



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

REPORT BY

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**ON THE STATUS OF IMPLEMENTATION OF THE REVITALISED
AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN THE
REPUBLIC OF SOUTH SUDAN**

FOR THE PERIOD

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List of Acronyms

<i>ACPHR</i>	<i>African Commission on Peoples and Human Rights</i>
<i>AJMCCs</i>	<i>Area Joint Military Ceasefire Committees</i>
<i>CoS</i>	<i>Council of States</i>
<i>CTSAMVM</i>	<i>Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism</i>
<i>DDR</i>	<i>Disarmament Demobilization and Reintegration</i>
<i>FDs</i>	<i>Former Detainees</i>
<i>IGAD</i>	<i>Intergovernmental Authority on Development</i>
<i>IDPs</i>	<i>Internally Displaced Persons</i>
<i>ITGoNU</i>	<i>Incumbent Transitional Government of National Unity</i>
<i>JDB</i>	<i>Joint Defence Board</i>
<i>JMCC</i>	<i>Joint Military Ceasefire Commission</i>
<i>JTSC</i>	<i>Joint Transitional Security Committee</i>
<i>MVTs</i>	<i>Monitoring and Verification Teams</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NCRC</i>	<i>National Constitutional Review Commission</i>
<i>NFBS</i>	<i>National Fire Brigade Service</i>
<i>NTC</i>	<i>National Transitional Coordination Committee</i>
<i>NUF</i>	<i>Necessary Unified Forces</i>
<i>OCHA</i>	<i>UN Office for the Coordination of Humanitarian Affairs</i>
<i>OPP</i>	<i>Other Political Parties</i>
<i>PCTSA</i>	<i>Permanent Ceasefire and Transitional Security Arrangements.</i>
<i>R-ARCSS</i>	<i>Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan</i>
<i>RJMEC</i>	<i>Reconstituted Joint Monitoring and Evaluation Commission</i>
<i>R-TGoNU</i>	<i>Revitalised Transitional Government of National Unity</i>
<i>SDSRB</i>	<i>Strategic Defence and Security Review Board</i>
<i>SGBV</i>	<i>Sexual and Gender Based Violence</i>
<i>SPLM</i>	<i>Sudan People's Liberation Movement</i>
<i>SPLM/A-IO</i>	<i>Sudan People's Liberation Movement/Army in Opposition</i>
<i>SSOMA</i>	<i>South Sudan Opposition Movement Alliance</i>
<i>SSOA</i>	<i>South Sudan Opposition Alliance</i>
<i>SSP</i>	<i>South Sudanese Pound</i>
<i>SSPDF</i>	<i>South Sudan Peoples' Defence Forces</i>
<i>TCRSS</i>	<i>Transitional Constitution of the Republic of South Sudan</i>
<i>TGoNU</i>	<i>Transitional Government of National Unity</i>
<i>TNL</i>	<i>Transitional National Legislature</i>
<i>TNLA</i>	<i>Transitional National Legislative Assembly</i>
<i>UN</i>	<i>United Nations</i>
<i>UNDP</i>	<i>United Nations Development Program</i>
<i>UNSC</i>	<i>United Nations Security Council</i>

Executive Summary

This Report on the status of implementation of the activities of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) is prepared pursuant to *Chapter VII, Article 7.9* of the R-ARCSS and covers the period 1st October to 31st December 2020. With almost a year into the Transitional Period completed, the Report highlights the decided lack of progress on the Pre-Transitional activities carried over after the initial formation of the Revitalised Transitional Government of National Unity (RTGoNU) on 22 February 2020, as well as failure to undertake tasks scheduled during the Transitional Period.

During the reporting period, an inter-party committee continued with negotiations that culminated in a partial agreement on responsibility-sharing positions, initialled on 27 October 2020. Then on 9 December 2020, the Presidency of the Republic of South Sudan, resolved that: (a) the President appoints the State and Local Governments of nine states with exception of Upper Nile; (b) the President proceeds to establish the Revitalized TNLA and Council of States; (c) the RTGoNU holds a conference in Juba for the community of Upper Nile state to discuss ways and means of resolving any tribal or community differences and to engender harmony in the State prior to a final decision on the appointment of the governor of the State; and (d) the President shall issue a decree to formalize the above decisions of the Presidency.

The National Constitutional Amendment Committee (NCAC) has continued to amend relevant laws as provided for in the R-ARCSS. These included Public Financial Management and Accountability Act, 2011 (amendment) Bill 2020 and Southern Sudan Audit Chamber Act, 2011 (amendment) Bill 2020, which were reviewed and validated. The NCAC also commenced the review of the Petroleum Act 2012 and the Petroleum Revenue Management Act, 2013. The NCAC further reviewed and rectified the discrepancies that were detected in the Constitutional Amendment Bill No. 2020 that incorporates the R-ARCSS into the TCRSS, 2011 (as amended) and resubmitted Constitutional Amendment Bill No. 8 (2020) to the Minister of Justice and Constitutional Affairs. The Bill now awaits enactment into law.

The Permanent Ceasefire has largely held during the period of the Report. However, several clashes have occurred between the SPLA-IO and forces of Maj Gen. Lokujo, who in September defected from the SPLA-IO to the SSPDF. As a consequence, several deaths and injuries were reported on both sides during the last quarter of 2020. SGBV cases were also reported in some parts of the country even while community-based violence continues to be a main cause of insecurity in many of the states.

South Sudan continued to suffer the effects of multiple shocks that adversely affected the humanitarian situation. Access to the people in need continued to be hampered by bureaucratic impediments, floods, and inter-communal and sub-national violence. The International Rescue Committee (IRC) stated that food insecurity is rising to more than 60 per cent amidst large scale displacement of civilians resulting from the effects of years of conflict, an economic crisis, recurrent flooding and the COVID-19 pandemic.

