

**CONCEPT PAPER**  
**ON**  
**EXTENSION OF THE REVITALIZED TRANSITIONAL GOVERNMENT OF**  
**NATIONAL UNITY (RTGONU) WITH THE CREATION OF NEW STATES**  
**IN SOUTH SUDAN**

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### **Introduction**

The 2018 Revitalized Transitional Government of National Unity (RTGoNU) in South Sudan and its Roadmap have been vital mechanisms for transitioning the country towards sustainable peace, security, and democratic governance [1] [2]. As the end of its term approaches, particularly the Roadmap, it is imperative to consider the potential benefits of extending its mandate [3]. This paper aims to argue for a five-year extension of RTGoNU, focusing on key areas such as peace agreement implementation, unification of forces, inclusion of holdout opposition groups, constitutional development, conduct of Housing and Population Census, Internal Boundary Demarcation and conduct of General Elections essential for South Sudan's transition to stable governance.

### **Theoretical Framework**

This analysis draws its theoretical basis from the concepts of post-conflict state-building, democratic transition, and federalism. Authors like Francis M. Deng (2010) in *War of Visions: Conflict of Identities in Sudan* [4] and Douglas H. Johnson (2011) in *The Root Causes of Sudan's Civil Wars* [5] and RJMEC Periodic Reports provide insights into this proposal [6].

Post-conflict state-building involves establishing or re-establishing institutions necessary for governance and societal stability after a conflict. It includes creating political, economic, and social structures that can support peace and prevent a return to conflict. This process often involves decentralization, institution-building, security sector reform, and reconciliation efforts.

In the case of South Sudan, extending the RTGoNU's mandate can provide an indispensable window for strengthening state institutions and implementing necessary reforms. However, the limited progress in the last 19 years raises questions about what can be realistically achieved in five-years. The success of state-building efforts in this period would heavily depend on a genuine commitment to reform and peace, effective use of resources, and international support [7]. The creation of new states and the decentralization process can be part of state-building but need to be handled with care to avoid fading regional and ethnic tensions.

### **Reasons for Extension**

#### **1. Implementation of the Agreement in Letter and Spirit:**

The revitalized agreement, as part of the 2018 peace process, is central to ensuring lasting peace and consolidating the gains made so far in the country. The extension would provide the necessary time to fully implement the agreement, particularly in aspects related to security arrangements and resource distribution. While the extension offers time to solidify peace and

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governance structures, it also raises concerns about prolonging transitional authority and delaying full democratic transition [8].

Full implementation requires strong institutional frameworks, which can be reinforced by creating New States and upgrading the current Administrative Areas to the state level, i.e., Ruweng and Pibor (or restoring previously 32 states) as recommended by the 2020 National Dialogue Conference. The decision to create or restore 32 states should be based on broad consensus and careful consideration of the potential for increased administrative costs and the risk of fuelling local conflicts (ethnicities) and distribution of resources [9]. This decentralization with the devolution of power and resources may enhance local governance and representation, leading to a more equitable distribution of resources and services. Achieving this will require the **political will** and **commitment** of leading politicians and stakeholders [10]. Critics may argue that more states may lead to increased administrative costs and complexity. To address this, a phased approach with clear fiscal planning could be considered. This is an opportunity for inclusive governance and better representation at the national, state, and local levels, potentially reducing the burden on the national government. A clear economic plan to address the potential costs of New States creation should be developed to ensure resources are used efficiently and effectively. Commission on Conflict Resolution should be empowered to address any disputes that may arise as a result of this policy [11].

There are concerns about resource distribution, institutional establishment, and the lack of progress in Disarmament, Demobilization, and Reintegration (DDR). The track record suggests that achieving all these objectives in five-years would be extremely challenging. The lack of political will, is a significant barrier. Building international trust and securing the necessary resources require demonstrating tangible progress in governance, rule of law, and financial management [12]. Federalism is a system of governance in which power is divided between a central authority and constituent political units (like states or provinces) [13]. It's often adopted in diverse countries to allow for regional autonomy and representation while maintaining national unity. The debate over the number of states and their boundaries is a reflection of the challenges in implementing federalism in a context with deep ethnic and regional divisions [14]. Federalism could offer a pathway to more equitable resource distribution and local governance, but it requires careful design to ensure it doesn't worsen existing conflicts [15]. Implementing these changes will require strong institutional frameworks and capacity building at both national and state levels.

