



**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>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>CRSV</i>	<i>Conflict-related Sexual Violence</i>
<i>CTSAMVM</i>	<i>Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism</i>
<i>CVR</i>	<i>Community Violence Reduction</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>JRC</i>	<i>Judicial Reform Committee</i>
<i>MoJCA</i>	<i>Ministry of Justice and Constitutional Affairs</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NTC</i>	<i>National Transitional Committee</i>
<i>NUF</i>	<i>Necessary Unified Forces</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>PFM</i>	<i>Public Finance Management</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>SLA</i>	<i>State Legislative Assemblies</i>
<i>SPLM</i>	<i>Sudan Peoples' Liberation Movement</i>
<i>SPLM-IO</i>	<i>Sudan Peoples' Liberation Movement in Opposition</i>
<i>SSOA</i>	<i>South Sudan Opposition Alliance</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>UNOCHA</i>	<i>United Nations Office for the Coordination of Humanitarian Affairs</i>
<i>UNSC</i>	<i>United Nations Security Council</i>
<i>UNITAR</i>	<i>United Nations Institute for Training and Research</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 October to 31 December 2021 and builds on the previous quarterly Report No. 012/21. It provides a status update on progress or lack thereof in the implementation of the tasks of the R-ARCSS during the reporting period, highlight challenges facing the implementation, provide observations and concludes with recommendations for remedial measures.

During the period under review, the report observes that there was some progress made towards implementation of the R-ARCSS, however, overall, implementation remains slow almost two years after the formation of the Revitalised Transitional Government of National Unity (RTGoNU). Notable among the achievements during the reporting period is the reconstitution and appointments of members of nine out of ten State Legislative Assemblies, nominations to the Judicial Reforms Committee, maintaining of the permanent ceasefire, deployment of assessment teams to the training centres, stepped up efforts to address Sexual and Gender Based Violence (SGBV), and the tabling of the Permanent Constitution-making Bill before the Transitional National Legislative Assembly (TNLA).

Implementation remains slow, particularly in the critical areas of the Transitional Security Arrangements (TSA), enactment of key pending Bills before the TNLA, and the setting up of the Transitional Justice mechanisms. In an effort to highlight the impediments to implementation of the R-ARCSS, and to seek renewed efforts on the part of the RTGoNU that is charged with its implementation, the RJMEC leadership regularly engaged the Presidency and key government ministers as well as various stakeholders to the R-ARCSS.

Importantly, the Permanent Ceasefire continued to hold among Signatory Parties. However, intermittent clashes were reported between SPLA-IO forces loyal to H.E. Dr. Riek Machar Teny, First Vice President of the Republic of South Sudan, and forces loyal to the former Chief of Defence Staff of the SPLA-IO, Lt Gen Simon Gatwech Dual in the area around Magenis on the border with Sudan. Additionally, there were lethal intercommunal clashes in Tambura, Western Equatoria State, and Warrap State. Intercommunal violence was also reported in Jonglei and Eastern Equatoria States. There were also reported clashes between the National Salvation Front (NAS), and the Signatory Parties – SSPDF and SPLA-IO in Central Equatoria and the Mundri area, as well as occasional alleged attacks by NAS on civilians.

The unification of the Necessary Unified Forces (NUF) continued to stagnate throughout the reporting period. Troops that were trained during the Phase I unification process failed to graduate and redeploy as required by the Agreement due to the lack of funding and resources, as well as a lack of political will by the RTGoNU. The impasse in reaching an agreement on both the force unification ratios and the unified command negotiations between the RTGoNU and the Opposition leadership, has significantly delayed the graduation and redeployment of the NUF.

The magnitude and severity of humanitarian needs continued to rise during the reporting period, due to cumulative effects of prolonged inter communal and community based conflict, widespread flooding, high levels of food insecurity and the covid-19 pandemic. According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), by December, more than 835,000 people in 33 of 78 counties were affected by flooding across the country and faced high levels of food insecurity and poor access to basic services.

In an effort to increase the pace of implementation, RJMEC proposed several recommendations to the RTGoNU including the need to:

- implement the agreed upon Constitution-making process roadmap;
- establish the Ad-Hoc Judicial Reforms Committee to undertake the study and recommend judicial reforms to be implemented after submission of its report;
- fully participate in the retreat of the Presidency scheduled to be held in Uganda;
- take the necessary steps for establishment of the Board of the Special Reconstruction Fund;
- make financial resources available 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;
- continue to pursue PFM reforms along with increased transparency and accountability, in support of the establishment of a foundation for sustainable growth;
- strengthen the operations and management of the Anti-Corruption Commission and the National Audit Chamber in line with the requirements of the R-ARCSS;
- pursue implementation of the various enterprise funds in order to provide new opportunities to the women, youth and other disadvantaged groups all over South Sudan;
- 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 HCSS; and
- 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.

RJMEC also encourages the TNLA to:

- expedite enactment of the Legislation that is still outstanding in support of the implementation of the R-ARCSS, including the Permanent Constitution Making Bill, Prisons Service, the SPLA and the Police Service amendment bills; and
- activate the various special committees in support of the activities outlined in the R-ARCSS including voting on financial support within the budget for those activities, which are pivotal for the TNLA to be fully operational and deliver on its mandate.

Finally, RJMEC appealed to IGAD to:

- convene the high level leadership retreat with a view to increasing the pace of implementation of the R-ARCSS and deepening trust and confidence among the Parties;
- continue to engage the leadership of the RTGoNU and assist in mobilising 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 its member state, the Republic of South Sudan.

I. Introduction

1. This report on the status of implementation of the Revitalised 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 October to 31 December 2021 and builds on the previous quarterly Report No. 012/21.¹ It provides a status update on progress or lack thereof in the implementation of the tasks of the R-ARCSS during the reporting period, highlights challenges facing the implementation, provide some observations and concludes with recommendations to key stakeholders.
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, 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. The report observes that there was some progress made towards implementation of the R-ARCSS, however, overall, implementation remains slow almost two years after the formation of the Revitalised Transitional Government of National Unity (RTGoNU). Notable among the achievements is the reconstitution and appointments of members of nine out of ten State Legislative Assemblies, nominations to the Judicial Reforms Committee, maintaining of the permanent ceasefire, deployment of assessment teams to the training centres, stepped up efforts to address Sexual and Gender Based Violence (SGBV), and the tabling of the Permanent Constitution-making Bill before the Transitional National Legislative Assembly (TNLA).
4. For the most part however, implementation remains slow, particularly in the critical areas of the Transitional Security Arrangements (TSA), enactment of key pending Bills before the TNLA, and the setting up of the Transitional Justice mechanisms. In an effort to highlight the impediments to implementation of the R-ARCSS, and to seek renewed efforts on the part of the RTGoNU that is charged with its implementation, the RJMEC leadership regularly engaged the Presidency and key government ministers as well as various stakeholders to the R-ARCSS.
5. The Leadership also reached out decidedly to the Heads of States of the IGAD countries to brief them on the unfolding situation within South Sudan and also to seek their guidance in helping to increase the pace of implementation. All along the leadership also provided updates to the stakeholders including civil society actors and the regional and international community on the status of implementation of the R-ARCSS.
6. This report has four sections and is 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 provides an analysis of the status of implementation of the six thematic chapters of the R-ARCSS, namely, governance, security, humanitarian affairs, economic affairs, transitional justice and legal and constitutional affairs as well the activities of the RJMEC during the reporting period. Section III provides key observations that highlight concerns and focuses recommendations to the RTGoNU, TNLA, and the guarantors to the Agreement; and Section IV, is the report's conclusion.

