

Addendum No 1  
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## **The Interim Government Arrangements: Addendum One**

Unleashing the Potential for Good Governance  
in the Republic of South Sudan

Let's put South Sudan first  
before party, politics, and ethnicity

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# Interim Government Arrangements

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## 1 Executive Summary

1. This paper, **Interim Government Arrangements: Addendum One** restricts itself to one specific issue: the structure and form the interim administration shall assume, including its mandate and rationale.

**Addendum One**, has to be read in conjunction with our main position paper published on February 1st, 2014: *Unleashing the Potential for Good Governance in the Republic of South Sudan*.

2. As stated then in our position paper dated February 1st, the sitting president should be allowed to complete his remaining term of office, primarily because South Sudan is less than two years away from a general election, and secondly, so as not to set a dangerous precedent.
3. However, a broad based and inclusive government of technocrats should be formed to guide the nation through into the next election.
4. The period of office for any interim administration shall not exceed more than two years from the time of the signing and coming into effect of any peace agreement reached.
5. There must be clear and realistic timelines for each of the key events: census; constitutional review, its passing in parliament and in a national referendum; issues included in the military protocol like disarmament; formation of the interim government;

## 2 Interim Government Options

We envisage four possible options to choose from. We briefly examine them in no particular order before offering our opinion as to which offers the best way forward for the people of South Sudan.

## **2.1 The Status Quo**

To leave things as they are currently, many would agree, is neither an option nor would it be morally right, especially after the dreadful events of December 15th 2013 which saw much bloodshed, lost lives, and thousands of our fellow citizens displaced and dispossessed, not to mention an armed rebellion.

Things need not just go back to normal but there must be some major changes, a lot of deep and serious soul searching and sacrifices made by all, especially those in leadership positions.

And if things are to change – and change they must – the status quo, which is a major contributing factor to where we are as a nation today, cannot and must not be an option.

## **2.2 Government of National Unity**

The present government has been variously described as a government of national unity by virtue of having members of other political parties, sharing in the administration with SPLM.

Should this perception hold, and notwithstanding the fact that the the official opposition, the SPLM-DC has not been part of the power sharing scheme, this option can be said to be no different from No 1 above, and has to be ruled out for the same reasons.

The non-preference of this option also extends to conceding an exclusive power sharing deal between the two warring parties, which excludes other political actors and stakeholders.

## **2.3 Government of Technocrats**

Since the current tragedy, which has engulfed the whole nation, is a direct result of a crisis within the ruling party, the Sudan People's Liberation Movement (SPLM), in order to give time for all the political parties to go back to the drawing board, a government of technocrats, may be the preferred option.

And this is our preferred option, which we strongly recommend.

## **2.4 Trusteeship**

The current tragic setback, which is the result of a failure in one political party, the ruling SPLM, is unfortunately being taken in some quarters as a reflection of the inability of the people of South Sudan to govern themselves. Nothing can be further from the truth.

After all, between 1972 to 1983, during the first experimentation with self-rule, South Sudan then had a working government with no less than three peaceful transfers of power through the ballot box from Abel Alier to Joseph Lagu and then to James Tombura.

Besides, the people of South Sudan have sacrificed so much in terms of human lives, blood and property to give up their sovereignty so readily at the first hurdle. This therefore, is no option.

### **Our Recommendation:**

We can unequivocally say and do recommend to the people of South Sudan, Option 2.3 above, a government of technocrats, for the reasons advanced above.

## **3 Constituting the Interim Government**

We offer the following as guiding principles for the formation of any interim government.

We issue these guiding principles on the premise that the governments at both national and state levels would be dissolved as soon as a peace deal is reached, and an interim government would be put in place.

### **3.1 Eligibility**

1. There should be gender equity with women representing no less than 25% of the total number of the cabinet.
2. There shall be two members from each of the ten states for the national cabinet, and two from each county for the state cabinet. A number of names will be suggested out of which the two will be selected to be confirmed by the Upper House.
3. The two members, for reasons of inclusivity, should preferably not come from the same ethnic group that has provided the governor or the speaker of their particular state.

4. The qualifications and background of each candidate should be thoroughly researched, to ensure that only those with integrity are selected.
5. The interim government formed shall be largely of technocrats at both national and state levels.
6. All former government officials who have found themselves with the SPLM/A in Opposition remain key players in the shaping of a future stable South Sudan, and should be accommodated in any interim and future arrangements. The role they would play should be negotiated by the parties attending the mediation conference in a Addis Ababa, taking into account the minimisation of the potential for further friction.
7. They should before assumption of office and on completion, publicly declare their assets.
8. The president shall lead through regular consultation with the cabinet and not by decrees.

### **3.2 The Interim Head**

1. The sitting president shall continue until his term of office expires or an election is held, whichever comes first.
2. In the event of the presidency falling vacant, a search should be made among long serving academics, civil servants, those who have served with distinction in international organizations, with impeccable records both in and outside the country.
3. The president, the vice president and the speaker of the national assembly may not come from the same region (Equatoria, Upper Nile and Bahr el Gazhal).

### **3.3 The Parliament: Interim and future**

The current members of parliament at both national and state levels should be retained. However, in a future parliament:

1. There should be an upper and lower house, composed of elected members only. There should be no room for nominated members.
2. The Upper House should be 40, 4 from each of the ten states. Each state should send two male and two female members as representatives.

