

This document is a word-to-word transcript of the statements made by the participants during the Public Consultation on the dredging of Rivers in South Sudan

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Agok Mayang Riak: Experts, senior government officials, ladies and gentlemen, good evening! My name is Agok Mayang Riak, together with my colleague Nyaciek Goth Tai will be presenting to you a brief summary of the experts' presentations for the last five days and then we will read off the recommendations. And off course this comes hands-in-hands with the great presentations that were just made by the excellencies. So there were six main topics that were discussed throughout the discussion in five days session: The first was to look at the whole overview of the Nile basin which was predominately presented by prof. Tag. Of course there were commentaries from the experts. The presentations looked at the key areas: one was the 1929-1959 agreement gave the chunk of Nile waters to Egypt and Sudan and leaving the vast of the White Nile basin countries out! There are nine Nile agreements on water and that the government of south Sudan should really keenly look into these. Bhar el Ghazal Basin with all its tributaries belongs to South Sudan which was also mentioned by the first vice president.

The other aspect of this topic was that water security is national security.

The second presentation was on water governance, legal framework regimes of the While Nile which was mainly presented by Dr. Salwa but there were commentaries from the experts as well. It slightly looked at the regional and internal treaties and conventions, regional agreements and national laws--touching at Vienna conventions and the principle and rules governing the trans-boundary waterways.

It also looked at that national laws particularity the transitional constitution of south Sudan and the R-ARCSS --and the huge gaps that they have on water development and management. The presentation closely says that the While Nile has overflown its course for decades without management or control. The affected populations have been moving closer and closer to live by and over the river and so leading to flooding and all that and says that the status quo is not sustainable.

The presentation also underscored that the navigational uses of water are exclusively a right of a sovereign national like South Sudan. While the international laws governing the non-navigational uses of international water are aimed at ensuring equitable and reasonable utilization of ligation....on the basis of sovereign equality, territorial integrity, mutual benefit and good.....

The third presentation looked at the Sudd climate change, its variability, and the follow-up part of the presentation was the Sudd ecosystems affected people's socioeconomic values and water resources management which was mainly presented by Deng Majok, of course with commentaries from the experts.

Two key points on those two presentations: the Sudd ecosystem is a blessing to the people of South Sudan both socially and economically and if properly utilized, we will get that benefit.

The other observation was that climate change is the global phenomena, it's not exceptional to South Sudan. The world is now seeing increased intensity of water-related natural events. About 90% of natural resources are weather-related including floods, droughts and therefore we must be dynamic in finding appropriate sustainable ways in responding to its variability, whether its flood, drought or any other variability.

The fourth presentation was on the basic concepts of dredging which was presented by Dr. Leju throughout the five days of the consultation and the key point on that was the definition of dredging--that it a removal of sediments and other unwanted materials that have settled in the middle of the river with the sole reason of safeguarding and protecting the river in a sustainable manner.

The fifth thematic area which was presented by Hon. Isaac Liabwel and of course with commentaries from experts was different aspect of water resource utilization and control, looking at the objectives and all that and the key aspects was that we need effective planning and prioritization of water development, utilization and control mechanisms. It also touched briefly on Jonglei Canal and the poor initial conceptualization in terms of water management panning and execution. The honorable also highlighted the MOU that were really poorly conceptualized and signed by southern Sudan then with the Arab Republic of Egypt.

The final thematic area was the essential component of an inclusive and credible feasibility study which was presented by Prof, Taj and commentaries from experts. The key highlight on that presentation was that presentation feasibility studies are critical to making impactful and sustainable policies. This analogy was made that they are like the medical diagnosis before the doctor could give a medical prescription.

With that i call upon my colleague to come and read out the recommendations.

