

FRAMEWORK AND PROGRAMME FOR RESOLVING THE GOVERNANCE CRISIS IN SOUTH SUDAN

By

**Sudan Peoples' Liberation Movement (SPLM) Political Leaders,
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(I) Introduction:

The current conflict and political crisis in the Republic of South Sudan started in the ruling Sudan People's Liberation Movement (SPLM) Party leadership over issues of democratic reforms within the party and in governance of the country. Members of the SPLM Political Bureau (PB) could not agree on whether or not to undertake substantive reforms in the Party, particularly with regards to matters of leadership succession and party organization.

In a deliberate move to stifle dissent and the call for reform and democratization of the system of rule, both within the Party and in Government, the Chairman of SPLM using his position as President of the Country, decided to use executive decrees to remove SPLM Leaders in the Government and suspended the SPLM Secretary General on July 23rd, 2013 without consultations within the party leadership structures. He went on to introduce violence into what was a healthy party internal debate by unleashing the Presidential Guards and other security organs on party cadres and the people, on 15th of December, 2013. The fighting which plunged the country into the on-going bloody conflict was instigated by the decision to disarm elements of the Presidential Guards hailing from the Nuer ethnic community.

Following that incident, the Government massacred innocent civilians in their thousands, detained senior SPLM leaders and cadres, forcing some to flee for their lives as others took to rebellion to resist the onslaught. As a result, over a million people have been displaced from their homes and some are still in UNMISS protection camps. A large number of the people have been forced into refuge in the neighbouring countries. The hope of our people for a secure

and peaceful life in this new nation-state have been dashed and shattered. The main cause of this crisis and the suffering it has brought is none other than a failure of leadership.

In order to end the conflict and to ensure a peaceful, secure and brighter future for the people of South Sudan, it is imperative that the principal parties to the conflict and other stakeholders work for, and commit themselves to, a peaceful resolution of the conflict by addressing all the root causes of the crisis through a multi-stakeholder peace process in order to return the country to normalcy. The peace process is expected to culminate into signing a peace agreement that is sustainable and establishment of an Interim/Transitional Government of National Unity that will meet the aspirations of the people of South Sudan.

(II) SPLM Leaders: Who we are

We, the people referred to in IGAD documents and the media as SPLM Leaders (Former Political Detainees), are the SPLM leaders who were detained in Juba on the 16th December, 2013 after the outbreak of armed conflict in the country on the 15th December, 2013. This group has been popularly known as “The Group of Eleven Plus (11 +)”. We are part of a much larger body of SPLM members who stand for democratic reforms and transformation of the SPLM Party and for good governance of the country.

We firmly stand for the unity of the SPLM and will exert concerted efforts to bring about reconciliation and harmony within the party. It is our strong belief that the SPLM, being the vanguard Party that led the liberation struggle for freedom and independence, is the only party capable of uniting our people during these difficult times and circumstances facing our country. We would like to assure our people that the current contradictions within the SPLM leadership caused by the unilateral decisions of the Chairman, to surrender the reins of power to counter-revolutionaries and political opportunists, will soon be reversed.

In the paragraphs that follow, we present our vision, mission and programme of action for achieving the South Sudan we want. This vision and programme are anchored on nation building, democracy peace and security, socio-economic development and good governance.

(III) Vision:

A united, peaceful, democratic and prosperous, developmental state, where all its diverse peoples live in harmony as equal citizens; accepting and respecting each other, upholding human rights and the fundamental values of justice, liberty and tolerance under the rule of law.

(IV) Mission:

To work for peace, reconciliation and national healing; to mobilize our human and natural resources to achieve socio economic development, fight poverty, provide basic services and equal opportunity for all people in order to realize the vision of the '**South Sudan We Want**'.

(V) Programme of Action:

In order to realize the above vision, we hereby present the following 12-point programme as the Roadmap to Peace, Stability and Progress in our country.

Programme One: Ending the War

The on-going devastating war in our country cannot be won by any party. Its continuation will only cause more suffering and retard our state and nation building efforts. In our view, this war can only be resolved peacefully through the following:

(A) Adhering to the Cessation of Hostilities Agreement and Commitment to Permanent Ceasefire:

1. Since the signing of the Cessation of Hostilities Agreement (CoH) by the two warring parties on 23rd January 2014, there have been numerous violations of the agreement resulting in further escalation of the conflict, loss of more lives and massive displacement of civil population.
2. In order to create conducive environment for the peace process now being mediated by IGAD, we urge the warring parties to respect and adhere to the agreement and give way to the efforts to end the war. In this respect, it is absolutely important for the parties to sign and commit themselves to the Modalities Matrix in order to facilitate the monitoring and verification of CoH Agreement and deployment of the AU/UN protection force.

(B) An Inclusive Political Dialogue:

1. The current national crisis can only be comprehensively resolved through an inclusive multi-stakeholder dialogue involving the warring parties, SPLM Leaders (FPD), political parties, civil society representatives and faith based groups. This is important in order to ensure the ownership of the peace agreement by all South Sudanese and guarantee its sustainability. It is also in line with the various IGAD communiqués and the agreements of 9th May and 10th June 2014, signed by President Kiir and former Vice President Dr. Riek Machar, leader of SPLM/A-in-Opposition.
2. We are firmly committed to the principle of inclusive dialogue as the only way to bring about durable peace to our war-torn country. We urge all our people to embrace dialogue as the only means of ending this destructive conflict that has taken our young nation many steps backward and shattered the hopes of our people for a better future.

(C) Formation of an Interim /Transitional Government of National Unity

1. Pursuant to the 10th June, 2014 Agreement, there shall be established a transitional government of national unity whose key functions shall be to restore security, stability, law and order, work to regain the confidence of the people, especially those most affected by the conflict and ensure the wellbeing of all citizens. More specifically, the Transitional Government shall exercise the following mandate:
 - (i) Implement the Peace Agreement reached by the parties during the IGAD mediated Peace Talks on the conflict in South Sudan;

- (ii) Lead the process of national reconciliation and healing to overcome the grave challenges that threaten to tear the country apart;
 - (iii) Oversee the constitutional review process leading to a new Constitution that reflects the aspirations and will of the people of South Sudan;
 - (iv) Conduct national census and demarcation of constituency boundaries;
 - (v) Create conducive political and legal environment for multiparty democracy and for holding of free and fair elections at the end of the Interim /Transitional Period;
 - (vi) Implement the permanent Cease-fire Agreement;
 - (vii) Undertake security sector transformation and reforms to ensure that security forces are national in character, respect the Constitution, rule of law and human rights of all citizens;
 - (viii) Rehabilitation and reform of the civil service;
 - (ix) Ensure prudent, transparent and accountable management of national wealth and resources for building the nation and promoting the welfare of the people;
 - (x) Undertake programmes for the relief, repatriation, resettlement and rehabilitation of citizens who have been internally displaced and refugees from the neighbouring countries;
 - (xi) Work closely with the African Union, particularly with the IGAD sub-region and the international community, to consolidate peace and stability in the country during the Interim /Transitional Period; and
 - (xii) Facilitate the work of the AU Commission of Inquiry into the Human Rights violations committed since 15th December 2013, as well as any investigation by the UN Human Rights Commission and other human rights bodies, in order to ensure justice and accountability and deter impunity.
2. The structure, composition and leadership of the Interim/Transitional Government shall be negotiated by the stakeholders in the IGAD mediated Peace Talks.
 3. The duration of the Interim/Transitional Period shall be between two to three calendar years.
 4. Establishment of the Interim /Transitional Government of National Unity shall be preceded by a Pre-Interim Period whose duration shall be determined by the stakeholders during the negotiations.

(D) National Reconciliation and Healing:

1. The current war has divided the people of South Sudan along ethnic lines and inflicted grave wounds on the social fabric of our young nation. As a result, there is urgent need to adopt and implement national reconciliation and healing programmes. This national reconciliation and healing process must ensure justice and accountability for crimes committed during the crisis.
2. The people of South Sudan want to live in peace and harmony, united in their diversity and enjoying equal rights and protection of the law as equal citizens in their homeland. In order to achieve this, the Interim/ Transitional Government shall undertake the following measures:
 - (i) Establish a National Commission for Reconciliation and Healing;
 - (ii) Launch programmes for National reconciliation and Healing at national and state levels;
 - (iii) Involve Traditional Leaders in programmes of reconciliation and healing;
 - (iv) Draw lessons from other experiences: local, regional and international and adapt them to the local context and situation;
 - (v) Establish mechanisms for justice and accountability;
 - (vi) Take measures to combat hate speech, derogatory ethnic slurs and stereotypes that tend to perpetuate ethnic hatred and undermine social cohesion of the people of South Sudan.

