



**Reconstituted Joint Monitoring and Evaluation Commission  
(RJMEC)**

PROGRESS REPORT BY

**H.E. MAJ. GEN. CHARLES TAI GITUAI (rtd)  
INTERIM CHAIRPERSON OF RJMEC**

**ON TWO YEARS OF THE TRANSITIONAL PERIOD OF THE  
REVITALISED AGREEMENT ON THE RESOLUTION OF THE  
CONFLICT IN THE REPUBLIC OF SOUTH SUDAN**

**COVERING THE PERIOD**

**22 February 2020 to 22 February 2022**

## Table of Contents

1. Foreword.....	3
2. Introduction.....	4
3. Revitalised Transitional Government of National Unity (RTGoNU) .....	6
4. Permanent Ceasefire and the Transitional Security Arrangements .....	10
5. Humanitarian Assistance and Reconstruction .....	18
6. Resource, Economic and Financial Management.....	20
7. Transitional Justice .....	22
8. Parameters of Permanent Constitution.....	23
9. Challenges to Implementation of the R-ARCSS.....	24
10. Conclusion .....	25

## 1. Foreword

The Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) is the official oversight body established by the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) and mandated to monitor and evaluate implementation of the Peace Agreement. Throughout the Pre-Transitional and the Transitional Periods, the RJMEC leadership engaged with the leadership of the Parties to the R-ARCSS, the Presidency, and the RTGoNU Ministers, and urged all Parties to expedite implementation of outstanding tasks of the R-ARCSS. Pursuant to its mandate, in situations of stalemate, RJMEC explored possible ways of breaking deadlocks, and offered several recommendations on remedial measures. Furthermore, the RJMEC leadership undertook visits during the Transitional Period to regional capitals, including Khartoum, Kampala, Addis Ababa, and Djibouti, and to Washington DC to encourage greater support for the peace process in South Sudan. The objective of these visits was to keep the issues of South Sudan on the agenda of key leaders and decision makers, and to push for multi-lateral support in advancing the progress of implementation of the R-ARCSS.

This report draws on various sources of information and reports periodically received from Agreement institutions and mechanisms pursuant to article 7.8 of the R-ARCSS, including:

- the Revitalised Transitional Government of National Unity (RTGoNU);
- the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), JDB, SDSR Board, JTSC, JMCC and National Transitional Committee (NTC);

- participatory peer reviews of the status of implementation of the thematic chapters of the R-ARCSS through monthly meetings of the six RJMEC Working Committees;
- RJMEC monthly plenary meetings; and
- regular consultative meetings the RJMEC leadership convenes with the Parties to the R-ARCSS, other South Sudanese stakeholders and adherents, regional guarantors and International Partners and Friends of South Sudan.

The period in review is 23 February 2020 – 22 February 2022.

## **2. Introduction**

This report covers the two-year long period of existence of the Revitalised Transitional Government of National Unity (RTGoNU), the unity government established in South Sudan as the key executive organ prescribed in the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) with the responsibility for its implementation. The R-ARCSS was signed by five Parties on 12 September 2018, which are:

1. The Incumbent Transitional Government of National Unity (ITGoNU);
2. The Sudan People's Liberation Movement/Army – In Opposition (SPLM/A-IO);
3. The Sudan People's Liberation Movement – Former Detainees (SPLM-FD);
4. The South Sudan Opposition Alliance (SSOA); and
5. The Other Political Parties (OPP).

The R-ARCSS contains tasks that were expected to be implemented by the signatories during an eight-month Pre-Transitional Period, and tasks that are to be implemented by the RTGoNU during a 36-month Transitional Period. The tasks to be implemented are in the areas of governance, permanent ceasefire and transitional security arrangements, humanitarian assistance and reconstruction, resource, economic and financial management, transitional justice, and the parameters of the permanent constitution, and are to be accomplished within the prescribed time periods.

The Pre-Transitional Period was to last eight months but was extended twice. One sticking point in particular which had been holding up the formation of the RTGoNU was the issue of the number of states and their boundaries. However, the principals reached a compromise resulting in the return to the former ten states, plus three Administrative Areas, and on 22 February 2020, First Vice President H.E. Dr Riek Machar Teny and three of the four Vice Presidents, namely H.E. James Wani Igga, H.E. Gen. Taban Deng Gai and H.E. Rebecca Nyandeng Garang De Mabior, were sworn in. A day later, the remaining Vice President H.E. Hussein Abdelbagi Akol was also sworn in. This signalled the official start of the Transitional Period and the end of the Pre-Transitional Period, which had lasted for one year, five months and six days, compared to the eight months envisaged in the Agreement. The Transitional Period, as per the Agreement, is to last for thirty-six months with general elections to be held sixty days before its end.

