

**SUB-COMMITTEE: TRANSITIONAL GOVERNANCE ARRANGEMENTS
FRAMING QUESTIONS FOR CONSIDERATION**

Negotiation of transitional governance arrangements is a central element of ending the current crisis, restoring popular confidence, and guiding South Sudan to a new political dispensation. Stakeholders have an opportunity to develop a transitional structure, mechanisms, and reforms. They then have an opportunity to determine the composition of a government capable of implementing the transitional agenda. Below are a series of questions and considerations intended to help frame the conversation among stakeholders; this list is not exhaustive.

TIER I

- A. What are the most important objectives of a transitional arrangements?
- B. What transitional governance arrangements, institutions, or mechanisms can best help to restore government functions and service delivery? What can best help to restore broad confidence? What can best help guide South Sudan to new elections and a new political dispensation?
- C. What are the salient lessons of the GRSS prior to the December 2013 conflict, and what are the implications for a new transitional government?
- D. What areas of government require enhanced oversight and checks and balances during and/or after the transition, and what mechanisms or procedures may be put in place during a transitional period?
- E. What are the processes that are due to take place during the pre-transition and transitional period? How long will these take, and thus how long shall a transition period be? Can some or all of these processes and mechanisms carry-over to the post-transitional period?
- F. Will transitional governance arrangements pertain to the national level, or are arrangements also necessary at the state government level? If so, to what degree? In conflict-affected areas, or nation-wide?
- G. What is the relationship between the transitional government and the future elections and future government? How can the transitional government be best insulated from political interests or partisan agendas ahead of new elections?

H. Is there a desire for international/3rd Party involvement in transitional mechanisms? If so, what roles or responsibilities? Can this contribute to de-politicization of government, improved service delivery, dispute resolution, oversight, rebuilding of institutions? What are the government functions and/or institutions that have been most damaged by the current conflict, and are these areas where the international community may be able to assist? What international actors, countries or institutions are best able to assist? What were the most successful examples of international engagement and support during the CPA and recent South Sudanese experiences?

TIER II

- I. Should a transitional agenda be implemented by a civilian-led technical government, or a political government made up of the current political forces in the country?
- J. Per agreements to date, how best can transitional governance arrangements be inclusive and representative of a range of South Sudanese political and civil actors?
- K. What eligibility criteria should be considered for fair representation in the transitional government? Regional? Political party? Ethnic? Gender? Other considerations? How would these criteria or models be applied, and to what institutions or levels of government?
- L. Should there be any rules or restriction on those who participate in the transitional government from running in future elections? And if so, at what level of government would those restrictions apply, and why?

**SUB-COMMITTEE: ECONOMIC AND FINANCIAL MANAGEMENT
FRAMING QUESTIONS FOR CONSIDERATION**

A review of South Sudan's economic and public financial management may help to ensure greater transparency, build popular confidence in government, improve service delivery, and establish a stronger foundation for long-term development and economic growth. Stakeholders have an opportunity to discuss the mechanisms, procedures, and reforms necessary to achieve these ends and thereby mitigate conflict. Below are a series of questions and considerations intended to help frame the conversation among stakeholders; this list is not exhaustive.

- A. How important are sound economic management and financial transparency to South Sudan, and how shall they be ensured during a transition? In the long-run?
- B. What current government financial functions or oversight mechanisms are insufficient, have been abused, or remain unimplemented? Which functions and activities require revised or new oversight protections? Budget Process? Oil and Natural Resource Revenues? Tax Revenue? Contracts and Concessions? Payroll? State and Local transfers?
- C. Is the existing legislation dealing with public financial management (Public Financial Management and Accountability Act, Petroleum Revenue Management Act, Z) sufficient to ensure transparency and sound economic management? Do they require modification? Or just proper implementation?
- D. How can the integrity and independence of key institutions be better maintained: Ministry of Finance? Central Bank?
- E. Are oversight institutions, such as the Auditor General, and Anti-Corruption Commission, in a position to deliver on their mandates during and after a transition period?
- F. What stake has South Sudan assumed in its own development, and how can economic and financial management systems be amended to improve mobilization of South Sudan's own resources in support of infrastructure development and provision of basic social services (healthcare, education,

pensions? What lessons can be learned from donor partnerships and recent IMF engagement?

- G. Are current financial systems structured so as to: ensure proper management and allocation of natural resource revenue? To address the needs of all classes of people in all regions of the country?
- H. How can a transitional government be mandated so as to prevent high-risk borrowing?
- I. Can a transitional government benefit from international engagement and an oversight partnership so as to help ensure transparency?
- J. Would a transitional mechanism—such as a Transitional Financial Management Steering Committee – help to ensure sound management during a transition period? What stakeholders would have seats on such a committee? What tasks would it undertake? What transitional oversight or signoff functions would it have? What supporting implementation mechanisms might it create?

