



**Reconstituted Joint Monitoring and Evaluation Commission
(RJMEC)**

REPORT BY

H.E. MAJ. GEN. (RTD) CHARLES TAI GITUAI

INTERIM CHAIRPERSON OF RJMEC

**ON THE STATUS OF IMPLEMENTATION OF THE REVITALISED
AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN THE
REPUBLIC OF SOUTH SUDAN**

FOR THE PERIOD

1st July to 30th September 2020

**Report No. 008/20
JUBA, SOUTH SUDAN**

Table of Contents

List of Acronyms	ii
Executive Summary	iii
I. Introduction	1
II. Status of Implementation of the Revitalised Peace Agreement	2
Chapter I – Revitalised Transitional Government of National Unity	2
Chapter II – Permanent Ceasefire and Transitional Security Arrangements	5
<i>The Cantonment Process and the Training of the Necessary Unified Forces</i>	6
<i>Mechanisms for Security Arrangements</i>	7
Chapter III – Humanitarian Assistance and Reconstruction	8
<i>Progress made against specific articles of the R-ARCSS</i>	9
Chapter IV – Resource Economic and Financial Management	10
<i>Report on the Economy</i>	10
<i>Progress made against specific articles of the R-ARCSS</i>	10
Chapter V – Transitional Justice Accountability Reconciliation and Healing.....	11
Chapter VI – Parameters of Permanent Constitution	11
Chapter VII. The Reconstituted Joint Monitoring and Evaluation Commission	12
III. Observations and Recommendations	13
IV. Conclusion	15

List of Acronyms

<i>ACPHR</i>	<i>African Commission on Peoples and Human Rights</i>
<i>AJMCCs</i>	<i>Area Joint Military Ceasefire Committees</i>
<i>CoS</i>	<i>Council of States</i>
<i>CTSAMVM</i>	<i>Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism</i>
<i>DDR</i>	<i>Disarmament Demobilization and Reintegration</i>
<i>FDs</i>	<i>Former Detainees</i>
<i>IBC</i>	<i>Independent Boundaries Commission</i>
<i>IGAD</i>	<i>Intergovernmental Authority on Development</i>
<i>IDPs</i>	<i>Internally Displaced Persons</i>
<i>ITGoNU</i>	<i>Incumbent Transitional Government of National Unity</i>
<i>JDB</i>	<i>Joint Defence Board</i>
<i>JMCC</i>	<i>Joint Military Ceasefire Commission</i>
<i>JTSC</i>	<i>Joint Transitional Security Committee</i>
<i>MVTs</i>	<i>Monitoring and Verification Teams</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NCRC</i>	<i>National Constitutional Review Commission</i>
<i>NFBS</i>	<i>National Fire Brigade Service</i>
<i>NPTC</i>	<i>National Pre-Transitional Committee</i>
<i>NTC</i>	<i>National Transitional Coordination Committee</i>
<i>NUF</i>	<i>Necessary Unified Forces</i>
<i>OCHA</i>	<i>UN Office for the Coordination of Humanitarian Affairs</i>
<i>OPP</i>	<i>Other Political Parties</i>
<i>R-ARCSS</i>	<i>Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan</i>
<i>RJMEC</i>	<i>Reconstituted Joint Monitoring and Evaluation Commission</i>
<i>R-TGoNU</i>	<i>Revitalised Transitional Government of National Unity</i>
<i>SDSRB</i>	<i>Strategic Defence and Security Review Board</i>
<i>SGBV</i>	<i>Sexual and Gender Based Violence</i>
<i>SPLM</i>	<i>Sudan People's Liberation Movement</i>
<i>SPLM/A-IO</i>	<i>Sudan People's Liberation Movement/Army in Opposition</i>
<i>SSOA</i>	<i>South Sudan Opposition Alliance</i>
<i>SSP</i>	<i>South Sudanese Pound</i>
<i>SSPDF</i>	<i>South Sudan Peoples' Defence Forces</i>
<i>TCRSS</i>	<i>Transitional Constitution of the Republic of South Sudan</i>
<i>TGoNU</i>	<i>Transitional Government of National Unity</i>
<i>TNL</i>	<i>Transitional National Legislature</i>
<i>TNLA</i>	<i>Transitional National Legislative Assembly</i>
<i>UN</i>	<i>United Nations</i>
<i>UNDP</i>	<i>United Nations Development Program</i>
<i>UNSC</i>	<i>United Nations Security Council</i>

Executive Summary

This Report on the status of implementation of the activities of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) is prepared pursuant to *Chapter VII, Article 7.9* of the R-ARCSS and covers the period 1st July to 30th September 2020. The Report highlights the most recent progress on the Pre-Transitional activities carried over after the initial formation of the Revitalised Transitional Government of National Unity (RTGoNU) on 22nd February 2020, as well as the tasks scheduled to be undertaken in the Transitional Period.

During the reporting period, very little progress was made on the implementation of these outstanding tasks, with exception of the issue of responsibility sharing at the State and local government levels. The Parties reached agreement on the allocations including positions for 10 Deputy Governors, 10 Speakers, their deputies and 51 members of the State Assemblies, 17 Ministers, 5 State Advisors, 6 Chairpersons, 79 County Commissioners, 35 County Councils, 6 Commission Deputies and 8 specialized committees in each State. However, full establishment of the governance structure at the sub-national level was delayed despite this initial agreement, relating mainly to eleven positions for County Commissioners including in the Ruweng and Pibor Administrative areas.

The Legislative arm of the RTGoNU is yet to be reconstituted. The 36th Extraordinary Meeting of the IGAD Heads of State and Government held in July 2020 appealed to the President of the Republic of South Sudan to dissolve the current Transitional National Legislative Assembly (TNLA) before 26th July 2020; and the Parties to reconstitute the TNLA within seven (7) days of its dissolution. However, the TNLA is yet to be dissolved and its expansion and reconstitution has been delayed. The Summit also called upon the R-TGoNU to take remedial measures to immediately rectify the alterations made to the Constitutional Amendment Bill. These measures were initiated by the NCAC in order to rectify the alterations and submitted to the Minister of Justice and Constitutional Affairs for review.

