



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

REPORT BY

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

FOR THE PERIOD

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List of Acronyms

<i>AUC</i>	<i>African Union Commission</i>
<i>CES</i>	<i>Central Equatoria State</i>
<i>CoHA</i>	<i>Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access</i>
<i>CRA</i>	<i>Compensations and Reparations Authority</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>EFMA</i>	<i>Economic Financial Management Authority</i>
<i>HCSS</i>	<i>Hybrid Court for South Sudan</i>
<i>ICRC</i>	<i>International Community of the Red Cross</i>
<i>IGAD</i>	<i>Inter Governmental Authority on Development</i>
<i>IDPs</i>	<i>Internally Displaced Persons</i>
<i>JDB</i>	<i>Joint Defence Board</i>
<i>MoJCA</i>	<i>Ministry of Justice and Constitutional Affairs</i>
<i>NAS</i>	<i>National Salvation Front</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NTC</i>	<i>National Transitional Committee</i>
<i>OCHA</i>	<i>UN Office for the Coordination of Humanitarian Affairs</i>
<i>OPP</i>	<i>Other Political Parties</i>
<i>OSESS</i>	<i>Office of the Special Envoy of South Sudan</i>
<i>PCTSA</i>	<i>Permanent Ceasefire and Transitional Security Arrangements</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>RTGoNU</i>	<i>Revitalized Transitional Government of National Unity</i>
<i>RTNLA</i>	<i>Reconstituted Transitional National Legislative Assembly</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-IO</i>	<i>Sudan People's Liberation Movement in Opposition</i>
<i>SSOA</i>	<i>South Sudan Opposition Alliance</i>
<i>SSNPS</i>	<i>South Sudan National Police Service</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>
<i>UNITAR</i>	<i>United Nations Institute for Training and Research</i>
<i>WES</i>	<i>Western Equatoria State</i>

Executive Summary

This report on the status of implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has been prepared pursuant to article 7.9 of Chapter VII of the R-ARCSS. The report covers the period from 1 July 2021 to 30 September 2021 and builds on the previous quarterly Report No. 011/21. It provides a status update on progress or lack thereof in the implementation of the tasks stipulated in the R-ARCSS during the reporting period, highlight challenges facing the implementation, provide observations and concludes with recommendations for remedial measures.

The report draws from reports periodically received from Agreement institutions and mechanisms, participatory peer-reviews of the status of implementation of the thematic chapters of the R-ARCSS through monthly meetings of the six Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) Working Committees, RJMEC monthly plenary meetings and regular consultative meetings the RJMEC leadership convenes with the Parties to the R-ARCSS, other South Sudanese stakeholders and adherents, regional guarantors and International Partners and Friends of South Sudan.

More than half-way through the Transitional thirty-six month period, progress in implementation is relatively slow. Some progress have been registered particularly within Chapter I of the Agreement led by the formation of the R-TGONU, establishment of the Transitional National Legislative Assembly (TNLA), and formation of the state government. Still outstanding is the establishment of the state legislative assemblies and the national commissions. CTSAMVM reports that the ceasefire is holding between the Parties to the R-ARCSS, however, the most important tasks of the Transitional Security Arrangements (TSAs, Chapter II) have not been implemented.

There have been small gains in humanitarian affairs (Chapter III) with the return of refugees and IDPs and the opening of humanitarian corridors. On economic reforms (Chapter IV), a PFM Oversight Committee has been formed and undertaken some much needed reforms. With regards to Transitional Justice issues (Chapter V) work is just getting started on the Commission for Truth Reconciliation and Healing while the African Union is expected to take up establishment of the Hybrid Court together with the government of South Sudan. Legislation to determine the permanent Constitution making process (Chapter VI) was recently forwarded to the TNL.

Whatever positive progress that have been made is overshadowed by the failure of the RTGoNU to make inroads in key areas of the R-ARCSS. In particular, there has been no movement in the graduation and deployment of the Necessary Unified Forces (NUF) as the parties have not reached compromise on the ratio sharing for forces and the command structure. Failure to address the TSAs may have contributed to intercommunal violence and defections of military personnel. For instance, fighting among the Balanda and Azande tribes in Eastern Equatoria State and the defection of the former Chief of Staff of the SPLA-IO resulting in clashes in Magenis. There are also noted delays in the establishment of the state assemblies, as well as key national commissions and important institutions such as the National Audit Chamber and the Anti-corruption Commission. Worse, none of the transitional justice institutions have been set up although some work has started on the Committee for Truth Reconciliation and Healing (CTRH).

The report also identifies some of the key challenges that hinder progress in implementation. This includes: insufficient political will among the Parties to compromise where needed; trust

deficit and lack of confidence among the Parties including intra-Party disagreements and infighting; delays and lack of prioritisation of key tasks; and lack of sufficient funding and resources needed for the full implementation of the Agreement.

Faced with those challenges the RJMEC Leadership engaged in a number of high-level diplomatic engagements both with the RTGoNU Presidency, the TNLA Speaker and regional leaders in an effort to impress upon them the urgency of addressing the critical issues that continue to impede progress in implementation of the R-ARCSS. IGAD for its part convened an extraordinary meeting to address the splintering of the SPLM/A-IO and assess the general progress of implementation of the R-ARCSS.

Further, RJMEC makes a series of recommendations within the report that are aimed towards increasing the pace of implementation even as the country moves toward the holding of elections at the end of the Transitional Period. Recommendations to the RTGoNU relate to: immediate establishment of the state legislative assemblies and reconstitution of the relevant institutions and mechanisms at the national level; the Minister of Justice and Constitutional Affairs to table the remaining reviewed bills for the Council of Minister's approval; complete the formation of the *ad hoc* Judicial Reforms Committee; settle the issue of the command structure for the NUF and avail the necessary financial resources for the completion of the TSAs; and prioritise the establishment of the SRF and Board to coordinate international support to the peace process.

Concerning the TNL, RJMEC recommends that they: embark upon their legislative and oversight functions in support of the implementation of the R-ARCSS, including expediting the enactment of the pending bills such as the Constitutional Amendment Bill, the Permanent Constitution-making process, and the Youth Enterprise Fund Bill; and debate the FY 2021/22 government budget. To IGAD: complete the process of nominating the Chairperson and Deputy Chairperson to the *ad-hoc* Judicial Reforms Committee; urge the Parties to the Agreement for continued dialogue and trust-building amongst themselves on all unresolved issues; convene the high-level 'Leadership Retreat' of the principals to the R-ARCSS; and appeal to all actors under SSOMA to pursue the Sant'Egidio mediation process.

To the Africa Union: Finally, liaise with the RTGoNU and expedite processes that will lead to the establishment of the Hybrid Court of South Sudan; engage the leadership of the RTGoNU and mobilise the political support and goodwill necessary for full implementation of the R-ARCSS; and consider mobilizing the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in South Sudan. Finally to the International Community and friends of South Sudan: continue to engage the leadership of the RTGoNU and mobilise political and moral support and goodwill for full implementation of the R-ARCSS; and continue to mobilize the requisite resources for and coordinate provision of humanitarian response to those in dire need of assistance in the Republic of South Sudan.

