

Notes on the Special Envoys' consultations 06 December 2014

The Special Envoys met in Addis Ababa on 06 December 2014 and made a thorough review and assessment on the implementation of the Resolution of the IGAD Summit of Heads of State and Government of 7 November 2014, and on the developments of the Peace Process in South Sudan since the adjournment of the last IGAD Summit.

1. The Special Envoys' vision and assessment of the peace process
 - 1.1. The Special Envoys express their deep concern on latest developments of the peace process in South Sudan and the backtracking of the warring Parties on agreements they reached during the 28th Extraordinary IGAD Summit. The two weeks time availed to the warring Parties, upon their own request, was to assist the Principals to consult their respective leadership and constituencies with regard to the structure of the Executive of the Transitional Government of National Unity (TGoNU); but not to backtrack on already agreed issues between them including on power sharing, which they themselves reported to the IGAD Summit that they had agreed on. The Principals are therefore expected to come back with a mechanism or solution that would help them address their differences only on the structure of the TGONU, with the understanding that all other outstanding issues will be resolved at the level of the negotiation teams of the Stakeholders.
 - 1.2. In accordance with the Declaration of the two Principals on 7 November 2014 during the 28th Extraordinary Session of the IGAD Assembly, the two warring Parties have agreed to stop the war as of the early hours of the same date. This was confirmed by the signing of the Cessation of Hostilities Agreement Implementation Modality, the Matrix, by the two Chief Negotiators on 9th

November 2014. Following this event, the military commanders of the two warring Parties have met in Addis Ababa from 14-15 November 2014, and agreed on the details of implementing the COHA Matrix. Henceforth, it is the understanding of all stakeholders in South Sudan, IGAD and the international community at large that the war in South Sudan is over as of 7 November 2014. Any violation of this Agreement should thus be investigated by the JTC/MVM and based on their verification reports should be handled in accordance with the Summit Resolution of 7 November 2014.

- 1.3. All efforts to resolve the crisis in South Sudan should be geared towards reinforcing and assisting the IGAD Mediation effort, which is fully supported by the international community. Forums that are organized outside this mediation will not help in resolving the crisis in that country, but prolong the suffering of the ordinary citizens of South Sudan. Hence, the Special Envoys call on all IGAD member states to work in full harmony with the Mediation and avoid any proliferation of initiatives that open venues for forum shopping. What the GRSS delegation and some permanent missions of member countries of IGAD have been doing in New York against IGAD Summit Decisions without the knowledge of and full coordination with the Mediation was not helpful—to say the least.
- 1.4. It is a long-standing position and an established wisdom of IGAD leaders not to allow bilateral differences superseding in their collective effort towards achieving a common regional objective on the basis of their collective interests. IGAD should remain committed to this exemplary tradition including in resolving the crisis in South Sudan. Specifically, IGAD should work towards avoiding an impending proxy war in South Sudan. The people of South Sudan have gone through horrendous difficulties for so long, and failing to avoid such a scenario will only condemn them to go through the same. It must be avoided at any cost.

- 1.5. The Special Envoys thank the AU, UN, TROIKA, the EU, China and the entire international community for their full and unequivocal support to the IGAD mediation thus far, and call on them to redouble their efforts in support of IGAD's next steps aiming at resolving the crisis in South Sudan by ensuring a sustainable system of governance based on the rule of law.

2. Next steps:

If the two Principals of the warring Parties fail to agree on the structure of the TGoNU and other outstanding issues, the Special Envoys propose the following compromise solution.

- 2.1. Regarding the structure of the TGoNU, the Special Envoys, for the purpose of inclusivity, propose that the structure of the President and Vice President as well as the Prime Minister be maintained while the Prime Minister shall appoint his Deputy Prime Minister. The President and the Prime Minister shall consult between themselves on the appointment of the Vice President and the Deputy Prime Minister.
- 2.2. In the absence of the President for more than 24 hours, the President might delegate his powers in written and share responsibilities between the Vice President and the Prime Minister. Nonetheless, the Vice President acts as the Head of State dealing with military matters as Acting Commander in Chief of the Armed Forces while the Prime Minister acts on all government matters including chairing the Council of Ministers.
- 2.3. With regards to agreed positions by the Parties on power sharing declared by the two Principals at the closing Session of the IGAD Summit on 7 November 2014, backtracking shall not be acceptable in this regard.

3. The third Phase of the Negotiation

- 3.1. The Special Envoys propose that the IGAD Chairperson consults the President of the Republic of Kenya, the Rapporteur of the IGAD Assembly, and the two Principals on holding the next mini-Summit with the participation of other representatives of South Sudanese stakeholders.**
- 3.2. The Special Envoys suggest that the two Principals submit their report to the mini-Summit on the outcomes of their consultations and that they be asked to finalize the issues of the power sharing and the structure on 15th December 2014.**
- 3.3. If the Principals fail to resolve outstanding issues, the Envoys propose for a Summit meeting of the IGAD Assembly and the AU high-level Ad-hoc Committee of Heads of State and Government, created by the AUPSC in accordance with IGAD's Assembly's decision of 7th November 2014 as early as possible and table a final proposal on the resolution of the crisis.**

4. Administrative and logistical issues

- 4.1. The Special Envoys intend to launch the 3rd phase, first session, of the negotiation on 15th December 2014, with delegates expected to arrive on the 13th and 14 December 2014.**
- 4.2. The Special Envoys would ensure that resource persons and members of the technical advisors to arrive by 10 December 2014 to finalize all the necessary documents including one draft agreement that would be presented for the negotiating teams that include the agreements of Bahir Dar and Addis Ababa, various protocols in various sectors as well draft agenda for the negotiating teams and the mini-Summit.**