The Permanent Ceasefire is largely holding without major skirmishes among the Signatories. However, during the third quarter minor clashes were reported between the South Sudan People's Defence Forces (SSPDF) and the Sudan People's Liberation Army – In Opposition (SPLA-IO) elements in Northern Bahr El Ghazal. The clashes led to scores of fatalities and numerous casualties on both sides, as well as severe disruption and displacement to the civilian population. At the same time, inter communal violence continued in the Jonglei and Greater Pibor area, but was later brought under control by a High-level Committee appointed by the President and led by Vice President Wani Igga to resolve intercommunal disputes.

Violation of the Cessation of Hostilities Agreement 2017 and the Rome Declaration (2020) by the SSPDF, SPLA-IO, and the National Salvation Front (NAS) continued in the Equatorias. The armed clashes led to scores of civilian fatalities and the displacement of thousands of civilians in the Equatorias. There were also continuous sexual and gender-based violence

(SGBV) incidents linked to the fighting. In response, the SSPDF leadership launched a District Court Martial process to hold accountable members of the SSPDF who may have been culpable. As a result, 26 soldiers were convicted for offences against civilians and violations of the SSPDF military code of conduct. The soldiers found guilty of rape or sexual assault have been sentenced to a period ranging from 6 to 14 years in prison and dismissal from the SSPDF.

The food security situation in South Sudan remains grim with more than 7 million people acutely food insecure. The magnitude and severity of the food insecurity steadily rose as household food access became increasingly constrained by rising food prices, and the continued depreciation of the South Sudanese Pound (SSP). The situation was worsened by the impact of COVID 19, and impassable roads due to heavy rains. Food security was further threatened by an incursion of a swarm of locusts into eastern Equatoria, an outbreak of fall armyworms in Magwi County in Eastern Equatoria, and inhibited humanitarian access resulting from the armed clashes between SSPDF, SPLA/IO and NAS forces.

The RJMEC Interim Chairperson addressed virtual meetings of the IGAD Heads of State and Governments and the African Union Peace and Security Council (AUPSC), in which he outlined the current status of implementation and recommended that: the Parties move to speedily appoint the Upper Nile governor; the reconstitution of the TNLA be undertaken immediately; the training, graduation and redeployment of the Necessary Unified Forces move ahead; the authorities initiate dialogue at the grassroots level in order to address inter-communal violence; and the Africa Union continue to pursue establishment of the Hybrid Court. In addition, the RJMEC leadership held meetings with H.E Salva Kiir, President, Dr Riek Machar Teny, First Vice President, and the four Vice Presidents of the Republic of South Sudan.

There are ongoing risks and challenges to implementation of the R-ARCSS including the Covid-19 disruptions, lack of resources for redeployment of the NUF, intercommunal clashes, growing incidents of defections of the forces within the parties, persistent NAS attacks in the Equatorias, and limited efforts at tackling the Transitional Period tasks. To date, none of the 187 activities expected to be conducted during the Transitional Period has taken place. Worse, the two key Pre-Transitional tasks brought over into the Transitional Period that of the reconstituting of the TNLA and completion of the security arrangements; continue to trail implementation with no clear timetable for them being accomplished.

It is critical that the pre-transitional tasks as well as those still outstanding in governance, security, the economy, humanitarian assistance, and transitional justice issues be given serious attention. These provisions when implemented will pave the way for the state building process in South Sudan. Meanwhile, a good number of the deadlines have elapsed with little or no progress in implementation since the commencement of the Transitional Period.

I. Introduction

1. This Report on the status of implementation of the tasks of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) is prepared pursuant to *Chapter VII, Article 7.9* of the R-ARCSS and covers the period 1st July to 30th September 2020. It builds on the previous quarterly reports published since the signing of the R-ARCSS on 12th September 2018, namely numbers 001/19, 002/19, 003/19, 004/19, 005/19, 006/20 and 007/20.¹
2. During the last quarter, very little progress was made on the implementation of the outstanding Pre-Transitional period tasks, which were moved to the Transitional Period.² However, there was some progress made in finally resolving the issue of responsibility sharing at the State and local government levels. The Report highlights the continued challenges to implementation, including lack of progress in implementing key aspects of the chapters related to the economy and that of transitional justice, while outlining where some progress has been made. In addition, the status of implementation is discussed within the broader context of inter communal violence, the COVID-19 Pandemic, and the ongoing humanitarian challenges facing the country.
3. Also highlighted in the Report is the ongoing work of the National Constitutional Amendment Committee (NCAC), the various security mechanisms, progress made by the Reconstituted Transitional Government of National Unity (R-TGoNU), specific efforts made by the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) in encouraging implementation of the R-ARCSS, and recent efforts by the authorities to tackle sexual and gender based violence (SGBV). The humanitarian situation is discussed in some detail with the worsening of the flood situation, and a slow down to the voluntary return of Internally Displaced Persons (IDPs).
4. The Report also highlights the specific intervention of the IGAD Council of Ministers in urging action on the part of RTGoNU to implement key aspects of the R-ARCSS. In that regard RJMEC's intervention both with the Summit and the Africa Union Peace and Security Council is outlined.
5. Section II of the Report will provide greater detail on the status of implementation of the R-ARCSS with regards to progress or the lack thereof, and based on the various Agreement chapters, Section III presents RJMEC's observations and recommendations, and concludes with Section IV.

¹ All the reports can be accessed at <http://jmecsouthsudan.org>, which cover progress or lack thereof in implementation of the R-ARCSS since its signing in Addis Ababa, Ethiopia.

² When the Transitional Period commenced on 22 February 2020, the Parties agreed to tackle the Pre-Transitional tasks related to the reconstitution of the Transitional Legislature, the training and deployment of the Necessary Unified Forces, and responsibility sharing at the State and local government levels; during the Transitional Period. With the exception of responsibility sharing the other two tasks remain largely unimplemented.

