

## **INTRODUCTION TO CONVERSATIONS WITH LAWYER AND POLITICIAN PETER SULE ABOUT A BLUEPRINT FOR SOUTH SUDAN**

**(Please scroll to the bottom of the page for the audio version)**

**BY MARGARET AKULIA, CANADA**

**AUGUST 23, 2014**

“The present catastrophic crisis in our country has exposed in ugly details the monumental wrongs which afflicted our country long before the events of the 15th of December 2013”, began a Preamble to a position paper by Lawyer and Politician Peter Sule. It is the official position of his United Democratic Front Party (UDF) about how to resolve the ongoing carnage in South Sudan. However, the position epitomizes what the majority of the masses of South Sudan are thinking but unable to verbalize because of fear. In conversations with Lawyer and Politician Peter Sule about a Blueprint for South Sudan, we unveil the issues that have brought South Sudan to the brink of total collapse, along with solutions to the issues.

Conversations with Lawyer and Politician Peter Sule will include in depth discussions about the best system of government suitable for meeting the aspirations of the multiethnic groups of South Sudan in order to avoid future conflicts. These conversations will undoubtedly be very difficult but they are necessary.

To set the stage for the conversations, this is what Lawyer and Politician Peter Sule had to say in response to a question postulated to him about a reference he made to the great mistakes of mis-governance and the excessive crimes committed against the people of South Sudan in his position paper. He was referring in part to the conflict between Salva Kiir Mayardit and Riek Machar and their cohorts which degenerated into the mass murder of innocent South Sudanese from the Nuer tribe under the direction of Salva Kiir Mayardit beginning on December 15, 2013.

“To understand this piece properly, you have to view it from a historical perspective”, began Lawyer and Politician Peter Sule before elaborating.

“During a more than fifty-year freedom struggle, our fore-fathers and ourselves had committed ourselves to a struggle for liberty, dignity and the welfare of our people. This in a nut shell is the concise vision statement of the broad objectives and aims of our struggle against a savage and brutal Arab imperialist dictator. However, immediately after the SPLM/SPLA took control of the reins of power in the South, it shocked the people by what it really was: a dictatorial, brutal, kleptocratically corrupt and bankrupt system of government. Soon enough the SPLM elites began to make themselves rich by looting state coffers. Tribal centers of power started to be formed at the top echelons of government, critics were arrested and many disappeared and their property coveted. The rule of law and due process were thrown to the rubbish bins. Nobody is beyond the gaze of the ubiquitous Military Intelligence or safe from the nightly break-ins, armed robberies and killings every night. Life and property were no longer sanctified and inviolable, leave alone being considered as indefeasible rights. Entire villages and tribal lands were violently displaced and the villagers terrorized, shot and chased away from their ancestral lands which were seized by the SPLM/SPLA elites and the armies of

commanders, officers and men who quickly built tribal colonies for themselves in the looted lands. They were joined by many others migrating en masse into cities like Juba, Wau, Yei, Kaya and Nimule, to mention only a few; displacing the original inhabitants in the process! The stand of the Murle tribe was a case in place against an attempted brutal genocidal displacement by the combined forces of Dinka and Nuer. The Judiciary is no longer independent and impartial, filled with tribesmen most of whom are unqualified and all lacking capacity and training. Judges take sides against the victims whose lands and houses are looted by the gun totting soldiers. The Civil Service is almost wholly recruited according to tribal considerations with the senior positions filled by men ill-qualified for their posts. If these are not crimes against the people of South Sudan, then what are they? Indeed, they are not only crimes against the majority of South Sudanese, but are crimes committed against the many innocent Dinka and Nuer in whose names they are committed”.

In conversations with Lawyer and Politician Peter Sule about a Blueprint for South Sudan, the following themes will be highlighted among many.

Miss-governance and excessive crimes committed against the people of South Sudan including but not limited to torture, looting state coffers, robbing properties of minority ethnic groups, murder, rape and maiming with unprecedented and imponderable impunity.

Lawlessness.

The need for a national army as opposed to the tribal armies that have currently divided the country into two warring camps of Dinka vs Nuer.

Misusing the most dire coercive machinery of the state leading to grievances that will undoubtedly boil over and explode the same way they did on December 15, 2013.

Lack of confidence in the government and total erosion of trust among the people of South Sudan.

The threat of total anarchy when communities such as the communities of the Equatoria region of South Sudan realize that their survival, and in fact their very existence in the country is in peril, unless they also move into the business of acquiring and possessing arms like the others, for their own self defense.

Lawyer and Politician Peter Sule has been consistent in asserting that the current calamitous ethnic war with its dire consequences felt country-wide, together with the mistakes which had led to it, have transcended and gone beyond its main architects: Kiir and Machar; that it has now become a national concern and not limited only to Kiir and Machar.