I. Introduction

1. This report on the status of implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has been prepared pursuant to Article 7.9 of Chapter VII. The report covers the period from 1 July 2021 to 30 September 2021 and builds on the previous quarterly Report No. 011/21. More than half way through the Transitional Period, the Report provides a status update on progress or lack thereof in the implementation of the tasks of the R-ARCSS by the Revitalized Transitional Government of National Unity (RTGoNU) during the reporting period. It also highlight challenges facing the implementation and provide some key observations and recommendations for remedial action on the part of RTGoNU, the Inter Governmental Authority on Development (IGAD), the African Union (AU) and the international partners and friends of South Sudan.

2. The report draws from various sources of information and reports periodically received from Agreement institutions and mechanisms pursuant to article 7.8 of the R-ARCSS, including the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), participatory peer-reviews of the status of implementation of the thematic chapters of the R-ARCSS through monthly meetings of the six Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) Working Committees, RJMEC monthly plenary meetings and regular consultative meetings the RJMEC leadership convenes with the Parties to the R-ARCSS, other South Sudanese stakeholders and adherents, regional guarantors and International Partners and Friends of South Sudan.

3. During the period under review, the following activities have been implemented though the pace of progress under the R-ARCSS is generally slow:

- 3.1. the inauguration of the Transitional National Legislature (TNL), on 30 August 2021;
- 3.2. the RTGoNU Council of Ministers approved the Prisons Service, the SPLA and the Police Service amendment bills as well as two constitutional amendment bills, which rectify discrepancies in the Constitutional Amendment Act No.6 (2020) and reflect changes that have been made to the Security Bills respectively;
- 3.3. the Parties with the exception of I-TGoNU have submitted their nominations of representatives to the *ad-hoc* Judicial Reforms Committee (JRC) to IGAD while it has commenced the process of selecting both the Chair and Deputy Chair of the Committee;
- 3.4. establishment of the PFM Oversight Committee, a competent and effective mechanism that oversees revenue collection, budgeting, revenue allocation and expenditure, which prioritised nine major reforms mandated in the R-ARCSS;
- 3.5. all petroleum revenue accounts other than those of the Bank of South Sudan (BOSS) have been closed;
- 3.6. loans and advances collateralised by oil have been identified (4.8.1.3) and outstanding loans have been factored in the draft 2021/22FY budget;
- 3.7. an Audit of the 2% and 3% contribution of revenues to oil producing states and communities has been conducted and its findings discussed by the State legislators and recommendations made on improving distribution;
- 3.8. the Youth Enterprise Development Fund bill has been drafted and tabled with the Ministry of Justice;

- 3.9. a technical committee set up for the National Consultative Process on the establishment of the Commission for Truth, Reconciliation and Healing (CTRH) has been operationalised; and
- 3.10. a draft bill to govern the permanent constitution making process was submitted to the Council of Ministers by the Minister of Justice and Constitutional Affairs.
4. Notwithstanding the progress made in the implementation of some of the tasks within the R-ARCSS highlighted above, the report nevertheless shows that some key tasks still remain outstanding. These tasks of the R-ARCSS include, among others, the following:
- 4.1. delayed nomination of members to the Judicial Reform Committee by the I-TGoNU and the naming of the Chairperson and Deputy Chairperson by IGAD, as well as the delayed reconstitution of the Judicial Service Commission;
 - 4.2. delayed reconstitution of the States Legislature, and Institutions and Commissions at the national level;
 - 4.3. the completion of all tasks related to Phase I of the Necessary Unified Forces (NUF), including graduation, harmonization of ranks as well as the unified command structure and redeployment of the trained NUF, is of paramount importance to durable peace in South Sudan;
 - 4.4. lack of operationalization of Disarmament Demobilization and Reintegration (DDR) processes due to requisite resources not availed to the DDR Commission;
 - 4.5. delayed establishment of the Special Reconstruction Fund (SRF) and Board, to estimate costs of implementation of the Agreement and convening of a donor pledging conference to finance the R-ARCSS;
 - 4.6. delayed establishment of other Agreement institutions, including the Economic Financial Management Authority (EFMA), the three Transitional Justice institutions namely the CTRH, Compensation and Reparation Authority (CRA) and Hybrid Court for South Sudan (HCSS).
5. This report has four sections and is therefore structured as follows. Section I, the introduction, provides an overview of the entire report and highlights the main issues addressed. This is followed by Section II which updates the status of implementation of the six thematic chapters of the R-ARCSS, namely, governance, security, humanitarian affairs, economic affairs, transitional justice and permanent Constitution-making as well the activities of the RJMEC during the reporting period. Section III provides key observations and recommendations, and Section IV, is its conclusion.

II. Status of Implementation of the Transitional Tasks of the R-ARCSS

Chapter 1: Revitalized Transitional Government of National Unity

6. This section of the Quarterly Report provides an update on the status of implementation of Chapter I of the R-ARCSS, related to the Revitalized Transitional Government of National Unity (RTGoNU). The update builds on the last quarter report, detailing tasks which have been

accomplished during the reporting period, implementation which are ongoing and tasks whose implementation are outstanding.

Transitional National Legislative Assembly, Council of States and the States Legislature

7. During the reporting period, the Transitional National Legislature (TNL) comprising the Transitional National Legislative Assembly (TNLA) and the Council of States (CoS) were reconstituted, and held their inaugural sitting on 30 August 2021. Notably, the Speaker of the reconstituted TNLA and a Deputy Speaker of the CoS, who were both nominated by the incumbent TGoNU, are women. Nevertheless the number of women in the TNLA does not reach the 35 percent representation stipulated in the R-ARCSS.

8. The TNLA was sworn in without the members belonging to the Other Political Parties (OPP), who had experienced difficulties in reaching consensus on a full list of their nominees to the TNL. In spite of several efforts invested to assist them, the OPP signatories failed to reach consensus. The issue was later referred to RJMEC pursuant to article 7.11 of the R-ARCSS as a deadlock to be dealt with. RJMEC subsequently provided recommendations on how the deadlock could be broken, and was duly communicated to the OPP. The recommendations were not accepted by one member of the OPP signatories. A further intervention undertaken by the President finally resulted in the resolution of the disagreement over the share of responsibilities amongst the OPP signatories to the R-ARCSS and the appointment of the members to both houses.

Judicial Reforms

9. There has been some progress towards establishment of the long delayed *ad hoc* Judicial Reform Committee (JRC) pursuant to article 1.17 of the R-ARCSS. As reported during the last quarter, the JRC Terms of Reference was approved. The JRC was to be established no later than three months into the Transitional Period, and is tasked to study and make recommendations on judicial reforms to the RTGoNU, which will be undertaken by the Judicial Service Commission. The membership of the JRC is to be drawn from the Parties to the R-ARCSS and the Inter Government Authority on Development (IGAD). The Sudan People's Liberation Movement / Army – In Opposition (SPLMA/A-IO), South Sudan Opposition Movement (SSOA), Former Detainees (FDs) and the OPP have submitted the names of their nominees for the JRC to IGAD. However, the ITGoNU is yet to submit the list of its nominees and IGAD is still required to conclude the recruitment of the Chairperson and a deputy of the JRC. RJMEC urges both the ITGoNU and IGAD to expedite their nominations.