II. Status of Implementation of the Revitalised Peace Agreement

Chapter I – Revitalised Transitional Government of National Unity

6. This section of the report highlights the status of implementation of Chapter I of the R-ARCSS and gives a qualitative analysis of the expected tasks that were meant to be accomplished during the past quarter. It also includes the outstanding governance issues from previous periods. The analysis uses the Annexure D of the R-ARCSS Implementation Matrix 2018 as a benchmark for evaluating progress, or lack thereof, towards the set targets. Following is a listing of such tasks:
- expansion and reconstitution of the TNLA³ (*Articles 1.14.2 and 1.18.1.4*);
 - reconstitution of the Council of State (*Articles 1.14.5 & 1.15.13*);
 - nominations of the Speaker and Deputy Speakers of the TNLA (*Article 1.14.5*);
 - nominations of the Speaker and Deputy Speakers of the Council of States (*Article 1.16.2*);
 - appointment of Transitional Governors, Speakers of State Legislatures, State Council of Ministers, State Legislatures, County Commissioners and County Councils (*Articles 1.16.3 & 1.16.4*);
 - establishment of an *ad hoc* Judicial Reform Committee (*Article 1.17.3*);
 - enactment of the proposed amendments into law (*Article 1.18.1.2*);
 - presentation of the draft amendment bills to the Council of Ministers and the Transitional National Legislative Assembly (TNLA) for adoption (*Article 1.18.6*);
 - restructuring and reconstitution of various Commissions and Institutions at the national level (*Article 1.19*);
 - review of the Political Parties Act, 2012 and adoption by the TNLA (*Article 1.20.1*); and
 - reconstitution of the Political Parties Council (*Article 1.20.2*).
7. There has been slow progress in the implementation of the governance tasks of the R-ARCSS since the commencement of the Transitional Period. In the absence of regular full cabinet meetings, the First Vice President and the Four Vice Presidents responsible for chairing and overseeing the six RTGoNU ministerial clusters (*Article 1.10*) as provided for in *Articles 1.7.3.3 and 1.8.2.5* conducted regular meetings of each of the ministerial clusters, until the first full cabinet meeting was convened in the second week of September 2020, followed by two others within the month.
8. Nine (09) out of ten (10) Governors for the States in South Sudan were appointed during the last quarter with one of them being a woman. The appointments notwithstanding, the persistent impasse over the gubernatorial position for the Upper Nile State, allocated to the Sudan People's Liberation Movement/Army – In Opposition (SPLM/A-IO), requires compromise between President Salva Kiir Mayardit and Dr Riek Machar. The disagreement pertains to the candidature of Gen. Johnson Olony. The President has reservations regarding Gen. Johnson's nomination, while the SPLM/A-IO continues to maintain its position.

³ The current TNLA is composed of 400 members and is expected to increase to 550 after reconstitution.

9. Negotiations on responsibility sharing positions at the sub-national levels continued during the second quarter by an inter-party committee formed by the leadership of the Parties to the R-ARCSS. The process resulted, on 10 August 2020, in an agreement on allocation of the responsibility sharing positions among the various Parties to the R-ARCSS, including positions for 10 Deputy Governors, 10 Speakers, their deputies and 51 members of the State Legislative Assemblies, 17 Ministers, 5 State Advisors, 6 Chairpersons, 79 County Commissioners, 35 County Councils, 6 Commission Deputies and 8 specialized committees in each State.
10. The agreed allocations were based on the responsibility sharing ratios as provided for in *Article 1.16* of the R-ARCSS. Whereas *Article 1.16.5* of the R-ARCSS provides for a special consideration for the Former Detainees (FDs), this was not explicitly stated in the 10 August agreement. It is however understood that the Parties had agreed that the FD's ratio would be deducted from the opposition ratio. Full establishment of the governance structure at the sub-national level was, however, delayed despite initial agreement over the various positions. Contestations relate to responsibility sharing at the level of the Counties, particularly that of eleven County Commissioners including in the Ruweng and Greater Pibor Administrative Areas.
11. The 36th Extraordinary Meeting of the IGAD Heads of State and Government held on 15 July 2020⁴ appealed to the President of the Republic of South Sudan to “dissolve the current TNLA before 26th July 2020; and the Parties to reconstitute the TNLA in accordance with the R-ARCSS within seven (7) days of the dissolution of the incumbent TNLA.” However, the TNLA is yet to be dissolved and its expansion and reconstitution has been delayed. All of the Parties to the Agreement, with the exception of the FDs has so far failed to submit the list of their nominees to the NCAC for processing. On their part, the six OPP signatories to the R-ARCSS have not agreed on a single list of nominees to be submitted to the NCAC. This means that subsequent tasks related to the TNLA such as nominations of the Speaker and Deputy Speakers could not proceed as provided for in the R-ARCSS.
12. Also, the reconstitution of the Council of States as well as nominations of the Speaker and Deputy Speakers of the Council of States remain pending. As per article 1.17.3 of the R-ARCSS, the RTGoNU was expected to have established an *ad hoc* Judicial Reform Committee (JRC) within the first three months of the Transitional Period. The JRC is to consist of IGAD nominees and representatives of the Parties to the R-ARCSS. To date, the JRC has not yet been established.
13. The Summit also called upon the R-TGoNU to honour commitments made during the 71st IGAD Council of Ministers Meeting⁵ to take remedial measures to immediately rectify the

⁴<https://www.igad.int/attachments/article/2464/Final%20Communique%20of%20the%2036th%20IGAD%20HSG%20Meeting%2014.07.2020.pdf>. Communique of the IGAD Summit.