¹ <https://jmecsouthsudan.org/index.php/reports/rjmec-quarterly-reports/194-rjmec-quarterly-report-on-the-status-of-implementation-of-the-r-arcss-from-1st-july-to-30th-september-2021>.

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

Chapter 1: Revitalized Transitional Government of National Unity

7. The update builds on the last quarter report, detailing tasks, which have been accomplished during the reporting period, implementation which are ongoing and tasks where implementation remains outstanding. As 2021 came to a close, the South Sudan's RTGoNU was nearing two years old, with just 14 months remaining to achieve the goals set out in the R-ARCSS. The government structure was established at the national and subnational levels, some progress was made towards implementing provisions of chapter I of the R-ARCSS, however, several critical tasks are yet to be implemented.

8. Notably, progress was registered during the quarter in the reconstitution and appointments of members of nine out of ten State Legislative Assemblies (SLA). Whereas this development is welcome, at the time of compiling this report, the SLA for Western Bahr el Ghazal was yet to be reconstituted and none of the appointed members in the other nine states were sworn in. The delays in the swearing in of the SLA implied that they were unable to embark on their legislative and oversight functions as required by the R-ARCSS and the Transitional Constitution of the Republic of South Sudan (TCRSS) 2011, as amended. It is therefore critical that all the State Assemblies and Councils are reconstituted and operationalized so as to enable them to perform the required legislative and oversight functions at the subnational level.

9. The RTGoNU in collaboration with the United Nations Development Program (UNDP) convened the 5th Governance Forum for the Governors and Chief Administrators of the 10 States and the three Administrative Areas respectively from 22-29 November 2021. The Forum, which was held in Juba, was chaired by H.E. Dr. Riek Machar Teny, First Vice President of the Republic of South Sudan. In attendance were other members of the Presidency, national ministers, undersecretaries, Governor of the Bank of South Sudan, the diplomatic corps, and RJMEC among others.

10. Pursuant to article 1.17 of the R-ARCSS regarding the establishment of the *ad hoc* Judicial Reform Committee (JRC) meant to study and recommend to the RTGoNU appropriate judicial reforms in the Republic of South Sudan, all the Parties to the R-ARCSS submitted the list of their JRC nominees to IGAD. Also, IGAD made some progress towards the recruitment of the Chair and Deputy Chairperson of the JRC. However, the JRC was not established during the quarter. As per the provision of the R-ARCSS, the JRC was meant to be established no later than three months into the Transitional Period. It is critical that the establishment of the JRC be given due attention to enable the RTGoNU to embark on the judicial reforms process.

11. On 19 October 2021, the Permanent Constitution-making Process Bill 2021 was approved by the RTGoNU Council of Ministers. At the end of the quarter, the Bill awaited presentation by the Minister of Justice and Constitutional Affairs to the reconstituted TNLA for enactment. Expediting the Permanent Constitution-making process is critical as: (a) the reconstituted National Elections Commission is required to organize elections in line with the provisions of the Permanent Constitution (see Article 1.20.5 of the R-ARCSS); (b) the National Elections Act 2021 is to be amended within two months upon adoption of the Permanent Constitution to ensure that it conforms to its provisions (Article 1.20.6 of the R-ARCSS).

12. Pursuant to the spirit of community reconciliation as provided for in the R-ARCSS, Mayom County in Upper Nile State and Warrap State National Legislature Forum convened a four-day community peace conference in Juba, South Sudan during the quarter. The peace

conference, convened under the theme: ‘*Dialogue for Peace and Social Security*’, aimed at exploring ways of enhancing social harmony between the two communities. There has been persistent intercommunal violence characterized by cattle rustling and loss of lives in which heavily armed youth allegedly from Kongor and Lou from Warrap State attacked cattle camps in the neighbouring Mayom County in Upper Nile State. The conference resolved on the way forward for peaceful coexistence between the two communities. The RTGoNU needs to consider organising similar peace conferences to address ongoing community-based conflicts, especially in conflict hotspots.

13. On 19 October, members of the SPLM/A-IO in the executives of Warrap State threatened to pull out from the State government citing mistreatment and harassment by the State Governor, an ITGoNU appointee. This incident points to a need for more trust and confidence building measures to be initiated among the various Parties in the unity government at the subnational level so that they can work together in a collegial manner.

14. The RJMEC Governance Working Committee held one meeting during the quarter. The Working 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 monthly ahead of the plenaries and its reports feed into the RJMEC leadership reports to the monthly plenaries.

15. In spite of the progress highlighted above, there are tasks under Chapter I of the R-ARCSS, which remained pending during the quarter. These include, *inter alia*, the reconstitution of the structure of governance in 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. As highlighted earlier, the JRC awaited establishment.

16. In addition, bills which have been approved by the RTGoNU Council of Ministers such as the Constitutional Amendment bills, and security bills awaited enactment by the TNLA at the end of the reporting period. The Parties to the R-ARCSS had commenced the process of nomination of their respective representatives to the Specialized Committees for appointment by the Speaker of the reconstituted TNLA. At the end of quarter, the members of the Specialized Committees had not been appointed.

