



# **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 DURING  
THE PRE-TRANSITIONAL PERIOD

FOR THE PERIOD

12 SEPTEMBER 2018 TO 22 FEBRUARY 2020

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## List of Acronyms

AJMCC	Area Joint Military Ceasefire Committees
ARCSS	Agreement on the Resolution of the Conflict in the Republic of South Sudan
AU	African Union
AUPSC	African Union Peace and Security Council
CTSAMM	Ceasefire and Transitional Security Arrangements Monitoring Mechanism
CTSAMVM	Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism
DDRC	Disarmament Demobilisation and Reintegration Commission
FD	Former Detainees
HLRF	High-Level Revitalisation Forum
IBC	Independent Boundaries Commission
IDP	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IPC	Integrated Food Security Phase Classification
IPU	Immediate Protection Unit
ITGoNU	Incumbent Transitional Government of National Unity
JDB	Joint Defence Board
JMCC	Joint Military Ceasefire Commission
JMCT	Joint Military Ceasefire Teams
JMEC	Joint Monitoring and Evaluation Commission
JTSC	Joint Transitional Security Committee
NAS	National Salvation Front

NCAC	National Constitutional Amendment Committee
NDM	National Democratic Movement
NDS	National Development Strategy
NPTC	National Pre-Transitional Committee
NSS	National Security Service
NUF	Necessary Unified Forces
OPP	Other Political Parties
PCTSA	Permanent Ceasefire and Transitional Security Arrangements
R-ARCSS	Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan
RJMEC	Reconstituted Joint Monitoring and Evaluation Commission
RTGoNU	Revitalised Transitional Government of National Unity
SDSRB	Strategic Defence and Security Review Board
SPLM/A-IO	Sudan People's Liberation Movement/Army-In Opposition
SSOA	South Sudan Opposition Alliance
SSPDF	South Sudanese Peoples Defence Forces
TBC	Technical Boundary Committee
TCRSS	Transitional Constitution of the Republic of South Sudan
TGoNU	Transitional Government of National Unity
TNL	Transitional National Legislature
TNLA	Transitional National Legislative Assembly
UNHCR	United Nations High Commissioner for Refugees
UNMISS	United Nations Mission in South Sudan
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs



# **1. Executive Summary**

## **Introduction**

This report draws on material prepared pursuant to Chapter 7, Article 9 of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), and covers the entire of the Pre-Transitional period, from the signing of the R-ARCSS since it came into effect on 12 September 2018 to 22 February 2020.

## **Background**

In 2017, the Joint Monitoring and Evaluation Commission (JMEC) assessed that the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) of 2015 had been facing serious violations and therefore it concluded that the status quo was untenable. At their meeting of 12 June 2017, the IGAD Heads of State and Government approved JMEC's recommendation to convene a High-Level Revitalisation Forum (HLRF) of the Parties to the ARCSS. After fifteen months of intense negotiations, the HLRF culminated in the signing of the R-ARCSS on 12 September 2018.

## **Prevailing Political, Security, Humanitarian and Economic Situation**

The following section looks at the political, security, humanitarian and economic situation, which prevailed in South Sudan during the Pre-Transitional period.

## **Political situation**

In general, the political situation in South Sudan throughout the Pre-Transitional period of the R-ARCSS was calm and stable. In the main, disputes that arose were subsequently settled, and implementation moved on, though others continued to simmer without unduly delaying implementation. Many key opposition members who returned to Juba as of December 2018 reported favourable political conditions for carrying out their work within the various Agreement institutions and implementation mechanisms. However, meetings between H.E. Salva Kiir Mayardit and H.E. Dr. Riek Machar Teny were few. Towards the end of 2019, the South Sudan Opposition Alliance (SSOA) divided

into two factions with each claiming legitimacy of the leadership of the Alliance. Also, the Other Political Parties (OPP) experienced some leadership challenges. The challenges faced by SSOA and OPP were, to some extent, sufficiently overcome during the Pre-Transitional period and they continued to play a functional enough role in the implementation of the R-ARCSS.

### **Extensions to the Pre-Transitional period**

As per article 1.1.2 of the R-ARCSS, the Pre-Transitional period was meant to last for eight months, to be followed by 36 months of Transitional period. However, with the consent of the Parties to the R-ARCSS, the Pre-Transitional period was extended twice; for an additional six months in the first instance and for 100 days in the second. The fundamental issue that informed the extension of the Pre-Transitional period on both occasions was the failure of the Parties to sufficiently implement the most critical and consequential tasks required to establish the RTGoNU on a solid foundation.

### **Number of States and their boundaries**

The issue of the number of States and their boundaries was a key area of contention throughout the Pre-Transitional period. Numerous attempts were made to resolve this impasse. The first consultative meeting of the Parties to the R-ARCSS was convened from 2 – 4 December 2019, and then a second round from 14 – 16 January 2020. These meetings did not break the deadlock on the divergent positions of the Parties on the number of states and their boundaries. The issue was subsequently escalated to the level of IGAD Heads of State and Government, which met on 8 February 2020, preceded by a meeting of the IGAD Council of Ministers, also held on the same day. In the event, the IGAD leaders could not resolve the issue of the state during their meetings in Addis Ababa held on 8 and 9 February 2020. Following his public consultations and despite strong public signals from the ITGoNU advocating that the status quo (32 states) remained, the President of South Sudan decided to return the country to 10 states and also announced the inclusion of Abyei Administrative Area (AAA), Greater Pibor Administrative Area (GPAA) and Ruweng Administrative Area (RAA).

## **Security situation**

The security situation in general during the Pre-Transitional period was calm and stable, with the Permanent Ceasefire holding and the Parties generally respecting the security provisions of the Agreement. After the signing of the R-ARCSS, CTSAMVM reported a gradual decrease in fighting among the warring Parties. However, on a regular basis throughout the Pre-Transitional period, CTSAMVM reported violent clashes. Most often, hold-out groups – notably General Thomas Cirillo’s National Salvation Front (NAS/TC) – were involved along with the SSPDF and / or SPLM/A-IO. Incidents of cattle rustling were also regularly reported. Although the distinction of ‘outside the confines of the Agreement’ is strongly relevant, the consequences that such episodes of instability can have on the implementation of the Transitional Security Arrangements are important to consider.

### **Hold-out groups: Security and Diplomacy**

Throughout the Pre-Transitional period, the Yei River area was routinely highlighted as an area lacking in stability where tensions remained high. Parties involved were commonly said to be the National Salvation Front aligned with General Thomas Cirillo, clashing with the SSPDF and the SPLM/A-IO. These clashes often resulted in civilian displacement and on occasion, fatalities. Despite the diplomatic efforts of the IGAD Special Envoy, more traction was gained under the auspices of the Sant’Egidio Community organisation towards the end of 2019 and early 2020. 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. The second and third in particular, a Declaration and a Resolution, are notable as they set out ways of bringing SSOMA representatives into the operational structures of CTSAMVM.

## **Humanitarian Situation**

Despite ups and downs throughout the course of the Pre-Transitional period, the humanitarian data did not show substantial improvement.<sup>1</sup> In the following categories – those in need of humanitarian assistance, food insecurity, IDPs and refugees – the data from the start of the Pre-Transitional period roughly matched that at its close. In other words, improvements in any of these categories was only minor, while some became worse.

## **Economic Situation**

Following the signing of the Agreement, the exchange rate remained relatively stable and inflation dropped appreciably. However, for the most part during the Pre-Transitional period, the government still accrued public service payment arrears, inflation remained elevated, and the exchange rate continued to come under pressure. Moving into 2019, there were some signs of economic normality returning. The newly created National Revenue Authority reported significant improvements in non-oil revenue collection through the first eight months of FY 2018/19. That said, non-oil revenues only represented 15 per cent of total net revenues in the 2019/2020 budget year. Oil revenues are the dominant source of income for the Government, but this exposes South Sudan to risks created by volatile world oil prices.

## **Status of Implementation of the R-ARCSS Pre-Transitional Activities**

The following section looks at the implementation of the Pre-Transitional activities through the prism of the Agreement institutions and mechanisms.

### **Permanent Ceasefire and Transitional Security Arrangements**

In Chapter 2 of the R-ARCSS, it is stipulated that the Parties to the Agreement reiterate all their commitments under the Cessation of Hostilities Agreement (CoHA), signed on 21 December 2017. In addition to the Permanent Ceasefire,

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<sup>1</sup> Unless specified otherwise, the humanitarian data referred to in this section is available here: <https://www.unocha.org/south-sudan> (accessed on 28 March 2020).

Chapter 2 also provides for key Transitional Security Arrangements (TSA) tasks that must be accomplished within eight months of the Pre-Transitional period in order to pave the way for the establishment of the R-TGoNU. Progress in unification during the eight months of the Pre-Transitional period was very limited, though the pace improved during the two extensions. Even so, as the Pre-Transitional period drew to a close, the goal of unification of forces was still a long way off being achieved.

### **Sexual and Gender-Based Violence**

The issue of sexual and gender-based violence began the Pre-Transitional period by grabbing headlines. In early December, an international media source reported cases of sexual and gender-based violence perpetrated on women in an area south west of Bentiu. Reports of such incidents continued into 2019, with CTSAMVM investigating allegations of SGBV in Karpeto, Lobonok in Central Equatoria on 18 January 2019. Such incidents declined towards mid-2019, and in the last quarter of 2019, CTSAMVM further noted that SGBV sensitisation training by some Parties was ongoing at cantonment sites, and in October 2019, the South Sudan National Police Service launched its Action Plan on addressing Conflict-Related Anti-Sexual Violence in South Sudan for the period November 2019 to October 2022.

## **Agreement institutions and implementation mechanisms**

### **Joint Monitoring and Evaluation Commission**

Activities. The RJMEC Secretariat was a central actor during the Pre-Transitional period, with its leadership playing a strategic role in discharging the mandate, and its thematic advisors covering each chapter of the Agreement. This also included various appearances at high-level meetings in South Sudan and regionally, civil society events, and media appearances. During the Pre-Transitional period, RJMEC held 14 monthly meetings, as per 7.12 of the Agreement.

High-level regional meetings. Throughout the Pre-Transitional period, the RJMEC Interim Chairperson regularly delivered statements to the IGAD Council of Ministers (66<sup>th</sup>-70<sup>th</sup> Extra-ordinary Sessions), the IGAD Assembly of Heads of

State and Government (33<sup>rd</sup> and 34<sup>th</sup> Extraordinary Sessions) and the African Union Peace and Security Council (including 855<sup>th</sup>, 886<sup>th</sup>, 894<sup>th</sup> and 905<sup>th</sup> sessions).

Outreach. During the Pre-Transitional period, the RJMEC Secretariat conducted several stakeholders' sensitisation programmes on the Revitalised Peace Agreement through face-to-face events and print/audio outreaches. 20 face-to-face sensitisation events were conducted in various areas of the country. In terms of print / audio outreach, two types of communications products were developed: i) printed summaries of the Revitalised Peace Agreement; and ii) audio recordings in the form of public service announcements. These two products were developed in English, and translated into the following languages: classical Arabic, Juba Arabic, Dinka, Nuer, Collo, Bari and Zande.

### **Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism**

Activities. Restructuring of CTSAMVM at the time of Agreement signature allowed for the inclusion of SSPDF, SPLA-IO and SSOA representatives into its functional structures, while its operations saw the introduction of a decentralised sector system and the deployment of Monitoring and Verification Teams.

Technical Committees. The work undertaken by CTSAMVM during the course of the Pre-Transitional period can be assessed through the outcomes of its Technical Committees (composed of members of all the Parties to the Agreement), available [here](#).

Troop verification. At no point during the Pre-Transitional period did the two main armed groups, the SSPDF and the SPLM/A-IO, disclose their troop numbers and locations in full to CTSAMVM, as required by the Agreement (Articles 2.1.11.1 and 2.2.3.4). SSOA, also an armed group (though smaller), did not do so either.

Denial of access. Movement and access are essential components enabling CTSAMVM to function. However, the denial of access was a routine occurrence,

in particular during the first half of the Pre-Transitional period. Then, focus shifted to verification of cantonment sites and training centres where access was much better.

### **The National Pre-Transitional Committee**

Activities. A key aspect of the NPTC's responsibility was the sourcing of funding for the implementing mechanisms. The ITGoNU was the main source of funds to the NPTC, but it remained a concern throughout the Pre-Transitional period. In fact, it was never made completely clear how much funding had been availed to the implementing mechanisms. Specifically, concerns were routinely raised regarding the timeliness and predictability of funds, as well as transparency and accountability once funding was disbursed.