With respect to the Permanent Constitution-making process envisaged under Chapter VI of the R-ARCSS, the RTGoNU has already initiated the permanent constitution making process as mandated by the R-ARCSS. According to the Minister of Justice and Constitutional Affairs, the RTGoNU Governance Cluster has endorsed its proposed roadmap for implementation of

legal, judicial, transitional justice and constitutional reforms as provided for under Chapter 1, Chapter V and Chapter VI of the R-ARCSS.

As mandated under *Article 6.7 of the R-ARCSS*, the RJMEC Secretariat has made significant progress in preparation towards the convening of the workshop for the Parties to agree on the details of conducting the permanent constitution-making process. The outcome of the workshop shall form the basis of the legislations to be enacted to govern the constitution-making process.

During the period under review, the RJMEC Leadership met with IGAD Chairman and Prime Minister of Sudan Hon. Abdallah Hamdok in Juba. The RJMEC Chairman thoroughly briefed the Prime Minister on the status of implementation of the R-ARCSS and the lack of progress in some key areas. The RJMEC leadership met repeatedly with H.E Salva Kiir, President, Dr Riek Machar Teny, First Vice President, and the four Vice Presidents of the Republic of South Sudan. The RJMEC leadership also held discussions with Nhial Deng Nhial, Presidential Affairs Minister on the status of implementation of the R-ARCSS. The meetings discussed on the need to complete the power-sharing arrangements at the state and county levels, the appointment of the Upper Nile Governor, the reconstitution of the TNLA, and urged for the financial support of the NUF and DDR Commission, among others.

The slow pace of implementation of the R-ARCSS is accompanied by a number of attendant risks and challenges. These include growing defections and intercommunal violence, which could destabilise the permanent ceasefire; insufficient resources devoted to the training and redeployment of the NUF, with the potential to derail unification; failure to complete the RTGoNU at all levels of government; and a prolonged delay in establishing the TNLA and Council of States, which could result in the inability to pass meaningful legislation critical to the success of the Agreement.

Tasks related to Chapters III, IV and V of the R-ARCSS have hardly been addressed adding to the terribly slow pace of implementation. In fact, with the exception of the proposed holding of the permanent constitution making workshop, none of the other activities in Chapter V has been attempted. Similarly, none of the transitional justice institutions has been initiated and the several economic reforms called for in Chapter IV remain undone. It is therefore imperative that the RTGoNU dispenses with the two Pre-Transitional tasks and commence work on the many outstanding Transitional Period tasks.

I. Introduction

1. This Report on the status of implementation of the tasks of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) is prepared pursuant to *Chapter VII, Article 7.9* of the R-ARCSS and covers the period 1st October to 31st December 2020. It builds on the previous quarterly reports published since the signing of the R-ARCSS on 12 September 2018, namely numbers 001/19, 002/19, 003/19, 004/19, 005/19, 006/20, 007/20 and 008/20.¹

2. The pace of implementation of the R-ARCSS slowed markedly during the last quarter, with very little progress made on the implementation of the outstanding Pre-Transitional period tasks, related to the reconstitution of the Transitional National Legislative Assembly (TNLA), and the training and redeployment of the Necessary Unified Forces.² The Parties, however, made some much needed progress towards finally resolving the issue of responsibility sharing at the State and local government levels. Ten months into the proposed thirty-six months Transitional Period, much remains to be done by the Reconstituted Transitional Government of National Unity (R-TGoNU) to implement the Agreement.

3. Highlighted in the Report therefore, are the efforts undertaken in the fourth quarter by the RTGoNU to move the process of implementation forward. This include the tasks which were implemented during the reporting period, those that are ongoing, and others which are still pending implementation. It examines the ongoing security situation and the challenges to the permanent security arrangements, efforts by the RTGoNU to implement the Agreement, the monitoring and evaluation role of the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC). Emphasis is also placed on the continued challenges to implementation, particularly related to Transitional Justice issues, the humanitarian situation and the economy.

4. The Report also highlights several areas of concern related to the implementation of the Agreement. In particular, lack of progress in completing the reunification and redeployment of the Necessary Unified Forces (NUF), a key requirement for the eventual success of the R-ARCSS. Also included is the absence of any significant movement in taking forward the activities in Chapters III, IV and V of the R-ARCSS.

5. Section II of the Report will provide greater detail on the status of implementation of the R-ARCSS with regards to progress or the lack thereof, and based on the various Agreement chapters, Section III presents RJMEC's observations and recommendations, and concludes with Section IV.

¹ Previous Quarterly Reports, which cover progress or lack thereof in implementation of the R-ARCSS since its signing in Addis Ababa, Ethiopia on 12 September 2018, can be accessed at <http://jmecsouthsudan.org>.

² These two activities along with the responsibility sharing at the state and local government levels were supposed to have been completed during the Pre-Transitional Period of the R-ARCSS, which ended on 21 February 2020. The Parties to the Agreement however agreed to address them during the Transitional Period. After almost an entire year, with the exception of responsibility sharing the other two tasks remain largely unimplemented.

II. Status of Implementation of the Revitalised Peace Agreement

Chapter I – Revitalised Transitional Government of National Unity

6. During the reporting period, further progress was made by the Parties to the R-ARCSS towards the establishment of state and local government authorities. An inter-party committee continued with negotiations that culminated in a partial agreement on responsibility-sharing positions, initialled on 27 October 2020. The committee subsequently submitted the agreement to the Presidency for endorsement.³ The agreement pertained to all of the ten states with the exception of the position of the governor of Upper Nile, which remains vacant. Notwithstanding the agreement on responsibility sharing at the sub-national levels, the parties did not provide the list of names for the various positions that they agreed upon during the negotiation; and no appointments have as yet taken place.

