



15 August 2022

Ebony Center Policy Brief: EPB #2022-3

THE ROADMAP TO A PEACEFUL AND DEMOCRATIC END OF THE TRANSITIONAL PERIOD: AN OPPORTUNITY FOR CONSTRUCTIVE ENGAGEMENT ON DEMOCRACY AND DEVELOPMENT BETWEEN SOUTH SUDAN AND THE TROIKA¹

Little else is requisite to carry a state to the highest degree of opulence from the lowest barbarism, but peace, easy taxes, and a tolerable administration of justice: all the rest being brought about by the natural course of things².

I. The Context

History is clear that the single most important national strategy for eliminating poverty is to empower, through “**tolerable administration of justice**,” provinces (counties) and regions (states) to unleash individual initiative at the local level. This empowerment is essentially a social contract between the state and citizenry, which in turn creates the necessary, though not sufficient conditions for peace, economic growth, and sustainable livelihoods. For instance, Britain’s Industrial Revolution was made possible by over a century of strong agricultural growth—beginning in the late 1600s—that provided investment funds and a strong labor force throughout the rural economy that then migrated to urban areas and yielding robust industrialization. The same phenomena existed somewhat later across most of Western Europe—especially in France and Germany.

America’s growth and development in the nineteenth century was made possible by a strong decentralized rural economy that, with eventual rural-urban migration, supported strong industrialization. More recently, China’s historic growth and development was made possible by “*development competition*” among provincial political leaders who had strong incentives to

¹ Prepared by Ebony Center’s VEST Team

² Adam Smith on the need for “peace, easy taxes, and a tolerable administration of justice” (1755), cited from <https://all.libertyfund.org/quotes/436>

encourage agricultural and industrial growth in their respective regions. In each case, local (regional) economic growth provided necessary financial resources (investment capital)—and motivated workers—that enabled further national economic growth and development. Poverty began to disappear.

The most destructive legacy of Africa’s colonial experience is the concentration of economic and political power in a single city—most often the national capital. Colonial administrators concentrated all decision making in a central place—the better to control economic and political activity across the subjected territory. Unfortunately, with independence in the 1960s, and with post-independence governments intent on exerting new governance across an expanse of neglected space, this geographic concentration of power was retained and reinforced to strengthen political control over the hinterlands.

Now, almost sixty years beyond independence, states, provinces, and other governmental entities are the victims of oppression from urban-based political power—meaning that local political leaders must plead with national officials for necessary funding to address local problems. This situation also means that necessary growth and development initiatives at the local (Boma & Payam) and regional (county & state) levels are held hostages by political competition at the center. Corruption and marginalization of rural population are inevitable under such conditions.