### **The Joint Defense Board**

Activities. The JDB, working with the Joint Military Ceasefire Commission (JMCC) and the Joint Transitional Security Committee (JTSC), developed plans for cantonment and the unification of forces. Part of the activities of the JDB involved conducting confidence building measures among field commanders in areas such as Yei, Wau, and parts of Jonglei. In addition, they issued orders to field commanders to disengage and redeploy forces to barracks and cantonments as well as allow CTSAMVM to verify forces in these locations. However, throughout the Pre-Transitional period, the JDB met infrequently.

### **Joint Military Ceasefire Commission**

Cantonment. A total of 25 cantonment sites were agreed and verified for the opposition forces, while the SSPDF were to use their ten existing barracks. In early 2019, SPLA-IO and SSOA troops reportedly moved to locations closer to the proposed cantonment sites across the country. The JMCC began registration in both the opposition sites and within the barracks. Overall, whilst it coordinated and supervised the cantonment and registration of opposition forces (SPLM-A/IO and SSOA), it did much less with respect to ITGoNU forces (SSPDF and other government organised forces).

## **Joint Transitional Security Committee**

Training Centres. In May 2019, the JTSC convened a workshop and examined its progress on the selection, training and redeployment of the NUF. After a slow start to its activities, the JTSC established 37 training centres across the country, later revised down to 18, of which 17 were operationalised. As the Pre-Transitional period drew to a close, training was not well advanced, if at all. The joint training curricula as agreed among the mechanisms did not seem to be being delivered.

## **Strategic Defense and Security Review Board**

Activities. In early 2019, the Board held several meetings to review three documents: a) the Strategic Security Assessment; b) the Security Policy Framework; and c) the Revised Defence Policy. Generally, a lack of funding and dedicated expertise slowed down the Board's progress. Consequently, the Pre-Transitional period closed without the SDRS Board completing its key deliverables.

## **National Constitutional Amendment Committee**

Incorporation of the R-ARCSS into TCRSS, 2011 (as amended): Following its reconstitution, NCAC members reconvened in Juba where work began on incorporating the R-ARCSS into the Transitional Constitution of the Republic of South Sudan (TCRSS) 2011 (as amended). The Transitional Constitution of the Republic of South Sudan (Amendment) (No.6) Bill, 2019, was submitted to the Minister of Justice in January 2019. Then, the two extensions to the Pre-Transitional period needed to be incorporated. Subsequently, the final revised Bill incorporating the 100-day extension agreed in November 2019 was submitted in January 2020. As the Pre-Transitional period closed, the Transitional Constitution of the Republic of South Sudan (Amendment) (No.6) Bill, 2019, had received Presidential assent. However, errors in the Bill were noticed by NCAC shortly thereafter, requiring it to be returned for revision.



## **Disarmament, Demobilisation, and Reintegration Commission**

Activities. The DDR Commission began by establishing a Secretariat in September 2019, and identified possible future DDR transitional sites. Beyond this, little progress was made.

## **Technical Boundary Committee**

Activities. The TBC prepared a detailed report as per its mandate of listing, describing and mapping tribal boundary areas of 1 January 1956 which were in dispute as a consequence of establishment of 32 states in the Republic of South Sudan. It could not undertake the ‘demarcation’ component of its mandate. The actual task of internal boundaries demarcation is a labour intensive and time-consuming exercise, requiring financial resources and expertise much beyond what was available. A key point that emerged from the report was the assertion that they are able and willing to resolve the internal ethnic boundary disputes amongst themselves, should they be facilitated to do so by a neutral body. This means the resolution of the internal boundary disputes between and within ethnic communities is not a technical issue, but political.

## **Independent Boundaries Commission**

Activities. The IBC deliberated for just under three months, but the outcome of its work was inconclusive since its members did not agree, as required under article 1.15.9. Therefore, no report from the IBC was delivered that could help resolve the issue of the number of States and their boundaries, including the composition and restructuring of the Council of States at that time.

## **2. Introduction**

This report draws on material prepared pursuant to Chapter 7, Article 9 of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), and covers the entire of the Pre-Transitional period, from the signing of the R-ARCSS since it came into effect on 12 September 2018 to 22 February 2020, the date on which President H.E. Salva Kiir Mayardit swore in other members of the Presidency of the Revitalised Transitional Government of National Unity (RTGoNU). It draws on material prepared pursuant to Chapter 7, Article 9 of the R-ARCSS. This report looks at: i) the prevailing political, security, humanitarian and economic situation; ii) the status of implementation of the Pre-Transitional activities; and iii) the Agreement institutions and implementation mechanisms.

## **3. Background**

In 2017, the Joint Monitoring and Evaluation Commission (JMEC) assessed that the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) of 2015 had been facing serious violations and therefore concluded that the status quo was untenable. To that end, JMEC appealed to the IGAD leaders to consider taking urgent appropriate corrective measures to salvage the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) through its revitalisation. At their meeting of 12 June 2017, the IGAD Heads of State and Government approved JMEC's recommendation to convene a High-Level Revitalisation Forum (HLRF) of the Parties to the ARCSS, including estranged groups, to discuss concrete measures to restore the Permanent Ceasefire, full implementation of the Peace Agreement and to develop revised realistic timelines and an implementation schedule towards democratic elections at the end of the Transitional period.

After fifteen months of intense negotiations, the HLRF culminated in the signing of the R-ARCSS on 12 September 2018. The signatories for the five Parties that participated in the signing of the R-ARCSS are:

- i) H.E. Salva Kiir Mayardit, President of the Republic of South Sudan for the Incumbent Transitional Government of National Unity (ITGoNU);
- ii) H.E. Dr. Riek Machar Teny, Chairman and Commander in Chief of the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO);
- iii) Hon. Deng Alor Kuol for Sudan People's Liberation Movement - Former Detainees (SPLM-FD);
- iv) Hon. Gabriel Changson Chang for the South Sudanese Opposition Alliance (SSOA);<sup>2</sup>
- v) Other Political Parties (OPP), as follows:  
 Hon. Peter Mayen Majongdit for Umbrella of Political Parties;  
 Hon. Kornello Kon Ngu for National Alliance of Political Parties;  
 Hon. Ustaz Joseph Ukel Abango for United Sudan African Party;  
 Hon. Martin Toko Moyi for United Democratic Salvation Front;  
 Hon. Steward Sorobo Budia for United Democratic Party; and  
 Hon. Wilson Lionding Sabit for African National Congress.

Those involved in the negotiations but who did not sign the Agreement include National Salvation Front / Gen. Thomas Cirillo, the People's Democratic Movement, the United Democratic Republican Alliance, and the National Democratic Movement.

The Agreement was also signed by four other main blocs; i) Stakeholders, ii) Guarantors, iii) IGAD led Mediation, and iv) International Partners.

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<sup>2</sup> The SSOA is the third largest of the five parties and signatories to the R-ARCSS and is comprised of eight opposition political parties, including Federal Democratic Party led by Hon. Gabriel Changson Chang, National Salvation Front led by Khalid Boutros, National Democratic Movement led by Dr Lam Akol, South Sudanese National Movement for Change/Army led by Gov. Joseph Bangasi Bakasoro, South Sudanese Patriotic Movement/Army led by Dr Costelo Garang, South Sudan Liberation Movement/Army led by Baping Montuil, South Sudan United Movement/Army formerly led by Gen. Peter Gadet by now Hon. Deny Chagor, The People's Democratic Movement led by Dr Hakim Dario.

- i) Signing for the Stakeholders were:
  - 1. Bishop Emeritus Enock Tombe Loro, Faith Based Leader;
  - 2. Sheik Mohamed Hassan Morjan Faith Based Leader;
  - 3. Prof. Moses Machar, For Eminent Personality
  - 4. Prof. Francis Deng, For Eminent Personality;
  - 5. Hon. Rebecca Nyadeng Garang, Eminent Personalities;
  - 6. Ms. Mary Akech Bior, For Women's Bloc;
  - 7. Ms. Rita M. Lopidia, For Women Coalition;
  - 8. Mr Simon Akuei Deng, For Business Community;
  - 9. Ms Alokiir Malual, For Civil Society of South Sudan;
  - 10. Prof. Pauline Elaine Riak, For Academia;
  - 11. Dr Koiti Emmily, For Youth representative;
  - 12. Mr Biel Boutros Biel, Civil Society Delegate;
  - 13. Mr Alikayo Aligo Samson, For Concerned Citizen;
  - 14. Mr Rajab J. Simon Mohandis, Civil Society Delegate;
  - 15. Mr Edmund Yakani, Civil Society Delegate;
  - 16. Ms Sarah Nyanath Elijah, For Gender Empowerment for South Sudan Organization; and
  - 17. Shiek Vitale Aligo Samsom, For South Sudan Civil Society Alliance
- ii) Signing for the Guarantors were:
  - a) IGAD Heads of State and Government
    - 1. H.E Dr. Abiy Ahmed, Prime Minister of the Federal Democratic Republic of Ethiopia and Chair of IGAD;
    - 2. H.E Yoweri Kaguta Museveni, President of the Republic of Uganda
    - 3. H.E Omar Hassan Ahmed Al-Bashir, President of the Republic of Sudan;
    - 4. H.E Ismail Omar Guelleh, President of the Republic of Djibouti;
    - 5. H.E Mohamed Abdullahi Mohamed, President of the Federal Government of Somalia; and
    - 6. H.E Uhuru Kenyatta, President of the Republic of Kenya and Rapportuer of IGAD.

- b) African Union High Level Ad-hoc Committee for South Sudan and African Union Commission
  - 1. Representative For the People's Democratic Republic of Algeria;
  - 2. Representative For the Republic of Chad;
  - 3. Representative For Federal Republic of Nigeria;
  - 4. Representative For the Republic of Rwanda;
  - 5. Representative For the Republic of South Africa; and
  - 6. Representative For the Chairperson of the African Union Commission
- iii) Signing for the IGAD led Mediation were:
  - 1. H.E. Amb. Dr Ismail Wais, IGAD Special Envoy for South Sudan; and
  - 2. H.E Al-Dirdiery Mohamed Ahmed, Minister for Foreign Affairs, Republic of Sudan
- iv) Signing for International Partners as witnesses were:<sup>3</sup>
  - 1. Representative of the Peoples Republic of China;
  - 2. Representative of the TROIKA (USA, UK & Norway);
  - 3. Representative of the European Union;
  - 4. Representative of the United Nations; and
  - 5. Representative of the IGAD Partners Forum (IPF).

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<sup>3</sup> At the close of the Pre-Transitional period, the Representatives of the Troika, European Union and the IGAD Partners Forum had not signed the Agreement.

## **Prevailing Political, Security, Humanitarian and Economic Situation**

The following section looks at the political, security, humanitarian and economic situation, which prevailed in South Sudan during the Pre-Transitional period.

### **4. Political situation**

In general, the political situation in South Sudan throughout the Pre-Transitional period of the R-ARCSS was calm and stable. In the main, disputes that arose were subsequently settled, and implementation moved on, though others continued to simmer without unduly delaying implementation. The leadership organs of the following Parties ratified the R-ARCCS (as per Article 8.1): the SPLM/A-IO on 22 September 2018, Former Detainees (FD) on 25 September 2018, and South Sudan Opposition Alliance (SSOA) on 28 September 2018.

Confidence building measures. The confidence building measures that were held in the early stages of the Pre-Transitional period contributed to an improving relationship between the leaderships of the Parties to R-ARCSS. The Khartoum celebration of the signing of the R-ARCSS took place on 22 September 2018, and involved a meeting of the leaderships and stakeholders as part of confidence building measures. Furthering these gains, some additional confidence building activities took place during the fourth quarter of 2018. In particular, National Peace Day was celebrated in Juba on 31 October 2018, and was attended by thousands of South Sudanese, political leaders from all the Parties to the R-ARCSS, as well as IGAD Heads of State and government, and international community representatives in Juba. Examples of other confidence building measures include visits made to Wau and Leer by senior government and military leaders. Many key opposition members who returned to Juba as of December 2018 reported favourable political conditions for carrying out their work within the various Agreement institutions and implementation mechanisms.

