

**South Sudan**

**National Dialogue**

**Steering Committee:**

**Document Number One**

**October 2017**

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The President of the Republic of South Sudan, General Salva Kiir Mayardit launched the Steering Committee of the National Dialogue on 22 May 2017 when he swore in the 109 members that he had earlier announced in December 2016. The Presidential decree also includes a secretariat of 17 representatives of some of the country's universities, research and think tank organizations, to act, not just as the secretariat of the National Dialogue, but also as the management of the accounts for the dialogue.

### **Objectives Of The National Dialogue**

The broader objectives of the National Dialogue are to end all violent conflicts in South Sudan; constitute national consensus; and save the country from disintegration and foreign interference. To achieve the aforementioned overarching objectives, the following are the specific objectives:

1. To end political and communal violence in the country and resolve how to properly transform the military.
2. To redefine and re-establish stronger national unity (including redefining citizenship, belonging, residency and political participation).
3. To restructure the state and negotiate social contract between the citizens and their government (address the nature of federalism, and tackle the arising conflicts over land, viability, belonging and border; federation of political decisions affecting party structures).
4. To settle issues of diversity (deal with fear of political domination; address issues of the national army, civil service and foreign service).
5. To resolve issues related to resource sharing and allocation (these include land ownership and management; communal and states land disputes; oil, gas, minerals, and taxes).

6. To settle social disputes and sources of conflict (cattle raiding and rustling; child abduction; communal violence related to marriages, territory, murder and cattle and human migration-related matters).
7. To set a stage for an integrated and inclusive national development strategy.
8. To agree on steps and guarantees to ensure safe, fair, free and peaceful elections and transition in 2018.
9. Agree on a strategy to return internally displaced persons and refugees to their homes.
10. To develop a framework for national peace, healing and reconciliation.

Most of the above ten points of the Presidential decree setting up the assignment for the National Dialogue are not just political, they are also legal and constitutional and would require bearing in mind that although the institutional functions of the South Sudanese state are dysfunctional, which has arisen from the political failure to uphold and impose the agreed structures by the way of implementing them, the Steering Committee of the National Dialogue can only make recommendations in its final report about how the young state of South Sudan deals with these matters. If there is a need for a constitutional and legal action, then such a recommendation will need to undertake legal steps that can make it workable.

A good example of the first institutional failure was that the ruling party had decided that the national capital of South Sudan was Juba. It was necessary for the young state of South Sudan to have indicated from the outset, how much land around Juba was now the national capital and agree with the traditional owners of that land; legalise it and then allot the national government land accordingly for whatever purpose the land was required to be used, instead of allowing the citizens of South Sudan, who by necessity needed to be around their national capital to deal only with traditional land owners around Juba that had not yet become a national land, because it was not yet institutionalised in that way. The question of the national capital of South Sudan has, therefore, now become one of the major factors of dispute in the young South Sudanese state. Is the capital of the Republic of South Sudan staying in Juba or is it moving somewhere else? And is the answer to such a question part of the National Dialogue to resolve or to recommend how to resolve it?

The Steering Committee convened as a plenary for the entire month of June 2017, starting on Tuesday 23 May 2017 and continuing to Thursday 26 June 2017. During this one month, the plenary allowed each member who wanted to speak to go on for as long as half-an-hour, to say what they thought had gone wrong with South Sudan since July 2005, the beginning of the six-year interim period, following the signing of the Comprehensive Peace Agreement (CPA) in Nairobi, Kenya on 9 January 2005. Since that time, South Sudan has experienced a series of political and security traumas that have culminated in a bloody civil conflict that started on 15 December 2013 and which continues to rage, even while the National Dialogue, the subject of this preliminary report is taking place.

The President of the Republic, in initiating the National Dialogue, had announced publicly that he wanted the members of the National Dialogue to feel free to say whatever they thought had gone wrong in their country and to recommend what they thought is the way forward for the country. In what showed clearly in the person of the President of the Republic as an act of personal contrition, President Salva Kiir Mayardit apologised for what mistakes that may have been committed by the government of the young Republic under his leadership and asked for public forgiveness. The President withdrew from being personally the patron of the National Dialogue, which had been contained in his Presidential decree of December 2016. The President replaced that December 2016 decree with the latest in April 2017.

It is a well established truth that corruption of whatever level, limits and deters all types of investment from the country, domestic or foreign. Only a determined and affective action is now urgently required, if South Sudan has any chance of pulling out of the pit its political leadership has thrown it in. The National Dialogue Steering Committee can help this young and resource promising country to get out of the pit it has been thrown in by just one movement and one leadership. Since it is this same leadership that now seems to feel the urge, at least represented in the person of the President of the Republic, to do something to pull out of where they have thrown our country, the role of this dialogue forum must be to point out the facts and to show the way out of the crisis through clear and credible recommendations.

Most members of the National Dialogue Steering Committee, if not all, seemed to have taken the President at his word and appreciate the noble gesture of the establishment of a National Dialogue. The President's urge for the freedom to speak and pledge for the non-interference in the work of the National Dialogue, seems to have encouraged members of the

Steering Committee to speak extremely freely. They hope that their recommendations will be taken equally seriously, when they present them to the President.

This is not a final report and will not, therefore, contain recommendations arising from intervention by individual members of the National Dialogue Steering Committee. That will hopefully come and be contained in the final report and recommendations of the Steering Committee when it is finally done.

Furthermore, the National Dialogue Steering Committee has now broken up into 15 regional committees, who, at the time of preparing this preliminary report, should be touring the countryside of our young Republic. The committees will have, hopefully recorded evidence of what our public think has gone wrong with our country and its political system. All this will constitute the final document of the first national dialogue of South Sudan.

Apart from the internal regional committees within South Sudan, the National Dialogue Steering Committee had also set up two committees to visit a number of African countries, to talk to leaders of the opposition political groups that have not responded to the call for the National Dialogue, including those whose names are included in the Presidential decree as members of the National Dialogue Steering Committee, but have not yet responded, or have responded negatively.

The first delegation, led by one of the co-chairmen of the National Dialogue Steering Committee, Honourable Angelo Beda, visited the Republic of South Africa. In their meetings, the government of the Republic of South Africa had indicated their support for the national dialogue and encouraged the South Sudanese to carry on with their national dialogue, whatever the problems confronting the process of national dialogue may be. The Vice President of South Africa, Cyril Ramaphosa, took some pride in the fact that they in South Africa too, had to resort to a national dialogue, which encouraged every South African to arrive at the resolution to their political differences.

As part of the seminars that the South Sudan National Dialogue Steering Committee organised for the entire month of July, members learned and took notes from the experiences of others, some of the speakers to these July seminars in Juba were from South Africa. They outlined to the Steering Committee of the National Dialogue of South Sudan, how South Africa went about its national dialogue. The July seminars also included experiences in national dialoguing, of countries like Kenya, Tanzania, Ethiopia, Burundi, Rwanda and the United Nations.

Details of the reports of all the delegations of the South Sudan National Dialogue Steering Committee, who had visited some of the African countries, where some opposition South Sudanese reside, will be made in writing to the plenary of the National Dialogue Steering Committee and will be part of its final report.

On launching the National Dialogue Steering Committee in Juba, the capital of South Sudan, on Monday 22 May 2017, President Salva Kiir Mayardit had announced to the South Sudanese public and to the world at large, that former First Vice President of South Sudan, Riek Machar Teny was free to nominate his armed movement's representatives to come to Juba, to join the National Dialogue. The President further announced that for security reasons, the physical presence in Juba, of Riek Machar himself was not desirable for the time being. This Presidential pronouncement about national security and Mr Machar's role, in that restricts the current National Dialogue's contacts with Riek Machar to only persuading him to appoint a delegation of his movement to join the National Dialogue deliberations in Juba.

Even though it was appointed by President Salva Kiir Mayardit as the President of the Republic of South Sudan and the National Dialogue should therefore abide by this Presidential directive, nevertheless, the National Dialogue Steering Committee takes the view that for its work to succeed, it must listen to the views of every South Sudanese considered part of the current national problem facing our country. Dr Riek Machar Teny is one of the national political leaders whose point of view the National Dialogue remains ever ready to listen to. But Dr Riek Machar refuses to meet the delegation of the National Dialogue Steering Committee. This report will not get into what the refusal of Dr Riek Machar or any other South Sudanese political leader in the opposition will mean to the National Dialogue, a national forum which is already talking to most other aggrieved South Sudanese inside the country and or abroad.

The National Dialogue committees that are visiting foreign countries to talk to South Sudanese opposition political leaders, besides talking to South Sudanese, have the added responsibility to talk to governments and political leaders of the countries they visit, to explain to the leaders of these countries, what the National Dialogue initiated by the President of South Sudan is all about. Indeed, to be able to meet with the South Sudanese leaders abroad, it was important, from the point of view of the National Dialogue Steering Committee, to contact and meet the former first vice President of the Republic of South Sudan, Riek Machar Teny and to invite him to nominate members of his movement to join

the National Dialogue back home in Juba. This is not yet possible at the time of writing this report, because discussions on this matter are still going on.

However, it is important to underscore, from the outset of this preliminary report, that the objective of the National Dialogue cannot be achieved, if all the warring parties of South Sudan do not commit themselves to peace in South Sudan through dialogue, not just amongst themselves over sharing power, but also on how to bring peace to South Sudan through dialogue. The National Dialogue cannot apportion power to the warring parties in our country. But if those who also carry guns with the objective of taking power by force can commit themselves to discussing how power can and should be attained in South Sudan in future, such a stance will go some way to achieving peace for our people; peace which has been scuffled by the notion that power in South Sudan can only be taken away by force from those who were elected to that power by the people of South Sudan, who are now being subjected to the agony of armed power struggle.

It is also necessary and important to note that for those who say the National Dialogue should be inclusive, to include every South Sudanese who regard themselves as the stage holders, we feel that it is precisely the objective of the National Dialogue Steering Committee, to include as many South Sudanese as possible, to discuss the failures of the system of governance of South Sudan and to agree on how to overhaul the failed system. In that regard, the members of the National Dialogue know that they cannot become successful unless it is inclusive. And if the current National Dialogue in South Sudan does not become inclusive, it will not be because it has not tried to include everybody. It will be because of the refusal of some leaders of our community not to conduct dialogue with their brethren, unless they first obtain power through war.

A second delegation of the National Dialogue Steering Committee visited East Africa; Kenya, Uganda and Ethiopia, to contact and meet the leadership of the former political detainees. The leaders of the former detainees are known to vacillate between the capitals of the three countries and the National Dialogue was prepared to meet this group anywhere in any of the three countries they chose. That contact has successfully already taken place and the report of the National Dialogue contact committee will be discussed by the Steering Committee in its forthcoming session.

Some of these former detainees had been included in the original list of the National Dialogue Steering Committee, first announced by the President of the Republic in December

2016. They had remained on the second list of April 2017. At least two of these former detainees had publicly turned down their appointment to the Steering Committee. The reasons for this were political and so the National Dialogue Steering Committee sought to engage the entire leadership of the former detainees, since the whole idea of the President of the Republic's initiating a national dialogue is to discuss all the political issues confronting the country, with a view to finding a political consensus that may restore peace and unity amongst the people of South Sudan. The leadership of the former detainees had, in fact accepted the principle of a national dialogue as the only way of resolving the political issues over which the citizens of one country differ.

The delegation of the National Dialogue Steering Committee, which went to East Africa to meet the former political detainees was the same delegation that went to South Africa, led by co-chairman, Honourable Angelo Beda.

A third delegation which went to Khartoum was led by the deputy chairman, Honourable Gabriel Yoal Dok.

The delegation to Khartoum was tricky. Although President Salva Kiir had been continuously encouraging the Steering Committee of the National Dialogue to contact any South Sudanese political leadership that may help bring peace to South Sudan, it was very noticeable that while the President of the Republic mentioned Riek Machar Teny by name, as one of the opposition political leaders who could send a delegation of his political movement to Juba to take part in the deliberations of the national dialogue, the President said nothing about the political and military opponents based in Khartoum. This is because there is almost a universal belief in South Sudan that Khartoum is the only neighbouring capital of South Sudan that is arming and using the South Sudanese armed dissidents to destabilise South Sudan. Khartoum, naturally, also makes its own charges against Juba, accusing the government of South Sudan of supporting Khartoum's dissidents. In spite of all these sensitivities, the leadership of the National Dialogue Steering Committee thought it was important not to leave any South Sudanese out of the National Dialogue. Not to provide any dissident leadership of South Sudan with the excuse of having been left out of the National Dialogue and to continue to cause disturbances in the countryside of South Sudan, when their views could be heard and become part of a solution to the current national predicament.

At the time of writing this report, the delegation to Khartoum had just returned to Juba. The reports of all the committees of the National Dialogue Steering Committee will



first be made to the next plenary session of the Steering Committee and are, therefore, not part of this report.

It needs to be mentioned that apart from the many armed dissident opponents of the government of South Sudan being housed by Khartoum, neighbouring Sudan is also hosting a large number of South Sudanese refugees who have had to flee to neighbouring Northern Sudan from the current security and social predicament confronting the government in Juba. This is not to speak about the large numbers of South Sudanese who had never even thought of returning to South Sudan from their very long sojourn in Northern Sudan since all those long years of the Sudanese civil war between the South and the North, before South Sudan finally gained its independence from the North, through the CPA peace agreement between them of 2005. Because of the political disfunction of the young state of South Sudan, many of its citizens are in Sudan and elsewhere.

The fourth delegation of the National Dialogue Steering Committee that was to travel abroad is the committee on refugees. The National Dialogue Steering Committee had set up a total of 15 subcommittees; 10 of them to travel to all the regions of South Sudan, to hold meetings and discussions in the town halls, court centres and village meeting grounds, to listen to what the public opinion of South Sudan says about the current predicament the young country faces. The plenary of the National Dialogue Steering Committee will convene again in early October, to listen to all the reports of both the contact delegations to Africa and to the regions of South Sudan and to consider its next step.

A final delegation of the National Dialogue Steering Committee was to visit Addis Ababa, the capital of neighbouring Ethiopia to South Sudan in August. Ethiopia is the current chairman of the Inter-Governmental Authority for Development (IGAD), as well as its capital. Addis Ababa being the seat of the Organisation of African Union (AU). As a continental movement, the AU is supposed to play an important leadership role in trying to maintain peace in Africa. The IGAD had been instrumental as a regional block in mediating and bringing about the end to a long 21-year civil war in Sudan in the late 1990s and in the early 2000s. It mediated the Comprehensive Peace Agreement (CPA) between Khartoum and South Sudan. It was also the IGAD that orchestrated the current peace agreement, whose implementation in Juba has resulted in the current interim government of national unity in Juba, whose national leadership has initiated the current National Dialogue, which this Steering Committee is managing.

