



Joint Monitoring and Evaluation Commission
(JMEC)

HUMANITARIAN AFFAIRS WORKING COMMITTEE

Report to

H.E. Festus G. Mogae, Chairperson of JMEC

Status of Implementation of Chapter III of the ARCSS

September 18, 2017

Juba, South Sudan



Joint Monitoring and Evaluation Commission (JMEC)

A. Introduction

The JMEC Humanitarian Affairs Working Committee was established to jointly monitor and evaluate progress towards implementation of Chapter III - the Humanitarian Affairs and Reconstruction chapter - of the ARCSS and to recommend remedial actions if necessary. The chapter consists of two articles:

- 1: Agreed Principles for Humanitarian Assistance and Reconstruction; and
- 2: Special Reconstruction Fund (SRF)

Each of the two articles consists of a number of sections and sub-sections. Article 1 has two sections with section 1.1 focusing on the Pre-Transitional Period aimed at securing access to the population in need of humanitarian assistance, and protection and rights related to return of IDPs and refugees such as protection, reunification, and registration of children and property. Section 1.2 concerns the Transition Period and provides for administrative facilitation of delivery of humanitarian assistance, including stipulations that the TGoNU should instate relief and rehabilitation programmes, that public services should pay special attention to the conflict-affected population, that fast track procedures should be established for visa issuance and customs clearance, and that the draft NGO bill should be reviewed.

Article 2 has eight sections on the establishment and operation of a special fund to facilitate reconstruction, including provision of assistance and protection to conflict-affected people.

The JMEC Humanitarian Affairs Working Committee is chaired by H.E. Ambassador Fessaha Shawel Gebre, the Ethiopian ambassador to South Sudan. Other members of the committee are TGoNU; a representative of the Women's Bloc of South Sudan; and representatives of the embassies of Kenya, the Netherlands, and Canada. The committee has met four times since its establishment to discuss and monitor implementation of the ARCSS.

B. Methodology

The present report was developed based on information available from meetings of the JMEC Humanitarian Affairs Working Committee, from the Joint Humanitarian Affairs Discussion Meeting and from the Humanitarian High level Oversight Committee. Consultations with and reports from TGoNU representatives and representatives of IOs, the UN, donors, and national and international NGOs were also conducted. Unless otherwise indicated, quantitative data, including historical data, are based on publicly available reports from various UN organisations including UNOCHA and from other



Joint Monitoring and Evaluation Commission (JMEC)

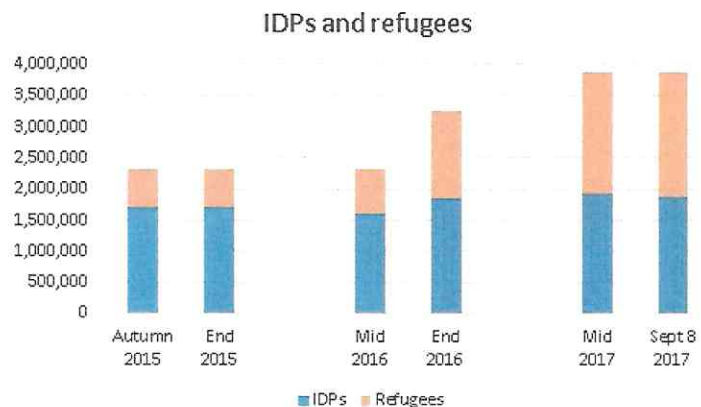
international organisations such as the Famine Early Warning Systems Network. Information is also gleaned from updates provided by other working committees established by JMEC.

C. Status of Chapter III Implementation

since signing the peace agreement the number of displaced people has increased from around 2.3 million to almost 4 million as of September - a 40% increase, and a higher proportion of those are leaving the country altogether (27% and 50% of the total displaced population were refugees in 2015 and 2017, respectively). Although there has

been a decline in the number of IDPs recently, the number of refugees has continued to increase since June 2017 by 80,000, or almost 900 people per day. See figure 1 to the right for a graphical representation, and for more details and sources of data please refer to section 1.1.2 in Annex 1.