Approval of Security Bills

10. In September 2021, the RTGoNU Council of Ministers approved the Prisons Service, the Sudan People's Liberation Army (SPLA) and the Police Service amendment bills. The bills are part of the six security bills submitted in 2019 to the RTGoNU by the National Constitutional Amendment Committee (NCAC) for enactment. The Council also approved two constitutional amendment bills, namely, the Constitutional Amendment Bill (CAB) No.8, 2020 (as amended) which rectifies the discrepancies detected in the CAB No.6, (2020). The CAB, No.6 incorporated the R-ARCSS into the Transitional Constitution of the Republic of South Sudan, 2011, (as amended). The Constitutional Amendment Act No.9 (2021) that reflect

changes that have been made to the Security Bills was also approved by the Council. RJMEC expects the Minister of Justice and Constitutional Affairs to table the remaining reviewed bills for the Council's approval and to present the approved bills to the reconstituted TNLA for ratification and enactment.

Governance Working Committee

11. The Governance Working Committee held two meetings during the quarter, and so far has convened seven meetings. The Committee's work contributes to the overall mandate of RJMEC through the technical process of tracking the implementation of chapter I of the R-ARCSS, including identifying specific areas requiring further support, challenges facing implementation and offering recommendations for remedial measures. The Working Committee meets before the monthly plenary and its reports feeds into the RJMEC leadership report to the plenary.

Outstanding tasks under the Chapter

12. In spite of the developments highlighted above, there are tasks which remain pending under chapter I of the R-ARCSS. These include, inter alia, the reconstitution of the State Legislature, completion of the reconstitution of the structure of governance at the Administrative Areas, as well as restructuring and reconstitution of the Institutions and Commissions at the national level, while taking into consideration the minimum threshold of 35% women representation. There is also need for the RTGoNU to start preparing for elections early enough. This will necessitate that the RTGoNU and the national stakeholders commence conversations on expediting sequencing of implementation of critical tasks leading to democratic elections at the end of the Transitional Period. Furthermore, further delays in ensuring that the NCAC resumes its work in the earnest will hurt the process of review and amendments of relevant laws of South Sudan to conform to the provisions of the R-ARCSS. IGAD leadership will need to expedite the reconvening of the NCAC in a timely manner.

Chapter 2: Permanent Ceasefire and Transitional Security Arrangements

Political and Security Issues

13. Since the last report, the Permanent Ceasefire has held but is increasingly threatened by intercommunal violence in several states, general banditry and lawlessness, particularly on the major roads in the Equatorias and the rift between factions of the SPLM/A-IO.

14. Security incidents of particular concern during this reporting period have included a 16 August 2021 ambush on a convoy of religious leaders and followers returning from a Catholic celebration in Nimule by unidentified armed elements that resulted in the death of five civilians including two Roman Catholic nuns. Another young man was burned to death in his vehicle. Although the perpetrators were alleged to be uniformed personnel, neither the National Salvation Front (NAS) of General Thomas Cirillo nor the South Sudan Peoples' Defense Forces (SSPDF) have admitted responsibility and investigations are on-going. The security of

the Nimule Road and other major routes in the Equatorias has changed little during the reporting period. Despite promises from national and state authorities that patrols would be effective, and the implementation of various measures aimed at ensuring safety for travellers and cargo, many roads in the Equatorias continue to be unsafe and insecure.

15. The CTSAMVM recently concluded its investigation of a murder incident that occurred on 31 May 2021 at Gambri, Lainya County, Central Equatoria State (CES). CTSAMVM's conclusion following a thorough investigation is that a group of SSPDF soldiers are responsible for the killing of a sub-chief, a minister of the Episcopal Church of South Sudan, and a 10 year old boy on 31 May 2021 at Gambri. CTSAMVM recommended that the SSPDF undertake an enquiry into the killings and take the appropriate action.

16. On 22 August 2021, suspected NAS elements raided the Nyore Internally Displaced Person (IDP) Camp in the Lasue area of Central Equatoria State looted humanitarian supplies, abducted 49 people, and raped a 12- year old girl. Attacks on humanitarian convoys were also reported in Central Equatoria State, allegedly by NAS fighters. All incidents are under CTSAMVM investigations.

17. Incidents of inter-community violence resulting from cattle theft and revenge attacks have continued unabated across the country during this period. The latest flare up was in CES between Mundari clans and Dinka Bor cattle keepers who migrated to the Equatorias as a result of floods in 2019 and 2020. Fighting took place on 6 and 7 August 2021 around Luri. The Mundari cattle keeping clans who have been fighting for weeks on the outskirts of Juba finally accepted the directives from both national and state authorities to withdraw from the Juba suburbs and were escorted out by SSPDF between 16 and 22 August 2021.

18. The friction and dissent within the SPLM/A-IO that has been simmering over the past few months erupted into violence on 7 and 8 August 2021 with clashes between forces loyal to H.E Dr. Riek Machar, and those loyal to 1st Lt Gen Simon Gatwech the former Chief of Staff (COS) of the SPLA-IO and Lt Gen Johnson Olony near Magenis in Upper Nile State. The violence took place just days after the announcement of an SPLM/IO leadership split.¹ The intensity of the fighting between the SPLA-A/IO forces created serious concern about a potential threat to the Peace Agreement and led to the convening of the 73rd Extraordinary Meeting of the IGAD Council of Ministers (COM) on 9 August, 2021.

19. Since then, further clashes were reported on 16 and 17 August 2021, as well as on 13 and 21 September 2021. The IGAD leadership has engaged the SPLA-IO leadership in Juba, and the IGAD Special Envoy (SE) established a fact-finding task force comprising representatives from the IGAD Juba Office, RJMEC, and CTSAMVM, mandated to visit the SPLA-IO Kit-Gwang faction and establish facts surrounding the SPLM/A-IO dispute. The proposed joint task force visit is currently on hold pending security assurances from all military

¹ In what has become known as the Kit-Gwang Declaration, General Gatwech Dual the longstanding Chief of Staff of the SPLA-IO, who was fired from his post by Dr. Riek Machar, announced that following a meeting of a few other generals and ground commanders, they had removed Dr. Machar as the Chairman of the SPLM/A-IO. Consequently, General Gatwech appointed himself as the new Chairman of the SPLM/A-IO with Lt General Olony Johnson as his deputy. In response, Dr. Machar called a meeting of the Political Bureau of the SPLM/A-IO and hastily denounced the announcement by Gen Gatwech. A few days after the announcement the two groups allegedly clashed leaving many dead and injured. Since the split announced by General Gatwech, the Deputy Chairman of the SPLM/A-IO Henry Odwar announced his resignation as Minister of Mining and threw his support behind the general.

groups in the area. Despite intervention by the IGAD COM, IGAD SE and RJMEC, the SPLM/A-IO remains deeply fractured with occasional skirmishes continuing in and around Magenit/Kit Gwang.

