



**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>MSF</i>	<i>Doctors Without Borders</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>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>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>TFA</i>	<i>Transitional Financing Arrangement</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>

Executive Summary

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 the R-ARCSS. The report covers the period from 1 January to 31 March 2022 and builds on the previous quarterly Report No. 013/21. It is to be noted that with just over two years since the formation of the Revitalised Transitional Government of National Unity (RTGoNU), progress made towards implementation of the R-ARCSS, remains relatively slow. During the first quarter of 2022 the most notable progress was made with the swearing in of the state assemblies, which completed the formation of the government structures at the national and state levels. Incremental progress was realised in the Transitional Security Arrangements (TSA), drawing attention to the management of the country's resources, and launching of the process for truth, reconciliation and healing.

However, key critical outstanding bills have not yet been enacted by the Transitional National Legislature (TNL), public finance management reforms are slow, transitional justice mechanisms are yet to become fully operational and the Permanent Constitution making process has not started, beyond the preparation of legislation to guide the process. During the period under review the RJMEC Leadership made every effort to highlight the impediments to implementation of the R-ARCSS, and continuously appealed to the RTGoNU to take firm action given their responsibility for implementation of the R-ARCSS.

The Permanent Ceasefire largely continued to hold among the signatory parties to the Agreement. However, there has been a recent deterioration in the overall security situation across several parts of the Country, in particular Upper Nile and Unity States, and the Equatorias. In late March as renewed focus was placed on resolving the Transitional Security Arrangements, the RJMEC Leadership met separately with H.E Salvar Kiir Mayardit, and H.E Dr. Riek Machar, Chairperson of the SPLM/A-IO, and encouraged the two to dialogue directly in an effort to find a solution to the impasse surrounding the unification of forces and their graduation and redeployment.

The RJMEC leadership also highlighted the crucial importance of completing the TSAs and their expected impact on the overall peace process. The Intergovernmental Authority on Development (IGAD) Chairperson ultimately reengaged the Parties that resulted in an Agreement on the Unified Command structure and force ratios between the ITGoNU and the Opposition i.e, Sudan Peoples' Liberation Movement/Army - In Opposition (SPLM/A-IO) and South Sudan Opposition Alliance (SSOA).

The humanitarian situation in South Sudan continued to deteriorate due to multiple shocks including ongoing conflict, widespread flooding, deepening food insecurity, inflation, and lack of access to basic services. The Transitional National Legislative Assembly (TNLA) directed that the Future Generations Fund and the Oil Revenue Stabilization Account be operationalised in the 2021/22 budget and the 3 percent contribution to oil producing states be reinstated and all arrears paid. They also recommended the full integration of the Customs Authority and the National Revenue Authority (NRA).

During this quarter, it was expected that the Ministry of Justice together with the Technical Committee of the Commission for Truth Reconciliation and Healing(CTRH) would have commenced public consultations. However due to financial and logistical obstacles this process experienced delays, but is now expected to start later in April.

In an effort to increase the pace of implementation of the R-ARCSS, the report therefore offers the following recommendations to the RTGoNU, TNL, and IGAD.

(a) To the RTGoNU:

- implement the agreed upon Constitution-making process roadmap;
- operationalise the work of the Ad-Hoc Judicial Reforms Committee to undertake the study and recommend judicial reforms to be implemented;
- fully fund both phases of the unification of forces to ensure that all the forces are graduated and deployed thus ensuring the successful completion of the TSAs;
- establish the board of the Special Reconstruction Fund to serve as the basis for attracting resources for reconstruction and development;
- restructure and reconstitute existing commissions at the National level such as the Civil Service, Land, Refugee Commissions and others as outlined in article 1.19 of the R-ARCSS;
- promote increased transparency and accountability in the management of the country's resources by pursuing Public Financial Management reforms, and reconstituting key institutions such as the Anti-corruption Commission and the National Audit Chamber;
- pursue full establishment and operationalisation of the various enterprise development funds in order to provide new opportunities to the women, youth and other disadvantaged groups all over South Sudan;
- support the work of the technical committee as it embarks upon broad-based public consultations on the establishment of the CTRH, and liaise with the African Union Commission on the establishment of the HCSS;
- be cognizant of the need to prioritise and implement key activities such as the Permanent Constitution Making process in order to pave the way to the holding of free, credible and fair elections; 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;

b) To the TNL:

- expedite enactment of the Legislation that is still outstanding in support of the implementation of the R-ARCSS, including the *Permanent Constitution Making Process Bill*, *The Sudan People's Liberation Army (Amendment) Bill, 2022*, *The Police Service (Amendment) Bill, 2022*, *The Prisons Service (Amendment) Bill, 2022*, *The Wild Life Service (Amendment) Bill, 2022*, *The Civil Defence Service Amendment) Bill, 2022*, and *The Political Parties (Amendment) Bill, 2022*; and
- 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 TNL to be fully operational and deliver on its mandate.

c) To IGAD:

- use its leverage to assist the RTGoNU in mobilising the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in the Republic of South Sudan;
- 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
- work closely with the RTGoNU to foster trust and confidence of the various Parties.

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 the R-ARCSS. The report covers the period from 1 January to 31 March 2022 and builds on the previous quarterly Report No. 013/21.¹ 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. It is to be noted that with just over two years since the formation of the Revitalised Transitional Government of National Unity (RTGoNU), progress made towards implementation of the R-ARCSS, remains relatively slow. During the first quarter of 2022 the most notable progress was made with the swearing in of the state assemblies, which completed the formation of the government structures at the national and state levels. Incremental progress was realised in the Transitional Security Arrangements (TSA), drawing attention to the management of the country's resources and launching of the process for truth, reconciliation and healing.
4. However, key critical outstanding bills have not yet been enacted by the Transitional National Legislature (TNL), public finance management reforms are slow, transitional justice mechanisms are yet to become fully operational and the Permanent Constitution making process has not started, beyond the preparation of legislation to guide the process. During the period under review the RJMEC Leadership made every effort to highlight the impediments to implementation of the R-ARCSS, and continuously appealed to the RTGoNU to take firm action given their responsibility for implementation of the R-ARCSS.
5. The Leadership also appealed directly to the Heads of States of the IGAD countries, the Africa Union Peace and Security Council (AUPSC), and the United Nations Security Council (UNSC) to actively focus on the peace process in South Sudan, particularly with a view to helping increase the pace of implementation. 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

¹ <https://jmecsouthsudan.org/index.php/reports/rjmec-quarterly-reports/199-rjmec-quarterly-report-on-the-status-of-implementation-of-the-r-arcss-from-1st-october-to-31th-december-2021>.

concerns and focuses recommendations to the RTGoNU, the Transitional National Legislature (TNL), and the guarantors to the Agreement; and Section IV is the conclusion.