Chapter 2: Permanent Ceasefire and Transitional Security Arrangements

Security Issues

17. During the period of reporting, the Permanent Ceasefire continued to hold among Signatory Parties. However, intermittent clashes were reported between SPLA-IO forces loyal to H.E. Dr. Riek Machar Teny, First Vice President of the Republic of South Sudan, and forces loyal to the former Chief of Defence Staff of the Sudan Peoples’ Liberation Army – In Opposition (SPLA-IO), Lt Gen Simon Gatwech Dual in the area around Magenit on the border with Sudan. Additionally, there were lethal intercommunal clashes in Tambura, Western Equatoria State, and Warrap State. Intercommunal violence was also reported in Jonglei and Eastern Equatoria States. There were also reported clashes between the National Salvation Front (NAS), and the Signatory Parties – South Sudan Peoples Defence Forces (SSPDF) and SPLA-

IO in Central Equatoria and the Mundri area, as well as occasional alleged attacks by NAS on civilians.

18. In Manyo County, Upper Nile State, following almost three months of an informal cessation of hostilities, SPLA-IO forces loyal to H.E. Dr. Riek Machar Teny clashed with SPLA-IO forces loyal to Lt Gen Simon Gatwech Dual. On 26 December 2021, the two opposing forces reportedly clashed at Kit-Gwang/Magenis, and on 27 December it was reported that the two forces clashed again in the area of Kit-Gwang at Amut, Korwai and Kola. Facts surrounding the infighting between the SPLM/A-IO factions have not yet been verified as CTSAMVM has been unable to access the area due to lack of security guarantees by the protagonists, and the fact that Kit-Gwang/Magenis is located along the common border between Sudan and South Sudan.

19. As a result, CTSAMVM cannot access the area due to jurisdictional challenges. Despite the lack of CTSAMVM verification, there have been several media reports indicating that the two-days of violence resulted in the deaths of several soldiers and the displacement of a significant number of civilians. At the time of reporting there are no known efforts to permanently resolve the dispute between the two SPLA-IO factions.

20. CTSAMVM reported that on 2 October 2021, 36 people were killed and 80 injured in Ayol Village, Tonj East County, Warrap State due to intercommunal violence. On 20 November 2021, seven Murle traders were killed in Bor South, allegedly by Dinka individuals in revenge for the killing of two of their own by the Murle. In Eastern Equatoria, violence was reported between the Keyalu and the Khapulele. However, security along major highways in Equatoria has improved significantly due to increased SSPDF patrols along the main transit roads.

21. Following several months of clashes between the Balanda militias and Zande youth militias affiliated with the SPLA-IO and Gen James Nando's forces respectively, the Joint Defence Board (JDB) deployed a high-level investigation committee to Tambura, Western Equatoria in October 2021. The main objective of the Committee was to investigate circumstances surrounding the intercommunal clashes and find a durable solution to the crisis that had lasted for several months. The violence resulted in the death of hundreds of civilians, including women and children, and has displaced thousands of civilians. At the peak of the crisis, several government officials, including two senior police officers, were assassinated by unidentified groups.

22. During the period of their deployment, the JDB members held several consultations with all known sides to the conflict, including State leadership, local community leaders, as well as Non-Governmental Organizations working in the area. The RJMEC Leadership also travelled to Tambura with UNMISS. Subsequent to their consultations, the JDB ordered the relocation of the SPLA-IO forces and those loyal to General James Nando, from the Tambura area to the Maridi Training Center, as these forces were implicated in the violence. Concurrently, the SSPDF deployed more forces in and around Tambura in order to restore peace, law and order. The relocation of the SPLA-IO and Gen Nando's forces took several weeks, but eventually all forces were relocated to Maridi apart from some of Gen Angelo Davido's youth militias. The JDB successfully deescalated the situation and restored peace in Tambura, in spite of some sporadic violent incidents continuing to occur during the period of reporting.

23. Between October and December 2021, CTSAMVM reported twenty NAS related incidents including clashes with the SSPDF and the SPLA-IO, road ambushes on the Signatory forces as well as civilian vehicles, abduction of civilians, looting and destructions of property, and armed robberies. Most of the incidents were concentrated in the southern part of Central

Equatoria, with a few in East and West Mundri Counties, and also in Maridi County. Although CTSAMVM could not conduct thorough investigations due to the lack of communication with, and access to NAS, the reported incidents were verified and confirmed to have happened though NAS denied involvement.

Sexual and Gender Based Violence (SGBV)

24. During the reporting period, CTSAMVM reported two SGBV incidents of which one was committed by a member of SPLM/A-IO. On 28 September 2021, CTSAMVM was informed by the State Minister of Local Government and Law Enforcement of Jonglei State that there is a criminal group of young men operating in the State who among other crimes, regularly commit SGBV incidents. However, the report did not indicate if the perpetrators were held accountable and victims provided with assistance (medical, psychological and reparation).

25. On 19 October 2021, CTSAMVM submitted to the RJMEC Interim Chairperson a report on SGBV committed in Western Equatoria State. The incident involved an SPLM/A-IO soldier from Lirangu camp, Division 9B, who raped a 45-year-old woman in Yabongo Boma, Nzara County on 8 September 2021. The soldier also stole a cellular phone and SSP 4 800 from the home of the victim. On the same day, the soldier was found guilty and was publicly flogged and fined SSP 50 000. The stolen items were recovered but there was no compensation for the victim. After four days in custody, the perpetrator was reported to have escaped. There were reports that he joined Gen James Nando's forces. After investigation, CTSAMVM concluded that the SPLM/A-IO failed to exercise command and control by properly training soldiers to refrain from misconduct such as SGBV and theft of civilian property.

26. CTSAMVM recommended among other measures that: (i) SPLM/A-IO redouble its efforts to train its soldiers on the requirements of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (CoHA) and R-ARCSS agreements, and on the prohibitions against rape and sexual abuse and the requirement to respect the person and dignity of women. RJMEC recommended to the JDB that the SPLA-IO soldier who committed the rape and later escaped from custody, should be rearrested and face justice in order to deter others from committing similar offences.

27. The JDB, in collaboration with the Minister of Defence and the Minister of Health, launched their action plan for addressing '*Conflict-related Sexual Violence*' (CRSV) on 30 November 2021. Participation included national ministries, NGOs including South Sudanese women and youth organisations, UNMISS, UNDP, UNICEF and RJMEC, as well as the international diplomatic community. Allegations of SGBV by Parties to the Agreement have been reported and evidenced by both CTSAMVM and UNMISS and a number of cases have been investigated and dealt with by both civil and military legal proceedings. However, a policy of zero tolerance of SGBV and CRSV through strong leadership, education and training needs to be addressed at all levels. In that regard, a CRSV committee at the National level and sub-committees at the State level have now been established to implement the action plan.