Figure 1: Displaced people



Half of the population (6 million)

is now severely food insecure compared to less than 4 million at the time of signature of the ARCSS (see figure 2 on the next page, and more details and sources of data in section 1.1.2 in Annex A). In early 2017 parts of South Sudan experienced famine, and is presently experiencing the most deadly cholera epidemic since independence. Additionally a new pest has arrived, the fall armyworm that is likely further to reduce

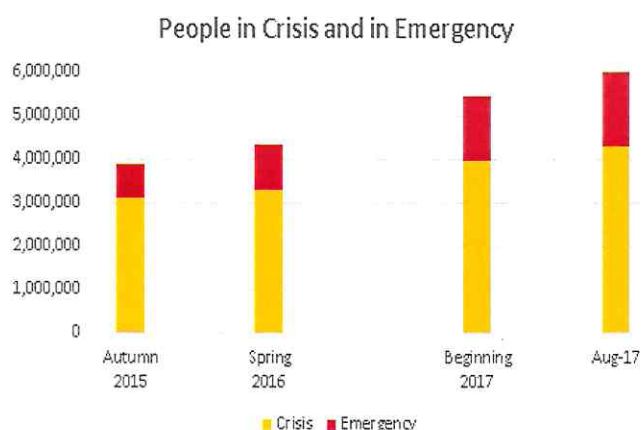


Joint Monitoring and Evaluation Commission (JMEC)

agricultural production. In addition to food insecurity and displacement, the people fleeing reported abuses in the form of indiscriminate killings, rape and sexual mutilation of girls, women, boys and men, and destruction of properties.

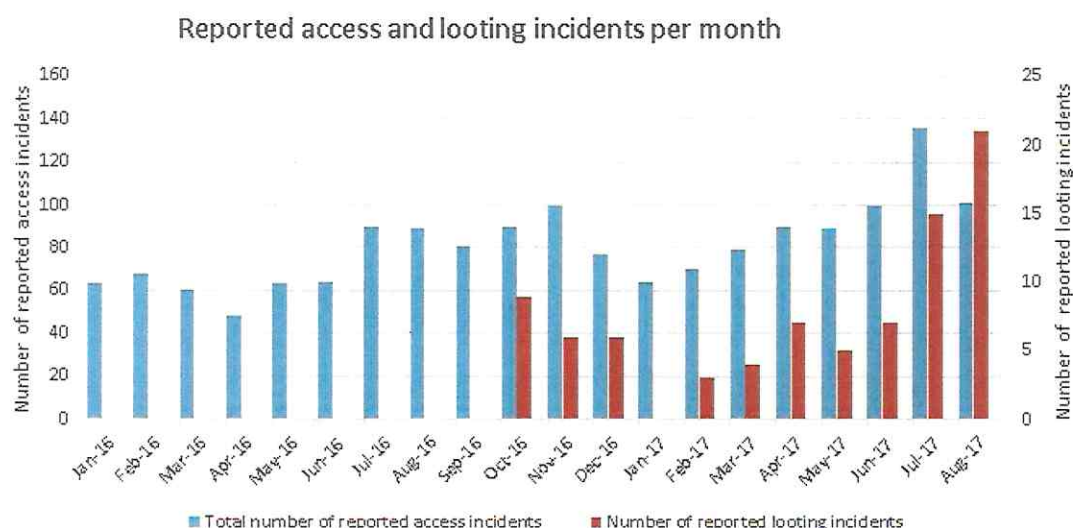
While the humanitarian crisis has continued to worsen, progress on implementation of the articles in the ARCSS has been limited. None of the articles, sections, and subsections have been fully implemented.

Figure 2: People in crisis and in emergency



Humanitarian access remains inconsistent and more and more incidents of impediments of humanitarian access are being reported as per figure 3 below. The months of July and August 2017 have witnessed their highest number of reported incidents with 136 and 101 cases reported, respectively. For more details and sources of data, please refer to section 1.1.1 in Annex 1. Reported incidents include killings of aid workers, a violation of international humanitarian law with 48 aid workers killed since signing of the peace agreement. Also included in the reported cases are forced recruitment of aid workers with a case reported in June. Reported incidents also include bureaucratic impediments such as uncertainties surrounding issuance of visa and customs clearance processes. During 2017, 53 cases of looting of supplies were reported with a total of

