



Republic of South Sudan (RSS)
The President

RSS/PO//I.A.1

Date: August 3, 2015

His Excellency Hailemariam Desalegn
Prime Minister
Federal Democratic Republic of Ethiopia
Addis Ababa, Ethiopia

**Subject: Note on the IGAD Proposed Compromise Agreement on
the Resolution of the Conflict in the Republic of South Sudan**

Your Excellency,

I write to you in relation to the above subject. On behalf of my government and on my own behalf I would like to appreciate your tireless efforts to bring the conflicting parties to the negotiating table in search for peace in our country and providing wise leadership to the IGAD Mediation Team led by H.E. Ambassador Seyum Mesfin.

Excellency, we have the opportunity to read with a great interest the IGAD Proposed Compromise Agreement and are of the considered opinion that we write and send you some quick impressions on the proposed agreement before our final position tabled to the IGAD-Plus. The purpose of our letter to you are as follows:

- 1) To raise our genuine concerns on some issues in the proposed agreement which are, in a great deal, detrimental to the so desired peace agreement if concluded in a manner which the document has

been tabled to the parties. We are sending you this letter for the history of the region to take note of and for your own records as the Chairman of the IGAD peace process.

- 2) To register our reservations on the manner in which the final process, the time schedule and prejudicially intimidating messages that aimed to isolate us as the government from our general population by giving impression to them that we do not care about them.
- 3) To propose a final position as a way forward in resolving the conflict as we the government of South Sudan see it beneficial to the country's political and security stability; and as well as for the stability of our region and the world alike. Of course as stated herein above, this will be through our formal submission which is an outcome of the general consultations we the government and the leadership of our country made, the South Sudan States and some written popular views from our diverse constituencies including all political parties.

Your Excellency, below are our take on the three entry points which prompted us to write this letter and thought it wise that such concerns and reservations should not be totally ignored or avoided without writing to you since all of us wish a genuine and lasting peace for our country. These include:

(A) Concerns Raised

- 1) **The Proposed Compromise Agreement threatens unity and the very co-existence of the diverse communities in our country.** Clause 8 of Chapter I of the Proposed Compromise Agreement provided for collegial decision making and continuous consultation between the President, the First Vice President and the Vice President

during the Transitional Period. It is well understood that a Collegium structure is an association of at least three people who have equal rights in decision making process even though they have different titles but are equals. In this case; the President, the First Vice President and the Vice President are proposed to be equals. Allegedly this was designed to ensure effective governance during the Transitional Period. No doubt, such arrangement undermines constitutional mandate of the Head of State to solicit normal consultations from his colleagues or even subordinates rather than obligatory consultations mode provided in clause 8 of Chapter I of the Proposed Compromise Agreement.

2) Furthermore, the decision making process in the Council of Ministers at the national level and the structure and composition of state governments in the conflict-affected states (Upper Nile, Jonglei & Unity states) as per the clauses; 10 and 15 of Chapter I respectively, pose huge challenges to the peace process. Such proposals suggest undeclared Confederation structure for South Sudan, which, if applied as it is, would undermine the sovereign authority of the independent South Sudan and would prepare a ground for the three regions of Bahr El Ghazal, Equatoria and Upper Nile to seriously demand for independent entities of their own in short term. Thus, this would be the end of South Sudan and also would constitute a beginning for the real conflict that would put the region on the real historical predicament, something that the IGAD states should take note of, particularly, Ethiopia being the Chairman of the IGAD countries which should be more aware of the possible consequences and the negative impact on the unity of our country, unless this is the original intention of the IGAD prior to the IGAD-plus. The eminent result is the total disintegration of the country! And let it be on record that; our government will not encourage such a move.

- 3) In addition, unlike IGAD, the current IGAD-plus countries, in our view, have not had enough time to study and know the real picture or the magnitude of the conflict from the grass-roots that would enable them to rapidly reach such conclusions, own the current document and genuinely endorse the same for the benefit and interest of the negotiated peace deal. The document is, in a great extent deceptive to the world view, confusing to the conflicting parties, drafters' intention is professionally dishonest, the content and substance of the same is designed to attract public discontentment. The expectation is that there will be a BIG NO from one or both conflicting parties, so that any BIG NO from a party would invite a foreign intervention in the pretext of a necessity for peace and security to the general population. In the recent past, the history of such approach is full of cases witnessed in many areas with a similar situation and similar economic resources led by huge oil deposit. South Sudanese government and the people are against war. Peace is our choice. We are capable of pursuing the peace in our own way without or with less cost.
- 4) Another salient concern, is about clause 5 of Chapter II of the Proposed Compromise Agreement. Clause 5 of Chapter II provides for the de-militarization of the national capital, Juba. This clause has raised concerns and posed questions nationwide by the general population and equally by the government which in our view should not be ignored in any way while seeking solutions to the conflict in our country. According to this clause, the prominent justification for the demilitarization of the national capital was to provide conducive environment for the SPLM/A (IO) and the SPLM Leaders (FDs) to return home.

With this connection and for the benefit of the IGAD-plus Mediation Team, the FDs have already returned home. The Leader of the FDs, now is the SPLM Secretary General in the SPLM General Secretariat

in Juba doing his normal SPLM party duties. As such, the conditionality stipulated in respect to the former FDs, is already taken by a positive event of the implementation of the Arusha Agreement. Therefore, clause 5 of Chapter II, has partially become redundant and almost meaningless.