7. Under the power sharing agreement completed by the Parties, this position is reserved for the SPLM/A-IO's nominee. The SPLM/A-IO nominated Gen. Johnson Olony for this post but the President to date has not appointed the nominee. One of the pre-conditions laid out by the President for appointing General Olony was the requirement that he report to Juba. However, General Olony has yet to come to Juba, and in December an advanced team representing his interests arrived in the capital to hold discussions with government and other officials

8. At the fourth meeting of the Presidency of the Republic of South Sudan held on 9 December 2020, they resolved that: (a) the President appoints the State and Local Governments of nine states with exception of Upper Nile; (b) the President proceeds to establish the Revitalized TNLA and Council of States; (c) the RTGoNU holds a conference in Juba for the community of Upper Nile state to discuss ways and means of resolving any tribal or community differences and to engender harmony in the State prior to a final decision on the appointment of the governor of the State; and (d) the President shall issue a decree to formalize the above decisions of the Presidency.

9. President Salva Kiir Mayardit therefore appointed six Deputy Governors on 30 December 2020 as follows: Ms. Mary Nadio Alphonse - Sudan Peoples' Liberation Movement/Army In Opposition (SPLM/A-IO) for Eastern Equatoria state; Mr. Antipas Nyok – Incumbent Transitional Government of National Unity (ITGoNU)⁴ for Jonglei state; Mr. Puoth Madit Dut (SPLM/A-IO) for Lakes state; Mr. Tor Tungwar Kweiguong (SPLM/A-IO) for Unity state; Mr. Angelo Taban Biago (ITGoNU) for Western Bahr el Ghazal state; and Mr. Kennedy Ganiko (ITGoNU) for Western Equatoria state. This still leaves four vacant positions

³ The Presidency is comprised of the President H.E Salva Kiir, First Vice President, H.E. Dr. Riek Machar, and Vice Presidents H.E Wani Igga, H.E. Rebecca Nyandeng De'Mabior, H.E. Taban Deng Gai, and H.E. Abdelbagi Hussein.

⁴ The Incumbent TGoNU (ITGoNU) is not to be confused with the R-TGoNU. Following the signing of the 2015 Peace Agreement, a Transitional Government of National Unity (TGoNU) was formed. However, this coalition fractured when it was deserted by mainly the SPLM/A-IO, after fighting broke out in Juba during July 2015. ITGoNU however continued as the government of note and during the negotiations for the 2018 R-ARCSS it was represented as one of the five Parties of the R-ARCSS. In February 2020 the ITGoNU joined with the SPLM/A-IO, SSOA, OPP and FDs to form the RTGoNU.

for the deputy governors of Upper Nile, Central Equatoria, Warrap and Northern Bahr el Ghazal states.

10. Regarding the appointments of the deputy governors, opinions were divided regarding procedural matters. Some stakeholders expressed reservations and have argued that the appointments contradict article 164 (2) of the Transitional Constitution of the Republic of South Sudan (TCRSS), 2011 (as amended), which states that ‘the Governor of each state shall be the head of the executive organ in the state and shall appoint and relieve the deputy governor, advisors, and state ministers in consultation with the President and in accordance with the state constitution.’ But other stakeholders have, however, suggested that the appointments were in conformity with the responsibility sharing arrangements and the spirit of the R-ARCSS.

11. Regarding the envisaged expansion and reconstitution of the TNLA, *Article 1.18.1.4* of the R-ARCSS, requires all Parties to submit the list of their nominees to the National Constitutional Amendment Committee (NCAC) for further processing and submission to the President. To date, the Former Detainees (FDs) and SPLM/A-IO are two out of the five parties that have complied with this procedural requirement. The Other Political Parties (OPP) have not yet agreed on their nominees, with four of the six Parties submitting lists to the NCAC. The South Sudan Opposition Alliance (SSOA) and the ITGoNU are yet to submit the list of their respective nominees to the TNLA to the NCAC.

12. The appointments of the Speaker and three Deputy Speakers of the TNLA are contingent upon the expansion and reconstitution of the TNLA. Due to the delay in revitalizing the TNLA, these tasks have inevitably also been delayed. Similarly, no progress was made to reconstitute the Council of States as well as in the appointment of its Speaker and Deputy Speakers in line with the provision of the R-ARCSS during the reporting period.

13. The National Constitutional Amendment Committee (NCAC) continued to amend relevant laws as provided for in the R-ARCSS. These included Public Financial Management and Accountability Act, 2011 (amendment) Bill 2020 and South Sudan Audit Chamber Act, 2011 (amendment) Bill 2020, which were reviewed and validated. The NCAC also commenced the review of the Petroleum Act 2012 and the Petroleum Revenue Management Act, 2013. The NCAC further reviewed and rectified the discrepancies that were detected in the Constitutional Amendment Bill No. 2020 that incorporates the R-ARCSS into the TCRSS, 2011 (as amended) and resubmitted Constitutional Amendment Bill No. 8 (2020) to the Minister of Justice and Constitutional Affairs. The Bill now awaits enactment into law.

14. As provided for in *Article 1.19 of the R-ARCSS*, the RTGoNU is required to restructure and reconstitute various Commissions and Institutions at the national level – requirements that have not yet been operationalised.

Chapter II – Permanent Ceasefire and Transitional Security Arrangements

The Security Situation

15. The Permanent Ceasefire has largely held during the period of the Report. However, several clashes have occurred between the SPLA-IO and forces of Maj Gen. Lokujo, who in September defected from the SPLA-IO to the SSPDF. As a consequence, several deaths and

injuries were reported on both sides during the last quarter of 2020, and civilians were also displaced especially in the Kajo-Keji area of Central Equatoria State. Regrettably, the continued fighting ultimately forced the abandonment of the Moroto Training Center, where a Joint Transitional Security Committee (JTSC) unit was preparing predominantly SPLA-IO soldiers for the Necessary Unified Forces (NUF). The trainees relocated to Ajio for their own security.