### 3. Revitalised Transitional Government of National Unity (RTGoNU)

Executive of the RTGoNU. With the Presidency formed and sworn in, the next task was the formation of the Council of Ministers. Within three weeks of the formation of the RTGoNU, on 12 March 2020, the 35 ministerial positions were allocated according to Article 1.10.7 of the R-ARCSS. Twenty (20) of the positions were allotted to the ITGoNU, nine to the Sudan People's Liberation Movement/Army – In Opposition (SPLM/A-IO), and three, two and one to the

South Sudan Opposition Alliance (SSOA), Former Detainees (FDs) and Other Political Parties (OPP) respectively. The Parties, however, failed to adhere to the 35 percent women's participation in the Executive, as only nine women (26%) were appointed to the Council of Ministers and only one woman (10%) among the deputy ministers. The 35 ministries are divided into clusters, and with exception of the President, each member of the Presidency oversees and chairs a cluster of Ministries as follows. The Governance Cluster is chaired and overseen by the First Vice President, H.E. Dr. Riek Machar; the Economic cluster is chaired and overseen by H.E. Vice President Dr James Wani Igga; the Service Cluster is overseen chaired and by H.E. Vice President Hussein Abdelbagi Akol; the Infrastructure Cluster is chaired and overseen by H.E. Vice President Taban Deng Gai; and the Gender and Youth cluster is chaired and overseen by H.E. Vice President Rebecca Nyandeng Garang de Mabior.

Transitional National Legislature. Article 1.14 of the R-ARCSS requires the Transitional National Legislature (TNL), comprising the Transitional National Legislative Assembly (TNLA) and the Council of States (CoS), to be reconstituted as one of the key organs of the RTGoNU. As time progressed through the Transitional Period, the absence of a reconstituted TNLA became more glaring, with a body of reviewed legislation building up which needed to be ratified. Despite a resolution from the Presidency of the Republic of South Sudan on 9 December 2020 resolving that the TNLA and the Council of States be established, it was not until August 2021 that they were finally reconstituted. The TNL held its inaugural sitting on 30 August 2021. Notably, the Speaker of the reconstituted TNLA and a Deputy Speaker of the CoS, who were both nominated by the incumbent TGoNU, are women. Nevertheless, the number of women in the TNLA does not reach the 35 percent representation stipulated in the R-ARCSS.

The TNLA was sworn in without the members belonging to the Other Political Parties (OPP), which experienced difficulties in reaching consensus on a full list of their nominees to the TNL. In spite of several efforts invested to assist them to break the impasse, the OPP signatories failed to reach consensus. The matter was later referred to RJMEC pursuant to article 7.11 of the R-ARCSS as a deadlock to be dealt with. RJMEC subsequently provided recommendations on how the deadlock could be broken, and was duly communicated to the OPP. The recommendations were not accepted by one member of the OPP signatories. A further intervention undertaken by the President finally resulted in the resolution of the disagreement over the share of responsibilities amongst the OPP signatories to the R-ARCSS and the appointment of the members to both houses.

In January 2022, the Speaker of the reconstituted Transitional Legislative Assembly named the members of the Specialised Committees of the TNLA. A total of 21 out of 44 members of these Committees are female, which is 48%. In December 2021, the TNL ratified the Constitutional Amendment Bill No. 8, which means that the R-ARCSS is now fully incorporated and aligned to the TRCSS 2011 (as amended). The TNL also ratified the Constitutional Amendment Bill No. 9 which covers amendments made to some of the security bills approved earlier by the RTGoNU Council of Ministers. On 6 January 2022, H.E. President Salva Kiir Mayardit signed the Constitutional Amendment Bills No. 8 and No. 9 into law. That said, many more Bills, reviewed and approved by the Council of Ministers, including the six security bills, the Political Parties Bill and the Constitution-making Process Bill, await enactment by the reconstituted TNLA.

National Constitutional Amendment Committee. The National Constitutional Amendment Committee (NCAC) was established under Article 1.18.1 of the R-ARCSS and is mandated to revise or draft new laws, as appropriate, and also review other legislation as provided for in the Agreement. During the Transitional Period, the NCAC completed the Constitutional Amendment Bill No. 8 2020, which incorporated the R-ARCSS into the TCRSS 2011 as amended. This bill sought to correct anomalies contained in the Constitutional Amendment Act No 6 2020 which was enacted with a few inconsistencies to the R-ARCSS. Also, the NCAC had initiated review and amendment to several legislation, including the economic and financial sector laws under Chapter 4 of the R-ARCSS (namely, the Public Financial Management and Accountability Act 2011, the National Audit Chamber Act 2011, and the Bank of South Sudan Act 2010). It had also begun reviews of the Petroleum Act 2012 and the Petroleum Revenue Management Act 2013. This work built on their achievements during the Pre-Transitional Period, where their work focused on the SPLA Act, 2009, Police Service Act, 2009, Prisons Service Act, 2011, National Security Service Act, 2014, and the Wildlife Service Act, 2011. The Fire Brigade Act, which did not exist previously in South Sudan, was newly drafted by the NCAC. Also begun in the Pre-Transitional Period was the review of the Political Parties Act 2012.