Programme Two: Building a Democratic Federal State

1. Under the Transitional Constitution, 2011 (the Constitution) South Sudan is founded on the principles of justice, equality, rule of law and respect for human rights. However, as a young nation, the country is faced with multiple challenges of state and nation building.
2. These challenges include fostering national unity among its diverse people, creating viable and accountable state institutions, building a sound economic base and establishment of credible system for the management of national wealth, fighting corruption, laying the foundation for good governance and taking power closer to the people through effective devolution. Some of these challenges will take time to resolve, however, we shall work towards the realization of the following goals:

- (i) Building a federal democratic and prosperous homeland for all our people based on justice, equality, respect for diversity, human rights and dignity, constitutionalism and the rule of law;
- (ii) The current system of decentralization shall be reviewed in the light of current demands for a federal system of government. This will entail more devolution of powers to the states and local government; and indeed the review of the current administrative organization of the country with a view to creating more states to ensure that government is taken closer to the people;
- (iii) A Commission of experts shall be set up to make a comprehensive comparative study of different federal models and experiences, particularly in the developing world within a specified period of time and to recommend the best way of implementing a federal system of government in the country;
- (iv) In establishing a federal system, there will be need to balance the necessity for more devolution of powers to the sub-national levels (states and local government) with the imperative of creating a stable centre that will ensure national unity, cooperative governance and harmonious relations among the constituent units; to facilitate even socio-economic development, free movement of people, goods and services and consolidate inter-state comity and cooperation;
- (v) During the interim/ transitional period, limited reforms shall be introduced into the current decentralized system of governance to facilitate the establishment of state Judiciaries to the level of the High Court but with a unified appellate system to the national superior courts to ensure the development of unified jurisprudence in the legal system through case law and binding precedents;
- (vi) The change shall include the establishment of independent state Directorate of Public Prosecutions and state Legal Counsel General with other legal staff to promote legal work in the states and build state legal systems;
- (vii) To complete the picture, the states shall have their independent Police Service, Correctional Service and Civil Defence Service distinct from

the same services established at the national level. All the officer category of these services recruited at state and national levels shall be trained at national training institutions to maintain common standards;

- (viii) As experience has shown in the past years, there had been clear instances of misapplication and violation of the Constitution and abuse of powers by the Executive in several occasions including intimidation of the National Legislature and state assemblies, and removal of elected officials at state level contrary to the letter and spirit of the Constitution. Additionally, there have also been rampant conflicts between the executive and legislative organs of government at state and national levels as well as state and local government; relating to exercise of powers under the national and state Constitutions. This situation makes it necessary that a separate Constitutional Court be established to handle all constitutional issues including the enforcement of constitutional rights of citizens and resolution of constitutional disputes between the various organs or levels of government; and
- (ix) Institutional separation of powers between the executive, legislature and judiciary shall be strengthened to ensure that checks and balances are maintained and abuse of power is curtailed.

Programme Three: Security Sector Transformation

The current national crisis has undermined the security system in the country engendering a notoriously chaotic self-help environment and fragilities which may become difficult to reverse. A corollary of this is the challenge of the total breakdown of the rule of law and the commission of gross human rights abuses against civilians on a massive scale. This throws into stark relief the urgency to end the conflict; immediately restore safe environment and the rule of law; and develop an efficacious strategy for security sector transformation in order to re-acquire resilience against shocks. In this respect, we stand for:

(A) Stabilization Measures for Restoring Law and Order:

1. To urgently restore a secure environment in the country through immediate cessation of all hostilities and observance of a permanent ceasefire that is independently monitored and verified.
2. Full separation of the forces of the warring parties and cantonment of these forces in their locations and assembly areas.
3. Ensure unimpeded access to humanitarian assistance and relief of war-affected populations, the freedom of movement of people, goods and services, the urgent return and resettlement of the Internally Displaced Persons (IDPs) and refugees to their areas of origin.
4. To de-escalate ethnic tensions and reverse the upward trend in ethno-political mobilization and conflict which is turning the youth into senseless killers. These youth are blackmailed into brutal and barbaric actions by the selfish desires of their communities and motivations of their political leaders.
5. The Government shall provide security and safety for all citizens, in exercise of its core function and role in the monopoly of legitimate use of coercive power, and shall prohibit the proliferation and illegal possession of firearms by any person or group of persons.
6. To commit to international humanitarian law governing the use of force in armed conflicts according to the Geneva Conventions and Protocols.

(B) Security Sector Policy:

1. To conduct comprehensive assessment of the security environment, develop national security policy and strategy and formulate relevant security sector governance policies.
2. To review the organizational structure of various security sector institutions and organizations, develop new security architecture and redefine their roles and tasks, missions, recruitment policy and the constitutional oversight role of the civilian authorities.
3. To restructure and professionalize the national defence force, the National Security and Intelligence Services, Police and Civil Defence Services; Correctional Service and reform the justice system.

4. To make the constituent organs of this security system apolitical and nonpartisan, representative of all the ethnic communities of South Sudan; and subservient to people's will and the legitimate civilian authority.
5. To keep the security wage-bill to cost-effective and manageable levels of expenditure, the national defence force and other organized forces shall be right-sized and the excess numbers of servicemen and servicewomen demobilized and reintegrated into the civilian society with due consideration for their rights and welfare.

(C) Public Safety:

1. Whilst the nation grapples with apocalyptic consequences of this brutal conflict, we shall generate an in-depth understanding of the security-development linkage. We shall take into account other violent and non-military sources of instability such as devastating natural disasters, environmental challenges including degradation, floods, droughts and epidemics; natural resource conflicts, acute poverty and illiteracy, transnational organized crimes, cyber-crimes and terrorism; in order to design and implement the range of preventive and restorative measures required to mitigate their impact.
2. We also acknowledge the need for urgent response to the security implications of the spread of HIV/AIDS in the country. While the solution remains a long way off, we recognize that this scourge is undermining the socio-economic foundations of our already-challenged State; which all the more turns it into a key policy area.
3. In view of the above, we must prioritize human security in its various aspects as an overarching goal of the national security policy agenda to ensure freedom from fear, freedom from want and freedom from disease.

(D) Disarmament, Demobilization and Re-integration Programmes:

1. Any peace agreement reached at the multi-stakeholder peace process will succeed or unravel depending on how security sector transformation is undertaken during the interim /transitional period. The most critical

element of the security sector transformation will be the manner and extent to which DDR programmes are planned and implemented.

2. It is vital to screen all combatants through a DDR programme that is synchronized and part of building a new security system that reflects the character of South Sudan. The Interim /Transitional Government shall engage a third party(ies) with the capacity and relevant experience to assist in this regard.
3. Combatants found not to be fit for retention in the security forces shall be demobilized and reintegrated into civilian society.

Programme Four: Justice Sector Reforms and Access to Justice

(A) Institutional Reforms:

1. Access to Justice for all persons is a right and is an important aspect of any effective and efficacious criminal justice system and the rule of law. The normative framework for Access to justice is clearly spelt out in the Bill of Rights enshrined in the Transitional Constitution 2011, as well as the Code of Criminal Procedure Act, 2008; and in International Human Rights law.
2. The justice sector comprises the formal Courts of justice, the Ministry of Justice, Police Service, Correctional Service, traditional or customary courts and other structures such as village level dispute resolution and conciliation mechanisms. In order to guarantee equal access to justice for all and fight against crime, the following institutional reforms are required in the different components of the criminal justice system:

(i) The Judiciary:

- a) Decentralization of the Judiciary and establishment of state judicial institutions to the level of High Courts whose decisions shall be appealable to the National Courts of Appeal and to the Supreme Court.
- b) Building institutional and human resource capacity of the Judiciary is a critical task that must continue to be pursued;

- c) Scaling up the operational capacity of the Judiciary to ensure timely trials and delivery of judgments and avoid case backlogs;
- d) Implementation of training programmes for judicial personnel and support staff;
- e) Provision of reference legal materials in the courts such as law reports, law books and other publications;
- f) Hire more judicial personnel and build new court houses in the counties;
- g) Streamline the role of Judges and Prosecution Attorneys in pre-trial proceedings to avoid contradictions;
- h) Develop internal monitoring systems for judicial performance and link career advancement to performance;
- i) Mainstream gender in the judicial process;
- j) Promote the use of information technology to improve operational efficiency of courts;
- k) To avoid overcrowding in prisons there will be need to use non-custodial sentences;
- l) Weed out any corrupt Judges from the Judiciary; and
- m) Simplification of judicial rules and procedures to facilitate access to justice for the ordinary citizens.

(ii) The Ministry of Justice:

- a. Devolution of prosecutorial and other legal functions of the Ministry to the states to facilitate the establishment of independent state Directorates of Public Prosecutions and Office of state Counsel Generals whose personnel fall under the states;
- b. Establish an independent office of the Director of Public Prosecutions that is separate from the Ministry of Justice;
- c. Recruitment and training of more Prosecution Attorneys and legal counsels to efficiently handle cases;
- d. Drafting and dissemination of laws to increase awareness of rights and the rule of law;

- e. Government to provide adequate resources for the Ministry to complete the establishment of the Legal Training Institute to cater for training of lawyers in the legal profession;
- f. To provide legal aid for those who cannot afford to pay for their defence in criminal trials and the Government shall establish a legal aid fund for this purpose;
- g. Provision of professional training for personnel of the Ministry in certain specialized areas of law such as banking, cyber (computer) law, energy law, insurance law, legislative drafting, etc.;
- h. Collaborate with the Law Review Commission in review and updating of laws; and
- i. Streamline the role of Public Attorneys with that of Judges in pre-trial proceedings and with the Anti- corruption Commission.

(iii) The Police Service:

- a. The prevailing high level of crime in the country poses a threat to peace and stability. The role of the Police is law enforcement and detection and prevention of crime; and enforcement of judicial decisions. The Police Service is therefore an important component of the criminal justice system.
- b. Some of the needed reforms include:
 - i. Complete reorganization and decentralization of the Police service with clear separation of national from state Police Services in terms of recruitment and deployment, except for training of officers which shall be national to ensure common standards;
 - ii. Literacy shall be made one of the criteria in Police recruitment;
 - iii. Parliamentary oversight of the Police Service shall be strengthened to ensure accountability;
 - iv. Professional training shall be scaled up to improve skills and good performance;

- v. A Police Complaints Commission shall be established to receive and investigate citizens' complaints against the Police;
- vi. Community Policing shall be developed and implemented to create partnership between the Police and the citizens; and
- vii. Conditions of service of the Police shall be improved in terms of medical services, housing, salaries, pensions and other post service benefits.