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

Chapter 1: Revitalised Transitional Government of National Unity

7. Overall, progress in the implementation of the provisions of chapter I of the R-ARCSS has been rather slow during this quarter but additional progress was made in the establishment of government structures at the state level. In late March, members of the State Legislative Assembly for Western Bahr el Ghazal were sworn in, which brought to nine, the total number of the State Assemblies to be operationalised. The Warrap State Legislative Assembly is yet to be sworn in.

8. On 28 March six bills approved by the Council of Ministers were presented to the TNL for deliberations and enactment. The bills are: (i) *the Sudan People's Liberation Army (Amendment) Bill, 2022*; (ii) *the Police Service (Amendment) Bill, 2022*; (iii) *the Prisons Service (Amendment) Bill, 2022*; (iv) *the Wild Life Service (Amendment) Bill, 2022*; (v) *the Civil Defence Service (Amendment) Bill, 2022*; and (vi) *the Political Parties (Amendment) Bill, 2022*. Two additional bills awaiting presentation before the TNL include the Constitutional Making Process Bill (2021) and The National Security Service (Amendment) Bill.

9. Meanwhile, the Transitional National Legislative Assembly (TNLA) set up specialised committees. Other areas where some progress was registered included finalization of the selection of the Chairperson and Deputy Chairperson of the Judicial Reforms Committee (JRC) as per article 1.17.3 of the R-ARCSS; assent by the President of the Republic to the Constitutional Amendment Bills (CAB) No. 8 & 9 which were enacted into law in December 2022; and appointment of members of State Legislative Assemblies by appointment of the members of the Other Political Parties (OPP).

10. The progress highlighted above notwithstanding, there are some provisions of chapter which remain outstanding. Notably, they include the following:

- reforms of the judiciary, including the reconstitution of the Judicial Service Commission and the establishment of an independent, impartial and credible Constitutional Court of the Republic of South Sudan in accordance with the provision of article 1.17 of the R-ARCSS. The establishment of an ad hoc Judicial Reform Committee which has delayed is critical in studying and recommending appropriate judicial reforms in the Republic of South Sudan;
- enactment of elections related legislation to pave the way for early preparations for free, fair and credible elections towards the end of the transition. Critical legislation includes the Political Parties (Amendment) Bill, 2022 which is now before the TNL, and the National Elections Act, 2011 (articles 1.20.2 & 1.20.3 of the R-ARCSS) which is yet to be reviewed. The reconstitution of the Political Parties Council and the National Elections Commission are predicated on the enactment of the two bills. Moreover, elections are required to be conducted under the provisions of the permanent constitution as per article 1.20.5 of the R-ARCSS;
- the restructuring and reconstitution of Institutions and Commissions at the national level, while taking into consideration the minimum threshold of 35% women representation; and

- review and amendment to other legislation and incorporating any reforms relevant to the R-ARCSS as per article 1.18 of the R-ARCSS await the resumption of the work of the National Constitutional Amendment Committee (NCAC).
11. During the reporting period, there has been some progress towards the reconvening of the NCAC to complete their critical pending tasks. This followed the signing of an agreement for provision of support to the NCAC between the United Nations Development Programme (UNDP) and IGAD Office of the Special Envoy. Accordingly, the NCAC is expected to reconvene its meetings in the month of April.
 12. Pursuant to article 7.3 of the R-ARCSS regarding formation of Committees to support the work of the RJMEC, the Governance Working Committee held its 9th meeting during the quarter. The Committee's work contributes to the overall mandate of RJMEC through a 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.
 13. In furthering its institutional engagements and deepening understanding on the R-ARCSS, the RJMEC Secretariat held an orientation workshop on 31 March for all members of the Council of States (COS) and plans are underway for similar workshops to be conducted for the TNLA.

Chapter 2: Permanent Ceasefire and Transitional Security Arrangements

Security Issues

14. During the period of reporting, the Permanent Ceasefire largely continued to hold among the signatory parties to the Agreement. However, there has been a recent deterioration in the overall security situation across several parts of the Country, in particular Upper Nile and Unity States, and the Equatorias, which has the potential to derail the peace process. Of particular concern has been reports from the Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) of 18 separate incidents/clashes involving party signatories' armed forces and/or affiliates in Upper Nile and Unity States between 6 February and 25 March 2022. Several of these incidents involved violent clashes between the Sudan Peoples' Liberation Movement/Army – In Opposition (SPLM/A-IO) and defected SPLM/A-IO officers and their forces claiming to belong to the South Sudan People's Defence Forces (SSPDF).
15. The latest of these attacks took place in Kaljaak and Mirmir in Unity State; Kuer Kem, Wangkuerbi and Jiokow in Maiwut County; and Wech Luai, Guoi and Biot in Longechuk County, Upper Nile State, including in or close to Cantonment Sites and Unified Forces training centres. These incidents have led to both military and civilian casualties, although the exact numbers are unknown at this stage. Furthermore, they have caused considerable displacement of civilians, including civil leaders, resulting in increased fear and insecurity amongst the local communities. As of this Report, accounts continue to emerge of ongoing fighting between SPLM/A-IO and SSPDF/affiliated forces in both Maiwut and Longechuk counties and the situation in Upper Nile State remains volatile and tense.
16. On 21 March, during the CTSAMVM Technical Committee (CTC) meeting, the Senior Representative of the SPLM/A-IO unexpectedly announced the immediate suspension of SPLM/A-IO members at the CTC. He stated the continued and sustained attacks by SSPDF and/or affiliated forces against SPLM/A-IO positions as the reason for the suspension.

