

Joint Monitoring and Evaluation Commission

(JMEC)

JMEC CHAPTER II SECURITY JOINT WORKING COMMITTEE

ADDENDUM

(TGoNU & SPLA inclusive)

to the

STATUS REPORT

(Version - 10 August 2017)

on the

Implementation of Chapter II

of the

Agreement on the Resolution of the Conflict

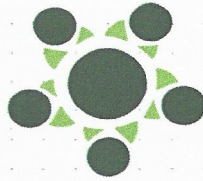
in the

Republic of South Sudan

Report to

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

19 September 2017



Joint Monitoring and Evaluation Commission

(JMEC)

¹Chapter II Status Report 'Addendum' for 10 Aug.- 19 Sept. 2017

A. Introduction

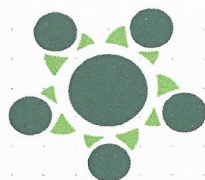
The Chapter II Security Joint Working Committee was established for the purpose of monitoring and evaluating the implementation of Chapter II of the Agreement of the Resolution of the Conflict in the Republic of South Sudan (ARCSS), as well as recommend remedial measures. The Security Joint Working Committee consists of seven (7) members and is chaired by Ambassador General Andrew Makur Thou, an Eminent Personality and a member of the JMEC Plenary. Observers are also allowed to participate in the JWC. Chairperson Andrew Makur Thou reports to the JMEC Chairperson, H. E. Festus Mogae, former President of Botswana, on the status of the implementation of Chapter II requirements by the Transitional Government of National Unity (TGoNU) and all other partners and relevant mechanisms.

Since its establishment, the JWC for Chapter II has convened seven (07) meetings with the support of JMEC.

B. Methodology

The Committee's work is based on volunteered, joint participation of selected JMEC Plenary members in the monitoring and evaluation of the implementation of Chapter II. Discussions are held under Chatham House Rules, supported and engaged by attending members and invited subject matter experts. During deliberations, expert opinion and verifiable facts are sought by the Committee with consensus given before conclusions are drawn on any specific issue(s). Mixed qualitative and quantitative conclusions are summarized and presented in an evaluation matrix. For each meeting, a JMEC Security Advisor compiles the minutes and related information for future reference and use directed by JMEC.

¹ This Addendum results from a Review Meeting held explicitly by the JMEC Chapter II JWC with the TGoNU representative and Subject Matter Experts for the singular input of the TGoNU, the SPLA-IG and SPLA-IO Taban, in reference to the content of the original Status Report on Chapter II dated 10 August 2017. Noting that SPLA-IO Machar faction representatives remain absent to dialog and cooperate within this necessary process.



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- **Article 1. Permanent Ceasefire (all sections)**

The permanent ceasefire was announced by both ²original parties to the agreement. The various sections of this article, including the designated timeline of some of its requirements have not been met and there have been violations.

There also have been ongoing hostilities and acts of violence committed by other groups within South Sudan, which have further impeded the implementation, monitoring and adherence to this permanent ceasefire requirement.

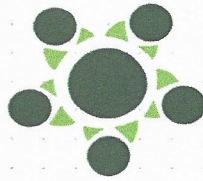
➤ **Recommendation(s):**

- **Section 1.2;** the parties should draft and publish plans for the comprehensive distribution of the ARCSS to the commands of all organized forces and all troops. Dissemination should also include a public information campaign to ensure all civilians are educated on the ARCSS and its' requirements. These efforts should be in languages appropriate for local communities and include printed materials, radio and personal delivery mechanisms.
- **Sections 1.4/1.8/1.10;** the parties, all ³allied forces and ⁴affiliates to disengage combat activities, declare all forces and withdraw troops to locations of assembly / barracks and notify JMEC/CTSamm for proper verification and monitoring. All prisoners of war should be released. All child soldiers should be reported to and processed through the ICRC or UNICEF.

² Original Parties refers to the 'then' GSS SPLA (hereafter referred to as SPLA-IG) and the SPLA in Opposition under Dr. Riek Machar (hereafter referred to as the 2 separate factions: SPLA-IO Taban and SPLA-IO Machar) .

³ Allied Forces refers to uniformed, organized forces announced as allied to an original and specific party or entity.

⁴ Affiliates refers to 'other parties' of a non-organized nature and not necessarily announced as officially allied to one of the original parties or entities.



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- **Sections 1.7 (all);** the parties and all affiliates to those parties should open all roads and avenues of access, including access by air, to delivery of all forms of ⁵Humanitarian Aid; immediately stop all acts and forms of violence; immediately stop recruitment of soldiers and specifically child soldiers; stop the dissemination of all negative propaganda directed at the warring, and other parties.

- **Article 2. Separation Assembly and Cantonment**

The ⁶'separation of forces' is critical to sustaining the permanent ceasefire; however, the separation and assembly of troops by either of the original parties to the conflict was not implemented.