However, meetings between H.E. Salva Kiir Mayardit and H.E. Dr. Riek Machar Teny were few. Finally, in September 2019, the long-anticipated visit of the Chairperson of the SPLM/A-IO to Juba to meet with President Kiir took place

between 9 and 11 September. The discussions were generally held in a cordial atmosphere and signalled a positive development in the relationship between the leaders of the two largest Parties to the Agreement. Although there were no major breakthroughs, particularly on the issue of the determination of the number of states, the visit was generally well received by the public and provided added impetus to the implementation.

Political fracturing. One caveat to the confidence building is that shortly after the signing of the Revitalised Peace Agreement, enduring internal leadership wrangles emerged within SSOA, which threatened to fracture the Alliance into rival camps. Towards the end of 2019, SSOA divided into two factions with each claiming legitimacy of the leadership of the Alliance. Also, the Other Political Parties (OPP) experienced some leadership challenges. Individual parties within the OPP observed that they did not have a formal memorandum to govern their inter-party relationships. RJMEC, IGAD Special Envoy to South Sudan and the South Sudan Council of Churches remained engaged with the concerned parties to resolve their political differences. The challenges faced by SSOA and OPP were, to some extent, sufficiently overcome during the Pre-Transitional period and they continued to play a functional enough role in the implementation of the R-ARCSS.

## **5. Extensions to the Pre-Transitional period**

As per article 1.1.2 of the R-ARCSS, the Pre-Transitional period was meant to last for eight months, to be followed by 36 months of Transitional period. However, with consent of the Parties to the R-ARCSS, the Pre-Transitional period was extended twice; for an additional six months in the first instance and for 100 days in the second. The fundamental issue that informed the extension of the Pre-Transitional period on both occasions was the failure of the Parties to sufficiently implement the most critical and consequential tasks required to establish the RTGoNU on a solid foundation.

First extension: May 2019. As the expiry of the Pre-Transitional period approached (scheduled to end 11 May 2019), it became clear that the deadline would pass

with many of the most critical and consequential tasks as yet unimplemented. In RJMEC's assessment, 59 key tasks were required to be implemented prior to the commencement of the Transitional period. At the time of assessment, 27 out of the 59 were completed, 17 were ongoing and 15 were pending. Therefore, the Parties were convened for consultations from 2-3 May 2019 in Addis Ababa to reach a consensus position on the way forward when the eight months expired. The Parties to the Agreement agreed by consensus to a six-month extension of the Pre-Transitional Period of the R-ARCSS, and recommended it for endorsement to the IGAD Council of Ministers. Subsequently, the Council at its 67<sup>th</sup> Extra-ordinary Session held on 7 May 2019 in Juba, South Sudan endorsed the Parties' recommendation. The Council's decision is contained in its communiqué, accessible from the link available [here](#).<sup>4</sup> The tone of the talks was calm and respectful throughout.

Second extension: November 2019. As was the case in May, it was clear that as the expiry of the extended Pre-Transitional period approached (scheduled to be 11 November), the deadline for the formation of the RTGoNU would pass with many of the most critical and consequential tasks yet again unimplemented. In an updated assessment conducted by RJMEC at the time, of 63 identified Pre-Transitional tasks, 31 tasks were completed, 22 were ongoing, and 10 were still pending.<sup>5</sup> Of the 10 pending, nine were critical for the formation of the RTGoNU on a solid foundation. As a result of the impending deadline, H.E. Dr. Ismail Wais, the IGAD Special Envoy to South Sudan, convened a one-day consultative meeting of the Parties to the Agreement on 9 November 2019 in Addis Ababa in order to to deliberate on the issue. A precursor to this meeting took place on 7 November 2019, when a Tri-Partite Summit of the leaders of Uganda, Sudan and South Sudan was convened in Entebbe, Uganda by H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda. The meeting

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<sup>4</sup> <https://igad.int/attachments/article/2123/05%2009%2019%20CoM%20Communique-SSudan.pdf> (accessed 15 April 2020).

<sup>5</sup> The figure of 63 revised upwards from previous assessment of 59 at the time of the May extension talks.



was attended by H.E. Salva Kiir Mayardit, President of the Republic of South Sudan, by H.E. Abdel Fatah al Burhan al Rahman, President of the Transitional Sovereign Council of Sudan, and Dr. Riek Machar, Chairperson and Commander-in-Chief of SPLM/A-IO and H.E. Stephen Kalonzo Musyoka, Special Envoy of Kenya to South Sudan. The Summit agreed, in principle, to extend the Pre-Transitional Period by 100 days, with a mid-term (after 50 days) review of progress in the implementation. The political development influenced the 9 November 2019 meeting, including the way forward. The Parties welcomed the outcome of the Entebbe Summit, and on 10 November 2019, the IGAD Council of Ministers endorsed the 100-day extension at its 69<sup>th</sup> Extra-ordinary Session. The IGAD Council of Ministers' communiqué is accessible from the link [here](#).<sup>6</sup> The run-up to the November extension was notable also for a public divergence in opinion among the international community on the next steps.

## **6. Number of States and their boundaries**

The issue of the number of States and their boundaries was a key area of contention throughout the Pre-Transitional period. The R-ARCSS recognises its importance, and it was a turnkey issue whose consensual resolution would permit the smooth formation of the RTGoNU. The mandate and activities of the Technical Boundary Committee (TBC) and the Independent Boundaries Commission (IBC) were centred around the need to build consensus among the Parties on this issue. In the event, these mechanisms were unable to resolve the issue as the Agreement envisaged. In its report, the TBC concluded the issue of the number of states and their boundaries was not technical but rather political and recommended that the IBC treat it as such. Also, the IBC recommended to the IGAD Mediation to address the matter politically having failed to determine the number of States and their boundaries and, by extension, was also unable to restructure and reconstitute the Council of States. In the view of the RJMEC Interim Chairperson, this issue became the single most critical obstacle to the timely formation of the RTGoNU.

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<sup>6</sup> [https://igad.int/attachments/article/2293/19\\_11\\_06\\_69th\\_communique\\_of\\_CoM.pdf](https://igad.int/attachments/article/2293/19_11_06_69th_communique_of_CoM.pdf) (accessed 15 April 2020).

Consultations. Numerous attempts were made to resolve this impasse. The IGAD Council of Ministers, through its communiqué issued following the 69<sup>th</sup> Extraordinary Session directed the IGAD Special Envoy to South Sudan to “facilitate a meeting of the Parties to the R-ARCSS to resolve the issue of the number of states and their boundaries and any other outstanding issues pertaining to the establishment of the RTGoNU.” Under the auspices of IGAD, H.E. David Mabuza, South African Deputy President and Special Envoy to South Sudan led the efforts, supported by the Regional Special Envoys to South Sudan.

The first consultative meeting of the Parties to the R-ARCSS was convened from 2 – 4 December 2019, and then a second round from 14 – 16 January 2020. These meetings did not break the deadlock on the divergent positions of the Parties on the number of states and their boundaries. The ITGoNU in particular was unwilling to consider any change to the existing number of 32 states, whereas the other Parties to the Agreement expressed willingness to reconsider their earlier positions, but not the status quo of 32 states. A return to the previous number of 10 states was acceptable to many, including the SPLM/A-IO. During the January 2020 meetings, the mediation team proposed the formation of an Arbitration Committee to settle the issue on behalf of the parties and that the decision of the Committee would be binding on them,, but this was quickly rejected.

Escalation to IGAD. The issue was subsequently escalated to the level of IGAD Heads of State and Government, which met on 8 February 2020, preceded by a meeting of the IGAD Council of Ministers, also held on the same day. With only 13 days left to the end of the 100-day extension of the deadline for the formation of the RTGoNU on 22 February 2020, there was no justification whatsoever for a further extension of the Pre-Transitional period.

A bridging proposal of the Regional Special Envoys to South Sudan on the number of the States and their boundaries outlined and recommended an option of 23 states plus the Abyei Administrative Area as the basis for the formation of the RTGoNU. In the alternate, a return to 10 states was provided for consideration. The IGAD Council of Minsters unanimously endorsed the

bridging proposal for 23 states plus Abeyi Administrative Area as an ideal middle ground, and recommended that the IGAD Heads of State and Government prevail upon the Parties to accept the proposal and form the RTGoNU on time. The communiqué of the Summit of IGAD Heads of State and Government is available [here](#).<sup>7</sup>

In the event, the IGAD leaders could not resolve the issue of the state during their meetings in Addis Ababa held on 8 and 9 February 2020. Rather, and upon request by President Salva Kiir to consult with his constituents on the matter, the leaders agreed that the President should be allowed to do so and report back to the Assembly on 15 February 2020. Following his public consultations and despite strong public signals from the ITGoNU advocating that the status quo (32 states) remained, the President decided to return the country to 10 states and also announced the inclusion of Abyei Administrative Area (AAA), Greater Pibor Administrative Area (GPAA) and Ruweng Administrative Area (RAA). The President's decision was contained in the Republican Decree issued on 15 February. Also, the President assented to the Constitutional Amendment Bill No. 6. 2020. These decisions essentially allowed the formation of the RTGoNU.

## **7. Security situation**

The security situation in general during the Pre-Transitional period was calm and stable, with the Permanent Ceasefire holding and the Parties generally respecting the security provisions of the Agreement. After the signing of the R-ARCSS, CTSAMVM reported a gradual decrease in fighting among the warring Parties. However, on a regular basis throughout the Pre-Transitional period, CTSAMVM reported violent clashes. For example, as early as in October 2018, CTSAMVM reported fighting in the Yei River area, Wau, Leer, and Guit in the former Unity State. Generally, episodes of insecurity, where they occurred, took

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<sup>7</sup>[https://igad.int/attachments/article/2356/09\\_02\\_2020\\_COMMUNIQUE%20OF%20THE%2034TH%20EXTRAORDINARY%20SU%20MMIT%20OF%20IGAD%20HEADS%20OF%20STATE%20AND%20GOVERNMENT.pdf](https://igad.int/attachments/article/2356/09_02_2020_COMMUNIQUE%20OF%20THE%2034TH%20EXTRAORDINARY%20SU%20MMIT%20OF%20IGAD%20HEADS%20OF%20STATE%20AND%20GOVERNMENT.pdf) (accessed 15 April 2020).

place outside the confines of the Agreement. Most often, hold-out groups – notably General Thomas Cirillo’s National Salvation Front (NAS/TC) – were involved along with the SSPDF and / or SPLM/A-IO. Incidents of cattle rustling were also regularly reported. Although the distinction of ‘outside the confines of the Agreement’ is strongly relevant, the consequences that such episodes of instability can have on the implementation of the Transitional Security Arrangements are important to consider.

Maiwut, Upper Nile. Conflict in the Maiwut region of Upper Nile had been simmering since at least July 2019. Tensions between clans of the Lou Nuer in the Maiwut area developed into open conflict following the defection of the former SPLA-IO General James Ochan to the SSPDF. One particularly serious incident was a clash between Ochan’s forces and the SPLA-IO along the Sobat River on 10 December 2019, which left four dead and 10 wounded. Accepting Ochan’s defection was found by CTSAMVM to be contrary to the spirit of the Agreement, and the denial of CTSAMVM’s access by SSPDF made the investigation of allegations of killings and SGBV difficult to undertake. A Peace and Reconciliation conference took place from 4 – 11 February 2020, seemingly resolving the issue. However, reports of renewed clashes continued to be made.

Cattle rustling. Violent cattle rustling, which often included reports of fatalities, were regularly reported throughout the Pre-Transitional period in areas including around Twic, Lakes, and Warrap. Furthermore, large raids were reported to the East of Wau. The rustlers were accused of killing civilians, and abducting women and children. Accusations were levelled that the raiders were organised, armed youth being used as proxy forces by some Parties to the R-ARCSS, though this was never officially verified by CTSAMVM.

## **8. Hold-out groups: Security and Diplomacy**

Throughout the Pre-Transitional period, the Yei River area was routinely highlighted as an area lacking in stability where tensions remained high. Parties involved were commonly said to be the National Salvation Front aligned with General Thomas Cirillo, clashing with the SSPDF and the SPLM/A-IO. These clashes often resulted in civilian displacement and on occasion, fatalities.