Subsequently, on 22 March 2022, the RJMEC Interim Chairperson received official notification from the SPLM/A-IO senior members of the Joint Defence Board (JDB) of the immediate suspension of all its members of the R-ARCSS security mechanisms, including CTSAMVM and the SDSR Board; as well as RJMEC. These suspensions has adversely affected CTSAMVM's investigations in the field and routine meetings at headquarters as well as the 22nd meeting of the RJMEC.²

17. Beginning in January 2022 there was a significant increase in accounts of fighting between the National Salvation Front (NAS) of General Thomas Cirillo and the SSPDF in Central Equatoria State, especially Lianya County. A rash of road ambushes on both civilian and military vehicles, allegedly by NAS, including an ambush on 28 February 2022 on two Doctors Without Borders vehicles in Yei County, and abduction of civilians was reported. CTSAMVM is investigating all the alleged incidents.

18. CTSAMVM has reported an increasing number of attacks on civilians in Magwi Eastern Equatoria by cattle herders from Jonglei State, during the reporting period. No doubt, intercommunal violence remains a serious threat to peace across the Country and adversely affects the implementation of the Agreement. Communities are displaced and security forces distracted from the implementation of transitional security arrangements tasks.

19. It must be noted that the SSPDF and the SPLA-IO continue to occupy civilian centres, which is in direct contravention to article 2.2.3.1 of the R-ARCSS. According to CTSAMVM the SSPDF is occupying 6 civilian facilities in Yei County, 2 in Torit, one in Yambio and one in Malakal, while the SPLA-IO is occupying 4 civilian facilities in Yambio. RJMEC has repeatedly urged the two Parties to vacate all civilian centers.

Sexual and Gender Based Violence (SGBV)

20. Although cases of SGBV by uniformed forces have reduced since the SSPDF District Court Martials of 2020,³ RJMEC continues to receive reports of rape cases from the CTSAMVM. What is encouraging is that the uniformed forces are arresting and taking the perpetrators to military courts. For example, CTSAMVM during the reporting period, investigated five alleged rape cases, one by a NAS soldier, and four by members of the SSPDF, which reportedly occurred between July and December 2021. Out of the four cases allegedly committed by members of the SSPDF, there was one conviction, two arrests, and one case is still under investigation. As for the NAS soldier, CTSAMVM issued its report which attributed responsibility to NAS. Upon receipt of the report, RJMEC sent an official correspondence to General Thomas Cirillo of NAS requesting accountability for the case, but to date the NAS leadership has not yet responded.

21. Also during the period of reporting CTSAMVM documented the rapes of a 60 year old woman and 14 year old girl by members of the SSPDF at Wuji Boma. The perpetrators have since been arrested. CTSAMVM is also investigating the following cases: (i) an allegation that on 11 March, 6 soldiers from Abegi barracks raped an elderly woman; (ii) alleged rape by SSPDF soldier at Nyori; (iii) alleged rape by military personnel in the Tambura, Western Equatoria area; (iv) allegation that 6 women had been abducted and raped in Tutyang Payam;

² In the absence of the two SPLM/A-IO representatives at the RJMEC 22nd meeting on 24 March 2022, the plenary was conducted, however, no resolutions of the meeting were issued.

³ In early 2020 in the Yei Area, Central Equatoria, there were numerous reports of human rights violations including, rape, murder, and other acts of SGBV. In response, the SSPDF leadership launched a District Court Martial process to hold accountable members of the SSPDF who may have been culpable. As a result, 26 soldiers were convicted for offences against civilians and violations of the SSPDF military code of conduct.

and (v) allegation from the Leer County Commissioner that armed youth from Koch had raped 16 women.

Status of Cantonment Sites and Training Centres

22. There has been no significant change to the status of cantonment sites and unified training centres; where the logistical situation remains dire, with little or no food and medicines in the majority of locations. As the result, many personnel have abandoned the sites in search of food, essential life support commodities and shelter. The RTGoNU has consistently failed to provide the much-needed funding and sufficient logistical support to sustain troops in the cantonment sites and training centers during this reporting period and indeed for the past two years.

The Unification Process

23. Although Phase One graduation and deployment of the unification of forces has not yet progressed during the period of reporting, the IGAD Chairperson reengaged the Parties during the last two weeks of March that resulted in an Agreement on the Unified Command structure and force ratios between the ITGoNU and the Opposition (SPLM/A-IO and SSOA). With the resolution of this longstanding impasse, it is hoped that the graduation and redeployment of Phase One of the Necessary Unified Forces (NUF) would commence as per the agreed implementation schedule, after which, Phase Two of the unification of the NUF will also commence.

24. The JDB reported that their three implementation committees completed their screening and selection mission in the respective training centres and a consolidated report has been presented to the Presidency for consideration and agreement. However, the Parties have not yet outlined a concrete plan to resolve the issue of the significant number of excess senior officers which exists amongst all the signatory armed Parties. It is imperative that the issue of excess senior officers is resolved before graduation and redeployment of the Phase One NUF.

Disarmament, Demobilisation and Reintegration (DDR)

25. The implementation of the DDR process during this reporting period has made little to no progress. Since the Commission submitted its DDR strategy, implementation plan and estimated budget to the RTGoNU for approval through the National Transitional Committee (NTC), there has been no response or decision on DDR from the national authorities. However, 'Friends of South Sudan' and UNMISS have plans to initiate a Community Violence Reduction/DDR pilot project. This initiative is designed to complement, not replace the classical DDR being conducted by the DDR Commission.

Strategic Defence and Security Review (SDSR)

26. The SDSR-Board convened its 6th workshop during this period on 22 March. The aim of this two-day workshop was to develop the *Revised Defence Policy*, which was the final part of stage one of the SDSR process in accordance with article 2.5.4 of the R-ARCSS. RJMEC facilitated and funded this workshop and in collaboration with UNMISS assisted the SDSR Board to prepare and plan the event. Unfortunately, the decision by the SPLM/A-IO to suspend their participation in the security mechanisms on 22 March, meant that the second day of this workshop had to be postponed.