The National Dialogue Steering Committee has, therefore, resolved that it would keep both the IGAD and the AU and indeed the government of South Sudan's neighbouring Ethiopia informed of what is going on in the South Sudanese National Dialogue. The first delegation of the National Dialogue, under the leadership of the national dialogue co-chairman, Honourable Angelo Beda Bangboru was also to visit Addis Ababa, the capital of Ethiopia, to conduct all these extremely necessary and important contacts even before it went to South Africa. However, because the arrangements and contact with South Africa got made quicker than it was possible with Addis Ababa, the delegation of the National Dialogue Steering Committee first went to South Africa. It was later to visit Ethiopia.

The next important subcommittee of the National Dialogue Steering Committee is the committee for contact with the refugees – South Sudanese refugees abroad. Chaired by Honourable Deng Dau, this committee is to visit the neighbouring countries to South Sudan, where the South Sudanese refugees from the current conflict in the country, since 2013 fled. This committee will confine its role to visiting refugee camps in countries neighbouring South Sudan – Uganda, Kenya, Ethiopia, Democratic Republic of Congo (DRC), Central African Republic and Sudan.

The confinement of this committee only to Africa is based on the evidence that no South Sudanese refugees from the current conflict in South Sudan are thought to have gone beyond Africa. The South Sudanese resident elsewhere beyond the neighbouring countries to South Sudan are refugees of the 21 year war with Northern Sudan. These earlier refugees of the 21 year long civil war with Northern Sudan, when the country was still one, had left the continent of Africa for resettlement as refugees of that old war. These South Sudanese had gone beyond the continent of Africa on organised resettlement programmes to many of the world's developed countries beyond Africa, under what was known then, as the refugee resettlement programme. Some of these original citizens of South Sudan are now well established citizens of these generous foreign countries around the world, to whom South Sudan is most grateful.

Some of the citizens of South Sudan in these other countries, may have been caught up in the unfortunate sad events of December 2013 in South Sudan while they were visiting South Sudan. They were evacuated from South Sudan as foreign nationals and have now returned to the countries of their second citizenship. If so, the National Dialogue Steering Committee considers these citizens of South Sudan as permanently resettled abroad and are

no longer refugees. They are, therefore, South Sudanese living in diaspora, rather than still considering them as South Sudanese refugees.

While the view of the South Sudanese in the diaspora about what is going on at the National Dialogue in the country is as important to the National Dialogue as the view of any other South Sudanese elsewhere, the National Dialogue Steering Committee is making separate arrangements for contact with this group.

## **Tackling The Complex Issues**

As the debate in the first full month of June took place within the plenary sessions of the National Dialogue Steering Committee, it became clear that South Sudanese have entangled themselves in a web of extremely complex issues and that to attempt to fix a definite timeframe within which to conclude the process of the National Dialogue with tangible results was not possible, let alone easy. It was resolved that members of the Steering Committee needed to say what they felt was an important step in the entire process. It was also soon clear that the National Dialogue Steering Committee is composed of responsible and articulate individuals, some of the most capable of the South Sudanese communities. It was clear, no one wanted to keep back anything that needed to be said. Each speaker was allowed as much as half-an-hour to speak, or even more, if anyone needed more time. Only one person took an entire hour speaking. And anything that was said was as clear as it was considerate.

The first plenary session of this National Dialogue Steering Committee has all been recorded, with speakers' own voices. This will go on for any plenary sessions of the National Dialogue Steering Committee that will follow. These will all be transcribed into a hard copy at the end of the process.

This is a historic record of the dark and sad events of South Sudan. Although everyone agrees that these were truly sad events, nevertheless, this is the history of South Sudan. The tapes will be preserved and stored after they will have been transcribed into hard paper copy, which will also be preserved as a document.

There will be a report for any future plenary session of the National Dialogue Steering Committee. The final report of the entire process of the National Dialogue will be the recommendations, drawn up by a specific plenary of the Steering Committee; in an entire

plenary session of its own, to make the final recommendations. The plenary reports of the plenary sessions will form part of the final report.

## **Capsulating History**

The political history of South Sudan may be the shortest, when compared to those of other more elaborate struggles, even of only some of our African brethren. But the political history of South Sudan, short as it may be, is an extremely rich political history. It contains episodes of internal South Sudanese political conflicts that the leadership of this Steering Committee deem necessary to encapsulate here, not just as a historic reminder of the long road to nationhood, which no South Sudanese has a right to undermine, destroy, or deny. This short, but also elaborate history, should help the entire people of South Sudan to overcome their current internal impasse.

### ***The 1947 Events***

By 1920, the British had largely settled onto what they had occupied in East Africa as a result of territorial acquisition or by agreement with the other European colonialists. Northern Sudan was then an Egyptian-British occupation. It became known as the Anglo-Egyptian Sudan. But this was really Northern Sudan. South Sudan should have remained alone, a desolate territory that no one really wanted. But the misfortune of South Sudan is that the White Nile river flowed through South Sudan for over a thousand miles before it joins the Blue Nile at Khartoum, the Sudanese capital and formed the one Nile that flows up North to Egypt for at least another one thousand miles.

The British had to reluctantly occupy South Sudan as a protectorate, a loose non-territory, really. During this time, the British thought hard about what to do with South Sudan. Northern Sudan was now peaceful and settled by the Muslims, largely of Arab stock. The black Africans of Northern Sudan, the Nuba, the Ingasina were peaceful and obedient. They did not cause problems to anyone. The Fur and the other African tribes of Darfur had become Muslims. It was now South Sudan. Not to manage these wild tribes properly could have upset the colonial agenda all over the place.

Up north, beyond Northern Sudan, the Egyptians were keen on the water, mainly the sources of the River Nile. The White Nile flows through South Sudan, with its many important tributaries. As partners with the British towards larger geopolitical interests elsewhere, the British helped to add South Sudan to Northern Sudan, to reassure the Egyptians about the flow of the Nile waters. The British did nothing else to South Sudan.

When the Christian missionaries started some rudimentary system of education in South Sudan, the affinity of the South was to East Africa. The British wanted nothing of this. The interest of Egypt and Northern Sudan over South Sudan was too strong to ignore, or to temper with.

By 1947, the British decided that they could not hold to South Sudan any longer. The Egyptians were threatening to recognise a unilateral independence of Sudan. By that time, South Sudan had not become part of Northern Sudan properly.

Britain had abolished slavery at home in England. British colonial territories had to do the same. The British colonial officials in Sudan had to prohibit Northern Sudanese slavers from enslaving South Sudanese. But politics of national independence caught up faster in Northern Sudan than the pacification of South Sudan.

One single colonial official, the then colonial civil secretary of Sudan, Sir James Robertson who had served only in Northern Sudan and never in South Sudan, decreed that South Sudan had to become part of Sudan. By June 1947, the colonial civil secretary came to Juba, in South Sudan, accompanied by his Northern Sudanese political friends, who had promised him that they would look after the South Sudanese, if Britain decreed that South Sudan was part of Northern Sudan.

A delegation of mostly illiterate South Sudanese tribal chiefs were summoned to Juba and told by the colonial civil secretary that South Sudan and Northern Sudan had from there on become one country, from June 1947. The illiterate South Sudanese tribal chiefs protested this colonial decision to no avail.

By 1954, a mere seven years from 1947, the British had conceded independence to Northern Sudan. A process of decolonization of Sudan was initiated. A national political system was set up for Sudan, with a parliament dominated by Northern Sudan and a council of state headed by a Northern Sudanese and a cabinet headed by a Northern Sudanese prime

minister. No South Sudanese became part of that system, being prepared for government and state responsibility over both the North and the South.

By August 1955, when it became clear to South Sudanese that they had traded colonial masters - the British - with Northern Sudanese, the first South Sudanese war of liberation was started in Torit, Eastern Equatoria, by the South Sudanese unit of the Sudan defence forces. The British did not want to give this first rebellion by South Sudan a political colour. So they called it a mutiny.

Since 1955, until it achieved its independence on 9 July 2011, South Sudan had engaged in a continuous political struggle; always against Northern Sudan, but sometimes, also internally within itself. The catastrophe which has now hit South Sudanese may be its heaviest, but it is not unique. It is not its first. It can only be hoped that it becomes its last.

All young and new countries have their own internal upheavals at the beginning of a young life. This is not something peculiar only to South Sudan. If all other young countries had overcome their early upheavals and have remained one country and some of them are even now stable and peaceful, South Sudanese should also aspire for their own stability.

With clear minds and clear hearts, the South needs to overcome this latest and its most extreme trauma. Members of the National Dialogue Steering Committee need to keep in mind, as they struggle to find peace for themselves and their community, that it has not always been politically a united front in South Sudan, even though the extent of violence had never reached the current extent, for which the current national dialogue is being asked to deal with.

### ***The 1947 Juba Conference***

Although the 1947 Juba conference was a political discourse by South Sudanese political thinkers with the British colonial officials, to freely determine whether or not to unite with Northern Sudan, unity with Northern Sudan was in fact a colonial decision, imposed by the colonial power in June 1947. The South had really never accepted, willingly, that it had become part of and one country with Northern Sudan. Nevertheless, these illiterate South Sudanese did not facilitate to indicate the problems that had to befall this so-called newly united Sudan. But the South Sudanese view at the 1947 Juba conference was also not united.

There were some educated South Sudanese, who were working as Sudan government officials at the 1947 Juba conference. Most of them, if not all of them, had quite readily accepted the colonial suggestion of South Sudan becoming one country with Northern Sudan. Not in a position to reject their colonial masters' decision, made in Khartoum before being finally announced in Juba, the South Sudanese traditional chiefs had warned of the problems to follow that fateful colonial decision of 1947, of uniting South Sudan with Northern Sudan.

The chiefs declared to the colonial authority that they were not one people with the Northern Sudanese; they needed a longer political period under colonialism, to first develop as a separate people, before they could decide to join with Northern Sudan as one country, let alone one people. But the traditional South Sudanese chiefs voice was not a political voice; it was ignored and the country was declared one country.

Some of the few educated South Sudanese, who wanted unity with Northern Sudan earned some political benefit in the new national set up in Khartoum, with some becoming ministers of the new national government and others becoming members of parliament.

A weak political party of South Sudan, called the Liberal Party was hastily set up in Juba, with the help of sympathetic British colonial civil administrators in South Sudan. But these novice South Sudanese politicians were easily dispersed in Khartoum, recruited and became members of the more experienced, better educated and better funded Northern Sudanese political parties.

Even the August 1955 first armed uprising of South Sudan was not organised or disciplined. Because this first armed uprising in South Sudan took place in Torit, in Equatoria, without properly planning it, so that it could have encompassed the entire South Sudan, Equatoria undertook it and believed that since it was a just cause, it would succeed. It did not, because it was undermined by the silence and peace in both Bahr el Ghazal and Upper Nile.

One of the most important lessons of the political history of South Sudan, is that no military uprising in South Sudan dies without some peace agreement, no matter how long it takes. And no matter how weak such an armed movement is. This is an important lesson that the current national dialogue should bear in mind, as it strives to find peace and national unity for South Sudan. It is also the main reason why those who carry the arms amongst South Sudanese as a way of fighting their way to power by the gun should realise that it cannot

succeed and that they should join the national dialogue, to agree on how best to manage the power of the people of South Sudan without killing them.

Typical of South Sudanese rebellion, it restarted in the mid 1960s, because there had not been a political resolution to the conflict between the North and South. Again, typical of South Sudan, the political movement, the Anya-Nya Liberation Movement organised a united front that began to articulate the political cause and to pressure the forces of Khartoum. The political wing of the revived political leadership of South Sudan, became mainly the South Sudanese members of the 1957 parliament, which had been disbanded by the first military regime under General Ibrahim Abboud.

Many disparate events helped South Sudan to articulate its political cause. First, the Abboud regime expelled all the Christian missionaries from South Sudan in 1964. The Catholic Church order of the Italian Catholic missionaries of Verona, in Italy, known as the Comboni Order wrote a book about their expulsion from South Sudan, known as *The Black Book*<sup>1</sup>. This publication became a big boost to the liberation cause of South Sudan around the world.

Second, the political leaders of the Anya-Nya liberation movement, Joseph Oduho from Equatoria and William Deng Nhial from Bahr el Ghazal, both also wrote their book at about the same time, early 1960s, titled *The Case of South Sudan*<sup>2</sup>.

Third, not too distant, in terms of time period, the 1967 six-day war, between the state of Israel and the Arab states broke out. Khartoum declared war against Israel and Khartoum, the capital of Sudan convened an Arab summit in which unity against Israel was confirmed. Israel saw South Sudan as an enemy of Israel's enemy, Sudan and the stories of Israeli support for the Anya-Nya liberation movement became common news gossip.

The overthrow of the Abboud regime in Khartoum unfortunately coincided with the crack in the unity of the political leadership of the South Sudan liberation movement - the Anya-Nya liberation movement. Always so keen to divide the political movement of South Sudan, in order to weaken it, the Northern Sudan political movement in Khartoum, particularly the Ansar sect based Umma Party, under its very young leader by then, Al-Sadiq

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<sup>1</sup> Verona Fathers, *The Black Book of the Sudan on the Expulsion of The Missionaries from South Sudan* (Verona, Italy: The Comboni Fathers Press, 1964).

<sup>2</sup> J. Oduho and W. Deng Nhial, *The Case of South Sudan* (East African Press, 1962).



al-Mahdi, inspired William Deng Nhial to return to Khartoum on an empty offer of a federal arrangement between South Sudan and Northern Sudan. How many times could the Northern Sudanese political elite repeat their deception of South Sudan?

With William Deng Nhial now back in the country - albeit only to Northern Sudan, what later proved to be an empty debate with Northern Sudan ensued. The offer of a federation to the South was not an honest offer. Fortunately, the political debate in Sudan, following the overthrow of the Abboud regime was open and transparent at this time.

The South had organised itself inside the country into a strong, extremely united, transparent and articulate political movement, the Southern Front, following the overthrow of the Abboud regime. The interim government, which took over power in Khartoum, following the overthrow of the Abboud regime wanted to appease the South, to achieve some peace, at least during the twelve months of the interim period. At least to be able to manage to run the elections all over the country at the end of the interim period. Running the elections all over the country during 1965 was the real mandate of that interim government.

