



Status of implementation of the R-ARCSS 2018

28 September 2018

1. Introduction

In June 2017, IGAD approved JMEC's recommendation to convene a High-Level Revitalization Forum (HLRF) of the Parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), including estranged groups to discuss concrete measures to restore the permanent ceasefire, full implementation of the peace agreement and develop a revised realistic timelines and implementation schedule towards democratic elections at the end of the Transitional Period.

The Summit tasked the IGAD Council of Ministers and the Special Envoy for South Sudan to convene and facilitate this process. The Chairperson of JMEC was instructed to provide secretariat support to the Council and accordingly dedicated JMEC advisors to provide support as the HLRF Taskforce.

After 15 months of negotiations, the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was signed on September 12, 2018 in Addis Ababa, Ethiopia. This historic signing of the Revitalized Agreement heralds a new dawn in the Republic of South Sudan. The inclusive nature of the R-ARCSS provides the best opportunity to restore hope, build lasting peace, and usher in a democratic dispensation and development in the country.

Since the signing of the Agreement, several important developments have taken place to kick-start timely implementation of the R-ARCSS 2018.

This report provides interim update on the status of the implementation of the R-ARCSS over the past 15 days in accordance with the implementation matrix, outstanding tasks, upcoming activities, key observations and recommendations.

2. Preparatory Tasks for the Pre-Transitional Period

On September 18, the JMEC HLRF taskforce met with the State Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, representing the Chairperson of the IGAD Council of Ministers to reflect on the HLRF process and outcomes, discuss the R-ARCSS 2018 implementation matrix and the way forward.

In the meeting the Taskforce was instructed to develop a list of key priority actions required from IGAD, as the Mediator, to kick-start immediate implementation. A comprehensive list of IGAD responsibilities and priority list was developed and submitted to the Office of the Chairperson, IGAD Council of Ministers on September 18, 2018 (See Annex A).

On September 20, the Chairperson of JMEC wrote a letter to all the Parties and Stakeholders of the R-ARCSS 2018 to bring to their attention immediate obligations critical for the implementation of the R-ARCSS during the Pre-Transitional Period and in preparation for the Transitional Period.

In the letter, the JMEC Chairperson called upon all Parties to urgently submit names of their nominees to the National Pre-Transitional Committee (NPTC); National Constitutional Amendment Committee (NCAC); Independent Boundaries Commission (IBC); Technical Boundaries Committee (TBC); Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanisms (CTSAMVM) Board; Joint Military Ceasefire Commission (JMCC); Strategic Defense and Security Review Board (SDSRB); Joint Transitional Security Committee (JTSC); Joint Defence Board (JBD); and Revitalized Joint Monitoring and Evaluation Commission (R-JMEC).¹

The JMEC Chairperson also highlighted to the Parties and Stakeholders key commitments under the R-ARCSS 2018, to be observed immediately, namely:

- Ratification of the R-ARCSS;
- Drafting of the Constitutional Amendment Bill to incorporate R-ARCSS into Transitional Constitution of the Republic of South Sudan (TCRSS);
- Establishment of a Fund for the implementation of activities during the Pre-Transitional Period;
- Adherence to the Permanent Ceasefire throughout the Republic of South Sudan;
- Creating conducive conditions for voluntary repatriation, resettlement,

¹ The letter was submitted to the leadership of the Incumbent TGoNU, SPLM/A-IO, SSOA, FDs, OPP, Stakeholders/ Adherents, Guarantors/Witnesses, and the IGAD Special Envoy for South Sudan.

rehabilitation and reintegration of returnees and;

- Wide dissemination of the R-ARCSS 2018 provisions to all forces, allies and affiliates, and ensuring compliance;
- Strict implementation of all the ceasefire arrangements including disengagement and separation of forces in close proximity, withdrawal of own and allied troops;
- Opening of humanitarian corridors;
- Release of all prisoners of war and political detainees;
- Refraining from all prohibited actions and complying with all obligations outlined in the CoHA 2017;
- Convening of the Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop in Khartoum; and
- Timely implementation of all agreed Pre-Transitional tasks, as scheduled.

On September 24, the IGAD Special Envoy for South Sudan, also wrote to the Parties and Stakeholders to remind and urge them to nominate their representatives to the various institutions and mechanisms of the R-ARCSS.