Lawyer and Politician Peter Sule has asserted that the ethnic war that has pitted South Sudan's Dinka tribe against the Nuer tribe can be brought to an end through an all-inclusive negotiated settlement by all South Sudanese stakeholders on the basis of a Federal system of governance, founded upon the values of justice, democracy, good governance, respect for fundamental rights and freedoms of the individual, mutual understanding and tolerance of the diversity within the realities of South Sudan.

Stay tuned for more conversations with Lawyer and Politician Peter Sule about a Blueprint for South

Sudan and becoming fully involved in crafting the best “system” of government for South Sudan which will satisfy and live up to the aspirations of the people of South Sudan in the share of power and wealth and the proper governance of their own states, in the long run.

Conversations are intended for all South Sudanese and not just Kiir and Machar's SPLM in government and SPLM in opposition as they want to have it.

## **CONVERSATIONS WITH LAWYER AND POLITICIAN PETER SULE ABOUT A BLUEPRINT FOR SOUTH SUDAN PART 1**

**BY MARGARET AKULIA, CANADA**

**SEPTEMBER 2, 2014**

“I am convinced that the present calamity which has profoundly destroyed confidence among South Sudanese can be relieved, not by any form of inclusive or broad based government to the satisfaction of those whose objectives in the final analysis are simply positions in government, in the short run, but by crafting the best “system” of government which will satisfy and live up to the aspirations of our people in the share of power and wealth and the proper governance of their own states, in the long run”.

Those were the words of Lawyer and Politician Peter Sule. He was referring to the lawlessness in South Sudan that morphed into genocide on December 15, 2013. The one that has eroded the confidence of South Sudanese in a country that held so much promise when it became an independent state on July 9, 2011. He was also referring to individuals who are only looking for positions in government and not the welfare of all South Sudanese when they push for their version of federalism and a so-called inclusive and broad based Government of National Unity. That is why he insists that the best and only system of government that will guarantee peaceful co-existence in South Sudan is one that comes about through an all-inclusive negotiated settlement by all South Sudanese stakeholders. Not one that is forced on the people of South Sudan with a gun to their heads by the genocidal SPLM cum SPLA oligopoly!

Lawyer and Politician Peter Sule is advocating for a properly formed, properly interpreted, properly understood and properly implemented federal system of government in South Sudan. This is because he takes a firm stand that it is the only version of federalism that will be sustainable in a country like South Sudan where tribalism runs amok and tribal association has become a death sentence!

Simply stated, South Sudan is now at a crossroads and the right path to take is a Blueprint that is negotiated by all the people of South Sudan. One that they can debate openly without a so-called democratically elected government infringing their right to security of the person and free speech as echoed by a number of South Sudan academics. It is by promoting open debate on a federal system of government as encouraged by Lawyer and Politician Peter Sule that all South Sudanese will own the outcome and guard it with their lives. Genocidal Salva Kiir or the genocidal SPLM cum SPLA oligopoly in any of its variations cannot and should not be the ones dictating the terms for such a debate because both parties still have to account for their crimes against the people of South Sudan and against humanity individually and altogether!

S. Sudan academics call for free debate on federalism

<http://www.sudantribune.com/spip.php?article52228>

In his Blueprint for South Sudan, Lawyer and Politician Peter Sule makes a case for a three tiered form of federation that comprises the federal government at the top, the state government in the middle and the local government at the very base. He suggests that the component parts of the South Sudan federation be the three former provinces or regions of “Bahr El Gazal, Equatoria and Upper Nile” and invites unimpeded discourse about the pros and cons of his suggestion.

“The three former provinces or regions would come together to form their Federal System of government by their own agreement, rather than it being brought to them ready made”, Lawyer and Politician Peter Sule asserted, to underscore the necessity for genuine agreement which can only occur through the all-inclusive negotiated settlement he has full confidence in as opposed to an agreement obtained under duress, with either a gun to the head or the threat of harm!

“The component parts then agree on the powers to be given to the Federal Government representing them all”, Lawyer and Politician Peter Sule continued as he expanded on his unwavering point of view about a properly formed, properly interpreted, properly understood and properly implemented federal system of government in South Sudan that is negotiated by all South Sudanese stakeholders and not just the gun totting genocidal SPLM cum SPLA oligopoly! The only version of federalism that will be sustainable in South Sudan because it involves all the people of South Sudan coming together to dialogue about the advantages and disadvantages of Lawyer and Politician Peter Sule's suggested federal layout, how to improve it if necessary so that it can work for all South Sudanese and their friends or why it should be discarded if it is deemed unsuitable.

“They also agree on the powers to be allocated to the components themselves which the federal government cannot encroach into, just as the powers “Enumerated” to the federal government are considered exclusively within federal jurisdiction”, Lawyer and Politician Peter Sule clarified, to underscore the critical need for unquestionable trust between the three tiers of the federation he is suggesting. The one that comprises the federal government at the top, the state government in the middle and the local government at the very base.

