

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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## **Table of Contents**

List of Acronyms	ii
Executive Summary	. iii
I. Introduction	1
II. Status of Implementation of the Transitional Tasks of the R-ARCSS	
Chapter 1: Revitalised Transitional Government of National Unity	2
a. Council of Ministers	3
c. Transitional National Legislative Assembly and Council of States	7
d. Transitional Institutions and Mechanisms	7
e. National Elections	7
Chapter 2: Permanent Ceasefire and Transitional Security Arrangements	8
a. Permanent Ceasefire	8
b. Transitional Security Arrangements	9
c. Police Reforms	.10
Chapter 3: Humanitarian Assistance and Reconstruction	. 11
a. The Humanitarian Situation	.11
b. Support to Education	.13
c. Women's Participation in Peace and Security	.13
d. The Non-Government Organisations (NGO) Act	.14
Chapter 4: Resource Economic and Financial Management	. 14
Chapter 5: Transitional Justice Accountability Reconciliation and Healing	. 16
Chapter 6: Parameters of Permanent Constitution	. 17
Chapter 7: Reconstituted Joint Monitoring and Evaluation Commission	. 18
III. Key Observations and Recommendations	.20
Observations	. 20
Recommendations	. 21
a. To the Parties to the Agreement and Relevant Stakeholders:	.21
b. To the RTGoNU:	.21
c. To the TNLA:	.22
d. To International Partners and Friends of South Sudan:	.22
IV. Conclusion	.22

# List of Acronyms

AUC	African Union Commission
AUPSC	African Union Peace and Security Council
CTSAMVM	Ceasefire and Transitional Security Arrangements Monitoring
	and Verification Mechanism
DDR	Disarmament Demobilization and Reintegration
IGAD	Intergovernmental Authority on Development
IDPs	Internally Displaced Persons
IPC	Integrated Food Security Phase Classification
ITGoNU	Incumbent Transitional Government of National Unity
JRC	Judicial Reform Committee
MoJCA	Ministry of Justice and Constitutional Affairs
NAS	National Salvation Front
NCAC	National Constitutional Amendment Committee
NCRC	National Constitutional Review Commission
NEC	National Elections Commission
NTC	National Transitional Committee
NUF	Necessary Unified Forces
PCTSA	Permanent Ceasefire and Transitional Security Arrangements
R-ARCSS	Revitalised Agreement on the Resolution of Conflict in the
	Republic of South Sudan
RJMEC	Reconstituted Joint Monitoring and Evaluation Commission
RTGoNU	Revitalized Transitional Government of National Unity
SDSRB	Strategic Defence and Security Review Board
SPLM	Sudan Peoples' Liberation Movement
SPLM-IO	Sudan Peoples' Liberation Movement in Opposition
SSPDF	South Sudan Peoples' Defence Forces
SSNPS	South Sudan National Police Service
TNL	Transitional National Legislature
TNLA	Transitional National Legislative Assembly
UNDP	United Nations Development Program
UNOCHA	United Nations Office for the Coordination of Humanitarian
	Affairs
UNSC	United Nations Security Council

### **Executive Summary**

This quarterly report of the Reconstituted joint Monitoring and Evaluation Commission (RJMEC) on the status of implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R\_ARCSS) is prepared pursuant to article 7.9 of the R-ARCSS and covers the period of 1 January 2023 to 31 March 2023. It is prepared on the basis of reports received various sources, including reports from the Agreement institutions and mechanisms, RJMEC monthly plenary meetings, RJMEC Working Committee monthly meetings, the RJMEC leadership's regular consultations and engagements with the RJMEC members (Parties, South Sudanese stakeholders and adherents, regional guarantors, international partners and friends of South Sudan) and the RTGoNU leadership.

The report notes how the 24 months of the extended Transitional Period of the R-ARCSS has commenced with little progress; minimal progress for example has been made towards the commencement of the making of the permanent constitution in spite of the fact that the President assented to the Constitution Making Process Act in December 2022. In addition, there were delays in the amendment of the National Elections Act, 2012 and operationalization of the Political Parties Act.

The report also highlights efforts made by the RJMEC and the regional leadership to assist the ITGoNU and SPLM/A-IO to resolve the recent political impasse arising from relieving two national ministers (Defence and Interior) from their portfolios and the swapping of the two ministries between the two parties. These interventions were aimed at urging the parties to resolve the impasse in accordance with the provisions of the R-ARCSS within the spirit of collegiality, collaboration and consensus. However, the report observes that final batch of Phase I of the Necessary Unified Forces (NUF) graduated in January 2023. Cumulatively, 55,000 NUF graduated and are yet to be redeployed. Consequently, the commencement of Phase II of the unification process is delayed. The recurrent resource constraints have undermined the commencement of the Disarmament, Demobilization and Reintegration (DDR) process to start.

Meanwhile, the dire humanitarian situation in the country is being worsened by attacks on humanitarian workers and assets, and looting of their supplies. Economic and financial reforms process have been initiated and ongoing, albeit slowly. There is need for related critical legislations to be enacted to support this process. The

Transitional Justice processes have not advanced as expected; for example, insufficient progress was made towards the establishment of the Commission for Truth Reconciliation and Healing (CTRH). Finally, the reconstitution of the institution and establishment of the mechanisms mandated by law for the making of the permanent constitutions are behind schedule.

Furthermore, the report observes that the implementation of the R-ARCSS has continued to face multifaceted challenges since 2018, to date. These include, among others, lack of dedicated financial resources for implementing the R-ARCSS, and insufficient level of trust and confidence amongst the Parties to the R-ARCSS. In order to address the recurring challenges, the RJMEC leadership regularly engages the RTGoNU and appeals to the IGAD leadership to prevail on the RTGoNU to live up to their commitment and expedite the implementation of the R-ARCSS.

The report further notes that the high-level visits of the Ecumenical Peace Pilgrimage led by His Holiness Pope Francis and the Peace and Security Council of the African Union signified the region and international community's desire for enduring peace in the Republic of South Sudan.

In light of the aforementioned, the report underscores the urgency required for expediting the implementation of the R-ARCSS by the RTGoNU prioritising allocation of predictable funding to the Agreement institutions and mechanisms, particularly to the security mechanisms in order to complete the unification of forces and to national members of the Ceasefire and Transitional Security Monitoring and Verification Mechanism (CTSAMVM), National Constitutional Amendment Committee (NCAC) and Judicial Reform Committee (JRC) in order for them to resume work.

