in South Sudan since December 15, 2013 and the way forward.

4.2 Structure of the TGoNU

The structure of the TGoNU shall be as follows:

1. The executive of the new transitional government of national unity (TGoNU) on the national and State levels shall be constituted from all political parties in proportions shown below.
2. On the national level, executive power shall be shared between a President who shall be the Head of State, assisted by a Vice President, and a Prime Minister who shall be the Chief Executive. The Council of Ministers shall comprise of twenty-one (21) line Ministers as detailed below.
3. There shall be no more than five Deputy Ministers to be limited to a few ministries such as Foreign Affairs (one), Finance and National Economy (two).
4. There shall be a national single chamber Parliament composed of 250 members and a State Assembly in each State composed of 48 members.
5. Women shall comprise at least 25% of the executive and legislative organs.

4.3 Power Sharing Formula

1. The Council of Ministers, Parliament, State Assemblies and State governments shall be composed of political parties as follows: SPLM factions, 60% and other political parties, 40%.
2. Representation of the political parties in the national Council of Ministers shall be in the same proportion above in the three ministerial sectors of governance, economy and services.
3. The actual composition of the national Council of Ministers and governments of the States shall be subject to negotiations and included in the Peace Agreement.
4. Independent Commissions, Institutions and Authorities shall be revisited and whatever is agreed upon shall be reconstituted in the same proportions as in (1) above.
5. The President and Prime Minister shall, respectively, be from SPLM-IG, and SPLM-IO. The Vice President shall be from the political parties other than the two mentioned.
6. The Speaker of the national Parliament shall be an agreed national figure.

5. The Council of Ministers

The Council of Ministers will be presided over by a Prime Minister who will be the head of government. The PM is responsible for running the day-to-day affairs of government but reports to the President in the conduct of government business.

The Cabinet shall comprise the PM and twenty-one (21) Ministers. The Deputy Ministers shall not exceed five. The composition of the Council of Ministers shall reflect competence and regional balance.

Similar arrangements shall apply on the State level. The State Council of Ministers shall comprise the Governor, Deputy Governor (who shall also hold a ministerial docket) and six Ministers, two of whom shall be women.

The national Council of Ministers shall comprise of the following portfolios:

No	Line Ministry	Ministerial Sector
1	Cabinet Affairs (including Inter-state Coordination)	Governance
2	Foreign Affairs	
3	Defence	
4	Interior	
5	Justice	
6	Information and Communication	
7	Parliamentary Affairs	
8	Finance and National Economy	Economy
9	Energy and Mining	
10	Commerce, Industry and Investment	
11	Agriculture	
12	Animal Resources and Fisheries	
13	Transport and Roads (including bridges)	
14	Water Resources and Irrigation	

15	The Environment (including Forestry, Wildlife Conservation and Physical Planning)	
16	Civil Service and Administrative reform	Services
17	General Education	
18	Higher Education and Scientific Research	
19	Health	
20	Culture, Tourism and Sports	
21	Social Welfare and Humanitarian Affairs (including gender, veterans' affairs, etc.)	

6. Commissions and Authorities

The following independent commissions and authorities are the most essential:

1. General Audit Chamber
2. South Sudan Relief and Rehabilitation Commission
3. National Revenue Authority
4. Anti-Corruption Commission
5. National Bureau of Statistics
6. National Elections Commission
7. Political Parties Council
8. National Reconciliation and Healing Commission
9. Electric Power Authority
10. Human Rights Commission
11. Civil Service Commission
12. Fiscal and Financial Allocation and Monitoring Commission
13. National Land Commission
14. Refugees Commission
15. Disarmament, Demobilization and Reintegration Commission
16. National Corporation for Radio and Television
17. National Petroleum and Gas Corporation
18. Bureau of Standards.