The Southern Front declared that it would boycott the 1965 elections in the country, unless there was an agreed political resolution of the political conflict in South Sudan during the interim period. The Southern Front called for a Round-Table Conference, to discuss and agree peace with the North. The interim government organised in Khartoum the Round-Table Conference in March 1965. Addressing the 1965 Round-Table Conference, the leader of the Anya-Nya liberation movement, Agrey Jaden called for the separation of the South from the North. The Southern Front called for the right of South Sudan to self-determination from the North. William Deng Nhial's internal wing of SANU, the political wing of the Anya-Nya liberation movement that had broken away, talked of federation at the Round-table Conference. In spite of the presence of other wings of South Sudan internal political divide, like the existence of Santino Deng Teeng's Unity Party, which called for a centralized unitary system of government for Sudan, the political dynamics of the cause of the people of South Sudan were well articulated.

The interesting thing at this point, was that in spite of how many political groups with multiple political agendas, no one was threatening violence at this point. At least, no one was threatening internal violence within South Sudan.

Not only did Northern Sudan resent the fact that South Sudanese political thinkers had begun to clearly articulate their political ideas about their future, the North began to plan how

to violently put down such free political ideas in South Sudan. Unfortunately, some upheaval struck the Anya-Nya liberation movement.

Inspired by support by Israel, some South Sudanese political leaders would say, the then commander of the Anya-Nya army, Joseph Lagu overthrew the political wing of the liberation movement, combining both the political and military leadership in himself.

At this point, stories that the state of Israel had begun, not only to supply the Anya-Nya army with weapons, but also was training the South Sudanese fighters in Israel began circulating. As anyone might suspect, these stories were very pleasing to the population of the entire South Sudan. Because the political suppression of the South by the North had always been violent, the South Sudanese populace had always preferred, military leadership to political leadership. So, Joseph Lagu, the military leader of South Sudan received an overwhelming political support across the entire South Sudan. The liberation of South Sudan was now seen to be proceeding in earnest. Coupled with those military events within the Anya-Nya, the election boycott in the South in 1965, orchestrated by the Southern Front was total.

In Northern Sudan, the only choice open to the political leadership there was to elect an extremist regime in Khartoum, hostile to the South and which would declare a policy in the South, which was, in effect a policy of committing genocide in South Sudan.

The North appointed Prime Minister Mohamed Ahmed Mahgoub after their elections without the South. Prime Minister Mahgoub declared that every educated South Sudanese was a rebel. Educated South Sudanese were said to serve in a Sudan government office in South Sudan during the day, received their salary from the government, with which they supported the Anya-Nya liberation movement at night. The government in Khartoum declared the total irradiation of the educated South Sudanese.

On the night of 9 July 1965, to quote only a few examples, the Sudanese army massacred more than 1400 South Sudanese civilians in the town of Juba alone. Two days later, on 11 July 1965, all the 76 South Sudanese Sudan government officials and many other South Sudanese, who attended a wedding party in Wau town that night were all massacred. The story repeated itself in Warajuok village, near Malakal, in Upper Nile and all over the South. When *The Vigilant Newspaper*, the media mouth piece of the South at that point reported all these horrendous incidents, it was persecuted, closed down and held up in court, for more than six months since July 1965, when it first reported the Sudan government

atrocities in South Sudan. This was in order to prevent *The Vigilant Newspaper* from publishing any such stories anymore.

By May 1969, there had been so much political upheaval in the country, even in Northern Sudan itself. The political system running the country became untenable. The war in South Sudan was intensifying and the army was worried by the stories that the state of Israel had increased its supply of weapons to the South, as well as its training of South Sudanese guerrilla fighters in South Sudan. It dawned on Northern Sudan that the South might succeed to break away from the North by force of arms.

On 25 May 1969, the army had its second political intervention in the politics of Sudan. Colonel Jaafar Mohamed Nimeiri seized power in the country in a military coup. Faced with numerous internal political challenges of his own, even within Northern Sudan itself, General Nimeiri signed a peace agreement with the Anya-Nya liberation movement in March 1972.

The South had attained under that 1972 Addis Ababa Peace Agreement, self-rule - a regional autonomy. Like the current situation in South Sudan, which the current National Dialogue Steering Committee is now grappling with, the South Sudan self-rule under the 1972 Addis Ababa Peace Agreement faced its own challenges that might serve as points of reference to our current predicament.

For South Sudan, it was always the same type of multiple equations of regionalism, tribalism that cause political problems. These political problems may now have just intensified.

Although the solutions to South Sudan internal problems never lasted, perhaps, because of external factors and or intervention, the South had always benefitted itself from a pull back and a pause, rather than brinkmanship. Will this current predicament facing us in this National Dialogue be different?

The South Sudan political leadership of the 1972 Addis Ababa Peace Agreement was a more level headed leadership than one dare compare with what the type of problems the current National Dialogue Steering Committee faces today. But one must not approach difficult situations with pessimism.

In the 1972 situation, many issues were not right, but the South faced all of them with some far-sightedness, perhaps, because the South knew that the real opponent of South

Sudan, Northern Sudan was always lurking there, always ready to take full advantage of an internal feud within South Sudan. As such a responsible group of South Sudanese political thinkers and leaders, the National Dialogue Steering Committee should always bear in mind that the opponents of South Sudan remain very much alive. They are already taking full advantage of what is currently going on in South Sudan.

In the 1972 Addis Ababa Peace Agreement between Khartoum and the Anya-Nya liberation movement, the South Sudanese political parties played hide and seek from one another. For Jaafar Mohamed Nimeiri, the President of the Republic of Sudan, and the man who decreed Addis Ababa Peace Agreement into law, his main intention was to achieve a temporary peace with South Sudan, for several undeclared reasons: First, to end the war and to deny the state of Israel any presence in South Sudan, a source very close to one's neck, so-to-speak, in terms of Sudan and the larger Arab world, particularly Egypt and its relationship to the River Nile. And second, with the rampant internal challenges to his regime, Nimeiri wanted both peace and time to consolidate his power over the country.

What Jaafar Mohamed Nimeiri came to do to the South ten years later, the abrogation of the 1972 Addis Ababa Peace Agreement had been a long standing plan of his and never an action of the spare of the movement. The leadership of South Sudan needs to always bear in mind that Northern Sudan and its interest in South Sudan are still there and alive. These Northern Sudan interests will never die. It is easy to achieve those interests over a feuding opponent in South Sudan.

By 1979, Nimeiri's agenda towards South Sudan had become clear. The acceleration of his political agenda was enhanced by two main factors – first, his reconciliation with the traditional elements of the political parties of Northern Sudan and much more importantly, the discovery of oil in South Sudan. The South could not be entrusted with any control of resources and so, he signed peace with the Northern opposition, the 1978 Port-Sudan Peace Agreement with the National Front. By that act alone, Nimeiri had all but decided to abrogate the 1972 Addis Ababa Peace Agreement with the South. So, he did in 1983, after playing twist and rock games. Jaafar Mohamed Nimeiri had thought that he had succeeded to divide the political South Sudan. What he did not know, was how quickly South Sudan would unite to face what was an external challenge to the South.

The Anya-Nya leadership was gracious, when in 1972, the administrative management of that 1972 peace agreement was assigned to Abel Alier, one of the co-

chairman of this national dialogue, a civilian who was not even one of the Anya-Nya liberation movement fighters, even though Sudan as a country was led by a military dictator, Jaafar Mohamed Nimeiri. That act, by the Anya-Nya political and military leadership was a gracious indication that they fought to liberate the country for all their people, not just for themselves. But this gracious act by the South Sudan liberation political and military leaders of the Anya-Nya was not lost sight of, as far as the South Sudan political leadership that took charge of the political helm was concerned.

Abel Alier, the co-chairman of this national dialogue, the first civilian leader of the first regional government of South Sudan, worked closely with General Joseph Lagu, who had then become the military commander of the Sudanese national army in South Sudan. General Joseph Lagu had prepared, first to look after his Anya-Nya guerrilla fighters, who had been absorbed into the Sudanese national army, before seeking a political position. More than six thousand Anya-Nya fighters had been absorbed into the national army. Matters worked quite well for South Sudan during the first two years of the Addis Ababa Peace Agreement, because Alier and Lagu worked closely together. They established a political and administrative system for South Sudan, which was non-existent before, really out of nothing, in terms of budget and resources.

There was no oil revenue for South Sudan yet, to begin with. What Abel Alier and his team did in Juba, was to manage poverty, not only for themselves as the regional government of South Sudan, but indeed for all the people of South Sudan as a whole. The only revenue that Juba received from Khartoum was the salaries of the regional ministers and their officials of the civil service. Abel Alier and his government in Juba structured a tax system from the meagre salaries of their civil servants, in order to be able to provide services for the citizens of south Sudan.

It is, unfortunately important to recall some of these very hard facts in this first document of the National Dialogue Steering Committee, because some of these old ingenuities may prove handy, not only in avoiding mistakes in the near future, but may serve as a guide to showing a way forward for South Sudan, out of the current predicament South Sudan finds itself in.

The South Sudan of July 2005 to the present time, is a wealthy oil revenue generating country. Even though the country is now run down economically, because, as President Salva Kiir Mayardit has courageously put it, 'due to greed and corruption', the South need to find a

way out of this predicament. As a National Dialogue Steering Committee, we are all on the spot. We need to think, talk and suggest answers. Having one's own past in mind could be useful. The above passes are a useful reminder to all of us.

1972-1983, the period of the first self-rule for south Sudan was not free from political problems, or political quarrels. These quarrels were there in plenty. These problems gave General Nimeiri the opportunity to abrogate the 1972 Addis Ababa Peace Agreement with the South. Our debate as a Steering Committee of the National Dialogue needs to cast our minds to those problems of the Addis Ababa era, to see if those problems and the solutions to them, will help us overcome the 2013-2017 internal problems of South Sudan - the subject of our current national dialogue.

We may not need to cast our minds back to the 1970s - to the 1980s too much, because those mistakes were not only from South Sudanese, but indeed, in their political relationship with Northern Sudan, these political mistakes had produced a new and more affective fighting force for South Sudan. The South Sudan Liberation Army (SPLA), which immediately followed that time. The outcome of South Sudan's latest war of liberation with Northern Sudan has been independence for South Sudan in 2011 - a total liberation.

The South cannot regret such an outcome too much, in spite of the current self-inflicted agony. The South must find a way out for itself. This national dialogue, initiated by the President of the Republic, the first elected leader of South Sudan, is one of the ways out of this horrendous national predicament.

During the period of the 1972 Addis Ababa Peace Agreement implementation, the South found solutions to its problems. The people of South Sudan remain the same people. Surely, the same people can and should find their way out of their current problems, especially that it is now an independent country, notwithstanding the truth that old opponents of South Sudan still clearly have their spoiling hand on the lever of the problems of South Sudan. One is never independent in this world, unless one acts independently in one's own best interest, in spite of many spoilers around one.

When Jaafar Mohamed Nimeiri thought he had sufficiently divided South Sudan and abrogated the 1972 regional autonomy of South Sudan under the wrong impression that no South was left to challenge him again, South Sudan quickly proved Jaafar Mohamed Nimeiri wrong. A united South Sudan fought together under the SPLA and successfully achieved an independent South Sudan.

Now, while it is true that South Sudanese have spilt too much blood of their own and inflicted too much suffering on their own people since the horrendous events of December 2013, it is also true, judging from the current attitudes of the people of South Sudan, that, not only do they want peace and national reconciliation amongst themselves, they also do not want to lose their hard fought independence and national sovereignty. The national dialogue ought to find a formula for national reconciliation, peace and national reunification.

## **The Mistakes That Led To The Current Situation**

There are many problems and mistakes that have led our country into the current horrendous situation in which South Sudan finds itself in today. First, the country as a whole and the SPLM leadership, as the stewards of the liberation of South Sudan, must both collectively and publicly admit that they are responsible for where South Sudan finds itself today. This is a long history of more than 30 years. Starting, first from August 1983 as a liberation movement for 21 years, to more than 11 years already, at the time of writing this report, as the revolutionary government of South Sudan, of a sovereign country. The current mistakes started from the six years of the interim period, which followed the signing of the Comprehensive Peace Agreement (CPA) in Kenya, since January 2005, to five years of independence on 9 July 2011. The public of South Sudan know that the SPLM wanted to rule South Sudan, to decide how and to use the resources of South Sudan as a party in monopoly, from all others. All the decisions that have brought the country to the sorry state it is in today are SPLM made and the SPLM must take collective responsibility for them; not look for a single individual from amongst themselves, or for a single tribe, amongst any of the tribes of South Sudan to blame.

The leadership of the SPLM wants to split hairs, to find who to blame from amongst themselves. This is natural. The people of South Sudan have watched it all and know the truth. The classic Marxist communist jargon is so true in the case of South Sudan today: ‘You cannot deceive all the people all of the time’.

The only person in the SPLM, the people of South Sudan cannot blame for any of the false and the failures of the government of South Sudan since July 2005, is the late leader of the SPLM, Colonel John Garang de Mabior. This is because fate saw to it that he did not live to set up his own interim government following the CPA. He died in that fateful helicopter crash in July 2005, only three weeks after taking oath of office as the first South Sudanese

first vice President of the Republic of Sudan. Had he lived, he would have set up a first interim government of South Sudan that July, which should have remained part of Sudan for six years, until the South voted in a referendum on self-determination in 2011. The six years interim period had very specific agenda to accomplish before the referendum on self-determination was conducted in South Sudan, for the people of South Sudan to decide whether to separate or remain part of Northern Sudan. The leadership of the SPLM ought to have predicted the outcome for the referendum on self-determination and to have prepared for that outcome during the six long years of the interim period.

Most South Sudanese knew how they were going to cast their vote on the day of the referendum on self-determination. A political leadership that was charged with and entrusted with the responsibility to manage the affairs of the people should have known this and should have acted accordingly. The SPLM leadership failed to do that. The political movement that was responsible for carrying out the wishes of their people utterly failed.