Figure 3: Access and looting incidents





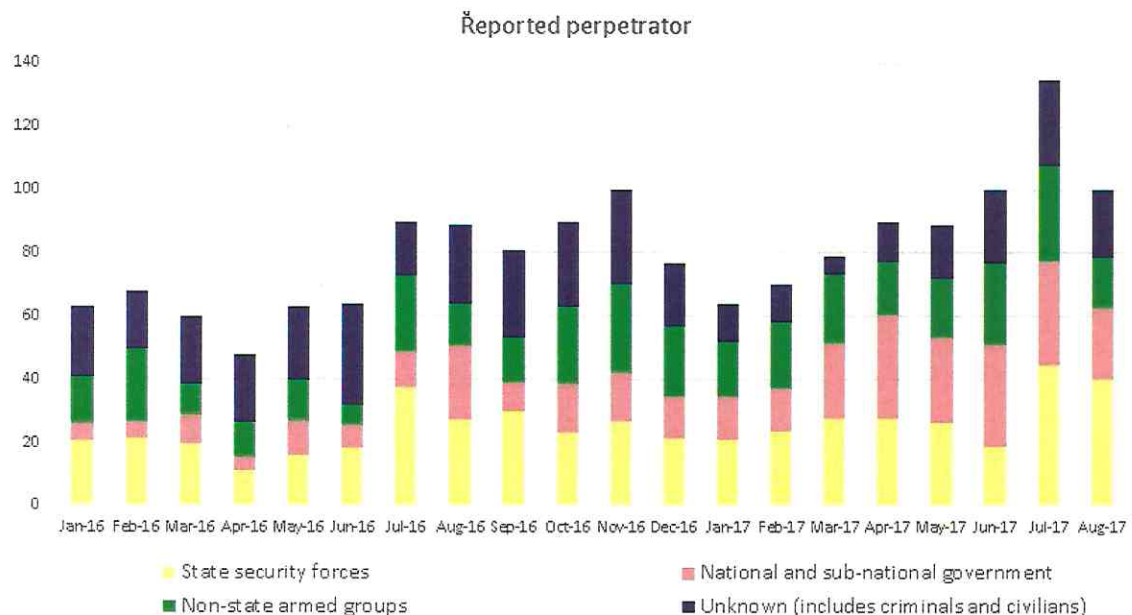
Joint Monitoring and Evaluation Commission (JMEC)

670 metric tons of food looted. There has been an increase in reported cases of looting in July and August. There are no clear trends in the development of other types of incidents reported (more data can be found in section 1.1.1 in Annex 1).

As far as access authorisations are concerned, authorisations might in some instances be granted by one TGoNU entity, but might be overturned by other entities along the road or by local level authorities. The poor state of the infrastructure and the shortage of fuel also hamper access.

The reported perpetrators of the access incidents include state security forces; national and sub-national forces; non-state armed actors; or unknown perpetrators. As per figure 4 below, around half of the reported perpetrators are state security forces or state and sub-state entities; the other half of incidents are reported to have been perpetrated by non-state armed groups and by unknown people. There has been no clear trends in the incidents reported to be by a specific type of perpetrators (more details are available in section 1.1.1 of Annex 1).

Figure 4: Distribution of type of perpetrator



The Humanitarian Affairs Working Committee has met five times. The committee has contributed to ensure humanitarian access by facilitating the Humanitarian Affairs Discussion Forum (in July 2017) that discussed the challenges related to delivery of



Joint Monitoring and Evaluation Commission

(JMEC)

humanitarian assistance. The forum had high-level participation of TGoNU representatives, the UN, NGOs, and donors. The forum agreed that the Humanitarian Coordination Forum, chaired by the Hon. Minister of Humanitarian Affairs and Disaster Management would meet monthly and that the Humanitarian High Level Oversight Committee would meet quarterly. The Humanitarian Coordination Forum has met four times since its inception (in December 2016, and in March, August and September 2017), and there has been some progress insofar as issues have been discussed and options for the way forward have been outlined. The Humanitarian High Level Oversight Committee has met two times: October 2016 and March 2017.

Although there has been some limited returns, the larger-scale returns of IDPs and refugees anticipated in the ARCSS has not yet commenced, on the contrary. More and more people are fleeing their homes. It remains to be seen to what extent the rights of the returnees will be respected, including how they will be protected, supported with reunification, and registration of children and property. On-going discussions within the TGoNU on how it can adopt the Kampala Convention on the rights of IDPs will contribute to ensure the rights of IDPs.

The TGoNU has implemented some relief programmes, but is not able to undertake large-scale programming due to the financial situation. Most of the humanitarian support is provided by the international community, which by August 2017 has donated USD 1 billion, and USD 1.2 billion in 2016. The TGoNU has developed a framework for the return of IDPs and refugees. There is a need to align and coordinate the framework with the humanitarian community.

The provisions concerning fast tracking bureaucratic procedures have not been fully implemented. There have been proposals over the years to increase the cost of NGO registration and work permits while the processes for obtaining visa and customs clearances are inconsistently applied. The 2013 NGO Bill was not reviewed prior to signature and does not fully adhere to international best practices.

The provisions regarding setting up and running a Special Reconstruction Fund have not commenced. Given the present level of conflict and the economic situation, it is not expected that this task will commence in the medium-term future.