(iv) The Correctional Service:

- a. The function of the Correctional Service (Prisons) is to enforce judgments of the judicial authorities and is therefore an important component of the criminal justice system. Reforms needed include:
 - i. Observance of international standards in the treatment of prisoners and their domestication into the national law;
 - ii. Improvement of the present poor conditions of the prisons;
 - iii. Focus attention on rehabilitation and social integration of the inmates after discharge from prison;
 - iv. Provision of legal aid and counseling services to prisoners;
 - v. Separation of female inmates and children from adult male inmates;
 - vi. Respect for prisoners human rights;
 - vii. Provision of vocational training skills for prison inmates;
 - viii. Improvement of conditions and terms of service of the Prisons personnel;
 - ix. Establishment of oversight body to oversee administration of the correctional services; and
 - x. Review of the legal framework and regulations governing the Correctional Service with the view to updating them to international standards; and
 - xi. Establishment of reformatories for juvenile offenders.

(v) Access to justice:

This entails guaranteeing the right of all our citizens and other persons, particularly the poor and disadvantaged, to access an independent and impartial court of law for the protection of rights and the opportunity to receive a fair and just trial with a view to providing an effective remedy to a grievance.

(vi) Current Impediments to access to justice:

- a. High litigation costs;
- b. Delays in disposal of cases;
- c. Long remand periods;
- d. Lack of qualified police investigators;
- e. Arbitrary detentions and lack of awareness of rights;
- f. Complex judicial rules and procedures;
- g. Lack of judicial personnel and public Attorneys in many Counties;
- h. Wide spread poverty among the population;
- i. Language barriers and geographical proximity for the rural litigants; and
- j. Ineffective enforcement mechanisms, security of would-be litigants and corruption in the justice system real or perceived.

(vii) Necessary Reforms to Enhance Access to Justice:

- a. Reform of the formal justice sector institutions, including the development of comprehensive legal mechanisms and structures to enhance access to justice;
- b. Creation of legal awareness among the population regarding the law, obligations, rights and how to access institutions of justice for resolution of grievances;
- c. Make the cost of litigation affordable to facilitate access to justice;

- d. Ensuring that justice is administered fairly with less technicalities through formal institutions to make the public have confidence that justice institutions are performing efficiently, professionally and with neutrality;
- e. Enhance the capacity of the Ministry of Justice to facilitate the delivery of prosecutorial and other legal services in all the states and counties and to address the problem of arbitrary and prolonged detentions;
- f. Provision of legal aid for those unable to pay for litigation costs and to encourage volunteerism by members of the Bar;
- g. Establish a legal framework for provision and management of legal aid funds;
- h. Expansion of the Judiciary to remote parts of the country;
- i. Expansion of legal aid services to remote areas of the country and encouragement of pro bono services from practicing lawyers;
- j. Streamlining and strengthening the capacities of customary courts and alternative dispute resolution mechanisms;
- k. Building capacity of members of the Police Service to enable them carry out effectively their criminal investigation function;
- l. Provision of oversight by the Judiciary of the work of traditional or customary courts that handle most of the adjudication of disputes among the general public to ensure proper administration of justice;
- m. Streamlining rules and procedures for courts to make them accessible to the public, and improving case management to speed up trials;
- n. Provision of secure court premises which are necessary for victims and vulnerable persons such as children, victims of sexual abuse and domestic violence;
- o. Mainstreaming gender in the judicial process;
- p. Provision of information about the courts to the public through publications, public notice boards, radios and TV; and

- q. Maintain a pool of court interpreters to national languages as appropriate, for effective communication in court for litigants who have no knowledge of either English or Arabic.

Programme Five: Revitalizing External Relations:

1. As outlined in the Transitional Constitution (art.43), the external relations of the Republic of South Sudan are a reflection of its domestic outlook and International obligations under International Law. Given the current national crisis that started since December 15th, 2013, the Republic of South Sudan has failed in its domestic responsibilities and as a result has tarnished its international relations. Consequently the country risks becoming a pariah state. In order to address this situation, there is critical need to resolve the current national crisis so as to revitalize our foreign relations by reflecting on the values of our long struggle for liberation and independence. Our engagement with the region and the world did not therefore start at independence on July 9th, 2011, but dates back to our long struggle for freedom, human dignity, democracy and justice.
2. Consequently, we recommit in our foreign policy to protecting our national sovereignty and interests, principles of good neighborliness and promotion of international cooperation, peace and security, non-interference in the affairs of other states, balanced relations with other countries, regional integration, consolidating universal peace and abiding by international law. The Republic of South Sudan's external relations shall therefore enhance amicable diplomatic relations and international cooperation as well as work to accede to regional and international treaties and conventions.
3. Defence of our sovereignty and physical control of our national borders and territorial integrity is critical given the fact that the delimitation and demarcation of these borders are yet to be completed.

4. The Republic of South Sudan shall exercise permanent sovereignty over its natural resources so as to ensure the economic wellbeing of its people and alleviate poverty.
5. South Sudan values its relations with the East African Community, IGAD, the African Union, the United Nations and key development partners. It shall continue to play an effective role within these organizations to enhance regional integration and international cooperation. Given its substantial endowment in terms of natural resources, South Sudan stands to contribute positively to regional economic integration, peace and security for the mutual advantage of our peoples.

Programme Six: Economic Policy and Financial Sector Reforms

(A) Macroeconomic Reform Measures:

1. Since the proclamation of independence on 9th July 2011, South Sudan's economy has experienced macroeconomic shocks and instability. These downward trends were disruptive to growth as particularly evinced in the prolonged shutdown of oil production; bouts of border skirmishes with the Sudan – thereby resulting in unstable bilateral relations; sharp rise in consumer price index due to exchange rates volatility and the dominance of parallel currency market; capital flight and declining foreign direct investment (FDI); reckless public borrowing spree; and distressed productivity levels.
2. Despite the gradual recovery following the signing of September, 2012 Cooperation Agreements with Khartoum and the subsequent resumption of oil production, measures to improve fiscal discipline were ineffective. Public spending to meet the huge wage-bills of the bloated security and civil service sectors continued to hike. Egregious violations of the budget constraints and rules, oil revenue shortfalls, and suspicious debt refinancing schemes by the Government have also exacerbated deficits. Therefore, these expenditure measures outstripped government revenues stream – thereby causing the deficits to rise exponentially and increasing the temptation to accumulate public debt continually.

3. Moreover, in the wake of the outbreak of the civil war and upsurge in violence in December 2013, the macroeconomic picture has further staggered. Apparently, the disruption of oil production; the destruction of urban infrastructures; the loss of livelihoods and widespread displacement of populations; the falling levels of human security and absence of safe environments; the flight of international goodwill and foreign direct investment (FDI); the looming famine; the increased security sector expenditures, the mushrooming of crony capitalism, etc, have put additional burdens on the economic capacity of the country – which is already fragile and challenged. These reverses have deepened the already existing potholes in the road to economic redemption of South Sudan. Absent urgent measures to terminate the conflict and shorten its duration, the country will slide unstoppably into collapse and failure with a little chance for socio-economic recovery and regeneration.
4. We therefore, in the short term, stand for the adoption of recovery and urgent remedial relief measures to decongest current economic bottlenecks – and avert the looming acute hunger and the possibility of outbreak of famine and disease in the country. We stress that the collective survival of the people of South Sudan who are now at the edge of an apocalypse to secure subsistence, sustenance, and livelihoods is the primary responsibility of their government. The Government, should not whatsoever the case might be, allow itself to be tempted to outsource or consign away this core function of the State as the primary concern of the international community and its humanitarian agencies whose role should be in support of and secondary to domestic response to the crisis.
5. As a country borne out of protracted struggle against willful socio-economic neglect by the Jalaba extractive colonialism, attention to historical grievances is a matter of paramount importance. Therefore, creating a free society where there is respect for human dignity, equal opportunities and prosperity for all shall remain at the core of our economic policy agenda. If peace is achieved, we, in the medium and

longer terms, shall endeavor to ensure quick socio-economic recovery based on critical assessment of fragility with all its dimensions (political, economic, security, etc.) – leading to the adoption of necessary takeoff measures to accelerate growth and poverty reduction. In particular, we re-emphasize the soundness of the late Dr. John Garang’s Vision of **“Taking Towns to the People”** and **“Achieving Peace through Equitable Development”**. We shall implement a broad-based rural change initiatives encompassing promotion of village cooperatives, micro-finance programmes and micro-businesses across the country. This is to promote societal harmony, equity, even development and effective poverty reduction.