Status of Cantonment Sites and Training Centres

28. During the period of reporting, the logistical situation in cantonment sites and training centres remained dire, with little, or no food and medicines made available to the majority of the forces. As a result, many troops deserted and either went to their homes or elsewhere in search of food, essential life support commodities and shelter. The lack of basic services in cantonment sites and training centres has, among other factors, contributed to the defection of a

high number of Opposition forces to the SSPDF. The RTGoNU has consistently failed to provide the much needed funding and sufficient logistics to sustain troops in cantonment sites and training centers during this reporting period and indeed for the past two years.

The Unification Process

29. The unification of the Necessary Unified Forces (NUF) continued to stagnate throughout the reporting period. Troops that were trained during the Phase I unification process failed to graduate and redeploy as required by the Agreement due to the lack of funding and resources, as well as a lack of political will by the RTGoNU. The impasse in reaching an agreement on both the force unification ratios and the unified command negotiations between the ITGoNU and the Opposition leadership, has significantly delayed the graduation and redeployment of the NUF. In addition, the SSPDF, SPLA-IO and SSOA have forces in training centres that were not properly screened. This was supposed to have been done prior to graduation and redeployment. Furthermore, the SSPDF, SPLA-IO and SSOA, have a significant number of excess senior officers who must be processed before the unified personnel in the training centres finally graduate and deploy. All these shortcomings contributed to the stagnation of the unification, graduation and redeployment process, which has had a ‘knock-on’ adverse effect on the security situation in the respective states.

30. Following months of delays, the JDB, in mid-December 2021, received funding from the National Transition Committee (NTC) and deployed assessment teams to the respective training centres to commence the screening process. The screening will determine the eligibility of ex-combatants of the Armed Parties to the Agreement for graduation and redeployment of Phase 1 of the NUF; it will also determine those going for demobilization; consequently the three JDB Implementation Committees that have deployed to training centres in Greater Upper Nile, Greater Bahr-El-Ghazal and Greater Equatoria have included, Party representatives, medical screening teams and DDR Commission representatives.

Disarmament, Demobilisation and Reintegration

31. The implementation of the DDR process during this reporting period has made little progress. Since the DDR Commission submitted its strategy, implementation plan and estimated budget to the RTGoNU for approval through the NTC, there has been no response or decision on DDR from the government. However, in an effort to support the DDR Commission the development of a Community Violence Reduction/DDR pilot initiative has been initiated by the ‘International Friends of South Sudan’ and UNMISS, which aims for a ‘bottom up’ DDR approach, concentrating on the reintegration process in the states with the focus on the youth community.

32. The initiative has the support of the RTGoNU through the Chairperson of the NTC, whilst the Chairperson of the DDR Commission has been tasked to take the National ‘lead’ on this pilot project. The inaugural meeting of the joint technical working group for the CVR/DDR Pilot Scheme took place on 10 December 2021 during which the methodology for the way forward was discussed. It also provided an opportunity to confirm ‘buy in’ from respective national and international stakeholders. Funding of this initiative which is designed to complement the classical DDR being conducted by the DDR Commission will be agreed between the Regional and International partners.

Strategic Defence and Security Review

33. The SDSR-Board held its 4th and 5th workshops during this period on 6th and 7th October and on the 25th and 27th October respectively. The aim of these two workshops was to finalise both the *Strategic Security Assessment* and the *Security Policy Framework*, including completion of the executive summaries of both documents, in preparation for submission to the Principals for endorsement, prior to seeking approval from the RTGoNU Council of Ministers. RJMEC in collaboration with UNMISS helped to plan, facilitate and fund these workshops.

Senior Military Leadership Training

34. RJMEC in collaboration with the United Nations Institute for Training and Research (UNITAR) and the Rwanda Peace Academy convened a capacity building workshop in Kigali, Rwanda from 26 November to 5 December 2021. The workshop was held following a recommendation by South Sudanese generals who attended the previous workshop², that their political leaders should also attend. The Workshop had 25 participants including among others, four Government Ministers, 16 senior generals from all parties, Deputy Chairperson of the DDR Commission, four members of Parliament, as well as one civil society representative. The focus of the workshop was peacebuilding and development in post-conflict situations. Participants also visited the Memorial Centre of the Genocide against the Tutsi, the Kinigi model village, DDR centre at Mutobo, and the Rubavu border post One-Stop centre among other places of interest. The final report of the workshop will be presented to the Presidency and the RTGoNU Council of Ministers.

Holdout armed groups

35. There has not been any significant progress on negotiations between the RTGoNU and the NAS of Lt Gen Thomas Cirillo, one of the three holdout groups belonging to the South Sudan Opposition Movement Alliance (SSOMA).³ The process stalled following the withdrawal from the Sant'Egidio mediation process by H.E. Salva Kiir Mayardit. Nevertheless, during the President's address to the Governors' Forum, he declared the RTGoNU's recommitment to the Sant'Egidio process. In mid-December 2021, CTSAMVM convened a workshop in Nairobi, Kenya, to prepare the SSOMA (Paul Malong and Pagan Amum) military leadership for the integration of their national monitors into CTSAMVM structures. Gen Thomas Cirillo has not yet recommitted to the CoHA of December 2017 and the Rome Declaration of January 2020, and therefore was not part of the December 2021 workshop in Nairobi.

Chapter 3: Humanitarian Assistance and Reconstruction

36. The magnitude and severity of humanitarian needs continued to rise during the reporting period, due to cumulative effects of prolonged conflict, widespread flooding, high levels of food insecurity and the covid-19 pandemic. According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), by December 2021, more than 835,000

² This workshop took place from 3 - 9 May 2021, with the participation of 25 South Sudanese senior military officers (Major Generals and above) under the theme 'Senior Leadership Post-Conflict Peace Building and Reconstruction Course' at the Rwanda Peace Academy – Nyakinama –Rwanda.

³ The other two groups are headed by Gen Paul Malong and Hon. Pagan Amum respectively.

people in 33 of 78 counties were affected by flooding across the country and faced high levels of food insecurity and poor access to basic services. Jonglei, Unity and Upper Nile States were the worst impacted states with 80% of the total number of affected people. Hotspot areas, such as Bentiu in Unity State, remained vulnerable as floodwaters continued to rise. It is worrisome that floods are yet to recede after more than two years. If the floods do not recede before the next wet season, this will be the third consecutive year of floods across the country and the effect will continue to be devastating on peoples' livelihoods and wellbeing.

37. Despite funding constraints and limited core supplies, which hindered the overall humanitarian response, by November 2021, a total of 5.1 million people were reached out of the 6.3 million targeted through the Humanitarian Response Plan (HRP). Most of the people reached were from the heavily affected States of Unity, Jonglei and Upper Nile. Of the US \$1.7 billion requested to finance the 2021 South Sudan HRP, \$1.13 billion or 68% had been received by December.