⁵ At the time of the meeting on 23 April 2020, the Council urged the President of the Republic of South Sudan to dissolve the incumbent TNLA before 30th April 2020, and called upon the Parties to reconstitute the TNLA in accordance with the R-ARCSS within ten (10) days of the dissolution of the incumbent TNLA. In addition, the

alterations made to the Constitutional Amendment Bill. The RJMEC had reported in the previous quarter that the National Constitutional Amendment Committee (NCAC) detected alterations to the Constitutional Amendment Bill No. 6, 2020 before it was assented to by the President of the Republic of South Sudan. During this quarter, remedial measures were initiated to rectify the alterations. The NCAC and the Minister of Justice and Constitutional Affairs have undertaken due diligence to review and rectify the discrepancies. Accordingly, the NCAC re-submitted the reviewed Constitutional Amendment Bill No. 8, 2020 to the Minister reflecting the required rectifications for further processing.

14. The NCAC has also reviewed the Political Parties Act, 2012 to conform to the provisions of the R-ARCSS and submitted the Political Parties Bill to the Minister of Justice and Constitutional Affairs. The Bill, together with the other bills with the Minister await approval by the Cabinet and presentation to the TNLA for enactment. The NCAC is also in the process of reviewing economic sector related laws as per Chapter 4 of the R-ARCSS
15. Furthermore, the Minister of Justice and Constitutional Affairs is expected to submit all draft amendment bills that have been reviewed by the NCAC to the Council of Ministers and the TNLA for adoption and enactment into law respectively. The envisioned reconstitution to the Political Parties Council can only be undertaken after the Political Parties Bill which the NCAC has also submitted to the Minister has been enacted into law.
16. In line with article 1.19 of the R-ARCSS, the RTGoNU is expected to restructure and reconstitute various Commissions and Institutions at the national level. Apart from the DDR Commission that has been reconstituted, there is need for this process to be initiated for the remaining Commissions and Institutions.
17. In terms of judicial reforms, the R-ARCSS provides for four key tasks during the Transitional period namely: (a) establishment of an *Ad-Hoc* Judicial Reforms Committee to study and make recommendations on judicial reforms; (b) reconstitution of the Judicial Service Commission (JSC); (c) judicial reforms, including review of the Judiciary Act and capacity building to the Judiciary; and (d) establishment of the Constitutional Court by law. There is as yet no significant progress to report on the implementation of the above tasks. The RJMEC Secretariat is working closely with IGAD Office of the Special Envoy for South Sudan to develop a detailed Terms of Reference for the establishment of the Ad-hoc Judicial Reforms Committee.

Council urged the Parties to immediately resume discussions and consultations and reach on an agreement within fifteen (15) days of the issuance of its Communique.

Chapter II – Permanent Ceasefire and Transitional Security Arrangements

18. The Permanent Ceasefire is largely holding without major skirmishes among the Signatories. However, during the third quarter minor clashes were reported between the South Sudan People's Defence Forces (SSPDF) and the SPLA-IO elements in Northern Bahr El Ghazal, presumably as a result of miscommunication during the civilian disarmament operation by the SSPDF. There were clashes between the SSPDF and armed youth that led to scores of fatalities and numerous casualties on both sides, as well as severe disruption and displacement to the civilian population. This consequently led to the abandonment of the operation by the SSPDF.
19. During the same period of reporting, significant armed clashes occurred in the area of Pibor as the Nuer - Dinka youth alliance attacked the Murle youth, particularly in the town of Gorumuk with reports of rampant destruction of institutional buildings and infra-structure.⁶ However, the situation was later brought under control by a High-level Committee appointed by the President and led by Vice President Wani Igga to resolve intercommunal disputes in Jonglei and Pibor areas. The thirteen-member committee was established on 23 June 2020 and made its first visit to the Pibor area in early July.⁷ An outstanding matter of contention is the question of just who is responsible for providing funding and arms to the Dinka Bor and Luer Nuer in Jonglei.
20. Of considerable concern during the reporting period has been the violation of the Cessation of Hostilities Agreement 2017 and the Rome Declaration (2020)⁸ by the SSPDF, SPLA-IO, and the National Salvation Front (NAS). Armed clashes between the NAS and the SSPDF, as well as the SPLA-IO, escalated in July and August, leading to scores of civilian fatalities and the displacement of thousands of civilians, particularly in Central Equatoria State. Suspected NAS forces also launched separate road ambushes in Central and Western Equatoria that resulted in the killing and abduction of several civilians as well as SSPDF soldiers, the looting of goods and destruction of vehicles.

⁶ An UNMISS report on the inter-communal violence notes that 887 South Sudanese were killed, 551 wounded, 176 abducted and 26 suffered sexual violence during communal violence for the period April to June 2020. <https://reliefweb.int/report/south-sudan/unmiss-quarterly-brief-violence-affecting-civilians-april-june-2020>.

⁷ The committee is deputized by Daniel Awet Akot, a former presidential adviser on military affairs, and include Minister of Interior, Paul Mayom, and Daniel Abocha Ali, together with representatives of Bor South, Duk Padiet, Duk Payuel; Twic East, Waat, and Akobo. The President tasked the high-level committee to meet with community elders in order to identify the root causes of the intercommunal violence and to organize a peace conference between the affected communities with a view to contain the security situation there.

⁸ On 12 January 2020, under the auspices of the Community of Sant'Egidio in Rome, and witnessed by IGAD and the SPLM/A-IO; the government of South Sudan and the South Sudan Opposition Movements Alliance (SSOMA), signed a peace declaration in which they recommit to the Secession of Hostilities Agreement of December 2017 to avoid confrontation between the signatories and non-signatories parties of the R-ARCSS. SSOMA includes the National Salvation Front (NAS), the South Sudan United Front (SSUF), the Real Sudan People's Liberation Movement (R-SPLM), and the United Democratic Revolutionary Movement/Army (UNDRM/A), National Democratic Movement (NDM-PF), and Sudan National Movement for Change (SSNMC).