“There then comes an area of powers called concurrent powers which are exercised by both the component parts as well as the federal government” he points out. It is a fact that is well known and treasured in successful federations such as the United States of America, Nigeria, Russia, Canada and Switzerland to name just a few. These countries provide solid proof that federalism is beneficial for citizens because the top tier is not jam-packed with scoundrels as is the case in Salva Kiir's so-called democratically elected administration in South Sudan!

“I believe that not only through such an approach can we create a sustainable concrete model of government capable of solving our social, economic, political and cultural problems and ending the present on-going calamitous conflict, but also guarantee lasting peace, security, justice and equality for all our suffering people”.

There are many “trump cards” in the foregoing statement by Lawyer and Politician Peter Sule but the emphasis on sustainability underscores the necessity for the “all-inclusive negotiated settlement by all South Sudanese stakeholders” that he recommends. It also alludes to solving problems using a bottom up approach and establishing an actual democracy, not a twisted version. A government of the people, by the people, for the people, not the current top down archaic monarchy being forced on a people who lost so much during protracted wars as asserted by Lawyer and Politician Peter Sule in “Introduction to Conversations with Lawyer and Politician Peter Sule about a Blueprint for South Sudan” when he introduced the history of the struggle for democracy in South Sudan.

“During a more than fifty-year freedom struggle, our fore-fathers and ourselves had committed ourselves to a struggle for liberty, dignity and the welfare of our people. This in a nut shell is the concise vision statement of the broad objectives and aims of our struggle against a savage and brutal Arab imperialist dictator”.

When people own a government and solutions, they guard both with their lives that is why it is critical for the gun totting genocidal SPLM cum SPLA oligopoly and all South Sudanese to heed to Lawyer and Politician Peter Sule's counsel for a negotiated settlement.

“Federalisms as systems of governments are formed when two or more of its component parts combine by agreement (or covenant) to create a system of government called a federation, with the top authority above them referred to as a Federal Government” continued Lawyer and Politician Peter Sule as he resumed the intricate task of properly defining a system of government that clearly means different things to different people in South Sudan! It is an impaired mental state that gives new meaning to the adage “everyone needs to be on the same page”. That is why it is critical to have the “all-inclusive negotiated settlement” urged by Lawyer and Politician Peter Sule so that everyone is on the same page and the federation that arises comes about by agreement (or covenant) as expressed by him in his position paper and not by force.

Lawyer and Politician Peter Sule is confident that in spite of a long list of grievances and marginalization, the calamitous and barbaric ethnic war that has engulfed South Sudan with extreme consequences can be brought to an end through an all-inclusive negotiated settlement by all South Sudanese stakeholders. However, that cannot come about as long as there is a genocidal president at the helm!

Stay tuned as Lawyer and Politician Peter Sule continues to dispel the totally misunderstood and misappropriated idea of a federated South Sudan. In particular, he makes a case for a non negotiable competent Federal Government which is known by various names around the world.

“At the top of the federation therefore is the Federal or National Government or even the Union Government, which last name would fit us best in South Sudan due to the almost total disintegration of confidence amongst ourselves at the present moment”.

“The Union Government has competence and exclusive jurisdiction over those “Enumerated” powers which only the Union Government must have, central among which are the army and national defence, direction of the economy, foreign policy, currency and coinage, banking, inter-state trade,

foreign trade”.

“The allocation of powers must be done by the states themselves, voluntarily and with no feeling of being coerced into conceding those powers. Our Interim Constitution is a case in point, when the government simply forced it down everybody’s throats without complaints, and accompanied by the threat, or use of force. This situation cannot take place in the process of creating a federation, in accordance with the definition of Federation above”.

“On the other hand, powers allocated to each of the component parts or states must not be seen to be handed down to them by some superior power acting with authoritarianism as is also the case with our Interim Constitution. The feeling that states always accept their portions of powers under duress must be eliminated in the minds of those who are entrusted with the business of negotiating federal constitutions for their people. It must be clear to all that both the Enumerated Powers of the Federal or Union Government as well as the Reserved Powers of the states must be arrived at freely and not by duress. Otherwise the idea of the component states arriving at the Federation by agreement is nullified”, Lawyer and Politician Peter Sule asserted in Legalese. He is acutely aware of the power of legal language and wants to make sure South Sudanese are not abused ever again through the manipulation and ill-usage of legal language! Simply stated, it will be vital for the lawyers who draft South Sudan's new constitution to avoid legal language that is intended for violating citizens' rights and maintaining tyrants in power. Simulating archaic kingdoms with pseudo kings spewing one dysfunctional decree after another as Salva Kiir has gained notoriety for must never be repeated in South Sudan.