3. Progress update D-Day +15

In accordance with the R-ARCSS implementation matrix, the following tasks have been implemented from the day of the signing of the R-ARCSS to-date:

- The signed R-ARCSS has been disseminated by IGAD immediately from the D-Day as per article 2.1.3 and this process is ongoing;
- JMEC HLRF Taskforce reflection with the IGAD Special Envoy for South Sudan on the outcome of the HLRF process and way forward. This meeting was held in Addis Ababa, Ethiopia on September 17;
- The HLRF Taskforce and the Chairperson of the IGAD Council of Ministers met and discussed urgent actions to be taken by IGAD to kick-start R-ARCSS implementation (IGAD Key Priority Tasks) was held on September 18;
- The Chairperson of JMEC sent letters to the Parties on September 20 requesting them to nominate representatives to the institutions/mechanisms of the Agreement;
- The IGAD Special Envoy sent follow-up letters to the Parties and Stakeholders to expedite nominations to the Agreement institutions and mechanisms on

September 24;

- The Parties and Stakeholders to the R-ARCSS continue to nominate their representatives to the Agreement institutions and mechanisms;
- Regarding the ratification of the R-ARCSS, by the leadership organs of the various Parties required under article 8.1, the SPLM/A-IO completed it on September 22; two groups within SSOA: NDM and FDP have equally ratified;
- The Khartoum celebration of the signing of the R-ARCSS was convened on September 22 as part of ongoing confidence building measures between the Parties and Stakeholders;
- President Salva Kiir's invitation to all opposition leaders on September 22 for peace celebrations in Juba is also an important step towards confidence building;
- Furthermore, the meeting of the leadership of the Parties to the R-ARCSS and Stakeholders in Khartoum held on September 22 was an important step for confidence building;
- Three Parties to the R-ARCSS declared commitment in support of the Agreement as per article 1.4.2. These are Incumbent TGoNU (on September 15), SPLM/A-IO (on September 15) and SSOA (on September 16);
- The Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop was convened by CTSAMM as per article 2.1.11 on September 24-25;
- President Salva Kiir had already appointed the National Pre-Transitional Committee (NPTC) in a Republican Order No. 16/2018 on September 25 as per article 1.4.7; and
- The CTSAMM Board was also reconstituted on September 27 as per article 2.4.6 of the R-ARCSS.

4. Outstanding tasks

The following Pre-Transitional Period tasks were supposed to have been concluded by D-Day +15:

- Ratification of the R-ARCSS as per article 8.1 by the Transitional National Legislature (TNL) of the Republic of South Sudan and the leadership organ of SSOA was expected to be concluded by September 19;
- The immediate tasks that should have been implemented upon the signing of the R-ARCSS include: approval of the RJMEC Terms of Reference by IGAD as per article 7.4 by IGAD; appointment of RJMEC Chairperson as per article 7.3

by IGAD; Reconstitution of the NCAC by IGAD; release of all prisoners of war and political detainees by all Parties; and establishment of the IBC and TBC by IGAD.

- Formation of the Joint Defense Board (JDB) by the warring parties by September 17;
- Dissemination of Permanent Ceasefire and compliance herewith by Parties – immediate September 19;
- Reconstitution of the JMCC by September 22;
- Disengagement of forces by the Parties as per article 2.1.5 by Sept 27
- Establishment of Joint Transitional Security Committee (JTSC) by the Parties by September 22; and
- Reconstitution of the JMEC by IGAD by September 27.

5. Upcoming deadline up to D-Day +30

It is also important that the Parties and Stakeholders pay attention to the following upcoming timelines up to D-Day +30:

- Drafting of the Constitutional Amendment Bill to incorporate R-ARCSS into TCRSS as per article 1.17.1.1 by NCAC when established is expected to be completed by October 2
- Establishment of a Fund for the implementation of the activities of the Pre-Transitional Period as per article 1.4.8 by I-TGoNU by October 2;
- Reconstitution of the SDSR Board by the NPTC is to be completed by October 12;
- Reconstitution of the DDR Commission by NPTC is to be completed by October 12;
- Completion of disengagement and separation of forces by the Parties is to be completed by October 12;
- Convening of the first meetings of the established and reconstituted Agreement institutions and mechanism by IGAD by October 12; and
- Drawing a roadmap for implementing the political tasks of the Pre-Transition Period and preparation of a budget by the NPTC upon its convening.