16. CTSAMVM reported the violations in Kajo-Keji and the Minister of Defence and the Joint Defence Board (JDB) - comprising SSPDF, SPLA-IO and SSOA Chiefs of Defence Staff visited the Moroto Training Center, Kajo-Keji and Panyume and promised to address the situation by: (a) deploying a joint SSPDF and SPLA-IO protection force; and (b) ordering Maj Gen. Lokujo to Juba for an investigation. Unfortunately, none of the promised interventions was followed through by either the Ministry of Defence or the JDB. As a result, Maj. Gen. Lokujo's forces remained in the area where several further clashes have been reported and the safety and security of the civilian communities continue to be in jeopardy.

17. Furthermore, the SSPDF has neither confirmed nor denied that Maj Gen Lokujo and his forces are members of the SSPDF. Attacks on the SPLA-IO by Maj. Gen. Lokujo have seriously hampered the implementation of transitional security arrangements in the areas of Kajo-Keji and Panyume. There appears to be general agreement among senior officers of both the SSPDF and SPLA-IO that the Lokujo situation must be resolved by the JDB early in 2021.

18. During the reporting period, there was a decrease in clashes between the SSPDF, SPLA-IO, and the South Sudan Opposition Movement Alliance (SSOMA/NAS), but there was a significant increase in alleged SSOMA/NAS forced recruitment of civilians and the conduct of training near the border of South Sudan and the Democratic Republic of Congo. Unfortunately, CTSAMVM could not thoroughly investigate and confirm these alleged activities as there has not been direct communication with SSOMA forces in the field. Moreover, the cessation of hostilities modalities agreed to within the context of the Rome Agreement have yet to be implemented.⁵

19. On two separate occasions, meetings were convened by the Community of Sant'Egidio, with IGAD support, between the RTGoNU and SSOMA in an effort to assist the Parties to implement the Cessation of Hostilities Agreement modalities, as well as push the political dialogue forward. From 9 to 13 November 2020, CTSAMVM conducted a technical workshop in Rome aimed at establishing modalities for the inclusion of the SSOMA into CTSAMVM structures. From 2 to 6 December, the Community of Sant'Egidio and IGAD, with RJMEC, CTSAMVM and other International Partners in attendance, convened the Parties once again to discuss and finalize the Declaration of Principles (DoP), the signing of which is a condition for the full implementation of the inclusion of SSOMA representatives into CTSAMVM structures. Unfortunately, the DOP was not finalized and, as a consequence, the inclusion of SSOMA representatives into CTSAMVM structures has yet to be implemented,

⁵ The Rome Agreement is the result of an initiative of the Community of Sant'Egidio in Rome, Italy to host meetings between SSOMA and the Government of the Republic of South Sudan, built on the efforts of the IGAD Special Envoy to South Sudan who engaged with the groups. The Sant'Egidio facilitated meetings resulted in the signing of the Rome Resolution on 11 February 2020 in which the parties to the talks agreed to cease hostilities and commit to engage further in dialogue. Subsequent meetings led to agreement that SSOMA would be formally integrated into CTSAMVM.

thereby constraining CTSAMVM's ability to effectively monitor, verify and investigate clashes between SSPDF and SPLA-IO on one hand, and the SSOMA/NAS forces on the other.

20. Although minor clashes were reported between SSPDF and SPLA-IO forces in Upper Nile state during this period, the situation significantly improved following peace and reconciliation efforts by local commanders. On 20 October 2020, SPLM/A-IO Lt. Gen. Peter Thuok Chuol and SSPDF Maj. Gen. Gordon Banak Thon Tuong held a peace and reconciliation conference at Mandeng to mitigate misunderstandings and mistrust between the two commanders. The initiative by the two commanders is commendable since it has helped to de-escalate the situation and build confidence between them.

21. Of particular concern in Upper Nile has been the establishment of unofficial checkpoints by SPLA-IO elements at Rumbek, Diel and Fangak, where it is alleged that exorbitant taxes have been levied on civilians transporting merchandise along the Nile; a clear violation of the Permanent Ceasefire. Also of considerable concern has been an increase in SSPDF's denial of movement to UNMISS, especially in the Yambio area which is also contrary to the Peace Agreement.

22. Whilst the SSOA and SPLA-IO have vacated all civilian occupied sites since the signing of the Agreement, the SSPDF has occupied three more civilian centers during this period, increasing the total to seventeen (17), despite continuous calls by IGAD and RJMEC for the SSPDF to vacate all civilian centers. This is a serious violation of the Agreement which has been perpetuated with impunity by the SSPDF since the signing of the Peace Agreement on 12 September 2018.

23. Also during this reporting period, CTSAMVM released a sexual and gender-based violence (SGBV) incidents and trends report for the period October 2018 to November 2020. The report aimed at analysing SGBV incidents known to CTSAMVM, which have occurred during that period and identifying trends. It indicates 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.

24. Whereas overall cases of SGBV have been decreasing, new cases of SGBV committed by uniformed personnel were reported during the fourth quarter of reporting. On 29 October 2020, CTSAMVM reported that two (2) girls (both of whom were minors) were raped while in police custody by two policemen on the night of 22 October 2020 in Maridi, Western Equatoria. The information was confirmed by the Police Inspector, who reported that the perpetrators had been arrested and were in custody. CTSAMVM is completing a final report on this incident. On 4 December 2020, CTSAMVM received information that SSPDF soldiers had raped four (4) women-two (2) of whom were pregnant-during an alleged SSPDF clash with SSOMA/NAS at Loka near Lainya in Central Equatoria State. The incident is still under investigation by CTSAMVM.

25. On 8 December 2020, CTSAMVM reported two SGBV cases involving an 11-year-old and a 14-year-old girl that took place in Mia Saba and New Site, Juba in November 2020. In the first case, the 11-year-old girl was raped by a policeman. On 21 December 2020, the Deputy Commander of the Munuki Police Station reported that the case had been finalized and forwarded to court. In regard to the second case, the rape was committed by an adult male, army person and the rape resulted in pregnancy. The father reported the matter to the police

who issued a warrant of arrest, but since then the family, victim and perpetrator have all disappeared. It is encouraging to report that the SSPDF and the National Police have been investigating, arresting, prosecuting and sentencing perpetrators publicly and transparently in several of these SGBV crimes.