The Humanitarian Affairs Working Committee finds that the articles of Chapter III of the ARCSS have not been fully implemented and that there remains work to do with regard to all articles and sections. Many of the tasks ahead will be relying on the establishment of a permanent peace, which will allow for the displaced population to return, and for commencement of reconstruction.



Joint Monitoring and Evaluation Commission

(JMEC)

D. Challenges

The main challenge to implementation of the articles of chapter III is the on-going conflict. The on-going conflict continues to displace people within South Sudan and to neighbouring countries and disrupts agricultural production. The economic situation contributes to food insecurity through rising prices of staple food while at the same time driving down the purchasing power of wages. It also reduces the capacity of the health sector, leading to more deaths from preventive or curable diseases.

Inconsistent humanitarian access caused by insecurity or bureaucratic impediments is making implementation of the humanitarian assistance less effective and less efficient.

E. Observations and Recommendations

The humanitarian situation remains precarious with an increase in the number of people in need of humanitarian assistance. Delivery of humanitarian assistance remains complex and access impediments are reducing the effectiveness and efficiency hereof.

Besides ending the on-going conflict there is a need to reduce the bureaucratic procedures related to humanitarian assistance and steps must be taken to improve the economic situation. These steps together will assist in reducing displacement and food insecurity, and will facilitate return of IDPs and refugees. In anticipation of a large-scale return, a joint comprehensive framework encompassing all aspects of return should be collectively agreed by TGoNU and the humanitarian actors.

The revitalisation process should urge the TGoNU to follow through on all its commitments regarding not only chapter III of the ARCSS, but also other chapters of the ARCSS that have a direct impact on the humanitarian situation.



Ambassador Fessaha Shawel

Chairperson, JMEC Humanitarian Affairs Working Committee

Annex 1. Chapter III M&E Matrix

ARTICLE	STATUS	RESPONSIBILITY	RECOMMENDATION
1. Agreed principles for Humanitarian Assistance and Reconstruction			
1.1 During the Pre-Transitional Period, the GRSS and the South Sudan Armed Opposition shall create an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection. In addition to the Permanent Ceasefire obligations described in Chapter II, the GRSS, the South Sudan Armed Opposition shall ensure:	Not fully implemented	TGoNU	The parties to the ACCRSS should do their utmost to ensure access to the people in need of humanitarian access by reducing conflict and eliminating access obstacles. A joint framework agreed upon by all parties, including TGoNU and the humanitarian community, for reception and reintegration of returning IDPs and refugees should be developed in order to ensure the safety, dignity and rights of returnees.

ARTICLE		STATUS	RESPONSIBILITY	RECOMMENDATION				
1.1.1.1	Secure access to civilian populations in need of emergency humanitarian assistance and protection	Not fully implemented	TGoNU	It is important that access to people in need of humanitarian assistance is secured by ensuring the safety of personnel and supplies, and by removing administrative and financial obstacles at all levels.				
Assessment	Table 1: Type of access incident ¹							
	Although the TGoNU generally allows personnel and supplies to be airlifted to all areas, including those held by other parties to the conflict, the humanitarian access generally remains inconsistent and unpredictable with an increasing trend in the number of reported access incidents. Table 1 to the right shows the number and types of incidents reported. During the past few months of 2017 there has been an increase in the number of cases reported to OCHA from 89 in May 2017 to 136 cases in July 2017 and 101 cases in August 2017, including 15 incidents of looting of a total							
				% distribution of type of access incident				
			Violence against personnel// assets	Interference in operations ²	Restriction of movement	Active hostilities	Bureaucratic impedim.	
		Jan-16	63		56	14	19	11
		Feb-16	68		51	5	19	25
		Mar-16	60		72	3	22	3
		Apr-16	48		79	6	10	4
		May-16	63		73	21	5	1
		Jun-16	64		84	10		6
		Jul-16	90		73	8	4	15
		Aug-16	89		72	14	8	4
		Sep-16	81		73	6	15	5
		Oct-16	90	9	72	13	4	10
		Nov-16	100	6	66	26	4	3
		Dec-16	77	6	61	27	4	8
		Jan-17	64		53	28	14	3
		Feb-17	70	3	52	27	14	7
		Mar-17	79	4	46	28	15	11
		Apr-17	90	7	47	31	9	9
		May-17	89	5	32	31	9	17
		Jun-17	100	7	46	29	9	2
		Jul-17	136	15	36	29	6	9
		Aug/17	101	21	51	10	1	7

¹ All data from monthly OCHA Humanitarian Snapshots available on reliefweb.int.

² Includes occupation of/attack on civilian infrastructure.