21. Unfortunately, CTSAMVM has been unable to verify and investigate violations by the SSPDF, SPLA-IO and NAS, principally due to the lack of communication with NAS commanders and the fact that the cessation of hostilities modalities previously agreed to, are yet to be implemented. Whereas the SSOA and SPLA-IO have vacated all civilian occupied sites since the signing of the Agreement, the SSPDF continues to occupy 14 civilian sites, a slight reduction from the 18 locations that they occupied in the last quarter. The occupation continues, seemingly with impunity, notwithstanding repeated notifications from RJMEC.
22. There have been continuous sexual and gender-based violence incidents in some areas of the country, and particularly, the Equatorias. CTSAMVM, in its report No. 2020/07 confirmed that four (4) SPLM-IO soldiers were involved with the rape of two young women in Mundri, Western Equatoria State, between 3 – 4 August 2020. Following the incident, the survivors were taken to Mundri for medical treatment. In that instance, the SPLM-IO fully cooperated with local authorities to arrest the suspects who are awaiting trial.
23. Also, in the Yei Area, Central Equatoria, there were numerous reports of human rights violations including, rape, murder, and other acts of SGBV. In response, the SSPDF leadership launched a District Court Martial process to hold accountable members of the SSPDF who may have been culpable. As a result, 26 soldiers were convicted for offences against civilians and violations of the SSPDF military code of conduct. According to the CTSAMVM report of the 7 September 2020, the categories and number of cases were as follows: eight (8) cases of losing or selling military material equipment, seventeen (17) cases of rape or sexual assault and one (1) case of theft/looting.
24. The soldiers found guilty of rape or sexual assault have been sentenced to a period ranging from 6 to 14 years in prison and dismissal from the SSPDF. The convicted will also have to pay monetary compensation to the victims. The sentenced soldiers were allowed a period of 24 days to appeal. The District Court Martial worked collaboratively and transparently with community leaders and civil authorities in the Yei area.

The Cantonment Process and the Training of the Necessary Unified Forces⁹

25. The effective functioning of Cantonment Sites has been adversely affected by severe flooding that significantly hinder mobility, critical for the resupply of forces in cantonment sites. Other challenges that have retarded progress in cantonment sites, include the lack of food, shelter, medicines, and safe water. The resupply of these essential life-support commodities has been severely lacking for many months. As a result, some Opposition forces have left cantonments in a desperate search of essential supplies and in efforts to survive. This has led to fluctuations in their numbers at the sites, making accurate assessments of registration and screening difficult. The impact of the Covid-19 Pandemic has led to restricted movement, fear and uncertainty which has further exacerbated an already critical situation.

⁹ This is one of the key Pre-Transitional tasks that the Parties agreed to continue into the Transitional Period with the hope of a quick resolution.

26. There has been some modest improvement in the Unified Forces' Training Centres owing to visits by some members of the National Transitional Committee (NTC) including the Minister of Defence, and the leadership of the Security Mechanisms (JDB, JMCC and JTSC). Some Training Centres have received a recent resupply of cash, food and uniforms and morale remains relatively positive and spirited notwithstanding the austere living conditions. Sudan and Uganda have both recently provided uniforms and footwear for police and army respectively, although the priority for distribution of these much-needed uniforms is unclear. The planned graduation and redeployment of NUF from training centres has been postponed several times due to a lack of funding, and deployment plans. The Demobilization, Disarmament and Re-Integration of former combatants is lagging far behind, and no significant activities were witnessed during the period of reporting.

Mechanisms for Security Arrangements

27. The mechanisms for security arrangements are the Joint Defence Board (JDB), Joint Military Ceasefire Commission (JMCC), Joint Transitional Security Committee (JTSC), Strategic Defence and Security Review Board (SDSRB), Disarmament, Demobilisation and Reintegration (DDR) Commission, and CTSAMVM. The National Transitional Coordination Committee (NTC) was set up in the Transitional Period to oversee the remaining security related tasks brought forward from the Pre-Transitional Period.
28. *National Transitional Coordination Committee (NTC)*.¹⁰ There have been recent efforts by the NTC through the Secretary General (Hon. Stephen Par Kuol/Minister of Peacebuilding) to improve the coordination between the Security Mechanisms, which had been lacking with the now defunct NPTC; furthermore, there is an added focus to improve on the management of government funds for the security sector, including priorities for allocation accountability and transparency.
29. *The Strategic Defence and Security Review Board (SDSRB)*. The development and formulation of a revised national defence and security strategy, including a strategic security assessment and a security policy framework by the Strategic Defence & Security Review Board (SDSRB) in accordance with *Article 2.5.4* of the R-ARCSS, has been slower than anticipated. The situation was not helped by several members moving to senior appointments in the RTGoNU, and a lack of subsequent capacity. However recent discussions between the SDSRB Chairperson (Hon. Angelina Teny/Minister of Defence) and RJMEC Security Advisers has established that the strategic security assessment is close to completion but requires additional work before release and subsequent endorsement by Parliament.
30. *Disarmament, Demobilization and Re-integration (DDR) Commission*. The DDR process has been slow and is currently not in sync with plans to graduate and deploy the NUF anytime soon. Lack of funds and resources from the NPTC, during the Pre-Transitional Period and

¹⁰ The NTC replaced the NPTC by South Sudan Republican Order No 10/2020 of 26th March 2020.

restrictions caused by the Covid-19 Pandemic has meant that the DDR Commission has not been able to implement its strategy and plans for the establishment of regional DDR offices in the respective States, deploy DDR teams to the training centres and establish DDR transit sites in the regions. The focus has therefore, been on building capacity and capability in the DDR Commission Headquarters in Juba and developing its Strategy, Policy and Plans with support from the UNDP, UNMISS and RJMEC.

31. In that regard, the UNDP is currently providing subject matter expert advice on DDR data analysis and mapping and reintegration, as well as printing of the DDR policy documents for presentation to the NTC and subsequently Parliament for approval and endorsement. A workshop, planned and facilitated by RJMEC, was recently conducted in Juba to improve coordination between the NTC, the DDR Commission, all security mechanisms, civil society and external partners (UN, AU, IGAD and RJMEC).