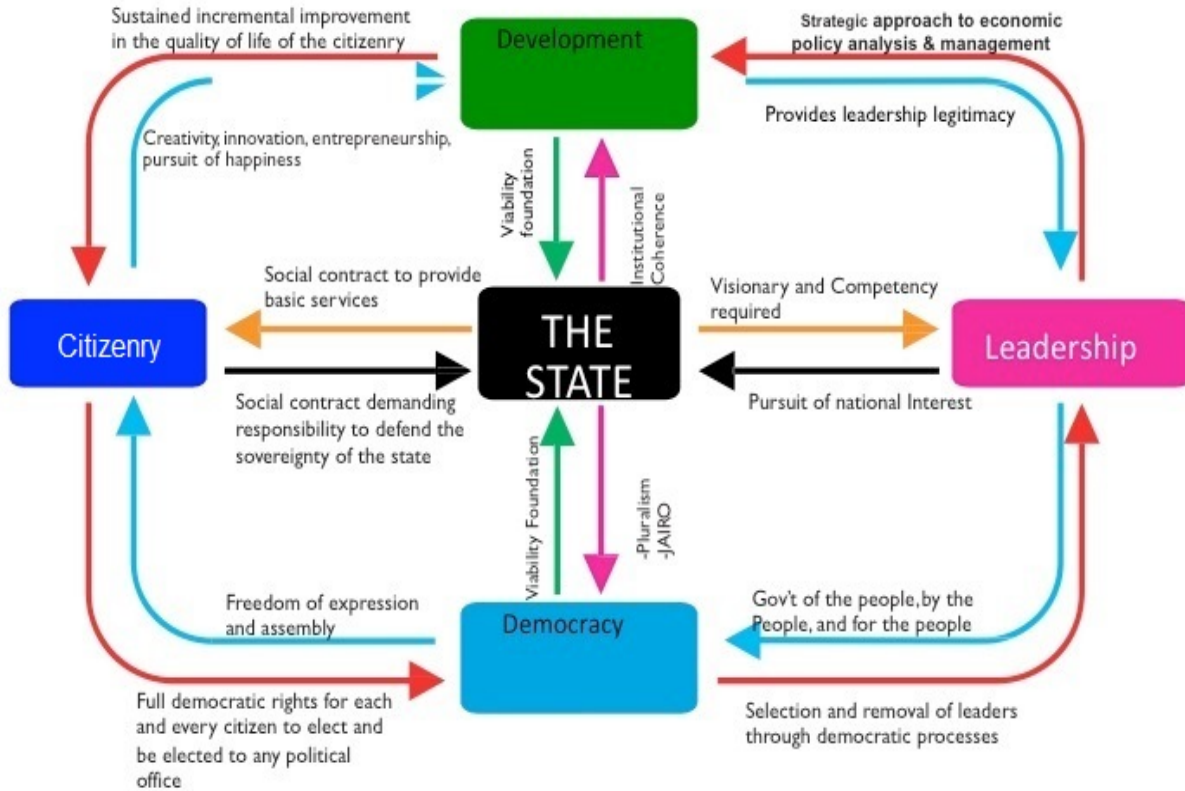
In the case of South Sudan, it should be stated here that South Sudan was an integral part, though at the periphery of the post-colonial Sudanese state until 9th July 2011. And the attributes of all the Sudanese post-independence governments are inherent in the South Sudanese state of which the elites’ struggle for power and wealth are of special relevance to this Ebony Policy Brief. Hence, it is in this context that this Policy Brief calls for constructive engagement between the Extended Revitalized Government of National Unity (ERTGoNU) and the Troika (i.e. USA, UK, and Norway). The focus of such an engagement could initially be on **peace through democracy and development**, which is to be anchored on the **Roadmap to a Peaceful and Democratic End of the Transitional Period**. Stated differently, the pursuit of peace through democracy and development is a necessary step toward the formation of a viable South Sudanese state at peace within itself as well as with its neighbors.

The desired outcome of the constructive engagement is, from our perspective, **a viable South Sudanese state** with the following four critical attributes/dimensions:

- (a) Visionary leadership;
- (b) Active citizenry;
- (c) Democratic governance; and
- (d) Sustainable development.

The above four critical pillars/dimensions of a viable state are articulated in a circular flow chart given in Figure One below.

Figure One: A circular Flow Chart of the Four Dimension of State



We would think that both sides of the constructive engagement process, should first reach a common understanding of the nature of the South Sudanese state. There are, in our view, two views about the nature of South Sudanese state. The first is from one of the authors of this Policy Brief. Daniel Bromley considers South Sudan to be a notional state in that:

The absence of a coherent state in South Sudan is apparent by the lack of essential government services across the full geographic extent of the nation. This absence of essential government services is the reason for—it explains—the persistence of civil conflict³.

The second view is that South Sudan was born on 9th July 2011 as a fragile state; a characteristic it inherited from Sudan, which was ranked 3rd that year on the list of the most fragile state in the world.

The rest of the Policy Brief consists of the following five key sections:

- (a) Visionary leadership;
- (b) Active citizenry;
- (c) Democratic governance;
- (d) Sustainable development; and

³ South Sudan: Institutional Environment for Service Delivery. Ebony Policy Brief: EPB #2019/2

- (e) A mechanism for the monitoring and evaluation of the Roadmap.

II. The Collegial Presidency: A Necessary Leadership Model

We would like to state here unambiguously that the underlined objectives of the Roadmap would not be achieved without a cohesive and **visionary leadership**. A visionary leader is someone willing to tie his or her hands and govern by rules rather than discretion. This necessary leadership model, for the Transitional Period, is given by the framers of the Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS⁴). The model is stipulated in Articles 1.5 and 1.9 of Chapter One of R-ARCSS. Article 1.5 is on the structure of the executive of RTGoNU, while Article 1.9 is about powers, functions, and responsibilities to be exercised by the President, the First Vice President (FVP), and the four Vice Presidents (VPs) through sustained consultations and agreements. Article 1.9.1 specifically states:

The RTGoNU is founded on the premise that there shall be collegial collaboration in decision-making and continuous consultations within the Presidency, between the President, the First Vice President, and the Four Vice Presidents, to ensure effective governance during the Transitional Period⁵.