20. In Tambura County, Western Equatoria State (WES) fighting between the Balanda and Azande tribes that began in late August and resulted in the deaths of over 200 civilians and the displacement of much of the Town's 83,000 population has lessened.² This as the result of decisive intervention by the Joint Defence Board (JDB), which dispatched a Joint Intervention Team in early September. The JDB presented a comprehensive mitigation plan to the Presidential Security Adviser, it is in action at the time of this report and comprises:

- Extend the deployment of the JDB Team until the Organized Forces have left the Town;
- Move all SPLA-IO from Namatina to Maridi Training Centre as soon as possible;
- Move Gen Nando's SSPDF forces to Maridi as soon as possible;
- Move 100 tons of food from Juba to Maridi immediately to support the increase in forces;
- Summon the leaders of the parties to the conflict to Juba to discuss the issue and possible resolution with the President;
- Reinforce the Police Force in the town;
- Discuss with UNMISS the reinforcement of the temporary UN Force in the Town. The UNMISS Sector Commander is planning a semi-permanent detachment of around battalion strength;
- Request humanitarian aid. The World Food Program (WFP) has already begun moving food into the Town from Yambio;
- Encourage a return of IDPs, through Community Leaders; and
- Organize a Peace Conference in Tambura to include national leaders.

21. During the same period a joint delegation led by H.E Nicholas Hysom, the UNMISS SRSG and comprised of IGAD ambassadors and the RJMEC leadership visited Tambura and saw first-hand the impact of the conflict. Following the visit the delegation issued a statement calling on the government to take concrete action to stop the fighting and reconcile the affected communities.

22. For the time being the Armed Organized Groups (AOG) have ceased fighting and most of the civilian population of 83,000 has taken refuge in IDP camps or in the bush. Reports from the UNMISS and the JDB Facilitation Team in the town indicate that killings continue to occur most nights. A clash at the end of September between Gen. Nando's SSPDF forces and a Balanda youth group resulted in two deaths and several injuries. One of the deceased persons was the brother of the Tambura Commissioner.

23. On 26 September 2021, Commander SSPDF 6th Division in Maridi issued orders to his forces in the Yambio/ Tambura area to assist the SPLA-IO in Namatina to assemble and provide trucks to begin their move to Maridi. He directed Gen. Nando to prepare his forces to

² CTSAMVM have detailed allegedly horrific acts of violence against civilians, including disembowelling of pregnant women, beheadings and looting of property. At this time, there are no reports of SGBV in Tambura; however, women and children are the most severely affected by the conflict.

also move to Maridi. Vehicles to enable this move have been dispatched under the orders of JDB. The Chief of Defence Forces (CDF) has asked for in-kind aid of tents and mosquito nets for Maridi.

Sexual and Gender Based Violence (SGBV)

24. During the reporting period, there were few SGBV incidents committed by uniformed personnel reported by CTSAMVM. In July 2021, the Deputy Commander of South Sudan National Police (SSNPS) Kobre Haboba Station informed the CTSAMVM Mobile Verification Team (MVT) that his unit is currently handling two SGBV cases committed in Gudele, Juba and that the suspects were arrested and investigations were ongoing.

25. In August 2021, CTSAMVM released a report on an SGBV incident in Kendila area, CES involving an SPLM/A-IO soldier attached to the SPLM/A-IO Mobile Force at Mongoyo in Morobo County who raped a 17-year-old girl in the village of Panapa in that same County. In addition to having committed this act, the soldier stole goats from the survivor's family. The soldier was arrested and placed in custody at SPLM/A-IO Mobile Force based in Mongoyo. His identity has not been disclosed to CTSAMVM nor to the South Sudan National Police Service (SSNPS). The victim received support and counselling from an NGO whilst the stolen goods were returned to the family.

26. CTSAMVM recommended that the Commander of the SPLM/A-IO Mobile Force should take steps to ensure all his officers are aware of their responsibilities concerning the protection of civilians as required by article 2.1.10 of the R-ARCSS. It also recommended that the SPLM/A-IO Mobile Force at Mongoyo cooperates fully with the SSNPS and provides all details relating to the suspect as a priority and that justice is seen to be done by prosecuting the offence, either through a military court martial or a local civilian court.

Status of Cantonment Sites and Training Centres

27. There has been no change to the status and conditions of cantonment sites and training centres and they continue to face significant challenges including a lack of food, medicines, clean water, shelter and equipment. As a result, morale continues to deteriorate. Many of the cantonment sites are now deserted, whilst personnel continue to leave several training centres in search of food and essential life support commodities. Two of the training centres in Upper Nile State, Twofogia and Aliel have suffered severe flooding and have been abandoned. Overall the rainy season has exacerbated the already dire living conditions for trainees and staff; efforts by the Joint Transitional Security Committee (JTSC) to provide support to these training centres through the JDB and CTSAMVM are on-going, but the situation remains critical.

The Unification Process

28. Notwithstanding the announcement from the Presidency on 8 June 2021 to “*accelerate the graduation of unified forces and develop a unified command*” mentioned in the previous quarterly report, progress has remained disappointingly slow. The JDB assessment mission to all the training centres in Greater Equatoria, Bahr El Ghazal and Upper Nile has been completed, although the reports have not been published. Whilst no decision on the deployment of Phase I of the Necessary Unified Forces has yet been announced, the JTSC has produced a

graduation plan signed by the Co-Chairs and agreed by JDB. It now sits with the National Transitional Committee (NTC), awaiting a budget and an agreed date to start. However, no decision has yet been made on the unification of command by the ‘Principals’ with the ongoing challenge of reaching consensus agreement between the Parties on the ratios and the key command appointments. It is these latter issues that are causing further delay in the unification process.

Disarmament, Demobilisation and Reintegration (DDR)

29. There has been little to no change to the status of DDR. The DDR Commission still awaits a decision by the RTGoNU having submitted its strategy, implementation plan and budget estimates to the NTC. RJMEC and the international partners continue to urge the RTGoNU to provide the necessary funds and resources as a matter of urgency, whilst stressing that a lack of progress on the DDR process will have a significant detrimental impact on the Parties and the Government’s ability to deal with excess senior officers and soldiers who are not eligible to serve in the new armed forces. Meanwhile, the DDR Commission is making efforts to seek assistance from International Partners, including DDR/CVR initiatives to complement the current strategy.

Strategic Defence and Security Review (SDSR)

30. Progress on completion of the SDSR strategy and policy documents required in accordance with article 2.5.4 of the R-ARCSS has remained slow. RJMEC and UNMISS SSR continue to support the process and helped facilitate a workshop on 28 and 29 June 2021 to finalise the draft Strategic Security Assessment (SSA) and Security Policy Framework (SPF) for submission to the Presidency, the Council of Ministers (CoMs) and Parliament for endorsement, including the completion of the executive summaries. Plans are now underway to convene a further workshop in early October to draft and complete the ‘revised defence policy’ which RJMEC and UNMISS SSR are once again supporting. It is imperative that the SDSRB completes its responsibility as a matter of urgency in order to provide guidance to the RTGoNU on the organisation, structure and roles of the future army and security services of South Sudan.