26. Community-based violence continues to be a main cause of insecurity in many of the states. Incidents were reported in Eastern Equatoria between youth from Keyala and youth from Haffarri. Also, of concern has been the increase in kidnappings and targeted killings in areas of Keyala, Torit, and Kapoeta, in Eastern Equatoria, which significantly affected civilian movement and safety. As a consequence, the government has initiated day and night patrols and escorts along the Torit-Kapoeta road. During the period of reporting, fighting between the Mundari Nyangwara and Mundari Kebura in Kamusakasini in Lainya was reported, with about 20 people alleged to have been killed and around 100 injured.

The Status of Cantonment and Training Centers

27. Since the last report, there has been little improvement in the status and functioning of cantonment sites. Significant challenges, including lack of food, shelter, medicines and safe water remain evident in most cantonment sites and in some areas, adverse climatic conditions, including severe flooding, hindered movement and access of essential life-support resupplies. Consequently, cantonment site leadership is finding it increasingly difficult to maintain effective command and control and a significant number of Opposition forces have left cantonments in a desperate search for food, water, medicine and shelter. There have also been recent reports of some sites being totally abandoned causing concern regarding the cantonment of Opposition forces for Phase II of the NUF process.⁶ As a result, it has been difficult to ascertain accurate figures of the number of ex-combatants who currently remain in the various cantonment sites. The impact, fear and uncertainty of the COVID-19 Pandemic continue to exacerbate an already critical situation.

28. Similar challenges remain in the NUF Training Centres. In spite of numerous visits by the National Transitional Committee (NTC), the Minister of Defence and the leadership of the Security Mechanisms (JDB, JMCC and JTSC) during this reporting period, many centers still lack the necessary resources required to complete training, graduation and deployment, including uniforms, boots, personal weapons and equipment. Some in-kind support including police uniforms and boots has been provided by international partners, including Sudan, Uganda, Ethiopia and China, but there is still a need for more uniforms for the Army and other Organised Forces; furthermore, the priority for the allocation and distribution of these resources remains unclear.

29. Disappointingly, the planned graduation and deployment of NUF from training centres has not yet materialised due to a lack of funding, no clear agreement on the organization and command structures between the Parties, and no publication of deployment plans. This is causing increasing frustration for those in the training centres who have been living in austere and challenging conditions for over a year and their morale and patience is being tested to the full.

⁶ Phase 1 of the Cantonment process comprised of an estimated 40 000 opposition forces is currently underway with an expectation that after the first cohort of forces are graduated and redeployed a second phase will commence.

National Transitional Committee and the Security Mechanisms

30. In spite of efforts by the NTC through the Secretary-General (Hon. Stephen Par Kuol, Minister of Peacebuilding) to improve the coordination between the Security Mechanisms in the previous quarter there has been little evidence that this has materialised to the extent that had been hoped. Improvement in the management of government funds for the security sector, including the priorities for allocation, accountability and transparency remains wanting. A coordinated effort to implement the graduation and deployment of Phase I of the NUF, without further delay, in accordance with Chapter 2 of the Peace Agreement remains crucial

Strategic Defence and Security Review

31. There has been some steady progress in the development and formulation of the revised national defence and security strategy (SDSR), including a strategic security assessment (SSA) and a national security policy (NCP) framework by the Strategic Defence and Security Review Board (SDSRB) in accordance with the R-ARCSS Chapter 2, Article 2.5.4. Two SDSR workshops, supported and co-facilitated by RJMEC and UNMISS SSR Unit, on 'community security' and on 'a review of the SSA and development of the NCP' were conducted by the SDSR Board during this reporting period. More work now needs to be done to complete and submit the SDSR in a timely manner to Parliament for consideration. The SDSRB Chairperson (Hon. Angelina Teny, Minister of Defence) plans to conduct a further series of workshops in the coming weeks to progress with this. Both RJMEC and UNMISS will continue to support and assist with this crucial work, which will provide the future size, shape and organization of the South Sudan Defence and Security Forces.

Disarmament, Demobilisation and Reintegration (DDR)

32. Progress on the implementation of the DDR process remained slow and continued to be out of sync with plans to graduate and deploy the NUF in Phase I. Lack of RTGoNU funding and resources from the NTC and restrictions caused by the COVID-19 Pandemic over the past year has meant that the DDR Commission was unable to fully implement its plans for the establishment of regional DDR offices in the respective states, deploy DDR teams to the training centres and establish both temporary and permanent DDR transit sites in the regions.

33. It was hoped that the DDR workshop facilitated by RJMEC and conducted by the NTC in the previous quarter aimed at improving coordination between the NTC, DDR Commission, and the security mechanisms would help improve the situation, but this appeared not to be the case.

34. Meanwhile, the DDR Commission has completed the DDR Strategy, Policy and Plans publications with assistance from UNDP, UNMISS SSR and RJMEC and forwarded them to Parliament through the NTC for consideration and approval. UNDP is providing external subject matter expert advice on DDR data analysis, mapping and reintegration policy and this initiative is on-going.

Senior Military Leadership Training

35. As part of the 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 Interim Chairman RJMEC facilitated a training symposium hosted by the United Nations Institute for Training and Research (UNITAR) in Nairobi in December 2020. Twenty-one senior personnel (Major General rank and above) from the SSPDF/SSPF, SPLM/A-IO and SSOA participated in this training symposium. This workshop, together with other training symposiums planned for the coming months aims to support the agreement and help the development of the Unified Forces command structures in preparation for the forthcoming Phase 1 graduation and deployment of the NUF.

