Letter to:  
- Dr. Nkosazana Dlamini Zuma, Chairperson of the African Union Commission;
- IGAD-Plus, C/o H.E Hailemariam Dessalegn, Prime Minister of Federal Democratic Republic of Ethiopia
- TROIKA (US, UK, and Norway)
- The President, UN Security Council
- H.E. Antonio Guterres, UN Secretary General

From: Equatorian Leaders in the Diaspora

Date: 7 February 2017

Your Excellencies,

BUILDING ON A SHAKY FOUNDATION: THE CURRENT TRANSITIONAL GOVERNMENT OF NATIONAL UNITY IN SOUTH SUDAN

1. We, the Leaders of Equatorian Community in the Diaspora, remind you that the current Government in South Sudan has got no sound legal foundation to carry its people into a viable peaceful and prosperous future. For those, who advocate giving the current Government a chance for implementing the Agreement for Resolution of Conflicts in South Sudan (ARCISS) signed in August 2015; it is worth acknowledging that the agreement that formed the legal basis of the Transitional Government of National Unity (TGoNU) has collapsed. Instead, the ARCISS is being implemented unilaterally according to the wishes of the dominant political party in Government. The call for giving the Government an opportunity to implement the peace agreement is similar to giving permission for construction of a building on a shaky foundation. Indeed it is a matter of when, rather than if, it will fail disastrously – with serious consequences to the nation and the civilian population.

2. The Equatorian Leaders advocate for a genuine National Dialogue. After careful consideration of President Kiir’s call for National Dialogue on 4th December 2016 to the National Legislative Assembly in Juba, we have determined that his call for
National Dialogue fell short of being genuine. For the National Dialogue to achieve its intended goal of restoring the country back to the path of peace, and embraced by all the South Sudanese people, some fundamental changes are needed.

3. The motive behind President Kiir’s call for National Dialogue appears to be not a genuine one, but a calculative move to consolidate his stay in power indefinitely. Evidence showed that the National Dialogue can be misused by political leaders to consolidate their grip on power if certain criteria are not met (United States Institute of Peace, 2015). Examples of these criteria are inclusiveness; transparency and public participation in a conducive environment; far reaching agenda; credible convenor, clear rules of procedures; and implementation plan. We believe that the call by the President for National Dialogue does not meet the requirements for achieving a successful outcome: Genuine Peace in South Sudan.

4. There are a number of reasons why President Kiir’s call for National Dialogue is not genuine:
   a. **The Framework:** The framework (Agreement for Resolution of Conflict in South Sudan or ARCISS) for the National Dialogue is baseless. ARCISS is dead since July 2016; it is being implemented unilaterally by one party to the Agreement. Even independent observers such as the former Secretary General of the United Nation, Ban Ki-Moon remarked on the status of the ARCISS, saying: “President Salva Kiir has pursued an ethnically-based strategy to suppress dissent, muzzle the media, exclude significant South Sudanese actors in the peace process and unilaterally implement an agreement to reach elections.” [Ban Ki-Moon, 16 December 2016]. Without a new agreement, the people of South Sudan will continue to suffer the consequences of the war and political instability. The ARCISS is compromised and subsequently rendering the current Government and Parliament illegitimate, including the Presidency. The President needs to reach out to all those who have taken up arms in order

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to establish a new and inclusive framework for peace negotiation and agreement.

b. **Exclusive National Dialogue:** By holding the Dialogue process wholly within the country, it excludes those in refugee camps in the neighbouring countries, and those who are opposed to the current Government. Despite a verbal security assurance by the President, there is no guarantee for safety of citizens for open criticisms and dialogue in the country. Simply put, the Government of South Sudan is unable to provide a free environment required for the national dialogue, at present.

c. **Patron:** President Kiir is part of the problem of South Sudan, and will be a stakeholder in the Dialogue. Therefore, his self-appointment as the Patron is unsuitable and unacceptable due to conflicts of interest, as he cannot implement justice that might be demanded by the people against himself as part of the National Dialogue. A neutral personality is required. This should be a personality appointed by the UN, AU and IGAD-Plus that should hold this role.

d. **Past experience:** The National Dialogue Mini-Conference held in Western Equatoria State (1\textsuperscript{st} and 2\textsuperscript{nd} August 2014); and Western Bahr el Gazal State (2-4 September 2014) - launched by Vice President Wani Igga and Facilitated by Ambassador Dr Bethuel Kiplagat of Kenya included the following recommendations among others:

- That all IDPs and cattle herder in the State should be repatriated and their weapons are collected;
- That the interim period should not be led by any of the two leaders i.e. H.E. President Salva Kiir and former Vice President Riek Machar;
- The name of the army SPLA has been overtaken by events and it must be changed to suit an independent South Sudan.