Hold Out Groups

31. A follow up meeting of two hold out groups belonging to SSOMA the South Sudan United Front/Army (SSUF/A) and the Real SPLM took place in Rome from 15 – 19 July. The focus of the meeting was to bring the two groups into the peace process. The parties agreed to a three-month timeline (September to November 2021) to negotiate and conclude key issues as laid down in the Naivasha Declaration of Principles. The NAS under the Chairmanship of Gen. Thomas Cirillo did not participate formally in the meeting. In August, H.E Salva Kiir announced that his government was pulling out of the Rome talks over the continuing NAS activities in the Equatorias. It’s not clear when these talks will resume.

Security Working Committee

32. The RJMEC Security Working Committee convened its fourth meeting on 26 August 2021. The meeting was held both face to face and virtually and chaired by the SWC

Chairperson, Amb. Gordon Yekelo, the Ambassador of the Republic of South Africa. Participation included party members, members of Civil Society and eminent personalities, as well as Regional guarantors, the International Community, technical experts and observers. Experts from the Security Mechanisms, including the JDB and the DDR were invited to the meeting to provide an update on the status of Chapter II Transitional Security Arrangements and the implementation of respective plans. Following the respective briefings, a number of decisions were made during the meeting and both the JDB and DDR Commission agreed to report back on their respective areas of responsibility at the next meeting scheduled for either mid to late October 2021.

Chapter 3: Humanitarian Assistance and Reconstruction

33. During the period of the report, small numbers of refugees and IDPs continued to make their way back to South Sudan. However, recent heavy flooding in certain parts of the country as well as continuing violence in the Equatorias have severely constrained returns. However, conditions in the areas of return are reportedly resource stressed given the lack of housing and resource services. Therefore there is an urgent need to support livelihood activities including the provision of tools and seeds for farming, and education health and psychological services.

34. In late August, CTSAMVM reported that in Central Equatoria State, the looting of humanitarian supplies, destruction of NGO property, abduction of civilians and the rape of a 12-year-old girl at Nyore IDP Camp in the Lasu area took place. Overall, the dire humanitarian situation continues with OCHA reporting that over 8.3 million people in South Sudan continue to be acutely food insecure, and the need for humanitarian relief remains high.

35. The Special Reconstruction Fund (SRF) and its Board which is mandated to assess the reconstruction needs and raise the necessary funds are vital aspects of the Peace Agreement. This body was supposed to be established during the first month of the Transitional Period, and, upon its establishment, a donors' conference is to be convened to coordinate support to the implementation of the R-ARCSS. To date, neither the Fund nor the Board have been established. This calls for urgency in the part of the RTGoNU to prioritise their establishment and the eventual convening of the donors' conference. The RTGoNU, as required by the R-ARCSS, is expected to provide initial funding of USD 100 million per annum for the duration of the Transitional Period.

Chapter 4: Resource Economic and Financial Management

The Economy

36. South Sudan's economy in 2021 is gradually recovering from the devastating effects of the COVID-19 pandemic, as the price and volume of oil production rise. South Sudan's oil production, however, is still down to an estimated 58.4 million barrels, about half of what it used to be before the conflict in 2016, the sector is estimated to account for more than one-third of GDP, 90% of central government revenue and more than 95% of the country's exports.

37. This rebound of the economy in the second half of 2021, is also attributed to the increased volume of tax revenue collected by the National Revenue Authority (NRA) and the improved policy environment. The local currency had also suffered a sharp depreciation in 2020 mainly due to the government's overdrafts required to meet its fiscal deficit. This trend was reversed in 2021, with the weekly foreign exchange auctions introduced by the Central bank. A full realignment of the indicative and parallel market exchange rates is amongst other monetary policy tools that the Central Bank is pursuing in order to maintain exchange rate and price stability in the country. Another improvement in the policy environment is the Central Bank and the Ministry of Finance have signed an MOU to foster collaboration to implement the much-needed PFM reforms and ensure macroeconomic stability and economic growth.

Progress in implementation

38. The Youth Enterprise Development Fund (article 4.15.1.4 of the R-ARCSS) bill has been drafted and tabled with the Ministry of Justice and Constitutional Affairs (MoJCA). The Transitional Constitution of the Republic of South Sudan, 2011 (as amended) Article 201A (9) (d) and the R-ARCSS provides for the establishment of the Youth Enterprise Development Fund intending to provide improved livelihoods for more young people. The creation of this institution aims to stabilize what are often volatile economic conditions and then to promote economic growth in ways that equitably benefit people at all levels of income, living in both urban and rural areas.

39. During the quarter the Public Financial Management (PFM) Oversight Committee was created to control revenues collection, budgeting, revenue allocation and expenditure (article 4.1.4 of the R-ARCSS), and is focused on implementing the priorities they had identified. Regarding public expenditure, the government developed a payroll cleansing report of headcount that is currently being implemented and has screened employees resulting in a much-shrunken payroll. The Oversight Committee is also reviewing the status of South Sudan's Public debt as required in article 4.14.3 of the R-ARCSS.

40. The Ministry of Petroleum has made progress in implementing reforms in the petroleum sector. All petroleum revenue accounts other than those of the Bank of South Sudan (BOSS) have been closed, and proceeds from the sale of Oil can be traced to government accounts in New York and then to BOSS (article 4.8.1.2 of the R-ARCSS). A review of employment in the sector has been done and a unified employment policy was developed that regulates the employer, employee relationship and provides employment guidelines and procedures. One of the objectives of this manual is to eliminate the large salary disparities between what the international oil companies participating in the joint ventures pay their international staff and South Sudanese staff.

41. Loans and advances collateralised by oil have been identified (article 4.8.1.3 of the R-ARCSS) and outstanding loans have been factored in the draft 2021/22FY budget. The Technical Loans Committee is now operational and is located at the Ministry of Finance and Planning (MoFP). This Ministry is committed to ensuring that all Sale and Purchase Agreements (SPA) prepared by the Ministry of Petroleum (MoP) are now recorded.

42. A review of all contracts was conducted, and to address non-performance following which the Minister issued a ministerial order on 30 October 2020 '*Limitation and Moratorium on contracts Extension and Amendments*' instructing all joint operating companies to stop the continuous cycle of contract extensions (article 4.8.1.5 of the R-ARCSS). Competitive bidding

must be done on the expiration of contracts and new contracts must go through the legal tender process, which includes a tender plan approved by the MoFP, creating the bidders' list, providing technical and commercial bids etc.

43. The Petroleum Local Content Regulations, 2019, which was launched on 22 December 2020, mandates that a bid for a license, permit or interest in the sector should include a local content plan that demonstrates compliance with the local content requirements in the Schedule contained therein. This ensures that priority is given to qualified nationals (article 4.8.1.6 of the R-ARCSS).

44. An oil marketing committee has been formed with members from the MoFP, MoP, MoJCA, National Security Services (NSS) and BOSS chaired by the Undersecretary of the MoP to conduct the marketing process (article 4.8.1.7 of the R-ARCSS).

45. A submission by the MoP to the Ministry of Finance and Planning requests for the implementation of transfers of 15% to the petroleum Revenue Stabilization Account and 10% to the Future Generations Fund (article 4.8.1.11 of the R-ARCSS) to be implemented in the 2021/22 FY budget.