## Recommendations

The report therefore makes the following specific recommendations to the Parties to the R-ARCSS and stakeholders, the Executive of the Revitalized Transitional Government of National Unity (RTGoNU), the reconstituted Transitional National Legislative Assembly (TNL), and International Partners and Friends of South Sudan.

### a. To the Parties to the Agreement and Relevant Stakeholders:

• The Parties and the South Sudanese Stakeholders and Adherents to immediately submit lists of their nominees to the various Constitution making mechanisms to the Minister of Justice and Constitutional Affairs through his Taskforce for consideration and appointment by the RTGoNU.

## b. To the RTGoNU:

- Enhance consultations and dialogue in the spirit of collegial collaboration and consensus so as to address emerging issues during implementation of the R-ARCSS;
- Urgently provide adequate and predictable funding for the implementation of the critical pending tasks of the Agreement, in particular, the constitution making and electoral processes and completion of the unification of forces. Funds should also be made available for facilitating the national members of CTSAMVM to return to work, and pay allowances of all national members in the Agreement institutions and mechanisms;
- Operationalise all the enacted laws, particularly those related to the making of the permanent constitution and elections, including prioritising the reconstitution of the Political Parties Council and the National Constitutional Review Commission (NCRC), and to establish all the bodies required by law for making the permanent constitution;
- Ensure that all bills pending enactment by the TNL are expedited, including the National Elections Bill which is critical for the reconstitution of the National Elections Commission.

#### c. To the TNLA

• expedite the enactment of all the outstanding bills including the National Elections Bill which have been presented by the RTGoNU to help strengthen the Elections procees.

## d. To the Regional Guarantors

- The IGAD member countries are called upon to enhance their support and remain engaged with the RTGoNU to ensure that the critical priorities tasks stipulated in the Roadmap are implemented in letter and spirit.
- The IGAD member states to work collectively to mobilize political and financial support for the implementation of the R-ARCSS.

## e. To International Partners and Friends of South Sudan

- Support the implementation of the agreement especially the permanent constitution-making process, transitional justice process and elections by directly resourcing some of the critical mechanisms, civic education, providing capacity building etc; and
- Continue to support regional initiatives and engagement with RTGoNU in order to sustain the momentum towards the full and timely implementation of the R-ARCSS in accordance with the Roadmap.

## 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 2023 to 31 March 2023 and builds on the previous quarterly Reports Nos. 001/19 017/22.<sup>1</sup> It provides a status update on the implementation of the thematic chapters of the R-ARCSS during the reporting period and two months into the extended Transitional Period, which is expected to end in February 2025, with elections to be held in December 2024.
- 2. This quarter marks the start of the 24 months extended Transitional Period with little progress made towards the commencement of the permanent constitution-making process following the Presidential assent to the Constitution Making Process Act in December 2022. There were also delays in the amendment of the National Elections Act, 2012, and the operationalization of the Political Parties Act.
- 3. January 2023 saw the final batch of the Necessary Unified Forces (NUF) of Phase I graduating, bringing their total number to 55,000. However, these forces are yet to be redeployed; effectively delaying the start of Phase II of the unification process. At the same time, the lack of resources has prevented the start of the Disarmament, Demobilization, and Reintegration (DDR) process. Meanwhile, humanitarian needs remain high, compounded by frequent attacks on humanitarian workers and assets, and looting of humanitarian supplies. Some measured progress continues in the economic and financial reforms even though related critical legislations are still pending enactment. Transitional Justice issues were not advanced during the reporting period, and not much progress was made in the establishment of the Commission for Truth Reconciliation and Healing.
- 4. Many challenges that have plagued the implementation of the R-ARCSS since 2018 have continued to date. Key among them is the lack of dedicated financial resources geared towards specific implementation tasks, and the insufficient level of trust and confidence among the Parties to the R-ARCSS. The Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) Interim

<sup>&</sup>lt;sup>1</sup> https://jmecsouthsudan.org/index.php/reports/rjmec-quarterly-reports.

Chairperson has regularly been engaging the Revitalized Transitional Government of National Unity (RTGoNU) to address those challenges and appealed to IGAD leadership to prevail on the RTGoNU to live up to their commitment and expedite the implementation of the R-ARCSS. Meanwhile, the high-level visits of the Ecumenical Peace Pilgrimage led by His Holiness Pope Francis and the Peace and Security Council of the African Union was a welcome show of solidarity and signified the region and international community's desire for enduring peace in the Republic of South Sudan.

5. 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 thematic chapters of the R-ARCSS which include governance, security, humanitarian affairs, economic affairs, and legal and constitutional affairs as well as the activities of the RJMEC during the reporting period. Section III provides key observations that highlight concerns and focuses on recommendations to the RTGoNU, the Transitional National Legislature (TNL), the Parties and Stakeholders to the R-ARCSS, and the International Partners and Friends of South Sudan. 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**

6. Overall, some progress has been made by the RTGoNU in the implementation of some provisions of Chapter I of the R-ARCSS. Since 2023 began, the South Sudan peace process has been high on the agendas of the region and the international community. In February 2023, South Sudan welcomed high-level visits from the Ecumenical Peace Pilgrimage led by Pope Francis and the Peace and Security Council of the African Union. In March 2023, there were enhanced visits of some regional leadership, among others, Chairperson of the Sovereignty Council of the Republic of Sudan and Chairperson of the Intergovernmental Authority on Development (IGAD), the Prime Minister of the Federal Democratic Republic of Ethiopia and Uganda's State Minister for Foreign Affairs (International Cooperation) to Juba. The solidarity visits of the various peace partners to Juba in support of the South Sudan peace process signify the region and international community's desire for enduring peace in the country.