However, mandate of the NCAC into the Transitional Period expired in February 2021, and shortly thereafter, so did its funding. Although its mandate was extended, funding was not easily forthcoming. As the two-year point of the Transitional Period approached, discussions were underway, but no funding had been secured. Therefore, the NCAC has been inactive since the expiry of its mandate.

The Ad Hoc Judicial Reform Committee. Regarding judicial reforms under Article 1.17 of the R-ARCSS, the ad-hoc Judicial Reform Committee (JRC) is mandated to study and recommend appropriate judicial reforms to the RTGoNU, which include the review of the Judiciary Act and capacity building during the Transitional Period. At the time of writing, all parties have completed nominations of their representatives to the JRC and IGAD concluded the selection of the Chairperson and Deputy Chairperson of the JRC, hence the JRC is only awaiting operationalisation.

State level Executives. In March 2020, the Parties to the R-ARCSS held inter-party consultations in attempts to agree on the responsibility sharing at the State and local government levels in the ten States and the three Administrative Areas of Abyei, Greater Pibor and Ruweng. Despite initial disagreements on the allocations, the Parties reached agreement as follows: the ITGoNU nominated governors to the states of Unity, Eastern Equatoria, Warrap, Northern Bahr el Ghazal, Central Equatoria and Lakes. The SPLM/A-IO nominated governors to Upper Nile, Western Bahr el Ghazal, and Western Equatoria; and SSOA nominated a governor to Jonglei. The appointment of the governor of Upper Nile State took a protracted amount of time to resolve, but agreement was eventually reached. On 29 January 2021, President Salva Kiir appointed the governor of Upper Nile state. Of concern, however, is that the gender disaggregation of the executive appointments for the state Governors and their Deputies shows that nine (90%) of the appointed Governors are male whereas one (10%) is female (Western Bahr el Ghazal State, nominated by the SPLM/A-IO). With respect to the Deputy Governors, seven (70%) are male whereas three (30%) are females.

Other key achievements in the area of governance include:

- completion of reconstitution of State Governments with the appointment of States Executive for all the ten states;
- appointment of State Ministers, Advisors, Independent Commissioners and County Commissioners for all the ten States; and
- appointment of the States Legislature in all the ten states.

#### **4. Permanent Ceasefire and the Transitional Security Arrangements**

Concerning the security-related tasks, the Parties have largely adhered to the provisions of the Permanent Ceasefire throughout this period, which has ensured no new national-level conflict or outbreak of fighting. In particular, ceasefire arrangements, including disengagement and separation of forces in close proximity and opening of humanitarian corridors were observed. That said, the progress expected and required in the implementation of the Transitional Security Arrangements (TSA) was not forthcoming. Furthermore, the issues of defections and the repeated reports of outbreak of community-based or subnational violence marred any gains made in the implementation of the R-ARCSS.

Unification of forces. The unification of forces, the foundational element of the Transitional Security Arrangements, was a key task of the Pre-Transitional Period which was not completed within the timeframe, despite the two extensions. The pre-transition closed with at least 78,500 security personnel registered at the various cantonment sites, barracks and training centres. According to CTSAMVM reports, an estimated 35,000 combatants remained in cantonment sites, while at least 45,499 personnel, with 3,612 being women, were in various training centres. The Transitional Period began, therefore, with the expectation that the unification of forces was to be completed in the shortest possible timeframe.

However, throughout the past two years of the Transitional Period, this process stalled. It was regularly reported that the training centres and cantonment sites were affected by severe food shortages, lack of medicines, and lack of shelter and separate facilities for the female personnel. Equally, it was regularly reported that troops left the centres in search of food. Debates also persisted during the Transitional Period on the harmonisation of ranks, the ratios of the troop numbers from the constituent forces, and the ratio of the unified command structure. These unresolved questions were also obstacles to the unification of forces, with the final decisions on them resting with the principals of the Parties with armed forces.

In January 2021, RJMEC organised a joint trip to the training centres in Maridi, Western Equatoria, and Rajaf, Central Equatoria, accompanied by the IGAD Special Envoy for South Sudan, the representatives of Ethiopia, Kenya, Somalia, Sudan, Nigeria and the African Union Mission in South Sudan. A joint statement was issued ([available here](#))<sup>1</sup> which said, in part, as follows: “We look to the government, and in particular the Presidency, to drive the PCTSA forward, and to engender the political will necessary across all implementing Agreement institutions and mechanisms to make up for lost time and implement the PCTSA fully in letter and spirit.”