Chapter III – Humanitarian Assistance and Reconstruction

32. The food security situation in South Sudan remains grim with more than 7 million people acutely food insecure. The magnitude and severity of the food insecurity steadily rose as household food access became increasingly constrained by rising food prices, and the continued depreciation of the South Sudanese Pound (SSP). The situation was worsened by mobility restrictions imposed to limit the spread of COVID 19, and impassable roads due to heavy rains, which led to a decrease in food supplies from the Region on which South Sudan is significantly dependent. Food security was further threatened by an incursion of a swarm of locusts into eastern Equatoria, an outbreak of fall armyworms in Magwi County in Eastern Equatoria, and inhibited humanitarian access resulting from the armed clashes between SSPDF, SPLA/IO and NAS forces.
33. The humanitarian situation was further affected by continued flooding, which resulted into displacement and loss of human and livestock lives, destruction of crops and infrastructure like roads, markets, clean water sources and disruption of livelihoods like agriculture and trade. According to the UNOCHA¹¹ since July, an estimated 625,000 people were affected by flooding in areas along the White Nile with nearly 90 per cent of those affected in 34 Counties of Jonglei, Lakes and Upper Nile states. Recent assessments revealed that 18 of the affected Counties were in IPC Phase 3 (Crisis) and 11 in IPC Phase 4 (Emergency) with Ayod, Bor South and Duk counties in Jonglei, Awerial in Lakes, and Panyijiar and Koch counties in Unity identified as high priority areas.
34. With water levels expected to continue rising in the coming months, the humanitarian response was scaled up to meet growing needs and light humanitarian hubs planned in the most

¹¹ <https://reliefweb.int/report/south-sudan/south-sudan-flooding-snapshot-21-september-2020> : South Sudan Flooding Snapshot, OCHA 21st September 2020.

affected and inaccessible areas to overcome operational constraints. The Humanitarian Coordinator allocated \$10¹² million from the South Sudan Humanitarian Fund against the \$80 million needed for the overall flood response. Malaria and water-borne diseases remain a cause for concern as the weather conditions deteriorate.

35. According to the UNHCR¹³, a total of 6, 144 South Sudanese refugees were verified to have returned from neighbouring countries in July and August 2020. An additional 19,304 who returned mostly to Eastern Equatoria since January 2020 were verified bringing the reported total by end of August to 25, 448. The current total of South Sudanese refugee returns since November 2017 stands at 326, 481 comprising of 205, 795 returning after the signing of the 2018 Revitalized Peace Agreement and 30, 281 since the outbreak of COVID-19 in the region in March 2020. The major reasons for returns were cited as search for livelihood opportunities to complement food needs following the reduction of food rations especially in Uganda's refugee camps, family reunion, ease of transportation from Khartoum to South Sudan and a relaxation of restrictions at border crossings especially in Eastern Equatoria.
36. During the quarter, following the announcements of the progressive hand over of PoCs to government.¹⁴ The IDPS called for the speedy implementation of programs that will allow for conducive conditions for returns including the need to vacate occupied civilian homes and service centers, repatriation of IDPs and compensation for war victims. The greatest deterrent to returns in the quarter remained the lack of optimum conditions for dignified returns including social services, security, and access to property taken over by others at the points of final return.

Progress made against specific articles of the R-ARCSS

37. Institute programmes for relief, protection, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees in coordination with UN and other relief and humanitarian agencies (*Article 3.1.1*). A National Plan on Return, Relocation and Reintegration of Displaced Persons has been developed but is yet to be operationalized.
38. Fast-track procedures and institutions for the import and customs clearances of relief materials (*Article 3.1.2.3*). Fast track procedures and institutions for the granting and renewal of visas required by international personnel participating in the humanitarian and relief efforts (*Article 3.1.2.4*) and review the 2016 NGO Act as per international best practices (*Article 3.1.2.5*). The NGO Forum indicated that processes to assess and document their concerns with current procedures are underway in preparation for submission to the R-TGoNU and NCAC. No timelines have so far been given.

¹² <https://www.unocha.org/story/south-sudan-humanitarian-coordinator-appeals-urgent-funding-flood-affected-people>: South Sudan: Humanitarian Coordinator appeals for urgent funding for flood-affected people, OCHA, 24th September 2020.

¹³ <https://data2.unhcr.org/en/documents/details/78907>: Overview of Spontaneous Refugee Returns, UNHCR, 16th September 2020.

¹⁴ The PoC sites have been under the UN protection since 2013 when violence erupted in Juba and spread to the rest of the country.

39. Required to be completed one month after the institution of the RTGoNU, the establishment of a Special Fund for Reconstruction (SRF) and its Board (BSRF) (*Article 3.2*) is long overdue. So far, a concept note for the establishment of the SRF Board has been developed and presented to the government as guidance for the formation of the SRF board. RJMEC is still awaiting feedback on the nominations of members, chair and vice-chair of the board.

Chapter IV – Resource Economic and Financial Management

Report on the Economy

40. Floods and locusts together with direct and indirect impacts of COVID-19 are causing further deterioration of the economy and increasing the needs for immediate external humanitarian assistance and external financing of the budget. Oil production fell by more than 20 000 bpd compared with the production level attained in the beginning of 2020. The fall in production combined with a steep drop in oil prices resulted in a reduction in oil revenues of around US \$125 million compared with the third quarter of last year. The exchange rate has been depreciating markedly through the third quarter, causing increasing inflationary pressures.
41. The budget for the 2020/21 fiscal year is significantly delayed. According to the timeline for the budget process, the government should have presented it to the TNLA by 15 May 2020. The Council of Ministers only on 26 September, endorsed an aggregate draft budget (budgetary envelope) for 2020/21. The aggregate budget has a deficit of US \$750 million. So far, only a part of the necessary financing has been obtained through a loan from the African Export and Import Bank amounting to US \$313 million. The government has applied for an IMF loan amounting to US \$200 million under The Rapid Credit Facility.

