

**SPLM LEADERS (FPDs)**

Hon . Deng Alor Kuol

Leader of the SPLM Leaders

FDs

Subject : Letter of Explanation

Dear Sir,

On 3rd of July I had received from your esteemed office a letter to explain or give a brief on what transpired during the process of IBC arriving at the decision in terms of the outstanding issues of the number of states. I would like to present the following:

**Introduction**

The IBC was stablished in accordance with Article 1.15.1 and its mandate is spelt out under Article 1.15.7 of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS).

In accordance with Article 1.15.3 of R-ARCSS, the IBC is composed of 10 members, 5 members from the government~~-~~5 members from the oppositions and 5 members from the African Union (C5). The C5 countries, South Africa, Nigeria , Algeria and Rwanda, nominated representatives but Chad didn’t nominate their member .

**Methodology**

For the commission to fulfil its mandate we have adopted 4 means to get information. First , we received a report from the Technical Boundary committee (TBC), engaged them so as to understood the process they followed and the challenges faced. Second, we carried out fact-findings by inviting submission by email and letters. Third, we conducted visits to the states and refugees camps. Fourth, we consulted experts on boundaries form Ethiopia , Nigeria and South Africa.

The aim was to provide an understanding on the reasons expressed by South Sudanese on their preferences of and the reasons for particular number of states appropriate for the Republic of South Sudan.

The objective was to specifically assist the IBC to arrive at the decision and fulfil its mandate within the stipulated period.

The IBC put out a public announcement inviting submissions by email and letters from the South Sudanese to express their views on the number of states appropriate for the Republic of South Sudan and why.

We received 2,261 emails and 13 letters , it also held public outreach consultations in all the states and Abyei Administrative area, the commission also decided to visit refugees camps in five neighbouring countries, namely, Sudan , Ethiopia , Democratic Republic of Congo , Kenya and Uganda , due to challenges faced in the process of visiting the refugee camps the IBC was only able to visit the refugee camps in Kakuma , in Kenya and it was myself and other 2 members .

**Decision**

The IBC analysed the data received from the report of the TBC , written submissions and public outreach consultations in the states , Kakuma refugee camps and the consultations with experts from Ethiopia , Nigeria and South Africa .

Opinions of the South Sudanese were divided between 10, 21, 32 and other numbers of states. The IO members were for 21 states and some of IO members were for 10 states. Those who are benefiting from the division were for 32 and were calling for more states to be added, the majority from the POCs and in the camps and through email they were for 10 states with clear justification. In total those citizens asking for more states asked for the creation of a total 29 new states and they are as follows:

1. Bahr El Ghazal Region demanded 5 new states
2. Equatoria Region, 11 states
3. Upper Nile (mainly Jonglei), 11 states
4. And in Kakuma camps, 2 states

The total of 29 states plus 32 states makes 61 states needed.

In the e-mail submissions , 1,583 (70%) preferred 10 states.

After a serious discussion the IBC members could not reach consensus or proceed further on the matter and in accordance to Article 1.15.9 of the R.ARCSS a vote was taken. The result was 10 for 10 States and 4 for 32+ (which means 32+29) states. The details were as follows:

(a)- 10 South Sudanese :

6 voted for 10 states

4 voted for 32+29 states

(b)- The C5 members: all of them voted for 10 states.

And accordance with the above-mentioned Article the IBC could not recommend a particular number of states because the decision was supposed to be support by at least 7 members from South Sudanese. However, the consensus is overwhelming in favour of the 10 States.

**Why the 32 states lost:**

1. No convincing reasons were given in favour of the 32 States, whether in the e-mail submissions, public outreach consultations or during the discussions of the IBC.
2. Even the citizens who supported the 32 States stated that they were not consulted when the decision was take and that is why they were asking for more States to be created based on tribal or sectional reasons.
3. During the IBC deliberations, the government side (especially, Martin Majut Yak) were saying that they have no mandate to give up on the 32 States and therefore either the other side accepts to join them or people will be wasting time. This shocked the C5 members who thought that members of the IBC were free to listen to the logic of the arguments rather than stick to their Party positions.
4. The government side was seen to be inflexible, especially when the SPLM/A-IO declared that it was giving up on its position of 21 States in favour of 10 States and the representative of OPP suggested adopting 3 regions with each free to establish any number of States within it subject to an agreed criterion.
5. The argument advanced by the supporters of more States than 10, in the public outreach consultations and by members of the IBC, was that States needed to be created to separate this tribe from that tribe of this section of a tribe from that section. This also left the C5 members wondering as to whether the government was serious in having national unity in South Sudan.
6. On the other hand, the arguments for 10 States were well articulated based on historical, constitutional, economic and social cohesion considerations.

**Why did I vote for 10 states?**

1. All the FDs have taken the position in 2015 when the SPLM IO demanded the creation of 21 federal States, arguing that the matter of system of government and the number of states to be left to the permanent constitution making process and that was also the position of the SPLM IG.
2. The FDs signed the 2015 ARCSS in which the parties affirmed the 10 states, as it was also in the constitution.
3. When President Kiir issued decree No 36/2015 creating 28 states the public position of FDs was that the decree was unconstitutional and a violation of the peace agreement.
4. The last position of the FDs during the negotiations of R-ARCSS was to accept the current arrangements for the matter to be resolved during the pre-transitional period and the understanding, is to return to the 10 states during the transitional period until the issue is settled within the process of permanent constitution making
5. After having read the email submissions, taking part in the public outreach consultations, listening to the experts on boundaries from a number of countries and taking part in the IBC deliberations, I became more convinced that the option of the 10 States was the best option for our country. A fragile young state like South Sudan can only survive through tribal cohesion and coexistence on the lowest level rather than separation.

Recommendation

The IBC recommended to the IGAD to invite the parties to the agreement to consider the way forward. This was on the 15th of June 2019.

Conclusion

On 11 May when we had our first meeting in South Africa after I consulted Hon Deng Alor on 8 May about our position as FDs on the number of States. He put it clear that the country doesn’t have money and we need to come back for 10 states. When I was asked to represent the FDs position, I understood that the FDs are firm on its position and no one has asked me to change it until Cde Deng Alor called me after some members from the government side reported me and Cde Deng asked me to cooperate with them but not to change our position on this issue. On the other hand, if I was convinced by good reasons during the IBC deliberations that required that the FDs change their position, I would have consulted so that they approve my recommendation for the new position.

Thanks ,

Mrs Nyenagwek Kuol Mareng

FDs , Member

Former IBC member