Chapter III – Humanitarian Assistance and Reconstruction

36. South Sudan continued to suffer the effects of multiple shocks that adversely affected the humanitarian situation. Access to the people in need continued to be hampered by bureaucratic impediments, floods, and inter-communal and sub-national violence. The second consecutive year of major flooding affected an estimated 1,042,000 people between July and December 2020 leaving them in urgent need for food, livelihood support, emergency shelter and non-food items, water, sanitation, and hygiene, health and protection services. The worst affected areas were Jonglei state and the Greater Pibor Administrative Area with a total of 495,000 people affected. Service delivery to affected communities was considerably constrained by persistent heavy rains, infrastructure damage and reduced physical accessibility and insecurity.

37. The floods compounded the already grim food security situation in South Sudan with more than 7 million people acutely food insecure. According to the Integrated Food Security Phase Classification (IPC) report, released on 18 December, by mid-2021, an estimated 7.24 million people, who comprise 60 per cent of the South Sudanese population, will face severe acute food insecurity. In addition, around 1.4 million children under the age of 5 are expected to be acutely malnourished in 2021 - the highest number recorded in three years. The humanitarian situation was worsened by widespread sub-national violence, COVID-19 related restrictions, currency depreciation and other economic problems which led to a rise in acute food insecurity. Despite all these challenges, the humanitarian community remained committed to scaled-up interventions to meet the increasing needs and save lives.

38. Despite the increased needs, the humanitarian appeal for 2020 was significantly underfunded, leading to some community needs not being met. Appeals for further funding and additional resources have been made to support the humanitarian response as well as strengthen communities' and people's capacity to cope with the recurring shocks. Meanwhile, following discussions among the UNMISS, humanitarians, the Government and affected communities, the UNMISS started to transition Protection of Civilians sites into IDP camps.

Chapter IV – Resource Economic and Financial Management

Economic Developments

39. Floods at the end of the fourth quarter 2020, the International Rescue Committee (IRC) stated that Food insecurity is rising to more than 60 per cent amidst large scale displacement of civilians resulting from the effects of years of conflict, an economic crisis, recurrent flooding and COVID-19⁷. According to the IRC's 2021 Watchlist, the risk of famine will increase even more in 2021. The IRC is calling for a scale-up in international financial support and improvements in access for food assistance for South Sudan to prevent famine. However, it is important to note that the capacity of development partners for financing development assistance has been negatively impacted by the international economic crisis in the wake of the COVID-19 Pandemic.

40. World oil prices recovered somewhat to US \$50 in December 2020 compared to less than US \$30 during the second quarter of the year. However, in the case of South Sudan, increased oil revenues do not translate into comparable increases in financing available for new spending. This is mainly because part of the higher oil revenues are earmarked to pay back oil advances taken up when the oil price plunged in the first half of 2020, and to pay accumulated salary and other accumulated arrears.

Progress made against specific articles of the R-ARCSS

41. The Working Committee for Chapter IV, which was set up for the purpose of carefully examining the implementation of Chapter IV of the Agreement, held its first meeting on 10 December 2020. A key aspect of the Working Committee is the establishment of technical groups to aid in the implementation efforts. A test run with a technical committee set up with the Ministry of Petroleum, proved successful. Other technical groups will be set up to cover other areas of activities within Chapter IV. The next meeting of the Working Committee will address the relationship between Chapter IV and the reforms proposed by an Oversight Committee established by the Ministry of Finance.

42. The NCAC organized a workshop with stakeholders in order to review the Public Finance Management and Accountability Act, 2011 and the South Sudan National Audit Chamber Act, 2011. The bills were presented by the members of NCAC and discussed with the various stakeholders. The NCAC also presented its Immediate Action Plan to end-December 2021, developed as part of a concept note to further implement the R-ARCSS PFM priorities.

43. Consistent with *Article 4.8.4.1 of the R-ARCSS*, the Ministry of Agriculture and Food Security submitted several agriculture policies to Parliament over the years that are yet to be approved. The Ministry plans to review these policies and resubmit for approval. At the same time, a workshop was held to review the draft Youth Enterprise Development Fund Bill consistent with *Article 4.15.1.4 of the R-ARCSS*. The committee mandated to draw up the bill will present the reviewed draft to the Expert group and thereafter commence national consultations.

44. To ensure the implementation of the Agreement there is need for the National Development Strategy (NDS) to be aligned to the R-ARCSS. The government agreed to

⁷ IRC Press and News Release, South Sudan 1st January 2021.

implement this as part of its midterm review of the NDS. This process of reviewing the NDS will also include developing national indicators to monitor implementation and developing a costed results framework. The RJMEC reporting matrix provided valuable information to this exercise.

Chapter V – Transitional Justice Accountability Reconciliation and Healing

45. Chapter V of the R-ARCSS provides for the establishment of three transitional justice mechanisms. These are the Commission for Truth Reconciliation and Healing (CTRH), the Hybrid Court for South Sudan (HCSS) and the Compensation and Reparations Authority (CRA). The RTGONU Cabinet is reported to have referred a Cabinet Memorandum on the implementation of Chapter V and VI (and on Judicial Reforms) to the Governance Cluster for review and appropriate action. The Cabinet Memorandum emanates from the Ministry for Justice and Constitutional Affairs and was tabled before cabinet in this last reporting period.

46. The Memorandum intends to draw out an implementation program of Chapter V and VI of R-ARCSS. RJMEC has urged the MOJCA to hastily move forward with implementing critical aspects of Chapter V and VI particularly initiation of the three legislations that will enable the establishment of the CTRH, HCSS and CRA. RJMEC also urged the Ministry to commence public consultation processes that will inform the CTRH legislation. Lastly, RJMEC urged the RTGONU to sign the MOU as submitted by the AU on the establishment of the HCSS.

Chapter VI – Parameters of Permanent Constitution

47. In terms of legal and constitutional reforms, mandated to the National Constitutional Amendment Committee (NCAC), under *Article 1.18.1 of the R-ARCSS*, there has been progress during this reporting period. The NCAC has completed review and amendment of the Public Finance Management Act and the National Audit Chambers Act which have both been finalised and validated awaiting submission to the Minister of Justice and Constitutional Affairs for onward transmission to the Cabinet and TNLA. Also, the RTGoNU Governance Cluster endorsed all the six security-related laws which had been amended by NCAC and submitted to the Cabinet by the Minister of Justice. These are now awaiting Parliamentary ratification and assent by the President.