6. We are committed to the establishment of a special reconstruction and development fund for the War-affected Areas in order to ameliorate the impact of war and devastation on those communities. This shall include recovery programmes and specific steps to deal with the controversial issue of reparations for the war victims.
7. We are committed to the diversification of the economy, improvement in non-oil revenues generation, effective public procurement procedures and elimination of arrears accumulation in the budget implementation. Through effective fiscal discipline, appropriately reduced public wage-bill, anti-corruption measures, and putting limits to the conspicuous consumption binge psychology and behavior among the middle class, military and political elites, we shall further make an effort to save more resources and direct them to services and productive sectors of the economy which will further minimize economy-wide macro-fiscal risks and distortions. We shall promote strict adherence to the legal frameworks relating to public financial management – in particular, the Public Financial Management and Accountability Act (PFMA).
8. Domestically, we are committed to effective macroeconomic coordination and sound macroeconomic environment. We shall strive to ensure price Stability and inflation control, reduction in youth unemployment, effective management of uncertainty and exchange

rates volatility and risks as well as currency speculation instances that might be associated with oil price hikes and spirals. We shall encourage the adoption of the managed float exchange rate policy and other commensurate financial stabilization measures to improve Balance of Payments.

9. We shall encourage initiatives for a comprehensive transformation and overhaul of the financial and banking sector. Especially, the role of the Bank of South Sudan (BoSS) as the Government's bank and the lender of last resort must be reinvigorated. We are committed to the independence of the Bank of South Sudan (BoSS) as a custodian of the monetary and financial policy as well as being the main barometer for measuring the financial health of the economy.
10. In order to curb market inefficiencies and asymmetries, we shall pursue earnestly the corrective measures to curb the misalignment and incessant exchange rate debacle inherent in the two parallel rates of the South Sudanese Pounds: The Official Bank Rate and the unofficial (Black Market) Rate. This phenomenon has introduced distortive effects into the foreign exchange transactions since the independence of South Sudan and elevation of the then Bank of southern Sudan to the central bank status.
11. We will encourage the restructuring of the Bank of South Sudan (BoSS) including the adoption of comprehensive reforms. In particular, the transformed Bank of South Sudan (BoSS) must have a special policy slant towards improved supervisory functions and prudential regulation roles in order to stamp out widespread corruption in its operations. We stand for tighter regulatory processes including the establishment of an Ombudsman body embedded in the Central Bank to keep watch on the regulators and play the role of guarding the guardians. The insertion of these additional oversight instruments will create infinite opportunities in mitigating the damning perversities such as malfeasance, bribery, and insider's dealing; conflict of interests and abetment by the Bank's executives in financial crimes. Given the infancy of South Sudanese financial system; and in view of fragility and the vulnerability of the

- financial system to systemic shocks, a tightly regulated banking and financial system is needed as finance is central to the operations of the country's economy.
12. We shall encourage exports – especially in the forest and farm products, livestock, fisheries and raw materials in order to diversify the economy from over-reliance on oil revenues and realize more potential in generating comparative advantage in other areas of the economy. More importantly, we shall put into practice Dr. John Garang's concept of using oil as a primer to fuel agriculture, manufacturing and value adding processes especially in agro-food and clothing, steel industries, etc, logistics distribution services and tourism industries and eventually improve balance of trade between South Sudan and its trading partners. In addition, this diversification will enable the country to retain the scarce foreign exchange reserves in the domestic economy and further rechanneling them for the importation of much needed capital goods to enhance productivity.
 13. In view of global shifts and changing contours of the world economy due to shrinking geographies, no country is an island unto itself anymore. Economic interdependence and cooperation among nations and societies have become all the more powerful engines for development and economic prosperity. We shall therefore endeavor to establish synergies with the Bretton Woods Institutions: The World Bank and International Monetary Fund (IMF) as well as with The Bank for International Settlements (BIS), and the United Nations Development Programme (UNDP). We shall also expand avenues of cooperation with bilateral donors and regional economic blocs the world over; The African Development Bank (AfDB); The World Trade Organization (WTO), etc., to attract additional investment funds for development, enhance expertise through capacity building programmes and skill and knowledge transfer to the domestic economy.
 14. We are also committed to partnerships and networking within the African regional economic blocs such as The East African Community (EAC), Inter-Governmental Authority on Development (IGAD), The

Common Market for Eastern and Southern Africa (COMESA), etc. Given South Sudan's privileged geostrategic position as the gateway of Sub-Saharan Africa to the Middle East and North Africa (MENA) and given historical affinities, especially with the Sudan, we shall also advocate for an expanded trade and economic cooperation with the MENA Region.

B) Debt Management:

1. Over the last ten years, South Sudan has acquired huge sovereign debt through a two-pronged uncoordinated borrowing activity from the domestic and external creditors. Notably, there have been no strict goals set in managing extensive levels of debt acquired domestically through government contracts and through trading government securities. Externally, South Sudan has accumulated toxic debt by borrowing from the "Vultures Funds" with unfavorable borrowing terms where these creditors have simply taken advantage of country's desperate situation.
2. So far, in broader macroeconomic terms, the fiscal and monetary policy makers have not been able to keep accurate data on the level of public debt; continually update the data and assess its impact and the cost of borrowing on the country's economy and resource envelop. Accurate data on public debt will enable policy makers to innovate credible strategies which ensure debt sustainability. That is, the lack of synchronization between public debt service ratio to the budget; as well as the ratios of public debt to GDP, the taxation capacity and government revenue levels; has fundamentally made servicing public sector debt unsustainable.
3. The government has also demonstrated lack of capacity in structuring its debt portfolio management in terms of maturity, currency, or interest rate composition; and putting in place measures to manage external shocks and vulnerability to liquidity crisis and insolvency; and reduce borrowing and current excessive levels of debt by servicing the unfunded contingent liabilities, while effectively managing risks and costs associated with borrowing. Simply put, the creditworthiness of South Sudan is in jeopardy and the future of posterity is being mortgaged away!

4. We recognize that without appropriate macroeconomic instruments in fiscal, monetary and exchange rate spheres at work, effective debt management will yield no results. We shall endeavor to achieve effective debt management regime which ensures that sovereign debt obligations are met at lowest possible cost in the medium and longer term – an objective which is consistent with the prudent degree of risk management.
5. In order to take the country back from the current debt spiral path and possibility of debt overhang, we call for the adoption of strict macroeconomic coordination between the fiscal and monetary arms of the economy. We are committed to invoke measures that will curb the build-up of debt and liquidity exposures that are inherent in the current system as well as corruption in borrowing procedures. These shall include the adoption of stern measures to ensure effective sovereign debt portfolio and risk management, and sound debt structures with feasible and portfolio benchmarks that include currency composition, duration and maturity structure of the debt.
6. Whilst we shall put in place stringent criteria to screen all the government liabilities to stamp out malfeasance, we shall prioritize the repayments of government obligations in respect to domestic contingent liabilities in order to alleviate severity of non-repayment on private sector and productivity in the domestic economy.
7. We shall encourage transparency and accountability in the debt management – including streamlining roles, responsibilities, and objectives of all agencies and institutions; open process for formulating and reporting of debt stock; public access to information on debt management policies; accountability and assurances of integrity by agencies and institutions responsible for debt management.

(B) Promotion of Private Sector Development and Investment:

1. Since the signing of the CPA in 2005, cronyism and politics of patronage have threatened to sour South Sudan's dream of throwing its markets open to more competition, enterprise, and investment. Instead of unleashing the

power of enterprise to create jobs, increase exports and generate wealth, crony capitalism has emerged in its wake unleashing the invasive forces of predation, rent-seeking and economic parasitism. Nothing could be more telling than the debilitating effects of the shoddy contracts surrounding the Dura Saga, road and building construction, procurement contracts for supply of goods especially motor vehicles and fuel, and the recent Crisis Management Committee (CMC) scandal. This is in addition to the prevalence of briefcase millionaires in the economy, whose main motive is not to make wealth but to corrosively eat into the sinews of the national economy through well established corruption networks.

2. There are few stories of entrepreneurial success that need to be encouraged and supported through the creation of effective regulatory and legal frameworks to make public procurement of goods and services more transparent and competitive, and make doing business in the country less costly. The Government needs to increase public investment in infrastructure such as transportation, Information Communication Technology (ICT) and electricity to further enhance investment environment.
3. We recognize the overlapping nature of the public and private arenas and circuits of the economy tightly integrated in broader production networks and relationships that enhance growth and economic development.
4. We shall encourage the role of the market as the appropriate allocator of resources through enterprise and competition and multi-layered lattices of economic activity such that private enterprises (small, medium and large) could maintain cost mark-ups, and thus profits and shareholder value.
5. In order to create conducive investment climate in the country, the existing investment laws and regulatory frameworks shall be reviewed to make them investment-friendly to facilitate competition and market dynamism. These measures will curtail corruption and market distortions and they shall be embedded and implemented in efficient institutional macro-structures of the economy in order to fulfill the national potential for investment.

6. The role of government shall be to accelerate the engine of economic take-off which can be achieved by means of decongesting the acute imbalance between savings and investment in the domestic market, and by allocating additional financial resources from national revenues for the development of the retail and private sector; encourage culture of thrift and savings through deposits mobilization; as well as through borrowing from accumulated capital surpluses overseas.
7. We recognize the tangled webs of the global economy and the role of the global production networks (GPNs) and increased role of the Trans-national Corporations (TNCs) in accelerating growth and development in the domestic economy and the changing geographies of the world economy.
8. We will therefore strive to make South Sudan an important Foreign Direct Investment (FDI) destination and hub in the region. With the changing pattern of FDI with clear slant towards agriculture, mineral and oil prospection, infrastructure development, manufacturing and services, South Sudan can reap enormous benefits from this shift by attracting more FDI.
9. In this regard, we support the development of trans-national infrastructure to promote fast integration of South Sudan into the regional economy of eastern Africa in particular and Africa in general.