## **2. Unification of Armies under One Command:**

The unification of various military factions into a single National Army (SSPDF) is needed for sustainable peace. An extended period would allow for the necessary training, integration, and deployment of unified forces, mitigating the risk of conflict resurgence [16].

This process also includes demobilization and reintegration of ex-combatants, which is vital for long-term stability but requires time and resource [17]. By so doing, it could shorten a state of uncertainty.

## **3. Inclusion of Holdout Opposition Groups:**

Integrating all factions into the political process is essential for inclusive governance. The extension should provide a window to negotiate with and include holdout groups, promoting a more comprehensive peace process [18].

The RTGoNU should engage in sustained negotiations with holdout groups and address their grievances, several strategies can be employed:

Allocate positions within the transitional government to holdout group representatives, such as Vice Presidential roles, Cabinet Ministers, Deputy Ministers, and special advisor roles to the President or Vice Presidents [10]. Representation in the National Legislative Assembly by allocating a specific number of seats to these groups. Offer governorships and deputies of certain states or significant roles in local governments to ensure their involvement in governance and development [12]. Integrate military personnel into the unified military command structure of the national army (SSPDF) and allocate resources to support their demobilization, disarmament, and reintegration (DDR). Establish joint committees to address specific issues and assign roles related to economic development, reconstruction, transitional justice and reconciliation to address the grievances and human rights concerns. Seek international guarantees and support for the implementation of the peace agreement, including monitoring and verification mechanisms to ensure compliance by all parties [11].

The Rome initiative, facilitated by the Sant'Egidio Community, offers a neutral venue with a track record of successful mediation in various conflicts. It provides a less politicized space, potentially allowing parties to negotiate without regional pressures. Initial talks could be held in Rome to build trust and outline key issues, followed by detailed negotiations in Ethiopia instead of Nairobi under IGAD's auspices [8]. Ethiopia may provide a familiar and geographically close venue for negotiations, offering logistical ease for South Sudanese parties. Ethiopia has a history of successful mediation in African conflicts. The involvement of the African Union, United Nations, and influential nations such as the United States, China, and European countries in supporting the mediation process [7].

#### **4. Drafting and Approval of a Permanent Constitution:**

Democratic transition involves moving from an authoritarian or conflict-ridden state to a more democratic and peaceful one. It typically includes processes such as drafting a new constitution, conducting free and fair elections, ensuring the rule of law, and establishing accountable governance structures [19] [20]. Drafting a permanent constitution and planning for general elections are integral to this transition. However, achieving a democratic transition in five-years is ambitious, especially given the challenges in consensus-building, the need for inclusivity in the process, and the current lack of strong democratic institutions [21]. Successful democratic transition requires not just the establishment of institutions but also a change in political culture, which is a longer-term process [22] [23].

A new constitution is a foundation for democratic governance. An extended period allows for a participatory drafting process, ensuring that the constitution reflects the diverse interests of South Sudan's population [24]. The federal constitution will be much better in dividing the powers and resources between each level of government. Once a permanent constitution has been drafted, it should be subjected to a **Referendum** for its endorsement, hence legitimizing a rigid Federal Constitution making it an accurate representation of the people's will.

#### **5. Housing and Population Census:**

A systematic and accurate census is necessary for informed policy-making and resource allocation. The extension would enable the National Bureau of Statistics and the National Elections Commission to conduct a comprehensive census, which is essential for drawing *Geographical Constituencies* and ensuring fair representation [25].

#### **6. Determination and Demarcation of Internal Boundaries:**

Resolving land and boundary disputes is key to preventing future communal conflicts. The extended period allows for an organized boundary demarcation, informed by Census Data and community consultation, thus avoiding potential land issues.