*Diplomatic efforts with hold out groups.* Through its communiqué of the 66<sup>th</sup> Extra-ordinary Session of the IGAD Council of Ministers, held in Addis on 16 November 2018 (available [here](#)), the IGAD leaders directed the Special Envoy to South Sudan to “reach out to the South Sudanese stakeholders and any warring groups who are not signatories to the R-ARCSS to join in its implementation.”<sup>8</sup> This was reaffirmed in the communiqué of the 67<sup>th</sup> Extra-ordinary Session (available [here](#)), held in May 2019. These efforts were directed primarily at General Thomas Cirillo, but also General Paul Malong Awan<sup>9</sup>. Accordingly, the RJMEC leadership and the Senior Security Advisor supported the IGAD Special Envoy in his engagements with General Thomas Cirillo Swaka of NAS on 25 February 2019, at the IGAD Office in Addis Ababa. At this meeting, General Cirillo said that he was attending the meeting as the South Sudan National Democratic Alliance, a coalition of those who rejected the Agreement. He requested time to prepare. The next meeting took place on 8 March 2019 in Addis, where little was achieved beyond setting the next meeting for 14 March 2019 in Addis. Gen Cirillo did not present himself at this meeting.

As a separate track, a two-day meeting, from 11 to 12 March 2019, was held in Nairobi between IGAD Special Envoy and General Paul Malong. At this meeting, General Malong requested that IGAD facilitate direct talks between him and H.E. President Salva Kiir. He stated he would not to interfere with the implementation of the Agreement, and that he was not fighting in South Sudan.

Despite the efforts of Dr. Ismail Wais, the IGAD Special Envoy to South Sudan and Ambassador Lt. Gen. Augustino S.K. Njoroge, RJMEC Interim Chairperson, this process bore little fruit throughout 2019. However, more traction was

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<sup>8</sup> <https://igad.int/attachments/article/1994/Communique%20of%20the%2066th%20Extra-Ordinary%20Session%20of%20IGAD%20Council%20of%20Ministers.pdf> (accessed 16 April 2020).

<sup>9</sup> Gen. Paul Malong is a former Chief of Defense Forces and at the time was head of the South Sudan United Front.

gained under the auspices of the Sant'Egidio Community organisation towards the end of 2019 and early 2020. 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>10</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>11</sup> signed on 12 January 2020 (also available [here](#)) and the third was the Rome Resolution<sup>12</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.

## 9. Humanitarian Situation

Despite ups and downs throughout the course of the Pre-Transitional period, the humanitarian data did not show substantial improvement.<sup>13</sup> In the following categories – those in need of humanitarian assistance, food insecurity, IDPs and refugees – the data from the start of the Pre-Transitional period roughly matched that at its close. In other words, improvements in any of these categories was only minor, while some became worse.

*Those in need of humanitarian assistance.* By the end of 2018, according to OCHA, the number of people in need of humanitarian assistance stood at 7 million and was projected to increase slightly to 7.1 million in 2019, creeping up to 7.2 million by mid-2019 until the end of the year. At the commencement of the

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<sup>10</sup> <http://www.santegidio.org/downloads/communique-ssoma-santegidio-2019-new.pdf> (accessed 20 August 2020).

<sup>11</sup> <https://www.santegidio.org/downloads/Rome-Declaration-on-the-peace-process-in-South-Sudan.pdf> (accessed 20 August 2020).

<sup>12</sup> <https://www.santegidio.org/downloads/RRMVCCHA-1302-2020.pdf> (accessed 20 August 2020).

<sup>13</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).

Pre-Transitional period came to an end in February 2020 the number of people in need of humanitarian assistance stood at 7.5 million.

*Food security.* According to data from the Integrated Food Security Phase Classification (IPC)<sup>14</sup>, the Pre-Transitional period began with around 4.4 million people acutely food insecure, a number that was expected to increase to over 5 million by early 2019, and subsequent estimates saw further increases, to the highest levels ever estimated at 6.35 million. Residents of the Greater Upper Nile region were the most food insecure, followed by the Greater Bahr el Ghazal region, while those in catastrophe are in Yirol East of the former Lakes state. By the end of 2019, the number of acutely food insecure people had reduced to 4.54 million while January and February of 2020 – the latter being the month in which the Pre-Transitional Period ended – the number had risen to 5.5 million and 6.01 million respectively.

However, an IPC analysis released in September 2019 ([here](#))<sup>15</sup> pointed to the fact that the situation was slowly improving due to peace returning to the country since the signing of the R-ARCSS, enabling the voluntary return of farmers, increased supplies of food in the market and improved livelihoods. Towards the end of 2019, severe flooding directly affected close to one million people following the destruction of an estimated 73,000 metric tons of potential harvests and the deaths of tens of thousands of cattle and goats on which many people depended for survival. This heightened the critical need for food and shelter. Longer hunger periods were projected across the country in the face of the depleted food stocks and limited funding.

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<sup>14</sup> The IPC is a multi-agency initiative globally led by 12 partners: Action Against Hunger, CARE International, CILSS, FEWS, FAO, the Global Food Security Cluster (GFSC), IGAD, Joint Research Centre of the European Commission, OXFAM, Save the Children, SICA, UNICEF, and WFP. South Sudanese Government entities, NGOs, and the UN are involved in the collection of data and analysis in South Sudan.

<sup>15</sup> <http://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1152135/?iso3=SSD> (accessed 16 April 2020).

*IDPs and refugees.* Throughout the course of the Pre-Transitional period, as the Permanent Ceasefire continued to hold, there was a notable increase in freedom of movement, which prompted the voluntary returns of IDPs and refugees back to their homes. That said, the main concerns were over the rights of returnees as per Chapter 3 of the Peace Agreement. The capacity to ensure protection of returnees as stipulated in Articles 3.1.1.2 to 3.1.1.4 is limited. Particularly, some displaced persons expressed concerns as to whether they would be able to access their property upon return.

According to data from UNHCR and OCHA, the conflict in South Sudan saw more than 4 million people flee their homes. Of these, 2.18 million were in the neighbouring countries of Kenya, Uganda, Ethiopia, Democratic Republic of Congo, and Sudan, while 1.98 million were internally displaced. This number remained roughly constant, moving into early and mid-2019. Importantly, at this stage, the improved general security situation throughout the country encouraged voluntary return of some internally displaced persons (IDPs). For instance, on 3 May 2019, 324 IDPs (mainly women and children) returned from Melut to their places of origin in Baliet County in the Greater Upper Nile area. UNMISS also facilitated two groups of IDPs, totalling 98 persons relocated from the Juba Protection of Civilian (PoC) site, to the Greater Uror area. Cumulatively, it was estimated that over 15,000 people had left the PoC camps to return home since at least January of 2019.

Research showed that the total number of IDPs dropped to 1.5 million at the end of June 2019 from the estimated 1.9 million, while an estimated 2.33 million refugees (a small increase) were living in the neighbouring countries. That said, UNHCR reported that the current conditions were not yet conducive for large scale, durable, safe and dignified returns. Towards the end of 2019, UNMISS reported to the RJMEC Plenary the return of over 600,000 IDPs since the signing of the R-ARCSS. Also, according to UNHCR reports, between November 2017 and November 2019, a total of 226,160 refugees had voluntarily returned to their homes and many continue to express an interest to return home. 2019 closed with the following figures: 2.22m South Sudanese refugees in neighbouring countries, 1.47m IDPs, and 190,000 people in POCs. The Pre-



Transitional period ended with these figures remaining roughly constant, though with an increase to 1.67m of IDPs.

Attacks on humanitarians and access impediments. Overall, 2019 saw a gradual reduction in the number of humanitarian access impediments reported to OCHA. In December 2018 and January 2019, the number of impediments reported were 37 and 35 respectively as compared to earlier figures of 50 or more impediments per month. Any verified access impediment, however, was a violation of Article 3.1.1.1 of the R-ARCSS. Moving into early and mid-2019, reports of humanitarian access impediments were down appreciably but in June 2019, the OCHA reported 12 significant access incidents out of 44 in total. These related to “active hostilities in Lobonok, Central Equatoria, that caused mass displacement of the population within the area and affected aid worker security.”<sup>16</sup> By November 2019, according to OCHA reports, a total of 482 cases of humanitarian access impediments were registered compared to a total of 728 reported in 2018, with the majority of cases recorded being bureaucratic impediments and violence against personnel. 2019 closed with 52 incidents in December being reported to OCHA, but reports of violence against humanitarian personnel and criminality nearly doubled compared to November. In fact, throughout the Pre-Transitional period, despite rises and falls in incidents evidenced by the data, concern was generally expressed by members of the international community, including the UNMISS, OCHA and the EU, about the need by all Parties to the Agreement to guarantee the continued protection of civilians. For example, on 30 October 2019 there were attacks on NGO staff in Morobo County in Yei River area in which three aid workers were killed. Throughout the Pre-Transitional Period, OCHA data indicated that 6 humanitarian workers were killed.

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<sup>16</sup> OCHA Humanitarian Access Snapshot June 2019: <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-access-snapshot-june-2019> (accessed 29 April 2020).

## 10. Economic Situation

Following the signing of the Agreement, the exchange rate remained relatively stable and inflation dropped appreciably. However, for the most part during the Pre-Transitional period, the government still accrued public service payment arrears, inflation remained elevated, and the exchange rate continued to come under pressure.

National Development Strategy. The Incumbent TGoNU (ITGoNU) through a consultative process launched the National Development Strategy (NDS), “Consolidate Peace and Stabilising the Economy” in late 2018, putting in place a broad policy framework, which includes incorporation of the Articles of Chapter 4. This NDS was to be delivered through six strategic priorities; to create enabling conditions for and facilitate the voluntary return and integration of displaced South Sudanese; develop appropriate laws and enforce the rule of law; ensure secure access to adequate and nutritious food; silence the guns by facilitating a permanent cessation of hostilities; restore and expand the provision basic services and to restore and maintain basic transport infrastructure such as roads and bridges. The strategy is to be implemented throughout a three year period.

Signs of normality. Moving into 2019, there were some signs of economic normality returning. Oil fields in Unity that had been closed during the fighting were being reopened, which boosted total production by 33,000 barrels per day in January 2019, an increase of 25% over the average daily production in 2018. Furthermore, the reopening of the Nile river route from Juba to Renk permitted new transport opportunities. The overall price level increased strongly from January to October 2019, reflecting to a large extent the extreme price hikes on a few food commodities (especially bread and cereals) in parts of the country.

The newly created National Revenue Authority reported significant improvements in non-oil revenue collection through the first eight months of FY 2018/19. That said, non-oil revenues only represented 15 per cent of total net revenues in the 2019/2020 budget year. Oil revenues are the dominant source of income for the Government, but this exposes South Sudan to risks created by volatile

world oil prices. High debt levels and accumulation of arrears attest to the impact of low oil prices and disruptions in production in previous years. However, these prices remained relatively stable throughout the Pre-Transitional period, coupled with an increase in oil production to an average of 170 000 barrels/day.

The country continued to feel the impact of earlier disruptions in the economy, and faces numerous challenges in maintaining a sustainable economy in the face of high public debt, weak institutions, and political uncertainty. As 2019 drew to a close, the continuing improvement in the security situation and the observation of the Permanent Ceasefire by the Parties to the R-ARCSS saw stability in oil production, increased food production in some regions of the country as farmers return to their land, although this was still on a relatively small scale.

## **Status of Implementation of the R-ARCSS Pre-Transitional Activities**

The following section looks at the implementation of the Pre-Transitional activities through the prism of the Agreement institutions and mechanisms.

### **11. Permanent Ceasefire and Transitional Security Arrangements**

In Chapter 2 of the R-ARCSS, it is stipulated that the Parties to the Agreement reiterate all their commitments under the Cessation of Hostilities (CoHA), signed on 21 December 2017. In addition to the Permanent Ceasefire, Chapter 2 also provides for key Transitional Security Arrangements (TSA) tasks that must be accomplished within eight months of the Pre-Transitional period in order to pave the way for the establishment of the R-TGoNU. Key activities include: disengagement and separation of forces; withdrawal from areas of operations to cantonment and barracks; registration and screening in preparation for the unification of forces and the disarmament, demobilisation and reintegration processes; and the training and unification of forces to form one national army and other security forces. The Necessary Unified Forces (NUF) is an outcome of this process, a force which is envisaged to be sufficient to

protect the country while the development and redeployment of the entire national military and other organised forces are completed. The figure of 83,000 troops was set for the NUF.<sup>17</sup>

Progress in unification during the eight months of the Pre-Transitional period was very limited, though the pace improved during the two extensions. Even so, as the Pre-Transitional period drew to a close, the goal of unification of forces was still a long way off being achieved. It 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. However, training of the NUF and the VIP Protection Force as per the agreed curriculum had still not commenced, and screening of personnel was not completed. Particular challenges which persisted at cantonment sites and training centres included insufficient food, lack of medication, poor sanitary conditions, lack of separate facilities for women, and lack of reproductive health services to cater for trainees, and the many expectant and nursing mothers, as well as dependents of the trainees at the centres. Greater detail will be considered below in sections relating to the Security Mechanisms.