46. The environmental audit is in progress to assess the impact of breaches of environmental safeguards on pollution, health risks, and destruction of ecosystems and violators would be asked to pay compensation based on the findings. A cost recovery or financial audit was conducted from 2011 to 2018. The findings revealed that companies operating in the sector need to reimburse the government over US \$3.0 billion due to non-recovery costs. An audit of the 2% and 3% to states and communities has been conducted and its findings discussed by the State legislators and recommendations made (article 4.8.1.14 of the R-ARCSS).

47. The National Budget Process for 2021/22 FY has not been managed as specifically required according to article 4.14.1 of the R-ARCSS. In July the Council of Ministers approved the resource envelope of US\$ 1,533 million (or SSP 613 billion) and total expenditure of US\$ 2,005 million (or SSP 802 billion) for the FY21/22. Sectoral spending ceilings were also approved. However, the draft budget and its accompanying Financial and Appropriation bills still need to be approved by the TNL.

48. The Bank of South Sudan in executing its role as the monetary authority (article 4.2.2.2 of the R-ARCSS) has heightened monetary policy and exchange rate management by embarking on an IMF Staff Monitored Programme aimed at monetary stability (reserve money target) and exchange rate unification within the program period. As part of the reforms, the government committed to devaluing its official rate by 1% a day until it was aligned with the market rate as determined by the commercial banks (the 'reference rate'). This has so far been successful as it has been auctioning Rapid Credit Facility funds to the commercial banks and the foreign exchange bureaus. These foreign exchange auctions have resulted in the withdrawal of over SSP 50 billion from circulation and as a result, contributed to the strengthening of the local currency. In addition, the BOSS has stated that they would continue to use other monetary policy instruments including a Minimum Reserve requirement of 20%, open market operations, term deposit facility, foreign exchange operation, and no deficit financing to maintain its monetary policy stance.

Chapters 5 and 6: Transitional Justice and Permanent Constitution Making-Process

49. **Transitional Justice and Accountability:** In this period of reporting the Technical Committee on the establishment of the Commission on Truth Reconciliation and Healing (CTRH) was operationalized having been established in the second quarter of reporting. The Technical Committee has met regularly in a bid to draw out workplans and strategies towards fulfilment of its mandate. The Technical Committee also drew up a budget which it has submitted to the RTGoNU and the UNDP. The Technical Committee, with courtesy of UNDP, received sensitization and training from a renowned institution i.e. International Center for Transitional Justice (ICTJ) on matters of transitional justice, truth commissions and public consultations. The Committee is expected to embark on public consultations whose outcomes will inform the drafting of the legislation that will establish the CTRH.

50. **Permanent Constitution-making Process:** Under Chapter 6 of the R-ARCSS, the RTGoNU is mandated to initiate and oversee a permanent Constitution-making process, which is expected to be completed within 24 months into the Transitional Period. The MoJCA successfully drafted legislation to govern the permanent Constitution-making Process, and the Bill is awaiting enactment by the TNL.

Chapter 7: The Reconstituted Joint Monitoring and Evaluation Commission

51. Given the serious challenges to implementation of the R-ARCSS and pursuant to its mandate of monitoring, evaluation and oversight of the Agreement, the RJMEC leadership have been involved in a number of high-level diplomatic engagements both with the RTGONU and regional leadership in an effort to impress upon them the urgency of addressing the critical issues that continue to impede progress.

52. The Interim RJMEC Chairperson together with the IGAD Special Envoy to South Sudan, Dr. Ismail Wais, visited Kampala in September where they briefed H.E. Yoweri Museveni, President of Uganda, on the status of implementation of the R-ARCSS and appealed for his intervention to assist the Parties overcome the impasses, and quicken the pace of implementation.³

53. On 9 August 2021, the Interim Chairperson briefed the 73rd Extraordinary Session of the IGAD CoM, which was called primarily to discuss the South Sudan peace process including the splintering of the SPLM/A-IO, given its long term implications on the security and humanitarian situation in the country and the broader IGAD region. The RJMEC Chairman reported on the implications to implementation of the R-ARCSS given the recent political events and the other challenges facing implementation. The IGAD COM expressed

³ The visit to Kampala followed a similar one undertaken in June 2021 to Khartoum where the Interim Chairperson met with H.E. Abdalla Hamdok, Prime Minister of the Republic of Sudan, Lt. Gen. Abdel Fattah al Burhan, Head of the Transitional Sovereignty Council, and H.E. Dr. Maryam Al-Sadiq Al-Mahdi, Chairperson of the IGAD Council of Ministers .

their concern over the unfolding situation and made very specific recommendations including a high level visit by the Prime Minister of Sudan to South Sudan.⁴

54. The COM also tasked the RJMEC Chairperson, the IGAD Executive Secretary, the IGAD Special Envoy to provide the required support to the Office of the IGAD Chair in efforts at mediating the dispute within the SPLM/A-IO, including developing a roadmap with clear timelines on subsequent engagements with parties to resolve the current disagreements, and key areas of disagreement impeding progress in the Transitional Security Arrangements (TSAs) implementation.

55. Following the meeting, the IGAD Executive Director visited Juba and together with the RJMEC leadership and the IGAD Special Envoy held discussions with President Kiir, the First Vice President, the UNMISS Special Representative to the Secretary General and the Chairman of the NTC. Issues discussed included the mutiny of General Gatwech and also ways in which to trigger a breakthrough in the TSAs. Based on those discussions, it was determined that the real stumbling block to implementation of the TSAs was failure by the Parties to agree on the ratio sharing for the command structure of the NUF. The decision was therefore taken to directly involve the IGAD Chairperson to spearhead efforts to resolve this issue. A few days later the IGAD Chairperson visited Juba and held discussions with H.E Salva Kiir, President, H.E Dr. Riek Machar and other officials. While the issue of the command structure was thoroughly discussed, there was no conclusive outcome or agreement reached.⁵

56. Throughout the period of the report, the RJMEC leadership held discussions with the Presidency and other key officials within the RTGoNU, including the Speaker and Deputy Speakers of the TNLA. The discussions generally provided an opportunity to together examine the status of implementation of the R-ARCSS, the various challenges faced, and ways in which to move the process of implementation forward. Ultimately, there was general agreement on the need to provide additional resources towards implementation, and in particular to address the dire security situation.

57. The leadership also held monthly consultative meetings with members of the diplomatic community who were kept abreast on the status of implementation of the R-ARCSS, the many challenges faced, and efforts aimed at increasing the pace of implementation. Two monthly meetings were held at which updates were provided to the general public and several resolutions related to the outstanding tasks within the R-ARCSS were adopted.

⁴ The Communique of the 73rd Extraordinary Session of the IGAD Council of Ministers held virtually on 9 August 2021 reflecting recommendations made can be accessed from: <https://igad.int/executive-secretary/2778-communicue-of-the-73rd-extra-ordinary-session-of-the-igad-council-of-ministers>, [Accessed, 4 October 2021].

⁵ Very serious focus have been placed on resolving the impasse on the ratio sharing for the command structure of the NUF. The process included the direct involvement of the IGAD Chairman and diplomacy by the Interim RJMEC Chairperson with various IGAD leaders to get more directly engaged. Largely on account of these stepped up efforts, the Parties were presented with a proposal by the IGAD Chairperson of a 60:40 ratio between the government and opposition forces, which was meant to resolve the issue. The SPLM/A-IO initially rejected the proposal, and negotiations continue.