In December 2021, the Joint Defence Board (JDB) announced that it had received funding from the National Transition Committee (NTC) to deploy assessment teams to the respective training centres to commence the screening process. The

---

<sup>1</sup> <https://jmecsouthsudan.org/index.php/jmec-statements/item/549-joint-statement-following-visit-to-training-centers-by-the-au-and-igad-ambassadors-the-status-of-pctsa> (accessed 15 February 2022).

screening determines the eligibility of ex-combatants of the Armed Parties to the Agreement for graduation and redeployment of Phase 1 of the Necessary Unified Forces (NUF), and it also determines those going for demobilisation. At the time of writing, the outcomes of the JDB assessments were not publicly known, although the JDB had recently indicated that the screening process in the respective Training Centres is now complete.

Disarmament Demobilisation and Reintegration. The Disarmament Demobilisation and Reintegration (DDR) Commission, established in September 2019, achieved very little during the first two years of the Transitional Period. Though it had devised a strategy, implementation plan and estimated budget and submitted it to the RTGoNU for approval through the NTC, nothing moved beyond this, and no funding for implementation was received.

Strategic Defence and Review. Progress with the National Strategic Defence and Review has been particularly slow. Chapter 2 of the R-ARCSS committed the Strategic Defence and Security Review Board (SDSRB) to conducting a comprehensive, inclusive, and transparent four-stage strategic defence and security review process, underpinned by the principles and strategies of national interest in promoting and defending the sovereignty and the dignity of the country and its people. Out of the six tasks in accordance with Article 2.5.4 of the R-ARCSS, only the first two tasks of stage one were achieved, these being the completion of the draft Strategic Security Assessment and the draft Security Policy Framework. Both these documents await approval from the principals and Council of Ministers.

Community-based and subnational violence. Throughout the two years of the Transitional Period, reports were received on a regular basis about cycles of violence related to community-based and subnational violence, including cattle

raiding and revenge attacks, and typically among youth, in the areas of Western and Northern Bahr el Ghazal, Eastern, Central and Western Equatoria, Lakes State, Warrap, Unity State, Jonglei, the Greater Pibor Administrative Area, Upper Nile and Abyei Administrative Area in particular. In other words, there is scarcely a locale in South Sudan which escaped the loss of life and associated hardships of community-based and subnational violence. The absence of effective governance structures at the state level, and the failure to unify the forces, were contributing factors to the power vacuum in which such clashes took place.

In June 2021, RJMEC accompanied UNMISS, representatives from the African Union Mission in South Sudan (AUMISS), the Intergovernmental Authority on Development (IGAD), and the African Diplomatic Corps on a visit to the Greater Pibor Administrative Area, an area of concern regarding localised violence. The delegation issued a joint statement ([available here](#))<sup>2</sup> which “called on the Transitional Government of South Sudan, together with community leaders in Greater Pibor and Jonglei, to take steps to silence the guns, address the root causes of the conflict and fulfil its responsibility to protect civilians.”

Tambura County, Western Equatoria State. In late August 2021, some fighting broke out between armed groups loosely affiliated to the Balanda and Azande communities. It resulted in the deaths of over 200 civilians, and the displacement of 83,000 people from Tambura. A peacebuilding intervention by the Joint Defence Board (JDB) in September 2021 had a positive effect in calming the situation. At that time, RJMEC visited Tambura, organised by UNMISS and accompanied by representatives from IGAD, Ambassadors and diplomats from Djibouti, Ethiopia, Kenya, Norway, Sudan, and Uganda, and the acting

---

<sup>2</sup> <https://unmiss.unmissions.org/joint-statement-aumiss-igad-rjmecc-adc-and-unmiss-situation-pibor> (accessed 15 February 2022).

Humanitarian Coordinator. A joint statement was issued ([available here](#))<sup>3</sup> which, in part, said: “unless urgent action is taken by the Revitalized Transitional Government of National Unity to end the fighting, there is an imminent risk that further escalation will endanger vulnerable populations, exacerbate the dire humanitarian situation, and threaten successful implementation of the 2018 Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan.”

*Holdout groups – security and diplomacy:* During the Pre-Transitional Period, some progress with bringing the holdout groups into the peace process was made under the auspices of the Community of Sant’Egidio. This process gathered the Parties to the Agreement and the South Sudan Opposition Movements Alliance (SSOMA), plus observers. These efforts resulted in the issuance of three documents. First, was a communique<sup>4</sup> done on 20 November 2019 (also available [here](#)) where the Parties committed to re-engage with the stakeholders to the R-ARCSS through political dialogue and negotiation to contribute to the overall peace process, the second, was the Rome Declaration<sup>5</sup> signed on 12 January 2020 (also available [here](#)) and the third was the Rome Resolution<sup>6</sup> signed on 13 February 2020 (also accessible from [here](#)). The second and third in particular are notable as they set out ways of bringing SSOMA representatives into the operational structures of CTSAMVM. There were a number of additional talks during the first two years of the Transitional Period, which aimed to build on the achievements made with the Rome Declaration and Resolution. These talks included rounds in Rome, Italy, in October and December 2020, followed by Naivasha, Kenya, in

---

<sup>3</sup> <https://unmiss.unmissions.org/joint-statement-igad-r-jmec-representatives-african-diplomatic-community-norway-and-unmiss-situation> (accessed 15 February 2022)

<sup>4</sup> <http://www.santegidio.org/downloads/communique-ssoma-santegidio-2019-new.pdf> (accessed 20 August 2020).