The above cited Article from R-ARCSS should be, in our view, the entry point of the constructive engagement process on which “**peace, easy taxes, and tolerable administration of justice,**” are the enablers of a peaceful and democratic end of the Transitional Period. The failure to implement on time, the key provisions of R-ARCSS is largely due to the dysfunctionality of the “**collegial collaboration in decision-making and continuous consultations within the Presidency.**” We must not, however, dwell on the past – by blaming the RTGoNU on its failure to implement the Agreement. The focus should now be on the pressing demands of state creation in South Sudan. That is, we need a state that will ensure the pursuit of sustainable peace, economic growth, and poverty eradication.

The key driver, in our view, of the process of the creation of a coherent state is the Collegial Presidency, which must ensure, this time around, the timely implementation of the recent “**Agreement on the Roadmap to a Peaceful and Democratic end of the Transitional Period of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)**” of 2nd August 2022. This Agreement demonstrates beyond doubt the political will and desire of the RTGoNU for a peaceful and democratic end to the Transitional Period. It also demonstrates, in our view, the ability of the South Sudanese political leadership to reach a consensus on issues of national interest and to take serious and difficult decisions without external support and/or pressure.

We would like to emphasize, for the benefit of those who would be involved in the process of constructive engagement, the critical role of the Collegial Presidency not only as a driver, but

⁴ There is now a consensus among the signatories of the ERTGoNU to implement the outstanding provisions of the R-ARCSS according to the agreed Roadmap, which was signed on 4 August 2022

⁵ See page 12 of the Revitalized Agreement on The Resolution of the Conflict in the Republic of South Sudan, Addis Ababa, Ethiopia, 12 September 2018

also as an enabler of active citizenry, of democratic governance, and of sustainable development. Collegial Presidency ensures:

- (a) Strategic approach to economic policy analysis, formulation, and management;
- (b) Pursuit of the national interest and security; and
- (c) The centrality of the government of the people, by the people, and for the people.

III. Active Citizenry

The South Sudan Project that led to independence has always been a bi-partisan enterprise in the United States of America. Hence, boosting democracy in South Sudan should be one of the corner stones of the proposed constructive engagement on peace through democracy and development between the ERTGoNU and the Troika. The first step is to agree on a mechanism for sustained dialogue on the necessity of creating and maintaining a civic and political space in which the basic civil liberties are guaranteed by the constitution. An active citizenry creates a sense of belonging and national unity of purpose enabled by:

- (a) Full democratic rights for each and every citizen to elect and be elected to any political office;
- (b) Social contract demanding responsibility to defend the constitution (sovereignty) of the state and duty to pay taxes; and
- (c) Creativity, innovation, and spirit of entrepreneurship and pursuit of happiness.

The art of active citizenry was articulated by the National Dialogue process (2017 – 2020) in which the people of South Sudan were consulted through a bottom-up interactive conversation. We have proposed in our EBP 2022-2 that the purpose of a constitution is to establish a set of rules to live by. In the case of South Sudan, with its decade of political and economic dysfunction, this is of singular importance. The multitude of ethnic identities and political factions poses a challenge in this regard—each group imagines that its ways of life are correct or superior. The immediate task, therefore, is to foster consensus in the shared benefits under a constitution that acknowledges the multiplicity of ethnic commitments across South Sudan. The Troika should assist the ERTGoNU in expediting the adoption of the permanent constitution for South Sudan by July 2023. In fact, Troika can help promote an active citizenry even if the government in power does not want it, though we do not encourage such an approach. Hence, our call for constructive engagement The central message is: amplify the voice of the voiceless, as by way of building a viable South Sudanese state.