Chapter 3: Humanitarian Assistance and Reconstruction

27. The humanitarian situation in South Sudan continued to deteriorate due to multiple shocks including ongoing conflict, widespread flooding, deepening food insecurity, inflation, and lack of access to basic services. It is estimated that 8.9 million people will need humanitarian assistance in 2022, compared to 8.3 million in 2021. Recurrent flooding also led to damage to water facilities, limited access to basic services including health and education, high prevalence of disease outbreaks, and widespread displacement. These humanitarian needs are likely to deepen as a result of anticipated heavy rains and floods, rising costs of goods and services, as well as further cuts to the already diminished funding for humanitarian assistance and service delivery.

28. Intercommunal violence in many parts of the country continued to affect the safety of civilians and humanitarian workers, constrain humanitarian access, and disrupt the delivery of aid and services to vulnerable people. Cases of attacks against civilians and humanitarian workers and their assets, the destruction and looting of aid supplies intended for the most vulnerable were prominently reported during the period.

29. Following years of protracted conflict and climate change, South Sudan remains one of the most food-insecure countries in the world. The Food and Agricultural Organisation (FAO) assessment findings indicated that 65,107 hectares of land planted with cereals have been damaged leading to an estimated loss of 37,624 tonnes of grain in the flood-affected areas. Thirteen counties are predicted to experience extreme levels of food insecurity in 2022, compared to 6 in 2021.⁴ In addition, an estimated 2 million people, including 1.3 million children under the age of 5, and 676,000 pregnant and lactating women, are expected to be acutely malnourished in 2022.

30. During the quarter, protection concerns remained high, in a context where people impacted by violence have limited access to justice and the rule of law. In addition to armed clashes and attacks in Central Equatoria allegedly between NAS and SSPDF, Intercommunal violence continued to be the biggest threat to the protection of civilians. Cases of clashes between armed cattle keepers and farming communities especially in Eastern and Central Equatoria were on the rise leading to scores of deaths and displacement.

31. The impact of the prolonged flooding, resulting from three consecutive years of heavy rains continued to be felt by populations in Jonglei, Unity and Upper Nile states. Many flood-displaced people, including those who were displaced as early as 2020, were unable to return to their homes. The inability of IPDs to return to their homes remained a potential trigger for intercommunal conflict and violence. Floods also affected crop and livestock production most severely in Warrap, Northern Bahr el Ghazal and Jonglei states.

32. Floods also continue to trigger conflict between host communities and Internally Displaced Persons (IDPs) driven to higher grounds in search of pasture and safety. Areas affected include the Ruweng Administrative Area, Eastern and Central Equatoria as well as Aweil. With rains expected in April, projections indicate the onset of the 4th year of flooding in South Sudan.⁵ The humanitarian community and the RTGoNU agreed to collaboratively develop a costed mitigation and response plan to avert a possible humanitarian catastrophe.

33. Despite the lack of optimum conditions for return in South Sudan, push factors such as lack of access to basic services, lack of employment and livelihood opportunities, and insecurity

⁴ See <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-needs-overview-2022-february-2022>.

⁵ It is projected that floods will have a negative impact on agriculture this year worsening food security and will continue to affect returns as well as trigger conflict over limited resources in places of displacement. Strengthening climate resilience in South Sudan, will contribute towards floods having a less severe impact on the people who live in the affected areas.

in countries of asylum have been cited as the main reasons for return. The United Nations High Commission for Refugees (UNHCR) and the Relief and Reconciliation Commission (RRC) continued to implement efforts to enable the return and reintegration of returnees. In order to enable the smooth management of voluntary returns, there is a need to expedite the establishment and operationalisation of mechanisms like the state and national level task forces on solutions and local governance structures.

34. The African Union passed a resolution to commence consultations with the UN Secretary-General and the IGAD Executive Secretary on the convening of the South Sudan Pledging Conference as provided for in Chapter III.⁶ In view of this development, RJMEC continued to reiterate to the RTGoNU the urgency of establishing the Special Reconstruction Fund Board which will pave the way for the convening of the donor pledging conference to support ongoing humanitarian and reconstruction efforts.

35. The humanitarian working committee has drafted a 2 year progress report which is under review by members before validation and submission to the Interim chair of RJMEC.

Chapter 4: Resource Economic and Financial Management

36. The draft National Budget, accompanied by the Draft Appropriation Bill for FY 2021/22, the Draft Financial Bill for 2021/22 and a Statement of the Overall Indebtedness of the Government of the Republic of South Sudan⁷ was presented to the TNLA, and subsequently adopted. The Government proposed a resource envelope of SSP 287.0 billion (US \$700m), reflecting a reduction from the original figure of SSP 613bn (US \$1.8bn) which was proposed in July given that half the year had elapsed. This was then increased by the TNLA to SSP 338bn. This increase was based on the return of the amounts overpaid to Sudan (US \$13.9m), the end of the Transitional Financing Arrangement (TFA) with Sudan⁸, the increase in non-oil revenues, and the difference in the benchmark price for oil and the current market price.⁹

37. The TNLA directed that the Future Generations Fund and the Oil Revenue Stabilization Account be operationalised in the 2021/22 budget and the 3 percent contribution to oil producing states be reinstated and all arrears paid. They also recommended the full integration of the Customs Authority and the National Revenue Authority (NRA). In addition, NILEPET is to remit all the proceeds of the 8% from the sale of crude oil plus any other income generated from joint ventures, and thereafter it would be budgeted for like any other spending agency of the

⁶ See <http://peaceau.org/en/article/communique-of-the-1060th-meeting-of-the-psc-held-on-25-january-2022-on-the-situation-in-south-sudan>.