(C) The Fight Against Corruption:

1. Corruption is a tax on development and long-term welfare of a people. The incidence of corruption and the forms it takes in South Sudan is largely responsible for the widespread poverty, misallocation of resources and surge in crony capitalism, capital flight and dampened investment; resistance to reforms, and plethora of other roadblocks and bottlenecks affecting economic growth and collective welfare of its people.
2. As a consequence, the public perception and rating of the ruling elites is damning. That is, the demeanor and reputation of leaders in South Sudan has been dealt a serious harm as the general public categorize them as being ruthlessly self-seeking and untrustworthy.

3. Whilst the jury is still out on the perpetrators of this heinous crime, public debate around this phenomenon has been politically influenced by the bias of selectivity engendered by use of corruption as an instrument of quelling political dissent; and by paying lip service to fighting the scourge of corruption. To date, public servants have declared assets and the Anti-Corruption Commission has not yet published its findings on the extent and depth of corruption in high places, and in the public and private sectors of the economy.
4. More often than not, the President has made lofty expressions and populist gestures on “*Zero Tolerance Against Corruption*”; or sometimes naming and shaming a few political opponents as corrupt while defensibly guarding against any assault on the character of his close associates. Broadly speaking, this strategy is flawed and cannot effectively eliminate corruption. Because it only reveals the tip of iceberg about corruption but does not explore a dense mass and mess below, it therefore does not portend a basic improvement in the social conditions of the citizens but instead renders the facts about this scourge as moot as ever.
5. Nothing could be more telling than the debilitating effects of the shoddy contracts surrounding the Dura Saga, road and building construction, arms deals and defence contracts, procurement contracts for supply of goods especially motor vehicles and fuel, and the recent Crisis Management Committee (CMC) scandal. This is in addition to the prevalence of briefcase millionaires in the economy, whose main motive is not to create wealth but to corrosively eat into the sinews of the national economy through well established corruption networks.
6. In view of the above, there is urgent need to promote the following:
 - (i) Political Leaders must demonstrate effective leadership and commitment in the fight against corruption and any leader found to have condoned or engaged in corrupt practices must be punished and barred from holding public office;
 - (ii) Parliament shall play effective oversight role in the fight against corruption;

- (iii) Ensure strict compliance with Public Procurement and Disposal Law and Procedures;
- (iv) Centralize public procurement and establish oversight institutions such as a Public Procurement Board;
- (v) Develop a Code of Ethics and Integrity for Public Officials emphasizing the values of honesty and integrity;
- (vi) Protect the independence of the Anti-Corruption Commission and empower it to reject any political interferences with corruption cases whether at the investigation stage or at commencement of trial before courts of law;
- (vii) Harmonize the role of the Anti corruption Commission with the Ministry of Justice and the Police;
- (viii) Build investigative capacity of Anti-corruption Commission;
- (ix) Investigate and prosecute all outstanding cases of corruption without fear or favour;
- (x) Strengthening of legal and institutional frameworks of the Anti Corruption Commission and to ensure their enforcement;
- (xi) The Government shall accede to regional and international conventions on Corruption particularly the African Convention on Preventing and Combating Corruption (AUCPC) and the UN Convention Against Corruption (UNCAC);
- (xii) Enforcement of Public Procurement laws and regulations;
- (xiii) Involvement of the Media in policy advocacy against corruption and raising public awareness to strengthen capacity of the public to resist and prevent corruption.
- (xiv) Expand the curriculum in the educational system to promote the values of honesty, integrity and respect for public property;
- (xv) Create awareness on the evils of corruption among the population through civic education.

Programme Seven: Petroleum and Natural Resource Management

(A) Petroleum:

1. Oil is a strategic national resource and the principal source of revenue for South Sudan. However this resource is not only amenable to government control and regulation but also attracts multinational interests; its extraction is both capital and labour intensive. It is not easily exploitable under conditions of war. Despite the government control of the oilfields, predation, plunder, corruption and lack of transparency in the management of oil revenues accounts, has resulted in various forms of resource misallocation.
2. The emergence of distinctive war economy and its associated rent-seeking oligarchies and the desperation of the government to sustain its dysfunctional institutions have undermined its efforts to establish checks and balances in the industry. This has caused economic inequalities, discrimination and deprivation and created social tensions in the country.
3. In order to ensure resource accessibility, in the near future the Armed Opposition might be inclined to sabotage, disrupt or obstruct oil production. Furthermore, owing to State fragilities and insecurities, external interference based on a pattern of regional economic interests – which may, in the long term, compromise South Sudan’s national sovereignty and independence – are in the offing. If not urgently reversed, these trends will pose existential threats on the national security and will affect the State capacity to govern and may engender total collapse.
4. We therefore stand for a more robust approach to avert the instances of oil becoming a curse for the people of South Sudan. We are committed to economic independence of South Sudan in pursuit of its economic destiny, a transparent management of its oil industry and efficient and equitable distribution of this national wealth for the welfare of the people and sustainable development of the country.
5. In particular, we are committed to strict adherence to provisions of the Petroleum Act, and the Mining Act, and call for amendments where they are needed to ensure prudent and transparent management of these resources. We recognize the importance of urgent audit of the

- Petroleum sector; and empowerment of the National Petroleum Commission to oversee negotiations with oil companies as well as the award of concessions and licenses. We shall expedite the process of South Sudan joining the Extractive Industries Transparency Initiative (EITI) to enhance accountability in the management of petroleum and mining industry.
6. Under the current conflict situation, oil facilities must be placed out of reach of all the warring parties. A moratorium shall be placed on the issuing of new concessions and licenses until peace is achieved. Furthermore equitable formulae shall be deployed to ensure that oil revenues benefit the entire population of the South Sudan. In this regard oil revenues should not be used to fuel the war. While the war rages on, we call for strictest and transparent measures in the management of oil revenues including placement of these revenues into an escrow account.
 7. We are committed to undertake the following specific reforms:
 - (i) All loans and contracts collateralized or guaranteed with oil shall be identified, checked and recorded for the purposes of transparency and accountability;
 - (ii) Current employment in the oil sector shall be reviewed given that employment in this sector has not been based on merit and competence, but largely on ethnic, political and regional considerations;
 - (iii) Oil marketing system including future sales shall be open, transparent and competitive; and any fraudulent dealings shall be checked and severely punished;
 - (iv) Awarding of oil concessions shall be conducted in accordance with the provisions of the Petroleum Act, 2012; the National Petroleum Commission shall play a key role in approving oil contracts;
 - (v) Records of Payments made to the oil producing states (2% to the state and 3% to communities) shall be regularly published by the Ministry of Finance for public scrutiny and accountability;

- (vi) All oil revenue including surface rentals, training fees, bonuses, etc, shall be remitted to the Oil Account in the Central Bank and withdrawals shall be in accordance with the law and procedures through the Ministry of Finance;
- (vii) The oil revenue funds including the oil stabilization fund, future generation fund must be prudently managed in accordance with the Petroleum Act and the Public Financial Management and Accountability Act;
- (viii) South Sudan as an Oil producing country shall develop its national competence and capacity to enable it derive maximum benefit from its oil resources. In this regard, the need to build a competent and enterprising National Oil Company cannot be over-emphasized;
- (ix) Although the Nile Petroleum Corporation has been established as the national oil company of South Sudan under the Constitution and the law, its real role in the oil sector both upstream and down-stream, has not been fully given due recognition except as an adjunct of the Ministry of Petroleum. In consequence, its growth has been severely curtailed and stunted. The government shall therefore give this matter serious consideration to realize the effectiveness of the Corporation. This situation applies equally to the role of the National Petroleum Commission. The Interim/ Transitional Government shall take steps to ensure that national oil company - Nile Petroleum Corporation - and the National Petroleum Commission (NPC) are empowered to exercise their responsibilities as stated in the Constitution and the law without interference from individuals and avoid any malpractices;
- (x) We stand for efficient production and environment-friendly extraction of natural resources, development of oil producing areas, capacity building and local content strategy, fairness in employment and long-term indigenization of the workforce. We shall work to expedite operationalization of the Future

Generations' Fund and Oil Prices Stabilization Account to deal with oil price shocks and volatility;

(xi) The Cooperation Agreement of September 2011, between the Republic of South Sudan and the Republic of the Sudan, regarding the use of the oil infrastructure (pipelines, processing facilities) and transit arrangements for South Sudan oil will expire in September 2014. To avoid another shock to South Sudan's economy, immediate measures shall be taken to:

- a. Negotiate renewal of the Cooperation Agreement with Khartoum to extend its life;
- b. Prioritize the construction of alternative oil infrastructure;
- c. Speed up the construction of the two mini refineries in Upper Nile and Unity states and make further plans for establishment of a larger refining capacity;
- d. Review existing oil concession agreements that are inactive and intensify further oil exploration in the country particularly after peace is achieved; and
- e. Study various policy options for further development of petroleum and mapping of mineral resources of the country.

(xii) We stand for a comprehensive environmental audit and accounting that will facilitate the assessment and compilation of natural resource inventory of the country; encompassing land, water, forestry, livestock, wildlife, and fisheries resources. We are committed to the sustainable development and management as well as responsible utilization of these resources to avert depletion and degradation;

(xiii) We shall prioritize agriculture as the mainstay of South Sudanese economy and shall scale up efforts to redirect public expenditure towards food security.