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Nyacheng Kuoth: Your excellency, First Vice President, Dr. Riak Machar, your excellences two vice presidents, honorable, ministers, advisors, undersecretaries, all protocol remains observed. My name is Nyacheng Kuoth. I'm going to take you through the recommendations and in the interest of time I will just be reading because we are running late. We have over 14 recommendations and I will just read and I will empathize only on two recommendations: the first recommendation is:

1. To stop dredging-related activities until credible feasibility studies are conducted

2. Both executives and parliament should form an all-party parliamentary committee for water that will focus on the adoption of policies, strategies, action plans, on the White Nile waters, use, development, management as well as control. Appoint a knowledgeable legal advisor to the ministry of Water Resources and Irrigation but reporting functions to the Ministry of Justice and Constitutional Affairs.
3. Advocate for the establishment of the national water commission that will focus on regional and international issues as they relate to south Sudan.
4. There is need for national records and archives on water resources. Parliament should deliberate and pass relevant laws on this.
5. The law maker should give Nile waters development and management a special attention during their upcoming constitution-making process.
6. Approve and adapt permanent constitution provisions on national legislation on the use, development, management as well as control of the White Nile waters and its tributaries and ecosystems and well as the Sudd region and its ecosystems.
7. There is need for the deliberation and the passing of bills for the country to join the Nile Basin Initiative with the reification of the CFA.
8. Commissioning scientific research on environmental and social assessment on the impact of the Jonglei Canal on the White Nile waters and ecosystem at the Sudd region-affected population. Also on the fisheries, livestock and wildlife.
9. Good policies are unimplementable without adequate financial resources, hence there is need for adequate national funding and budgeting for water resources and development, management-related initiatives,
10. Knowledge in information is power and so there is need to establish water development and management related intuition specifically focusing on capacity building of our experts and policy makers.
11. Investment and consultation with the flood affected population and host communities' particularly in their relocation programs --if there is any relocation programs.
12. Commission studies on the feasibility of artificial lakes from drain water in south Sudan, combating flood in the short term and
13. There is need for the reconstruction of Rubkona Bridge to allow water passage. For that I'm going to use the words for the former undersecretary Isaac and said the "*The river was shocked by a small bridge.*" So there is need to reconstruct that bridge.
14. The women inclusion in all the processes because women and girls are affected differently by climate change, by droughts and by floods. And I emphasize in all these recommendations, this is key as long as we are going to implement this, there is need to look at 35% affirmative action plan where women inclusion is going to be key in all of that. Thank you so much.

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Dr. Riek: on some of the recommendations, can you pledge them on the recommendations, can you pledge? Don't forget that we are the government, and we have

the resolution of the council of minister. Nobody overturns it only the Council of minister. So, am I being heard?

Hon. Michael Makuei: Your Excellency, these are mere recommendations, they are not resolutions. All these recommendations will be taken to executives. It's there and then that they will look into all these. Some of them are not in place. But...

Dr. Riek: let's reach a compromise. This is Council of Ministers, these are ministers. And this presentation is being done in front of us. We can't say stop dredging! Because the Council of Minister has already done that. We need to reward your consent on it. What is the best way to put?

Hon. Micahel makuei: yes, secretariat, what are your appropriate words to replace because you have stated that you are stopping the...? Isn't it? But we are not stopping it. We are for the dredging! Or if we are to say to use the correct terminology as it was stated by the experts.

H. E Taban: Michael! "Yes!" the issue was here. I thought we separated the two: there was immediate need for cleaning the rivers, clean the river and the dredging, the dredging being subject to expert opinions. So they have talked about dredging but where is the cleaning of the river?

Michael Makuei: yes. What we are saying. What we are saying is... Dredging! Dredging the way we understood it. Dredging mean cleaning and....

One of the resolutions of council of ministers which was the last resolution. We have even gone to the level of establishing an institution to do clearing, dredging, and management of the water systems. This is in the resolution we passed. So it cannot be asked here to say the resolutions or the recommendations that have been passed in the public consultation with the Council of Ministers with the cabinet include stoppage of dredging. *Be kun* too much *le nina*! We don't have ...and also I thought the minister of Water Resource has a legal advisor, or you don't have? You do have. So any legal advisor comes from the Ministry of Justice and Constitutional Affairs. So these are things that is heard.

Michalel Makuei: In fact all the ministries have legal advisors and they all come from the Ministry of Justice. So that recommendation is not in place. Because it already there. You are stating a fact that is already there. Number two in tem of legislations, it's not the parliament thatyou are addressing the final authority, but it the government, it the executive that does everything and then it comes to the parliament. But when you say the parliament to legislate, parliament cannot legislate without the executives. So it's the government.

