



**GOVERNMENT OF SOUTHERN SUDAN
(GOSS)**

Office of the Vice President

Ref: GOSS/VP-TSF/4
Date: 23-06-2010

To;

Representatives of the International Partners in Juba, Southern Sudan

Dear All,

Re; UPDATE ON SOUTHERN SUDAN 2011 TASKFORCE

I am writing as the Chairman of the 2011 Taskforce to give you an update on its work.

1. As you will recall, the work of the Taskforce is defined into three complementary areas or "tracks" which are then organized into three Subcommittees), namely (i) **Preparing the Referendum**, (ii) **Post-Referendum Arrangements**, and (iii) **Preparing the GoSS for post-2011**. Since its establishment in January/ February 2010, the SS 2011 Taskforce has started work at the level of the Oversight Committee and at the ministry levels to review and consider the various issues. To date, work has focused primarily on "Track One" and "Track Two" of the Taskforce's work, focusing on the preparing for the Referendum and for negotiating Post-referendum Arrangements:

- A Number of "exposure" sessions have been held for Ministers and senior officials to inform them of the various issues as per Article 67 of the Southern Sudan Referendum Act (Act).
- The Taskforce has been developing a detailed matrix of sub-issues which must be addressed when considering the Article 67 identified negotiation issues. In-depth analysis on many of the issues has commenced, with the support of the Public International Law and Policy Group (PILPG), the pro bono international firm which serves as the legal advisor to the Taskforce and the GoSS. The Taskforce and its legal and economic advisors have completed significant research on various issues related to GoSS involvement in the referendum and post-2011 issues. Negotiation binders for each of the Article 67 issues with prior state practice, relevant law, and strategic documents have been prepared. Work has also been conducted on the option for a Negotiation Framework – i.e. a

RMTD

framework within which the negotiations could take place – and on guiding principles that the Parties could agree to as a basis for such negotiations.

- With respect to "Track One", several meetings have been held with newly elected governors and parliamentarians to educate them about the provision of the Act and discuss the expectations regarding GoSS's role in the referendum – at all levels of government— as required by the Act. Work has commenced on a referendum implementation plan specific for GoSS.
2. The recently appointed Government of Southern Sudan includes a newly created Ministry for Peace and CPA Implementation, headed by HE Minister Pagan Amum. This new portfolio will play a key role in respect of issues of preparing for the Referendum and Post-referendum arrangements, and in respect of the Southern Sudan 2011 Taskforce.
 3. It has been agreed that five cluster working groups will be formed on the Post-Referendum Arrangements, namely **(1) Citizenship** (and related issues), **(2) Security**, **(3) Economic issues** **(3) Natural Resources**, and **(5) International Treaties and Conventions**. To date the *Economic Issues Cluster Group* has been convened by the Ministry of Finance and Economic Planning, and is in the process of developing an in-depth work-plan on the various issues, including assets and liabilities, currency and economic co-operation. All other cluster groups on post-referendum issues are in the process of being formed and in the meantime, the Taskforce legal advisors has commenced working with a number of the lead ministries on relevant issues, including, for instance, the Ministry of Regional Cooperation, the Ministry of Water and Irrigation, the Ministry of Energy and Mines. It is envisaged that all of these Cluster Groups will have a number of open sessions over the next months to which interested members of the international community will be invited, and where inputs by those with expertise in the various topics will be particularly welcome.
 4. Arrangements for the establishment of the **2011 Taskforce Secretariat** by the GoSS are still being finalised. The operational costs for this will be covered by a combination of GoSS funding, and contributions by donors. Any donors interested in funding the operational support costs are encouraged to discuss this with GoSS and or UNDP (which is managing an existing project which will be used to provide support for items such as office accommodation, logistics and Taskforce communications).
 5. Further to the **call for experts and professional staff** as issued by the Ministry of Presidential Affairs, Office of the President, recruitment of experts and professional staff to assist the GoSS has commenced. The GoSS wishes to extend its gratitude to all partners who have offered to provide support. In addition to the legal and policy support being provided by PILPG with respect to the Taskforce's work, including the referendum preparations and each of the post-2011 referendum issues, the

RMGD

following provides a short summary of progress in recruiting additional experts and professional staff for the Taskforce.

(1) Sub-Committee One: Preparing the Referendum - It is planned that one or more Policy Analysts to support the GoSS preparation towards the Referendum will be recruited for the Taskforce. Canada has offered funding for this area.

(2) Sub-Committee Two: Post-Referendum Arrangements

Economic Issues: An Economic Adviser to the Taskforce's *Economic Issues Cluster* (led by MoFEP and BoSS) has been recruited, funded by the Capacity-Building Trust Fund (CBTF). Experts to assist the Taskforce work in this cluster have also been offered by the World Bank.

Natural Resources (1) Oil Sector: There are significant needs in this critical sector in terms of supporting GoSS to reach a comprehensive post-referendum agreement and to put the necessary co-operation and capacity-building arrangements in place. The GoSS has identified a number of potential experts to support the technical and legal work required, including both international and national experts. Funding for experts in the Diaspora to work with the Ministry of Energy and Mining has been offered by Norway. Offers of funding are still required to support the recruitment of the required international experts. It will be appreciated if the donors can discuss possible modalities and options as to how these posts can be funded, including potentially via use of the CBTF.