(B) Land:

1. South Sudan is endowed with vast arable land that can sustain the livelihood of its population. Land being a prime economic asset, land tenure and property rights policy are critical factors in shaping and driving economic locomotive and welfare of our nation. The land abundance, collective usage rights and lineage ownership of land assets by the traditional communities have whittled down over time due to variable links to market economy, capital penetration, migration, and extroversion with the outside world.
2. Under the current land tenure systems as stipulated in the Land Act, there are policy dilemmas of harmonizing between the competing development needs for land use and the traditional land rights. The breakdown of rule of law and the limited carrying capacity of the urban centres have exacerbated tensions and incidences of land grab and conflicts.
3. We, therefore stand for an in-depth national debate to review the current land policy the Land Act, 2008 in order to achieve consensus over land tenure reforms and to maximize economic utilisation of land in South Sudan.

(C) The Nile Waters:

1. Water makes life possible on the Planet Earth and sources of freshwater are scarce. South Sudan is endowed with adequate sources of sweet-water which must be used efficiently for the welfare of its population. We recognize the existing economic and hydro-politics that could potentially constrain the development of water resources in the upstream and downstream countries of the Nile Basin.
2. South Sudan is one of the eleven riparian states of the Nile Basin having water rights and obligations in the Nile River. As part of the Republic of Sudan before attaining independence in 2011, South Sudan had its water rights embodied in the 18.5 milliard allocated to the Republic of Sudan under the 1959 Nile Waters Agreement that apportioned the Nile waters between Sudan and Egypt and which allocated to the latter 55

- milliard (billion cubic meter). The 1959 Agreement preceded the 1929 colonial agreement in a bilateral agreement between the two countries (Egypt and Condominium Sudan), and does not include the other upstream riparian states especially Ethiopia which is the source of 86 percent of the total Nile waters.
3. The majority of the other riparian states of the Nile Basin have challenged the contemporary validity of these two bilateral or colonial agreements. Their objections to the status quo have resulted in the establishment of the Nile Basin Initiative (NBI), whose objective is to develop the river in a cooperative manner so as to share substantial socio-economic benefits; and promote regional peace and security among the Nile Basin countries rather than conflict over the utilization of the common watercourse. South Sudan has joined the NBI and subscribes to the Nile Basin Cooperative Framework Agreement (CFA).
 4. South Sudan currently uses very insignificant amount of the Nile waters for domestic uses while the Country suffers from retarded socio-economic development, abject poverty, food insecurity, water scarcity in some parts of the country, lack of access to electricity for more than 95% of the population, lack of industries, limited use of water transportation system and a fast growing population.
 5. To uplift the people of South Sudan out of the present situation, the country will require massive investment in agriculture that will need water for irrigation instead of total dependence on unreliable rain water for agriculture. The country will need to develop its hydro-power potential on the White Nile and other rivers. These projects are of critical importance for socio-economic development of the country and promotion of industrial development. The availability of hydro-power will greatly help in curbing environmental degradation and stop deforestation and desertification which is now encroaching at a very fast rate due to total dependence of the vast majority of the population on fuel wood and other traditional sources of energy.
 6. In pursuit of its water rights and interests, South Sudan will fully subscribe to the Shared Vision and its programmes articulated within

the NBI and the CFA. South Sudan will cooperate with the other riparian states to achieve the stated goal of sustainable socio-economic development through the equitable utilization of, and benefit from, the common Nile basin water resources guided by:

- (i) The need to meet the vital needs of its population;
- (ii) Adherence to the principle of equitable and reasonable use of the Nile water and ensuring that activities conducted within its borders do not cause any significant harm to the interest of the other riparian states;
- (iii) To participate within the institutional framework established under the NBI Shared Vision and Subsidiary Programmes;
- (iv) The obligation to protect the ecosystem and biodiversity - particularly the Sudd wetland - and prevent pollution and degradation;
- (v) Work to resolve any conflicts arising from the utilization of the Nile water peacefully through negotiation and other available institutional mechanisms of conflict resolution in accordance with principles of international law;
- (vi) Work to develop and manage subterranean water and aquifers, catchments, reservoirs and canals;
- (vii) Promote and improve the exploration, development and utilization of water, oil and other energy resources including solar energy; and
- (viii) Access, monitor and maintain data base of water resources for planning purposes to ensure sustainability and explore options for future development and use.

Programme Eight: Food Security - Agriculture, Livestock, Fisheries, Wildlife and Tourism

1. The conflict which erupted on 15th December, 2013 in the country has led to widespread population displacement, loss of food stocks, disrupted agricultural work during the rainy season. This insecurity is affecting trade

routes through which supplies are brought to wider areas in South Sudan and particularly the most affected states of Jonglei, Upper Nile and Unity. According to reports, more than three million people are considered to be food insecure or facing hunger.

2. The continuation of this conflict is affecting adversely the majority of South Sudan's rural population whose livelihoods are dependent on agriculture including crops, livestock, forestry, fisheries, etc. The current situation will certainly lead to starvation/famine in the country if not brought to an end the soonest.

3. To avert this situation there is need to:

- (i)** Immediately end the conflict;
- (ii)** Provide humanitarian support to the affected population;
- (iii)** Repatriate and resettle IDPs and refugees;
- (iv)** Distribution of seeds, crops and tools to the affected population;
- (v)** Design special programmes through Agriculture Bank for the support of affected population.

4. As South Sudan's economy largely depends on oil, which accounts for 98 percent of government revenue, we shall adopt policies and measures to diversify the economy by developing agriculture sector given the country's endowment with vast arable land, water resources, forestry, animal resources including livestock and wildlife.

5. To improve livelihoods and reduce poverty in the country, we shall:

- (i)** Review and implement the national food security policy framework;
- (ii)** Support and strengthen the South Sudan Agricultural Bank and the Cooperative Bank, to be able to facilitate farmers with credit;
- (iii)** Support and modernize agricultural sector infrastructure;
- (iv)** Provide farmers with modern and appropriate farming machinery and technology to promote commercial and subsistence farming to increase production output;
- (v)** Review and reform land policies to promote and facilitate investment in large scale farming;

- (vi) Support and modernize the livestock sector and introduce ranches, improve livestock health and breed; and develop fisheries industries;
- (vii) Carry out comprehensive studies with the view to design policy measures that address the all important issue of livestock management particularly cattle; by focusing on harnessing its immense economic potential. In addition, measures to deal with role of cattle in social relations, generation of inter-communal conflict in form of cattle rustling among the herders and conflict with sedentary farmers as well as environmental degradation need to be undertaken;
- (viii) Promote and develop forestry and agro-industries, and commerce;
- (ix) Undertake institutional and human resource capacity building to enhance productivity;
- (x) Encourage establishment of cooperative societies and guarantee them credit loans through commercial banks;
- (xi) Create conducive environment and encourage private sector investment in agriculture sector; and
- (xii) Conserve and protect wildlife, wetlands, national parks and game reserves, and promote tourism.

Environmental Protection:

The challenges to the natural environment today in the Republic of South Sudan are: damaging of ecosystems especially pollution and degradation caused by oil development, biodiversity and loss of habitat resulting from population growth, expansion of subsistence agriculture, timber extraction and its use as fuel (charcoal), traditional activities such as hunting, cattle grazing, forest fires, firewood collection and poor waste management systems in urban centres. Previous wars and the current one have threatened and endangered wildlife and survival of some species.

To address the above challenges we shall work to:

1. Develop comprehensive policy and legal framework for the preservation, conservation and sustainable use of ecosystems, biodiversity and forests;
2. Ensure sustainable and equitable use of natural resources without degrading the environment or risking health or safety of the people and wildlife;
3. Adopt measures to prevent and control degradation of land, water, vegetation and air, and forests;
4. Preserve and protect threatened and endangered species;
5. Develop strategies, mechanisms, economic and social instruments to improve environmental quality and sustainable use of natural resources;
6. Conduct environmental impact assessments before implementation of any development projects (infrastructure, hydropower, oil, mining, industrial, irrigation, etc)
7. Promote regional and international cooperation on preservation and protection of the environment especially with the United Nations Environmental Programme (UNEP) as well as the Kyoto Protocol;
8. Raise awareness and understanding of the link between environment and development, and promote individual and community participation in protection of the environment;
9. Undertake survey of wetlands and biodiversity resources of the country; carry out environmental profiling and establish an environmental information centre and research.

Programme Nine: Social Policy

South Sudan has been an under-developed region for centuries due to occupation, marginalization and economic plunder. This has been exacerbated by the current conflict in the country; which makes the range and breadth of social policy responses more complex, challenging but an absolute imperative. Therefore, there is need for a robust social policy that aims at promoting the well-being and dignity of all the people of South Sudan by accelerating access to basic social services as outlined in the following subsections:

(A) Education Sector:

Education plays an essential role in national development. All other sectors will benefit greatly from literate and well- educated population. We are therefore committed to ensuring development and provision of accelerated, equitable and quality education system geared towards sustainable economic growth and development throughout South Sudan. In this respect we shall work to-

1. Develop and adopt national general education strategy and policy framework.
2. Ensure universal access to free and compulsory primary education for all children.
3. Pay special attention to girl child education (enrolment, retention, progression).
4. Make secondary education affordable.
5. Provide qualified teachers and academic staffs for general education.
6. Develop curriculum for general education that promotes and strengthens national identity; and reflects national, cultural and ethnic diversity.
7. Strengthen the motivation and professional development of teachers through accelerated intensive teachers training.
8. Increase access and improve efficiency of general educational system by constructing, rehabilitating and improving learning facilities in primary and secondary schools.
9. Encourage technical and vocational education.
10. Establish special schools or learning programmes for especially gifted children, the blind and the deaf.
11. Provide alternative and accelerated learning opportunities for adults and out of school children.
12. Encourage and regulate private sector investment in education.
13. Develop and adopt higher education strategy and policy framework.
14. Review the higher education curriculum to reflect social and economic needs of the nation.

