



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

REPORT BY

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

FOR THE PERIOD

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List of Acronyms

<i>AUC</i>	<i>African Union Commission</i>
<i>CoHA</i>	<i>Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access</i>
<i>CRA</i>	<i>Compensations and Reparations Authority</i>
<i>CTSAMVM</i>	<i>Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism</i>
<i>DDR</i>	<i>Disarmament Demobilization and Reintegration</i>
<i>EFMA</i>	<i>Economic Financial Management Authority</i>
<i>HCSS</i>	<i>Hybrid Court for South Sudan</i>
<i>ICRC</i>	<i>International Community of the Red Cross</i>
<i>IGAD</i>	<i>Inter Governmental Authority on Development</i>
<i>IDPs</i>	<i>Internally Displaced Persons</i>
<i>JDB</i>	<i>Joint Defence Board</i>
<i>MoJCA</i>	<i>Ministry of Justice and Constitutional Affairs</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NTC</i>	<i>National Transitional Committee</i>
<i>OCHA</i>	<i>UN Office for the Coordination of Humanitarian Affairs</i>
<i>OPP</i>	<i>Other Political Parties</i>
<i>OSESS</i>	<i>Office of the Special Envoy of South Sudan</i>
<i>PCTSA</i>	<i>Permanent Ceasefire and Transitional Security Arrangements</i>
<i>R-ARCSS</i>	<i>Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan</i>
<i>RJMEC</i>	<i>Reconstituted Joint Monitoring and Evaluation Commission</i>
<i>RTGoNU</i>	<i>Revitalized Transitional Government of National Unity</i>
<i>RTNLA</i>	<i>Reconstituted Transitional National Legislative Assembly</i>
<i>SDSRB</i>	<i>Strategic Defence and Security Review Board</i>
<i>SGBV</i>	<i>Sexual and Gender Based Violence</i>
<i>SPLM</i>	<i>Sudan People's Liberation Movement</i>
<i>SPLM-IO</i>	<i>Sudan People's Liberation Movement in Opposition</i>
<i>SSOA</i>	<i>South Sudan Opposition Alliance</i>
<i>SSPDF</i>	<i>South Sudan Peoples' Defence Forces</i>
<i>TCRSS</i>	<i>Transitional Constitution of the Republic of South Sudan</i>
<i>TGoNU</i>	<i>Transitional Government of National Unity</i>
<i>TNL</i>	<i>Transitional National Legislature</i>
<i>TNLA</i>	<i>Transitional National Legislative Assembly</i>
<i>UN</i>	<i>United Nations</i>
<i>UNDP</i>	<i>United Nations Development Program</i>
<i>UNSC</i>	<i>United Nations Security Council</i>
<i>UNITAR</i>	<i>United Nations Institute for Training and Research</i>

Executive Summary

This report on the status of implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has been prepared pursuant to article 7.9 of Chapter VII of the R-ARCSS. The report covers the period from 1 April 2021 to 30 June 2021 and builds on the previous quarterly Report No. 010/21. It provides a status update on progress or lack thereof in the implementation of the tasks of the R-ARCSS during the reporting period, highlight challenges facing the implementation, provide observations and concludes with recommendations for remedial measures.

The quarterly report benefitted from information from various data sources, including periodic reports from Agreement institutions and mechanisms, participatory peer-reviews by the RJMEC thematic Working Committees, Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) monthly plenary meetings, and consultative meetings with various R-ARCSS stakeholders. The information from various sources including field visits were then triangulated to ensure accuracy of this report.

Accordingly, the report highlights the tasks which have been accomplished to include, *inter alia*, the dissolution of the Transitional National Legislature (TNL), comprising the National Transitional Legislative Assembly (TNLA) and the Council of States; reconstitution and appointment of the TNLA; steps undertaken to establish an *ad-hoc* Judicial Reform Committee (JRC) with the mandate to study and recommend appropriate judicial reforms; a roadmap developed for the establishment of the three transitional justice mechanisms; establishment of a Technical Committee for the National Consultative Process on the Establishment of the Commission for Truth, Reconciliation and Healing (CTRH); and successful completion of a workshop for the Parties to the R-ARCSS, which enabled them to agree on the details of conducting the permanent constitution-making process as mandated in the R-ARCSS.

Notwithstanding the positive progress made in the implementation of the R-ARCSS highlighted above, the report nevertheless shows that some key tasks of the R-ARCSS still remain outstanding. These include, among others, the swearing in of the reconstituted TNLA; reconstitution of the Council of States, the States Legislature, and restructuring and reconstitution of Institutions and Commissions at the national level; completion of all tasks related to Phase I of the Necessary Unified Forces (NUF), including graduation, harmonization of ranks as well as the unified command structure and redeployment of the trained NUF; operationalization of DDR processes; establishment of the Special Reconstruction Fund and Board; and establishment of Agreement institutions such as the Economic Financial Management Authority (EFMA), and the three Transitional Justice institutions being the CTRH, the Compensation and Reparation Authority (CRA) and Hybrid Court for South Sudan (HCSS), among others.