IV. Democratic Governance

Democratic governance, which is underpinned by resilient and effective institutions, is assured when and if there is an active citizenry. The constructive engagement exercise must focus on the permanent constitution making process, which addresses the following critical issues:

- (a) Freedom of expression and independence of the media;
- (b) Political process through which leaders are selected and removed according to established constitutional provisions;
- (c) A common understanding and appreciation of the concept of a government of the people, by the people, and for the people;
- (d) A common understanding and practice of justice, accountability, inclusivity, responsibility, and openness;
- (e) An understanding of political pluralism⁶ and tolerable administration of justice; and
- (f) The viability of the South Sudanese state.

V. Sustainable Development

On July 9, 2011, the Republic of South Sudan celebrated its independence. The country began its life with significant natural resources and a binding narrative of triumph and freedom, but with a legacy of over 50 years of conflict and an extremely low level of physical, human and institutional development⁷.

Development is one of the four critical dimensions of the state with key role of providing: (i) sustained incremental improvement in the livelihoods of the citizenry; (ii) legitimacy to the leadership of the country; and (iii) a foundation for the viability of the state. Hence, a necessary policy innovation for South Sudan is to dedicate a small portion—two percent—of annual oil revenues to the establishment of Rural Development Block Grants (**RDBGs**) to each of the ten States and three Administrative Areas⁸. The **RDBG** would overcome several severe obstacles to sustained growth and poverty eradication. Moreover, the Troika should also match this contribution by allocating one percent of the total (humanitarian and development assistance) aid. It should begin to re-orient humanitarian assistance toward development programs that would in turn contribute to the formation of a coherent state in South Sudan. We provide below, the rationale for this necessary policy innovation.

⁶ This means ethnic groups will have to give up some of their distinctive identity for the common good (e.g. not everybody gets to study in their own language)

⁷ Interim Strategy Note (FY 2013 – 2014) for the Republic of South Sudan. Report No: 74767-SS

⁸ Oil producing States and Administrative Areas will not receive this 2% for they are already receiving 5% of which 3% is for communities and 2% for the State

First, national political leaders are often unaware of the nature and extent of serious economic dysfunction in remote rural areas. Even if they become aware of such problems, a large number of pressing problems make it impossible for them to concentrate on such issues and be able to mobilize appropriate policy responses. As a result, many problems that could be corrected at the local level persist and impair livelihoods.

Second, even if such problem are recognized by state and local officials, they lack the financial means—and technical capacity—to launch corrective measures that will liberate local residents from their despair. Often, they must plead with political leaders and bureaucrats in the capital city for financial and technical support. Busy and distracted officials find such “begging” to be a nuisance and thus easy to ignore. Since those officials in the capital city are themselves ignorant of many local problems, it is too easy for them to dismiss the pleadings of local officials as a mere ploy to capture financial resources from the national treasury. The local problems endure.

Third, in countries where this pleading for funds has a long history, there is also an unfortunate legacy of corruption and bribery. Local officials exaggerate the necessary costs of particular initiatives, thereby generating excess funds (through illegal taxes) for their own personal use and enjoyment.

Finally, as indicated in the introduction/context section of this document, the most successful growth and development accomplishments of the recent past are found in countries with robust local (rural) economies that generated national fiscal reserves and an eager labor force. Strong rural economic growth offers a double dividend: (1) enabling poverty eradication across the rural landscape; and (2) fiscal growth that can stimulate national-level growth.

5.1 Establishing Rural Development Block Grants

A national program of **RDBGs** requires that the government of South Sudan dedicates, as stated earlier in this section, two percent of annual oil proceeds to an **RDBG Foundation** located in the national Ministry of Finance and Planning (MoFP). The Foundation will have two primary functions.

First, the Foundation will help to establish, in each of the ten States and three Administrative Areas, a credible **Public Financial Management** (PFM) system to enable state governments to provide responsible and transparent management of all financial resources transferred to the states under the **RDBG** program. Second, the Foundation will serve as a fiduciary office to manage and invest granted funds from the central government until they are needed by the individual states for specific projects and programs. At the beginning of each fiscal year, the Ministry of Finance and Planning would deposit, in the Foundation’s account, the equivalent of two percent of the prior fiscal year’s oil proceeds. That transfer would signal to each of the ten States and Administrative Areas, the general parameters that would guide the coming year’s program nature and scope.