<sup>5</sup> <https://www.santegidio.org/downloads/Rome-Declaration-on-the-peace-process-in-South-Sudan.pdf> (accessed 20 August 2020).

<sup>6</sup> <https://www.santegidio.org/downloads/RRMVCOHA-1302-2020.pdf> (accessed 20 August 2020).

March 2021, then Rome in July 2021, and subsequently in Nairobi, Kenya in December 2022. Some of the objectives of these talks were to operationalise the way in which SSOMA members would function within CTSAMVM structures. At the time of compiling this report, this has not been implemented and no SSOMA monitors were deployed with CTSAMVM's Monitoring and Verification Teams (MVTs). Furthermore, Gen. Thomas Cirillo of NAS attended few of these rounds of talks in an official capacity, and so the general absence of such a consequential actor impacts the process negatively.

Defections. From around September 2020, the first year of the Transitional Period, reports of military defections from one signatory party to another began to be more common, with the defection of an SPLA/IO Major General to the SSPDF in the Kajo Keji area of Central Equatoria. Maiwut, in Upper Nile State. This was another area connected with instability caused by defection. Where such cases occur, it breeds mistrust among the Parties to the Agreement. Furthermore, it is a cause of instability in the area, often causing fatalities and the displacement of civilians. The security vacuum in which such episodes of instability take place could be substantively addressed by the completion of the Transitional Security Arrangements. As the Transitional Period wore on, other examples occurred. The most significant was in the area of Magenit, Upper Nile State, where the Chief of Staff of the SPLA/IO defected to the SSPDF, causing a serious split within the IO. In October 2020, RJMEC made its position on defections clear, as follows:

*“Whether it is referred to as ‘defection’ or ‘change of allegiance’, the important point is that the Revitalised Peace Agreement in South Sudan has made commendable progress in the past two years since its signing and this must not be allowed to weaken because of instability caused by defections or accepting defections, which is contrary to the letter and spirit of the Agreement. (...)*

*“Whatever the source or driver of instability, RJMEC reminds all parties that the diplomatic architecture exists to manage all issues peacefully. In addition to the Revitalised Peace Agreement of 2018, there is the Cessation of Hostilities Agreement of December 2017, the Rome Declaration of January 2020 and the Rome Resolution of February 2020, all of which affirm the signatories’ commitment to pursue dialogue and the protection of civilians.”*

Civilian centres. Article 2.2.3.1 of the R-ARCSS calls for the immediate demilitarisation of all civilian areas (which includes schools, service centres, occupied houses, IDP camps, protection of civilian sites, villages, churches, mosques, ritual centres and livelihood areas) during the Pre-Transitional Period. However, as the Transitional Period began, 19 civilian centres remained occupied. These were by the SSPDF. Although the number of civilian centres occupied by the armed forces has declined significantly since the Agreement was signed, at the time of writing the number of civilian centres occupied stands at 14, a figure which remained largely unmoved throughout the entire of 2021, despite frequent reminders from RJMEC to the principals of the Parties and the JDB.

Sexual and Gender Based Violence. Cases of conflict related SGBV, and specifically rape, continued to be reported during the two years of the Transitional Period. The Equatorias, and in particular, Yei, in Central Equatoria State, were the areas routinely named in this connection. In August 2020, the SSPDF leadership launched a District Court Martial process to hold accountable members of the SSPDF who may have been culpable for crimes alleged in the Yei area. As a result, 26 soldiers were convicted for offences against civilians and violations of the SSPDF military code of conduct. According to the CTSAMVM report of the 7

September 2020, the categories and number of cases were as follows: eight cases of losing or selling military material equipment, seventeen cases of rape or sexual assault and one case of theft/looting. The soldiers found guilty of rape or sexual assault were sentenced to a period ranging from 6 to 14 years in prison and dismissal from the SSPDF.

In November 2020, CTSAMVM released a sexual and gender-based violence (SGBV) incidents and trends report for the period October 2018 to November 2020 ([available here](#)).<sup>7</sup> The report aimed at analysing SGBV incidents known to CTSAMVM, which have occurred during that period and identifying trends. It indicated that the trend has been erratic with peaks in November 2018, May 2019, October 2019 and March 2020, and that since May 2020, the frequency is reducing. That said, since the report date of November 2020, incidences of SGBV continued to be reported to CTSAMVM.