48. The NCAC is currently reviewing the Petroleum Act, the Petroleum Revenue Management Act, and the Bank of South Sudan Act and are receiving submissions from relevant institutions. However, there are still a number of important laws required to be revised by the NCAC including the National Elections Act, the NGO Act, the Anti-Corruption Act and many others for time is running out and the NCAC have requested for extension of its twelve months mandate into the Transitional Period.

The Permanent Constitution-Making Process

49. With respect to the Permanent Constitution-making process envisaged under Chapter VI of the R-ARCSS, the RTGoNU has already initiated the permanent constitution making process as mandated by the R-ARCSS. According to the Minister of Justice and Constitutional Affairs, the RTGoNU Governance Cluster has endorsed its proposed roadmap for implementation of legal, judicial, transitional justice and constitutional reforms as provided for under Chapter 1, Chapter V and Chapter VI of the R-ARCSS.

50. As mandated under *Article 6.7 of the R-ARCSS*, the RJMEC Secretariat has made significant progress in preparation towards the convening of the workshop for the Parties to agree on the details of conducting the permanent constitution-making process. The outcome of the workshop shall form the basis of the legislations to be enacted to govern the constitution-making process.

51. The Secretariat has identified and engaged the Max Planck Foundation, a renowned Germany based institute, to facilitate the workshop and together have been planning and consulting with the parties and stakeholders under the R-ARCSS. This includes a series of sensitization meetings with representatives of the Parties, the Other South Sudanese Stakeholders and relevant rule of law institutions and mechanisms expected to play critical roles in the constitution-making process or its implementation.

52. Following a request of the RJMEC Interim Chairperson to the Parties and stakeholders to nominate representatives to the forthcoming constitutional process workshop, the Secretariat has so far received nominations from the parties and stakeholders except from the ITGoNU and continues to appeal to the ITGoNU to nominate its representatives without any further delay to enable the convening of this workshop in the first week of February 2021 as scheduled. Finally, the RJMEC is also engaging closely with the Ministry of Justice and together with IGAD Advisors, have developed a proposed Terms of Reference for the establishment of the Ad-hoc Judicial Reform Committee as provided for under *Article 1.17.3 of the R-ARCSS*.

Chapter VII. The Reconstituted Joint Monitoring and Evaluation Commission

53. During the period under review, the RJMEC Leadership met with IGAD Chairman and Prime Minister of Sudan Hon. Abdallah Hamdok in Juba. The Prime Minister was in Juba for the signing of a peace agreement between Sudan's transitional government and several rebel groups. The RJMEC Chairman thoroughly briefed the Prime Minister on the status of implementation of the R-ARCSS and the lack of progress in some key areas. The Chairman highlighted the lack of movement on the dissolution of the TNLA, the slow pace of the graduation and redeployment of the unified forces, and the stalemate in the appointment of the governor for Upper Nile State. The Prime Minister, for his part, reaffirmed his commitment to remaining personally involved in the process and to working closely with the RTGoNU in the months ahead, to help move forward with the implementation.

54. Throughout the quarter, the RJMEC leadership met repeatedly with H.E Salva Kiir, President, Dr Riek Machar Teny, First Vice President, and the four Vice Presidents of the Republic of South Sudan. The RJMEC leadership also held discussions with Nhial Deng Nhial,

Presidential Affairs Minister on the status of implementation of the R-ARCSS. The meetings discussed on the need to complete the power-sharing arrangements at the state and county levels, appointment of the Upper Nile Governor, the reconstitution of the TNLA, and urged for the financial support of the NUF and DDR Commission, among others. Discussions were also held on the intercommunal violence and government's attempts to deal with the situation.

55. Following repeated defections from the SPLM/A-IO to the SSPDF, and in particular after fighting broke out in the area of Kajo-Keji, the RJMEC Leadership held urgent discussions with the Minister of Defence and the Chief of Defense Forces of the SSPDF, General Johnson Okot. The RJMEC Chair reiterated his call that the Parties discourage defections by refusing to accept those involved. He stressed that acceptance of the renegade soldiers can only serve to undermine the Peace Process and further delay implementation. Discussions were also held on possible options to resolve the problem around the Moroto training center and to defuse building tensions in Kajo-Keji. In particular, options that were being planned by the JDB to address the situation were discussed.

56. The RJMEC Chairman travelled to Rome in October to observe the convening of the Sant' Egidio process involving NAS and other parties of SSOMA and the RTGoNU. This was the first meeting since the Rome Declaration was signed in January 2020 and focused on accommodating NAS and the other Parties into the Peace Agreement. The meeting was held against the backdrop of several alleged NAS attacks against the SSPDF and SPLA-IO in the Equatorias.

57. This has been a major source of conflict including allegations of SGBV and was blamed for seriously destabilizing the Equatorias. At the conclusion of the negotiations, the parties agreed to recommit to CoHA, de-escalate violence, establish a channel of communication with CTSAMVM, grant unhindered access to CTSAMVM and humanitarian actors, stop attacks on civilians including SGBV, and convene a technical workshop to implement the resolution to include SSOMA into CTSAMVM.⁸

58. In December, the RJMEC Chairman wrote officially to the IGAD Chair, Prime Minister Hamdok of Sudan, on the status of implementation of the R-ARCSS. The RJMEC Chair stressed the slow pace of progress in implementation, including failure of the Parties to: (i) complete the training and redeployment of the NUF; (ii) appoint the Upper Nile Governor and (iii) complete the nominations to the TNLA. In addition, the Chair was briefed on the spate of recent defections within the SPLA-IO forces. Given the slow pace of implementation, and the fact that almost an entire year has gone by since the formation of the RTGoNU, the Chair recommended to IGAD that an urgent IGAD Summit be convened early in the new year in an effort to explore ways to move the process of implementation forward.