- 7. On 22 February 2023, the RTGoNU marked 36 months of its existence. The R-ARCSS was due to expire on this date. However, the Parties to the R-ARCSS agreed to extend the timeline to allow accomplishment of the oustanding tasks. Consequently, the R-ARCSS was amended pursuant to article 8.4 and the Transitional Period was extended by 24 months. This agreement for extension is what is referred to as "*The Roadmap to a Peaceful and Democratic end of the Transitional Period of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)*".
- 8. As the 24-month extension period begins, some progress has been made in the implementation of the R-ARCSS. However, critical benchmarks have been missed as per the timelines in the Roadmap. The section which follows therefore highlights the tasks which have been completed, ongoing implementation, missed deadlines and those pending.
  - a. Council of Ministers
- 9. On 3 March 2023, H.E. Salva Kiir Mayardit, issued two Decrees, one relieving two national Ministers Hon. Angelina Teny, Minister of Defense and Veteran Affairs and Gen. Mahmoud Solomon, Minister of Interior from their respective portfolios. In the other, the President swapped the two ministries between the Incumbent Transitional Government of National Unity (ITGoNU) and the SPLM/A-IO. The Ministry of Defense and Veteran Affairs was assigned to the ITGoNU and the Ministry of Interior to the SPLM/A-IO.<sup>2</sup>
- 10. In response to the Decrees, the SPLM/A-IO Political Bureau met on 4 March 2023 and issued a resolution rejecting the removal of the Minister of Defence and Veteran Affairs and the swapping of the ministerial portfolios as a violation of the R-ARCSS and called on the President to revoke the Decrees and reinstate Hon. Angelina Teny as the Minister for Defense and Veteran Affairs. On 10 March 2023, the SPLM/A-IO referred the matter to RJMEC as a deadlock.
- 11. Pursuant to its mandate, the RJMEC engaged the parties and drew their attention to the relevant provisions of the R-ARCSS, in particular with regard

<sup>&</sup>lt;sup>2</sup> In February 2020 the Parties successfully negotiated the assignment of the ministerial positions amongst them with 18 including the Interior going to ITGoNU, 9 including Defense and Veteran Affairs going to SPLM-IO, 3 to SSOA, and one to OPP.

to the ministerial allocation, appointments, and dismissals of national ministers, as follows:

- 11.1. Under *Article 1.9.1 of the R-ARCSS*, the RTGoNU is founded on the premise that there shall be collegial collaboration in decision-making and continuous consultations within the Presidency, between the President, the First Vice President, and the Four Vice Presidents, to ensure effective governance during the Transitional Period;
- 11.2. In accordance with *Article 1.9.2 of the R-ARCSS*, the powers to be exercised by the President in consultation with the First Vice President, and the four Vice Presidents in order to reach mutual understanding and agreement in accordance with the R-ARCSS, and the law, including the appointment of Constitutional and Judicial office holders, including state governors. To this end, RJMEC notes that the national ministers are constitutional officeholders;
- 11.3. On the allocation of ministerial portfolios, *Article 1.12.1 of the R-ARCSS* provides that the Parties shall, during the Pre-Transitional Period agree on the allocation of the Ministerial and Deputy Ministerial portfolios. This was done and provided the basis upon which the RTGoNU was established and the Council of Ministers sworn in at the commencement of the Transitional Period;
- 11.4. In terms of replacement and removal procedures, *Article 1.13.1 of the R-ARCSS* provides that "each Party may remove its representatives in the Council of Ministers and nominate replacements by notifying the President with at least 14 days' notice"; and
- 11.5. *Article 1.13.2 of the R-ARCSS* provides that in the event that a Ministerial post falls vacant during the Transitional Period, the replacement shall be nominated by the top leadership body of the Party that first selected that Ministerial portfolio, as appointed at the commencement of the Transitional Period.
- 12. As highlighted above, at the core of the letter and spirit of the R-ARCSS is the requirement of collegiality, consultations, and agreement between the Parties. In accordance with the R-ARCSS, a unilateral dismissal of an appointee of another party to the R-ARCSS or swapping of a ministerial portfolio first

selected by another party at the commencement of the Transitional Period is contrary to the letter and spirit of the R-ARCSS, hence a violation. However, any disagreement amongst the Parties to the R-ARCSS, including over this matter, can be amicably discussed and resolved by the Parties themselves through mutual understanding and agreement. Furthermore, the R-ARCSS provides clear mechanisms for the Parties to the Agreement to use for resolving any dispute that may arise amongst themselves, during the Transitional Period, and they include the Presidency and the RTGoNU Council of Ministers. It is only when there is a deadlock between or amongst the Parties to the Agreement, that a referral could be made to RJMEC pursuant to Article 7.11 of the R-ARCSS to engage the Parties with a view of finding a compromise and/or recommending measures to break the deadlock.

- 13. Pursuant to the aforementioned, the RJMEC encouraged the parties to dialogue in the spirit of collegiality, consultations, and consensus to resolve the political impasse amicably. In addition, RJMEC briefed the IGAD leadership and appealed for their immediate intervention to assist the parties to resolve the impasse. Consequently, H.E. Dr. Abiy Ahmed, Prime Minister of the Federal Democratic Republic of Ethiopia, the high-level delegation dispatched by the Chairperson of the Sovereignty Council of the Republic of Sudan and Chairperson of the Intergovernmental Authority on Development (IGAD) and H.E. Henry Okello Oryem, Uganda's State Minister for Foreign Affairs (International Cooperation) visited Juba and engaged with the RTGoNU leadership.
- 14. Despite the above engagements, the parties failed to reach a consensus, and on 29 March 2023, H. E. President Salva Kiir Mayardit appointed General Chol Thon Balok as the Minister of Defense and Veteran Affairs. The SPLM/A-IO rejected the President's unilateral appointment of a new Minister for Defense and Veterans Affairs. On 30 March 2023, the SPLM/A-IO leadership requested for IGAD intervention to resolve this political impasse.
  - b. Judicial and Legislative Reforms
- 15. The process of reforms of the Judiciary of the Republic of South Sudan is provided for under *Article 1.17* of the R-ARCSS. The *ad hoc* Judicial Reform Committee (JRC) which was established and operationalized in July 2022 was unable to complete its mandate of studying and making recommendations to the RTGoNU for judicial reforms within six months of its establishment. In

addition, the review of the Judiciary Act is long overdue as it was supposed to have been undertaken by 17 September 2022. Moreover, the Judicial Service Commission was supposed to have been reconstituted by 12 August 2022. This task is also long overdue. After the JRC's initial six months period expired on 27 January 2023, it was extended for 12 months, until 27 January 2024, which inevitably delays other judicial reform tasks dependent on the JRCs report like reform of the Judiciary Act and reconstitution of its commission. However, tasks like capacity building and infrastructural development should commence in earnest. As per the Roadmap, the task of establishing an independent, impartial, and credible Constitutional Court is expected to be accomplished by September 2024. One of the challenges faced by the JRC which requires the attention of the RTGoNU is the delayed payment of allowances to its national members.