Dr. Riek: The committees also in parliament are composed of all the parties. ...Of all the parties whether it is water resources committee, finance or public account committee, they are composed of all the parties.

Akoch Manhiem: With your permission Your Excellency, First Vice President Dr. Riek Mchar, the protocol remains observed. This has been a consultation process and I think we had a 3e-days public consultation there is recommendations that were put in place.... Yesterday we had parliament, and today so all the views, even in their recommendation there is immediate action need to be taken to clear the rivers that need to be taken to clear the river especially the aquatic weeds. It's in the recommendation.....So the secretariat will file up and harmonize the five-day consultation and they will put them together to the authority and especially for you to deliberate on it and come up with what is necessary. And it has short term, medium and long term recommendations. And the short term recommendation is how to rescue the people that are now in the water.

Dr. Riek: I understand you. Don't make us the rubber stamp for things we don't agree to. Okay. That must be very clear. When members of government, okay we are not public. We have made two resolutions in council of ministers; nobody overturns the council of ministers with our participation. It will look as if we plotted with you to come and overturn the council of ministers' resolutions. So either you different resolutions for our consultation or we agree on what would be the compromising statement on that particular issue.

Hon. Michael Makuei: Yes, Your Excellency. In fact this situation is not very clear. Yes, as you put it right we cannot be a party to recommendations and resolutions that will be given to us....will be taken to us. The best thing would have been to keep silent about your recommendations and then take them to us in the cabinet. That would have been the right procedure. But the fact that you have ventured in to reading them to us then we need to have an opinion on them, because what you did is a recommendation. These are recommendation in which we are a party. So we are the ones now making the recommendation. And if we are the ones making the recommendations then definitely we need to agree with the recommendations you are making. So the best thing is to put up the recommendations and we take them one-by-one. We agree on one ticket and proceed. Otherwise there was no reason to ask us to to to....there would have been no reason to make a presentation of the recommendations to us. You should have discussed them your own way, prepare them and then take them to us. Yes!

Dr. Salwa Berberi: thank you hon. minister, Michael Makuei. You know this hall exercise of the public consultation was on the basis of the president's directives, on the day of independence and I would like to read: *"To allow our citizens to participate in the consultation process without emotions, I'm today freezing any planned dredging activities in the Sudd region until credible, professional, evidence-based studies are carried out in the impact of drdging--both on surrounding communities and the Sudd*

ecosystem. To this effect I'm directing the ministry of environment and forestry to initiate the process of identifying and eventually hiring credible experts who will carry out the said feasibility."

Our mode of procedure was, for a very group we make, we discussed with at the end of our work, working day, and we submit the summary and the recommendation that has happened during deliberations. And that happened the three first days, that happened yesterday and this is what is happening today. I think there is a misunderstanding. The results of the work of this consultation are not going to be sent to the council of ministers. This consultation was called by the office of the president, on directives of the president. So our understating was all this work for the five days will be put in a report and submit it to the president then the president will--in his wisdom determine how he is going to treat the report--either through the council of ministers, or through his office or through any other process. I'm sorry to interrupt your line of thinking but this is our understanding and the mode of procedure.

Hon. Michael Makuei: it's okay, Dr. Salwa. In fact you are an expert. So the report supposed to be submitted is not what you give that will be submitted. It's the committee that will present its report based on your presentations and the deliberations of the public. But not you as experts who will present the report. So I did not expect you to react to whatever. The rest is ours. You have done your part and that is all. That is one.

Number two, if at all we were not to be involved, we should have not been called as executives because we know where we will meet with the president. And your presentations should have not included us as the cabinet but should have only consulted the public and whoever, because at the end of the day the whole thing will go back to us. This is what I know. But as long as you have invited us and we have become part of the public and we are the last people who will prepare the recommendations then it is our duty to ensure that we make the right recommendations.

Dr. Riek: Yes, Madam Angelina.