ARTICLE	STATUS	RESPONSIBILITY	RECOMMENDATION
of 670 metric tons of food in July 2017. There is also a trend toward increased incidents of looting. See a graphical representation of the data in figure 5 to the right. Access incidents also include killings of aid workers (47 since signature of the ARCSS), numerous road blocks increasing transportation costs and time needed to deliver critical relief supplies, arrest or forced recruitment of aid workers, threat letters, increase in NGO registration fees, and illegal payment of local taxes. The current and continued shortage of fuel also hampers the delivery of relief, as does the poor state of most roads, making them impassable for large parts of the year. A graphical representation of the types of incidents does not reveal a clear pattern in the developments of the types of incidents (see figure 6 to the right) except that the bureaucratic impediments appears to be on the rise. However, it is uncertain if this is merely attributable to increased attention and reporting hereof. That, however, does not take away the fact that bureaucratic impediments in August 2017 accounted for more than a fifth (27%) of all reported access incidents. The distribution of the types or reported perpetrators is shown in table 2 to the right. State security forces and national and sub-national			
Figure 5: Access and looting incidents Reported access and looting incidents per month Figure 6: Distribution of reported type of incident			

ARTICLE	STATUS	RESPONSIBILITY	RECOMMENDATION	
government entities are reported as perpetrators of around half of all reported incidents, around a quarter of all incidents are by non-state armed groups, and the rest is unknown or by criminals. The graphical representation of the data in figure 7 below does not reveal any obvious upward or downward trends in the types of perpetrator.				
Table 2: Percentage distribution of reported perpetrator ³				
Jan-16	33	8	24	35
Feb-16	32	7	34	27
Mar-16	33	15	16	36
Apr-16	23.5	8	23.5	45
May-16	26	17	20	37
Jun-16	29	11	10	50
Jul-16	42	12	27	19
Aug-16	31	26	15	28
Sep-16	37	11	18	34
Oct-16	26	17	27	30
Nov-16	27	15	28	30
Dec-16	28	17	29	26
Jan-17	33	21	27	19
Feb-17	34	19	30	17
Mar-17	35	30	28	7
Apr-17	31	36	19	14
May-17	30	30	21	19
Jun-17	19	32	26	23
Jul-17	33	24	22	20
Aug-17	40	22	16	21
Figure 7: Distribution of type of perpetrator				
At the Joint Humanitarian meeting held in July 2017, representatives of the TGoNU agreed that communication to local levels could be limiting movements of personnel and supplies, and alleged that not all instances of denial or obstruction of access				

³ All data from monthly OCHA Humanitarian Snapshots available on reliefweb.int.

⁴ Includes criminals and civilians.

ARTICLE	STATUS	RESPONSIBILITY	RECOMMENDATION
	would be due to actions by TGoNU forces as different groups were wearing uniforms similar to TGoNU forces. The TGoNU, furthermore, stated that they were unaware of any cases where TGoNU had denied access. Humanitarian actors find that there is limited alignment and communication across government entities and at different levels. In order to facilitate humanitarian access a Humanitarian Coordination Forum has been established. The forum is chaired by the Honourable Minister of Humanitarian Affairs and Disaster Management with participation of Relief and Rehabilitation Committee, various ministries, donors, and selected NGOs and UN agencies. The aim of the forum is to discuss the humanitarian situation and access impediments with a view to resolving issues. If issues can not be solved at the forum-level, they are referred to the Humanitarian High-Level Oversight Committee. The forum is expected to meet quarterly with the last meeting held on August 9, 2017/ The Humanitarian High-Level Oversight Committee was established based on Presidential decree of October 15, 2016 and is chaired by the Honourable Minister of Cabinet Affairs. Other members of the committee are the Honourable Minister of Gender, Child Welfare and the Honourable Minister of Minister of Humanitarian Affairs and Disaster Management as well as the SPLA Deputy Chief of Staff for Operations, National Security Service Director General of Internal Security Bureau, Deputy Inspector General of Police, RRC Chairperson, and representatives from UNMISS and OCHA NGO Steering Committee, UNHCR and WFP. The committee discusses issues stemming from discussions at the Humanitarian Coordination Forum. To further strengthen the resolution of issues related to impediment to the humanitarian access, the Ministry of Humanitarian Affairs and Disaster Management has initiated a capacity development programme aimed at ministerial and State Coordinators from all states.		