38. Owing to increased needs due to flooding, available funding was supplemented with an allocation of US \$20 million from the South Sudan Humanitarian Fund (SSHF), part of which was allocated for flood response efforts, complementing bilateral funding sources. The UN Central Emergency Response Fund allocated \$13 million and the RTGoNU allocated US \$ 10 million and the EU 2 million euros in support of lifesaving activities in flood-affected areas.

Humanitarian Access

39. The security of humanitarian workers and access to people in need remained a major concern and was hampered by active hostility by youth groups, bureaucratic impediments, restriction of movement, operational interference, ambush/robbery and looting of humanitarian assets. This led to the relocation of humanitarian workers thus affecting operations. By December, humanitarian assistance presence in Renk and the Greater Pibor Administrative Area continued to increase following the provision of written guarantees of safety by the local authorities. It is hoped that the guarantees will hold leading to an increase of humanitarian interventions in the previously affected areas.

40. According to UNOCHA, the killing of a humanitarian worker following an attack on a clearly marked vehicle brought the total of humanitarian workers killed in 2021 to 5 by the end of the year. RJMEC continued to reiterate the urgency of ensuring the protection and safety of aid workers to enable the full resumption of humanitarian responses and delivery of much-needed services.

Food Security and Livelihoods

41. Food security continued to be threatened by the influx of cattle into farmlands. Cattle migration into farming land was increasingly recognized as an economic problem, which also affected safety, security, and the environment as the migrations led to conflict and fatalities, destruction of grazing areas and crops, and depleted natural resources. It was reported that the number of cattle camps in Kajo Keji County in Central Equatoria rose from two in October to seven by late November. In violation of previous agreements, herders were reportedly moving back into the Pageri and Magwi farming communities, which they had earlier vacated. Farmers are demanding that new agreements be made, including provisions to force cattle keepers to move without guns.

42. It is worth noting that some of the traditional rangelands used by livestock herders are in decline, changing from savannah to semi-arid conditions where water and grass is scarce. This

lends urgency to concerns around grazing, over-grazing and encroachment of livestock into food growing areas, which will need to be resolved by looking at legal issues that include the right to use, control, and transfer land, sustainable management of the environment, law and order, representation, and political influence.

IDP And Refugee Returns

43. Although the United Nations High Commission for Refugees (UNHCR) advisory on “non-return” remained in force as the conditions are not conducive for dignified and durable returns, UNHCR continued to support refugees and IDPs who chose to voluntarily return to make informed choices by offering information on areas of return and support for resettlement and reintegration. The UNHCR initiated the implementation of the durable solutions, by piloting “pockets of hope” initiatives which are development focused, climate change adaptable and inclusive to ensure synergy between all partners including RTGoNU and UNMISS in selected return areas across the country to support voluntary returns.

Provision of Basic Services

44. During the reporting period, some progress was made in the development of strategic planning documents that will guide the implementation of the provisions under Chapter III of the R-ARCSS. The ministry of humanitarian affairs submitted the Disaster Risk Management Policy (DRMP) to cabinet for approval, drafted the National Disaster Risk Management Strategy, and is in the process of drafting the Disaster Risk Management Law. In addition, the National Strategy on finding durable solutions for IDPs, refugees and returnees has been validated and awaits approval by the Cabinet of Ministers. RJMEC continued to urge the RTGoNU to expedite the approval of these policy documents that will guide and influence the financing and implementation of critical basic services including education, health, agriculture, and reconstruction efforts.

Chapter 4: Resource Economic and Financial Management

45. The Public Finance Management (PFM) Oversight Committee created by Ministerial order in 2020 continued its role as the oversight mechanism controlling revenue collection, budgeting revenue allocation and expenditure. In the process of executing its mandate, it questioned the 2021/22 FY budget allocations and their relation to the implementation of the R-ARCSS. Of note was the oil for roads allocation consisting of 37% of the budget and its procurement process. The Oversight Committee was presented with the World Bank’s five-year proposed PFM and Institutional Strengthening Project for South Sudan valued at \$34 million.

46. The project would address PFM issues in the R-ARCSS that have not been addressed fully within the given timeframe of the Agreement. These include strengthening the budget process and budget credibility, revenue management, strengthening the Anti-Corruption Commission (ACC) and the Audit Chamber (external auditor) Treasury Single Account, Cash Management, the establishment of a Public Procurement and Asset Disposal Authority (PPADA), rollout electronic payroll using biometric system and review, and verifying and clearing all government arrears.

47. This project would be implemented by the Government, and it is assumed that it would be the responsibility of the PFM Oversight committee to supervise. However, it is worth noting

that since the establishment of this committee in April 2020 out of its eleven priority actions, only one (plus two cross-cutting) has seen some progress: the relocation of the loans committee to the Ministry of Finance and Planning (MoFP) – of which, only about 65% has been achieved. With regards to the other 10, not much has happened. The Cash Management Committee (CMC) has held only one meeting since the Ministerial Order to establish it was issued. This reform should involve cash rationing and cash forecasting and is potentially one of the most impactful reforms.

48. The Revised National Development Strategy (R-NDS) based on nationwide consultations, have been finalised by the MoFP and presented to the Council of Ministers revised. The R-NDS covers cluster priorities, alignment to the R-ARCSS, humanitarian issues, gender mainstreaming, the Sustainable Development Goals (SDG) integration, and fragility assessment. However, it is to be noted that the plans for implementing aspects of the R-ARCSS go beyond the timeframe of the Agreement and that Chapter V on the Transitional Justice was not included in the R-NDS. The 2021/22 Budget, which is to implement the first year of the R-NDS was passed by the Council of Ministers and is awaiting endorsement by the TNLA.

49. The Minister of Petroleum initiated four priority projects he embarked on since taking office on 17 March 2020, which are mandated by the Agreement and the Petroleum Management Act of 2012 (Box 1).

Box 1: Priorities within the Ministry of Petroleum Consistent with the R-ARCSS

1. *The Current Employment in the Oil Sector*

Following a review of employment in the sector, the MoP developed a unified employment policy that regulates the employer, employee relationship and provides employment guidelines and procedures. On 22 December the MoP launched the Petroleum Local Content Regulations Act, 2019, which mandate that bids 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 regulations. Both the human resources and local content regulations were approved by the Council of Ministers.

2. *Cost Audit of the Oil Sector*

The Petroleum Management Act 2012 and the Export Production and Sharing Agreement (EPSA) requires annual audits of the sector's management of oil, but this had not been done since independence. An audit from 2011 to 2018 was conducted. The audit determined that the government is owed over US \$ 3.2 billion by the oil companies.