6. Observations

- During the first two weeks, progress has been made in confidence building, including declarations by Parties, celebration to mark the signing of the R-ARCSS and dialogue between the Party leaders.
- The NPTC has been fully constituted within the prescribed timeframe of the R-ARCSS. Out of the ten (10) NPTC members, one is a woman.
- Timelines for reconstitution/establishment of NPTC and CTSAMVM have been adhered to, other timelines have been missed.
- Incidents of fighting have been reported in Central Equatoria and Unity in violation of the Permanent Ceasefire. These are under investigation by CTSAMVM.

7. Recommendations

- In selecting their nominees, the Parties and Stakeholders should give due consideration to gender and age representation as per the R-ARCSS.
- The reconstitution and establishment of outstanding agreement institutions/mechanisms should be expedited;
- The Parties should adhere to the provisions of the permanent ceasefire as per article 2.1.1, and hold violators accountable;
- The R-ARCSS should be widely disseminated by the Parties and all Stakeholders; and
- The Transitional National Legislature (TLN) should expedite the ratification of R-ARCSS.

End

ANNEX A: IGAD KEY PRIORITY TASKS

S/No.	Mechanism	Activity	Timeline	Action Point
1.	Establishment of the National Pre-Transition Committee (NPTC) - Article 1.4.7	Nominations, appointment and convening of the first NPTC meeting	D-Day + 14 days Deadline: 26 September	IGAD Special Envoy to write to the Parties to submit nominees and the President to formally appoint the members
2.	Reconstitution of the National Constitutional Amendment Committee (NCAC) - Article 1.18	Nominations and holding of the first meeting	Immediate	IGAD Special Envoy to write to the Parties to submit representatives to the NCAC
3.	Formation of the IBC - Article 1.5	Nominations and appointment	D-Day +14 Deadline: 26 September	<ul style="list-style-type: none"> • IGAD Special Envoy to write to the Parties to submit representatives to the IBC. • IGAD Executive Secretary to appoint the members to the IBC
4.	Formation of the TBC - Article 1.15.18.1	Appointment of TBC	Immediate	<ul style="list-style-type: none"> • IGAD Council of Ministers • IGAD Special Envoy to advise on the timelines
5.	Reconstitution of the Joint Monitoring and Evaluation Commission (RJMEC) - Article 7.1	Nominations and convening of the first meeting	D-Day +15 days Deadline: 27 September	<ul style="list-style-type: none"> • IGAD Special Envoy to write to the Parties and Stakeholders to submit representatives to RJMEC. • IGAD Summit to appoint a RJMEC Chairperson
6.	Convene a meeting of the Commanders-in-Chief of all warring parties - Chapter II Articles	Meeting for joint orientation to discuss the operationalization of transitional security arrangements	Immediate	IGAD Special Envoy's Office to convene

S/No.	Mechanism	Activity	Timeline	Action Point
7.	Establishment of Joint Defence Board - Article 2.4.2	Nomination of members to the JDB and holding of the first meeting	D Day + 5 Days Deadline: 17 September	IGAD Special Envoy's Office to convene immediately
8.	Establishment of the Joint Transitional Security Committee (JTSC) - Article 2.4.3	Nomination of representatives to the JTSC and holding of the first meeting	D Day + 10 Deadline: 22 September	IGAD Special Envoy's Office to convene
9.	Formation of the Joint Military Ceasefire Commission (JMCC) - Article 2.4.4	Nomination of representatives to the JMCC and convening of the first meeting	D Day + 10 Deadline: 22 September	JMEC & IGAD Special Envoy's Office to convene Venue: TBD
10.	Reconstitution of CTSAMVM - Article 2.4.5 & 2.4.6	Meeting <ul style="list-style-type: none"> • Convening of the Technical Committee • Convening of the CTSAMVM Board 	Immediate 24 to 27 September	CTSAMVM & IGAD Special Envoy's Office to write to the Parties to submit representatives to the CTSAMVM Board and the Technical Committee Venue: Khartoum
11.	Convening of the CTSAMVM PCTSA Workshop- Article 2.1.11	Workshop to undertake all the activities under Article 2.1.11	D-Day + 14	CTSAMVM & IGAD Special Envoy's Office Venue Khartoum
12.	Reconstitution of the SDSR Board - Article 2.5	Reconstitution of the Board	D-Day + 30 Days (could be expedited)	RJMEC & IGAD Special Envoy's Office
13.	Facilitate initial operationalization and implementation of the R-ARCSS			IGAD Special Envoy's Office throughout the Pre-Transition Period