ARTICLE	STATUS	RESPONSI- BILITY	RECOMMENDATION																																			
1.1.2. The right of refugees and Internally Displaced Persons (IDPs) to return in safety and dignity and to be afforded physical, legal and psychological protection	Not implemented	TGoNU	The parties to the ARCSS should facilitate cessation of further displacement, and when conditions are favourable for returns a safe and dignified return for those who wish to do so should be facilitated. The rights of vulnerable groups should be ensured.																																			
Assessment	⁶Since the signing of the ARCSS there has been a continuous increase in the number of people displaced from around 2.3 million at the time of signature of the ARCSS to 3.86 million by July 31, 2017 (see table 3 below and figure 8 to the right). An increasing proportion of the displaced has left South Sudan altogether, living now as refugees in neighbouring countries - from 27% (600,000) to now 52% (2 million) of the total displaced population. A little more than half (54%) of the refugees are women and girls. Table 4 below shows that since the unilateral ceasefire was declared in May 2017 an additional 170,000 people have left the country and are living as refugees in neighbouring countries. This displacement is partial offset by a decrease in the number of IDPs with 100,000 fewer by September 2017 as compared to by the end of May 2017. TGoNU has assisted some IDPs in returning to their homes.																																					
Table 3: IDPs and Refugees⁵ <table><tr><th>Time</th><th>IDPs</th><th>Refugees</th><th>Total</th><th>% refugees</th></tr><tr><td>Autumn 2015</td><td>1,700,000</td><td>632,000</td><td>2,332,000</td><td>27</td></tr><tr><td>End-2015</td><td>1,700,000</td><td>634,000</td><td>2,334,000</td><td>27</td></tr><tr><td>Mid-2016</td><td>1,600,000</td><td>727,000</td><td>2,327,000</td><td>31</td></tr><tr><td>End-2016</td><td>1,850,000</td><td>1,400,000</td><td>3,250,000</td><td>43</td></tr><tr><td>Mid-2017</td><td>1,940,000</td><td>1,940,000</td><td>3,880,000</td><td>50</td></tr><tr><td>Sept-2017</td><td>1,870,000</td><td>2,000,000</td><td>3,870,000</td><td>52</td></tr></table>				Time	IDPs	Refugees	Total	% refugees	Autumn 2015	1,700,000	632,000	2,332,000	27	End-2015	1,700,000	634,000	2,334,000	27	Mid-2016	1,600,000	727,000	2,327,000	31	End-2016	1,850,000	1,400,000	3,250,000	43	Mid-2017	1,940,000	1,940,000	3,880,000	50	Sept-2017	1,870,000	2,000,000	3,870,000	52
Time	IDPs	Refugees	Total	% refugees																																		
Autumn 2015	1,700,000	632,000	2,332,000	27																																		
End-2015	1,700,000	634,000	2,334,000	27																																		
Mid-2016	1,600,000	727,000	2,327,000	31																																		
End-2016	1,850,000	1,400,000	3,250,000	43																																		
Mid-2017	1,940,000	1,940,000	3,880,000	50																																		
Sept-2017	1,870,000	2,000,000	3,870,000	52																																		
Figure 8: Displaced people IDPs and refugees <table><caption>Data for Figure 8: Displaced people</caption><thead><tr><th>Time</th><th>IDPs</th><th>Refugees</th><th>Total</th></tr></thead><tbody><tr><td>Autumn 2015</td><td>1,700,000</td><td>632,000</td><td>2,332,000</td></tr><tr><td>End 2015</td><td>1,700,000</td><td>634,000</td><td>2,334,000</td></tr><tr><td>Mid 2016</td><td>1,600,000</td><td>727,000</td><td>2,327,000</td></tr><tr><td>End 2016</td><td>1,850,000</td><td>1,400,000</td><td>3,250,000</td></tr><tr><td>Mid 2017</td><td>1,940,000</td><td>1,940,000</td><td>3,880,000</td></tr><tr><td>Sept-8 2017</td><td>1,870,000</td><td>2,000,000</td><td>3,870,000</td></tr></tbody></table>				Time	IDPs	Refugees	Total	Autumn 2015	1,700,000	632,000	2,332,000	End 2015	1,700,000	634,000	2,334,000	Mid 2016	1,600,000	727,000	2,327,000	End 2016	1,850,000	1,400,000	3,250,000	Mid 2017	1,940,000	1,940,000	3,880,000	Sept-8 2017	1,870,000	2,000,000	3,870,000							
Time	IDPs	Refugees	Total																																			
Autumn 2015	1,700,000	632,000	2,332,000																																			
End 2015	1,700,000	634,000	2,334,000																																			
Mid 2016	1,600,000	727,000	2,327,000																																			
End 2016	1,850,000	1,400,000	3,250,000																																			
Mid 2017	1,940,000	1,940,000	3,880,000																																			
Sept-8 2017	1,870,000	2,000,000	3,870,000																																			

⁵ All data from monthly OCHA Humanitarian Snapshots available on reliefweb.int.