58. Pursuant to article 7.11 of the R-ARCSS,⁶ parties belonging to OPP, consisting of six political parties in total, declared a deadlock over their inability to resolve the issue of allocation of nominations to the TNLA. RJMEC subsequently convened a meeting of all the parties on 28 August. After the OPP's failure to reach consensus during the meeting, RJMEC provided recommendations on how the deadlock could be broken, and communicated the same to the OPP (See Box 1). The recommendations were not accepted by one member of the OPP signatories. A further intervention undertaken by the President finally resulted in the resolution of the disagreement over the share of responsibilities amongst the OPP signatories to the R-ARCSS and the appointment of the members to both houses.

Box 1: RJMEC Recommendations to Resolve Deadlock on OPP Nominations to the TNL

To break the deadlock, RJMEC hereby recommends as follows:

1. On the sharing of the 30 seats in the TNLA:
 - 1.1. Umbrella of Political Parties = seven (07) seats;
 - 1.2. National Alliance of Political Parties = seven (07) seats;
 - 1.3. United Sudan African Party (USAF) = four (04) seats;
 - 1.4. United Democratic Salvation Front (UDSF) = four (04) seats;
 - 1.5. United Democratic Party (UDP) = four (04) seats; and
 - 1.6. African National Congress (ANC) = four (04) seats.

2. On the sharing of the 08 seats in the Council of States:
 - 2.1. Umbrella of Political Parties = two (02) seats;
 - 2.2. National Alliance of Political Parties = two (02) seats;
 - 2.3. United Sudan African Party (USAF) = one (01) seat;
 - 2.4. United Democratic Salvation Front (UDSF) = one (01) seat;
 - 2.5. United Democratic Party (UDP) = one (01) seat; and
 - 2.6. African National Congress (ANC) = one (01) seat.

3. On the sharing of the remaining positions allocated to the OPP, i.e., a third Deputy Speaker and two Parliamentary Committee Chairpersons and two Deputy Parliamentary Committee Chairpersons. Having considered the previous sharing of representation of all the OPP parties in different positions of responsibility at national and state levels, RJMEC recommends that the nominations for appointment for the position of Deputy Speaker TNLA and Parliamentary Committee Chairpersons and Deputies for the OPP be as follows:
 - 3.1. United Democratic Party (UDP) to nominate the third Deputy Speaker RTNLA;
 - 3.2. United Sudan African Party (USAF) to nominate one Parliamentary Committee Chairperson;
 - 3.3. United Democratic Salvation Front (UDSF) to nominate one Parliamentary Committee Chairperson;
 - 3.4. African National Congress (ANC) to nominate one Deputy Parliamentary Committee Chairperson; and
 - 3.5. National Alliance of Political Parties to nominate one Deputy Parliamentary Committee Chairperson.

Pursuant to Article 7.11 of the R-ARCSS, the parties are expected to comply with the RJMEC's recommendations as set out above and in the event that they fail to comply, it will forward the matter to the guarantors.

⁶ According to article 7.11 of the R-ARCSS, 'following the establishment of the RTGoNU, the parties agree that in the event of any deadlock, RJMEC shall propose measures to resolve the deadlocks. In case any party(ies) fails to comply with the recommendations of RJMEC of breaking the deadlock, RJMEC will refer the matter to the guarantors.

III. Key Observations and Recommendations

Observations

59. 12 September 2021 marked three years since the signing of the R-ARCSS, and the nineteenth of the 36 months of the Transitional Period. Some good progress have been realized particularly within Chapter I of the Agreement led by the formation of the R-TGONU, establishment of the Transitional National Legislature (TNL), and formation of the state government. Still outstanding is the establishment of the state assemblies and the national commissions. Unfortunately, there has not been much progress on the Transitional Security Arrangements as the Parties continue to disagree over ratio sharing at the command level. There have been small gains in humanitarian affairs (Chapter III) and economic reforms (Chapter IV). With regards to Transitional Justice issues (Chapter V) work is just getting started on the Commission for Truth Reconciliation and Healing while the African Union is expected to take up establishment of the Hybrid Court together with the government of South Sudan. Legislation to determine the permanent Constitution making process (Chapter VI) was recently forwarded to the TNL (See Box 2).

Critical challenges facing implementation

60. For the most part, a number of severe challenges remain, which have severely limited progress in the pace of implementation. These cross-cutting challenges throughout the Agreement must be urgently and collectively addressed, if progress is to be sustained and accelerated. These are:

- 60.1. insufficient political will among the Parties to compromise where needed and adhere to the letter and spirit of the Agreement;
 - 60.2. trust deficit and lack of confidence among the Parties including intra-Party disagreements and in-fighting, which continues to undermine progress in implementation of the Agreement generally;
 - 60.3. missed timelines, delays and lack of prioritisation of key tasks, and inability of the Parties to sufficiently coordinate, cooperate, collaborate, compromise, and to forge consensus;
 - 60.4. lack of sufficient funding and resources needed for the full implementation of the Agreement generally, and lack of prioritisation of critical security tasks such as Phase 1 graduation and redeployment of the NUFs, logistical supply for the cantonment sites and training centres, and the DDR Commission; and
 - 60.5. lack of efficient and effective coordination between the NTC and the Security Mechanisms, especially on logistics planning, and finance.
61. Non-completion of the unification of forces, including failure to so far reach agreement on the command structure and force ratios, and the absence of any redeployment of the trained component of the NUF threatens the very foundation of the R-ARCSS. Notably, this failure contributes to the worsening security situation at the subnational level, compounds public frustration with the Parties, and undermines confidence in the peace process.

Box 2: Key Accomplishments Since the Start of the Transitional Period

Chapter I

- the R-ARCSS has been incorporated into the Transitional Constitution of the Republic of South Sudan (TCRSS, 2011), as amended;
- the RTGoNU Executive has been fully established at both national and states levels – Ministers, Governors and Deputy Governors for all the 10 States have been appointed – as well as various States Executives and Local Government positions;
- the Transitional National Legislature (TNL), namely the Transitional National Legislative Assembly (TNLA) and the Council of States (CoS), has been reconstituted and held their inaugural assembly on 30 August 2021; and
- Parties with the exception of ITGoNU have nominated members to the Judicial Reform Committee;

Chapter II

- the cessation of hostilities and the Permanent Ceasefire amongst the signatories to the Agreement continues to hold with CTSAMVM verifying compliance; and
- some components of the 83,000 Necessary Unified Forces (NUF) have been trained.

Chapter III

- humanitarian corridors have been opened throughout the country; and
- thousands of IDPs and refugees have returned.

Chapter IV

- establishment of a competent and effective mechanism that oversees revenue collection, budgeting, revenue allocation and expenditure, which prioritised nine major reforms mandated in the R-ARCSS;
- improved revenue collection through the strengthening of tax administration, and establishment of a single treasury account;
- the Youth Enterprise Development Fund (4.15.1.4) bill has been drafted and tabled with the Ministry of Justice;
- closure of all petroleum revenue accounts other than those of the Bank of South Sudan; and
- an audit of the 2% and 3% to oil producing states and communities has been conducted.