As an agreement, the CPA had given the people of South Sudan wide options. Under the CPA, if the people of South Sudan wanted to remain one country with Northern Sudan for whatever reason, the CPA had provided an alternative for a South Sudan that wanted to be part of the North. The CPA provided that the South should have developed its own alternative political system, to avoid the Islamic agenda which Khartoum wanted to impose. There is a provision of one country with two political systems in the CPA. Instead of developing the political structures of their own, which would have become the government system for South Sudan, even at independence anyway, the ruling political leadership of the SPLM ignored all that. Clearly, this was a political failure that had an impact on the current failure of the new South Sudanese state.

Colonel John Garang de Mabior had himself personally negotiated the CPA and all its provisions; including one country with two political systems. It is unlikely that he could have disowned any of the peace agreement provisions and looked for flimsy excuses, or for someone else to blame.

Although he spent 21 years as the undisputed leader of the SPLM political movement and commander of its army - SPLA until his death, Colonel John Garang de Mabior's real and everlasting record and image is that it was him, as the leader of the peace negotiations at Navaisha, Kenya, on behalf of the people of South Sudan, who negotiated and signed the CPA. That peace agreement shared the central government of Sudan between Northern Sudan



and South Sudan, at the ratio of 50:50. The CPA also shared the oil revenue accruing from the oil fields of South Sudan, also at the ratio of 50:50 with the North.

For the six years of the interim period, the flow of the South Sudan oil to the world markets was extremely lucrative. What the South did with its 50 percent share of the oil revenue is undoubtedly part of the reasons why South Sudan is where it is in today – facing horrendous political, economic and social problems. Had Colonel John Garang lived, how he would have used the vast sums of the South Sudanese share of the oil revenue on the currently pathetically poor South Sudanese would have been very instructive of the quality of his leadership managing the affairs of South Sudan.

The CPA also provides for a system of government for South Sudan during the interim period, which should have established an autonomous system of government in South Sudan which was in itself already like independence, because it deprived Northern Sudan any legal right to question anything that went on in South Sudan, even if the South had voted to remain part of a united Sudan when the South came to exercise its right of self-determination. This was also a well negotiated section of the CPA, but ignored by the leaders of the SPLM during the implementation of the CPA.

In spite of the failures that have afflicted South Sudan now, we must not forget that it was General Salva Kiir Mayardit - our current President of our Republic, who negotiated and signed Protocol Number One, which contains self-determination. This mighty provision of the CPA was then enshrined in the CPA by Colonel John Garang. It is the protocol that delivered the independence of South Sudan.

For six long years of the interim period, the current leaders of the SPLM, not only failed, they deliberately refused to implement the CPA clause of one country with two political systems.

The idea of the two systems in one country was that the South should have developed its own system of governance for South Sudan, which would have remained autonomous from that political system in Northern Sudan, because the South was opposed to the Islamic system of governance which was being applied in Northern Sudan. This system of governance, under the clause of one country with two political systems was an alternative to independence, in case the people of South Sudan had chosen to vote at their self-determination referendum to stay part of Northern Sudan. It was a brilliant political alternative, which no serious political thinker should have ignored. The SPLM leaders who

were running South Sudan during the interim period dared argue that if Khartoum wanted the unity with the South under the one country-two systems, it was Khartoum that should come to Juba to develop the alternative system for South Sudan. If this empty slogan was meant to impress the South and not just to delude it, it failed to impress anyone. The question now, is why did the SPLM leadership delude the people of South Sudan, when they were the rulers of these people?

What the leadership of the SPLM did with the vast 50 percent of the oil revenue from the South Sudan oil export is now a problem the National Dialogue must find an answer to. This is what President Salva Kiir Mayardit has courageously called greed and corruption. Clearly, the President of the Republic has repeatedly said publicly, that the National Dialogue must recommend a way of addressing corruption and personal greed in the public service of South Sudan. This is probably the most difficult part of the work of the National Dialogue. But one that it must tackle responsibly.

If the leadership of the SPLM had implemented their own desired system of governance, when they shared the interim period of six years with the North, not only would the South have had its own system of governance in place, at the end of that interim period, with the six years experience and practice, it would also have provided for it a constitutional system that was well considered and well practiced for six years. That will work out constitution would have been put before the people of South Sudan, once they had voted for their own independence as they did in 2011, rather than rushing with a constitution that is now another cause of a national problem to resolve and is an embarrassment.

The SPLM leadership was also independent in relations with Northern Sudan, an obvious permanent neighbour that one needed to manage, rather than wish away. Clearly, relations with Northern Sudan, a neighbour of nearly 2,000 miles long borders cannot be wished away. With the current predicament of South Sudan and its people, we can now see what a hostile border with Northern Sudan does to South Sudan.

Every conceivable rebel South Sudanese knows they have a free sanctuary in Northern Sudan. Any South Sudanese political leader, or political movement must know that the border with Northern Sudan is the most important border for South Sudan, not just because the flow of South Sudan's oil for sale overseas must go through Northern Sudan to Port-Sudan, at least for now, until the South develops an alternative for its oil export, but also

because larger numbers of South Sudanese population access Northern Sudan than they do any other neighbour of South Sudan.

The political failure during the liberation war, to articulate the political cause for which the people of South Sudan were fighting, may no longer be part of the current problem of South Sudan, but the fact that a war was fought to its conclusion without a defined political agenda or a concept for the future, is clearly what now makes the personal ambition of individual leaders of the SPLM running South Sudan, the cause of such a horrendous suffering of millions of the people of South Sudan and the cause of the present political crisis of South Sudan. This mistake had been temporarily overcome by the mere fact that Colonel John Garang de Mabior was a strong leader and had himself been personally responsible for negotiating and signing the right of South Sudan to self-determination as part of the CPA in 2005. The 'New Sudan' slogan of the earlier years of the liberation struggle remains an irritance in relations between Northern Sudan and our young Republic of South Sudan. It is a mistake that will remain to negatively affect relations between Khartoum and Juba, unless Juba clearly clarifies its attitude to this slogan.

The mistake of sloganeering with a 'New Sudan' agenda has its own cost, as all political mistakes do. Fortunately, at the time of writing this report, the new military leadership of the South Sudanese army, the SPLA have recommended the change of name from the SPLA, to that of South Sudan Defence Forces. This one small decision may, hopefully go some way to reassure Northern Sudan that South Sudan has no further ambition of pursuing a 'New Sudan' agenda.

As the new leader of a new South Sudanese liberation movement in 1983, the first thing Colonel John Garang de Mabior had in mind was how to find weapons to launch his new liberation movement against any regime in power in Khartoum. The South Sudanese leader had Colonel Mengistu Haile Mariam, then in power in Ethiopia in mind. Colonel Mengistu himself was at war with his own Eritrean rebels, who wanted to secede from Ethiopia. Eritrea was clearly being supported by Khartoum against Ethiopia, even though Eritrea had clearly and publicly declared that it was fighting Colonel Mengistu to secede from Ethiopia. The South Sudan's liberation movement against Khartoum became handy for Colonel Mengistu to support, a tit-for-tat; 'your enemy's enemy is your friend'.

Although Colonel Mengistu knew that the South Sudanese liberation movement against Khartoum was in effect a separatist movement, Colonel John Garang de Mabior did

not want to embarrass Colonel Mengistu, so he described his movement to Colonel Mengistu as one fighting to create a 'New Sudan' of equality. No one could have a quarrel with that.

Colonel Garang might have avoided the calamity of the political mistake of a 'New Sudan', if he had simply called his South Sudan movement a movement for equality of all in Sudan and kept the other marginalised regions of Northern Sudan away from the cause of the people of South Sudan. Khartoum would not have had the excuse to blame Juba for what now goes on in the marginalised areas of Northern Sudan.

As it transpired, the marginalized people of Southern Kordofan, the people of the Nuba Mountains and the people of Southern Blue Nile - the Ingasina people, took the call for a 'New Sudan' literally and seriously and they joined hands with the South to fight Khartoum. In spite of the fact that there is a protocol of the CPA for them, their problem remains unresolved. Since it is part of the CPA, Juba cannot wish it away and must normalise its relations with Khartoum in order to implement the CPA protocol for the people of the Nuba Mountains and of the Southern Blue Nile in cooperation with Khartoum. Otherwise, the two marginalised regions of Northern Sudan, who were yesterday SPLM, the current rulers of South Sudan, will continue to play a spoil game in the relations between Khartoum and Juba.

Although Colonel John Garang de Mabior also successfully negotiated a way out for the two marginalised regions of Northern Sudan, the people of the Nuba Mountains and the people of the Ingasina Hills of Southern Blue Nile, they remain victims of the unfulfilled promise of the CPA. This is one of the failures of the leadership of the SPLM, which must be made good through restoring normal relationships between Juba and Khartoum and asking Khartoum to properly implement the Nuba Mountains and the Ingasina people's protocol of the CPA.

Like that of the Abyei protocol of the CPA, these two protocols need to be implemented. They will not go away until they are fully implemented. The South Sudanese political leadership, enjoying or suffering the failures of its own national independence, must see to it that the two protocols of the CPA, that of Abyei and that for the Nuba Mountains and Ingasina Hills are implemented. This is another very strong reason for both Khartoum and Juba to maintain good relations between themselves, so that all the protocols of the CPA can be properly implemented in good faith.

The Abyei protocol calls for a plebiscite in Abyei, amongst the Ngok Dinka people of that area, to decide whether or not they remain part of Northern Sudan, according to the

borders of 1<sup>st</sup> January 1956, recognised by the CPA, between the North and South Sudan, or revert back to South Sudan. The people of the Nuba Mountains and the Ingasina people of Southern Blue Nile have a joint protocol of the CPA, which says a far different thing from that of the Ngok Dinka people of Abyei. The Ingasina Hills and Southern Kordofan protocol of the CPA assumed that the peoples of these two areas wanted to remain part of Northern Sudan. They had said so repeatedly, even while they were fighting as allies with South Sudan. All they want, which is what the CPA protocol gives them, is to consult their people, also a sort of plebiscite, for their people to decide the type of autonomous relationship that would exist between these marginalized regions of Northern Sudan and the central government of Sudan. Because mutual relations between Khartoum and the SPLM have not been normal during the six-year interim period, none of these protocols of the CPA affecting the three marginalized people of Northern Sudan have been carried out. These two protocols concerning three marginalised regions of Sudan should have been implemented and their results known before the people of South Sudan voted on their self-determination. It was not done, because of the failure of the SPLM leadership orchestrating and leading these things.

The situation between Khartoum on the one hand and the two areas of the Nuba Mountains of Southern Kordofan and the Ingasina Hills of Southern Blue Nile on the other, is now almost back to war. The situation in Abyei is only just slightly different, just because of the United Nations Security Council intervention with the deployment of a protection force at Abyei. In spite of that, the two situations need final peaceful resolution.

As part of the process of finding a way of normalizing the critical humanitarian, social and security situation of our country, everybody concerned with the situation in this young Republic of South Sudan should summon their individual modesty and join the efforts now started by the President of our Republic to find a peaceful way to national reconciliation and national togetherness. It is with this view in mind that this preliminary report of the National Dialogue Steering Committee recounts what its members believe to have gone wrong, right from the inception of the national liberation movement, the SPLM, which is, in effect, the ruler of South Sudan.

Due to the political failures of the political system that attained liberation and independence of our country, many of the usual causes of the national divide – tribalism, sectionalism and individual favouritism, have all contrived to create the difficult situation our country is in today. It is a difficult, but not an impossible situation to solve. The first appeal the National Dialogue Steering Committee makes, is to the political leadership of the SPLM,

as a liberation movement that won the independence for South Sudan, not to think that each and everyone of them alone can resolve the current situation of our country. Nor is the call to exclude others, because some think that those to be excluded are the cause of the problems we face. We must now all unite to resolve our problems and save the lives of our innocent people, who are a victim of a war our country cannot afford and which our leaders could have easily avoided.

It is not easy to list all that needs to be righted in South Sudan in one report, but a start needs to be made: Tribalism; sectionalism; favouritism; corruption; individual inability to fulfill assigned duties, must top the list of what needs to be put right in South Sudan today. So, this report starts with those:

1. The entire country considers itself excluded from the benefits of government and are blaming the SPLM as a ruling party and not just individual leaders or leader of the SPLM. But there is a naive overall attitude about how the failures can be corrected, which we must avoid.
2. Being a young country, South Sudan has got itself into a lot of problems without cause for that. For instance, why would a young country that had no other means of survival close down its own oil export for months in order to deny Khartoum an already agreed share of that oil? When the government of South Sudan decided to resume its oil export, after it deliberately closed it down for months, not only had its revenue in hand from oil been depleted by the reckless expenditure of the same individuals who closed down the oil export, the international oil prices had plummeted, leaving the government of South Sudan a financially broke political system.
3. Chaos and conflict have been chronic conditions of this young country since self-rule in July 2005; lack of discipline, lack of accountability and corruption are, all of them a threat to any nation state, even if the killing and the loss of human life was not included.

It is very clear that the feeling of both personal entitlement and invincibility, the feeling that the SPLM as a ruling political party over the people of South Sudan, is secured in this power, that feeling has enhanced corruption to the degree it now is in our country. The feeling that one will not allow free and fair change of leadership when one is in power, has not only resulted in the catastrophe the young Republic of South Sudan faces, but has also

encouraged violence as the only credible way of changing political leadership and correcting the mistakes of leadership. Unless the political leadership of the SPLM, the ruling party of South Sudan collectively commit themselves to accepting the peaceful rules of a change of regime in the country through the electoral popular process, it is impossible to perceive of any other way of correcting the malaise the country has been thrown in, in its very infancy. The country is young; infant in fact. It has no much successful history to look back to, except for its political leadership to accept its false and to permit the country to try again.

In South Sudan today, all the features of public corruption exist and multiply, because the resources of the state are only in the hands of a very few ruling politicians and government officials. These features include bribes to state officials; dual pricing of state services and supplies; payoffs; naming one's incentives and benefits before an official can act or sign payment documents for services already rendered to the state and so on and so forth.

Although South Sudan is a country that is capable of producing much of its own food, if not the whole of it, the country is now so dependent on foreign food imports. South Sudanese tax collectors, all of them government of South Sudan employees, collude with traders, businesses and individuals with incoming goods, to lower sums collect tables as taxes. Foreign businesses are scared away from coming to invest in the country, because there are too many officials of the government of South Sudan who want to be partners with these foreign investors and ask for incredibly high percentages for themselves and for the advance payment of these. Only the political leadership can save the young country from this torment, if that political leadership was not part of the rampant corruption themselves.