## **4 Mandate of the Interim Government**

The mandate of the interim government shall include:

### **4.1 Constitutional review**

1. Reconstitute the Constitutional review Commission and produce a permanent constitution together with carrying out a referendum to pass the constitution, within a clearly specified timeline.

The constitution, which should be people centred, should provide for a federal system for three states, and set a fixed term limit for the president.

2. Ensure that the constitutional review committee is inclusive in terms of gender, ethnicity, disability and regional and political party representations, including the civil society. No single political party shall form more than a third of the membership of the committee.
3. Restructure the judiciary and the other national institutions such as the various commissions.

### **4.2 Conduct of election and census**

1. Conduct a national census, which though important for the purpose of constituency demarcation, the conduct of which shall not be a precondition for the holding of general elections. The old electoral constituencies, may have to be revised.
2. The timeframe for both the census and elections have to be clearly specified.
3. Conduct, organise and run free and fair general elections, which may, for practical reasons, be delayed, for a period of no more than 2 years from the date of any peace agreement reached.
4. A simpler electoral system restricted to constituency seats only should be adopted.

### **4.3 Good governance and civil liberty**

1. Establish laws governing multi-party system in the country, registration of political parties, foster democratic values, and carrying out the process of reconciliation, and recovery of stolen state assets.
2. Ensure and establish a culture of a free and independent media, including the passing of the long overdue media bill.
3. Create a conducive atmosphere for the operation of civic society in order to promote democratic principles.

### **4.4 Economy, taxation, revenue and asset recovery**

1. Closing of all loopholes preventing the looting of state resources by ensuring that during its tenure, procedures are put in place so that account books in all departments and ministries are opened and closed in accordance with sound financial regulations.
2. To initiate the setting up of the infrastructure that will lead to accelerated development of the country in all sectors by investing in energy, infrastructure, service delivery and diversification of the economy.
3. Ensure the establishment of robust revenue and procurement authorities.
4. Embarking on ill-gotten wealth and asset recovery programmes.
5. A Government Gazette ("Transparency and Accountability") published quarterly by this body shall publish (for public consumption) revenue earned and government expenditure to regain public confidence.
6. Reconstitute the anti-corruption commission with the powers to prosecute.

### **4.5 Natural resources and petroleum**

1. Strengthen the Petroleum Act to include transparency, and efficient utilization of the resources to provide the vital services to the people and at the same time to diversify the non-oil sectors of nation's economy



2. A finance and development committee to vet spending on money allocated for developing the country's infrastructure will be formed from civil servants in the finance, economic planning and infrastructure ministries to oversee the transparent use of the country's finances. This will interface with the oil and petroleum committee.
3. A trust fund should be established where petroleum revenue shall be deposited and its use monitored closely.

#### **4.6 Civil service reform**

1. To ensure that employment is based on qualifications and experience rather than a sense of entitlement based on perceived role in the liberation struggle, a committee should be formed to vet any qualification in doubt.
2. To overhaul the ministry of foreign affairs, which is tasked with selling the new nation abroad through rigorous staff vetting for qualification, efficiency and proficiency, and if necessary, by cutting down on the number of missions and staff deployed abroad.

#### **4.7 National healing and reconciliation**

1. The fabric of the society has been seriously damaged by the events of December 15th, and the need to heal the wounds and hurt cannot start soon enough.
2. The interim government should see the establishment of a national reconciliation and healing as part of its top priority for the sake of the nation.
3. As part of national healing and reconciliation a trust fund should be established for the purposes of compensation, reparation and rehabilitation of directly affected individuals, families, communities, and areas.

#### **4.8 Investigations into atrocities**

1. It is important that the culture of impunity that has long plagued this nation be brought to an end, and swiftly.

2. A thorough investigation, preferably led by international bodies with the necessary expertise, should be constituted to see if any crimes against humanity and human rights were committed, and to bring to book, any persons found directly involved, even if it means at an international court.

## **4.9 Security sector reform**

1. Review all military pacts with foreign countries, South Sudan has entered into.
2. Embark on the process of de-politicising and professionalising the army with no serving army officer being appointed to a political position, though a retired member may be considered.
3. The SPLA ACT 2009 should be triggered, promulgated and put into action, and where necessary revised with reference to appropriateness of name and de-linking from the SPLM.
4. There shall be put in place arrangements for developing an "Army of South Sudan". This is vital as no government will survive with the army in the current state and make up.
5. An International force in the form of UNMISS should be drawn from countries not previously involved in the recent conflict to be strategically stationed in the trouble spots to maintain law and order until the elections in 2015.
6. Carry out an effective demobilization, disarmament and rehabilitation process.
7. An overhaul of the various national security organs need to be looked into seriously.
8. The manner, though not necessarily the principles, under which factions that have taken up arms against the state are re-absorbed needs to be reviewed, so that it is not perceived as rewarding rebellions.

## **5 International support**

It is hoped that such an interim government will be supported by all key international experts and partners, including the diaspora.

These will be placed in key positions to ensure that vital reforms are correctly implemented and in time.

There will also have to be the good will of the international community which should not be withheld as a result of what has happened.

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## Notes on the contributors

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**Caveat:** The contributors, all South Sudanese professionals in the Diaspora: two medical consultants and three academics, have not received any funding from any source for this work. We have all given our time and energy freely for the love of our country and the people of South Sudan. Our aim has been, to contribute, no matter how modestly, towards the resolution of the tragedy befalling us as a people and a nation.

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