

**To:** Hon. Michael Makuei Lueth,  
Chairperson, Greater Bor Community

**From:** Duk County Community Leaders

**Date:** 20<sup>th</sup> January 2016

**SUBJECT:           DUK COUNTY COMMUNITY POSITION ON THE  
PROPOSED DISTRIBUTION OF LEGISLATIVE AND  
EXECUTIVE POSITIONS IN THE NEW JONGLEI  
STATE'S GOVERNMENT.**

Dear Greater Bor Community Chairman,

Duk County Community remains a committed member of Greater Bor Community and the SPLM and supports their respective leadership since their establishment, and continues to uphold the principles and values on which the two institutions were founded.

This document is a respond from Duk County Community on the current attempt "*proposed formula for distribution of seven (7) new seats (MPs) for Jonglei State Legislative Assembly- Bor*" (copy attached) by members of State Legislative Assembly from Bor County to distribute the above-mentioned seats on the basis of population of the three counties of Duk, Bor and Twic East as per their respective results in the disputed South Sudan Census in the year 2008 and the ensued debate and discussions among the state MPs from the three counties that occurred thereafter in Bor.

Going by the Bor County MPs' proposal, the occupied and vacant positions out of the twenty-one (21) seats allocated to each of the twenty-eight (28) new States as per the Presidential Decree No. 36/ 2015, were distributed in new Jonglei State as follows:

Seats/ positions	Seats by County			Total
	Bor	Twic East	Duk	
<b>Already Occupied</b>	8	4	2	<b>14</b>
<b>Bor MPs proposal</b>	4	2	1	<b>07</b>
<b>Total</b>	<b>12</b>	<b>6</b>	<b>3</b>	<b>21</b>

The formula advanced by Bor County MPs shown in the Table above is irrelevant, deceptive and therefore was rejected by Duk County MPs in Jonglei State Assembly as well as Duk County Community on the following grounds:

1. The current situation in our great nation mimics the post-CPA interim period in the year 2005, where the composition of the Legislative Assemblies in each of the then ten (10) States was equal with 48 members each. Equally so, the Presidential Decree no 36/ 2015 gave twenty-one (21) members to each of the twenty-eight (28) new States' Legislative Assemblies of the Republic. This implies that States' Assemblies during the 2005 Interim Period and the current three years' Interim period were/ will be composed of equal numbers or entities irrespective of the proclaimed census results, even after the 2010 General Elections. Therefore, the argument advanced by Bor County MPs on the distribution of remaining seats in the State Assembly is invalid.
2. As a common norm world-wide, law-making bodies (Parliaments) most often consider and uphold principles of equality and balance before the law so that certain entities within their bodies (Parliaments) are not disadvantaged by presumably larger entities within that House during the law-making processes. Interim arrangements normally consider representation of population in any legal body by number of Payams, ethnicities and marginalized areas but not by percentages. Previous Court centres of the three Counties were 3, 4 and 5 for Duk, Twic East and Bor County, respectively. At any time in recent history, Duk County population has never been one half of Twic East population nor had Twic East population been one half of Bor County population ... so where in the heaven did this argument of allocation of 12 seats to Bor, 6 to Twic East and 3 to Duk County emerged from????
3. The new Jonglei State is ethnically composed of four (4) Dinka Bor sub-tribes namely Nyarweng, Hol, Bor and Twic. Ironically, the first two of these are inhabitants of Duk County. In the spirit of distributive justice and inclusivity advocated by our great Party SPLM, all faces of the four sub-tribes ought to appear in the upcoming Government of National Unity, both in the Executive and Legislature, particularly at the State level. Thus, the proposal allocating one additional seat to Duk County in the new Jonglei State Legislative Assembly in the current interim period is demeaning and humiliating.

4. The debate of the population advantage advanced by Bor County MPs is baseless, hallow and devoid of facts. The population they are currently claiming as residents of Bor County and Bor Town during the 2008 population census originated from all the people of old Jonglei State's eleven (11) counties and from ethnicities of Nuer, Anyuak, Murle and Dinkas from Twic East, Duk and Pigi counties as well as the population of Wounded Heroes and Heroines in Pariak and members of Eagle Division (Division 8) at Pan Pandiar. The people who lived in Jonglei State or Bor Town in the period between 2005 and 2013, will confirm or dispute our assertion. Additionally, it is a known fact that during the 2008 population census, Duk County population was not properly enumerated at its borders of Wunror and Ayod Counties due to insecurity as well as at the Sudd or Toc areas (Riverine communities) due to inaccessibility. The then poorly organized local population census that was carried out by the three Commissioners of the current new Jonglei State in the period between January and June 2012 under the directive of the then Governor of Jonglei State Gen. Kuol Manyang Juuk revealed that Duk County had 117,000 inhabitants, this is an attestation to the point we are making herein in this paragraph.
5. The process and formula used in the distribution of legislative seats in the previous 2005 Legislative Assembly and the current proposed one by Bor County MPs is not convincing and require an urgent attention from the relevant authorities. To the best of our knowledge as a community, Legislative Assemblies are not mandated to distribute positions (seats) as this is a prerogative of the Presidency, Electoral Colleges and Communities.