If the political leadership of our ruling party closes its eyes to acts under the few examples cited above and does not call its officials to account, should any South Sudanese be surprised that their country is in the state it is in? Nor should any citizen be surprised that the political contest, which has now got the country in the state it is in is taking place.

Our rulers are not concerned with correcting what has gone wrong. Their individual concern seems only to get to the top of the political ladder in the country, to be the number one wheeler-dealer. Only by accepting collective guilt by all the political leaders of the ruling party of South Sudan, the SPLM, can the country hope for a new start.

## **Tribalism**

The ruling party of South Sudan, the SPLM is a militaristic political system, the current predicaments of South Sudan are based on the fact that those leaders of the SPLM who want to wrest power from the elected current incumbent want to do so through force of arms. Because these leaders who want to wrest power by force of arms have not succeeded, the country is in its present dire state.

The political and security situation of South Sudan is such a complex situation that unless the contenders for the power of South Sudan commit themselves to a peaceful end to the current conflict, it will be difficult to find a solution. All the political contenders need to renounce the use of force and to abide by the process of a change of power through the ballot box. It is rather illogical to think that because one cannot secure an election because one has not persuaded the electorate enough to one's point of view, one can only secure power through force.

The critical situation in South Sudan today, is due to the fact that the contenders over the power of South Sudan each believe that they have an army of their own, by which they can overcome the current national army of the young South Sudanese state. When one adds to the fact that the failure of the political leadership has resulted in the current national army not being reorganised and properly disciplined, to obey the rule of law, even in combat, the national army simply becomes a tribal army of the leader in power, whom others want to evict from power by force and are not able to do so, at least for now. The result is that South Sudan now has numerous tribal armies. The National Dialogue needs to square this horrendous circle and to find from it, national reconciliation.

One of the most noble decisions the current President of South Sudan had made during the beginning of the interim period of six years at the beginning of the implementation of the CPA between 2005 and 2010, was the absorption of all the tribal militias that Khartoum was using against the South during the war of liberation in South Sudan, to become part of the army of South Sudan. It was right to integrate these tribal militias into the SPLA, the national army of South Sudan. But if absorbing tribal militias into the national army was a good step, bringing them to South Sudan and leaving them separate from the national army, SPLA was a serious mistake. Not only were they still counting themselves as tribal militias, separate from the SPLA army, some of them thought that they were larger in



numbers than the national army and could overcome and replace the SPLA as the state national army, or take power by force.

The second very serious problem now, with respect to the national army of South Sudan, is that every ambitious political aspirant to power does not want to accept and respect peace in South Sudan unless and until his forces are also integrated as part of the national army, the SPLA. How many armies do the SPLM leaders of South Sudan want to have, in order for its citizens to enjoy peace and tranquillity? These are not rhetorical questions but serious questions that the National Dialogue need to address.

South Sudan is truly a conglomerate of tribes. Some 64 tribes is the number often quoted for South Sudan. We do not know where the number 64 tribes originates from. There are probably more tribes in South Sudan than have been accounted for. One or two or even ten more tribes to add to the 64 now frequently quoted do not make much difference. A political solution to the current problems of South Sudan acceptable to 64 tribes cannot be brought down by one, two or three tribes that may feel excluded from the count, if that solution is a good solution in itself. But it is now important to include the statistics of the tribes of South Sudan as part of this report.

The problem of tribalism in South Sudan is not a new phenomenon, arising in South Sudan in recent times, only because of the political failure. Political failure itself is a factor of the lack of a political system. With South Sudanese as a whole having accepted that the SPLM was the leadership that brought about the political independence of South Sudan from Northern Sudan, the vast majority of the country also accepted that the SPLM should lead the country, not just to freedom, which the people of South Sudan accept the SPLM has done, but also to provide the country and its at least 12 million citizens with services and development. This is where public confidence in the SPLM as a ruling party has faltered.

After 11 years at the helm, the SPLM should accept that the judgment of the people of South Sudan is that the SPLM, as the party of the independence of South Sudan, was also the dominant, if not, indeed, the ruling party of the independent South Sudan and that the SPLM should accept full responsibility for what has gone wrong with South Sudan. The SPLM has not met its responsibility towards the people of South Sudan. This is a party, or a political movement that the people of South Sudan had entrusted with their future, right from the onset of the SPLA as an armed rebellion and the SPLM as a political leadership. It has failed by whatever measures one uses to assess the success or failure of any movement. And the

failures are encompassing. From political, to administrative, to security and all else. It will be a nice human way of attrition, if the entire leadership of the SPLM graciously accept this guilt. We are talking of a political guilt. There are many other shared guilts in South Sudan. We can talk about those, but, before that, the SPLM should accept that it alone, is responsible for what has befallen South Sudan.

While it is understandable that the military leadership of the SPLA and later, from the SPLA, the political leadership of the SPLM failed to recognise and accept that it needed to articulate the political cause of South Sudan, from which the political and even cultural affinity emanates and not hold for such a long time to the unattainable political slogan of a 'New Sudan'. Unfortunately, the 'New Sudan' slogan deluded the leadership of the SPLM for a very long time. Even when the international pressures were brought to bear on Colonel John Garang de Mabior, as the principal negotiator at Navaisha, Kenya, on behalf of the people of South Sudan, to stick only to South Sudan and he signed the CPA, following his untimely death, within only three weeks of taking office, his successors reverted to sloganeering with the label of 'New Sudan'. This was in spite of the fact that Colonel Garang's succession as the political and military leader of South Sudan was a recognised South Sudanese separatist nationalisralist, Salva Kiir Mayardit.

Those who were close to Colonel Garang before his death, dominated political decision making for South Sudan after his death. They decided to undermine and to subvert their own new leadership with which they replaced Colonel Garang. The outcome of the failure of an internally subverted political and military leadership is where South Sudan is in today. A country whose political leadership has failed, now finds itself in need of a new political agenda that can rally the disparate communities together again and save the country and the entire people from the brink of disaster, if where South Sudan is in now is not already a disaster. There is no stronger challenge to a national leadership than what President Salva Kiir Mayardit has thrown to the lap of this National Dialogue Steering Committee.

Because of the political leadership failure, every political activist or leader of the SPLM political movement now points a finger to one individual, Salva Kiir Mayardit, the President of the Republic. While the individual and personal political failure of President Salva Kiir Mayardit counts more than the mistakes of anyone else within this failed system that he has run for 11 years, common sense cannot accept that just one individual runs a successful system and that everyone else who had been part of his 11-year old political system of South Sudan is free from blame. It is so unusual that most of the individuals who

have been with President Salva Kiir Mayardit as members of his 11-year old executive, or in the leadership of his ruling political party, the SPLM, do not think that they share the blame of what has gone wrong with South Sudan under the administration of the SPLM/SPLA, since July 2005.

The National Dialogue Steering Committee appeals to the collective leadership of the SPLM as a ruling party to accept collective responsibility. Only then, can individual responsibility be assigned, in accordance with individual positions held when things began to go wrong.

One of the most difficult and intricate matters to resolve by the South Sudan National Dialogue is the tribal animosity that the failure of the political system has engendered in South Sudan today. All citizens of any country under the sun are equal before the law of that country and before God. Those who hold political office take personal responsibility to uphold and recognise that fact and are accountable for their own personal mistakes as individuals. No one tribe in South Sudan or group of tribes can be made, or should be made to account for the mistakes that their kith and kin make when in power or in government.

Apart from blanket blame of ethnicity or tribe for mistakes made in government by members of such tribes, the only way a country like South Sudan can get on top of the current predicament, is to always investigate and look into mistakes made as a result of conflict; identify and punish those who made these mistakes. All the citizens, without exception, are accountable for their mistakes before the laws of the land. No tribe is going to accept that alone, accounts for the mistakes made by their kith and kin who are in power. To accuse and to hold a tribe, or tribes accountable for the mistakes made by their individual members in government, is to disrupt national unity that is so important in overcoming the current predicament of South Sudan.

There are traditional tribal ways that can be used to resolve some of the conflicts now raging in South Sudan. The problem with the current conflict in South Sudan, which started on 15 December 2013, is that it is a political conflict, within one ruling political party, in which the leadership on both sides of the conflict, or their followers may have committed atrocities and or even war crimes.

In any war, unfortunately, casualties are never equal. What is best in this situation of South Sudan, is for the government of South Sudan to set up an investigative body to

investigate the atrocities of this most unfortunate bloody civil war and to hold accountable under the law, those who have committed or even ordered atrocities to be committed.

The National Dialogue can help in bringing about national reconciliation between tribes of South Sudan. But national reconciliation too, requires the establishment of facts through an investigation of the atrocities of war. Because part of the South Sudan traditional mode of reconciliation is to pay compensation to the individual families and communities who have lost loved ones or property. When the National Dialogue comes to render its recommendations, one of the issues it should, hopefully consider, is how to recommend that the atrocities of the current war, which started in December 2013 and is still going on, are compensated for, once the facts of the atrocities are discovered and exposed.

South Sudanese tradition has it that tribal war crimes do not elapse with the passage of time. Only when the family and relatives of the deceased are fully compensated according to the ethnical traditional norms, do such cases finally come to an end and can then be considered as closed. The National Dialogue Steering Committee may wish to and can recommend the setting up of such traditional bodies to deal with such traditional matters, before it concludes its work.

## **Governance**

When the SPLM/SPLA took power over South Sudan at the onset of the implementation of the CPA in July 2005, it adopted a system of government that it found operational in the Republic of Sudan, because South Sudan was part of Sudan during the interim period. The government of Sudan, with whom the SPLM signed the CPA had set up what it called a federal system of 26 states. Ten of the 26 states of the Republic of Sudan were in South Sudan. Under the CPA, especially if the SPLM wanted to really establish a truly autonomous region of South Sudan, it could have begun to implement its own system of governance in South Sudan, irrespective of what system that applied to the rest of Sudan. That was precisely the point of the CPA: ‘One country with two political systems’.

The CPA, which was negotiated and signed by Colonel John Garang de Mabior, the long time leader of the South Sudan liberation movement, provided that South Sudan would have its own political system, different from that of Northern Sudan. Because the Islamic rulers of Northern Sudan, who negotiated and signed the CPA with the SPLM had refused to

give up an Islamic system of government in what was a multi-cultural, multi-religious and multi-ethnic Republic of Sudan.

The idea of a clause of the CPA, of one country and two political systems, was that even if Sudan had remained one country - if the people of South Sudan voted in their referendum on self-determination, when they finally came to exercise it under the CPA in 2011, even if the people of South Sudan voted to remain one country with Northern Sudan, because of any other political consideration - South Sudan would have remained to govern itself under a non-Islamic political system. Islamic system of governance was what the rulers of Northern Sudan wanted to impose on the entire Sudan - South and North.

If the SPLM leadership had implemented its own political system of governance during the six-year interim period of the CPA, they would at least have evolved a political system of their own, with which they would have governed South Sudan after independence in 2011. The country would not have remained a political systemless, the way it now is. Its leaders simply wishing to take power unto themselves as individuals, without a system of governance to refer to, because they failed to create a system of governance for the people of South Sudan.

Six years of an interim period with SPLM being alone in charge as a political movement without opposition, is such a long period of time that had never been accorded to any people as an interim period. Most countries of the colonial Africa had only four years of an interim period. Some much less. This was the only period under which indigenous African political systems were set up under the supervision of the colonial system that was to hand over the country to the Africans. Some of these colonial systems in Africa or elsewhere, had only two years of an interim period. Northern Sudan, the perpetual headache of South Sudan had only two years of an interim period from Britain. All made the best of the two or four years under the supervision and coaching of their colonial masters, who were due to depart at independence and colonial Africa has remained independent.

Instead, South Sudan political leadership under the SPLM/SPLA has squandered its golden chance to create its own system of governance and to prepare itself and its people for self-rule and independence. Unfortunately, the SPLM leadership always told the South Sudanese public that they knew it all. But the SPLM leadership never shared their knowledge of things with their people.

The leadership of the SPLM used such ridiculous arguments during those six years of the interim period, like: 'If the Northern Sudan wanted to prepare South Sudan for an independent political system from the Islamic system they were practicing in Northern Sudan, in order to ensure unity, Northern Sudan should do so at its own expense.' The SPLM as a member of the interim government of Sudan could indeed have used central government resources to instate an interim government for South Sudan, but failed to do so. This was at the time when the central government of Sudan was shared by South and Northern Sudan.

The oil revenue accruing to Sudan from the oil fields of South Sudan was also being shared at the ratio of 50:50. No one, of course, dared ask the leaders of the SPLM ruling South Sudan the question that if the North was required to use its 50 percent of the oil revenue of the oil of the South to build the two political systems of both the South and the North, what did the SPLM leadership do with its 50 percent oil revenue of the South. After 11 years and the problems South Sudan is in, no one need ask such questions anymore. The question the South is repeatedly now asking is, how can the South get out of the situation its own political leadership has landed them in?

The political mistakes of the SPLM rulers of South Sudan during the interim period with Northern Sudan are partly responsible for the disaster currently confronting South Sudan. These mistakes are numerous and rampant. These include the failure to properly reconcile with Northern Sudan, once the CPA had granted South Sudan the right to exercise self-determination.

It was only a very few uninformed individuals in Northern Sudan who had the illusion that South Sudan would vote to remain united with Northern Sudan when it came to exercise its right of self-determination. Most people in Northern Sudan were clear in their minds that South Sudan would never let go the chance to exercise self-determination accorded to it under the CPA and that the people of South Sudan would definitely vote for independence from Northern Sudan.

Without being prepared for independence by its own political leadership, South Sudan overwhelmingly voted for independence. It was a situation that one might have expected the SPLM, the ruling party of South Sudan and partner in the interim coalition government of Sudan to have used to court reconciliation, not only with the ruling partner of Northern Sudan, but indeed with the entire Northern Sudan. The SPLM did not.

Of course, in the type of political situation under review here, it is difficult to put blame only on one side. The SPLM leadership has always maintained that it was reacting always to the misdeeds of Khartoum. The straight argument was always that having achieved the independence of South Sudan with the acquiescence, if not with the North's full cooperation, as a newly independent country, South Sudanese political leadership should have done more to court the North to cooperate.

What type of a fault by Northern Sudan could have been resolved by the SPLM leadership pulling out of a coalition government of Sudan for three long months at one point during the interim period of the implementation of the CPA, when it was in the best interest of South Sudan to press on with the implementation of the CPA? Because, that was how, in the end, to arrive at the South exercising its right of self-determination. The North took advantage of the absence of its coalition partner, the SPLM and made decisions affecting the South adversely, which the SPLM leadership could not change when they decided to return back into the coalition government in Khartoum, without even explaining to the people of South Sudan, what had changed, that had prompted their return back to the coalition government in Khartoum.