- 16. The National Constitutional Amendment Committee (NCAC) continued with the reviews, amendment, and drafting of legislation as provided for in its mandate under article 1.18 of the R-ARCSS. During the quarter, the NCAC handed over to the Minister of Justice and Constitutional Affairs (MoJCA) the Bank of South Sudan Amendment Bill, 2023, and the Banking Amendment Bill, 2023 for further processing. The NCAC had also made progress in the reviews, amendments, and drafting of the NGO Act, 2016, and the Investment Promotion Act, 2009 *before* its national members boycotted participation due to non-payment of their allowances. In addition to the NGO Act, 2016, and the Investment Promotion Act, 2009 the NCAC is expected to complete the reviews of four other legislations, namely: the Mining Act, 2012, the Transport Act, 2008, the National Pensions Fund Act, 2012 and the Telecommunications and Postal Services Act, 2010. The boycott of the NCAC work by its national members over unpaid allowances is a matter of serious concern as the NCAC's mandate ends in May 2023.
- 17. On 24 March 2023, the Council of Ministers adopted the National Security Service (NSS) Amendment Bill, following the resolution by the Presidency of the contentious issue which delayed its passage, particularly on the powers of arrest and detention by the NSS. The Bill now awaits tabling before the reconstituted TNL for enactment. The TNL needs to expedite the consideration and enactment of the Bill and all other pending bills. Upon enactment, all the laws should be operationalized to fast-track implementation of the R-ARCSS. It is critical to underscore the spirit of consultations, collegiality and

compromise on the NSS Bill which could serve as a valuable example to the parties to the R-ARCSS in guiding the ongoing implementation of the Roadmap.

18. During the quarter, H.E. Salva Kiir Mayardit, President of the Republic of South Sudan, assented to, among others, the International Covenant on Civil and Political Rights, International Economic, Social and Cultural Rights, and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Accession to these and other international and regional treaties are critical to the safeguarding of the fundamental human rights of the people of South Sudan. The operationalization of all these legislations is very critical to South Sudan's advancement of human rights observance.

## c. Transitional National Legislative Assembly and Council of States

19. On 27 March 2023, the reconstituted Transitional National Legislature (TNL) resumed sittings after nearly three months of recess. At the opening of the reconstituted TNL, H.E Salva Kiir Mayardit, President of the Republic of South Sudan delivered a statement in which he, among others, assured the public of no further extension of the R-ARCSS timeline and stressed the urgency of its implementation. The expressed commitment of the RTGoNU to the R-ARCSS implementation is welcome but one that needs to be translated into actions, including availing the necessary resources for its effective and efficient implementation.

## d. Transitional Institutions and Mechanisms

20. The R-ARCSS provides for institutional reforms under its article 1.19. In that regard, there has been a long delay in the reconstitution of the various Commissions and Institutions at the national level, a task which was meant to have been concluded by 21<sup>st</sup> August 2022. The High-Level Standing Committee of the Parties had made some progress to finalize inter-party negotiations on the structure of the Commissions and Institutions. During the quarter, no progress was achieved to attain the expected outcomes.

#### e. National Elections

21. Under this thematic area, progress has been slow. The R-ARCSS provides for legislative and institutional reforms, such as amendments to the Political Parties Act 2012 and the National Elections Act 2012, as well as the reconstitution of

the Political Parties Council and the National Elections Commission (NEC).<sup>3</sup> Despite the Political Parties Act 2022 being assented to in June 2022, the Political Parties Council is yet to be reconstituted. There is no justification for the continued delay in this process. Regarding the NEC, it can only be reconstituted after the enactment of the National Elections Bill 2022. However, this Bill is yet to be considered and enacted by the reconstituted TNL. Lastly as per the R-ARCSS elections are required to be held under the Permanent Constitution. The process of drafting the Permanent Constitution is yet to commence and is far behind schedule.

22. As a result of these delays, all the elections-related tasks including the establishment and functioning of institutions that drive the elections process, are behind schedule. The tasks related to the general elections administration, institutional building, infrastructural development and operations. For example, the NEC institutional development, infrastructural and capacity-building activities were supposed to have been accomplished by 30 October 2022. These delays notwithstanding, the RTGoNU formally requested the UNMISS for electoral assistance to the government and relevant institutions in support of the preparation for the conduct of elections scheduled for December 2024, pursuant to article 1.20.8 of the R-ARCSS.

#### **Chapter 2: Permanent Ceasefire and Transitional Security Arrangements**

#### a. Permanent Ceasefire

23. During the period of reporting, the Permanent Ceasefire continued to hold without major incidents among the signatory Parties. However, there were several alleged incidents of armed violence committed by the National Salvation Front (NAS) of Lt Gen. Thomas Cirillo in Central Equatoria. Due to the lack of NAS representation in the Ceasefire and Transitional Security Monitoring and Verification Mechanism (CTSAMVM) structures, the incidents could not be investigated.

<sup>&</sup>lt;sup>3</sup> Since the Political Parties Act was assented to into law in June 2022, the Political Parties Council has not been reconstituted. The Council was to be reconstituted by 21 August 2022. Also, the National Elections Commission (NEC) was supposed to have been reconstituted into a competent and impartial body for the conduct of elections by 30 August 2022. The NEC can only be reconstituted after the enactment of the National Elections Bill 2022. This Bill is yet to be considered and enacted by the reconstituted TNL.