3. *The Environmental Audit*

The R-ARCSS and the Petroleum Management laws mandate an environmental audit. Furthermore, these oil-producing communities are faced with health and humanitarian challenges caused by practices used in the lifting of oil. This has warranted the ongoing environmental audit. The audit, it is observed has been rather slow. There is a need for the audit finding to be implemented and those found culpable will have to compensate the communities. The EPSA also requires operating companies to compensate the communities for land use.

4. *South Sudan Oil and Gas Training Centre*

As a result of the high cost of short-term training of staff abroad the Ministry has decided to open the South Sudan Oil and Gas training centre and create a data centre for the sector which would allow the Government to know the extent of the mineral deposits in the country.

50. An IMF Mission to South Sudan on 15 November, 2021, commended the Government for implementing key economic reforms supported by the Staff-Monitored Program (SMP) that stabilized and unified the exchange rates in the market, and contributed to a significant decline in inflation. The Mission noted that it will be important to make sustained progress under the SMP, especially by deepening PFM and other governance reforms that are essential for efficient use of public funds and building the foundations for strong and inclusive growth. The SMP, which was approved on 30 March 2021, supported the authorities' program of reforms that are aimed at strengthening governance and helping create the conditions for strong and inclusive growth by restoring fiscal discipline, implementing a rules-based monetary policy framework, and eliminating distortions in the foreign exchange market.

Ministry of Public Service and Human Resource Development

51. The Ministry of Public Service and Human Resource Development has given an insight into its strategy to implement the following provisions of the R-ARCSS: (i) Article 4.1.3, development of the Code of ethic and integrity for public officials; (ii) Article 4.6.1.2, creation of a Salaries and Remuneration Commission; and (iii) Article 4.12.1.12, effective payroll cleansing exercise under public service reforms. The reform of the civil service commenced with a 'headcount', which gave the status of employment within the Civil Service. This survey also identified capacity gaps and personnel to be retired at age 65. However, the process was halted by the Presidency and has not been revisited. Currently, reforms include rotation of the directors in the Ministries and a proposal for a salary increase, which was tabled at the Council of Ministers meeting. However, the proposals were overtaken by the President's decree of a 100 % salary increase for civil servants retroactive from July 2021.

52. The Code of Ethics and integrity for public officials has been drafted in the Public Service Regulations and is currently with the Ministry of Justice. This code of conduct requires that civil servants work in conformity with dictates of the Civil Service Act 2021 and specificities of the Bill. The Ministry has not done any work on the creation of the Salaries and Remuneration Commission but intimate that based on the RJMEC's advice a concept note would be developed to start discussions around it. The Pension Fund has been established with a Managing Director and Board appointed and the payroll cleansing exercise was ongoing with the MoFP.

53. The Chapter IV Working Committee met on 14 October 2021, during which the Chairperson of the South Sudan Anti-Corruption Commission and the Auditor-General presented status reports. The R-ARCSS require reforms that focus on the mandate, appointments, and measures to enhance the independence and accountability of the Commission. The Commission completed a review of the South Sudan Anti-Corruption Commission Act, 2009, and has started discussions on reviewing the 2013 Anti-Corruption Bill.⁴ The Commission is constrained in the implementation of the Agreement due to the insufficiency of resources both human and financial to undertake needed reforms and the absence of political will to transform the institution. The creation of competing structures to deliver on the Commission's mandate was also identified as a major constraint.

⁴ The Commission is to accede to regional and international conventions in fighting corruption. South Sudan signed the AUCPCC on 14/01/2013 but needs to be ratified, however, efforts are underway to accomplish this task very soon. The Commission has joined other Institutions that address Recovery and Return, Misappropriated funds and Assets, the Eastern African Association of Anti-Corruption Authorities (EAAACA) where it serves as the current president, and a founding member of the Assets Recovery Inter-Agency Network for Eastern Africa (ARINEA) in which they served as a former president. It is also a founding member of the African Association of Anti-Corruption Authorities (AAACA) and was a founding First Vice President of the Association.

54. Concerning Article 4.5 of the R-ARCSS on the National Audit Chamber, it was noted that the Audit Act has five provisions that guarantee its independence, however in practice the Chamber was stripped of its independence. Another issue is the reporting and dissemination of Audit reports. The law does not oblige the President or the lawmakers to take any action on the findings of the Audit reports. Moreover, the public does not have access to these reports.

55. In discussing the presentation, the Working Committee noted that the constitution has stronger laws on the management of these institutions than the laws governing their implementation. They also proposed that a percentage of the budget must be made available to these institutions to ensure that they execute their mandate. It was also pointed out that the reforms of both institutions are part of the eleven priorities of the PFM Oversight Committee. The heads of these oversight institutions were encouraged to keep being motivated and to continue to push for what is needed to operationalise their mandate.

Chapter 5: Transitional Justice

56. The Ministry of Justice and Constitutional Affairs, the UN Commission on Human Rights in South Sudan (CHRSS), Office of the High Commissioner for Human Rights (OHCHR) and UN Mission in South Sudan (UNMISS) convened a Conference focused on “sustaining momentum for transitional justice in South Sudan,” from 13 - 15 December 2021, in Nairobi Kenya. The workshop brought together key state and non-state stakeholders involved in implementation of transitional justice measures in South Sudan. In attendance were Justice Ruben Arol Madol, Minister for Justice and Constitutional Affairs, Hon. Angelina Teny, Minister of Defence, Hon. Ayaa Warille, Minister of Gender, Child and Social Welfare, and Hon. Stephen Par Kuol, Minister for Peace Building.⁵ The workshop built on key policy considerations and proposals emanating from the first conference on Transitional Justice and the Promotion of Peace in South Sudan that was convened by the CHRSS in Addis Ababa, Ethiopia from 16 to 18 December 2019.

57. It provided a forum for open dialogue between state and non-state actors to take stock of the progress achieved in implementation of transitional justice measures in South Sudan, and identified opportunities and concrete strategies to: (i) foster a shared vision for a holistic approach to transitional justice in South Sudan with the goals of acknowledging past grievances, dealing with impunity for atrocities, providing reparation to victims, and preventing recurrence of violations; (ii) promote meaningful inclusion and participation of victims and citizens in the national consultations on the establishment of the Commission for Truth, Reconciliation and Healing (CTRH) and other transitional justice processes in South Sudan; and (iii) support timely initiation of transitional justice measures within and beyond the R-ARCSS, to stop the cycle of conflict and gross human rights violations, and address victims’ urgent needs for reparations.