Once again, how did it benefit South Sudan, when the ruling party of South Sudan, the SPLM decided to close down its own oil production, to punish Khartoum, when the oil revenue was the only source of earnings the government of South Sudan had for carrying out its state activities and rendering services to the people of South Sudan?

Many of these examples are recited in this preliminary report of the Steering Committee of the National Dialogue, to indicate how such mistakes, so frequently repeated had not only constituted a behavioural characteristic that became a pattern of behaviour of the SPLM leadership of the young state of South Sudan, but they are also an indication of how the young state missed its own goal forward, towards developing the young and new country and rendering services to its people.

## **The SPLA And Its Military Structures**

The SPLM remains the ruling party of South Sudan. No one in the National Dialogue Steering Committee wants to deny that. So, if the outcome of the National Dialogue, which the President of the Republic has initiated has to be of any value to the people of South

Sudan, it is important to point out these long standing mistakes of the South Sudan ruling party. Only by accepting collective failure, can the SPLM leadership help the process of reconciliation in the country. For, there will not be national reconciliation, if all the leaders of the SPLM, the real rulers of South Sudan since the CPA was signed between the South and Northern Sudan in January 2005 do not accept their collective false. Nor can a solution be found to the current predicament of our country, if the leadership of the SPLM now feuding over power do not accept to reconcile with one another. The people of South Sudan are not just tools in the hands of the warring and feuding leadership of the SPLM, to kill and to starve to death in the pursuit of power by each of these feuding SPLM leadership.

Administratively, the SPLM leadership has continued to fail to administer South Sudan for long eleven years. Not only that, the SPLM leadership deliberately orchestrated tribalism between the people of South Sudan as a way of dodging collective failure. The tribes of South Sudan have been there, long before the current SPLM leadership came to rule them. No South Sudanese tribe had targeted the other. If it is true that South Sudanese tribes, 64 or more of them have targeted one another, or, even if it was true that only one tribe has been guilty of crimes that have afflicted South Sudan under the rule of the SPLM leadership, it must also go to count as a failure of the SPLM leadership.

When South Sudan gained self-rule from Northern Sudan in 2005 as part of the CPA, some of the expectations of a new, young and wealthy country by any measure at that time, was that the interim period would be used by the leadership to rehabilitate the country. One such rehabilitation process should have been to establish first, security for every South Sudanese citizen and then establish some credible rudimentary services in health and education, for example. It was not beyond the resources of South Sudan at that time, to establish a few credible schools in Juba, the capital of South Sudan, where these leaders were now residents and also establish at least one specialised hospital, capable of treating all the well-known ailments of South Sudan, without the need for political leaders to use public resources to travel outside South Sudan in order to treat themselves from mundane ailments like malaria, because the young capital of a new, but wealthy country had no such facilities.

Furthermore, because of the failure to provide public services, the political leaders of South Sudan, the SPLM rulers of the country, the majority of whom had their families in exile during the long war, decided that there were no services in South Sudan for which only they had a responsibility to provide. So, they left their families abroad, so that they would use that as an excuse to use South Sudan's public resources to travel to such far distances abroad



to be with their still exile families while the South Sudan public responsibility assigned to these leaders back home in South Sudan waited for long weeks for them to return. It is such failures that have caused South Sudan the agony and the backwardness it now experiences. If such shortcomings are not admitted and corrected, it will not be easy to reconcile public opinion in South Sudan to the now warring leadership of the SPLM as a whole, whatever accusations they may trade against each other, about who is to blame for the failure and the horrendous affliction the country faces.

Like all new and young countries, South Sudan was born in 2005 out of a liberation struggle, through a peace agreement, rather than as a result of a military victory on the battle field. True, the opponent, the government of Northern Sudan, which passed for the government of both South and North accepted the 2005 peace agreement with the South, because it had become clear to that government in Khartoum that it did not have the capacity to defeat the SPLA, the guerrilla army of South Sudan and therefore, Khartoum was not able to contain the South through war.

South Sudan also needs to remember that its people enjoyed an outstanding international support, because the people of South Sudan - all the people of South Sudan had struggled for such a long time - 50 years since 1947, for their freedom. It was with the overwhelming support of the international community that South Sudan won its independence from the North. It is human for one to express one's modesty when it is due.

It was the Inter-Governmental Authority on Development (IGAD), with the support of their international partners, who imposed on Khartoum an agenda at the negotiations in Kenya, which stipulated that if Khartoum did not accept a secular state of a one united Sudan and Khartoum insisted on implementing only an Islamic agenda in a multi-religious, multi-cultural Sudan, then the South had the right to self-determination from the North. It was that exercise of self-determination, which South Sudan won and became an independent country, that those who fought for that independence, the SPLA and the ruling party of South Sudan, the SPLM now want to put at risk, through their failure over nearly 11 years to properly administer this new and very young country. It is also the SPLM leadership, who are, more importantly responsible for the country's current bloody civil war, which has put every gain South Sudan had achieved in its long struggle at very serious risk.

## **The SPLA - The National Army of South Sudan**

An army for any country, old or new, is the bottom line protection for that country and its citizens. Without discipline and obedience to the rule of law and responsibility for the protection of its citizens, no army under the sun is worth a salt. It has to be recognised and accepted, therefore, that the biggest failure by the SPLM as the first ruling party of an independent South Sudan is its failure to properly structure the SPLA as the national army of a newly independent South Sudan.

For over 11 years since the six years of the interim period of the CPA and the last five years following the plebiscite on self-determination in January 2011, South Sudan has an army called the SPLA, together with its various security organs, like the national security organs; the national police, the national prison forces and all the other armed organs of the South Sudanese state. Those armed services of the young South Sudanese state are there, supposedly established, but no one in the government of South Sudan can tell the people of South Sudan and the world, what the size of the SPLA as the national army of South Sudan is today. If anyone tells you a number, it will be a personal individual estimate, not a number taken from a properly kept roll call from an organised and disciplined national army. This number rises and falls, depending on who is giving these numbers and the security situation in the country at the time these numbers are given. Clearly, the SPLA, the national army of South Sudan is now the cause for pain and grief of the ordinary citizen of South Sudan.

For more than 32 years - 21 years of a guerrilla war of liberation and 11 years since the end of the war of freedom for South Sudan, the national army of South Sudan has no one on pension. Eleven years after freedom, there is no pension system for the army or for anybody else in the country. The excuse has been that there is no pension system for the army and all the security forces of South Sudan yet. Everybody of the SPLA, who has reached a pension age is put on what is called a reserve list, from where they continue to receive their full salary as officers, men and women on the reserve list of the SPLA, the national army. No one has thought in the political system of South Sudan, to convert the reserve list of the pensionable army officers, men and women of South Sudan into a pension fund and to organise a proper pension system. Experts could have been brought in from anywhere to help with the setting up of such a pension system, not just for the SPLA as an army, but for the entire public service system of South Sudan. But the SPLM political leadership cannot allow this to happen, because they know it all.

Furthermore, the national army of South Sudan and its police and other armed national services have been inflated by the absorption into these forces of all the militias that were deployed by Khartoum to help it fight the SPLA during the war of liberation. These were tribal militias deployed by Khartoum to fight the SPLA. But they are South Sudanese nationals. It was, therefore, the right policy of the President of the young Republic to absorb them into the national army and other armed services of South Sudan. Otherwise, relations with Khartoum remaining as they currently are, Khartoum would have used these militias to subvert the South. What was wrong with this policy of absorbing the South Sudanese militias who fought the South on behalf of Khartoum was that they were not properly integrated into the SPLA army, so that no militia soldier or SPLA soldier felt they were different from one another.

As it turned out, there became two armies within one army, if not more. And since the militias absorbed from Khartoum into the SPLA was done without integrating both, the two armies regarded themselves as separate from one another, instead of considering themselves members of the same army, South Sudan national army. Little wonder then, that members of the same national army regarded themselves as tribal, rather than nationals belonging to the same national army of the same nation. This was very much underscored by the fact that the bulk of the tribal militias employed by Khartoum during the civil war, to fight the SPLA, the South Sudan guerrilla army, were largely from one tribe of South Sudan.

As a result of a feeling that the national army of South Sudan is a tribal army, rather than a national army, the recent political conflict which started in 2013 and still goes on to the present day, which this national dialogue is trying to resolve through dialogue and reconciliation, has been turned into a tribal conflict, instead of a political conflict arising from political differences within the same ruling political party, the SPLM. The indiscipline of the SPLA, the national army of South Sudan has been turned into a tribal indiscipline, with atrocities by a national army blamed on tribes, whose ethnic personnel may have been responsible for the atrocities, but not as members of a tribe, more rather as members of a national army. In this way, South Sudanese tribes, most of whom may be also members of the national army are blamed as tribes or ethnic communities for the wrongs committed by members of the national army.

Suggestions or recommendations about how the situation can be corrected inside the South Sudanese national army is as much part of the recommendations that must arise from

this National Dialogue Steering Committee, once its sub-committees have reported back from all the regions of South Sudan.

What needs to be born in mind, however, is the fact that while the national army can be accused of indiscipline and or be blamed for atrocities committed during an internal armed conflict, both the blame and the correction of the mistakes made in our young Republic need to be laid on the door steps of the political leadership that has made these mistakes to happen on their watch. Unlike many in the country, whose political agenda blames individuals, the blame for what has gone wrong in South Sudan must rest with the ruling political leadership of the ruling SPLM as a whole, under whom the mistakes were allowed to become a way of life in South Sudan since July 2005.

In the end, the correction of the mistakes of the national army, like other political mistakes made in the country, need to be resolved as part of an overall political reform and should be treated as part of the national reconciliation.

South Sudan will need to have a much smaller size army from the imprecise hundreds of thousands of soldiers that seem to appear only on payroll, many of whom do not actually physically exist as human beings. This report must not deal with innuendoes, but the stories from our national army need serious looking into.

While preparing this preliminary report of the National Dialogue Steering Committee, it was announced that the new leadership of the SPLA, the army of South Sudan had taken steps as part of its own reform considerations, to come up with the renaming of the national army. The National Dialogue Steering Committee hopes that this happens and quickly. These matters take time, because they involve both administrative and legal procedures that must be undergone before changes become formalised. This is a welcome move on the part of the national army of South Sudan. The change of name itself, from the Sudan People's Liberation Army, which it has been for far too long since the independence of South Sudan, some nearly six years ago, to South Sudan Defence Force, may go some way towards even appeasing relations with Khartoum. The rulers of Khartoum had held the view for a long time, that Juba has kept the name SPLA for its army for such a long time as part of the still hanging ambition in Juba to continue subverting the regime in Khartoum. After all, there are still active military elements of the SPLA in Northern Sudan; the Nuba Mountains of Southern Kordofan and the Southern Blue Nile of Eastern Sudan, who were fighters of the SPLA during the long 21 year civil war and whose protocol of the CPA for these two marginalised regions of Northern

Sudan to conduct popular consultations amongst their people, to determine what type of autonomy, or a system of government they want to be administered, while remaining part of a united Sudan has not yet been determined. And these people still call themselves SPLA north. Little wonder that Khartoum is so tough with its accusation against the SPLM rulers of South Sudan.

As a political and moral obligation, the ruling SPLM leadership in South Sudan needs to ensure that all the sections of the CPA agreement with the North are implemented. This can only happen after a normalisation of relations between Juba and Khartoum, when none of the two no more suspects that the other is still harbouring grudges or hostility.

This first report of the National Dialogue Steering Committee does not contain recommendations. These will come later, in another report, or as part of the final report.

The National Dialogue Steering Committee cannot decide what the size of the national army of South Sudan should be. That is the responsibility and the work of the elected government of the day. And it needs to be done by law, even though it is reasonable to suggest a reasonable figure as a way of suggestion or recommendation.

Most countries with a population of the size and land size of South Sudan, have smaller armies than South Sudan currently has. The efficiency and the effectiveness of any national army is not on its size or number, but on its training, discipline and efficiency. Many countries with the land and population the size of South Sudan have armies smaller than one hundred thousand in number and they are known to be effective and efficient armies.

To bring down the SPLA, the army of South Sudan to below one hundred thousand men, needs to be coupled with some other steps in a way of reforms. Most of the current SPLA officers and men are veterans of the South Sudan two wars of liberation, the SPLA and the Anya-Nya wars. The SPLA itself, the latest and the youngest army of South Sudan already has a life span of some nearly 40 years, one dates it back to 1983. By any measure, these are old soldiers, age wise, many of whom need to be retired from active service and to be laid off.

There is no army besides South Sudan, where a senior officer remains a commander of the national army for 11 years or more - the years since South Sudan won its freedom from Northern Sudan. And this is not counting the more than 21 years in which these very distinguished commanders of the national army, who are war heroes in their own right have

remained army officers of our young Republic. This is a reform overdue and without initiating the reform of our national army, the SPLA, as part of the overall well-rounded national reform in all the public fields of life, the country cannot hope to overcome war lordism in our national army; as indeed in all fields of the state public institutions. Such failures to reform the public service systems of our country, breed the type of public and extreme corruption our young country has endured.

The political and security problems of South Sudan are compounded by a sense and feeling within the liberation army of South Sudan, the SPLA and its political leadership, the SPLM, of an exaggerated sense of reward after this group successfully liberated the country. A sense of extreme feeling of entitlement and of a right to personally own what is South Sudan, has made it difficult to enforce law and order and or to inculcate a sense of fairness. This attitude has also exaggerated tribalism, because the national leadership of South Sudan under the SPLM does not go for individual ability, quality and qualifications to manage what needs to be done for the country. At the very best, the SPLM leaders of government seem only to look at their SPLA comrades-in-arms, if not their tribal kith and kin, to occupy jobs and responsibilities that an individual may have no qualification and experience for. As a result, tribalism is rampant in South Sudan and many of the better educated and better qualified South Sudanese do not find jobs in South Sudan, even if they were willing to serve their country and they apply. The civil service structure is faulty. It will take time for the public services of South Sudan to reform and take shape. But reform is the most urgent of steps the country now needs, in order to overcome its present predicament.