15. Increase access to higher education by constructing, rehabilitating, improving and expanding facilities in tertiary institutions; providing student loans, granting scholarships; improving, strengthening and supporting research facilities, etc.
16. Urgently resolve the backlog in university admissions by expanding the intake capacity of national universities and availing resources to this effect.
17. Provide qualified and professional academic and management staffs for higher education.

(B) Health Sector:

Achieving and maintaining a healthy population is an important goal and a pre-requisite for social and human development. The health sector plays an important role in improving the productivity of the national labour force. It is therefore a responsibility of the Government to promote public health, establish basic health facilities and provide free primary healthcare for all citizens. The following measures shall be undertaken:

1. Promote healthcare by improving access to basic health services, strengthening the control of communicable diseases, reducing maternal and child mortality rates as well as controlling the spread of HIV/AIDS.
2. Develop and strengthen human resources in the health sector by increasing training and professional development; and improving management of health system.
3. Construct new health facilities and rehabilitate and improve existing facilities.
4. Expand the pharmaceutical and medical equipment supply chains to ensure the availability of safe medicines and medical equipment and their rational use.
5. Strengthen and improve the management of hospitals, health centres and disease surveillance and control; and establish functional referral health facilities in the states.
6. Review and implement health sector policies, programmes, guidelines

and regulations, standards and norms; and monitor quality assurance.

7. Strengthen provision of HIV/AIDS services and other communicable diseases.
8. Treatment and eradication of endemic diseases such as Malaria, guinea worm, (sleeping sickness) African trypanosomiasis, (river blindness) Onchocerciasis, etc.
9. Encourage and regulate private sector investment in health sector.

(C) Women, Youth and People with Special Needs:

1. Women and Youth constitute the largest segment of the population of South Sudan. Therefore, we shall focus on their role in nation building and national development. The Transitional Constitution, 2011 recognizes the principle of allocating 25 percent for women participation in decision making bodies at all levels of government. However, this has not been fully implemented in the past years. In order to put this into practice:

- (i) Implement fully the policy of affirmative action and raise women representation to 30 percent to address inherent injustices;
 - (ii) Encourage and promote women participation in bureaucracy, security sector, economy and public life;
 - (iii) Combat negative customary practices which continue to hamper women development in society;
 - (iv) Encourage and promote girl-child education by ensuring school enrolment, retention and progression;
 - (v) All national development plans and programmes shall be gender sensitive and shall address gender disparities;
 - (vi) Promote women economic empowerment through access to credit and microfinance from financial institutions;
2. The Transitional Constitution, 2011 defines the Youth to be the age of 35 years and below. Unfortunately, very little attention has been given to this sector as evidenced by the poor allocation of resources to youth programmes since 2005 to date.

3. Effective youth participation in development has been hampered by high rates of unemployment, illiteracy and skill gaps, poverty, negative customary practices and proneness to violence. To address these challenges, the following measures are necessary:
- (i)** Develop policies and legal framework for organization of the youth;
 - (ii)** Create job opportunities in both public and private sectors to resolve the issue of youth unemployment;
 - (iii)** Establish vocational training centres to develop skills in productive activities;
 - (iv)** Economic empowerment through establishment of Youth Development Fund to finance entrepreneurial ventures undertaken by the youth;
 - (v)** Foster a collective national consciousness through civic education and other youth programmes in order to discourage negative attitudes such as tribalism and rise in violent ethnic rivalries;
 - (vi)** Inculcate in the youth the values of patriotism, integrity, unity, equality, justice and solidarity;
 - (vii)** Create recreational and cultural centres for youth;
 - (viii)** Create national youth service and facilitate national youth programmes that support nation building and socio-economic development;
 - (ix)** Develop sports infrastructure to encourage talent, promote physical health and foster spirit of tolerance and unity among the youth;
 - (x)** Develop youth exchange programmes domestically, regionally and internationally for learning and exchange of experiences;
 - (xi)** Empower youth to participate in public life of the nation by allocating 15 percent in decision making bodies at all levels of government.
4. The Transitional Constitution guarantees to persons with disabilities or special needs the right to participate in society particularly the right of access to public utilities, education, medical care and employment. As a result of the war of independence that ended in 2005 and the ongoing civil conflict in the country, the number of persons with

disabilities, war-orphans and war-widows has considerably increased. The situation therefore requires practical policy measures that will:

- (i) Ensure respect for fundamental human rights of persons with disabilities or special needs, by adopting legislative frameworks and committing to programmes for the realization of those rights;
- (ii) Prevent the occurrence and recurrence of incidences that cause disability by putting in place measures for responding to epidemics and conflicts, and other forms for mitigating accidents;
- (iii) Combat stigma and discrimination of persons with disabilities in the society as disability is not inability;
- (iv) Create special care programmes and facilities for the aged and elderly who have fallen off the traditional care mechanisms under the Ministry of Social Welfare;
- (v) Create institutions to care for the mentally retarded or infirmed persons that are separate from correctional institutions (prisons);
- (vi) Provide prosthetic limbs for the amputees and facilitate their acquisition of skills suitable to their condition so as to enable them fend for themselves;
- (vii) Strengthen ongoing welfare programmes for war-wounded, war-widows and war-orphans through the establishment of Special Fund to be managed by the commission established for this purpose;
- (viii) Provide free access to education for war-orphans and free health services for the war-wounded, and accord special treatment and respect to war-wounded and persons with disabilities in the use of public facilities;
- (ix) Be accorded representation in decision-making bodies as appropriate.

Programme Ten: Building of Physical Infrastructure and a Secure Environment: energy, roads, airports, sanitation

1. The provision, maintenance, rehabilitation and operation of good quality infrastructure plays a vital role in enabling diversified and sustainable economic growth and development, thus enhancing livelihoods and reducing poverty. Good infrastructure is needed to connect markets and people, and for delivery of services. This helps to reduce the cost of doing business and enhances growth and competitiveness. Water control infrastructure, such as hydropower dams spur generation of economic activities. It will be necessary to explore and harness all available sources of energy to ensure reliable power supply which is vital for economic development.
2. Improved infrastructure will contribute to increased access to education and better health through provision of school buildings, health facilities, decent housing, safe water and improved sanitation. The provision of clean water, improved sanitation and hygienic practices are important for socio-economic development. Therefore, the following policy measures shall be undertaken:
 - (i) Review and develop institutional policies and standards as well as legal and regulatory frameworks;
 - (ii) Develop infrastructure in an integrated manner to sustain social and economic needs of the present and future generations with full participation of all stakeholders;
 - (iii) Construct, maintain, rehabilitate, provide and operate infrastructure in the areas of roads, airports, river and railway transport, energy, ICT, housing and physical planning;
 - (iv) Encourage investment in the infrastructure sector;
 - (v) Develop hydro-power(Bedan and Fulla) to increase energy supply to Urban and rural areas and promote industrialization and investment;

- (vi) Educate and sensitize the public on importance and benefits of town planning, building specifications and design, and land registration and ownership in urban areas;
- (vii) Develop major housing schemes and create an enabling and conducive environment for financing, cost recovery and private sector participation in housing development;
- (viii) Promote ICT services and develop postal services; increase public and private sector investment in ICT so as to increase coverage, access, usage and literacy in ICT;
- (ix) Review policy for urban water development and management and provision of sanitation services;
- (x) Improve and ensure increased access to safe water and improved sanitation in urban and rural areas;
- (xi) Construct water harvesting and storage structures to provide clean water for human and animal consumption;

Programme Eleven: Civil Service Reforms at National and State Levels

1. Since the end of the civil war in 2005 and establishment of the first Government of Southern Sudan, there have been strenuous efforts to put together effective and functioning civil Service machinery that can render services to the people. The civil service structure established under the then Coordination Council for the Southern States (CCSS) was limited in scope and functions. It was militarized to some degree as the civil servants were subjected to military training in preparation for combat functions. It was understaffed, disorganized and its traditional values and impartiality were greatly compromised by the Islamic Government that ruled the country.
2. One primary task of the Post CPA administration of Southern Sudan was to reconstitute new civil service from the personnel of the former Coordination Council and those who were in the Civil Authority of the New Sudan (CANS) that administered the SPLM liberated areas. A good

- number of South Sudanese from the Diaspora were also integrated into the system thereby utilizing their skills in the civil service institutions of the new administration.
3. The Interim Constitution of Southern Sudan (ICSS) under Article 141, established the normative foundation of the new Civil Service.
 4. At independence, the new nation promulgated a Transitional Constitution under which South Sudan became a sovereign and independent nation. The new independent State began to transform its institutions in line with the new status. The Transitional Constitution which is a reviewed version of the ICSS has provisions regarding the establishment, guiding principles and values of the national civil service. In addition to the Constitution, a Civil Service Act was enacted in 2012 by the National Legislative Assembly followed subsequently by a Civil Service Pensions Act, thereby completing the legal foundation of the national Civil Service. The states are empowered to establish their separate civil service institutions under their separate laws.
 5. Although several initiatives for Civil service reforms have been undertaken by the government and some reviews carried out regarding recruitment procedures and practices of the civil service at different periods, (sometimes with the assistance of external experts) increased efforts are still needed to improve the quality of civil service.
 6. Civil service being the backbone of any good governance, the need for a comprehensive civil service reform programme is an imperative. This will be of utmost urgency when the current political crisis in the country that has affected all institutions of government is peacefully resolved.
 7. The following are issues and areas that shall be addressed in the civil service reform agenda:
 - (i) Re-integration of the civil service employees who were terminated or left their jobs because of threats to their lives following the insecurity that gripped the country after the tragic events of 15th December, 2013;