Hon. Chairman,

Duk County throughout the Interim and Transitional Governments (2005 – 2016) in the Republic has utterly been inadequately represented in terms of executive and legislative positions, particularly and largely so at the National Level. Unfortunately, this trend seems to persist relentlessly as evidenced by the current emerging case of seats distribution made Bor County MPs, which aroused the reaction we are now forwarding to your esteemed ends.

In light of the above, we, therefore, recommend the following:

1. **Legislative Seats:** We urge relevant authorities in our great Country to establish a body that will device a formula to be used in allocation of twenty-one (21) seats among the three Counties of the new Jonglei State. Our position on this is fair and equal allocation of the twenty-one (21) seats among the three counties (i.e assigning seven (7) seats for each of the three counties).
2. **Executive Positions:** These be distributed using the principle of equality shown in section 1 above and considering the factors of ethnicity, geographical vastness and marginalized and insecure areas of the new Jonglei State.
3. **Counties Distribution:** We proposed that the current Duk County be divided into two new Counties to cover the two sub-tribes of Bor Dinka. If Bor and Twic East Counties received two new Counties each, then Duk must have two additional counties as well and any increase in number of counties must also follow the same trend. The County factor has been often used aggressively by Wunror politicians as an attractive bait to lure members of Duk Community from Panyang Payam to join their County. Allocation of more Counties to the current Duk County will clamp the oscillating movement of our population in and out of Duk to the Current Wunror and Ayod Counties. After all, Duk County occupies an area of approximately 10,000 sq. km more or less doubling the areas of the current Bor County (Approx. 7,000 sq. km) and Twic East (Approx. 5,000 sq. km.).

Finally, we urge the community of new Jonglei State to embrace resolution of issues through consensus and not be by one side (sub-community) on behalf of all and on the expenses of others. This for sure, will strengthen and consolidate our unity of purpose at all times.
















Viva Duk County Viva

Viva New Jonglei State Viva

Viva South Sudan Viva



**Signed on behalf of Duk County Community by:**

- |  |                   |   |
|--|-------------------|---|
| 1. Hon. Anne Lino Wuor, MP, NLA                              |                   |  |
| 2. Hon. Daniel Deng Lual, MP, CS, Chairperson Greater Payuel |                   |  |
| 3. Hon. Abiel Chan Anyang, MP, JSLA                          |                   |  |
| 4. Hon. Rachael Athiak Ruei, MP, JSLA                        |                   |   |
| 5. Mr. Kulang Mayen Kulang, Ag. Chairman Duk Community       |                   |   |
| 6. Mr. Peter Chol Galuak, Chairman Greater Padiet            |                   |   |
| 7. Dr. Yath Awan Yath  | Community Member, |   |
| 8. Prof. Arop Leek Deng                                      | “ “               |   |
| 9. Mr. Deng Leek Deng  | “ “               |   |
| 10. Mr. Johnson Maduk Madel                                  | “ “               |   |
| 11. Mr. Elijah Mocnhom Wuor                                  | “ “               |   |
| 12. Mr. Majak Bol Aleer                                      | “ “               |   |
| 13. Mrs. Rhoda Atong Alaak                                   | “ “               |   |
| 14. Mr. Deng Ayaw Diing                                      | “ “               |   |
| 15. Mrs. Anne Yom Dau  | “ “               |   |

Copy to:

1. Gen. Kuol Manyang Juuk, SPLM Chairman, Jonglei State
2. Hon. Philip Aguer Panyang, Governor of Jonglei State
3. Rt. Hon. Speaker, Council of States
4. Rt. Hon. Speaker, Jonglei State Legislative Assembly
5. Hon. Commissioners of the three Counties of Jonglei State
6. Chairperson, Bor County Community (National and State)
7. Chairperson, Twic East County Community (National and State)
8. SPLM State Secretary, Jonglei State
9. All Greater Bor Legislators (National and State)