Reforming and disciplining the SPLA, the army of South Sudan and the other armed institutions of the South Sudanese state, may in the end prove to be the simplest and the more straightforward reform South Sudan can undertake, if the national political leadership is prepared and is sincere to carry out reform of the public institutions of the government of South Sudan. This is because the armed institutions of the state of South Sudan are supposed first, to be trained and disciplined before they can carry arms to protect the civilian population of the country. Typically, if there is a law and order breakdown in the armed institutions of the South Sudanese state, then discipline and reform are what should first be engendered in any member of the armed forces of South Sudan. If the soldiers of the SPLA cannot obey the rule of law being enforced on them by their commanders, then there will not be a rule of law for anybody else in the Republic of South Sudan.

There is a widespread contention in South Sudan that the SPLA, the army of South Sudan is unruly and indisciplined. This is a view that is corroborated by many events for which the SPLA as an army is accused. While they may be an accurate contention, it is not well-known anywhere in the world that an army without proper training, proper rules, proper disciplinary procedures and proper command structures should be expected to carry out the type of many activities that this liberation army of South Sudan has been called upon so many times to carry out. While the ordinary soldier of the SPLA, who has committed a criminal offense in the discharge of their duties is answerable before the law for such an offence, because ignorance is no excuse for a crime, the responsibility must rest with their commanders, especially if such offences are as a result of direct command by their commanders.

Many matters have gone wrong in South Sudan, especially after the events of December 2013, when responsible commanders of the SPLA army seemed nonexistent at the time of the armed conflict, when some crimes, especially against the civilian population were apparently committed by soldiers under the command of these officers. Instead of labelling a liberation army that has secured independence for the country with blanket accusations, what needs to be done is for the national government to set up proper investigation of these matters, so that those who have committed offences face the consequences of their actions.

## **The Executive**

The second in most urgent need for reform in South Sudan is its executive. The order of things in South Sudan for now is that the elected head of state - the President of the Republic is the chief executive. It is the President who hires and fires members of the executive. He appoints members of his cabinet and they are answerable to him for the discharge of their functions to which he has appointed them. The President appoints and replaces the national political appointees as a matter of law. Unfortunately, the extent of the Presidential appointees is very far ranging in South Sudan. These include all departmental heads of departments, as well as the auxiliary heads of para-government institutions, as well as all the under-secretaries and all the directors of government departments. The head of state does these duties on the recommendation to him by his cabinet ministers. This should mean that the cabinet minister who recommends to the President of the Republic the appointment of an under-secretary, a department head of the civil service system of that department or a

director of that department, that cabinet minister is responsible for the smooth function of that public institution. The President of the Republic cannot personally oversee all government departments, others do it on his behalf. Those others are responsible and accountable for the mistakes and the failure of these departments and not the President. They should be blamed for these failures.

The reason why corruption in the public institutions of South Sudan is so severe is that everyone, from a cabinet minister down the ladder of national responsibility has decided that only the President of the Republic and no one else is responsible for the smooth function of all the institutions of state. On his part, the President of the Republic has unfortunately not exercised the rule of accountability to him by those he has appointed to public responsibility. No public accountability means that people appointed to public responsibility have behaved in such a manner that they are not answerable to anyone in the young Republic of South Sudan. Everyone then behaves like the President of the Republic who has appointed them, if there is no accountability.

Even when the President of the Republic is aroused to finger point to those he may suspect of public misdemeanour, like when he publicly accused former cabinet ministers and senior members of his ruling SPLM party of public misappropriation of public funds, the President failed to follow up this public accusation with proper investigation, to clear those who may be innocent and to punish those who are guilty. The result is that the public of South Sudan and indeed the world at large is made to believe that no one makes anyone accountable for public misdemeanour in South Sudan.

We have talked about the SPLA as a national army in this report. One of the worst failures of the South Sudan army - the SPLA is lack of proper training and discipline. The attitude of all soldiers is that their power lies in the gun that they carry. If they are not properly trained and properly disciplined to understand that the gun is an instrument of the soldier's responsibility towards the society that he is supposed to protect and to serve with the gun, the soldier will not know that they share the ownership of that gun with the ordinary civilian, the ordinary citizen is the one that the soldier is supposed to protect with the gun in their hand in the first place. The soldier is prohibited by law to threaten any citizen, let alone to molest citizens at gun point. Lack of rigorous training and discipline leads the soldier to committing excesses that can lead to war crimes, even in a civil political conflict, like the one currently pertaining in South Sudan.



Reducing the size of the SPLA, the national army of South Sudan; making the size of the national army commensurate with the affordable resources of the country and then training and disciplining the SPLA to rigorously obey the laws of the land and respect to their fellow citizens is a major requirement that can enhance national reconciliation and forgiveness of past mistakes that may have been committed by some members of the national army against some citizens, or groups of citizens during the current armed conflict in the country.

What is required in South Sudan is a total reform and discipline of all the public services, not just the army. All the public institutions of the South Sudanese state need reform. It is the intelligent and forthright community that accepts its mistakes, past or present mistakes and works to correct them. The National Dialogue Steering Committee hopes that South Sudanese community is such a community.

## **The Foreign Service Of South Sudan**

One of the most important state's public institutions worth singling out and mentioning in this report, which needs, not only reform and recasting is the ministry of foreign affairs. There is no South Sudanese representation out there in the world that does not need reconsidering. The number of the country's foreign missions is much too large and they are, all of them over staffed. No young nation like South Sudan ever had the ambition to be diplomatically represented in every corner of the world. This diplomatic representation abroad is one of the most costly to any country. It needs to be reduced to affordable numbers and size.

If the extremely large number of South Sudanese diplomats are such good representatives of our country abroad, a representation the country clearly cannot afford, in terms of costs, then these good diplomats are also capable of helping the country pull up its straps and so these South Sudanese diplomats need to be reassigned to other duties at home.

South Sudan's ministry of foreign affairs does not only need an administrative reform, the foreign policy of the country needs clarity, as to what the objectives of its missions abroad are. A young country like ours does not need just mere representation abroad; the foreign representation of this young country is to sell itself abroad. More than five years after

independence, there is not a single South Sudan mission abroad that can be said to have performed one tenth of its responsibility. This needs to change.

Of course, because of dwindling resources at home, these young diplomats thrown all over the world go for many months straight without salaries. It is nothing short of a disgrace. It must change.

## **Judiciary As An Arm Of Law And Order**

In South Sudan now, it is not easy to talk about a public institution of the state that might be an example of an institution of the state of South Sudan that is free from blame or indeed from mismanagement. Even the national judiciary. In the week before the President of the Republic declared the launching of the National Dialogue, in April 2017, the entire judiciary was closed down by a national strike by the judges of all levels of the national judiciary. Although the President of the Republic had immediately intervened and had set up a committee to investigate the complaint of the judges, the judges still continued their strike, insisting that they first needed to receive a satisfactory answer to their demands from the President of the Republic before they ended their strike.

Some of the glaring failures of the judiciary system of South Sudan include the fact that the judiciary was allowed to continue with the system that was operating in South Sudan when South Sudan was still one country with Northern Sudan. In that judicial system of Northern Sudan, which some call Islamic, the judiciary has two investigating branches, the police and the judiciary investigating attorney, called in Arabic *wakil el niaba*. In the Islamic system of Northern Sudan, the police open a case, arrest the accused, investigate them and then hand over their investigation to the investigative attorney, who prepares the case and then prosecutes the case before a judge. In South Sudan, where there is an overwhelming absence of police to arrest and to investigate cases, citizens many times go directly to the investigating judge. Some of these investigating judges sometimes order the arrest of the accused. They even pass judgment in cases; fine citizens with large sums of money or cattle, without referring to the trial judge of the judiciary. Many stories about the corruption of the judicial system of South Sudan are common place in rural South Sudan.

How judges are appointed or removed and the stories of corruption and malpractice in the South Sudanese judiciary are as rampant as the stories of public corruption elsewhere in

South Sudan. That a young country like South Sudan could carry on for more than five months without a functioning judiciary, because of the strike by the judges, is the epitome of a state close to anarchy.

## **The Legislature**

On paper, the parliament of South Sudan is functioning. But how its formation came to be tells the story of a legislature that cannot be relied upon to formulate laws that inspire the public confidence of the citizens of South Sudan. The membership of this South Sudan national legislature has been so inflated with unelected members that it is impossible to know whether the appointed members of the National Assembly of South Sudan are not more than the elected members.

The National Assembly of South Sudan and its upper house, the Council of State were elected in 2010, to legally and legislatively prepare the country for the referendum on self-determination a year later, in January 2011. Because this is the body that prepared the country for its self-determination referendum, which resulted in the independence of South Sudan in July 2011, it is not proper to say anything in the National Dialogue about what happened in those 2010 parliamentary elections. It would be as if the National Dialogue is questioning the legitimacy of the results of those elections which brought South Sudan its independence. What needs to be stated very clearly, however, is how the next elections to the future parliament of South Sudan should be conducted. This is an important aspect of the type of reforms the country now urgently needs.

Unfortunately, while the present parliament of South Sudan remains in power, it must be hoped that it will be able to adopt and pass the reforms needed for the country to achieve its national reconciliation based on the recommendations that the National Dialogue Steering Committee will present to the President of the Republic who set up this National Dialogue.

The current parliament of South Sudan has been inflated with unelected membership since the current conflict which has set South Sudan on the current road of self-destruct. The President of the Republic wants to avert a catastrophe by his instituting of this National Dialogue Steering Committee. This means that since the national government which set up the national dialogue is also the body that also formed the present national parliament, it is

likely that the next parliament will remain the same as the present parliament after the next elections.

While it is true that the national parliament of any country is a reflection of its nationalities and while the current parliament of South Sudan is a photocopy of the many rebellions that have afflicted the country since its independence in 2011, it was also true that the same parliament was a representation of the political and ethnic opinion of South Sudan which elected it in 2010. The present parliament of South Sudan is now a representative of the various warring factions that fought each other since South Sudan became independent on 9 July 2011. Anyone who took up arms in South Sudan since December 2013, claiming to fight to gain power in Juba by force of arms and who signed a peace agreement and has joined the government of South Sudan, has also demanded to be represented in parliament. These many rebellions have now been appointed into the present legislature.

Many of the current revolutionary members of the South Sudan National Legislative Assembly were not elected or appointed members of the parliament of South Sudan at the time of the last elections in South Sudan in 2010. Only elected members of the opposition who ran away with the opposition to revolt against the state should have been allowed to resume their seats in parliament after the 2015 peace agreement. But those who acquired their parliamentary membership through armed rebellion are now as legitimate as those who were elected in 2010. For the country to respect its legislature, the future parliament should not be tempered with, by inflating its membership with appointment.

## **Civil Service And Indiscipline**

It is now a universally accepted fact that corruption is rampant in South Sudan, because of the indiscipline that permeates the public service of the country. How civil servants are recruited is unclear. There is no accountability and public servants compete with traders, merchants and business people in the market place as if they too were traders. Army generals are known to contract with their own military establishment and or departments of the state for the supply of goods and services to the state. Police are cautioned against taking action against corrupt merchants in South Sudan, because these merchants are business partners to generals commanding the national army. Individuals need to be given choice, either to be public servants and respect the rules of public service, or be traders.

Even if the National Dialogue recommends to the President of the Republic ways and methods of reforming the public service of South Sudan, it will be a very hard fought matter to get the members of the security services of South Sudan to cooperate with the outcome of the National Dialogue. This is an important caution, because it will have been a waste of time, efforts and resources, if the recommendations of this National Dialogue do not amount to anything but words on paper.

Allowing unelected members to flood the national parliament of South Sudan in order to achieve peace, has undermined the legitimacy and the authenticity of the parliament of South Sudan.

However, the President of South Sudan, when appointing this Steering Committee of the National Dialogue, has said that we should all do everything we each can to bring peace and national reconciliation amongst the people of South Sudan. So it is. Any compromise for peace is worth all the missteps on the way to peace and national reconciliation.

Parliamentary elections are a specific step and action in a true democracy. It is not a political step that can be easily usurped, even by an elected President, in order to attain peace or to achieve any political purpose. The power of any legislature is that its number is fixed by law, according to the population of the country. Altering the membership of a national legislature should abide by the law and rules that constitute a legislature.

When a democratic legislature wants to allow the President of the Republic to appoint unelected members to an elected parliament, the idea, normally, especially for the countries of the developing world, is to provide the national legislature - the parliament with talents that the electorate may have not elected into that parliament - like lawyers, economists and other technical talents that the parliament may require. Usually, such appointments do not exceed ten percent of the elected membership.

What had happened in the current parliament of South Sudan is that the inflation of the number of the appointed membership has made the parliament look like an institution for political bargain between the contesting political leaders of the ruling party, the SPLM. The fact that rebellion in South Sudan is rewarded at all levels of state power have made rebellion in South Sudan the easiest way to attain power. It has also totally undermined parliamentary democracy of the people of South Sudan.

Elections, both parliamentary and Presidential are the only power in the hands of the electorate. It is the people's only power in a democracy. To dilute the powers of the presidency after the electoral due process and to inflate the membership of a democratically elected legislature by so many appointments is the best way of undermining any democracy. The feuding leadership of the ruling party of South Sudan, the SPLM have, by their way of arriving at the peace process between themselves have totally undermined South Sudan's democracy. This is an action that seems to tell the people that their opinion in regulating the function of the political process in the country does not matter that much.

At the very least, perhaps, the leadership of the SPLM, which has got the people of South Sudan to this terrible state in which the people are today, will finally reconcile and forgive each other and return the people of South Sudan to peace and normal life. By any measure, it is already too much of a prize to extract from one's people. But to the people of South Sudan, if their rulers grant them peace through the process of these leaders reconciling, it will have been a deserved price to have had.

## **The Media**

Like the country it serves, South Sudan has a young media, made up of individuals who may have trained and have qualifications in the media, but very little experience. Of course, if the media in South Sudan had started off playing its role as a free and independent media at the time when the country gained its independence, the media of South Sudan may have earned its own credentials as a free and independent media. As it turned out, the managers of the young media of South Sudan wanted to favour the ruling party of South Sudan, the SPLM, to the extent that some of these media personnel were mouth pieces for the government, putting out government propaganda that had no basis what so ever. Placed in that type of a situation, the media loses credibility. This lack of credible media for the South Sudanese went on until the SPLM leadership split in civil strife that has set South Sudan to where it is today. Members of the South Sudanese media have taken sides and are no longer guided by a search for truth, the cardinal principle of the media. Many organs of the South Sudanese media do not want to know the truth. They create their own truth.