Regarding the SPLM/A (IO), it is important to note that, demilitarization of the national capital as a pre-condition for the return of the SPLM/A (IO) and subsequent formation of the Transitional Government of National Unity, puts genuineness, fairness and impartiality of the Proposed compromise Agreement on a doubtful end in providing the real compromising position to the conflicting parties. Normally, a compromising position, genuinely helps the conflicting parties to reach a fair peace deal and not unfair and also not preceded by intimidating messages of any kind. Compromising positions are done by the conflicting parties through making compromises in exchange of a fair gaining therefrom. Apparently in the IGAD Proposed Compromise Agreement, this seem not to be the case!

- 5) Included also are the concerns regarding national institutions that will be presided over by foreign personalities such as National Constitutional Amendment Committee (NCAC) and Special Reconstruction Fund! The logic behind this, a lot has to be desired.

(B) Reservations Registered

- 1) We hereby register our reservations on the manner in which the process of this phase of negotiations, the time schedule and the judgmental or prejudicially intimidating messages that aimed to isolate us as government from our general population by giving impression that we do not care about our people.

The process of inclusion of the five African countries that now constitute IGAD-plus, in our view, have not been given enough and adequate time for them to individually listen to the fundamental cause of the conflict as perceived by each party to the conflict, which, if done, would help in understanding the problem and therefore contribute fairly in providing compromising positions as members of IGAD-plus. In addition, such audience, should necessarily include the victims' voice from both sides to the conflict and be done in the areas that they control on what kind of peace deal that they want and how such deal is genuinely reached to.

- 2) It has to be seriously noted that; the time schedule provided for negotiation, to reach consensus and thus conclude the same by signing the final peace deal, is very exceptionally short and challenging; coupled with intimidating messages which are eccentric, odd in the history of the peace-making process around the globe, irrationally and degrading to the sovereign state of South Sudan, the people and its government.

(C) Submissions/Way Forward

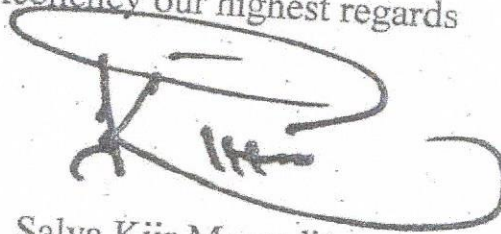
- 1) Based on the above the Government of the Republic of South Sudan still maintains a broad and inclusive outlook of the peace process with a prominent significance for the way forward. It is therefore, critically important for the sake of lasting and fair peace deal in our country that the IGAD-plus take note that the government and the people of South Sudan are ready for peace provided always that the peace-making process should be conceived as a process that need a genuine compromising position. And further note that; peace processes are not done under duress of any kind but by a civilized approach. Equally important are the

peace-building institutions and accountability mechanisms so far provided in the Proposed Compromise Agreement, their formation and implementation norms will largely depend on a coherent and negotiated Transitional Government of National Unity. As such, any agreement reached and so established government, at least are acceptable and thoroughly negotiated, otherwise it will be counterproductive or detrimental to the implementation of any agreement that reached by or under duress.

- 2) In a situation where there is no room for further negotiations come 17th day of August 2015 (as communicated) and an alternative structure to the TGoNU is sought in whichever way and by whoever, this will not be desirable peace deal since such approach could be inevitably confrontational; something that the IGAD-plus should avoid to minimize the cost both human and material costs.
- 3) The IGAD-plus should consider, first, removal of peace hurdles from the peace path largely represented by different competing interests both in the region and beyond and advise such interest groups to give IGAD-plus an opportunity to pursue genuine peace deal for the people of South Sudan and bring the process closer to the home-made peace process. The peace hurdles are not only the conflicting parties as widely advocated for, popularized and perceived by some quarters.
- 4) Troika countries and other stakeholders generally including the UN who have been fully engaged in the peace-making process in Addis, should also give the people and the government of South Sudan an opportunity to reach a genuine peace with SPLM/A (IO) such that there is no return to warsituation thereafter.

- 5) Intimidating approach is not in the best interest of peace in our country. Therefore, quarters who have adopted such approaches should know that the government of South Sudan has received with great concern and regrettably noted such messages, and determined to pursue the path of peace and avoid any regional or international war with dignity.
- 6) Lastly, but not the least, the formal position of the Government of the Republic of South Sudan on the substance of the proposed agreement will soon reach to your end. It is the maximum compromising positions to all the Chapters that constitute the IGAD Proposed Compromise Agreement on the Resolution of the Conflict of in the Republic of South Sudan. To this regard, it is also important to note that the said position is a result of very wide consultation with the government constituencies, including some separate written positions by some of our concerned constituencies, attached therewith as annexes for your official use if that could also serve the best interest and benefit of the peace in our country.

Please accept Your Excellency our highest regards

A handwritten signature in black ink, appearing to be 'SKM', enclosed within a large, loopy oval shape.

Salva Kiir Mayardit
President,
Republic of South Sudan

CC: All Presidents of the IGAD Countries
CC: United Nations Security Council
CC: United Nations Secretary General
CC: African Union Peace and Security Council
CC: African Union Secretary General
CC: IGAD Secretary General
CC: European Union
CC: Troika Countries
CC: UNMISS
CC: Secretary General of League of Arab States
CC: China
CC: Russia