58. The Ministry of Justice and Constitutional Affairs has set up a taskforce that continues to source for funding for the Technical Committee on the establishment of the CTRH to enable it to commence implementation of its mandate, which is primarily public consultations that will

⁵ Others in attendance included H.E. Amb. Adeyoe Bankole Africa Union Commissioner for Political Affairs, Peace and Security, H.E. Amb. Negm the AUC Legal Counsel. H.E. Nada Al-Nashif, Deputy UN High Commissioner, Guang Cong, DSRSG UNMISS, Commissioners of the UN CHRSS led by Yaasmin Sooka, Solomon Dersso, the Chair of the Africa Commission on Human and People’s Rights, the RJMEC Transitional Justice Advisor, the members of the Technical Committee on CTRH establishment and other dignitaries, stakeholders and experts.

inform the drafting of the CTRH legislation.⁶ The Ministry intends to commence the process by undertaking sensitization and civic education of the public as a first step before embarking on public consultations and solicitation of views.

59. With regards to the Compensation and Reparations Authority (CRA), the Ministry has on various occasions in the past indicated to RJMEC that it would need institutional and technical capacity support in the area of reparations, which would thereafter inform the establishment of the CRA mechanism. At the moment as concerns the Hybrid Court the RTGoNU and the Africa Union are yet to conclude on the terms towards its establishment. These two institutions appear to differ in the approach on the best way forward. The CHRSS led by Chairperson Yasmin Sooka has offered to mediate between the two institutions given the current impasse. The President of the Republic of South Sudan, during his New Year Message 2022 announced to the country that the RTGoNU would establish the National Human Rights Advisory Council, which will be tasked with engaging the Africa Union with the objective of working towards establishing of the Hybrid Court for South Sudan.

Chapter 6: Permanent Constitution Making-Process

60. Under Chapter 6 on the permanent constitution making process, the Constitutional Making Process Bill is now ready for tabling and consideration by the reconstituted TNLA. This followed its adoption by the Council of Ministers in October 2021. The Ministry of Justice and Constitutional Affairs had by end of the year obtained the Cabinet resolution that adopted the Bill. The draft Bill provides for the reconstitution and establishment of key institutions and mechanisms tasked with the making of the permanent constitution, and sets out a timetable for its completion.

Chapter 7: The Reconstituted Joint Monitoring and Evaluation Commission

61. Pursuant to its mandate of monitoring and overseeing the implementation of the R-ARCSS and the mandate and tasks of the RTGoNU, and also in line with Article 7.12, the RJMEC held two monthly plenary meetings⁷ during the reporting period and issued several resolutions aimed at increasing the chances of successfully implementing the tasks of the R-ARCSS.⁸ In the build-up to the meetings, the RJMEC leadership engaged all the stakeholders and adherents to the R-ARCSS as well as the diplomatic community, including the regional and international guarantors of the R-ARCSS.

62. Given that the RTGoNU is tasked with implementing the transitional tasks of the R-ARCSS, the RJMEC Interim Chairperson continuously engaged the RTGoNU Presidency, ministers of government, and the various Parties to the Agreement on the status of implementation. Discussions focused on areas where RJMEC believed the RTGoNU needed to take action such as in completing the TSA, particularly the unification process, pursuing economic reforms and setting up the Transitional Justice mechanisms.

⁶ In his New Year's Message, the President of the Republic of South Sudan, H.E. Salva Kiir indicated commitment to the implementation of the Chapter V of the R-ARCSS. So far as this CTRH is concerned, he noted that the RTGoNU will be embarking on the process of establishing the CTRH by the end of January 2022.

⁷ Detailed minutes of the RJMEC meetings at <https://jmecsouthsudan.org/index.php/plenary/plenary-minutes>.

⁸ Resolutions of the Plenary are available at: <https://jmecsouthsudan.org/index.php/plenary/plenary-resolutions>.

63. In continuing efforts to build trust and confidence among the key leaders of the Parties to the R-ARCSS, the RJMEC held a high level workshop in Rwanda for senior government ministers and high ranking members of the military,⁹ referred to in this report's discussion of Chapter II. The workshop used lessons from the Rwandan experience to remind participants of what could possibly happen in South Sudan if they fail to implement the R-ARCSS in letter and spirit. During the workshop, the several challenges facing the agreement were discussed including the failure of the RTGoNU to secure the necessary resources for implementation. The leaders promised to increase their efforts at transparency and accountability, and to provide the necessary funding for the R-ARCSS.

64. Having identified the need to prioritize enactment of several pieces of pending legislation, the RJMEC Chairperson met with the Speaker and Deputy Speaker of the TNL in November. The Chair discussed the need to immediately enact the pending legislation given its importance towards strengthening implementation of the R-ARCSS. The Bills are those already approved by the Council of Ministers including *the SPLA Bill, 2009, National Security Service Bill, 2014, Southern Sudan Police Service Bill, 2009, Southern Sudan Prison Service Bill, 2011, Southern Sudan Wildlife Service Bill, 2011, Political Parties Bill, and the Constitutional Amendment Bill*. The Speaker noted that to date the only piece of legislation officially forwarded to the TNL was the Constitutional Amendment Bill and the intention was to debate it as soon as possible. The Speaker also noted that ongoing construction work aimed at providing sufficient space to accommodate all of the parliamentarians is ongoing, and that the TNL sub-committees will soon be set up.

65. Beyond its local engagements, the leadership undertook overseas tours to meet with Regional leaders in efforts to secure their focus and participation in the Peace Agreement. In that regard, the Chairperson met with H.E Yoweri Museveni, President of Uganda, H.E Abdalla Hamdok, Prime Minister of Sudan, and H.E Demeke Mekonnen Deputy Prime Minister of Ethiopia. The Chairperson pressed the IGAD Heads to discourage defections within the armed forces, intervene in an effort to resolve the impasse related to the command structure and ratio sharing among the armed Parties, and to move ahead with the high level retreat, which is aimed at tackling the problem of the lack of political will and trust among the Parties. There were also meetings held with H.E. Dr. Workneh Gebeyehu, the IGAD Executive Secretary and Dr. Ismail Weis the IGAD Special Envoy to South Sudan. Finally, the Leadership travelled to the United States in order to brief officials of the State Department, Senate and Congress to drum up support for the R-ARCSS.

66. The RJMEC Secretariat has continued to engage, within the framework of partnership with UNMISS. The Secretariat participated in leadership retreats of State Executives in Yei, Central Equatoria and Wau, Bahr-El Ghazal. RJMEC used the opportunity to elaborate on the Peace Agreement and provide update on the status of implementation. In addition, the roles and responsibilities of the State actors as envisaged in the Agreement was made clear to the participants. The platforms also provided opportunities for the dissemination of the R-ARCSS at the subnational level.