Furthermore, the report observes the main impediments to effective implementation of the peace process that need to be tackled. They include, among others, insufficiency of funds and requisite resources for effective and efficient implementation of the R-ARCSS; relational challenges arising from trust deficit and lack of sufficient confidence between some elements of the Parties to the R-ARCSS; the stalled implementation of the Transitional Security Arrangements including the establishment of the NUF; recurrence of community-based violence and insecurity in some parts of the country; institutional capacity gaps in some Agreement institutions and

mechanisms; negative impact of the activities of holdout groups in some areas of Equatoria and the effect of the COVID-19 pandemic on the overall peace process.

To ensure that the main impediments to implementation of the R-ARCSS are addressed in a timely manner, and that the peace process remains on track, the RJMEC leadership continued with high-level diplomatic engagements with various stakeholders during the reporting period. The RJMEC Interim Chairperson held meetings with the RTGoNU Presidency, Ministers, Parties to the R-ARCSS, various stakeholders, regional and international guarantors. RJMEC also regularly briefed the Chairperson of the Assembly of IGAD Heads of State and Government, Chairperson of the IGAD Council of Ministers, regional and international Special Envoys. He also briefed the 72nd Extraordinary Session of the IGAD Council of Ministers on the status of implementation, challenges and recommended remedial actions.

The report therefore concludes with the following recommendations to various stakeholders, including the RTGoNU, the regional and international guarantors, and the international community:

a) *To the RTGoNU:*

- i. expedite the swearing in of the members of the Reconstituted TNLA, complete the reconstitution of the Council of States, the State Legislature, and restructure and reconstitute Institutions and Commissions at the national level, while adhering to the 35% level of women representation and giving due attention to representation of the youth;
- ii. make financial resources available for the completion of the Transitional Security Arrangements, including for graduation and redeployment of unified forces in Phase 1, for the DDR Commission to implement its plans, for commencement of Phase 2 of the unification process, and for the establishment of a unified command structure for the NUF;
- iii. expedite the enactment of the outstanding Security bills and Political Parties Act and other amendment bills such as the Political Parties Act as proposed by NCAC;
- iv. expedite enactment of the Constitutional Amendment Bill No 8 (2021) as proposed by NCAC – the Bill that rectifies the inconsistencies contained within the Constitutional Amendment Act No 6 of 2020;
- v. in collaboration with IGAD, establish the ad-hoc Judicial Reform Committee (JRC) in a timely manner so as to enable it to undertake the study and recommend judicial reforms to be undertaken and implementation of its report;
- vi. expedite the enactment of the legislation to govern the Constitution-making process based on the outcome of the RJMEC and Max Planck Foundation workshop, and fully implement the agreed Constitution-making process roadmap;
- vii. prioritise the establishment of the Special Reconstruction Fund and Board to coordinate international support to the peace process and to coordinate the convening of the South Sudan pledging conference for the donors;
- viii. proceed in a timely manner to fast-track broad-based public consultation on the establishment of the CTRH, and to further liaise with the African Union Commission regarding the establishment of the HCSS; and,

ix. pursue economic reforms along with increased transparency and accountability, especially in the oil sector, and establish the Economic and Financial Management Authority to enhance oversight and management of the country's resources.

b) *To IGAD:*

i. nominate the Chairperson and Deputy Chairperson for the *ad-hoc* Judicial Reforms Committee and urge the Parties to the R-ARCSS to nominate their representatives;

ii. urge the Parties to the Agreement for continued dialogue and trust-building amongst themselves on all unresolved issues, with greater show of political will and, convene the high-level 'Leadership Retreat' of the principals to the R-ARCSS as proposed;

iii. appeal to all actors under SSOMA to pursue, in good faith, the Sant'Egidio mediation process, including adherence to the Cessation of Hostilities Agreement of December 2017, the Rome Declaration of January 2020, and the Declaration of Principles of March 2021; and,

iv. mobilize in-kind technical and logistical support from member states, the AU C5, including the international community at the highest political level to rally goodwill and support for full implementation of the R-ARCSS.

c) *To the African Union:*

i. liaise with the RTGoNU and expedite processes that will lead to the establishment of the HCSS, including agreement on the terms of establishing of the Court and finalization of the MoU; and,

ii. the AU Commission through its structures and mechanisms, should consider mobilizing the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in its member state, the Republic of South Sudan.

d) *To the International Partners and Friends of South Sudan*

i. continue to engage the leadership of the RTGoNU and mobilize the political support and goodwill necessary for full implementation of the R-ARCSS; and,

ii. continue to mobilize the requisite resources for and coordinate provision of humanitarian response to those in dire need of assistance in the Republic of South Sudan, including in the prevention of and response to the COVID-19 pandemic.

I. Introduction

1. This report on the status of implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has been prepared pursuant to Article 7.9 of Chapter VII of the R-ARCSS. The report covers the period from 1 April 2021 to 30 June 2021 and builds on the previous quarterly Report No. 010/21. It provides a status update on progress or lack thereof in the implementation of the tasks of the R-ARCSS during the reporting period, highlight challenges facing the implementation, provide some observations and concludes with recommendations for remedial measures.