⁶ South Sudan Situation - Regional Overview of Population of Concern, UNHCR, July 31, 2017. Available on reliefweb.int.

⁷ All data from monthly OCHA Humanitarian Snapshots available on reliefweb.int.

ARTICLE	STATUS	RESPONSIBILITY	RECOMMENDATION																				
	The lack of return indicates that returnees have not been able to return safely and in dignity, and that insufficient protection has been afforded to them. Refugees continue to report abuses in the form of killings, abductions, forced recruitments, rape and destruction of property.⁸ Although the famine declared in February 2017 was averted - most likely mainly due to the combined efforts of the humanitarian actors - there has been a steady increase the people in need of humanitarian assistance (in Crisis or Emergency) from 3.9 million around signature of the ARCSS to now 6 million (see figure 9 to the right)⁹. Simultaneously there has been an increase in the percentage of people in emergency such that they now constitute more than a quarter of the people in need - almost 1.7 million people are in Emergency as of mid-2017.	People in Crisis and in Emergency Figure 9: People in crisis and in emergency <table border="1"> <caption>Estimated data from Figure 9: People in crisis and in emergency</caption> <thead> <tr> <th>Period</th> <th>Crisis (Red)</th> <th>Emergency (Yellow)</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Autumn 2015</td> <td>~1,000,000</td> <td>~3,000,000</td> <td>~4,000,000</td> </tr> <tr> <td>Spring 2016</td> <td>~1,000,000</td> <td>~3,000,000</td> <td>~4,000,000</td> </tr> <tr> <td>Beginning 2017</td> <td>~1,000,000</td> <td>~3,000,000</td> <td>~4,000,000</td> </tr> <tr> <td>Aug-17</td> <td>~1,000,000</td> <td>~4,000,000</td> <td>~5,000,000</td> </tr> </tbody> </table>	Period	Crisis (Red)	Emergency (Yellow)	Total	Autumn 2015	~1,000,000	~3,000,000	~4,000,000	Spring 2016	~1,000,000	~3,000,000	~4,000,000	Beginning 2017	~1,000,000	~3,000,000	~4,000,000	Aug-17	~1,000,000	~4,000,000	~5,000,000	
Period	Crisis (Red)	Emergency (Yellow)	Total																				
Autumn 2015	~1,000,000	~3,000,000	~4,000,000																				
Spring 2016	~1,000,000	~3,000,000	~4,000,000																				
Beginning 2017	~1,000,000	~3,000,000	~4,000,000																				
Aug-17	~1,000,000	~4,000,000	~5,000,000																				
1.1.3. The rights of returnees shall be respected in accordance with the Bill of Rights as provided for in the Transitional Constitution (TCRSS). Given that, efforts shall be made to assist in the re-unification of family members who were separated during the conflict	Environment not yet conducive for return.	TGoNU	In anticipation of a permanent ceasefire, provisions for reunification of families should be prepared as part of a finalised comprehensive framework for return of IDPs and refugees.																				
Assessment	Some limited assistance to reunification of family members who were separated during the conflict has been provided by TGoNU and the humanitarian actors.																						

⁸ OCHA Humanitarian Bulletin, Issue 12, July 28th, 2017 and OCHA Humanitarian Bulletin, Issue 11, July 15th, 2017. All are available on reliefweb.int.

⁹ Reports with data available on fews.net/east-africa/south-sudan and in OCHA Humanitarian Bulletins on reliefweb.int.

ARTICLE		STATUS	RESPONSIBILITY	RECOMMENDATION
1.1.4. The right of refugees and IDPs to citizenship and the establishment of mechanisms for registration and appropriate identification and/or documentation of affected populations including their children, spouses, property, land and other possessions which might have been lost during the conflict;		Not fully implemented	TGoNU	Procedures for ensuring the rights to citizenship and to documentation should be included in a finalised comprehensive framework for return of IDPs and refugees.
Assessment	The capacity to register and provide identification and/or documentation of affected populations including their children, spouses, property, land and other possessions remains limited.			
1.1.5. Exercise of the right of refugees and IDPs to return to their places of origin and/or live in areas of their choice in safety and dignity		Environment not yet conducive for return.	TGoNU	Preparations for voluntary returns in safety and dignity should be prepared as part of the finalisations of a comprehensive framework for returns.
Assessment	Refugees and IDPs in principle have the right to return, but as concerns remain about their safety and dignity only few choose to do so. See also information in section 1.1.2.			

