

## **SSOA's RESPONSE TO THE IGAD 's PROPOSAL DATED 21 MAY 2018**

On the 21<sup>st</sup> of May 2018, IGAD mediators presented to the Stakeholders a proposal titled "A BRIDGING PROPOSAL TOWARDS THE OUTSTANDING ISSUES IN THE HIGH-LEVEL REVITALIZATION FORUM OF THE AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN THE REPUBLIC OF SOUTH SUDAN". After a careful scrutiny of the document, SSOA would like to present its position as follows.

### **CHAPTER I: REVITALIZED TRANSITIONAL GOVERNMENT OF NATIONAL UNITY**

#### **1. Principles of Governance for the Transitional Period**

- 1.1. Principles guiding governance during the Transitional Period:  
The provisions of the document are not in conformity with the principles listed under this Article as detailed below:

**Article 1.1.1:**

- (a)- Maintains and strengthens the status quo
- (b)- it does not reflect the diversity of South Sudan. It is the SPLM unification by the back door (has a share of 80% )
- (c)- it does not deliver the goals of the Transition as it repeats the mistakes of ARCSS (power sharing)

**Article 1.1.2:**

There is no equitable participation of the Opposition and no mention of the women, regions nor youth.

**Article 1.1.3:**

Cooperation in the delivery of the goals of the Transition and implementation of the Agreement cannot be guaranteed when one Party has an overwhelming majority and the President has unlimited powers.

**Article 1.1.4:**

There can be no true separation of powers when the President has all the powers and SPLM-IG has more than 75% of members of Parliament.

**Article 1.1.5:**

No checks and balances can be exercised as long as the power remains in the hands of the President.

**Article 1.1.6:**

No collegiality when the members of the Presidency are not equal and the powers of the Vice Presidents are not defined. Three out of four VPs are members of the same party and all of them are senior to the one to be nominated by the other Parties.

**Article 1.1.7:**

The provisions of the document ensure incompetence and inefficiency because it is the same failed status quo.

**Article 1.1.8:**

The phraseology is an excuse to delaying the application of Federalism and conforms to the government's position that rejects the immediate introduction of federalism.

**Article 1.1.9:**

Is an expression meant to drag the peace process into the so-called National Dialogue, which is one of the tools of the status quo to scuttle the peaceful resolution of the conflict.

**2: Structure of the Transitional Government**

It is the government's position minus the Assistants to the President which were redundant anyway. It takes us back to the 2015-16 experience that brought the country to the current debilitating crisis.

**3- The Composition of the Government**

There is no justification in **Article 3.3** for lumping together different entities with different objectives and methods of operations.

**4. Responsibility Sharing**

**Article 4.1:**

There is no true inclusivity; only marginal accommodation of other parties.

**Article 4.2:**

- 1- Article 4.2(c) is not adequately reflected in the allocation of responsibility
- 2- Articles 4.2(d) and (e) are rewarding the incumbency for having violated ARCSS and plunged the country into a devastating civil war
- 3- The proposal rewards armed violence and violators of CoHA
- 4- The proposed composition of the TGoNU will not inspire confidence in the refugees and IDPs because it is hardly different from the status quo that drove them away from their ancestral homes.

**Article 4.3:**

- 1- The allocations in Article 4.3 do not conform to the principles in Article 4.2
- 2- More power is allocated to the SPLM factions that are responsible for the eruption and perpetuation of the conflict in the first place

- 3- The new Opposition entities are underrepresented
- 4- In point (d), the various groups are given separate specific percentages. Hence, what was the point in lumping them together in the first place?
- 5- Allocating 80% of responsibility to two Parties ensures the recurrence of what happened to the failed ARCSS.

## **5. Structure and Composition of State Governments**

### **Article 5.2:**

- 1- The allocation is as defective as pointed out previously. It does not reflect any compromise nor inclusivity
- 2- The Opposition is marginalized and there is a clear attempt to deny them their national character by confining their representation to specific regions
- 3- The proposal divides the country into political enclaves or Bantustans.

### **Article 5.6: Inclusive Boundary Commission**

- 1- It confirms the current illegal 32 States which came about by a violation of ARCSS as well as the Transitional Constitution of the Republic of South Sudan, 2011. This means the violation is rewarded.
- 2- In its 55<sup>th</sup> Extra-ordinary Session dated 31 January 2016, the IGAD Council of Ministers resolved that the imposition of the 28 States at that time was a clear violation of ARCSS and directed that its operationalization be frozen pending the decision of an Inclusive Boundary Commission to be formed so as to deal with the matter. The President refused to implement the resolution. This was another slap in the face of IGAD. There is no way the people of South Sudan would accept such a proposal again.

## **6. The Transitional National Legislature**

- 1- This is the position of the government to have a bloated Legislature of 440 members. The SPLM-IG enjoys 75% of its members. Where is the inclusivity?
- 2- Article 6.2 is a partial dissolution and reconstitution of the TNLA, while maintaining the 332 members 162 of whom were appointees. Dissolution of a Parliament can never be partial.
- 3- The term of the TNLA , according to ARCSS, has expired on 17/3/2018. Hence, it should have been dissolved and reconstituted.
- 4- The two Parties (SPLM-IG and SPLM-IO) dominate the Legislature in terms of senior positions and number of members
- 5- Article 6.13 is the position of the government to keep the current Council of States which is composed overwhelmingly of SPLM members. This does not go well with inclusivity and democratic transformation.

## **7. Question of System of Government, Federalism:**

This section reflects the government position of rejecting the application of

Federalism in South Sudan.

### **8. Transition Facilitation Council**

Transition Facilitation Council is an unnecessary duplication of the work of JMEC that is meant not only to weaken JMEC but also to avoid accountability as it subordinates it.

### **9. Displacements from Positions- Remedies**

The Article confirms the oft repeated position of the government that political office holders that lose their positions will rebel. It is a fallacy which is not borne out by the reality in the country, yet, some circles in IGAD would want to believe it. Politics is a field with the highest turn overs. It is natural and frequent to lose positions and in South Sudan, the President has been dismissing constitutional office holders in their hundreds and none of them rebelled.

This proposal is an abuse of public funds to promote patronage. This happens when millions of South Sudanese are in need of humanitarian assistance and would need every pound to feed them. It demonstrates the lack of sensitivity to the suffering of our people.

### **Summary:**

- 1- The proposal completely ignores the position of SSOA and cannot therefore claim to be “middle ground between the different negotiating positions”.
- 2- It is the government’s proposal adopted by IGAD mediators.
- 3- It is rewarding the government for having violated the IGAD brokered ARCSS, 2015 and plunged the country into a devastating civil war with heavy humanitarian catastrophe and destruction of property.
- 4- It does not reflect inclusivity in terms of responsibility sharing at all levels. Indeed, it ignores altogether the Local Government level.
- 5- It rewards the violators of CoHA
- 6- It fails to address the issues of accountability and attempts to usurp the powers of JMEC and render it subordinate to a government appointed and controlled body.

### **Conclusion**

On the basis of the above, the proposal is one-sided and cannot claim to be a bridging proposal.