Chapter V

- a roadmap for the implementation of chapter 5 has been approved by the Council of Ministers, with the Ministry of Justice and Constitutional Affairs appointed as lead Ministry;
- a Ministerial Taskforce has been appointed to coordinate implementation of Chapter 5; and
- a Technical Committee has also been established to conduct nationwide consultations that will inform the legislation establishing the Commission for Truth Reconciliation and Healing (CTRH).

Chapter VI

- preparations for the making of the permanent constitution are underway. The RJMEC successfully convened the Workshop for the Parties who agreed on the details for conducting the process as mandated under Article 6.7. The Ministry of Justice and Constitutional Affairs has completed drafting the Legislation to govern the Constitution-making process, which is now before Cabinet.

62. The Tambura clashes have resulted in the deaths of many civilians, including women and children, and internal displacement of some 80,000 civilians. Furthermore, insecurity on the Juba–Nimule Road, and other main transport routes, must be addressed as a matter of urgency, as they are lifelines which underpin not only the normal functioning of the economy, but are also critical for humanitarian service delivery to those in dire need of aid. Decisive action by the JDB appears to have mitigated the crisis in Tambura and prevented it from spreading further afield into the states of Western Equatoria and Western Bahr El Ghazal. However, a long- term solution is desperately needed and this can only be achieved by accommodation between the Zande and Balanda in the Town and surrounding areas. Peace talks between the factions, both in Juba and in Tambura must take place as soon as possible.

Recommendations

63. The report therefore offers the following recommendations to various stakeholders, including the RTGoNU, IGAD, the TNL, the regional and international guarantors, and the international community.

a) To the Revitalised Transitional Government of National Unity (RTGoNU):

63.1. immediately establish the state legislative assemblies in order to complete the governance structures; reconstitute the relevant institutions and mechanisms at the national level, while adhering to the 35% level of women representation and giving due attention to representation of the youth;

63.2 the Minister of Justice and Constitutional Affairs to table the remaining reviewed bills for the Council of Minister’s approval and then present them to the reconstituted TNLA for ratification and enactment;

63.3 complete the formation of the *ad hoc* Judicial Reforms Committee and reconstitute the Judicial Service Commission in order for the much needed judicial reforms to be undertaken;

63.4 settle the issue of the command structure for the NUF and avail the necessary financial resources for the completion of the Transitional Security Arrangements, including for graduation and redeployment of Phase I of the unified forces, for the DDR Commission to implement its plans and for commencement of Phase 2 of the unification process;

63.5 prioritise the establishment of the SRF and Board to coordinate international support to the peace process and to coordinate the convening of the South Sudan pledging conference;

63.6 operationalise key institutions such as the National Audit Chamber, and the Anti-Corruption Commission while pursuing economic reforms including in the oil sector, and establish the Economic and Financial Management Authority (EFMA) to enhance oversight and management of the country’s resources;

63.7 proceed in a timely manner to fast-track broad-based public consultation on the establishment of the CTRH, and to further liaise with the African Union Commission regarding the establishment of the Hybrid Court for South Sudan (HCSS); and

63.8 consider and endorse the draft Constitution Making Process Bill 2021 and immediately forward to the TNLA for ratification.

b) To the Transitional National Legislature (TNL):

63.9 embark upon their legislative and oversight functions in support of the implementation of the R-ARCSS, including expediting the enactment of the pending bills namely the Prisons Service, the SPLA and the Police Service amendment bills, and the two constitutional amendment bills, which rectify discrepancies in the Constitutional Amendment Act No.6 (2020);

63.10 expedite the enactment of the legislation to govern the Permanent Constitution-making process;

63.11 initiate the process of review and enactment of the Political Parties Act, and the National Elections Act, among others; and

63.12 approve the FY 21/22 government budget.

c) To the Inter Governmental Authority on Development (IGAD):

63.13 complete the process of nominating the Chairperson and Deputy Chairperson for the *ad-hoc* Judicial Reforms Committee;

63.14 urge the Parties to the Agreement for continued dialogue and trust-building amongst themselves on all unresolved issues, with greater show of political will and, convene the high-level ‘Leadership Retreat’ of the principals to the R-ARCSS as previously proposed;

63.15 appeal to all actors under SSOMA to pursue the Sant’Egidio mediation process, including adherence to the COHA, the Rome Declaration of January 2020, and the Declaration of Principles of March 2021; and

63.16 actively engage the international community at the highest political level to mobilise goodwill and support for full implementation of the R-ARCSS.

d) To the African Union (AU):

63.17 liaise with IGAD member countries and in particular the office of the IGAD Chair to coordinate their engagement with the South Sudan leadership to mobilise political and financial support for the Constitution making process, capacity building for the unified forces and support for the reconstruction process of the country;

63.18 liaise with the RTGoNU and expedite processes that will lead to the establishment of the HCSS;

63.19 continue to engage the leadership of the RTGoNU and mobilise the political support and goodwill necessary for full implementation of the R-ARCSS; and

63.20 consider mobilizing the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in its member state, the Republic of South Sudan.

e) To the International Partners and Friends of South Sudan

63.21 continue to engage the leadership of the RTGoNU and mobilise political and moral support and goodwill for full implementation of the R-ARCSS; and

63.22 continue to mobilize the requisite resources for and coordinate provision of humanitarian response to those in dire need of assistance in the Republic of South Sudan, including in the prevention of and response to the COVID-19 pandemic.

IV. Conclusion

64. With more than three years since the signing of the R-ARCSS having gone by, the South Sudanese population, stakeholders, and peace partners are expressing increased levels of frustration at the slow pace of implementation. Within the timelines of the Agreement, the Transitional Period is expected to end in February 2023, preceded by elections conducted 60 days prior, under a new Permanent Constitution. For all that has been achieved much remains to be done. Indeed the people of South Sudan weary of the years of conflict are looking to the implementation of the R-ARCSS as a step towards lasting and sustainable peace.

65. It is clear that much effort is required on the part of the RTGoNU and TNL to keep the implementation of the R-ARCSS at a pace which will realise the holding of elections at the end of the Transitional Period. The RTGoNU in particular, is expected to demonstrate political will and commit the requisite level of resources toward implementation. This should include its commitment under the R-ARCSS to a US \$100 million yearly contribution to a Special Reconstruction Fund, which is expected to attract additional support from international partners. The RTGoNU is also expected to focus attention on implementing the remaining tasks and in particular that of resolving the Transitional Security Arrangements. At the same time, the TNL must move quickly to enact legislation that is already before it and initiate the process of review for what remains.

66. On its part and pursuant to its mandate as provided for in Chapter 7 of the R-ARCSS, the RJMEC will continue to monitor, evaluate, report on the status of implementation of the R-ARCSS, as circumstances demand, intervene to break any deadlock that may emerge in the course of implementation. It will regularly provide reports and briefings to the RTGoNU, the reconstituted TNLA, Chairperson of the IGAD Assembly of Heads of State and Government, Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the Peace and Security Council of the African Union and to the Secretary General of the United Nations and the Security Council of the United Nations.

END