Hon. Anglina Teny: Thank you very much. Just a proposal, like a way forward. You know I was in the first three days of the consultation and they have done the deliberation and there was a recap and they all agreed whatever they proposed. I'm recommending that the consultation with the public and may be even with the parliament yesterday, they take those recommendations and treat them as the public consultation. For us this was supposed to be an engagement. And it was said earlier by one of my colleagues here, that we were supposed to be engaging with the experts so that at least we dig more information...let say we inform ourselves and so on. So I'm suggesting that the work we have done that is an engagement with the experts but at least to be fair to those other consultation, let the presenters' resolutions without including us in it. And if we have to

do our own recommendations based on what we have discussed here and what we believe then we have to do two sets of recommendations.

H.E Taban: I think *yajama* let us agree and with my respect to the experts, since you have called the first vice president and other vice president in this consultation, it can only be the first vice president to present this report to the president not you! Can only be him. But you can influence us that these are the things you people need to present to the present. Otherwise I couldn't have been here for the last three days. Since you have called us, this thing is out of your...you cannot go to the president because of this report. No! It is the first vice president to take it to the president. But at least let's agree on the resolutions. Actually, Tag you have even solved my problem partially if you are going to include the clearance of rivers for navigation, I don't have problems with the resolutions that where disagree with Michael Makuei, we should read them, we may not disagree. Michael was a former legislature or advisor. Legislation is from the public to us and then we go to the parliament. It cannot be anywhere. So let's us agree. We have done a good national work. None of us left this place since we came. It's because of the interest that we have about this issue. Let us read the resolutions or if you think that you will finish with your resolutions or you clean your resolutions alone then you take them to the government ministers, who will contact them. I don't have any problem with that. But you are not going to the president from this table.

Dr. Riek: Do we have compromise or you want us to give you compromise? Because we.....

Akoch Manhiem: First of all, I would like to apologize to your Excellency, first vice president for having read out the resolutions before you. The recommendations will be for you. We had several recommendations from the public and also from the parliament yesterday and we did the same thing. so the reason why we read these to you the executives is for you to know the deliberations and the hard work you have done in the day so that you cannot just go home without knowing what you have done because you care for the public in our country and your time--the time to be here all the day today.

So my name is Akoch Akuei Manhiem, I am the chairperson of the committee tasked. We will organize.....

Dr. Riek: Akoch, let me tell you why I'm objecting to that word. We're the government, okay! The president asked me to come here. Okay, and these ministers. They know the resolutions of the Council of Ministers. And they know that nobody takes ...that can reverse them, except the council of ministers. And the council of minister is chaired by the president. The rumors that you were saying or hearing that the president or the office of the president did not know about the dredging is false. It's false! Because he the president was the one sitting, sitting on the Council of Ministers. It wasn't me who is the next person but he himself. And the resolutions are always told to the public by the

spokesperson of the government--Michael Makuei. Okay! If he is away then it is the minister of cabinet affairs....we need correct things okay. The public may have concern about dredging, may we clear them and I believe the doctor from the University of Juba has cleared the matter....And the rest of us have cleared the matter. These institutions are scientific institutions. So you don't use us as the rubber stamp to say stop dredging. None of us here minister; none of them here has said it that you stop it.

Hon. Michael Makuei: The only compromise is this: let's put up the recommendations and we edit them and pass them. That is all. We want to have them in the news that the cabinet today in its meeting passed the recommendation, then they must be recommendations that are known to us . Because this has to go to the news and it cannot go the news on the recommendations that we are not sure off—which we don't know.

Akoch Manhiem: HE, I think the compromise could be we cannot take the recommendation of the whole five day for today so we will discuss the ones for today. Thank you.

Dr. Riek: let's read them again. We are practioners, we make agreements, we make treaties, so we don't allow anything that is not correct so that tomorrow you put it on our necks that it is us who did it. Can somebody read?

Akoch Manhiem: His Excellency, this has been an interaction and we really appreciate the interaction that we had with you today. These are the recommendations from the public and also from yesterday presentations to the parliament and the interactions that we have with you today.

Dr. Riek: You put our position in it. You put our positions in those resolutions. We are not against dredging. The Council of Ministers has passed dredging. We even established an institution for that process.