- 24. Although the strike by the national monitors severely affected CTSAMVM field operations, CTSAMVM reported alleged attacks on the South Sudan People's Defence Forces (SSPDF) and civilians by NAS in Central Equatoria State. CTSAMVM also submitted four violation reports to the RJMEC as follows:
  - 24.1. *CTSAMVM Violation Report 2023/01*: Violence in Upper Nile State and Northern Jonglei State from July 2022;
  - 24.2. *CTSAMVM Violation Report 2023/02:* SGBV Incident in Central Equatoria State;
  - 24.3. *CTSAMVM Violation Report 2023/03:* Tension and Violence in Maiwut County; and
  - 24.4. *CTSAMVM Violation Report 2023/04*: Mistreatment of Civilians in Central Equatoria State.
- 25. The RJMEC wrote letters to the Parties for action on the violation reports 2023/01 and 2023/02, but no responses have been received from the Parties yet, and the violation reports 2023/03 and 2023/04 are being processed at the time of this report.
- 26. According to CTSAMVM, the SSPDF is in violation of the Agreement by the continued occupation of 12 civilian centers.
  - b. Transitional Security Arrangements
- 27. On the Transition Security Arrangements, the RTGoNU graduated 2,838 Necessary Unified Forces (NUF) on 14 January 2023 in Bentiu, Unity State, marking the completion of the graduation of Phase I of the NUF with a total of 55,000 forces having graduated. However, the majority of those who graduated remained in their Training Centers except for approximately seven hundred (700) who were deployed to the northern part of Warrap State. According to the Roadmap timelines, the redeployment of Phase I NUF was supposed to have been completed by 30 September 2022, leading to the commencement of training of Phase II NUF, with graduation and redeployment completed by 30 November 2022. Therefore, the unification of forces remains way behind schedule. One of the challenges to the redeployment of Phase I NUF and the commencement of the training of Phase II NUF has been the unresolved

unification of the middle and lower-level command echelons. However, this issue was resolved in March 2023 with an agreement by the Parties on a 60:30:10 ratio for the ITGoNU, SPLM/A-IO, and SSOA respectively.

- 28. The status of Cantonment Sites remains dire with a severe lack of food, medicines and shelter for the troops. The DDR process has not taken off due to the lack of funding. Despite the lack of funding and capacity, the Strategic Defense and Security Review Board (SDSRB) reported that it has completed the Strategic Security Assessment, the Security Policy Framework, the Revised Defence Policy, and the Security Sector Transformation Framework. The White Paper is still being drafted.
- 29. However, it is important to note that the Joint Defense Board (JDB), the Joint Military Ceasefire Commission (JMCC), the Joint Transitional Security Committee (JTSC), and the Strategic Defense and Security Review Board (SDSRB) have continued to lack predictable and sufficient funding for the sustenance of their members and the implementation of tasks stipulated in the Revitalized Peace Agreement. This has caused further delays in the implementation of the Transitional Security Arrangements.
- 30. CTSAMVM national monitors from the SPLA-IO and SSOA withdrew their participation in Monitoring and Verification Teams (MVTs) on 30 January 2023 due to the non-payment of their allowances by the RTGoNU. The national monitors have not been paid since April 2022. RJMEC and IGAD have continuously appealed to the RTGoNU to pay the national monitors in order for them to resume work. However, there has been no favorable response from the RTGoNU. Further following the withdrawal of the U.S. support, CTSAMVM has restructured to remain operational through various measures including by reducing international monitors from 72 to 51.

#### c. Police Reforms

31. Furthermore, during this quarter the Joint Transitional Security Committee (JTSC) Secretariat requested assistance with the review of the JTSC Training Curriculum Guide<sup>4</sup> for training of the police component of the NUF, with the

<sup>&</sup>lt;sup>4</sup> The SSNPS training manual has 15 chapters of which at least 7 chapters have sufficient content on gender equality. These chapters are on constitutional law, human rights, international humanitarian law, criminal investigations, community policing, gender-based violence and

focus on gender review. UN Women is supporting the SSNPS in the assessment of the training manual with specific reference to gender mainstreaming.

32. In terms of election preparation, South Sudan National Police Service (SSNPS) has commenced the planning of the review of training manuals and procedures regarding Election Security in preparation of the envisaged South Sudan democratic elections. The SSNPS Election Security Training Curriculum (2009) is the benchmark for this review.

### **Chapter 3: Humanitarian Assistance and Reconstruction**

#### a. The Humanitarian Situation

- 33. According to the UNOCHA, humanitarian needs remained high with more than nine (9) million people projected to need humanitarian assistance and protection. A cholera outbreak was announced in Malakal with 248 cases and one death while conflict hotspots during this reporting period were identified as Warrap State, Jonglei State, Central Equatoria State, Greater Pibor Administrative Area, Western Equatoria State, Eastern Equatoria State and Abyei Administrative Area. South Sudan is also bracing for possible floods with the start of the rainy season, which would worsen the already dire food security situation.
- 34. Meanwhile, the food security situation in South Sudan remained bleak despite concerted efforts by the international community. 6.1 million people were estimated to be food insecure (IPC Phase 3 and above) and an estimated 33,000 people in catastrophe (IPC, Phase 5) in Akobo, Fangak, Jonglei, and Pibor Administrative Area. International partners continued to offer supplementary funding to target those in urgent need including the 1.4 million children and 540,000 women suffering from malnutrition. Notably, the US announced additional funding of US \$ 288.5 million provided through WFP to enable the provision of urgently needed food and nutritional support to a targeted 2.2 million South Sudanese.

counterterrorism. It is appropriate for basic training of SSNPS officers and non-commissioned officers.

- 35. Several cases of attacks on humanitarian facilities and personnel, setting up of roadblocks and looting of humanitarian goods and staff personal effects as well as access denial for humanitarian workers were reported across states.<sup>5</sup> Attacks were also reported on humanitarian as well as commercial boats along the Nile River, which led to the loss of lives and goods. The blockage of these corridors has not only hindered access to those in need but also affected the free movement of goods, services, and people. These attacks on humanitarian convoys also affected the prepositioning of humanitarian supplies to hard-to-reach areas of the Greater Pibor Administrative Area (GPAA) ahead of the rainy season.<sup>6</sup>
- 36. Refugees and IDPs continued to voluntarily return to their homes of origin from countries of asylum and IDP camps despite challenges, including a lack of basic services, reintegration support, and livelihood opportunities. In March 2023, at least 470 South Sudanese refugees mostly women and children returned home from Kakuma Refugee Camp, Kenya. Further, in a welcome move, H.E President Salva Kiir Mayardit promised to provide security and basic services, including water, food, and health services at the points of return to facilitate refugee and IDP reintegration. If implemented, this will encourage increased voluntary returns and support resettlement, reintegration, and the rebuilding of livelihoods, allowing the citizens of South Sudan to reap the dividends of peace. This will also supplement the current efforts of international partners providing services to communities and help bridge the widening funding gap.
- 37. Intercommunal violence continued to be the greatest cause of death, injury, and displacement across States. Hotspots included Warrap, Eastern Equatoria, Lakes, Unity, and Central Equatoria States. For examples, there were violent armed clashes between cattle keepers and the host community in Kajo Keji County in Central Equatoria State which led to the displacement of 20,000 people and the death of more than 20 civilians, and the displacement of over 3,700 civilians to Mundri East in Western Equatoria following clashes with cattle herders at Katigiri Boma in Juba County.