Senior Military Leadership training: In collaboration between RJMEC and the United Nations Institute for Training and Research (UNITAR), a number of initiatives were undertaken in an effort to improve an understanding of conflict resolution, peace initiatives and capacity building amongst the Senior Military Leadership from the Parties to the Peace Agreement. The first was in Nairobi in December 2020 where 21 senior officers (Major General rank and above) from the SSPDF/SSPF, SPLM/A-IO and SSOA participated in a training symposium. Then in May 2021, 25 South Sudan senior military officers participated in a ‘Senior Leadership Post-Conflict Peace Building and Reconstruction Course’ in Nyakinama, Rwanda, with the objective of continuing to build confidence and trust among participants, and learn some lessons and experience from the host

---

<sup>7</sup> Accessed 15 February 2022: <https://ctsamvm.org/wp-content/uploads/2021/03/SGBV-INCIDENTS-TRENDS-REPORT-OCT-2018-TO-NOV-2020-1.pdf>

countries and respective security sector institutions. The last was held in late November 2021 in Kigali, Rwanda, and was composed of four Government Ministers as well as senior military and security services officers from the Parties to the Agreement.

## 5. Humanitarian Assistance and Reconstruction

Within Chapter 3 of the R-ARCSS, humanitarian assistance and reconstruction, some limited progress was noted during the first two years of the Transitional Period. Some humanitarian corridors opened, and data indicates that approximately 390,000 refugees have voluntarily returned over the last two years. However, pockets of insecurity associated with SSOMA/NAS activities, community-based and subnational violence, or criminality, routinely caused fatalities and displacement of civilians.

Special Reconstruction Fund (SRF) and Board. Article 3.2 of the R-ARCSS mandates the establishment of the Special Reconstruction Fund (SRF) and Board (SRFB) to support the implementation of the Agreement, and pave the way for the convening of a South Sudan donor pledging conference. Throughout the first two years of the Transitional Period, no progress was made in establishing this Fund and the Board.

Humanitarian data. Analysis of the Pre-Transitional Period showed that overall, according to UNOCHA, the humanitarian data indicates a worsening of the situation.<sup>8</sup> The same can be said to be true of the first two years of the Transitional Period.

---

<sup>8</sup> Unless specified otherwise, the humanitarian data referred to in this section is available here: <https://www.unocha.org/south-sudan> (accessed 28 March 2020)

People in need and internally displaced people. Data from March 2020 showed that the number of people in need stood at 7.5 million, while the number of internally displaced people stood at 1.67 million. In January 2022, the figures for those same two categories were 8.3 million and 2.0 million.

Attacks on humanitarian access impediments. The first humanitarian access snapshot published during the first two years of the Transitional Period was in April 2020, which revealed that during the previous quarter, 170 incidents of access impediments were reported. In the last quarter of published data, Q4 of 2021, that figure was 105. Throughout the seven quarters of the Transitional Period for which data is available, the average per quarter was 148. Nine humanitarian workers lost their lives during 2020, while five were killed in 2021.

Flooding. Throughout the first two years of the Transitional Period, widespread flooding caused serious humanitarian issues across the country, including reduced access to basic services, and a loss of livelihoods. Beginning in June 2019, South Sudan experienced floods that affected communities, particularly in the states of Jonglei, Unity and Upper Nile, causing the displacement of approximately 620,000 people.<sup>9</sup> The humanitarian stresses caused by widespread flooding continued, and by December 2021, over 835,000 people were affected.

---

<sup>9</sup> <https://reliefweb.int/sites/reliefweb.int/files/resources/MDRSS009efr.pdf> (accessed 15 February 2022)

## 6. Resource, Economic and Financial Management

The Transitional Period began as the Covid 19 global pandemic swept the world. With it came a crash in oil prices, and a strong deterioration in export earnings from oil. This weakened the South Sudan's external position and led to a loss of international foreign reserves, and a widening of the current account deficit. In addition, it has contributed to a large decline in the country's revenues, thus adversely impacting budgetary operations. The oil price had recovered to \$50 per barrel by December 2020, and by end of December 2021, that figure was \$75, leading to improved oil revenues. Some indicators of confidence in the economic situation of South Sudan came about in the second quarter of 2021 with the transfer by the International Monetary Fund (IMF) of USD 174 million under the Rapid Credit Facility, and the committing by the World Bank of grants totalling USD 116 million aimed at strengthening capacity of farmers, and also to improve agricultural production and restore livelihoods and food security. Foreign exchange rates came under improved control, and stabilised during the first two years of the Transitional Period

Progress against R-ARCSS. In April 2020, the Minister of Finance and Planning established a Public Financial Management (PFM) Oversight Committee to address the reforms stipulated in Article 4.1.7 of the R-ARCSS. Its role centres around controlling revenue collection, budgeting revenue allocation, and expenditure. Though the oversight role of this committee to a great extent mirrors that of the Economic and Financial Management Authority (EFMA) contained in Article 4.16. However, it does so only in context of PFM and the petroleum sector, but does not extend broader sectors of the economy. However, it is worth noting that since the establishment of this committee in April 2020 out of its eleven priority actions, only one (plus two cross-cutting) priority actions have seen some progress.