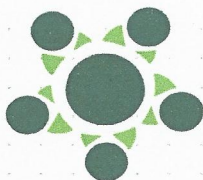
Subsequent to ongoing hostilities, the originally declared troop locations and troop numbers identified in the Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop(s) have drastically changed. The fracturing of the ⁷SPLA-IO forces have left one faction attempting compliance with the ARCSS, having recently announced the assembly and registration of troops for assembly/cantonment in ⁸five (05) areas of South Sudan; however, the other faction has refused compliance with the ARCSS and will not declare troop locations, status, nor implement a ceasefire.

⁵ Humanitarian Aid is referenced as a 'critical need' within this context; however, the requirement of unrestricted access applies to all other forms of need and support in addressing matters associated with establishing Peace, Stabilization and Relief efforts in all areas impacted by the conflict nationwide.

⁶ SPLA-IG contends that the 'separation of forces' was met at the time of signing the Peace Agreement and that no 'physical separation' was required and therefore cannot be stated as 'not implemented.' SPLA-IG contests that a 3rd party requirement for establishing and enforcing the 'separation of forces' through a 'Buffer Zone' is standard and was not correctly applied by the International Community within this agreement. This position is supported by the representatives of the SPLA-IO Taban.

⁷ SPLA-IO refers to the 'original single party' which later divided into two factions (SPLA-IO Taban and SPLA-IO Machar) of which the SPLA-IO Machar are not actively supporting or adhering to the ARCSS implementation.

⁸ SPLA-IO Taban representatives state that more than 5 areas of assembly exist and need to be confirmed and recorded by CTSAMM. JMEC acknowledges the necessary follow-up with CTSAMM for confirmation of these facts.



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The groups in non-compliance (SPLA-IO Machar and affiliates and Other Armed Groups) are allowing the TGoNU to claim a 'defensive' posture/status of the SPLA-IG and SPLA-IO Taban forces, and subsequently use this to justify the resistance to recall troops to barracks as agreed and required by the ARCSS.

➤ **Recommendation(s):**

- **Sections 2.1; 2.2;** the parties should immediately disengage from combat activities and separate troops as outlined in the ARCSS.
- **Section 2.3; 2.4; 2.5; 2.6;** the parties should review the original assembly/cantonment site agreements, support requirements, declaration requirements, and with JMEC/CTSamm assistance, re-declare forces in order to select assembly and cantonment sites relevant to the current context of the conflict.

• **Article 3. National Architecture**

The National Architecture (NA) is tasked with overseeing and coordinating the actions of all security forces in assembly, cantonment and barracks, as well as operationalize the ceasefire and oversee the unification of forces. This mechanism requires proper support, assignment and training of personnel so they can perform their duties efficiently and effectively.

Except for the Commanders-in-Chief and the JMCC, the other components of the National Architecture (Area Joint Military Ceasefire Committees, and Joint Military Ceasefire Teams) have never been established. Some of the required personnel have been identified and assigned to fulfill this task; however, they have not been trained, nor their full scope of focus and duties outlined due to lack of funds and resources. The related Disarmament Demobilization and Reintegration (DDR) process must also be determined, outlined and planned for the NA to work and perform.



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➤ **Recommendation(s):**

- **⁹Section 3.3;** Joint Military Ceasefire Commission (JMCC) to be realigned with the original requirement of being staffed by four (04) Lieutenant Generals; two (02) from each party.
- **¹⁰Section 3.4;** Area Joint Military Ceasefire Committee (AJMCC) and Joint Military Ceasefire Team (JMCT) to be identified in the proper numbers and appropriate locations for supporting assembly, cantonment and DDR as determined by the JMCC.

• **Article 4. Ceasefire Transitional and Security Arrangements and Monitoring Mechanism (CTSAMM)**

CTSAMM was established, is operational and is regularly ¹¹reporting; however, there are access constraints that are prohibiting CTSAMM from having unrestricted access to all areas of required monitoring and reporting. These constraints include: notification requirements by the SPLA-IG for CTSAMM movements; restrictions of access effected by the SPLA-IG at transit points or field locations; ¹²lack of full declaration of troop numbers and locations by the warring parties; sufficient monitoring and verification team distributions throughout the areas of conflict; the existence of other armed groups related to the conflict; and the need for force protection for CTSAMM movements being provided by UNMISS.

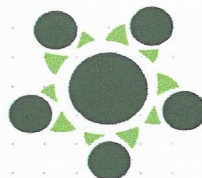


⁹ SPLA-IG contends the current dynamics of the Peace Implementation and staffing limitations (of both parties) do not allow the existing Lt. Generals (currently 2 in each party) to fulfill this requirement. Also, the SPLA-IG contends that desired, and current, progress in the referenced positions is being successfully driven by the assigned Maj. Generals.