Progress made against specific articles of the R-ARCSS

42. During the reporting period, the NCAC continued its review of the Public Financial Management and Accountability Act 2011 and the South Sudan National Audit Chamber Act 2011 and drawn up draft bills. They also commenced the review of the Petroleum Act, 2012, and the Petroleum Revenue Management Act, 2013, and has held the expert meeting to discuss the findings. The Ministry of Youth has commenced stakeholder engagement on the formation of the Youth Enterprise Development Fund.
43. While the implementation of the Resources' Economic and Financial management provisions has been slow, the Ministry of Finance has commenced work on implementing public Financial management reforms. This include a proposal to prioritise the implementation of a Treasury Single Account (TSA), strengthen cash management, relocate the Loan Committee to the MoFP, review, verify and clear all arrears, review and verify loans and contracts collateralised or guaranteed against crude oil. Other measures the ministry proposes to prioritize relates to strengthening the anti-corruption and audit chamber, establish a public procurement and asset disposal authority, rollout of an electronic payroll, and strengthen the fiscal and

financial allocation monitoring commission (FFAMC). These activities are expected to be implemented with technical support from the IMF.

Chapter V – Transitional Justice Accountability Reconciliation and Healing

44. Chapter V of the R-ARCSS provides for the establishment of three transitional justice mechanisms. These are the Commission on Truth Healing and Reconciliation (CTHR), the Hybrid Court for South Sudan (HCSS) and the Compensation and Reparations Authority (CRA). During this period, the Africa Union Office of Legal Affairs made presentation on the status of the Hybrid Court to the Africa Union Peace and Security Council during the 945th meeting held on 15 September 2020 through virtual means. Ambassador Nemira Negm, Legal Counsel to the Africa Union stated that her office had submitted requisite documents to the South Sudanese leadership that would enable establishment of the HCSS. Most particularly the OLC had submitted the Memorandum of Understanding which it urged should be signed by RTGoNU and thereby paving way for the establishment of the HCSS.
45. During this period, RJMEC held a fruitful engagement with the Minister for Justice and Constitutional Affairs, Hon. Ruben Arol. From the discussions it is evident that RTGoNU is keen on undertaking the implementation of *Article 5.2.1.3* of the R-ARCSS, which provides for a stakeholder consultations process to be undertaken before establishment of the CTRH. The proposed consultations with the civilian population of South Sudan will inform the CTRH legislation. The MOJCA is in the process of establishing a technical committee that will spearhead the said consultations.

Chapter VI – Parameters of Permanent Constitution

46. Under Chapter VI of the R-ARCSS, the RTGoNU is expected to initiate and oversee a Permanent Constitution making-process during the Transitional Period to be completed within 24 months. Pursuant to the above, the RJMEC is mandated to convene a workshop for the Parties to the R-ARCSS to agree on the details of conducting the constitutional making process in the fourth month of the Transitional Period. This is in line with *Articles 6.7 and 6.8* of the R-ARCSS.
47. The RJMEC has made significant progress in its preparation for the convening of the above workshop. The workshop which was initially scheduled for June 2020 has now been rescheduled for end of November 2020 due to the COVID-19 disruptions. The Max Planck Foundation, a renowned Germany based institute with vast experience in South Sudan, has been identified and engaged to facilitate the workshop.

48. The RJMEC Secretariat commissioned a comparative study on post-conflict constitution-making processes to inform this process, which report is now under dissemination. In collaboration with RJMEC, the Max Planck Foundation is developing additional reflection papers highlighting the most crucial elements to be discussed by the Parties when deciding on the process design for the permanent constitution-making.
49. RJMEC is also working very closely with other experts like International IDEA, UNMISS, UN Women and UNDP to contribute to the constitution-making process. Together, UNMISS, IDEA and UNDP have convened three online conversations in furtherance of the constitutional building processes in South Sudan as envisaged under the R-ARCSS to which RJMEC has contributed. The next conversation in this regard is scheduled for October 13 and 14 with women leaders.
50. RJMEC is equally engaging with numerous South Sudanese civil society actors and organizations working on governance and constitutional development to contribute to the process. In this regard, two meetings have so far been convened with civil society constitutional consortium members, one virtual. Finally, the dissemination of the Comparative Constitution-making process study report continues, with copies availed to all RJMEC members, Parties, institutions and mechanisms of the Agreement. In the weeks ahead, RJMEC will be engaging with Max Planck Foundation to concretise options for convening of the workshop.

Chapter VII. The Reconstituted Joint Monitoring and Evaluation Commission

51. The 36th Extraordinary Meeting of the IGAD Heads of State and Government discussed the status of implementation of the R-ARCSS. Consequently, the RJMEC Interim Chairperson made a detailed presentation on the status of implementation of the R-ARCSS. The interim Chairman carefully laid out the impediments to implementation, including the delay in resolving the positions linked to the responsibility sharing at the State and local government levels, failure to dissolve the TNLA and have it reconstituted, escalating inter communal violence, and delays in the training and redeployment of the NUF. The Interim Chairperson also detailed a series of recommendations to the Summit to be considered in addressing the situation. These recommendations were largely adopted by the Summit and formed the basis of the Summit's own recommendations, detailed in its communique, to the RTGoNU and the Parties to remedy the situation.
52. The RJMEC Interim Chairperson addressed a virtual meeting of the African Union Peace and Security Council (AUPSC) on 15 September, in which he outlined the current status of implementation and recommended that: the Parties move to speedily appoint the Upper Nile governor; the reconstitution of the TNLA be undertaken immediately; the training, graduation and redeployment of the NUF move ahead; the authorities initiate dialogue at the grassroots level in order to address inter-communal violence; and the AU should continue to pursue establishment of the Hybrid Court.

53. In addition, the RJMEC leadership held meetings with H.E Salva Kiir, President, Dr Riek Machar Teny, First Vice President, and the four Vice Presidents of the Republic of South Sudan. The RJMEC leadership also held discussions with Nhial Deng Nhial, Presidential Affairs Minister on the status of implementation of the R-ARCSS. The meeting discussed on the need to complete the power sharing arrangements at the state and county levels, appointment of the Upper Nile Governor, the reconstitution of the TNLA, and urged for the financial support of the NUF and DDR Commission, among others. Discussions were also held on the intercommunal violence and government's attempts deal with the situation.
54. During the reporting period, the RJMEC held its first Plenary since the outbreak of the COVID-19 pandemic. The meeting took place on 30 September and brought together the Parties to the Agreement, stakeholders and its regional and international members. Prior to the September meeting, the Interim Chairperson maintained a steady and consistent engagement with the Parties to the Agreement, the stakeholders, and issued monthly statements detailing the status of implementation.