SUB-COMMITTEE: PARAMETERS FOR CONSTITUTIONAL PROCESS FRAMING QUESTIONS FOR CONSIDERATION

Review and Negotiation of the parameters for a permanent constitutional process may help to end the current crisis and set forth a framework to address underlying drivers of instability. Stakeholders have an opportunity to discuss how to reinvigorate and redefine the existing process to develop a permanent constitution so that it fulfills its potential as vehicle for nation building and reform. Below are a series of questions and considerations intended to help frame the conversation among stakeholders; this list is not exhaustive.

- K. What is the goal of drafting a new constitution?
- L. What principles should be agreed through the IGAD peace process to shape the content of a permanent constitution process?
- M. What principles should guide a process to draft a permanent constitution for South Sudan? *The Transitional Constitution (2011) sets out guarantees for participation, inclusiveness and transparency. Do these principles need to be reviewed or revised following the conflict?*
- N. What minimum conditions need to be in place before a constitutional process can start or restart? *What benchmarks would indicate that South Sudan has reached minimum standards to allow for freedom of expression, association and assembly?*
- O. *The experience of the NCRC – from establishment to operations – could offer useful lessons learned for the future constitutional process. What have been the successes and challenges to the constitutional process to date?*
- P. To what degree has the National Constitutional Review Commission (NCRC) fulfilled its mandate and responsibilities? *The NCRC was tasked with: carrying out nation-wide public outreach, civic education and consultations; developing a draft constitution; and, preparing an explanatory report. How far has the NCRC reached on each of those tasks? What remains to be completed?*
- Q. Should the current roadmap for the permanent constitution be revised? If yes, how?

- R. The National Constitutional Review Commission: *Should it be reconstituted to address any gaps in inclusiveness, expertise or political commitment? Should its timeline be extended to complete its mandate (either with its current composition or in a revised form)? Should the current timeline and composition be retained, all relevant materials, reports or documents handed over and any outstanding tasks reassigned to other bodies?*
- S. The National Constitutional Conference (NCC): *Does the current roadmap allow sufficient time for the NCC? Is the leadership structure outlined in the Transitional Constitution (2011) considered fair and trusted by all stakeholders, even after the crisis and violence? What body will prepare a draft based on agreements reached during the NCC?*
- T. Adoption; *What steps can be taken to ensure that agreements forged through an NCC and broad participation are protected during the adoption phase? If the National Legislature retains the powers for adoption, should its powers be limited to an up-and-down vote (without amending provisions already negotiated and agreed)? Should there be a referendum on a permanent constitution? Should the National Legislature vote in accordance with the results of a popular referendum?*

SUB-COMMITTEE: TRANSITIONAL SECURITY ARRANGEMENTS FRAMING QUESTIONS FOR CONSIDERATION

Negotiation of transitional security arrangements is a centerpiece of any agreement to end the current conflict, restore security nation-wide, and create an environment where a transitional government can succeed. Stakeholders have an opportunity to discuss means to de-escalate current tensions, restore order to security institutions, regularize the ranks of security forces, and lay the foundation for long term security sector reform. Below are a series of questions and considerations intended to help frame the conversation among stakeholders; this list is not exhaustive.

What is necessary to de-escalate current tensions and restore a modicum of security in South Sudan?

What immediate measures are necessary to separate and demobilize opposing forces, in accordance with existing CoH and post-conflict security agreements?

What immediate steps must be taken in order to begin restoring the integrity of a fractured national army?

What arrangements can be put in place to provide security during the transition, and while longer term reform SSR efforts are undertaken?

How can previous SSR efforts 2011-2013 be revised and built upon in the wake of the conflict?

What SSR lessons can be learned from the experiences of the CPA and the Juba Declaration?

Can the integration process of the Juba Declaration serve as a model for merging the SPLA and the SPLA in Opposition (IO)? What succeeded and what failed?

The 2011 Transitional Constitution of South Sudan provided for the establishment of the South Sudan Armed Forces. Is it now the right time to establish the SSAF as an entirely new force?

What should be the size of the South Sudan's national army? The SPLA's own Objective Force 2017 originally called for an army of 120,000. Is this sufficient?

What should be the entry criteria for membership of the army? Ethnic quota? Professional qualifications? Age?

Is DDR a useful tool for managing fighters who will not be integrated into the security sector? Can a pensions policy offer an alternative for discharging older fighters? Can alternative work and employment schemes be utilized to demobilize and offer alternatives to current soldiers / fighters? What kind of cooperation with international partners may this require?

How can all sides have confidence that the security sector will in future serve the national interest, rather than the interests of one or other party? How can democratic, civilian control of the security sector be properly established?

How can coordination of the security sector, with defined roles and responsibilities across each agency, be properly established to ensure better service delivery?

Establishing a security sector that all parties have confidence in will take time. Who will provide both local and national security in the interim period, and how?

What should be the long-term configuration of the security sector? Should the National Security Services have powers of law enforcement and arrest? Should the police in future remain decentralised and under the control of state governors? Should the police have a paramilitary component?