That said, there has been improved revenue collection through the strengthening of tax administration. The EFMA, though required by the Agreement to be established, was not established.

As mentioned above, the National Constitutional Amendment Committee (NCAC) during 2020 began the reviews of the Public Financial Management and Accountability Act 2011, the National Audit Chamber Act 2011, the Petroleum Act 2012, and the Petroleum Revenue Management Act 2013. However, none of these were ratified by the Reconstituted Transitional National Legislative Assembly (TNLA) at the time of writing. Furthermore, key institutions such as the National Audit Chamber and the Anti-Corruption Commission were not operational, and no approved national budget for the previous two years was passed by the Reconstituted TNLA.

Separately, efforts were made to assess and regularise the Petroleum Sector with the creation of an Oversight Committee in February 2021. Employment in the sector has been reformed and the sale of oil is now conducted in a more transparent manner. Loans and advances collateralised by oil were identified (article 4.8.1.3 of the RARCSS) and outstanding loans were factored in the draft 2021/22FY budget. This work is still ongoing.

Regarding the access to finance by the South Sudanese people, the R-ARCSS in article 4.15 mandates the establishment of enterprise development funds, microfinance, and other social safety nets such as subsidised credit. The South Sudan Pension Fund was established, and work commenced on establishing the Women's Enterprise Development Fund and Youth Enterprise development fund. These funds are critical to improving the livelihoods of many vulnerable South Sudanese. Implementation of the provisions on Agriculture and Food security sector and land resources are underway, as the land policy is being deliberated by stakeholders.

## 7. Transitional Justice

The first two years of the Transitional Period ended without the establishment of any of the three transitional justice mechanisms mandated by the R-ARCSS. Chapter 5 on Transitional justice, accountability, reconciliation and healing envisaged the establishment of the Commission for Truth Reconciliation and Healing (CTRH), the Hybrid Court for South Sudan (HCSS), and the Compensation Reparation Authority (CRA), all to be established during the 36 months of the Transitional Period.

Critical milestones that ought to have been achieved within the first 24 months of the R-ARCSS include:

- the completion of public consultations by the Ministry of Justice and Constitutional Affairs, under Article 5.2.1.3 R-ARCSS that would inform the drafting of the CTRH legislation;
- the initiation and promulgation of CTRH legislation;
- the full establishment of the CTRH and its operationalization;
- the initiation and promulgation of HCSS legislation based on broad guidelines agreed upon between African Union Commission and the RTGoNU;
- the full establishment of the HCSS and its operationalization;
- the initiation and promulgation of CRA legislation; and
- the full establishment of the CRA and its operationalization.

In January 2021, the RTGoNU Council of Ministers endorsed a road map towards implementation of Chapter 5, designated the Ministry of Justice and Constitutional Affairs (MoJCA) as line ministry to coordinate its implementation, and endorsed the Governance Cluster to provide the political oversight. The Minister established a Taskforce within the Ministry to coordinate the day-to-day implementation of the said roadmap.

During the second year of the Transitional Period, there was some limited progress towards establishment of the CTRH mechanism. A 'Technical Committee for the National Consultative Process on the Establishment of the Commission for Truth, Reconciliation and Healing' was established to spearhead public consultations that would inform the drafting of the CTRH legislation. The Committee's work has been hampered in its work due to lack of sufficient funding. During the Transitional Period, the African Union Commission was expected to reinstate discussions with the RTGoNU around the establishment of the HCSS. At the time of writing, these discussions are yet to take place. No progress has been witnessed on establishment of the CRA during the Transitional Period.

## **8. Parameters of Permanent Constitution**

As per article 6.1, the RTGoNU was mandated to initiate and oversee a permanent constitutional-making process during the Transitional Period, and to budget adequate funding. Additionally, RJMEC was to identify and engage renowned institutes to facilitate and moderate the permanent constitution-making process workshop and to convene a workshop for the Parties to agree on the details of conducting the permanent constitution-making process, as per 6.7 and 6.8 of the R-ARCSS. RJMEC began by commissioning a comparative study on post-conflict

constitution-making processes to inform this process ([available here](#)).<sup>10</sup> The workshop was convened successfully from 25-28 May 2021. It was officially opened by H.E. Salva Kiir Mayardit, President of the Republic of South Sudan, and was addressed by H.E. Abdallah Hamdok, Prime Minister of Sudan and Chairperson of the IGAD Assembly of Heads of State and Government at the time. The workshop was facilitated by the Max Planck Foundation for International Peace and Rule of Law. The outcome of the workshop was handed over to the Minister of Justice and Constitutional Affairs on 10<sup>th</sup> June 2021 who subsequently completed drafting the Legislation to govern the Constitution-making process in August 2021. In October 2021, the RTGoNU, Council of Ministers endorsed the Constitution-making Process Bill 2021. At the time of compiling this report, the Bill awaited adoption and enactment by the TNLA, and the establishment of the relevant mechanisms to embark on the making of the new constitution is also pending.