5.2 Program Possibilities Under RDBGs

The compelling advantage of the **RDBG** program is that each state will be able to devote funds and technical assistance to rectify the most pressing economic challenges that now prevent growth and subsequent poverty eradication. The most pressing problems in Western Bahr el-Ghazal surely differ from the urgent problems in Upper Nile state. Political leaders in each state will be able to target the most urgent and pressing development obstacles. Below we offer a possible listing of program priorities across the entirety of South Sudan. Leaders in each state will make their own assessment and determination of program and project priorities—including projects and programs not listed below.

- **Multi-state collaboration on integrated water management in the White Nile Basin**
- **Mobile rural health clinics**
- **Micro-transport networks to improve local markets across South Sudan**
- **Repatriation and resettlement of internally displaced persons and refugees**
- **Pilot projects for integrated agriculture and livestock development**
- **Emergency veterinary services**
- **School improvements**
- **Local infrastructure improvements (village water and sanitation, local roads and bridges)**
- **Agricultural extension services**

VI. Mechanism for Enhancing Constructive Engagement on the Implementation of the Roadmap

The High-Level Committee for the Implementation of the Roadmap (HLCIR) to a Peaceful and Democratic end of the Transitional Period shall be a subcommittee of the Governance Cluster and is modeled on the Public Financial (PFM) governance structure. The PFM governance structure is being used in the implementation of Chapter IV of the R-ARCSS. It shall coordinate its activities with the National Pre-Transitional Committee (NPTC), National Transitional Committee (NTC) and the PFM Oversight Committee (PFM-OC). The PFM-OC is co-chaired by the Minister of Finance and Planning with one of the Troika (U.S., UK, and Norway) ambassadors. The

overarching mandate of the HLCIR is the timely and full implementation of the Roadmap. The HLCIR shall have the following specific tasks:

- (a) Monitor and evaluate the implementation of the Roadmap of the extended R-ARCSS as given in Annex 1 through Annex 8;
- (b) Develop in consultation with the leadership of the Revitalized Transitional Legislature a legislative agenda for the timely passage of the bills related to the implementation of the outstanding provisions of the R-ARCSS;
- (c) Coordinate mobilization of resources for the implementation of all the outstanding provisions/chapters of R-ARCSS as stipulated in Annexes 1 - 8 of the Roadmap;
- (d) Provide effective oversight of the implementation of the Roadmap based on the revised implementation matrix given in the afore mentioned Annexes; and
- (e) Provide monthly progress report to the Collegial Presidency on the one hand, and to RJMEC on the other.

The proposed membership of the HLCIR is as follows:

- 1) Minister of Cabinet Affairs, Co-Chair
- 2) Special Representative of the UN Secretary General (SRSG), Co-Chair
- 3) Minister of Peace Building, Deputy Co-Chair
- 4) Minister of Information, Communication Technology and Postal Services, Secretary
- 5) Minister of Foreign Affairs and International Cooperation, member
- 6) Minister of Defense and Veteran Affairs, member
- 7) Minister of Interior, member
- 8) Minister of Justice and Constitutional Development, member
- 9) Minister of Federal Affairs, member
- 10) Minister of Finance and Planning, member
- 11) Minister of Agriculture, member
- 12) Minister of Roads and Bridges, member
- 13) Minister of Public Service, member
- 14) Minister of Culture and Heritage, member
- 15) Minister of Youth and Sports, member
- 16) Minister of Education, member
- 17) Governor, Bank of South Sudan, member
- 18) Chairman of Elections Commission, member
- 19) Representatives of Civil Society (3), members
- 20) Chairperson of the Security Committee of RTNLA, member
- 21) Representative of Troika, member
- 22) AU representative, member
- 23) IGAD representative, member
- 24) China, member
- 25) Japan, member
- 26) Representative of EU, member

The HLCIR will have five working groups comprised of technical experts. These are:

- (a) Foreign relations;
- (b) Security;
- (c) Transitional justice;
- (d) Refugees and IDPs; and
- (e) Constitutional reform, elections and civic space.

The HLCIR will be assisted by a Secretariat drawn from the following institutions:

- (a) University of Juba;
- (b) Ebony Center;
- (c) Sudd Institute;
- (d) South Sudan Council of Churches; and
- (e) South Sudan Islamic Council.