ARTICLE		STATUS	RESPONSIBILITY	RECOMMENDATION
1.2. During the Transition, the TGoNU shall:				
	1.2.1. Institute programs for relief, protection, repatriation, resettlement, reintegration and rehabilitation of Internally Displaced Persons (IDPs) and returnees, in coordination with the United Nations and other relief and humanitarian agencies	Not fully implemented	TGoNU, UN, INGOs, NNGOs, IOS	It is recommended that the TGoNU in coordination with humanitarian partner agree on a comprehensive joint framework in preparation for the return of IDPs and refugees.
Assessment	The TGoNU in collaboration with UN agencies has developed a framework that has been accepted by the Council of Ministers. However, the framework does not necessarily fulfil all requirements and standards of the humanitarian actors in South Sudan. The TGoNU has implemented some relief programmes for IDPs as has the international humanitarian community, but there remain gaps as evidenced by the fact that more people are leaving their homes (see also section 1.1.1.). Additionally, TGoNU has initiated discussions on how it could adopt the Kampala Convention that legally binds governments to protect the rights and wellbeing of IDPs. Agreeing to and implementing the articles in the convention will assist in developing a framework for the return of IDPs			
	1.2.2. Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.), in the provision of public service delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services	Not fully implemented	TGoNU	The capacity of the public service sector should be enhanced in order to cope with the special needs of some the most vulnerable segments of the conflict-affected population
Assessment	Due to the conflict and the declining economic performance (by July 2017 an annual inflation rate of 150% with the South Sudanese pound having depreciated 500% in 2016 and almost 50% by mid-2017 towards the US Dollar. Government revenues have declined drastically and most government employees have not been paid since April 2017. The combined effect of this is that the delivery of public services remains limited, including to not only conflict-affected persons but also to their host communities. The TGoNU has thus only to a limited extent been able to offer special consideration to conflict-affected persons and their host communities.			

ARTICLE		STATUS	RESPONSIBILITY	RECOMMENDATION
1.2.3. Fast track procedures and institutions for the import and customs clearance of relief materials		Not fully implemented	TGoNU	Procedures for import and clearance of goods related to delivery of humanitarian services should be streamlined in order to avoid loss of crucial time and sometimes even loss of the goods.
Assessment	The time and procedures required to clear relief materials through customs remains erratic, making planning difficult. Importation of medicine is especially time-consuming and taxes has to be paid to the Drug and Food Authority (for more on this, please refer to section 1.1.1 indicating an increase in bureaucratic impediments). Such delay has been a further drain on the already limited resources available for humanitarian assistance, and can hinder timely pre-positioning of lifesaving supplies.			
1.2.4. Fast track procedures and institutions for the granting and renewal of visas required by international personnel participating in the humanitarian relief effort		Not fully implemented	TGoNU	Procedures for granting and renewing visas should be streamlined and clear guidelines should be issued to all levels.
Assessment	Issuance of visas for international personnel participating in the humanitarian relief can be challenging. Half of respondents to a 2017 survey had experienced challenges, including delays and denials, in issuance of visas leading to delays in implementation (for more on this, please refer to section 1.1.1 indicating an increase in bureaucratic impediments). The fee for obtaining a work permit for humanitarian workers was USD 100/year in 2016, and an increase to USD 10,000 was proposed in March 2017. The fee hike was later retracted, but an increase is reportedly foreseen in the draft budget. Some humanitarian actors experience bureaucratic impediments in obtaining work permits. Some humanitarian actors, furthermore, have experienced demands for registration at state levels, while others have experienced delays, leading to delayed implementation of activities.			

ARTICLE		STATUS	RESPONSIBILITY	RECOMMENDATION
1.2.5. Review the draft Non-Governmental Organizations Bill, 2013 and submit the legislation to a process of public consultation, to ensure that such legislation complies with international best practice in regulating the activities of non-governmental organizations in South Sudan		Not implemented	TGoNU	The NGO Bill should be reviewed with a view to ensure that it complies with best international practices. Before final approval the reviewed bill should be submitted for public consultation.
Assessment	The NGO Bill was not reviewed, but was passed as it was despite protests from the humanitarian community that it was not in line with international best practices.			
2. Special Reconstruction Fund (SRF) (all section)				
The SRF has not yet been established		Environment not yet conducive for reconstruction	TGoNU	When conflict ceases to a level whereby meaningful reconstruction can be initiated, the establishment of the SRF should commence immediately
Assessment	Initiation of the development of the special reconstruction fund is dependent upon the establishment of conditions that will facilitate nation-wide reconstruction			