¹⁰ SPLA-IG contends that JMCC has not progressed with this requirement due to the extreme lack of funding necessary for this implementation and support item.

¹¹ SPLA-IG contests that CTSAMM reporting is not accurate or impartial due to CTSAMM not using or ensuring investigation teams always meet 3 party membership requirement (one member each from CTSAMM, SPLA-IG, and SPLA-IO Taban).

¹² SPLA-IG contests that CTSAMM confirmed compliance by the SPLA with this requirement. JMEC acknowledges to follow-up with CTSAMM.



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➤ **Recommendation(s):**

- Removal of 'pre-notification' requirements by the SPLA-IG on CTSAMM movements. Realignment of CTSAMM team distributions to improve the overall coverage and response times of CTSAMM. Improvement coordination of mobility support between CTSAMM and UNMISS where possible.

• **Article 5. Transitional Security Arrangements (TSA)**

TSA mechanisms as outlined in the ARCSS and as agreed to by the warring parties have been implemented partially and with limited effect. The redeployment of the SPLA-IG outside the ¹³'25KM Radius' has been implemented. A single cadre of Joint Integrated Police (JIP) has been trained, but the officers still require vetting for Human Rights abuses in order to conform to the agreed PCTSA process. The Joint Operations Center (JOC) is established, and the operational training to make the JOC functional has been implemented.

➤ **Recommendation(s):**

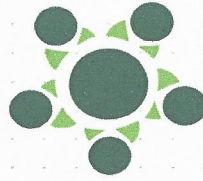
- **Section(s) 5.2. 5.3;** the Joint Management Team for the JIP to be reinstated to full capacity (2 members from each party). The JIP for Bor, Bentiu, and Malakal to be identified and to report for training immediately.

• **Article 6. Strategic Defense and Security Review (SDSR)**

The SDSR Board has been formed; however, the challenges presented by delayed and inadequate funding, plus weak support¹⁴ from the International Community, have severely impacted SDSR support and guidance to other ARCSS required processes such as: JMCC, Cantonment, DDR, Force Integration/Unification and Security Sector Reviews, all of which in turn support the Roadmap of Security Sector Transformation (SST) required by the ARCSS.

¹³ The 25KM Radius refers to the requirement of the PCTSA workshops for the demilitarization of Juba and reducing the presence of Uniformed Government Forces in Juba to the specified number.

¹⁴ TGoNU contends the need for more robust support and commitment from the International Community that would improve implementation of the ARCSS.



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Despite these challenges, the SDSR Board under the guidance and leadership of its' Chairperson Lt. General Malek Rueben, has completed Stage 1 out of the 4 stages of the SDSR process with the development of a draft National Security and Defense Policy. The draft policy document is based on a Strategic Security Assessment (Stage 1a), a Security Policy Framework (Stage 1b) and a Revised Defense Policy (Stage 1c) outlining the vision and direction for National Defense through the year 2022. This work also includes the parameters for unification of forces, right sizing (including DDR) and professionalization of the security services. The draft policy document will be presented to the National Security Council for approval by the end of September 2017. Concurrently, the Board will endeavor to sensitize Civil Society of its contents.

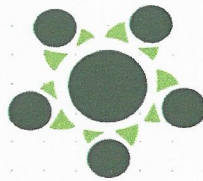
The SDSR Board has scheduled the work for Stages II and III to run concurrently and which will focus on: the development of strategic models for the military and security forces to realize the revised policies; the development of a Security Sector Transformation Roadmap. The intent is to complete the drafts of these remaining elements before the end of January 2018, leaving Stage IV (implementation) as the responsibility of the relevant ministries and organizations.

The TGoNU has committed funding of one (01) million dollars (USD) to SDSR which will provide for the preliminary development of the National Architecture, Cantonment, SST Roadmap, SSR and DDR; however, these funds have not yet been released, and alone are not sufficient for completion of these processes.

➤ **Recommendation(s):**

- ¹⁵**Section 6.0 (all);** the SDSR board to provide timeframes and financial needs for completion of each component and stage of the SDSR process. Funding requirements should notate funding amounts available from the TGoNU and the additional funding support needed from the International Community.

¹⁵ SDSR Workshop engaged 20-21 September 2017 for completing this requirement.



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- **Overall;** TGoNU to continue facilitation and support to SDSR by making available sustainable funding. IGAD, JMEC, TROIKA, Friends of South Sudan and the International Community to continue support to the SDSR process including assistance to secure the much needed funding and resources.

• **Article 7. Unification of Forces**

The Shared Command for the ¹⁶'unification of forces' has been established. The task of unifying the forces is planned and will take place within an inclusive and logical process.

➤ **Recommendation(s):**

- **Section 7.0 (all);** all parties to the conflict, their affiliates and other armed groups must be identified, declared and processed for proper determination, monitoring, and integration into the uniformed forces.