<sup>&</sup>lt;sup>5</sup> During the quarter, significant incidents of road insecurity, attacks on humanitarian convoys were reported from Bor, Pibor, Uror, Duk and Akobo in Jonglei State.

<sup>&</sup>lt;sup>6</sup> Most notable was an attack on a convoy along the Bor- Pibor road, that led to the theft of about 700 bags of food.

#### b. Support to Education

- 38. The RTGoNU announced the release of 1 billion SSP as the first tranche of monies earmarked to support free education in South Sudan through a capitation grant to States with the aim of boosting pupil enrolment and retention. It is worth noting that, despite an increase in the education budget in the financial year 2022/2023, South Sudan still has the lowest budget allocations for education in the region and the sector still faces challenges including teachers' pay and sustaining school activities some of which are currently supported by the international community. The impact of these capitation grants will depend on gaps it can cover in the education as well as the regularity of the disbursement of these funds as well as coordination/synergy with other partners in the education sector to maximize the use of limited resources.
- c. Women's Participation in Peace and Security
- 39. During the quarter, the first-ever, women's international conference on Women's Transformational Leadership was held in Juba, South Sudan under the leadership of H.E. Mama Rebecca Nyandeng, Vice President. The conference provided a timely opportunity for learning, sharing, networking, mentorship, and solidarity building where women's participation in peace and security and all processes leading up to elections is critical.
- 40. A key takeaway from the conference was the importance of having women form coalitions and networks to enhance their participation in critical processes including the making of legislation, transitional justice reforms, and the constitution-making and elections processes. It is hoped that concerted efforts to build strong coalitions and networks to enhance women's participation all the way to the grassroots level will soon follow.
- 41. The Protocol to the African Charter on the Human and Peoples Rights of Women in Africa (Maputo Protocol) was finally assented to by the President. The Protocol enshrines articles that promote gender equality, women's rights to participate, and prohibit forced and early child marriage, human trafficking, and child labor among others, and will be useful in supporting efforts towards gender equality and women's participation in political arena. It is hoped that the Protocol will be operationalized to unlock direct benefits like improved girl

child education owing to reduced early marriages and knock-on effects like improved livelihoods and wellbeing. This effort will also supplement that of international partners providing services to communities by bridging the widening funding gap. In addition to the provision of basic services, the process will require the assurance of security, land reform, peace and reconciliation efforts, and enforcement of law and order, among others.

d. The Non-Government Organisations (NGO) Act

42. The NCAC convened the panel of experts meeting where proposals for the review of the Act were submitted and a two-day stakeholder validation workshop was convened to consider the proposed amendments to the Act as well as further inputs/views and recommendations were gathered to support the finalization of the amendment process. It is envisaged that the resultant bill will help regularize and improve the operational environment for the delivery of humanitarian services and protection.

## **Chapter 4: Resource Economic and Financial Management**

- 43. Article 4.9.1 of the R-ARCSS requires the RTGoNU to develop comprehensive policies and legal and institutional frameworks for the preservation, conservation, and sustainable use of the environment. Consequently, the Environment Protection Bill has been drafted; it proposes the creation of the Environmental Protection Agency and the National Environment Authority. In addition, the first National Adaptation Plan (NAP) and its Program for Action for climate change have been published. For South Sudan, this has so far been the first step towards establishing a coherent and effective process for providing a comprehensive framework for mainstreaming climate adaptation within the country's development planning processes. However, achieving the objectives of the NAP will require a coordinated approach and the commitment of both state and non-state actors<sup>7</sup>.
- 44. South Sudan is witnessing a deepening power crisis in land administration and confusion in the roles of the existing institutions at the different levels of the Government, state, and local government. Three groups generally own land in South Sudan: ethnic communities, state and local government, and private

<sup>&</sup>lt;sup>7</sup>The feasibility study of any project of South Sudan must include an environmental impact certificate from the Ministry of Environment and Forestry. This is being done. Letters of no objection are issued by the Ministry.

leaseholders. Despite an ambitious framework for land administration expressed in the Land Act 2009<sup>8</sup>, Local Government Act 2009 and the 2011 Transitional Constitution of South Sudan, the institutional foundations for such a structure remain largely inexistent due to capacity and resource constraints. Consequently, the country relies on the pre-independence Land Act 2009, while each state has its own land policies, laws, and regulations. The reviewed Land policy 2009 was validated by several parties at a retreat in Wau, funded by the Food and Agriculture Organisation (FAO), and is now at the last stages of review before ratification and adoption.

- 45. The policy adopts several guiding principles, which include security of land rights, equitable access to land, and provision of security and diversity in tenure types. The policy has divided the land into three categories: public, private, and community-owned lands. It also recognizes the importance of individuals acquiring land and providing them with tenure security. The new policy aims at addressing post-war conflicts over land rights, informal settlements in cities and towns, and conflicts over access to land with pasture and water. Land grabbing and disagreements over boundaries between counties and payams (districts) are also intended to be addressed by this policy as well as the setting up of a land reform unit within the government to enforce the implementation of the policy.
- 46. The land registry has been operational since 2009 but is domiciled at the Ministry of Justice and Constitutional Affairs. However, article 4.8.4.1.2 of the R-ARCSS mandates that it should be an independent registry of lands at all levels of government for the issuance of title deeds. The RTGoNU has since commenced discussions with Trinity an indigenous company to create this independent registry. A pilot process of establishing an independent registry is to start in Juba.
- 47. Article 4.13 of the R-ARCSS requires that the RTGoNU adopt a code of ethics and integrity for public officials emphasizing the values of honesty and integrity. In addition, it shall expand the curriculum in the educational system to inculcate the spirit of nationalism and promote the values of honesty, integrity, and respect for public property. This code of ethics and integrity for

<sup>&</sup>lt;sup>8</sup> The Land Act 2009, the Local government Act, the Investment Promotion Act and the Land regulations needs to be reviewed and harmonized. The 2009 Land Act for instance, allows companies to lease land for a maximum of 99 years. and the Investment Promotion Act, also passed in 2009, permits only 30 to 60-year lease periods.

public officials has since been drafted in the Public Service Rules and Regulations Bill 2017 and currently awaits enactment.