67. Furthermore, RJMEC held two outreach events during this quarter. The first was a gender-specific outreach event held in Juba (29 September – 1 October). It was entitled “Participatory Consultative Workshop for 80 Women Leaders on the implementation of the R-

⁹ Those in attendance included Hon. Dr. Martin Lomorro, Minister of Cabinet Affairs, Hon. Michael Makuei Minister of Information, Hon. Angelina Teny, Minister of Defence and high ranking military officers at the decision making level.

ARCSS” under the theme: ‘Towards Effective Participation of Women in the Implementation of the R-ARCSS for sustainable Peace in South Sudan.’ The second was an outreach event held in the town of Yei, Central Equatoria (16-19 November 2021), reaching around 150 local civil society leaders. This event also featured one day specifically aimed at women’s leaders, of whom 45 participated. The feedback from both events the participants was positive, and in Yei in particular, it was appreciated that greater information was provided about the work and mandates of RJMEC and CTSAMVM, and in particular, participants appreciated the news on how to be in touch with CTSAMVM on the ground. Beyond this, RJMEC continued to be active in the media, issuing press releases, interviewing on national radio, and writing articles in the national media.

III. Key Observations and Recommendations

Observations

68. The report notes that overall, there has been progress in the implementation of some provisions of the R-ARCSS during the quarter. Notably, they included the following: (a) appointment of members of nine out of ten State Legislative Assemblies; (b) approval of key pieces of legislation by the Council of Ministers; (c) completion of nominations to the JRC; (d) sustaining of the Permanent Ceasefire among the Parties; and (e) completion of some PFM and economic reforms including stabilising the exchange rate and reducing inflation. However, the failure of the RTGoNU to make progress on Transitional Justice issues is a source of much concern and frustration.

69. Ongoing intercommunal violence in several states combined with the dire humanitarian situation remain of considerable concern. The RTGoNU must therefore continue to exert efforts at addressing these troubling issues, which continue to negatively impact implementation of the R-ARCSS and fostering lasting peace. The JDB must be commended for its positive intervention in the Tambura situation, which appears to have, at least for the time being, amicably resolved the situation. However, the human cost and suffering associated with the conflict is indeed regrettable. Also to be commended is the efforts being made to curb incidences of SGBV by prosecuting offenders and also through the launch of the action plan for addressing CRSV.

70. The RTGoNU’s ongoing focus on PFM reforms should continue and increase in the pace of implementation. These reforms are quite meaningful and has already borne fruit through the stabilization of the exchange rate. More importantly, successful implementation will establish the belief among the general public that the dividends of peace will ultimately impact their lives. Similarly, a move by the RTGoNU to operationalise the Enterprise Development Funds consistent with Article 4.15 of the R-ARCSS, will go a long way to enhancing the livelihoods of the most vulnerable of the population.

71. There has been a lot of discussion surrounding elections at the end of the Transitional Period. It is therefore important to stress key areas within the Agreement that must be attended to in order to foster trust and confidence in the resulting elections results, this include: (i) the unification and redeployment of the forces of the armed Parties to the Agreement, and the DDR conducted; (ii) the completion of the Permanent Constitution-making process to guide the conduct of elections; (iii) review of the National Elections Act 2012 and the Political Parties Act 2012, and reconstituting of the National Elections Commission and the Political Parties

Council; (iv) facilitation of voluntary returns of South Sudan's IDPs and refugees; and (v) constituency delimitation, registration of voters and population census should ideally be undertaken.

Recommendations

72. The report therefore offers the following recommendations to the RTGoNU and the TNLA, and IGAD.

a) To the RTGONU:

- 72.1. implement the agreed upon Constitution-making process roadmap;
- 72.2 establish the Ad-Hoc Judicial Reforms Committee to undertake the study and recommend judicial reforms to be implemented after submission of its report;
- 72.3 fully participate in the retreat of the Presidency scheduled to be held in Uganda;
- 72.4 make financial resources available 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;
- 72.5 take the necessary steps for establishment of the Special Reconstruction Fund;
- 72.6 revisit the agreed timelines of the Agreement with a view to the prioritization of tasks that must be completed before the holding of elections;
- 72.7 continue to pursue PFM reforms along with increased transparency and accountability, in support of the establishment of a foundation for sustainable growth;
- 72.8 strengthen the operations and management of the Anti-Corruption Commission and the National Audit Chamber in line with the requirements of the R-ARCSS;
- 72.9 pursue implementation of the various enterprise funds in order to provide new opportunities to the women, youth and other disadvantaged groups all over South Sudan;
- 72.10 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 HCSS; and
- 72.11 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.

b) To the TNLA:

- 72.12 expedite enactment of the Legislation that is still outstanding in support of the implementation of the R-ARCSS, including the Permanent Constitution Making Bill, Prisons Service, the SPLA and the Police Service amendment bills; and
- 72.13 activate the various specialised committees in support of the activities outlined in the R-ARCSS including voting on financial support within the budget for those activities, which are pivotal for the TNLA to be fully operational and deliver on its mandate.

To the IGAD:

72.14 convene the high level leadership retreat with a view to increasing the pace of implementation of the R-ARCSS and deepening trust and confidence among the Parties;

72.15 continue to engage the leadership of the RTGoNU and assist in mobilising the political support and goodwill necessary for full implementation of the R-ARCSS; and

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

IV. Conclusion

73. This report shows that there was very limited progress made in the implementation of the R-ARCSS during the period under review. Of particular concern is the failure of the RTGoNU to provide the necessary resources to complete the critical process of the graduation and deployment of Phase 1 of the NUF. Also of concern is the delay, up to now, of the TNLA to enact the pending legislation, which is critical in support of the implementation of the R-ARCSS. With the exception of the PFM reforms within the context of Chapter IV of the R-ARCSS, there was hardly any progress within the other chapters, which can only increase the frustrations of the wider population that the Agreement is not having the desired impact on their lives. This growing frustration is only compounded by the ongoing floods and other humanitarian concerns as well as continuing inter-communal violence; all negatively impacting the people of South Sudan.

74. Looking ahead, particularly in view of the holding of elections at the end of the Transitional Period, it is imperative that the RTGoNU complete the TSA's, continue to lay the foundation for improved transparency and accountability, enact all pending legislation in support of the implementation of the R-ARCSS, and prioritise other activities in the Agreement necessary for the holding of free and fair elections.

75. 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.

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