⁷ The Government's outstanding debt as of 30th June 2021 stood at US\$2.7bn. (48% of GDP), 82.1% of which is external and 17.9% domestic. Of the external debt (US\$2.2bn), USD 1.1 (50%) is commercial whilst 27% (US\$ 622.5) is oil advances. The rest represents debts due to multilateral institutions (14%) and bilateral debt (6.7%).

⁸ The *Agreement on Oil and Related Economic Matters* was signed on September 27, 2012 between the governments of the Republic of South Sudan (GoRSS) and Sudan (GoS). It sets out the terms governing the transit, transportation and processing of oil originating from South Sudan. Specific rates include: (i) Transit fees of US \$ 1.00/barrel; (ii) Transportation fees of US \$6.50/barrel and (iii) Processing fees of US \$1.60/barrel for a total of US \$9.10/barrel. Additionally the Agreement allows for the payment of US \$15/barrel representing a *Transitional Financing Arrangement* (TFA) to compensate the government of Sudan to the tune of US \$3.03 billion, ostensibly for the loss of the oil fields. Transfers to the GoS is based on volumes and become due 40 days after shipment and are done by cash payments and/or deliveries in-kind to the GoS. South Sudan fulfilled its obligations under the TFA at end-March 2022.

⁹ The original budget appropriations assumed oil prices of \$55/per barrel. By the time the TNLA began consideration of the budget, world market prices for oil was well over US \$100/per barrel.

government. The Ministry of Environment is to ensure all oil operating companies conduct an environmental audit and clean-up in the oil-producing areas.

38. The Revised National Development Strategy (RNDS) document was also presented as a framework that guided the preparation of the proposed FY 2021/2022 budget. This framework calls for diversification of the economy and reduced dependency on oil, transforming agriculture from humanitarian aid to a development-oriented growth path. It also focuses on investment in human capital. However, the NDS has not prioritised the R-ARCSS as expected, as Chapter 4 on Transitional Justice has not been incorporated in the Strategy.

Enterprise Development Funds

39. The African Development Bank allocated US\$4.7m for the Youth Enterprise Development and Capacity Building (YEDCB) project aimed to enhance employability and job creation for young women and men aged 18-35 years in South Sudan. This is to be accomplished through strengthening the private sector, building entrepreneurship skills, and improving the enabling environment. The objectives of the project are to: (i) increase employability of youth by facilitating access to skills development, business development support and financing; and (ii) enhance public service delivery through institutional and human capacity development. The project seeks to ensure that youth with the potential to grow as entrepreneurs are self-employed and/or create employment for others through their sustainable businesses. Specifically, the project will address: (i) the weaknesses in the entrepreneurship skills; (ii) the lack of access to finance; (iii) the lack of access to markets and information; and (iv) capacity challenges of government institutions for enhanced public service delivery, especially to support MSE development and youth economic empowerment. This project is in support of implementing article 4.15 of the R-ARCSS.

Chapter 4 Working Committee

40. The Committee conducted a two-year evaluation report on the implementation of Chapter 4 of the R-ARCSS. It explores the planning and implementation strategies used to implement the RARCSS to identify lessons learned and best practices and provide recommendations on a timelier and more effective implementation strategy that could be achieved before the end of the Transitional Period.

41. This evaluation used qualitative data collected from the report presented to the Working Committee by the responsible bodies (ministries, departments, and agencies) of the Government of the Republic of South Sudan. The other source is bilateral meetings conducted with responsible bodies and the R-JMEC leadership and thematic adviser. A summary of the evaluation is contained in Box 1.

Box 1: Implementation of Chapter 4 After Two Years of the Transitional Period

The Resource Economic and Financial Management chapter in the agreement addresses the management of South Sudan's financial and natural resources. Mismanagement of these resources have in the past led to poverty and underdevelopment, which drives conflict and in turn weakens the economic situation of the country leading to further poverty. Implementation of this chapter is therefore intended to move the country from that vicious circle to a path of inclusive growth and sustainable development through accountable and transparent management of the country's resources.

As of the end of the second year of the Transition Period, 13% of the provisions have been implemented whilst 47% are in progress. Of this 47% in progress, one third of them have been stalled for over twelve months. Some progress has been registered in the management of petroleum resources, Enterprise Development Funds for the vulnerable, operationalisation of the Social Security Fund, review of the Strategic Economic Development Roadmap and in the management of agriculture and food security. The Public Financial reform process has been slow, so too have the legislative reforms. The assessment reveals that 40% are yet to be addressed and these are in the areas of institutions to be created notably the Economic and Financial Management Authority (EFMA), the reforms in the oversight institutions, review of regulations and management of forest, wildlife, tourism, and water resources.

Concerning the management of the all-important petroleum resource, the Ministry of Petroleum has made some progress in implementing reforms in that sector. The Ministry reports that 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). However, this is yet to be clarified by the Bank of South Sudan and the Ministry of Finance and Planning. The Ministry has since produced a petroleum marketing report for the PFM Oversight Committee as requested. In addition, loans and advances collateralised by oil have been identified (article 4.8.1.3 of the R-ARCSS) and outstanding loans were factored in the draft 2021/22 FY budget.

Meanwhile, a review of employment in the oil sector has been done and a unified employment policy developed that regulates the employer, employee relationship and provides employment guidelines and procedures. One of the objectives of this new policy is to eliminate the large salary disparities between what the international oil companies participating in the joint ventures pay their international staff compared to South Sudanese staff.

The Ministry of Petroleum is in the process of conducting an environmental audit to assess the impact of breaches of environmental safeguards on pollution, health risks, and destruction of ecosystems. Those owning licenses would be asked to pay compensation based on the findings. Cost recovery or a financial audit was conducted for the period 2011 to 2018. The findings revealed that companies operating in the sector need to reimburse the GRSS considerable amounts due to non-recovery costs.

Chapter 5: Transitional Justice

42. The Ministry of Justice and Constitutional Affairs is mandated under article 5.2.1.3 of the R-ARCSS to undertake public consultations that will inform the drafting of the legislation of the Commission on Truth Reconciliation and Healing (CTRH). During this quarter, it was expected that the Ministry together with the Technical Committee would have commenced these public consultations. However due to financial and logistical obstacles this process experienced

delays.¹⁰ The Ministry has now been able to secure internal funding from both the RTGoNU and externally from the UN Peace Fund and the Royal Kingdom of the Netherlands channelled through the UNDP.