*Regional Protection Force.* Initial steps to set up the Regional Protection Force referred to in Article 2.1.10.7.7 were taken. For example, the AU Peace and Security Council considered the proposal by the Intergovernmental Authority on Development (IGAD) at its 820<sup>th</sup> meeting held on 20 and 24 December 2018 for the Review of the Composition and the Mandate of the Regional Protection Force (RPF) for South Sudan (communiqué [here](#)).<sup>18</sup> However, the trail went cold soon after and the force did not materialise.

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<sup>17</sup> The breakdown is as follows: Military (35%) 29050; State Police (26%) 21580; National Security Service (10%) 8300; Prison Service (10%) 8300; National Police (8%) 6640; Wildlife Service (7%) 5810; Fire Brigade Service (4%) 3320.

<sup>18</sup> <http://www.peaceau.org/uploads/psc.820.comm.r.p.f.south-sudan.24.12.pdf> (accessed 1 May 2020).

## 12. Sexual and Gender-Based Violence

The issue of sexual and gender-based violence began the Pre-Transitional period by grabbing headlines. In early December, an international media source reported cases of sexual and gender-based violence perpetrated on women in an area south west of Bentiu. The dates of the attacks were between the 19 to 29 November 2018, and the locations given were on or near the roads leading to and from humanitarian aid distribution points. The victims ranged from 10 to over 60 years of age, and the attackers wearing mixed civilian and military clothing, many covering their faces. These incidents triggered condemnation and calls for accountability from South Sudanese, the region and the international community. On 4 December 2018, RJMEC received a preliminary report from the CTSAMVM Chairperson. The report stated that an initial CTSAMVM investigation had revealed reports of “large numbers of rape cases in Bentiu, Rubkona County between the 19 – 28 November 2018.” The CTSAMVM team visited the Médecins Sans Frontières Bentiu Hospital where first aid and treatment were provided to the victims, and it was confirmed that 138 rape cases were received at the facility. The perpetrators were suspected to be either armed civilians or military in the area. CTSAMVM’s final report, which confirmed that there had been widespread incidents going as far back as early 2018, is available [here](#).<sup>19</sup> The report also indicated that the overall numbers could not be confirmed based upon the evidence presented, but that the scale was significant and conformed with trends identified in its earlier reports.

Reports of such incidents continued into 2019, with CTSAMVM investigating allegations of SGBV in Karpeto, Lobonok in Central Equatoria on 18 January 2019. It found that one woman and one female minor were raped by SSPDF soldiers and the victims had been sent to Juba for treatment. The CTSAMVM report also highlighted that reports from local government authorities in the area indicated that the perpetrators were arrested and awaited judicial proceedings. Such incidents declined towards mid-2019, with one reported

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<sup>19</sup> <http://ctsamvm.org/wp-content/uploads/2020/01/CTSAMVM-Technical-Committee-Meeting-No.-6-Outcomes-Report-SGBV-BENTIU-REPORT.pdf> (accessed 17 April 2020).

incident of SGBV reported and being investigated by CTSAMVM. The third quarter of 2019 saw no new reports of SGBV, although in the first quarter of 2020, CTSAMVM confirmed two rape cases in Magwi-Torit.

In the last quarter of 2019, CTSAMVM further noted that SGBV sensitisation training by some Parties was ongoing at cantonment sites, and in October 2019, the South Sudan National Police Service launched its Action Plan on addressing Conflict-Related Anti-Sexual Violence in South Sudan for the period November 2019 to October 2022.

### **13. Agreement institutions and implementation mechanisms**

During the Pre-Transitional period, the following Agreement institutions and implementation mechanisms mandated by the R-ARCSS were appointed, established or reconstituted as follows:

- a) The Joint Monitoring and Evaluation Commission (JMEC) was reconstituted on 19 November 2018 (thereafter 'Reconstituted Joint Monitoring and Evaluation Commission, RJMEC);
- b) The Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) was reconstituted on 27 September 2018 (thereafter 'Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, CTSAMVM);
- c) The National Pre-Transitional Committee (NPTC) was appointed by H.E. Salva Kiir by Republican Order No. 16/2018 on 25 September 2018;
- d) The Joint Defense Board (JDB) was established on 26 November 2018;
- e) The Joint Military Ceasefire Commission (JMCC) was reconstituted on 28 November 2018;
- f) The Joint Transitional Security Committee (JTSC) was established on 30 November 2018;
- g) Strategic Defense and Security Review Board (SDSRB) was reconstituted on 29 November 2018;
- h) National Constitutional Amendment Committee (NCAC) was

- reconstituted on 22 October 2018;
- i) The Technical Boundary Committee (TBC) was established on 9 January 2019;
  - j) The Independent Boundaries Commission (IBC) was appointed on 20 February 2019; and
  - k) The Disarmament Demobilisation and Reintegration (DDR) Commission was established by Republican Decree No. 123/2019 on 11 September 2019.

#### **14. Joint Monitoring and Evaluation Commission**

Mandate. The Joint Monitoring and Evaluation Commission (JMEC) was reconstituted on 19 November 2018 (thereafter ‘RJMEC’, ‘reconstituted’ JMEC). The reconstitution meeting took place with the participation of all its 43 members where new Rules of Procedure were adopted (here).<sup>20</sup> Its membership is listed at 7.2 of the R-ARCSS. As per 7.6 of the Agreement, the RJMEC mandate is to be responsible for monitoring and overseeing the implementation of the Agreement and the mandate and tasks of the RTGoNU, including the adherence of the Parties to the agreed timelines and implementation schedule. Supported by an independent Secretariat, its terms of reference are endorsed by the IGAD Assembly of Heads of State and Government.

Activities. The RJMEC Secretariat was a central actor during the Pre-Transitional period, with its leadership playing a strategic role in discharging the mandate, and its thematic advisors covering each chapter of the Agreement. This also included various appearances at high-level meetings in South Sudan and regionally, civil society events, and media appearances. Some particular areas of RJMEC activities are worthy of mention.

RJMEC Monthly meetings. During the Pre-Transitional period, RJMEC held 14 monthly meetings, as per 7.12 of the Agreement. It held one extraordinary meeting, on 19 February 2019 on the issue of funding. The first of the monthly

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<sup>20</sup> <https://jmecsouthsudan.org/index.php/plenary/rules-of-procedure> (accessed 20 April 2020).

Juba-based meetings after the R-ARCSS came into effect was held on 12 December 2018, where reports were received from the NPTC, UNMISS, NCAC, CTSAMVM, and the SDSR Board. The statements, minutes and resolutions of these meetings are available [here](#), [here](#) and [here](#), respectively.<sup>21</sup> Before each monthly meeting, separate consultation meetings were held with the Parties to the Agreement, the Stakeholders and Adherents to the Agreement, and the Regional Guarantors and international community.

*Diplomatic efforts.* Referred to earlier in this report, the RJMEC leadership supported the IGAD Special Envoy in his various engagements with General Thomas Cirillo Swaka of NAS, in February and March 2019 in Addis Ababa, and with General Paul Malong Awan in Nairobi in March 2019. Then, in February 2020, RJMEC participated in the second round of the peace talks between the Government of the Republic of South Sudan (GRSS) and the South Sudan's Opposition Movement Alliance (SSOMA), an alliance group of non-signatories to the R-ARCSS. These talks, facilitated by the Community of Sant'Egidio, resulted in the Rome Resolution.

*Deadlocks.* The RJMEC leadership engaged with the Parties to the R-ARCSS to address several deadlocks regarding implementation of critical tasks during the Pre-Transitional Period. On several occasions, the RJMEC leadership raised state allocation to the Parties as provided in the percentages the and responsibility sharing at the state and local government levels as per article 1.16.1 of the R-ARCSS delayed reconstitution of the TNLA and Council of States, jointly with IGAD South Sudan Office facilitated the meetings of the Other Political Parties (OPP) and South Sudan Opposition Alliance (SSOA) to reconcile their political differences as well as how the Parties could better manage timelines in the run up to deadlines for implementation.

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<sup>21</sup> Statements: <https://jmecsouthsudan.org/index.php/media-center/rjmec-statements-1/rjmec-statements-plenary>; Minutes: <https://jmecsouthsudan.org/index.php/plenary/plenary-minutes> / Resolutions: <https://jmecsouthsudan.org/index.php/plenary/plenary-resolutions> (accessed 20 April 2020).



Juba-based High-level meetings: Throughout the Pre-Transitional Period, RJMEC met with various groups relevant to the Revitalised Peace Agreement, including those listed in 7.2 of the Agreement, other key Agreement interlocutors, and visiting delegation. More specifically, those include, from 7.2:

- i) The Parties to the Agreement (including regular meetings with the President of South Sudan, the Chairperson of SPLM/A-IO, and the leaderships of the other three Parties);
- ii) The Stakeholders and Adherents to the Agreement (faith-based leaders, women, civil society, eminent personalities, business groups, academia, and youth); and
- iii) Regional Guarantors (Sudan, Ethiopia, Eritrea, Kenya, Djibouti, Uganda) and International partners and Friends of South Sudan (including but not limited to the Troika (US, UK and Norway), European Union, China, Germany, and Canada).

Furthermore, the list of regular meetings includes other key Agreement interlocutors, such as:

- i) Agreement Institutions and Mechanisms (CTSAMVM, JDB, JMCC, JTSC, SDSRB, DDR Commission, NCAC);
- ii) the IGAD Special Envoy for South Sudan, H.E. Dr Ismail Wais, and other IGAD dignitaries including the Chairperson of the IGAD Heads of State and Government, the Chairperson of the IGAD Council of Ministers, and the Special Envoys to South Sudan of Kenya and Sudan, H.E. Dr. Stephen Kalonzo Musyoka and H.E. Ambassador Jamal El Sheikh, respectively;
- iii) the African Union Commission and the African Union High-level Ad hoc Committee (South Africa, Algeria, Chad, Rwanda and Nigeria); and
- iv) the UNMISS Special Representative of the Secretary General and Force Commander.

Additionally, numerous visiting delegations were received by RJMEC, including:

- i) The African Union Peace and Security Council;
- ii) The AU Commissioner for Peace and Security;
- iii) The African Union Special Envoy on Youth;
- iv) The UN High Commissioner for Refugees;
- v) UN Peace Keeping Operations;
- vi) The UN Commissioner on Human Rights; and
- vii) The International Monetary Fund.

High-level regional meetings. Throughout the Pre-Transitional period, the RJMEC Interim Chairperson regularly delivered statements to the IGAD Council of Ministers (66<sup>th</sup>-70<sup>th</sup> Extra-ordinary Sessions), the IGAD Assembly of Heads of State and Government (33<sup>rd</sup> and 34<sup>th</sup> Extraordinary Sessions) and the African Union Peace and Security Council (including 855<sup>th</sup>, 886<sup>th</sup>, 894<sup>th</sup> and 905<sup>th</sup> sessions). On February 17<sup>th</sup> 2020, an RJMEC delegation travelled to Khartoum, Sudan at the invitation of the Prime Minister of Sudan H.E. Abdala Hamdok, as Chairperson of the IGAD Assembly of Heads of State and Government, to brief both the Prime Minister and the President of the Sudan's Transitional Sovereign Council separately on the requirements of the R-ARCSS on the formation of the RTGoNU.

Security Workshops. As directed by IGAD ([here](https://igad.int/attachments/article/2123/05%209%2019%20CoM%20Communique-SSudan.pdf)<sup>22</sup> and [here](https://igad.int/attachments/article/2293/19_11_06_69th_communique_of_CoM.pdf)<sup>23</sup>), RJMEC organised two security workshops during the Pre-Transitional period, one in May 2019, one in November 2019, to strengthen the planning and coordination capacity of the Transitional Security Arrangements mechanisms needed to deliver on their mandates. The workshop outcomes involved developed priorities and sequencing of tasks, draft outline of implementation plans, and remedial measures to manage challenges encountered.

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<sup>22</sup> <https://igad.int/attachments/article/2123/05%209%2019%20CoM%20Communique-SSudan.pdf> (accessed 15 April 2020).