III. Observations and Recommendations

55. There are ongoing risks and challenges to implementation of the R-ARCSS including the lack of resources for redeployment of the NUF, intercommunal clashes, persistent NAS attacks in the Equatorias, and limited efforts at tackling the Transitional Period tasks. To date, none of the 187 activities expected to be conducted during the transitional period has taken place. Worse, the two key Pre-Transitional tasks brought over into the Transitional Period that of the reconstituting of the TNLA and completion of the security arrangements; continue to trail implementation with no clear timetable for them being accomplished.
56. The issue of funding the transitional tasks also continue to feature, as well as the lack of holding regular meetings of the Council of Ministers (CoM) since the outbreak of the Covid-19 pandemic. Several of the Agreement tasks require input from the CoM, before they can be acted upon, and without these meetings it has been difficult to progress. In that regard, the recent announcement of the commencement of regular meetings will go a long way to addressing some of the earlier concerns raised, around confirmation by the CoM, for undertaking the implementation tasks. Also, the meetings will no doubt send positive signals to the people of South Sudan and will help build trust and confidence in and among the Parties to the R-ARCSS.
57. The TNLA has still not been expanded and reconstituted as per *Article 1.14.2* of the R-ARCSS, despite an appeal by the IGAD Heads of State and Government during their 36th Extraordinary meeting, for this to be done by 26 July 2020. The Former Detainees (FD) are the only Party to have submitted their nominees to the NCAC. In line with the appeal from the IGAD Summit, the Parties are urged to immediately complete the nomination process and allow for expansion and reconstitution of Parliament, without any further delay.

58. At the state and county levels, the Parties willingness to compromise and reach an amicable solution on the various allocations consistent with the responsibility sharing formula is commendable. This has complimented the naming of the nine state governors. However, it is important that the impasse over the naming of the governor for Upper Nile be resolved so that the process can be completed.
59. Concerning the completion of training, graduation and redeployment of the NUF, this remains well behind schedule. Although tens of thousands of troops reported to the cantonment sites and training centres, the conditions in which they exist are austere, with numerous reports of troops leaving them in search of food. However, there is evidence of the spirit of unification, comradeship, a sense of esprit de corps that should be capitalised upon, and should not be left to fade. Also connected to the unification of forces are preparations for DDR for ex-combatants. Unfortunately, these do not seem to have advanced in recent months, despite our continued urging for progress on the matter. It is therefore hoped that the RJMEC organised DDR-workshop held recently, will focus the responsibility for DDR at the RTGoNU Presidency and Governance Cluster levels, and that the much needed coordination between the NTC, DDR Commission and the Security Mechanisms is established and sustained.
60. Inter communal violence is identified as a major risk factor, at this time, to the successful implementation of the R-ARCSS. The persistent violence has resulted in scores of death and thousands of civilians have fled their homes seeking security elsewhere. Wherever such subnational conflict takes place, humanitarian access and safety are usually impaired. At present, this situation is exacerbated by country-wide flooding, which has increased the need for civilian protection and food security. In that regard, the Committee to investigate the violence, which is headed by Dr Wani Igga, is considered a valuable initiative, and it is important that further grassroots dialogue initiatives be developed country-wide at the local level, to help identify the drivers of community-based conflicts, to inform their resolution and transformation.
61. Recent action by the leadership of the SSPDF linked to the District court martials is a commendable step to bringing an end to SGBV in South Sudan. The action taken in punishing offenders sends a very strong message to those who would otherwise commit these despicable acts. Therefore, the military leadership of the SSPDF, SPLM/A-IO, and SSOA are encouraged to continue to educate their forces on the provisions of the R-ARCSS, and implement their respective Action Plan on addressing conflict-related Sexual Violence. With regards to the Equatorias, the fighting has destabilised the area, a situation compounded by reports of rape and violence against women. In that regard, the Parties are strongly urged to cease all hostilities and to align their actions consistent with their commitments outlined in the Cessation of Hostilities Agreement signed in Addis Ababa in 2017 and the Rome Declaration of January 2020.
62. Concerning implementation of Chapter V as it relates to Transitional Justice issues, RJMEC urges the RTGoNU to initiate engagement with the UN, AU and African Commission on

Peoples and Human Rights (ACPHR) with a view to identifying areas of support and collaboration. In addition, RTGoNU should support efforts to fast track the establishment of the Hybrid Court of South Sudan and engagement with RTGoNU on complementary transitional justice mechanisms, particularly in light of their ability to deal with human rights violations, including women's rights violations.

IV. Conclusion

63. Even as discussions continue amongst the parties on the need to revisit the Agreement timelines on account of the Covid-19 disruptions, it is critical that the Pre-Transitional tasks as well as those still outstanding in governance, security, the economy, humanitarian assistance, and transitional justice issues be given serious attention. These provisions when implemented will pave the way for the state building process in South Sudan. Meanwhile, a good number of the deadlines have elapsed with little or no progress in implementation since the commencement of the Transitional Period. Importantly, institutional reforms, implementation of existing laws to ensure transparency and accountability, law reforms, and other policy reviews, all need to be acted upon for the success of implementation and to help put the country on a sustained path to the holding of free and fair elections.
64. RJMEC on its part shall continue to impartially monitor, evaluate and report as it carries out its oversight responsibilities with regards to the implementation of the R-ARCSS, and intervene whenever necessary. RJMEC will also continue providing regular reports and briefings to the RTGoNU, the TNLA, the Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the AU Peace and Security Council, and to the UN Secretary-General and the United Nations Security Council.

END