43. In this same quarter H.E. Salva Kiir Mayardit, President of the Republic of South Sudan on a number of occasions restated his commitment to the establishment of the CTRH, including in his New Year's message, where he reaffirmed his commitment to the implementation of Chapter 5 of the R-ARCSS.¹¹ Furthermore, in a press statement released on 28 March 2022, President Kiir recalled his New Year message and once more restated his commitment to the establishment of this commission noting that the CTRH would have as its objective "to receive complaints and eyewitness reports of victims of the tragic events of both 2013 and 2016."

44. The President further indicated his preference for a CTRH process as compared to the pursuit of punitive justice through the Hybrid Court of South Sudan (HCSS). The President argues that the HCSS has the potential of undermining reconciliation. These sentiments by the President are not necessarily shared by signatories to the Agreement, a fact he acknowledged in the press statement on the CTRH released on 28 March 2022.

45. During this quarter, no progress was witnessed in the establishment of the HCSS. The RJMEC Interim Chairperson held a meeting with the AU Chairperson H.E Moussa Faki Mahamat where they discussed implementation of the Agreement including assessing the progress of establishment of the HCSS. The RJMEC Interim Chairperson urged the AUC Chairperson to contact the RTGoNU with a view of encouraging them to implement the agreement including Chapter 5 of the R-ARCSS. The AUC Chairperson on the urging of the RJMEC Chairperson also indicated his willingness to visit South Sudan to more closely follow up on the implementation of the R-ARCSS.

Chapter 6: Permanent Constitution Making-Process

46. With regard to the permanent Constitution making process under Chapter 6, there has been no progress to report during this quarter. The Constitutional Making Process Bill is still pending tabling and consideration by the reconstituted TNLA. However, even as the timeline for the implementation of the Revitalised Agreement is fast running out, considerable efforts have been made by RJMEC to emphasise the centrality of the permanent Constitution making process to the conduct of elections at the end of the Transitional Period under the Agreement, as well as for the sustainability of peace in South Sudan. This message was communicated clearly to the parties to the Agreement, the RTGoNU, the regional guarantors and to the AUPSC and the UN Security Council.

Chapter 7: The Reconstituted Joint Monitoring and Evaluation Commission

47. 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 of the

¹⁰ The launching of the CTRH process eventually got underway on 5 April 2022 with a formal public launch presided over by H.E Salva Kiir Mayardit. The Technical Committee is now expected to undertake public consultations across all ten states and the three administrative areas.

¹¹ At that time it was predicted that the process of establishing the CTRH would be embarked upon by the end of January 2022.

R-ARCSS, the RJMEC held two monthly plenary meetings¹² during the reporting period and issued several resolutions¹³ aimed at increasing the chances of successfully implementing the tasks outlined in the R-ARCSS.¹⁴ An important aspect in the build-up to the Plenary meetings continue to be the thorough engagement with the various stakeholders and adherents to the R-ARCSS, the diplomatic community including the regional and international guarantors of the R-ARCSS; and representatives of the various Agreement institutions and mechanisms.

48. A key focus of the Chairperson's engagement has been with the Presidency, ministers of government, the Governor of the Bank of South Sudan. and the various Parties to the Agreement on the status of implementation of the R-ARCSS. This is particularly important given that the RTGoNU is tasked with implementing the transitional tasks of the R-ARCSS. Significant emphasis during the discussions was placed on activities within the R-ARCSS where RJMEC believed the RTGoNU needed to take remedial action such as in hastening Public Finance Management reforms, proactively assisting returning refugees, and establishing the board of the Special Reconstruction Fund to increase funding for the Agreement.

49. During the last week of March as renewed focus was placed on resolving the Transitional Security Arrangements, the RJMEC Leadership met separately with H.E Salvar Kiir Mayardit, and H.E Dr. Riek Machar, Chairperson of the SPLM/A-IO, and encouraged the two to dialogue directly in an effort to find a solution to the impasse surrounding the unification of forces and their graduation and redeployment. The RJMEC leadership also highlighted the crucial importance of completing the TSAs and their expected impact on the overall peace process. Other members of the South Sudan Presidency were briefed on the urgency of completing the TSAs, and were encouraged to contact the President and First Vice President with a view to registering their own concerns on the need to resolve the outstanding issues.

50. In addition to meeting with the Presidency, the RJMEC communicated directly with the Speakers and Deputy Speakers of the Transitional National Legislature (TNL)¹⁵ on the need to prioritize enactment of several pieces of pending legislation. Foremost among these is the Permanent Constitution Making Process Bill, which when enacted will start the process of permanent Constitution making.¹⁶ Other key pending legislation awaiting enactment are: (i)

¹² Detailed minutes of the RJMEC meetings at <https://jmecsouthsudan.org/index.php/plenary/plenary-minutes>. Also, statements delivered by the Chair during the Plenary are available at <https://jmecsouthsudan.org/index.php/media-center/rjmec-statements-1>.

¹³ The Resolutions of the 21st Plenary included actions relating to the timeframe left for implementation, and highlighting key tasks yet to be implemented, such as: (i) the enactment of outstanding legislation; (ii) unification of forces; (iii) establishment of the Special Reconstruction Fund and Board; (iv) public financial management reforms; (v) establishment of key transitional justice mechanisms; and (vi) the permanent constitution-making process is yet to take off. The Resolutions also expressed serious concerns over the four violation reports from CTSAMVM, and urged the Chiefs of Defence Forces of SSPDF, the SPLA-IO, and NAS to take steps to ensure that their forces adhere to their obligations under the COHA of December 2017 and to take action against perpetrators.

¹⁴ Resolutions of the Plenary are available at: <https://jmecsouthsudan.org/index.php/plenary/plenary-resolutions>.

¹⁵ The TNL is comprised of the two Houses of Parliament, which are the 550 member Transitional National Legislative Assembly (TNLA) and the 100 member Council of States (CoS).