<sup>23</sup> [https://igad.int/attachments/article/2293/19\\_11\\_06\\_69th\\_communique\\_of\\_CoM.pdf](https://igad.int/attachments/article/2293/19_11_06_69th_communique_of_CoM.pdf) (accessed 15 April 2020).

Outreach. During the Pre-Transitional period, the RJMEC Secretariat conducted several stakeholders' sensitisation programmes on the Revitalised Peace Agreement through face-to-face events and print/audio outreaches. 20 face-to-face sensitisation events were conducted in various areas of the country, such as Wau, Torit, Maridi, Yambio and Juba to audiences, including those groups listed at 7.2 of the R-ARCSS, church leaders, school teachers, and general members of the public. In terms of print / audio outreach, two types of communications products were developed: i) printed summaries of the Revitalised Peace Agreement; and ii) audio recordings in the form of public service announcements. These two products were developed in English, and translated into the following languages: classical Arabic, Juba Arabic, Dinka, Nuer, Collo, Bari and Zande. The total number of printed products disseminated is around 170,000, which include 30,000 full Revitalised Peace Agreements in English. In terms the public service announcements, female voices were used for recording in five out of the seven languages, and were broadcast nationally.

#### **15. Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism**

Mandate. The Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) was reconstituted on 27 September 2018 to Ceasefire and Transitional Security Arrangements and Verification Monitoring (CTSAMVM), as per Article 2.4.6 of the R-ARCSS. The Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop was convened by CTSAMVM as per article 2.1.11, and took place on 24 - 25 September 2018 in Khartoum, Sudan. CTSAMVM's mandate, as per Article 2.4.7, is to "be responsible for monitoring, verification, compliance and reporting directly to IGAD Council of Ministers and the reconstituted Joint Monitoring and Evaluation Commission (RJMEC) on the progress of the implementation of the PCTSA and shall last for the duration of the Transitional Period." CTSAMVM is the authoritative body which can determine if a violation of the Permanent Ceasefire and Transitional Security Arrangements has taken place.

Activities. Restructuring of CTSAMVM at the time of Agreement signature allowed for the inclusion of SSPDF, SPLA-IO and SSOA representatives into its functional structures, while its operations saw the introduction of a decentralised sector system and the deployment of Monitoring and Verification Teams. Greater emphasis was placed on quick response through improved access to fixed and rotary wing aircraft. This mobility also allowed for the conducting of confidence building measures, such as regular meetings and information sharing among field commanders of the warring Parties. These took place in locations including the Yei River area, Wau, Leer and some areas in Jonglei. Throughout the Pre-Transitional period, it also conducted regular Joint Field Visits flights to key locations such as Yei, Wau, Bentiu, Yambio and Bor, and conflict hotspots such as Maiwut.

Technical Committees. The work undertaken by CTSAMVM during the course of the Pre-Transitional period can be assessed through the outcomes of its Technical Committees (composed of members of all the Parties to the Agreement), available here.<sup>24</sup> These meetings considered topics including new allegations of violations, troop verification, ceasefire status, focus areas such as child soldiers, gender issues and new recruitment. As the implementation of the Transitional Security Arrangements progressed and the Pre-Transitional period was extended in May 2019, CTSAMVM readjusted its priority areas of work going forward to focus on: (a) verification of cantonment activities, such as screening, DDR and other related activities; (b) verification of unified forces, their training and redeployment; (c) continued verification of the Permanent Ceasefire, including the vacating of civilian buildings; and (d) investigation of alleged violations of the R-ARCSS including Sexual and Gender-Based Violence, use of child soldiers and recruitment. Some particular areas of CTSAMVM operations are worthy of mention.

Troop verification. At no point during the Pre-Transitional period did the two main armed groups, the SSPDF and the SPLM/A-IO, disclose their troop numbers and locations in full to CTSAMVM, as required by the Agreement

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<sup>24</sup> <https://ctsamvm.org/ctsamvm-technical-committee/> (accessed 20 August 2020).

(Articles 2.1.11.1 and 2.2.3.4). SSOA, also an armed group (though smaller), did not do so either.

Occupied buildings. Article 2.2.3.1 of the RARCSS states that (during the Pre-Transitional period) “civilian areas shall be immediately demilitarized”, which includes schools, service centres, occupied houses, IDP camps, protection of civilian sites, villages, churches, mosques, ritual centres and livelihood areas. In March 2019, the first figure relating to the number of occupied civilian centres were declared by CTSAMVM as 60. There was a gradual reduction in the number of occupied centres as the Pre-Transitional period wore on, but despite repeated requests to vacate by RJMEC, the period closed with the number on 25 in January 2020. The vast majority of the occupied centres were by the SSPDF.

Denial of access. Movement and access are essential components enabling CTSAMVM to function. According to Article 2.1.10.6 of the R-ARCSS, the Parties shall refrain from “movement and access restrictions on CTSAMVM and UNMISS/RPF personnel performing their duties as prescribed by their mandates.” However, the denial of access was a routine occurrence, in particular during the first half of the Pre-Transitional period. Then, focus shifted to verification of cantonment sites and training centres where access was much better. There was difference of opinion on the reason for access being required. For force verification, the Parties requested prior notification, noting that “unconditional access” does not mean no prior notification. Based on the persistent denials of access, CTSAMVM wrote to the RJMEC Interim Chairperson seeking clarification on the term “unconditional access”. In response, the Interim Chairperson observed that for purposes of verification of troop numbers CTASAMVM should give prior notice. However, this would not apply if they were in the process of investigating alleged violations of the Permanent Ceasefire. In such an event, they would not need to give prior notice and would have to be granted unconditional access by the Parties.

Luri. On 18 December 2018, a CTSAMVM Monitoring and Verification Team was denied access to investigate alleged recruitment and training at the National

Security Service Training Centre in Luri, in violation of the Transitional Security Arrangements. According to the Team's report, the four team members were subjected to physical and emotional violence (stripped of their clothing, blindfolded, handcuffed, made to kneel for a considerable time and verbally threatened) while in detention for at least five hours. The incident was met with widespread condemnation from the region and international partners, and delay and denial from the government of South Sudan. The promised investigation was slow. In August 2019, it was reported at the 13<sup>th</sup> meeting of the Technical Committee that the Brigadier in charge during the incident was facing two charges related. No further detail was subsequently released.

Funding. CTSAMVM was in the main funded by international donors, although it received \$40,000 disbursed through the NPTC. Nonetheless, it faced persistent funding shortfalls during the Pre-Transitional period.

## **16. The National Pre-Transitional Committee**

Mandate. Under Article 1.4.7.2 of the R-ARCSS, the National Pre-Transitional Committee (NPTC) had the function of oversight and coordination of the implementation of the activities of the Pre-Transitional period. After its establishment in Khartoum on 25 September 2018, all subsequent meetings of the NPTC were held in Juba with the participation of all ten members from the Parties to the Agreement, comprised as follows: five from the Incumbent TGoNU, two from the SPLM-A/IO, and one each from the SSOA, OPP and FDs. It established a Secretariat and was constituted of different sub-committees responsible for the various tasks to be undertaken by the NPTC. Part of its function was to review the work plans and programmes of all the Agreement institutions and mechanisms and to assess their proposed budget accordingly. However, it met infrequently throughout the Pre-Transitional period.

Activities. A key aspect of the NPTC's responsibility was the sourcing of funding for the implementing mechanisms. The ITGoNU was the main source of funds to the NPTC, but it remained a concern throughout the Pre-Transitional period. In fact, it was never made completely clear how much funding had been availed to the implementing mechanisms. Specifically, concerns were routinely raised

regarding the timeliness and predictability of funds, as well as transparency and accountability once funding was disbursed.

The first few months of the Pre-Transitional period were characterised by a lack of clarity about where funding would come from. By January 2019, the NPTC had received only 100 million South Sudanese pounds. Immediate costs included accommodation and transportation costs for numerous opposition members who had returned to Juba to participate in the work of the Agreement institutions and mechanisms. The absence of significant funds was routinely cited by the Agreement institutions and mechanisms as the main constraint to activity, and unsurprisingly achievements in implementation were at a minimum.

At the January 2019 RJMEC monthly meeting, members appealed to the Interim Chairman to convene an extraordinary meeting of the RJMEC with partners, friends and all interested actors, to discuss the serious financial and other challenges impacting on the smooth implementation of the Peace Agreement and to chart practical ways forward. The RJMEC extraordinary meeting took place on 19 February 2019 at which the NPTC presented a detailed budget of US \$285 million. This overall figure comprised the various budgeted sums that each institution and mechanism had submitted. The ITGoNU pledged US \$10 million for immediate disbursement. The government of Japan also contributed an initial sum of US \$1 million, while pledges of in-kind support towards cantonment of forces were received from the governments of Egypt and South Africa. The meeting's resolutions are [here](#).<sup>25</sup>

The NPTC then disbursed US \$2 million to the various institutions and mechanisms to enable them to begin administrative preparations, reconnaissance of sites and training of site staff prior to the beginning of the cantonment process, and to meet other administrative expenses. This was supplemented by a further tranche of US \$4.5 million moving into the third quarter of 2019.

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<sup>25</sup> <https://jmecsouthsudan.org/index.php/plenary/plenary-resolutions/128-resolution-of-the-rjmec-1st-extra-ordinary-rjmec-meeting-crown-hotel-19th-february-2019-juba-south-sudan/file> (accessed 20 April 2020).

At the time of the second extension to the Pre-Transitional period in November 2019, the ITGoNU reiterated a pledge of US \$100 million to fund the Agreement, which had been made at the time of the first extension in May. The NPTC reported in November that it had received US \$33 million of that pledge, along with various deliveries of in-kind support from donors including the African Union Commission, Nigeria, China, Egypt, Ethiopia, Japan, and Sudan. RJMEC estimates the monetary value of that support to be in excess of US \$10 million. The November extension was accompanied by an announcement from ITGoNU that it would make a further US \$40 million available to the Security Mechanisms, the SDSR Board and the NPTC. However, in December a total of US \$16 million only was disbursed through the NPTC as follows: JDB US \$3.5 million, JTSC US \$5 million, JMCC US \$4 million, DDR Commission US \$2 million, SDSRB US \$600,000, and NCAC US \$315,804. Unfortunately, the disbursement to the mechanisms did not reflect their detailed workplans and budgets, and there were lingering doubts as to the adequacy of the resources for the tasks that needed to be achieved.

## **17. The Joint Defense Board**

Mandate. The Joint Defense Board (JDB) was established on 26 November 2018. It is mandated by Article 2.4.2 of the R-ARCSS to be the leading defense and security institution responsible for the supervision of the other Security Mechanisms of the Peace Agreement, namely the Joint Military Ceasefire Commission (JMCC) and the Joint Transitional Security Committees (JTSC). The JDB is composed of the Chief of Defence Forces from all former fighting South Sudanese armed factions, namely the SSPDF, SPLA-IO, and SSOA. It also comprises the Chiefs of Staff and Directors General of National Security Service, Police and all other organised forces in order to exercise command and control over all organised forces during the Pre-Transitional period. The SSPDF Chief of Defence Forces was selected as the Chairperson of the Board, with the SPLM/A-IO and SSOA leads as Co-Chairpersons. However, its success in this endeavour throughout the Pre-Transitional period was limited. Consequently, the Security Mechanisms have operated independently from each other, and generally failed to synchronise and coordinate their activities.



Activities. The JDB, working with the Joint Military Ceasefire Commission (JMCC) and the Joint Transitional Security Committee (JTSC), developed plans for cantonment and the unification of forces. The JDB convened its first meeting following establishment on 19 and 20 December 2018 in Juba. The main issues of concern were over the rising use of social media to spread disinformation in an attempt to undermine the peace process, the slow pace of sensitisation of both the security forces and the public about the peace process, and concern about the continuing close proximity of opposing forces. The JDB instructed the JMCC to push for the complete mapping of force locations and to organise the deconfliction of forces as their top priority tasks. Part of the activities of the JDB involved conducting confidence building measures among field commanders in areas such as Yei, Wau, and parts of Jonglei. The SSPDF, SPLA-IO, and SSOA Chiefs of Defence Staff conducted joint visits during which they disseminated Chapter 2 of the Agreement that covers the Transitional Security Arrangements and addressed any local issues. In addition, they issued orders to field commanders to disengage and redeploy forces to barracks and cantonments as well as allow CTSAMVM to verify forces in these locations. These actions by the JDB contributed to the reduction in armed combat among the various forces, and relative peace in most parts of the country. However, throughout the Pre-Transitional period, the JDB met infrequently.