As the media split, it was the truth that was the victim of media split between contending political ideas. Exaggeration of story telling on a one-sided manner, to serve the

cause of one's own side, has become the order of the day. It is the truth that has become a victim in South Sudan.

The best example of the media situation in South Sudan is that some of the independent media organs, who joined the opposition, decided not to recognise the elected government of South Sudan, which was still in power in Juba, even though it was now under an armed challenge supported by some of this media factions. The elected President of the Republic was now known to the media supporting the armed opposition as the head of the regime in Juba, no longer the first elected President of South Sudan.

The media failure in South Sudan is a shared failure of those who ran the political system in the country and those who lead the media.

It is not possible to defend the attitude of any political system that targets the media, blaming the media as the cause of its political problems with the electorate of the country. The media in South Sudan had been targeted in the course of the bloody internal conflict that has afflicted the country since December 2013. Many members of the South Sudanese media had been targeted and a number of South Sudanese journalists have lost their lives as victims of their own opinion. The state machinery responsible for such atrocities has been shielded by the conflict, because they belong to the ruling side of the conflict. This needs to change. A country which chains its media loses its own independence by default.

But the main problem of the South Sudanese media, both the print media, the newspapers and other media publications, including radio and television, is the lack of independent sources of funding. It is said that whoever pays the bill, calls the shots. This is so true of the current media of South Sudan. No one pays the bill of any media without setting the operational policy of that media. As long as the institutions that manage and run the state of South Sudan are not yet clearly defined by law and are feuding and fighting amongst themselves, the media will remain the easiest target for blame, if not for a physical assault.

The political system that runs South Sudan, the various institutions of the state of South Sudan have not yet begun to function as public institutions the way they do in better organised states and democracies of the world. South Sudan needs to get its house in order in this regard. Perhaps the National Dialogue Steering Committee can recommend a solution to an independent media in the country, when it sends its final recommendations to the body that set it up, the presidency of the Republic.

Most developing countries, especially in Africa, have made an active contribution to setting up an independent media that has proved successful in these countries. South Sudan can follow such examples by making publicly declared and recognised contribution towards an independent media, if the National Dialogue makes a credible recommendation that calls for a regulated code of media conduct and not imposed code.

In the nature of new states like South Sudan, national state security apparatuses are normally the subject of accusations of media muscling. But the security state apparatus of South Sudan are part of the failure of the government of South Sudan to reform its army, state security and police during a period of time already more than 11 years. The state security apparatus, like the army and police need reformation by law and operational restructuring. One does not blame an institution of state which one has not reformed and has not better structured. Like the army and the police, the state security apparatus of south Sudan need revamping, before one can make them accountable for any wrong deeds.

As a conclusion to this section on the media of South Sudan, the National Dialogue Steering Committee wishes to make this appeal to the South Sudanese men and women of the South Sudanese media. The National Dialogue Steering Committee hopes that the men and women of the South Sudanese media want to restore peace to their country one way or another. You members of the South Sudanese media may not like the way this National Dialogue has been set up. But the only responsibility assigned to the National Dialogue is to attempt to get the people of South Sudan to reconcile amongst themselves. We cannot believe that the South Sudanese media likes the catastrophic situation that has afflicted our country today. Even if you are a member of the opposition wing of the ruling party, the SPLM in opposition, we cannot believe that you would like to see the type of killing and the destruction that has afflicted our country. We cannot believe that as members of the South Sudanese media, you would want the current armed conflict in our country to go on until your side attains power over the dead bodies of South Sudanese citizens. Please join the call for a return to peace in our country, this is the only objective of the National Dialogue.

The unanimous call for peace in South Sudan by all its citizens that are not carrying arms and therefore are not warmongers, which we assume the South Sudanese media is not one, may help all of us to shame our own warlords of South Sudan to the peace table. These warlords who have brought our country and its people to the shameful state in which we are all in.



There is no substitute for the voice of the media of South Sudan for peace. Attaining peace is to save the lives of our dying innocent civilians and not a support for any party of war, government or opposition. We cannot believe that you members of the South Sudanese media think that this very unjust war over power should go on until the side you may perhaps favour in this war wins. We therefore call upon you, not necessarily to support the current National Dialogue, but campaign for a return to peace in our country, to save whoever is still alive of our innocent citizens.

As we conclude this appeal to you, all the members of the South Sudanese media, we leave you with your conscience to decide about whether the horrendous war in our country should go on with the loss of many more innocent South Sudanese lives until you achieve the change of government, or we end this bloody war in the interest of our innocent people and to find other ways of challenging or changing government.

## **Political And Administrative Reform**

One of the most serious failures of the state structures of South Sudan is political and administrative. The system under which the current state of South Sudan is organised and is being administered is not a South Sudan indigenous political and administrative system. It is still that system which the South inherited from Khartoum since 2005, at the beginning of the implementation of the CPA. This is a system that Khartoum put together when it was toiling with the idea of an Islamic state of Sudan which included South Sudan. At the time when South Sudan became independent, in July 2011, the administrative structures which South Sudan had inherited from Khartoum should have ended. These have not, up to the time of this preliminary report of the National Dialogue Steering Committee. This is, perhaps, why the decreeing of 32 states, Abyei and Boma Administrative Area by the President of the Republic of South Sudan attracted such a universal support across South Sudan, except amongst the armed opposition groups, who are natural opposition to what is government.

The debate about administrative reforms in South Sudan is long overdue. It is, perhaps, that this time of the National Dialogue is the appropriate time to resolve this debate. What type of a political system do the people of South Sudan want to have? Should the political system that was inherited from Khartoum, of ten states be reinstated and sustained, even if the country transforms that system of the ten states to federal states? The entire question of a federation or any other system of governance need to be seriously discussed,

especially at the time when the ugly head of tribalism is now so high up in South Sudan. Can South Sudan afford a federal system based on tribes - 64 of them? This is not by any means a rhetorical question.

The 32 states, Abyei and the Boma Administrative Area formulated by the President of the Republic are popular to most rural people of South Sudan. This is the fulfilment of the ruling SPLM party revolutionary slogan of taking power to the people. But everything has a price. These many states come at the time of near bankruptcy in the country and may not succeed to fulfill the objective for which they were set up! There are a large number of state governors of these 32 states that have not even arrived to the designated capitals of their states, because there are no public buildings to house these governors and their local officials at their new state capitals and the central government in Juba, in its current state of finances, cannot afford to assist these new states. There are also various local conflicts arising from the formulation of these new administrative centres of South Sudan. The National Dialogue Steering Committee needs to seriously consider the predicament of the new states in its recommendations, linking that with a type of a system of governance it wants to recommend to the President of the Republic.

It is clear that decentralized system of public administration is the preferred system of governance for South Sudan, not only just because it brings the government closer to the people, a revolutionary SPLM political slogan par excellence, but mainly because the rendering of services to the ordinary citizen is simpler and easier done by the decentralized local official than by the central government. With the current breakdown of law and order in South Sudan, an affective form of administrative decentralization can become the most effective way, not only in delivering services to the citizens, but it must also be the best way of administering this citizen and of at the same time maintaining national security in the country. This system of localised decentralisation has worked elsewhere, only because it is efficiently run.

However, confederation, federation or decentralization in general, are not fool proof for a country like South Sudan. Tribalism has become a serious problem in South Sudan that needs to be overcome through an effective system of decentralization. But there is no way South Sudan can assuage the large tribal complain only by decentralization. Domination against which most communities of South Sudan have come to complain does not only happen because a central government of the country is dominated by only one or two tribes. Political domination can happen at any level of government within a state like South Sudan,

where ethnicity is close to 70 ethnic communities. There are small tribes in South Sudan; so small that their ethnic population may not be big enough to be represented even at a regional level, no matter how devolved power is to the region of such a small tribe. There will always be room to dominate someone, if the rules governing both representation and participation are not broad enough to provide representation for all.

After what has happened to South Sudan since December 2013, all regional ideas about decentralization must be properly scrutinized. Who in the old three regions of South Sudan: Bahr el Ghazal, Equatoria and Upper Nile can now accept in South Sudan to be represented by whoever comes from any corner of that greater regions? Every locality in South Sudan now seems to want to represent themselves, rather than be represented by others. While such an attitude is an exaggeration of rebellion, the least political system that South Sudanese are by and large aspiring for is a decentralized political system that sees every ethnicity represented. This is not such an easy circle to square. But one on which the National Dialogue must have a view.

A well studied and planned federation has enough leverage and room to accommodate the current high zeal for ethnicity in South Sudan, without a breakdown of the bearers that protect the nature of the one united state of one diversified people. Such a system must recognise the ethnicity as the hallmark to the togetherness of the people of South Sudan, not to marginalise others.

Tribalism, or to use a more kinder word, ethnicity in South Sudan has become an important political phenomenon of the politics of South Sudan that the National Dialogue Steering Committee must shade some way of dealing with it when it formulates recommendations at the end of its work.

One of the many mistakes that have compounded the problem of tribalism in South Sudan is the fact that there is no established liberalized political way of arriving at political power and political decision making. Ambitious politicians inspire their kith and kin to support them as a way of vying for power. There is nothing wrong with that. As long as it is peaceful and law abiding. The problem arises when an ethnic community, large or small, thinks that it has the ability to change power by the force of arms. This is what has brought South Sudan into the horrendous state it is in today. Neither the government of South Sudan nor the opposition parties challenging it have the ability to control their always indiscipline forces. Nor does the government or the parties opposed to it have the resources and the means

to discipline and control their very unruly forces. While the state has the responsibility and duty to keep law and order, this is not necessarily what its forces actually do on the battle fields of South Sudan. Innocent South Sudanese civilians become the target of atrocities from both sides.

South Sudan cannot afford tribal politics. It must evolve a liberal democratic system of governance that allows every individual ambitious politician in the country the opportunity, with right qualifications to seek power in South Sudan and get it, without violence.

In a South Sudan of 70 tribes or ethnic groups, the only way for minority tribes to achieve power is to encourage liberal democracy of a multi-party system. This had worked in South Sudan at least twice before, even when South Sudan was still under the political control of Northern Sudan. The history of liberal politics of South Sudan is, of course, short, because of the long control by the North. But the ten years of the 1972 Addis Ababa government era in South Sudan, teaches South Sudanese some lessons in multi-political party democracy and can serve as a good example to adopt as a political pointer to how democracy avoids violence and allows the winner of the day a chance to take power and be judged by their political record when in power.

After the 1972 Addis Ababa Peace Agreement, which granted South Sudan regional self rule, the manner in which the South chose its leaders had seemed to be distorted by Khartoum, when it decided to appoint the first head of the executive for South Sudan without a political process in the South, involving South Sudanese political movements. The South, however, elected to tolerate that first political mistake by Khartoum, in order not to disrupt the young peace in South Sudan that came as a result of the peace agreement with Northern Sudan that had ended the 17-year long civil war with the North.

However, during the two year interim period, before the first election of the Addis Ababa agreement political system in South Sudan, the leadership of South Sudan, which was the same leadership that orchestrated the 1972 Addis Ababa peace between the South and the North and became the first political leadership to establish the autonomy of South Sudan was keen that political power in South Sudan be exercised only through the consent of the people of South Sudan. Elections were organised in South Sudan, in order to stabilize the transfer of political power in South Sudan through popular elections.

Although the interim political leadership of South Sudan, which took the country through an exemplary and peaceful political transition had run and won the 1976 first South Sudan regional elections, that first leadership was replaced by the election that followed in 1978. Patience and allowing time are the main hallmarks of a peaceful democratic process. War is not.

Unfortunately, those 1978 elections totally destabilized politics in South Sudan and provided Khartoum with a window for intervention. Two more elections followed in quick succession, because of the political upheavals that ensued, following the 1978 elections and because of the urge by Khartoum to destabilize political life in South Sudan.

The position of Khartoum was always to hold to the colonial notion that South Sudanese were not capable of ruling themselves and running their own affairs. So, colonialism had to annex South Sudan to Northern Sudan for safe keeping. This political fallacy seems now to be confirmed by the current SPLM rulers of South Sudan.

After only four short years of political independence in 2011, the South seems to have proved colonialism right. South Sudan is now in a dire state of political instability. Will the South Sudanese allow this negative - indeed ugly impression of themselves to remain as its real record, or can the National Dialogue, initiated by the first democratically elected President of this young Republic save their country?

The political issues are clear. We have tried to outline some of them in this report. It ought not be too difficult to set out where and how the country got it so wrong after only a short four years of independence, attained after a long and bloody struggle of more than 50 years. The mistakes made are clear. Correcting them should also not be too difficult, if the leaders of the SPLM, the rulers of the young South Sudan today, whose internal power conflict brought the country to its current sorry state want to reconcile, to save their people this agony.

This first document of the National Dialogue Steering Committee is the first effort towards national reconciliation, peace and national unity. The report has unfortunately dealt largely with the mistakes of our recent pass. One needs to accept one's mistakes before one begins to correct them.

Only those holding political power can correct any mistakes they made. The history of self-rule in South Sudan is a short history. The same rulers of the young Republic of South

Sudan are the same rulers who initiated this National Dialogue. The National Dialogue Steering Committee has adopted this first document. If it adds its recommendations to what will become a final report to the President of the Republic, who set up this national undertaking of the National Dialogue, the question to ask must be: Will the government carry out and implement the recommendations of the National Dialogue which it has initiated? These questions arise, because of a sense of the self-doubt that has afflicted South Sudan. Self doubt has arisen from a failure by this young country to run its own affairs since independence in July 2011 that failure has caused the suffering, destruction and loss of life of many South Sudanese citizens.

### **NATIVE ADMINISTRATION**

Colonialism had made use of tribal chieftdom and native administration as a credible agent of local administration for law and order, justice and fairness. This system, the only means of administering tribal communities has been weakened by politics and two rebellions of South Sudan since independence from the colonial rule in 1956.

It was necessary for the two liberation movements of South Sudan, the Anya-Anya liberation movement and the SPLA, to have access to the resources in the hands of the local chiefs and communities for the liberation to survive and prosper. Now, the native administration needs to be revitalized, reformed, supported and encouraged. They will be especially helpful in the collection of illegal arms from those who carry these weapons and use them to cause insecurity and commit crimes against and amongst the communities.

The chief knows who the strangers are within their communities; who the trouble makers are and how to deal with them. The native chiefs are a credible agent of state and should be reformed and supported.

### ***THE NATIONAL DIALOGUE STEERING COMMITTEE***