¹⁶ The basis for the drafting of the Permanent Constitution Making Process Bill is the outcome of a series of recommendations coming out of an RJMEC organised workshop from 25 - 28 May 2022, which brought together the Parties to the R-ARCSS to agree on the way forward. The process is expected to take two years and among other things set out the roles and compositions of the Constitution Drafting Committee, Reconstituted National Constitution Review Commission, and the Preparatory Sub Committee. It also defines the roles of the National Constitutional Conference and the TNL in the process, and in addition highlights the critical need for public participation and engagement throughout. The complete outcome of the Workshop can be found at: <https://www.jmecsouthsudan.org/index.php/reports/r-arcss-evaluation-reports/204-resolutions-of-the-workshop-on-the-permanent-constitution-making-process-for-the-republic-of-south-sudan/file>.

the Sudan People's Liberation Army (Amendment) Bill, 2022; (ii) the Police Service (Amendment) Bill, 2022; (iii) the Prisons Service (Amendment) Bill, 2022; (iv) the Wild Life Service (Amendment) Bill, 2022; (v) the Civil Defence Service (Amendment) Bill, 2022; and (vi) the Political Parties (Amendment) Bill, 2022. Since its reconstitution in August 2021, the TNL has successfully enacted the Constitutional Amendment Bill that incorporates the R-ARCSS into the 2011 Amended Constitution of the Republic of South Sudan.

51. Beyond its local engagements, the leadership undertook overseas tours to meet with Regional leaders in efforts to secure their focus, participation and support in the Peace process. In that regard, the Chairperson met with the President and Minister for Foreign Affairs of Djibouti, the Chairperson of the African Union Commission (AUC),¹⁷ the Executive Secretary of IGAD and the IGAD Special Envoy for South Sudan. Consequently, RJMEC proposed a meeting of IGAD leaders in Juba to further discuss the status of implementation of the R-ARCSS.

52. On 23 February the RJMEC Chairperson briefed the Africa Union Peace and Security Council (AUPSC) and on 7 March the United Nations Security Council (UNSC). Several recommendations were made to the institutions including to: (i) actively engage the RTGoNU to ensure implementation of the critical outstanding tasks, including the permanent constitution making process; (ii) encourage the RTGoNU to reconcile their inter-party differences and to work collegially in the best interests of the people of South Sudan; (iii) assist the RTGoNU's efforts in mobilising resources from the international community to enhance implementation of the R-ARCSS; (iv) support the RTGoNU's efforts to establish the Special Reconstruction Fund, and convene a South Sudan Pledging Conference to provide support to conflict-affected states and communities; and (v) support the conduct of free, fair and credible elections.

53. During the first quarter, RJMEC conducted a four-day outreach event in Bor (14-19 February 2022). The Ceasefire and Transitional Security Arrangements Monitoring and Verification (CTSAMVM) was an implementing partner. At that event, one day of the workshop was gender-specific, reaching some 80 local women leaders. Overall, 200 civil society leaders were reached. The feedback from the participants was positive, and it was appreciated that greater information was provided about the work and mandates of RJMEC and CTSAMVM.

III. Key Observations and Recommendations

Observations

54. The report notes that overall, progress in the implementation of some key provisions of the R-ARCSS during the quarter was slow. This is particularly concerning given that 22 February 2022 marked the two year anniversary of the RTGoNU, with less than eleven months left to complete the three year Transitional Period of the R-ARCSS. Among the major achievements during the two year period have been the formation of government structures at the state and local government levels and general holding of the ceasefire among signatory parties. However, a number of critical tasks remain undone including the permanent Constitution for South Sudan. Box 2 below details a listing of both the major achievements and the tasks that are yet to be completed.

¹⁷ The discussion with the AU Chairperson H.E Moussa Faki Mahamat centered largely on ways to advance the setting up of the Hybrid Court in South Sudan.

Box 2: Major Achievements and Critical Pending Tasks of the R-ARCSS

1. Since its signing, the Revitalised Peace Agreement has contributed significantly to the following:

- a) cessation of violence across the country amongst the signatories to the Agreement and continued holding of the permanent ceasefire;
- b) the establishment and reconstitution of all Pre-Transitional institutions and implementation mechanisms of the Agreement;
- c) establishment of the Revitalised Transitional Government of National Unity and state level government;
- d) reconstitution of the Transitional National Legislature and the state assemblies;
- e) incorporation of the Revitalised Peace Agreement into the Transitional Constitution of the Republic of South Sudan (TCRSS, 2011), as amended;
- f) the review and amendments of all security related laws by the National Constitutional Amendment Committee (NCAC), which have been submitted to the Revitalised Unity Government, awaiting enactment;
- g) cantonment and screening, selection and training of Phase 1 of the Necessary Unified Forces, with approximately 50,000 trainees awaiting graduation and redeployment;
- h) opening of humanitarian corridors which has facilitated gradual voluntary return of some refugees and IDPs;
- i) stabilisation of the exchange rate and progress in implementing some economic reforms by the Revitalised Unity Government; and
- j) development of a roadmap for implementing the requirements of Transitional Justice and the making of the Permanent Constitution.

2. The above progress notwithstanding, some critical tasks of the Agreement remain pending. Most notably, they include the following:

- a) establishment of the *ad hoc* Judicial Reform Committee mandated to study and recommend appropriate judicial reforms to the Revitalised Unity Government;
- b) ratification of eight bills by the Transitional National Legislature (TNL), namely six security bills, the Constitution Making Bill, and the Political Parties Bill;
- c) reconstitution of the Political Parties Council, and amendment of the National Elections Act, 2012, and reconstitution of a competent and impartial National Elections Commission;
- d) the unification of forces and their redeployment, and implementing Disarmament, Demobilisation, and Reintegration programmes;
- e) addressing the challenges of reconstruction, repatriation, resettlement, rehabilitation and reintegration of IDPs and returnees;
- f) establishment of the Special Reconstruction Fund (SRF) and Board and the convening of a South Sudan Pledging Conference to support its humanitarian and reconstruction efforts;
- g) reforming the Public Financial Management institutions, especially the National Audit Chamber and the Anti-Corruption Commission to enhance transparency and accountability;
- h) establishment of the three Transitional Justice mechanisms, namely the Commission for Truth, Reconciliation and Healing, the Hybrid Court for South Sudan, and the Compensation and Reparation Authority; and
- i) completion of the permanent constitution making process to guide the conduct of elections.