**7. General Elections:** The National Election Commission (NEC) should be empowered to conduct the country's first general elections [26] [27], with the **exclusion** of those who have participated in the transitional periods and those who have been in government since 2005. This proposal, aims to refresh political leadership, must be aligned with legal principles of fairness and equity, and should be part of a broader electoral reform process. Though this idea could be seen as unjust, if willingly accepted, it might offer the following benefits:

- a) **Inclusive Political Transition:** The exclusion of long-standing political figures from the electoral process can create an opportunity for new and diverse leadership to emerge, potentially promoting a more inclusive and representative government.
- b) **Public Confidence:** By preventing the participation of individuals associated with previous governance, the electoral process may gain greater legitimacy in the eyes of the public, potentially enhancing confidence in the democratic transition.
- c) **Democratic Renewal:** The exclusion of long-standing political figures can signal a commitment to democratic renewal and the promotion of fresh perspectives in governance, aligning with the aspirations of the South Sudanese people for meaningful political changes. It is important to balance this with the democratic principles. Any such decision should be based on a legal framework to protect the exiting leaders and their families, and preserve and protect their dignity and properties. Seeking international assistance and expertise in this matter will help in enhancing the effectiveness of the processes. For this to see light, we need political consensus.

To mitigate the potential impact of exclusion or exiting the political leaders from government, an agreement could be established that provides a lump sum of privileges for those officials leaving government service. The exit agreement provides a dignified transition for outgoing leaders, it must be carefully crafted to avoid perceptions of unjust enrichment or disincentivizing timely political transition. This agreement could include the following provisions:

- 1) **Financial Compensation:** A one-time lump sum payment could be offered to exiting officials to compensate for their service and facilitate their transition out of office.
- 2) **Pension and Retirement Benefits:** Officials could be entitled to pension benefits that reflect their years of service, ensuring financial security post-tenure.
- 3) **Healthcare and Insurance:** Continued access to healthcare and insurance benefits could be part of the agreement, recognizing the contributions of these officials to public service.
- 4) **Office and Staff Allowances:** For a specified period post-exit, officials could retain access to an office and limited staff to assist with the transition and completion of any outstanding public service duties.
- 5) **Security Detail:** Depending on the role and level of exposure, a security detail could be provided for a certain period to ensure the safety of the exiting official.
- 6) **Immunity and Legal Protections:** The agreement could include provisions for legal immunity for actions taken in the course of their official duties, consistent with international practices for high-ranking officials.
- 7) **Training and Development Opportunities:** Opportunities for further education or training could be offered to support the professional development of exiting officials as they transition to other roles in society.
- 8) **Non-Compete and Advisory Roles:** The agreement could include a non-compete clause for a certain period while also allowing for advisory roles to benefit from the experience of the exiting officials without direct involvement in governance.
- 9) **Public Recognition:** Formal recognition of service, such as awards or titles, could be part of the agreement to honour the contributions of the officials.

10) **Transition Support Services:** Services such as career counselling, financial planning, and legal advice could be provided to assist with the transition to life after public service.

This agreement should be carefully crafted to balance the need to recognize the service of exiting officials with the public's interest in ensuring a smooth and effective transition of power. It should also be transparent and subject to public scrutiny to maintain trust in the political process. The agreement could be modelled after best practices from other countries and international organizations that have established protocols for the exit of high-ranking officials, ensuring that it aligns with international standards and respects the dignity of the individuals' involved. Key benchmarks could include a timeline for constitutional drafting, measurable milestones in security sector reforms, and specific targets for inclusivity in governance. International experts can provide technical assistance and comparative insights, while ensuring that the constitutional process remains a South Sudanese-led initiative. Structured dialogue platforms, both in physical and digital formats, can ensure broad-based citizen input in the decision-making process.

In conclusion, the extension of the RTGoNU and the creation of new states offer the opportunity to address the unresolved issues in South Sudan and lay the groundwork for a stable, democratic, and prosperous nation. It requires a concerted effort from South Sudanese political actors, supported by the international community, to create a conducive environment for peace and democratic governance. The key will be to set realistic goals, prioritize the most critical reforms, and build the political will necessary to drive these changes. There must be clear and achievable benchmarks for the transitional period to avoid indefinite extensions. A permanent constitution makes possible the need to involve international experts to ensure that the process is unbiased. The rationale for the exclusion of political leaders should be carefully explained to the national stakeholders and international partners to support it. Citizens should be engaged throughout the process to ensure they contribute positively to the country's journey towards peace, stability, and democracy.

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