Funding. In December 2019, the JDB received US \$3.5 million disbursed through the NPTC. The extent of other funding it received is not clear.

## **18. Joint Military Ceasefire Commission**

Mandate. The Joint Military Ceasefire Commission (JMCC) was reconstituted on 28 November 2018 in Khartoum. As per Article 2.4.4 of the R-ARCSS, it is charged with the responsibility to exert command and control of all forces in the field, and to contribute to the operationalisation of the Permanent Ceasefire and Transitional Security Arrangements through close liaison with CTSAMVM and all other security mechanisms. The overall objective of the JMCC is to ensure that the formation of the NUF is in line with the spirit of

the R-ARCSS. More specifically, it is responsible for the cantonment, registration and screening process of the respective organised forces, and for the subsequent re-deployment of the NUF following their training.

#### *Activities.*

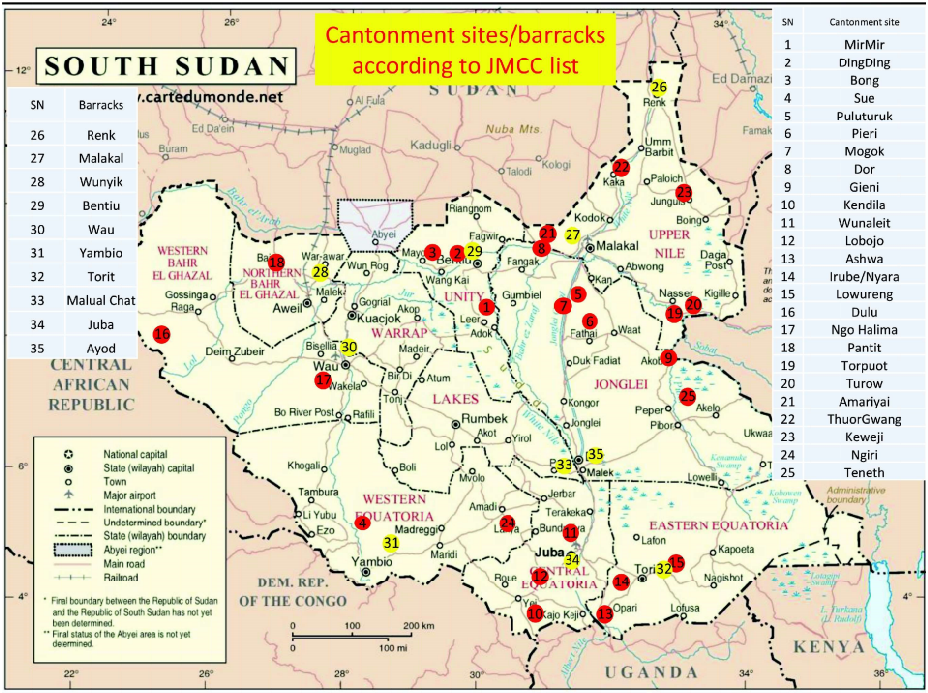
Cantonment. Following its reconstitution meeting in Khartoum, the JMCC met on 22 December 2018 in Juba and discussed the proposed draft budget for cantonment. Then on 28 December 2018, the JMCC reconvened and agreed on its Terms of Reference. Key matters also discussed were the number of cantonment sites required by each of the Parties to the R-ARCSS with armed elements, and the budget to support the cantonment plan. On adjournment, the Commission was still in disagreement on the overall number and locations of sites required but agreed to present grand totals. Calculations were made on the total personnel the sites would process. The SPLM/A-IO used the R-ARCSS guidance as a minimum size of a battalion, which is 700, while SSPDF and SSOA used between 700 and 2000 per site, as follows:

- i) SSPDF – 233 sites (existing SSPDF barracks), thus total personnel 163,100 – 466,000;
- ii) SPLM/A-IO – 96 sites, thus total personnel 67,200; and
- iii) SSOA – 35 sites, thus total personnel 24,500 – 70,000.

Once cantonment began, those numbers proved to be much lower. A total of 25 cantonment sites were agreed and verified for the opposition forces, while the SSPDF were to use the ten barracks. Each of the 25 sites was planned to hold a maximum of 3,750 troops, up to a total of 93,750. On occasion, some cantonment sites were changed wherever the proposed location of cantonments interfered with the normal activities of local communities. In early 2019, SPLA-IO and SSOA troops reportedly moved to locations closer to the proposed cantonment sites across the country. This movement, conducted under the initiative of local commanders and the aegis of local government authorities, was monitored by the SSPDF leadership which issued orders to all their field commanders to facilitate opposition forces and allow safe passage to those

going through government held areas. RJMEC and CTSAMVM were in regular communication with the SSPDF leadership to assist in monitoring the movement of troops, and to sensitise local populations on the cantonment process. The JMCC began registration in both the opposition sites and within the barracks. Overall, whilst it coordinated and supervised the cantonment and registration of opposition forces (SPLM-A/IO and SSOA), it did much less with respect to ITGoNU forces (SSPDF and other government organised forces). Government forces that were registered were not declared to CTSAMVM.

Map showing locations of cantonment sites and SSPDF barracks for cantonment (Credit: CTSAMVM)



In June 2019, the JMCC provided training to 163 Area Joint Military Ceasefire Committees and Joint Military Ceasefire Teams which included ITGoNU/SSPDF (71), SPLA-IO (48) and SSOA (44). The training focused on: (a) Overview of Chapter 2 of the R-ARCSS; (b) International Humanitarian Law; (c) Sexual and Gender-Based Violence; (d) Eligibility criteria for cantoning, screening and unification of forces; (e) Organisational structure and role of CTSAMVM; (f) Overall objectives and the Terms of Reference for JMCC, AJMCC and the JMCTs; (g) Screening and registration forms for cantonment; (h) Cantonment reporting format and guidelines; and (i) Civic education. These were intended to form the core of the personnel in control of the cantonment sites. They were deployed to the cantonment sites in readiness to receiving the former combatants and to officially begin cantonment.

Funding. In terms of required budget, the JMCC presented its proposed plan to the JDB on 29 December 2018. The proposed budget had been revised upwards to \$59m. Despite reservations, the JDB agreed to present the proposed plan and budget to the NPTC for consideration. The JMCC received an initial amount of US \$535,000 from the NPTC through the JDB, which was used for administrative support and to train the AJMCCs and JMC teams and undertake reconnaissance of the cantonment sites. In December 2019, the JMCC received US \$4 million disbursed through the NPTC. The extent of other funding it received is not clear.

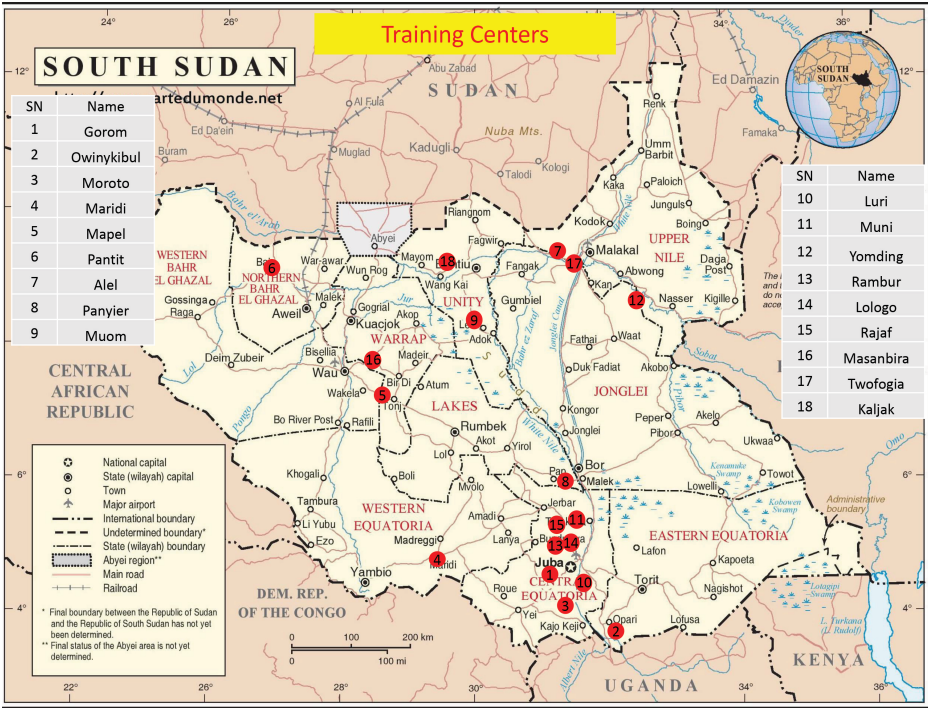
## **19. Joint Transitional Security Committee**

Mandate. Established on 30 November 2018, the Joint Transitional Security Committee (JTSC) is mandated under Article 2.2.8 of the R-ARCSS to set eligibility criteria for candidates willing to serve in the unified forces, as well as plan and execute the unification of all forces. The JTSC is responsible for the training of all NUF personnel, namely those in the Army, Police, National Security Services, Fire service, Prison Service and Wildlife Services.

Activities.

Training Centres. In May 2019, the JTSC convened a workshop and examined its progress on the selection, training and redeployment of the NUF. There was consensus reached on the following issues: the joint training curricula for each of the six NUF elements; duration of and locations for training; and the roles, tasks, composition and training of the VIP Protection Force, which moved away from the concept of a 700-strong heavily armed military unit with an aggressive/defensive profile, towards a more conventional close protection force with a low-profile approach.

Map showing locations of training centres (Credit: CTSAMVM)



After a slow start to its activities, the JTSC established 37 training centres across the country with a capacity of 5,000 recruits in each for the SSPDF, NSS, and organised forces that include the National and State Police Services, Wildlife, National Fire Brigade and Prison Services. It then finalised the eligibility criteria for each of the organised forces. The 37 training centres was later revised down to 18, of which 17 were operationalised. By the end of 2019, the JTSC had played an important role in improving the coordination with the other security mechanisms.

As the Pre-Transitional period drew to a close, training was not well advanced, if at all. The joint training curricula as agreed among the mechanisms did not seem to be being delivered, and preliminary training activities consisted mainly of drill exercises and physical fitness training aimed at keeping troops occupied.

Funding. In December 2019, the JTSC received US \$5 million from the NPTC. The extent of other funding it received is not clear.

## **20. Strategic Defense and Security Review Board**

Mandate. Reconstituted on 29 November 2018 under Article 2.5 of the R-ARCSS, the Strategic Defense and Security Review (SDSR) Board is mandated to develop policies that guide the professionalisation of all defence and security services in South Sudan. More specifically, the SDSR Board was to undertake a strategic security assessment, to develop a security policy framework and a revised defence policy, and to provide an analysis of operational capabilities of the national army and other security forces. It was chaired by the SPLM/A-IO, with the Women's Coalition representative as the Secretary to the Board.

Activities. The first meeting of the SDSR Board following reconstitution was held in Juba on 21 and 22 December 2018. In early 2019, the Board held several meetings to review three documents: a) the Strategic Security Assessment; b) the Security Policy Framework; and c) the Revised Defence Policy. In addition, the Board collected information that would inform the development of policies that integrate a gender dimension for all security services. Thereafter, the Board convened two workshops, one with women in the organised forces, and the

other with Civil Society women. As part of a broader engagement strategy, the Board has also engaged with Civil Society Organizations (CSOs) as part of the strategic security assessment in an effort to solicit views of different stakeholders regarding the current security challenges and their aspirations for the security sector. This was developed further to include IDPs in the Juba area and the neighbouring countries of Uganda, Kenya, Ethiopia and Sudan. Two working groups (the strategic security assessment working group and the security policy working group) met in late September 2019 to begin the review of the security policies. Generally, a lack of funding and dedicated expertise slowed down the Board's progress. Consequently, the Pre-Transitional period closed without the SDSR Board completing its key deliverables.

Funding. In December 2019, the SDSRB received US \$600,000 from the NPTC. The extent of other funding it received is not clear.