- 48. Article 4.12.1.2 of the R-ARCSS requires an effective payroll cleansing exercise on public service reform. This provision is one of the priorities of the PFM Oversight Committee and has progressed. The Ministry of Public Service and Human Resource Development together with the Ministry of Finance and Planning (MoFP) developed an Action Plan for cleaning the Human Resource data. User requirement for the rollout of the payroll system was developed and approved by the Council of Ministers and discussions have been held with the World Bank to fund the project.
- 49. There has been a steady commitment to PFM Reforms as steps are being taken to publish budget execution reports, oil revenue data for 2021/22, which can be found on the MoFP website. However, according to Section 6 of the Petroleum Revenue Management Act, the MoFP and the Bank of South Sudan (BoSS) should publish records no more than 6 weeks after the end of each quarter and simultaneously in an official gazette, their website and two national newspapers and communicate the details to the legislature.

#### Chapter 5: Transitional Justice, Accountability, Reconciliation and Healing

50. During this reporting period, the Ministry of Justice and Constitutional Affairs has prepared zero draft bills on the Commission for Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA) as per article 5.1.1.1 and article 5.1.1.3 of the R-ARCSS respectively. The Technical Committee<sup>9</sup> supported by the Ministry of Justice and Constitutional Affairs (MoJCA) continued with efforts to undertake a public consultations process as required under article 5.2.1.3 of the R-ARCSS. The Technical Committee supported by partners (UNDP, UNMISS, and UNHCR) are gearing to undertake consultations in various refugee camps in Kenya, Uganda, Ethiopia, and Sudan. They project to undertake these consultations within a one-week period in the month of April 2023. The Technical Committee spent around one year preparing to undertake consultations, of which preparations included undergoing training, sensitization, and agreeing on methodology. The consultations by the Committee commenced in May 2022 for a period of one

<sup>&</sup>lt;sup>9</sup> The Technical Committee was established in May 2021 pursuant to Ministerial Order No. 2 of 2021 and was officially launched in June 2021.

month and which saw the team visit over 37 locations and consult about 4,543 people. Its report (including consultations with refugees) should inform the drafting of the CTRH bill.

51. In terms of the establishment of the Hybrid Court for South Sudan, little progress was made in this regard during this period. The Ministry of Justice and Constitutional Affairs acknowledged receiving a *Note Verbale* from the African Union Commission (AUC) Office of the Legal Counsel requesting for a meeting to discuss a plan for the establishment of the Hybrid Court for South Sudan (HCSS).

#### **Chapter 6: Parameters of Permanent Constitution**

- 52. In terms of the permanent constitution-making process, no significant progress was achieved in the operationalization of the Constitution Making Process (CMP) Act 2022, which was assented to by the President on 21 December 2022.
- 53. In February 2023, the Minister of Justice and Constitutional Affairs drafted a Memorandum for the Implementation of the Act which he submitted to the cabinet for consideration and endorsement. According to the RTGoNU representative to RJMEC, the Memorandum was endorsed by Cabinet, however, both the Ministry of Justice and Constitutional Affairs and RJMEC are yet to obtain a copy of the Cabinet Resolution to this effect. Below are the critical steps required for the operationalization of the Act and commencement of the permanent constitution-making process by both the Act and the RTGoNU Roadmap, namely:
  - 53.1.reconstitution of the National Constitutional Review Commission (NCRC) initially planned to be completed by 30 August 2022, is still pending;
  - 53.2.establishment of the Constitutional Drafting Committee (CDC), planned for 30 October 2022 is far behind schedule and awaits NCRC reconstitution;
  - 53.3.conduct by the NCRC of its first phase of civic education and collection of data on public views on the constitution-making process which should have been completed by 30 January 2023 as per the roadmap is pending;

- 53.4.preparation of the first report by the NCRC of the civic education and public consultation data for validation by the Public by March 2023 is way behind schedule; and
- 53.5.recruitment of members to form the National Constitutional Conference (NCC) by 30 December 2022 and the establishment of the Preparatory Sub-Committee (PSC) that will later convene the NCC by 30 January 2023 are all pending
- 54. The above notwithstanding, on 31 January 2023, the Minister of Justice and Constitutional Affair wrote a letter to all the Parties to the Agreement and the South Sudanese Stakeholders were required to nominate representatives to the National Constitutional Review Commission (NCRC) to be reconstituted and the Preparatory Sub-committee for the convening of the National Constitutional Conference (PSC) to be established, calling for their nominees of representatives within two weeks. However, by the time of writing this report, none of the Parties to the Agreement (ITGoNU, SPLM/A-IO, SSOA, OPP, and FDs) had submitted a list of their nominees. Only about four of the eight stakeholder groups had submitted their lists. This delay in the submission of nominees impedes progress and further delays the reconstitution of the NCRC and establishment of the PSC mandated to drive forward the constitution-making process. RJMEC urges the Parties and all the Stakeholders to urgently and without any further delay to submit their list of nominees to the Ministry of Justice and Constitutional Affairs to kick-start the process.

#### **Chapter 7: Reconstituted Joint Monitoring and Evaluation Commission**

- 55. During this reporting period, the RJMEC continued convening regular plenary meetings to deliberate on the status of the implementation of the Revitalized Peace Agreement, based on reports received from the RTGoNU and other institutions and mechanisms of the Agreement. The RJMEC has also issued several recommendations contained in its Resolutions on remedial measures to the RTGoNU and relevant mechanisms to fast-track the pace of implementation of critical tasks required during the extended Transitional Period. The recommendations include, *inter alia*, the following:
  - 55.1. continue to consult and dialogue in the spirit of collegial collaboration and consensus to address emerging issues during the implementation of the Revitalized Peace Agreement;