59. During the reporting period, the RJMEC held its monthly Plenary in an effort to discuss the status of implementation of the R-ARCSS, and issued monthly statements detailing the status of implementation. The meeting brought together the Parties to the Agreement, stakeholders and its regional and international members. Prior to the formal meetings, the Interim Chairperson maintained a steady and consistent engagement with the Parties to the Agreement, the regional and international diplomatic community and other stakeholders.

⁸ A follow-up technical workshop was held in Rome from 9-13 November focused on finalizing arrangements that will allow SSOMA forces to be integrated into the monitoring mechanism.

III. Observations and Recommendations

60. The slow pace of implementation of the R-ARCSS is accompanied by a number of attendant risks and challenges. These include growing defections and intercommunal violence, which could destabilise the permanent ceasefire; insufficient resources devoted to the training and redeployment of the NUF, with the potential to derail unification; failure to complete the RTGoNU at all levels of government; and a prolonged delay in establishing the TNLA and Council of States, which could result in the inability to pass meaningful legislation critical to the success of the Agreement.

61. At the state and county levels, the Parties willingness to compromise and reach an amicable solution on the various allocations consistent with the responsibility sharing formula is commendable. However, failure to appoint an Upper Nile Governor continues to impede completion of the formation of government at all levels. Worse, it has challenged the ability of the Parties to seek continuous compromise towards the implementation of the Agreement. In addition, it leaves a void at the highest level of state government, which could encourage continued insecurity that can work against achieving lasting peace. At the national level, the Parties, for the most part, have failed to submit nominees to the TNLA as per *Article 1.14.2* of the R-ARCSS. The Parties are urged to immediately complete the nomination process and allow for expansion and reconstitution of Parliament, without any further delay.

62. With almost a year having being expended during the Transitional Period, the RTGoNU is still struggling with completion of outstanding Pre-Transitional tasks and in particular that of graduation and redeployment of the NUF, and reconstitution of the TNLA and the COS. What was originally intended to be a forty-five-day training exercise turned into a more than 14-month ordeal to date for the unification of forces. Of growing concern is the chronic shortage of food and medicines and the increasing number of forces leaving the camps in search of food.

63. It is strongly recommended that the RTGoNU make available the necessary resources to graduate and redeploy the forces remaining at the centers and to embark on Phase 2 of the planned training. Further, coordination of the security arrangements remains lacking and it is now imperative that DDR is given the necessary focus and priority at the RTGoNU Presidency and Governance Cluster levels to avoid a disconnect between Phase I NUF graduation and deployment and ensure effective management of those ex-combatants who are selected, or opt, for DDR. Failure to immediately address the situation could very well result in the unravelling of the Permanent Ceasefire and Transitional Security Arrangements (PCTSA).

64. RJMEC is rightly concerned by the continuing denial of access of UNMISS personnel particularly in the Yambio area of Central Equatoria. The Parties to the Agreement must be reminded that this is a prohibitive action of the R-ARCSS and in clear violation of *Article 2.1.10.6 of the R-ARCSS*, pertaining to their obligations. Parties must comply with all articles of the Agreement and in this instance immediately guarantee free and unhindered access to all UNMISS personnel.

65. The loss of life seen in Kajo-Keji linked to defections of SPLA-IO soldiers to the SSPDF is indeed regrettably. Similarly, the unrest in the Equatorias connected to NAS

recruitment activities combined with a worrying number of SGBV cases are causes of grave concern. Forces should continue to resist defections at a time when efforts are underway to forge a unified army. Its important to note that episodes of SGBV violence are clear violations of the R-ARCSS, and those engaged in such acts will continue to be subjected to the course of justice. In that regard, efforts of the SSPDF leadership to prosecute those found committing such acts are commendable.

66. Tasks related to Chapters III, IV and V of the R-ARCSS have hardly been addressed adding to the terribly slow pace of implementation. In fact, with the exception of the proposed holding of the permanent constitution making workshop, none of the other activities in Chapter V were attempted. Similarly, none of the transitional justice institutions were initiated and the several economic reforms called for in Chapter IV remain undone. It is therefore imperative that the RTGoNU dispenses with the two Pre-Transitional tasks and commence work on the many outstanding Transitional Period tasks.

67. Concerning the implementation of Chapter V, the Ministry of Justice must be commended for initiating the process by seeking approval from the Governance Cluster for the proposed implementation of legal, judicial, transitional justice and constitutional reforms as it relates to the R-ARCSS. Now what remains is for the Ministry of Justice to initiate engagement with the UN, AU and African Commission on Peoples and Human Rights (ACPHR) with a view to identifying areas of support and collaboration. In addition, RTGoNU should support efforts to fast track the establishment of the Hybrid Court of South Sudan and engage on complementary transitional justice mechanisms, with concerned partners.

IV. Conclusion

68. Urgent attention must necessarily be paid by the RTGoNU to the overwhelmingly slow pace of implementation of the R-ARCSS. With almost a year of the three-year transitional period having expired, it is imperative to reconstitute the TNLA and complete the unification of forces, the two remaining activities meant to have been performed during the Pre-Transitional Period. Completion of both tasks will help lay the foundation for increased stability and the ultimate success of the Agreement. At this juncture it is imperative to witness a renewal of efforts towards implementation of the Agreement, on the part of RTGoNU, the Parties, other stakeholders, and the regional and international communities. This call for urgent action is all the more important given the fact that millions of IDPs and refugees are still yearning to return to a country that is stable, and on a strong path of reforms; all of which are provided for in the R-ARCSS.

69. RJMEC on its part shall continue to impartially monitor, evaluate and report as it carries out its oversight responsibilities with regards to the implementation of the R-ARCSS, and intervene whenever necessary. RJMEC will also continue providing regular reports and briefings to the RTGoNU, the TNLA, the Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the AU Peace and Security Council, and to the UN Secretary-General and the United Nations Security Council.

END