“However, the necessity of a strong Federal Union has to be taken into account, as well as the realization of the need for a strong and viable state capable of achieving socio-economic, political and cultural progress; putting in mind that it is the state which is near the people, responsive to their needs and the one providing public service to them at the grassroots” Lawyer and Politician Peter Sule affirmed before expanding on his stand point.

“Therefore all powers needed for enabling the states to provide those services to the people and to achieve socio-economic, political and cultural progress must not be seen to be denied the states. It is the states which in the final analysis achieve the real progress in industry, commerce and trade, agriculture, science and technology, social, economic and cultural development, and therefore must have the powers necessary for accomplishing all that”.

“Likewise, the division or allocation of powers ought to be done without a sense of competition between the Union Government and the component states otherwise the necessary cooperation and harmony between them will be missed. This standard is necessary and must be followed also in the allocation of both the Concurrent and Residual powers”.

In subsequent parts of “Conversations with Lawyer and Politician Peter Sule about a Blueprint for South Sudan” he explains and offers opinions about concurrent powers, residual powers and local government powers. Here is what he had to say to expand on his standpoint about the necessity to strengthen local governments because they are closest to the masses of South Sudan and they are better positioned to become avid custodians in all areas and services they are fully invested in.

“The third and last tier of this Federal status is the Local Government. Local Government has been one of the levels of government in South Sudan which is relegated to the periphery of governance in our country, throughout much of the history of local administration. It was the colonial government which laid its first foundation and the framework for its future development. Post-colonial independence governments paid lip service to the firm concept of local administration left by the colonial government. Yet more than 80% of the populations of our country live in the rural areas whose livelihood could be affected positively by the active presence of local government, or negatively by its neglect or absence. Local government is both an extended administrative branch of government and its active instrument of development for the majority of people in rural South Sudan. No development could be fully effected without the participation of local government and no system of government could ever consider itself complete without careful and purposeful integration of local government into both its administrative and socio-economic development plan. It is these considerations which make local government as a third tier or level of government in this Federation”.

In subsequent parts of “Conversations with Lawyer and Politician Peter Sule about a Blueprint for South Sudan” he also suggests a structure for a transparent, independent and incorruptible Judiciary and offers opinions about how to attain a capable, disciplined and professional judiciary fit for the job required of it and able to meet the aspirations of the people of South Sudan in maintaining law and order, keeping them safe and guaranteeing their rights especially security of the person. One in which the rule of law and due process are sanctified. Lawyer and Politician Peter Sule also tackles the army and many other areas consistent with and necessary to attain a properly formed, properly interpreted, properly understood and properly implemented federal system of government in South Sudan. He lists norms to be agreed on by all the people of South Sudan and he has this to say in the candor necessary to positively re-indoctrinate a lawless army comprised of fellow citizens!

“Of all the institutions of state which are responsible for the huge destruction of life and property, abuse of the rule of law, human rights, perpetration of all sorts of criminality, terrorism and coercion of the entire populations of South Sudan, the SPLA stands out tallest among the others. Much more, the current situation in the country has exposed the dangers inherent in an army made up wholly or dominated only by two ethnic groups to the exclusion of all the other ethnicities”.

“Such an army ceases to be national but immediately turns tribal and is thus prone to organized robberies and break-ins, corrupt practices, extreme excesses and crimes such as the wholesale massacres and genocides, as we have recently witnessed, in support of their tribal war lords”.

“The army must therefore not only be restructured, qualified and reorganized, professionalized, but must also be made national, representative of the many ethnicities and nationalities. Also importantly, the army must exhibit and show regional balance such that the three regions of Bahr El Gazal, Equatoria and Upper Nile must each be represented by a third of the total number of the National Army, together with its specialized components: Infantry, Tanks and Mechanized Units, Artillery, Air Force, Air Defense, Engineering Units, Military Intelligence, Specialized Units, etc. etc.”

South Sudan has a great deal of potential. The masses are quite capable of digging it out from under the rubble through an all-inclusive negotiated settlement by all South Sudanese stakeholders as advocated by Lawyer and Politician Peter Sule. However, there needs to be a secure environment to discuss and debate the properly formed, properly interpreted, properly understood and properly

implemented federal system of government in South Sudan that Lawyer and Politician Peter Sule is confident will usher in a model state.

Stay tuned for more “Conversations with Lawyer and Politician Peter Sule about a Blueprint for South Sudan”.

A DOWNLOADABLE AUDIO VERSION OF THIS ARTICLE IS BEING AVAILED AS A FUNDRAISER FOR THIS UNPRECEDENTED LEGAL CRUSADE THROUGH THE FOLLOWING LINK. PLEASE CONSIDER CONTRIBUTING.

<http://www.payloadz.com/go/sip?id=2716913>