- 55.2. provide adequate, timely, and predictable funding for the implementation of all the pending Roadmap tasks;
- 55.3. operationalize all the enacted laws, particularly those related to the permanent constitution and elections processes, expedite the reconstitution of the Political Parties Council, and the establishment of the bodies under the Constitution-Making Process Act 2022, and expedite the enactment of the National Elections Bill; and
- 55.4. expedite the redeployment of the graduated forces of Phase I, commence Phase II of the unification of forces, and begin Demobilisation, Disarmament, and Reintegration (DDR).
- 56. Consistent with article 7.11 of the R-ARCSS, RJMEC sought the intervention of the IGAD Heads of State in resolving the issue around the relieving of the ministers and the swapping of the ministries of Interior and Defence and Veteran Affairs. This followed engagements with the First Vice President and members of the ITGoNU to discuss the unfolding situation. In addition, the RJMEC Chairperson joined with the representative of the AU Mission in South Sudan (AUMISS), the Deputy Special Representative of the Secretary-General, and deputy head of UNMISS, and the IGAD Special Envoy for South Sudan and held discussions with the First Vice President, the National Security Adviser to the President and Chairperson of the NTC and members of the ITGoNU in attempts to resolve the impasse and focus on the implementation of the R-ARCSS.
- 57. During the reporting period, the RJMEC leadership met consistently with the Parties to the Agreement, various institutions and mechanisms of the R-ARCSS, the diplomatic community, and the stakeholders and adherents to the Agreement. The Parties were encouraged to continue to pursue implementation of the Agreement through their participation in the RTGoNU. In addition, the security mechanisms were urged to complete arrangements for the redeployment of the first phase of the NUF and prepare for Phase II.

#### **III. Key Observations and Recommendations**

#### **Observations**

- 58. Overall, progress in the implementation of tasks to be conducted during the extended Transitional Period has been slow. This is particularly true for key aspects of the permanent constitution-making and electoral processes. Where legislation has been assented to, there are delays in their operationalization. Critical bills reviewed by NCAC are still awaiting enactment.
- 59. Funding, a critical requirement for the implementation of the provisions of the R-ARCSS has remained a recurring challenge. This is an area to which the RTGoNU needs to give due attention. There are also tasks whose implementation do not necessarily demand funding but requires the political will, commitment, dedication, and compromise of the Parties to R-ARCSS.
- 60. On the Transitional Security Arrangements, the most significant development was the agreement by the Parties on the ratios as concerns the unification of the middle and lower echelons of command. However, there was a continued delay in the redeployment of the graduated Phase I of the NUF has negatively impacted the commencement of Phase II training of the NUF.
- 61. The long overdue establishment of the Special Reconstruction Fund Board remains a concern, especially given increasing needs and dwindling funding for humanitarian support. RJMEC continues to urge the RTGoNU to expeditiously establish the Special Reconstruction Fund to pave way for the South Sudan Pledging Conference.
- 62. On Chapter 4, it is incumbent on the RTGoNU to expedite the enactment of the legislation which underpin economic reforms programs as well as establishment of key institutions critical for the implementation of the provisions of the chapter.
- 63. On Transitional Justice issues, there is a delay in the establishment of the CTRH, CRA, and Hybrid Court for South Sudan. Failure to complete the healing and reconciliation process continues to hurt the country's prospects for sustainable peace.
- 64. Similarly, the constitution-making process is far behind schedule. Three months since the Constitution-Making Act was assented to, none of the

institutions and mechanisms charged with responsibility in the constitutionmaking process have been established or reconstituted.

## Recommendations

- 65. Given the current status of implementation, the RTGoNU should consider allocating predictable funding to the Agreement institutions and mechanisms, particularly to the security mechanisms to complete the unification of forces and to national members of the CTSAMVM, NCAC, and JRC to ensure that their work continues.
- 66. The following recommendations are aimed at providing impetus to the peace process if acted upon. It is imperative that the RTGoNU in particular, pay close attention to the recommendations made and hasten the pace of implementation in the weeks ahead.

## a. To the Parties to the Agreement and Relevant Stakeholders:

67. Urges the Parties and the South Sudanese Stakeholders and Adherents to immediately submit lists of their nominees to the various Constitution making mechanisms to the Minister of Justice and Constitutional Affairs through his Taskforce for consideration and appointment by the RTGoNU.

## b. To the RTGoNU:

- 68. Enhance consultations and dialogue in the spirit of collegial collaboration and consensus to address emerging issues during the implementation of the R-ARCSS.
- 69. Urgently provide adequate and predictable funding for the implementation of the critical pending tasks of the Agreement, in particular, the constitutionmaking and electoral processes and completion of the unification of forces. Funds should also be made available for facilitating the national members of CTSAMVM to return to work, and pay allowances of all national members in the Agreement institutions and mechanisms.
- 70. Operationalise all the enacted laws, particularly those related to the making of the permanent constitution and elections, including prioritising the reconstitution of the Political Parties Council and the National Constitutional

Review Commission (NCRC), and establish all the bodies required by law for making the permanent constitution.

71. Ensure that all bills pending enactment by the TNL are expedited, including the National Elections Bill which is critical for the reconstitution of the National Elections Commission.

## c. To the TNLA:

72. expedite the enactment of all the outstanding bills including the National Elections Bill which has been presented by the RTGoNU to help strengthen the Elections process.

## d. To the Regional Guarantors

- 73. The IGAD member countries are called upon to enhance their support and remain engaged with the RTGoNU to ensure that the critical priorities tasks stipulated in the Roadmap are implemented in letter and spirit.
- 74. The IGAD member states to work collectively to mobilize political and financial support for the implementation of the R-ARCSS.

## e. To International Partners and Friends of South Sudan:

- 75. Support the implementation of the agreement, especially the permanent constitution-making process, transitional justice process, and elections by directly resourcing some of the critical mechanisms, civic education, providing capacity building, etc; and
- 76. Continue to support regional initiatives and engagement with RTGoNU to sustain the momentum toward the full and timely implementation of the R-ARCSS in accordance with the Roadmap.

## **IV.** Conclusion

77. Without a firm commitment of resources and a reordering of the priorities of the RTGoNU, this additional 24 months of the Transitional Period may well replicate the first 36 months. This was a period where requisite tasks were not given adequate attention and remained undone. With elections forecast for December 2024, it is vitally important that the permanent constitution-making process commences immediately.

- 78. For the extended Transitional Period to deliver expected outcomes, the RTGoNU should demonstrate a renewed sense of urgency, and requisite political will, avail sufficient and predictable funding, and expedite the implementation of remaining pending tasks.
- 79. As provided for in Chapter 7 of the R-ARCSS, the RJMEC will continue to monitor, evaluate, and 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, the Chairperson of the IGAD Assembly of Heads of State and Government, the Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the Peace and Security Council of the African Union and to the Secretary General of the United Nations and the Security Council of the United Nations.

END