Natural Resources (2) Water: GoSS has also identified a number of potential experts in this sector, to work on legal as well as technical aspects of the issues pertaining to the Nile and other post-referendum related water matters. Support to fund this area has been offered by the Netherlands.

Security Issues: Specific support needs in respect of the cluster looking at security aspects of the work towards a post-referendum agreement and subsequent arrangements (such as the future of the JIUs, managing border security etc) are still under consideration. To date, the Netherlands has offered a potential expert in this area. Other offers of experts and/or funding will still be welcome.

Citizenship Issues: No additional support is being sought with respect to the general technical and legal issues of this matter. The CBTF already has ToRs to hire expertise to assist with a pension policy development and drafting of pension legislation regulating the Southern Sudan public servants pension scheme. The Taskforce welcomes these inputs. Additional analysis on pension liabilities, particularly for the post-2011 arrangement negotiations may be needed in the immediacy. GoSS will approach the CBTF and others if this is deemed necessary.

RMTD

International Treaties and Conventions: No additional expert support is being sought on this matter. PILPG and the Ministry of Regional Cooperation have already begun developing a treaty inventory and preparations regarding treaty succession matters in the event of secession. As a final inventory is discussed with the Government of Sudan, the GoSS invites each member of the international community to provide the Taskforce with a list of the bilateral treaties it currently has with Sudan. This will facilitate the South's required preparations, in the event of secession.

(3) Sub-Committee Three: Preparing the GoSS: A number of Senior Advisers to the Ministry of Cabinet Affairs are already in place, including a Strategic Planning Adviser supported by USAID, and a Transition Planning Adviser funded by the World Bank, supported by a Policy Assistant. GTZ has also offered support to the work of this Sub-Committee. Upon formalization of the new government, the Sub-Committee will conduct detailed mapping and prioritisation of support needs, building on the various studies and assessments of GoSS key functionality and capacity-building needs already helpfully conducted by the development partners (including the USAID-funded study on GoSS functionality, the CBTF assessment for a GoSS 2011 funding window, and the UNDP-co-ordinated Capacity Enhancement Working Group). Needless to say, there are significant support needs across the various key sectors, ministries and agencies. A good proportion of these needs are already being met by existing donor-funded capacity-building programmes and advisers, but there are still a number of gaps and areas where additional institutional development and capacity enhancement will be required. GoSS looks forward to working closely with the development partners to ensure that priority needs are identified and that appropriate and well co-ordinated forms of support are in place.

(4) Support to the Secretariat: Funding for the other core posts required within the Secretariat (such as administration, general policy support and communications) has been offered by the UK and Norway through their existing support to GoSS Office of the President managed by UNDP. The World Bank has also provided a Policy/ Research Officer to support the Taskforce, and the USAID-funded Adviser within the Office of the President on strategic communications has offered support to Taskforce communications. The Office of the Vice President has also detailed a communication specialist to work on the Communications and Outreach component of the Secretariat. USAID funding is also being made available to recruit a number of members of the Diaspora.

6. In addition to the above, a number of other offers of support have been made by donors who have flexible funds which can be used to bring in experts as required, including the EU Instrument for Stability, and the recent scoping mission for a funding

RMTD
S

window for the GoSS for 2011 preparation within the Capacity-Building Trust Fund (CBTF), and various bilateral donors. All partners interested in providing support are asked to kindly note that all experts and advisers working within the 2011 Taskforce supporting Sub-committees One and Two, plus any other professional staff in roles involving handling of confidential documentation, are required to be able to sign a confidentiality agreement with the GoSS.


7. The GoSS would wish to reassure all donors who have offered to fund and support the work of the Taskforce that the agenda for the 2011 Taskforce overall, as clearly stated in the TOR leading to its establishment, is to assist the GoSS in preparing for a successful and credible referendum, and in doing the necessary groundwork to put in place the required post-2011 co-operation and governance arrangements for both possible referendum outcomes. Thus donor funding to the Taskforce will be used to ensure that the GoSS is fully prepared overall to fulfil all its responsibilities as set out in the CPA, in terms of respecting the right of self-determination of the people of Southern Sudan, and in terms of ensuring effective political and economic governance arrangements are in place for Southern Sudan's future beyond the referendum. It will therefore be very much appreciated if donors can wherever possible agree flexible funding frameworks which enable support to all three Sub-committees of the Taskforce's work.

In summary, the GoSS is most grateful to all partners for their support to this critical endeavour. The GoSS will be calling another meeting in the near future to brief the international community and to respond to any questions and suggestions which you may have. I very much look forward to your participation.

Thank you,

Yours truly,

DR. Riek Machar Teny



23/6/2010

Vice President of GOSS, Chairman of the Co-Chair of the Joint High Executive – Political Committee of the CPA Implementation and the Chairman of the Southern Sudan 2011 Taskforce.

CC :

HE Kosti Manibe Ngai, Minister of Cabinet Affairs
HE Pagan Amum, Minister of Peace and CPA Implementation
HE Deng Alor Kuol, Minister of Regional Co-operation
HE Dr Cirino Hiteng Ofuho, Minister in the Office of the President