Akoch Manhiem: What brought this consultation was a public outcry when this thing came forward.

Dr. Riek: Because they are misinformed.

Akoch Manhiem: We have to go through the process to inform the public again so that they understand. So we need first to read out the way they recommended and also we will accommodate your views as the highest table in this country and we will put it there also.

Dr. Riek: Two Resolutions in the Council of Ministers. Don't try the subject the Council of Minister to another body it's the highest body in the country. If the president asked for

the public to be involved in the consultation, it doesn't mean it's reversing the Council of Ministers' resolutions....that must be clear about that. This is government.

Anonymous: Your Excellency, I just want to once again apologize. What we just put there, what has been read was the deliberation but this is not a resolution or recommendation but what the secretariat has captured but we are going to prepare the report furnish it well and submit it to the leadership that asked us to carry out this awareness with respect to the executives. Of course the report is going to go you in order to deliberate on.

Thank you.

Dr. Riek: I want the committee to understand that there is a government; and the head of the government has agitates that has a system in running the government. This council of ministers is in it..., so don't undermine them. You know. If that resolution is carried and we are part of it you are undermining this group all of it. What was read by Dr. Salwa, yes, he has frozen the operation but that does not revere the resolution of the council of ministers it doesn't revere it.... It will have to come back to the council of ministers then we reverse it.

Hon. Michael Makuei: Your Excellency, I think we are about to arrive somewhere. What I'm saying is this, we in our plenary here, we agreed for the cleaning and clearance of the rivers. And for a sustainable dredging. This is our position.

Dr. Riek: Environmentally sustainable dredging

Hon. Michael Makuei: Environmentally sustainable includes everything. Anything less than that is not ours.

Dr. Riek: Correct!

Hon. Michael Makuei: Yes! And other recommendation for minister of justice a lawyer to be under the Ministry of Justice might be meaningless, because you are stating the obvious. All the institutions of the government are supplied s and given legal advisors by the ministry of justice. So we don't need to tell the ministry of justice to do what they have been doing all this time. This statement is meaningless. Enactment of laws it's the government.. And the government includes the parliament. We should not separate between the ...There is nothing like government alone because the government is the three organs that constitutes the government. So it's the government that enacts the laws. That is all

Dr. Riek: Well, I want to add one thing. If you want to do dredging, if you start it...by the way in Mongke, there is a bridge just like the one in Rubkona, okay. But the cause of flooding is not these two bridges. I have told you I walked on foot—if some of you know

a place called Wawau in Lon Ariik. I crossed that river and I didn't get it! Because the whole place is silted. If you want to do dredging, you will start it from this area adjacent to Late Emmanuel Obure House and then you move to Bentiu. If you don't do that, you have not solved the problem at all. The water will just be flowing as it wishes, changing course.

I also recommend since you are a committee, visit Unity, visit eastern Warrap and that corridor, and visit them. You will see what we are telling you. Also visit Pibor, go south of Pibor you will see. Go to north of Akobo, go to Jikou you will see what is happening in these areas.

Okay, I think I should thank the committee for the good job they have done and also thank the experts for their great work they have brought to the country because they created a dialogue.

Lastly, I want to thank the ministers who since morning have been sitting with you and your secretariat which has been trying to capture all the statements that have been made here. We are genuine in the government to see that South Sudan plays its role in water management and its control. We provide a lot of water to this White Nile and therefore our role cannot be belittled by any of these countries. From our national interest we deal with the rest of the Nile Basin, the eleven countries, there are eleven of them.

When time comes, the Minister of Water Resources will present to the council the Cooperative Framework Agreement. We are for it but we must dialogue with those who have reservations on it Egyptians have reservations, the Sudanese have reservations, we must dialogue with them until we reach a consensus.

There is nobody that has an interest to hurt the interest of the Sudanese in the Nile waters or the Egyptians' on the Nile waters. There is no interest in that and that must be clear because it's important for good relations between us and our neighbors.

So I thank you very much for this good work you have done. There is transparency in it and we will wait for your report.

Thank you very much!

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