## **21. National Constitutional Amendment Committee**

Mandate. The National Constitutional Amendment Committee (NCAC), reconstituted in Khartoum on 22 October 2018, was composed of 15 members nominated as follows: ITGoNU: five; SPLM/A-IO: two; SSOA: one; FDs: one; OPP: one; representatives of IGAD: two (Chairperson and Deputy Chairperson); Civil Society: one; women: one; and youth: one. As set out in Article 1.18.1 of the R-ARCSS, the tasks of the NCAC were to complete the tasks necessary to prepare for the Transitional period and the formation of the RTGoNU, and to draft new or revise, as appropriate, other legislation as provided for in the Agreement. It established a Secretariat to assist in its work.

*Activities.*

Incorporation of the R-ARCSS into TCRSS, 2011 (as amended): Following its reconstitution, NCAC members reconvened in Juba where work began on incorporating the R-ARCSS into the Transitional Constitution of the Republic of South Sudan (TCRSS) 2011 (as amended). However, the Committee members did not reach consensus on the issue of the description of the system of governance during the Transitional period. This issue was subsequently forwarded



to RJMEC, which set up a sub-committee comprised of senior leadership of the Parties. The sub-committee resolved that the system of governance should be described as ‘decentralised,’ and the IGAD Special Envoy to South Sudan and the Council of Ministers confirmed this position. The Transitional Constitution of the Republic of South Sudan (Amendment) (No.6) Bill, 2019, was submitted to the Minister of Justice in January 2019.

*Incorporating extensions.* On 13 June 2019, the NCAC received the Transitional Constitution of the Republic of South Sudan (Amendment) (No.6) Bill, 2019 from the Minister for Cabinet Affairs for the purposes of incorporation of the six-month extension of the Pre-Transitional period that was agreed by the Parties in Addis Ababa, Ethiopia on 3 May 2019, and subsequently endorsed by the IGAD Council of Ministers. The revised Bill incorporating the extension period was submitted to the Minister of Justice and Constitutional Affairs in July 2019. Subsequently, the final revised Bill incorporating the 100-day extension agreed in November 2019 was submitted in January 2020. As the Pre-Transitional period closed, the Transitional Constitution of the Republic of South Sudan (Amendment) (No.6) Bill, 2019, had received Presidential assent. However, errors in the Bill were noticed by NCAC shortly thereafter, requiring it to be returned for revision.

*Reviewing and amending the national security laws.* The security laws reviewed by the NCAC are intended to establish the legal framework for security sector reform during the Pre-Transitional and Transitional periods. The 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. Accordingly, the Committee conducted various sessions to review the country’s security laws. As part of the review the Committee called for submissions of proposed amendments from the Parties to the Agreement and Stakeholders and relevant institutions, subsequently validated by them. First and second drafts of the bills were then developed and considered by the members of the Committee.



The Committee also embarked on the review of the Political Parties Act, 2012 to ensure that it complies with international best practices for the free and democratic registration of political parties. Comparative analysis of political parties' legislation in Africa and Europe was developed by the NCAC Secretariat to facilitate the review of the law. The Committee received and considered a joint submission on proposed amendments from the 14 registered political parties as well as those submitted by Civil Society and Women representatives. The SPLA Act, Police Act, Prisons Service Act and the Wildlife Service Act Amendment Bills were all submitted to the Minister of Justice and Constitutional Affairs in April 2019, while the Political Parties Act and the National Security Service Act 2014, Amendment Bills were submitted in June 2019. The National Fire Brigade Service Bill, 2019 was submitted in September 2019.

Economic and financial sector laws: The Committee also began work on the review of economic and financial sector laws provided for in Chapter 4 of the R-ARCSS during the Transitional period. These include the Public Financial Management and Accountability Act, 2011, and the Southern Sudan National Audit Chamber Act, 2011 and the Anti-Corruption Commission Act, 2009, work which continued to the end of 2019.

Funding. The NCAC Secretariat was funded by international donors through RJMEC until March 2020 when RJMEC handed over responsibility to IGAD. However, support to the members of the Committee (representatives of the Parties and Stakeholders) was provided throughout by the Government of South Sudan through the National Pre-Transitional Committee (NPTC).

## **22. Technical Boundary Committee**

Mandate. The Technical Boundary Committee (TBC) was established on 9 January 2019 in Juba by the IGAD Special Envoy to South Sudan. Its mandate as provided for in Article 1.15.18 of the R-ARCSS was to “define and demarcate the tribal areas of South Sudan as they stood on 1st January 1956, and the tribal areas in dispute in the country”. When this article is read together with Annex E of the R-ARCSS (p.122), the TBC’s mandate specifically involved drawing “a list of tribal boundaries in dispute as a consequence of introducing

the 32 states” in the Republic of South Sudan. Accordingly, the TBC’s work was restricted to addressing the tribal boundaries violated as a consequence of the establishment of the 32 states. The TBC was not required to list or map tribal boundaries not affected by their establishment (see par.1 of Annex E). At the time of its establishment, the TBC consisted of eight members, one of whom was a woman. There were six from IGAD member states (Ethiopia, Kenya, Djibouti, Somalia, Sudan and Uganda), and two jointly nominated by the Troika countries. The leadership structure was as follows: Chairperson (Sudan), Vice Chairperson (Uganda) and Rapporteur (Kenya). Three sub-committees were established: Historical Records and Archival Retrieval, Outreach and Consultations, and Cartographic Sub-Committees.

Activities. The TBC conducted its work in a timely fashion through its three sub-committees, which collected, collated, analysed and triangulated data from various sources. It then prepared a detailed report as per its mandate of listing, describing and mapping tribal boundary areas of 1 January 1956 which were in dispute as a consequence of establishment of 32 states in the Republic of South Sudan. It submitted its report to the IGAD Special Envoy on 26 March 2019 in Addis Ababa, Ethiopia. Attached to the report were maps produced by the TBC depicting 32 States as described in the Establishment Orders No. 36/2015 and 2/2017 for the creation of 28 States and 32 States respectively, and maps depicting approximate tribal areas in dispute.

The TBC could not undertake the ‘demarcation’ component of its mandate. This was due to the fact that the actual task of internal boundaries demarcation is a labour intensive and time-consuming exercise, requiring financial resources and expertise much beyond what was available. A specific recommendation was offered on how the government of South Sudan can undertake such a large undertaking in the future.

A key point that emerged from the report depicting the majority views of the South Sudanese stakeholders consulted was the assertion that they are able and willing to resolve the internal ethnic boundary disputes amongst themselves, should they be facilitated to do so by a neutral body. This means the resolution

of the internal boundary disputes between and within ethnic communities is not a technical issue, but political.

### **23. Independent Boundaries Commission**

Mandate. The Independent Boundaries Commission (IBC) was appointed on 20 February 2019, with its members then appointed by the Executive Secretary of IGAD on 28 February 2019, pursuant to Article 1.15.1. of the R-ARCSS. The IBC held its constitutive meetings on 18 and 19 March 2019 in Juba, and 26 and 27 March in Addis Ababa, Ethiopia.

The IBC was required to have fifteen members: five members nominated by the ITGoNU, with an additional five members nominated by opposition groups: two from SPLM/A-IO, and one each from SSOA, FDs, and OPP. The remaining five are nominated by Member States of the African Union High-Level Ad Hoc Committee on South Sudan, which consists of South Africa, Nigeria, Rwanda, Algeria and Chad. The members from South Africa and Nigeria were appointed as Chairperson and Deputy Chairperson respectively. Chad, however, did not appoint its representative to the IBC.

The mandate of the IBC, which was expected to be accomplished within the Pre-Transitional period, was to consider the number of States of the Republic of South Sudan, their boundaries, the composition and restructuring of the Council of States and to make recommendations. Its report to the IGAD Executive Secretary, was then to be immediately communicated to the Parties and enshrined in the RARCSS as an addendum (Articles 1.15.10 and 1.15.11).

Activities. The IBC deliberated for just under three months and submitted the outcome of its work to the IGAD Executive Secretary on 18 June 2019. However, this was inconclusive since its members did not agree, as required under article 1.15.9, which stipulates that: “The IBC shall strive to adopt its final report by consensus. If consensus is not achieved, the IBC shall adopt its final report by a decision that shall be supported by at least seven of its South Sudanese members.” In the event only six of the South Sudanese members agreed. Therefore, no report from the IBC was delivered that could help resolve the

issue of the number of States and their boundaries, including the composition and restructuring of the Council of States at that time.

## **24. Disarmament, Demobilisation, and Reintegration Commission**

Mandate. The Disarmament, Demobilisation, and Reintegration (DDR) Commission was reconstituted by Republican Decree No. 123/2019 on 11 September 2019, with its Terms of Reference agreed upon previously at a meeting on 31 May 2019. This was by some margin the last of the Agreement institutions and mechanisms to have been made operational. The 12-member DDR Commission, mandated by the R-ARCSS to be reconstituted within 30 days of signing the Agreement according to Article 2.4.9, is charged with the critical responsibility of managing the social and economic reintegration of ex-combatants into the civilian population.

Activities. The DDR Commission began by establishing a Secretariat in September 2019, and identified possible future DDR transitional sites as well as negotiating DDR administrative offices to be co-located with Regional and State Administrations; it also undertook fact-finding missions to cantonment areas and training centres with the assistance of CTSAMVM. Beyond this, little progress was made.

Funding. In December 2019, DDR Commission received US \$2 million from the NPTC.

## 25. Afterword

When the Pre-Transitional Period came to an end in February 2020, the Parties had succeeded in implementing all but 7 of the 63 Pre-Transitional activities.<sup>26</sup> Notably still outstanding, however, was the determination of the positions at the State and local government levels according to the responsibility sharing ratio outlined in *Article 1.16.1* of the R-ARCSS. There were also delays in the restructuring and reconstitution of the Transitional National Legislature (TNL), comprising both the Transitional National Legislative Assembly (TNLA) and the Council of States (CoS). At the same time, the all important process of unifying the 83 000 members of the military and the organised forces, was still incomplete.

Within a month of the end of the Pre-Transitional period, the COVID-19 pandemic made its effects on the world known, disrupting much of its norms of operation. Throughout the pandemic period, the RJMEC Secretariat continued to function with many staff remaining in Juba, including its highest levels of leadership. Although it struggled to gather the required attendance of RJMEC members necessary for a full quorum of its Plenary meeting, two briefings on the status of implementation were released, along with its regular quarterly reporting.

As the months wore on through the pandemic, little to show for the Transitional period emerged. Key tasks carried forward from the Pre-Transitional period remained unimplemented, and it was difficult to discern whether any of the numerous tasks of the Transitional period were being at least planned for. IGAD met twice virtually on the issue of South Sudan during the initial months of the pandemic. The 71<sup>st</sup> Extraordinary Session of the IGAD Council of Ministers took place on 23 April 2020 (communiqué [here](#)), while the 36<sup>th</sup> Extraordinary Summit of the IGAD Heads of State and Government took place on 14 July 2020 (communiqué [here](#)).

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<sup>26</sup> The Parties generally agreed to pursue the outstanding Pre-Transitional tasks during the Transitional period.

Focus was placed on the key security and governance tasks, including the unification of forces, and the delays that persisted in the restructuring and reconstitution of the Transitional National Legislative Assembly and the Council of States, and agreement between the Parties on the responsibility sharing at the State and Local Government levels.

At the time of writing, the unification of forces, a task which should have been completed in the Pre-Transitional period, continues to suffer delays. No unified troops have been graduated, no deployment plan has been verified by the monitoring mechanisms, and thousands of troops continue to subsist in austere conditions in cantonment sites and training centres throughout South Sudan. Many have left in search of food. Gradually, progress has been made on the issue of responsibility sharing. At the time of writing, nine of the ten States have had a governor appointed, with the State of Upper Nile still under discussion. The complications presented by dividing ten states according to the responsibility sharing formula given in Article 1.16.1 appears to have been overcome to the satisfaction of the Parties to the Agreement. That said, each state government is not yet established, and restructuring and reconstitution of the Transitional National Legislative Assembly and the Council of States has not happened.

Beyond these issues, focus on all gender aspects of the Agreement, the economic provisions of Chapter 4, the transitional justice provisions of Chapter 5, and the constitution-making process provisions of Chapter 6 are pressing. The RJMEC Working Committees, a key monitoring and evaluation tool, have been prepared by the Secretariat to be reconstituted, and supported by a full and detailed Implementation Matrix prepared by the Secretariat.

In principle, the establishment of the RTGoNU should catalyse progress by setting and driving the pace of implementation. More leadership is needed from it to kickstart implementation of the Revitalised Peace Agreement in the Transitional period.