55. The increasing levels of violence witnessed in Upper Nile and Unity States between the SPLA-IO forces and former defectors claiming to belong to the SSPDF must be addressed as a matter of urgency. It is critically important that all forces observe the permanent ceasefire

and refrain from committing hostile acts, which seriously undermines the R-ARCSS and results in civilian casualties and displacements. With regards to the fighting between the SSPDF and NAS, this can only stop if both Parties recommit to the Cessation of Hostilities Agreement (CoHA) signed in Addis Ababa in December 2017, as they have pledged to do. In addition, it is important to initiate the next round of the Rome talks, under the auspices of the Sant'Egidio Community, which should help in addressing the situation.

56. As in the past, the continual intercommunal violence in several states combined with the dire humanitarian situation is one of considerable concern. The appointment by H.E Salva Kiir Mayardit, therefore, of a high level committee headed by H.E. Vice President Hussein Abdelbagi, to investigate the violence between communities in Twic County and the Ngok Dinka is welcomed. Such efforts by the RTGoNU must be stepped up and sustained in an effort to drastically reduce the cycle of violence and foster sustainable peace. Indeed, the incredible high human cost and suffering, which has compounded the humanitarian situation with increasing displacements of the civilian population must be addressed with the greatest urgency. In that regard, the JDB should continue to act proactively to diffuse potential hotspots of violence and keep rival forces separated.¹⁸

57. Public Financial Management reforms are key to improving the level of transparency and accountability in the management of the country's natural resources. Those efforts should be strengthened through the restructuring and reconstituting of institutions such as the Anti-corruption Commission and the National Audit Chamber. Directives issued by the TNLA to operationalise the Future Generations Fund and the Oil Revenue Stabilization Account are good steps in the right direction. Also, ensuring that transfers to the oil producing counties and states are completed, can only help to improve confidence in the management of the country's resources.

58. The recent launch of the public consultations aimed at developing the legislation to govern the CTRH process, is a step in the right direction. It's important that the people of South Sudan feel that they are part of that process and that their voices are heard. Similarly, the Permanent Constitution Making Process should embrace the varied inputs of the people by encouraging widespread public dialogue and participation. It is therefore imperative that the TNLA kick-start the process of permanent Constitution making.

Recommendations

59. In an effort to increase the pace of implementation of the R-ARCSS, the report therefore offers the following recommendations to the RTGoNU, TNLA, and IGAD.

a) To the RTGoNU:

- 59.1. implement the agreed upon Constitution-making process roadmap;
- 59.2. operationalise the work of the Ad-Hoc Judicial Reforms Committee to undertake the study and recommend judicial reforms to be implemented;
- 59.3. fully fund both phases of the unification of forces to ensure that all the forces are graduated and deployed thus ensuring the successful completion of the TSAs;
- 59.4. establish the board of the Special Reconstruction Fund to serve as the basis for attracting resources for reconstruction and development;

¹⁸ Such an intervention in August 2021 by the JDB in Tambura Western Equatoria following the death and displacement of thousands of civilians, was largely credited for returning calm to the state.

- 59.5. restructure and reconstitute existing commissions at the National level such as the Civil Service, Land, Refugee Commissions and others as outlined in article 1.19 of the R-ARCSS;
- 59.6. promote increased transparency and accountability in the management of the country's resources by pursuing Public Financial Management reforms, and reconstituting key institutions such as the Anti-corruption Commission and the National Audit Chamber;
- 59.7. pursue full establishment and operationalisation of the various enterprise development funds in order to provide new opportunities to the women, youth and other disadvantaged groups all over South Sudan;
- 59.8. support the work of the technical committee as it embarks upon broad-based public consultations on the establishment of the CTRH, and liaise with the African Union Commission on the establishment of the HCSS;
- 59.9. be cognizant of the need to prioritise and implement key activities such as the Permanent Constitution Making process in order to pave the way to the holding of free, credible and fair elections; and
- 59.10. 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 TNL

- 59.11. expedite enactment of the Legislation that is still outstanding in support of the implementation of the R-ARCSS, including the *Permanent Constitution Making Process Bill*, *The Sudan People's Liberation Army (Amendment) Bill, 2022*, *The Police Service (Amendment) Bill, 2022*, *The Prisons Service (Amendment) Bill, 2022*, *The Wild Life Service (Amendment) Bill, 2022*, *The Civil Defence Service (Amendment) Bill, 2022*, and *The Political Parties (Amendment) Bill, 2022*; and
- 59.12. 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 TNL to be fully operational and deliver on its mandate.

c) To IGAD

- 59.13. use its leverage to assist the RTGoNU in mobilising the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in the Republic of South Sudan;
- 59.14. 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
- 59.15. work closely with the RTGoNU to foster trust and confidence of the various Parties.

IV. Conclusion

60. With just a little over eleven months to go to the end of the Transitional Period it is not surprising that increasing attention is being paid to the question of the holding of elections. It is critically important that any such elections are seen to be free, fair and credible. To get to this stage the Parties to the Agreement must carefully consider the outstanding activities and agree on a Roadmap that can be successfully negotiated to the end of the Transitional Period. This Roadmap should ideally prioritise activities that must be achievable and the requisite resources obtained to ensure that the tasks are carried out.

61. On the heels of the progress made by the Parties in agreeing on the way towards the completion of the TSAs this same spirit of collaboration must continue to hold. Indeed, the people of South Sudan long weary of conflict and yearning for sustainable peace continue to look towards reaping any such dividends. Now is the time for the RTGoNU to recommit to the full implementation of the R-ARCSS, commit the necessary level of resources and work tirelessly to take the country down the road to lasting peace and prosperity.

62. 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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