It can be argued that because the Government did not like implementing the above recommendations, for reasons including conflict of interests, the National Dialogue findings were therefore ignored. What assurance is there that the same recommendations and that of proposed National Dialogue will be honoured and implemented?
e. **Present Experience:** A recent Government delegation sent to Uganda to champion the message of President Kiir on National Dialogue received a considered response from the Equatorian community leaders in Uganda, as per their letter dated 12 January 2017. Their main recommendations were: (1) call for Kiir resignation as a President of the Republic of South Sudan; (2) the call for Dinka who are occupying Equatoria land and their militias to leave Equatoria; (3) call for confederal system of Government and a rotational presidency of two-terms limit; (4) overhaul of national constitution; and (5) reform of security sector and removal of militia. If President Kiir is true to his call for National Dialogue, he must heed the call by the people for his resignation in order to create a conducive environment for a new start for the country.

f. **Forgiveness:** In his speech [4th December 2016], the President asked the people of South Sudan to forgive him for any mistakes he might have committed (page 11 of President speech). It appears the President does not know the mistakes he has done against the people of South Sudan or he is denying knowledge of any mistake. Thus, the President should come clean and reflect on his own mistakes and correct them if he is to be taken seriously. We can remind him of his Establishment Order that created 28 states in the country; his unwillingness and failure to implement return of cattle and internally displaced person out of Equatoria – the causes of war in Equatoria and the country, among his other mistakes. In addition, if he cannot forgive his political opponents, how can he expect to be forgiven? Contrary to evidence demonstrated by the President, rather than freezing the 28 states, he has created four more new states in South Sudan, bringing the number of states to 32.

5. **The Proposed Way Forward:** In order to achieve a genuine National Dialogue, the following steps should be undertaken:

   a. A new inclusive peace talk is needed under the auspices of UN and African Union, IGAD-Plus that should be conducted outside South Sudan.

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3 Representatives of Equatorians from East, Central and West (12 January 2017). *The “12” Points Equatorians Response to the Committee sent to Diaspora to convince the Equatorians to accept “Kiir’s National Dialogue.*
b. A re-constituted Transitional Government of National Unity (TGoNU) and Parliament is needed without Salva Kiir and Riak Machar. The new TGoNU must include those excluded from the ARCISS of August 2015.

c. The Establishment Order for creating 28 states in South Sudan must be cancelled, along with any additional new states created. A new formula for new states for South Sudan needs to be agreed on as part of a new peace process.

d. Repatriation of internally displaced persons (IDPs) to their ancestral homeland, including all historical IDPs in Equatoria.

e. Appoint interim neutral leader to run the country during an interim period – someone who has not been involved in the current administration in Juba since 2005 – to be agreed as part of the Peace Talks.

f. The Patronage for the National Dialogue must sit with UN, AU, IGAD-Plus in order to ensure the integrity of the process; and not with President Kiir.

g. Establish security guarantee in the country, as part of the new peace agreement; and deploy Regional Protection Force.

h. The agenda, scope, and committee (or any other bodies) for the National Dialogue must be set and agreed upon by all the stakeholders.

i. Call for, and hold National Dialogue.

The National Dialogue should give way to writing a permanent constitution, conducting national census, and holding general election. The AU is reminded to deliver on the outcomes of their Report on South Sudan related to human right abuses committed in the country. This is part and parcel of achieving peace and justice to the country.
THE EQUATORIA LEADERS IN THE DIASPORA:

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<th>Name</th>
<th>Position</th>
<th>Organisation</th>
<th>Country</th>
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<tbody>
<tr>
<td>Mr. Federico Vuni</td>
<td>Chair</td>
<td>Equatoria Community Organisation in the UK</td>
<td>UK</td>
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<tr>
<td>Dr Jane Kani Edward</td>
<td>President</td>
<td>Equatorian South Sudanese Community Association</td>
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<td>Mr. Joseph Modi</td>
<td>President</td>
<td>Equatorian South Sudanese Community Association</td>
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<td>Mr. Juma Piripiri</td>
<td>Chair</td>
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CC
- H.E. Festus G. Mugae, Chairman of the Joint Monitoring and Evaluation Commission (JMEC)
- European Union
- Government Republic of South Sudan
- SPLM/A-In Opposition