C. **Challenges**

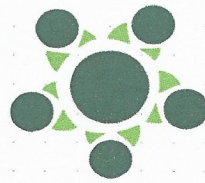
The key challenges that have prohibited success within Chapter II and its' implementation are: inadequate commitment and good faith to the agreement; lack of internal cohesiveness (fracturing) of some parties to the agreement; inadequate commitment from international partners to support the implementation process; emergence of new parties or groups to the conflict (both political and combative); lack of transparency, ¹⁷inclusivity and information by the parties to the agreement; and the lack of funding.

D. **Recommendation(s)**

The challenges identified above have adversely affected the progress of Chapter II implementation. It is incumbent upon all of those associated with this agreement to re-focus their efforts to support all of the aspects of Chapter II and the ARCSS.

¹⁶ SPLA-IG states this process will be 'continuous and progressive' noting that as SPLA-IO Taban and SPLA-IO Machar troops join the Peace Implementation, these troops will be immediately processed for integration into the uniformed forces.

¹⁷ SPLA-IG contests that the failure of the SPLA-IO Machar and its' affiliates to join and support the Peace agreement cannot be attributed as a failure of inclusivity.



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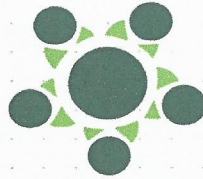
The recent initiatives by the TGoNU to support Chapter II with funding is a much needed and welcome step in this process, and we urge those associated to make immediate and wise use of the funds. We also urge the International Community to reaffirm their commitment and support in light of this funding from TGoNU.

Violations of the ARCSS implementation need to be addressed with appropriate and tangible accountability measures rather than words of condemnation, and should be done so 'equitably' and with all parties/individuals involved. Accountability measures relating to implementation processes should be outlined and matched to realistic expectations and the timelines required for successful implementation of each of the specific processes and tasks outlined in Chapter II.

A general summary of the Chapter II Security JWC recommendations noted in the earlier sections of this report, and related to those, are as follows:

- E.1** The parties should muster the political will and commitment required for implementation of the ARCSS.
- E.2** The original parties to the ARCSS and all affiliates, including emerging ¹⁸Other Armed Groups, need to be identified, cease fighting, and return to or join (for new groups) the peace process.
- E.3** IGAD to develop a framework against which the ceasefire process can be adopted and one within which OAG's and other actors can be placed.
- E.4** All means and measures of disseminating the content and spirit of the ARCSS, to all groups and communities across the country, are effected.
- E.5** The SPLA-IG and the SPLA-IO (Taban and Machar) must declare all forces, providing clear and definitive locations and numbers of these forces in order that they can be verified for proper accounting by CTSAMM.
- E.6** The SDSR and JMCC Chairpersons should identify the immediate priorities and spending requirements for implementation of Chapter II to the Trustees of the Security Pooled Fund.
- E.7** The TGoNU should make available the Security Pooled Fund as soon as possible in order that support SDSR and for the National Architecture, Cantonment and DDR to take place.

¹⁸ Other Armed Groups refers to the emergence of 'new groups' to the conflict that have not allied or affiliated themselves with either of the original parties or current 3 parties involved in the conflict.



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E.8 CTSAMM should expand its monitoring and reporting to include the developing components of Chapter II Mechanisms such as JIP and JOC, as well as new areas of the expanded conflict.

E.9 The membership of the Boards for SDSR, JMCC and CTSAMM should be reviewed in order to ensure they match the intent of inclusivity and gender balance required in the ARCSS.

E.10 The SDSR process must provide the JMCC with base-line guidance and timeframes on the Security Sector Transformation and Reform which will allow the DDR process to be designed.

E.11 The JMCC must provide details of all aspects of required resources, timelines and support needed to implement and effectively manage all aspects of Assembly/Cantonment and DDR.

E.12 Tangible Accountability Measures should be considered for ensuring compliance with the requirements of the ARCSS and must be enforced on any party or individual when non-compliance is encountered and confirmed by CTSAMM.

As Chairperson of the Chapter II Security Joint Working Committee, the recommendation of the committee is that we must recognize the current realities of the linkages between slipping timelines, fractured political processes, lack of political will and commitment, the lack of funding and of tangible accountability measures; combine these with constant, ongoing reviews and identify measures that can be proposed and enforced so Chapter II implementation can accelerate. This process can then support creating a peaceful environment in which the necessary restructuring and development of the South Sudan Security Architecture can take place, which will in turn support the expansion and stabilization of security and peace. The success of Chapter II implementation will also support the measured implementation of the other components and mechanisms of the other Chapters of the ARCSS.

Ambassador Abdelrahim Khalil
Acting Chairperson (19Sep2017)

- for -

Ambassador General Andrew Makur Thou
Chairperson
JMEC Chapter II JWC