## **9. Challenges to Implementation of the R-ARCSS**

Implementation of the R-ARCSS during the two years following the formation of the RTGoNU proved challenging, and time and again certain challenges which have affected implementation of the Agreement from the start have recurred. These include:

- Lack of funding, the question of insufficient political will and trust deficit and insufficient confidence building among the Parties;
- Overall, the appointments to the Executive fell short of the required 35% women quota as provided for in article 1.4.4 and 1.12.5 of the R-ARCSS;

---

<sup>10</sup> <https://jmeccsouthsudan.org/index.php/reports/rjmecc-quarterly-reports/169-post-conflict-constitution-making-processes-lessons-and-best-practices-for-south-sudan-final-report-2020/file> (accessed 15 February 2020)

- Throughout, the security of South Sudan was negatively impacted by community-based and subnational violence linked to cattle theft, in particular in Jonglei, Upper Nile State and Western Bahr el Ghazal;
- There were also periodic clashes between the SSPDF and SPLM/A-IO with forces loyal to the National Salvation Front (NAS) of Thomas Cirillo, in the Equatorias;
- Further, the cantonment, training and unification of the Necessary Unified Forces faced familiar challenges, including a lack of resources for the security mechanisms to effectively complete their responsibilities, whilst a chronic lack of food, medicines, shelter, equipment and care facilities for female ex-combatants in both the cantonment sites and the training centres remained an issue of serious concern. Consequently, some troops left cantonment sites, whilst an increasing number of trainees left the training centres in search of food and life support;
- The organisation established by RTGoNU to provide direction, coordination and support to the Security Mechanisms, called the National Transitional Committee (NTC), failed to fully deliver on its mandate; and
- Further, acts of Sexual and Gender-Based Violence (SGBV) by uniformed forces are still occurring.

## **10. Conclusion**

Despite the numerous challenges, every effort must be made by the RTGoNU to increase the pace of implementation in preparation for the holding of elections at the end of the Transitional Period. In response to RJMEC pressure, the RTGoNU announced in February 2022 that, by the end of that same month, it will announce its strategy for the completion of the outstanding tasks within the timeframe remaining.

In RJMEC's assessment, the tasks most critical for the conduct of free, fair and credible elections under the Revitalised Peace Agreement are the unification of forces and their redeployment, enactment of the permanent constitution, review of political parties and electoral related laws, and reconstitution of the Political Parties Council and the National Elections Commission. The importance of a people-led and people-owned Permanent Constitution cannot be overemphasised, as it will be the cornerstone of the state of South Sudan, preparing the way for a democratic transition through free, fair and credible elections

This report concludes with the following points:

1. A particularly glaring absence is the failure thus far to have unified the forces, which is the backbone of the Transitional Security Arrangements, and the Agreement overall;
2. Further, there is need for the TNLA to ratify all the Bills that have been approved by the Council of Ministers, including all the security bills and the Constitution Process Bill and Political Parties Bill, which await due process;
3. In addition, it is essential to review and amend the elections related laws (The National Elections Act and The Political Parties Act 2012) to pave way for the reconstitution the Political Parties Council and the National Election Commission into an impartial and competent body to oversee the conduct of the elections;
4. With respect to humanitarian affairs, it is important to keep laying a firm foundation for the safe and dignified return of IDPs and refugees. In that regard, quick establishment of the Special Reconstruction Fund and instituting programmes for the relief, protection, repatriation, resettlement, reintegration and rehabilitation of IDPs and refugees in coordination with the UN and other relief agencies, should be key areas of focus;

5. Continued and faster implementation of the tasks and reforms outlined in the Resource Economic and Financial Management Chapter is crucial to South Sudan's sustained peace and development because it addresses key parts of the conflict. This includes the mismanagement of resources and lack of accountability and transparency. Fulfilling these tasks is therefore vital in safeguarding the country's resources and rebuilding the state;
6. Following the development of the roadmap by the Minister of Justice and Constitutional Affairs related to transitional justice issues, it is important that legislation to govern the three transitional justice mechanisms be immediately initiated, including the nationwide consultations, to provide a much-needed impetus to implementation; and
7. Lastly, there should be timely enactment of the law to govern the Constitution-making process based on the outcome of the constitution-making workshop, and the swift undertaking of the constitution making process itself, including the nationwide consultations.

It has been seen that where the Parties to the Agreement work together, much can be accomplished. A high level of compromise and shared responsibility should guide implementation going forward. Now is a critical period, under considerable time pressure, where the RTGoNU undertakes to complete security sector, financial and economic reforms, pass key legislation, provide an enabling environment for returning IDPs and refugees, and put in place the required framework for the staging of free and fair elections and democratic transition to a South Sudan ruled by a government put in place legitimately by consensus of the governed.