- (ii) Professionalization of the civil service through training and skills development of existing and new employees;
- (iii) Development of clear policy guidance and regulatory system in a transparent, competent and cost-effective manner thereby contributing to accelerated growth and equitable development;
- (iv) Develop and enhance capacity of civil service institutions to discharge their functions effectively;
- (v) Right-size the civil service at both the national and state levels and to make it affordable and in line with actual need for staffing;
- (vi) Complete elimination of ghost names in the pay rolls through the universal use of electronic payrolls in all government institutions to reduce the extraordinarily high wage bill and verifying that the number of civil servants is consistent with those on the payroll;
- (vii) Review of recruitment, promotion, remuneration and retirement policies that shall be based on performance instead of connections, favoritism, nepotism etc.;
- (viii) Build an apolitical civil service insulated from politics;
- (ix) Review civil service employees salaries and ensure that any changes are consistent with macro-economic policy;
- (x) Undertake effective measures that enhance public service management and accountability and develop and strengthen leadership at the management level;
- (xi) Decrease employment or redeploy staff in priority sectors, after identification of non-essential functions and duplication within the civil service;
- (xii) Provide training to upgrade skills of civil service employees;
- (xiii) Enhance the development of cost-consciousness in attitude among civil servants in the treatment and utilization of assets and resources put at the disposal of civil service institutions so that such institutions can operate within their budgets;

- (xiv) Providing objective basis for monitoring and assessing the performance of civil service employees through explicit goal and target setting;
- (xv) Introduce performance contracts as means of assessing and measuring the performance of senior civil servants to ensure that senior officials are output oriented and that they can be held accountable for the delivery of specific outputs;
- (xvi) Operationalize the civil service pension scheme and establishment of civil service pension fund into which all contributions made by the civil service employees shall be transferred;
- (xvii) Operationalize the pension and retirement benefits schemes for the organized forces, Judiciary, Ministry of Justice, Central Bank, universities, etc;
- (xviii) Creation of affordable national health insurance scheme to facilitate healthcare for all citizens;
- (xix) Implementation of the agreement between the Republic of South Sudan and Republic of Sudan with regard to the payment by the latter of pension and other post service benefits to South Sudanese nationals who served in the then national government of Sudan prior to independence of South Sudan;
- (xx) Explore alternative options for efficient delivery of public services by progressively sub-contracting the provision of public goods or services to the private sector or using public-private partnership model in some sectors to ensure efficiency and curb malpractices e.g. electricity distribution, urban water, roads construction and management etc.

Programme Twelve: Constitutional Review, Census and Elections

(A) Re-invigorating the Constitutional Review Process:

1. South Sudan has a constitutional foundation that can be relied upon in the process of drafting of a permanent/new Constitution. The Comprehensive Peace Agreement (CPA) of 2005 was the basis for the Interim Constitution of Southern Sudan (ICSS), 2005 as it was a Constitution for a regional political entity - Southern Sudan. Its provisions did not include matters of national sovereignty as these were preserved for the central government in Khartoum. Although the people of Southern Sudan voted overwhelmingly in the referendum for independent statehood in January, it was not until 9th July 2011 when the Republic of South Sudan was officially proclaimed by the national Parliament as an independent and sovereign nation.
2. On 9th January 2011, a Presidential Decree was issued for the establishment of a National Constitutional Review Commission (NCRC) to review the ICSS with the purpose of transforming it into a Constitution for an Independent State if the vote in the referendum is in favour of secession. This meant in effect, repealing all the powers, functions, rights and obligations of the national government over Southern Sudan and constitutionally vesting such sovereign powers, rights and functions in the government of the new independent Republic. The outcome of the review process was the Transitional Constitution of the Republic of South Sudan 2011, promulgated by the President of the Republic on 9th of July 2011, which became the National Independence Day.
3. The period of review and amendment of the ICSS was very short. It was accomplished within four months to facilitate independent statehood and birth of the new Republic. The NCRC membership however included representatives of the ruling SPLM and representatives of the other political parties and civil society organizations including faith-based groups.
4. The Transitional Constitution has set out a process for its comprehensive review with the purpose of drafting a new Constitution before the general elections in 2015. The National Legislature had subsequently amended the timeframe and extended it for two more years beyond

2015. It also separated the review process from the general elections timeline.

5. What is required now is to review the composition of the NCRC and reconstitute it in the manner that would be agreed upon by all the stakeholders represented in the IGAD mediated Peace Talks. This would improve the quality of participation and the level of inclusiveness of its membership.
6. One of the difficulties faced by the NCRC was lack of adequate funding by the government. This contributed to the slackening of its work. It must therefore be availed sufficient funds for it to operate effectively. The new timelines for the review shall take into account any pre-determined length of the Interim /Transitional Period.
7. To avoid any legal uncertainties in the review process, there will be need for a framework legislation to govern the process, the content of which shall be agreed upon by political parties and the other stakeholders in the Peace Talks. The process shall have the objective of achieving a new constitution that addresses the following:
 - (i) Guaranteeing peace, national unity and territorial integrity of the Republic of South Sudan to safeguard the wellbeing of the people;
 - (ii) Establishing a federal and democratic system of government that reflects the character of South Sudan in its various institutions taken together, guarantees good governance, constitutionalism, rule of law, human rights, gender equity and affirmative action;
 - (iii) Promoting the people's participation in the governance of the country through democratic, free and fair elections and the devolution and exercise of power;
 - (iv) Respecting ethnic and regional diversity and communal rights including the right of communities to organize and participate in cultural activities and expression of their identities;
 - (v) Ensuring the provision of the basic needs of the people through the establishment of a framework for fair and even economic growth and equitable access to national resources and services;

- (vi) Promoting and facilitating regional and international cooperation to ensure economic development, peace and stability, and to support democracy and human rights;
- (vii) Strengthening and safeguarding national unity;
- (viii) Creating conditions for free exchange of ideas;
- (ix) Committing the people of South Sudan to peaceful resolution of national issues through dialogue.

8. The following are two models of Constitution-making to be considered:

Option One:

- (i) A commission is appointed by the Executive after consultation with the political parties, civil society organizations and faith based groups for their views to prepare a draft constitutional text;
- (ii) The commission makes wide consultation with the people and conducts civic education;
- (iii) The commission then presents the draft Constitutional Text to the Executive accompanied by a report;
- (iv) The draft constitutional text presented by the commission to the executive is then presented to the national constitutional conference for deliberation, modification and adoption;
- (v) The adopted constitutional text by the constitutional conference is then presented by the Executive to the National Legislature or a Constituent Assembly for deliberation and adoption; or,

Option Two:

- (i) A national constitutional conference is appointed by the Executive and convenes to develop guidelines and elects a Commission to prepare the constitutional draft text;
- (ii) The commission then prepares and presents the draft constitutional text to the national constitutional conference for deliberation, modification and adoption;
- (iii) The adopted constitutional text is then presented to the Executive for presentation to a National Legislature or Constituent Assembly

for deliberation and adoption and signed into law by the Chief Executive or referred to a referendum.

The Kenyan Experience:

It may also be useful to look at the experience of Kenya in the making of their 2010 Constitution which used the following organs for the review process that took a considerable length of time:

- (a) A Committee of Experts (CoE) prepared the Draft
- (b) A constitutional Conference
- (c) A Parliamentary Select Committee (PSC)
- (d) The National Assembly; and
- (e) A referendum of the people.

(B) Population Census:

The last census conducted in 2010 when South Sudan was a sub-national entity put the population of South Sudan at 8.5 million. This result was disputed in the South. Following the independence of South Sudan most the IDPs and refugee population were able to return home and settled. The 15th December, 2013 outbreak of armed conflict in Juba which subsequently spread to a number of states in the country resulted in massive displacement of a large part of the population internally and to the neighbouring countries estimated over 1.5 million. To conduct a national population census during the transitional period would require first the resettlement of the IDPs to their home areas and repatriation of refugees and their resettlement in the country. The challenge here is whether these tasks, which are the resettlement of IDPs, repatriation of refugees and the conduct of the population census, can be accomplished during the transitional period; so as to use the outcome of census as the basis for conducting the general elections.

(C) General Elections:

The National Legislature has delinked the conduct of the next general elections from conduct of the next population census hence the ground is set for conduct of general elections, with or without new census data. As part of normalizing governance in the country following a peace agreement, it is critical that general elections be carried out towards the end of an agreed interim/ transitional period. This will require the Interim/ Transitional Government to:

- (iv) Review and re-invigorate the National Elections Commission including establishment of State branches;
- (v) Provide adequate capacity (human and financial resources) to the Commission;
- (vi) Cause the re-demarcation of constituency boundaries as per census results (if census is carried out before general elections); and
- (vii) Determine timeframe for conduct of general elections before end of the interim/ transitional period.

30th July, 2014

Nairobi, Kenya.