2. The report draws from various sources of information and reports periodically received from Agreement institutions and mechanisms pursuant to article 7.8 of the R-ARCSS, participatory peer-reviews of the status of implementation of the thematic chapters of the R-ARCSS through monthly meetings of the six Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) Working Committees, RJMEC monthly plenary meetings and regular consultative meetings the RJMEC leadership convenes with the Parties to the R-ARCSS, other South Sudanese stakeholders and adherents, regional guarantors and International Partners and Friends of South Sudan. The information from various sources including field visits were then triangulated to ensure accuracy of this report.

3. During the period under review, the report notes that good progress has been made towards implementation of the R-ARCSS. This includes, *inter alia*, the following:

3.1. the Revitalized Transitional Government of National Unity (RTGoNU) Presidency and the RTGoNU Council of Ministers have continued to regularly meet, provide leadership and make critical decisions regarding implementation of the R-ARCSS;

3.2. on 8 May 2021, President Salva Kiir Mayardit dissolved the Transitional National Legislature (TNL), comprising the Transitional National Legislative Assembly (TNLA) and the Council of States (CoS);

3.3. subsequently, the President only appointed members of the reconstituted TNLA (RTNLA) on 10 May 2021 and not those of the CoS;

3.4. steps have been undertaken to establish an *ad-hoc* Judicial Reform Committee (JRC) with the mandate to study and recommend appropriate judicial reforms. A draft Terms of Reference for the JRC prepared by the RJMEC Secretariat and IGAD Office of the Special Envoy for South Sudan (OSESS) was presented to the Ministry of Justice and Constitutional Affairs and subsequently approved;

3.5. the RTGoNU availed funds for payment of the National Monitors to fill in the gaps created when funding from the Government of Japan ended in March 2021. The National Monitors have resumed their mandate as part of the Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM);

3.6. the Permanent Ceasefire continues to hold, and the Joint Defence Board (JDB) enforced peaceful resolution of disputes among the signatory forces;

3.7. a roadmap developed by the Ministry of Justice and Constitutional Affairs (MoJCA) for the establishment of the three transitional justice mechanisms was subsequently approved by the RTGoNU Council of Ministers;

3.8. establishment of a Technical Committee for the National Consultative Process on the Establishment of the Commission for Truth, Reconciliation and Healing (CTRH);

3.9. a workshop convened by RJMEC for the Parties to the R-ARCSS and facilitated by the Max Planck Foundation was successfully completed and its 'Resolution' that provides details of the permanent constitution-making process was handed over to the RTGoNU on 10 June 2021. The "Resolution" shall form the basis of the legislation to govern the process of the constitutional making process; and

3.10 . IGAD leadership is now seized of the matters related to the implementation of the R-ARCSS, through convening meetings and making critical policy decisions on the situation in South Sudan.

4. Notwithstanding the positive progress made in the implementation of the R-ARCSS highlighted above, the report nevertheless shows that some tasks still remain outstanding. These tasks of the R-ARCSS include, among others, the following:

4.1. delayed swearing in of the members of the reconstituted TNLA – owing to lack of consensus in the list of nominees of some of the Parties such as the Other Political Parties (OPP);

4.2. failure of the Parties to adhere, overall, to the minimum 35% women representation when making political appointments, such as in the reconstituted TNLA;

4.3. delayed reconstitution of the CoS¹, the States Legislature, and Institutions and Commissions at the national level;

4.4. non-completion of all tasks related to Phase I of the Necessary Unified Forces (NUF), including graduation, harmonization of ranks as well as the unified command structure and redeployment of the trained NUF;

4.5. lack of operationalization of Disarmament Demobilization and Reintegration (DDR) processes due to requisite resources not availed to the DDR Commission;

4.6. delayed establishment of the Special Reconstruction Fund (SRF) and Board, to estimate costs of implementation of the Agreement and convening of a donor pledging conference to finance the R-ARCSS;

¹ Although the Council of States was not reconstituted during the period under review, it was subsequently reconstituted on 3 July 2021.

4.7. delayed establishment of other Agreement institutions, including the Economic Financial Management Authority (EFMA), the three Transitional Justice institutions namely the CTRH, Compensation and Reparation Authority (CRA) and Hybrid Court for South Sudan (HCSS).

5. The report further highlights challenges that the implementation of the peace Agreement faced during the period under review, including insufficient funds and resources for full implementation of the R-ARCSS; trust deficit and a lack of confidence between the Parties to the R-ARCSS; recurrence of community-based violence and insecurity in some parts of the country; institutional capacity gaps in some Agreement institutions and mechanisms; the negative impact of the activities of holdout groups and the COVID-19 pandemic on the overall peace process.

6. To ensure that impediments to implementation of the R-ARCSS are addressed in a timely manner, and that the peace process remains on track, the RJMEC leadership continued to engage with various stakeholders to the R-ARCSS. These included the RTGoNU Presidency, Ministers, Parties to the R-ARCSS, South Sudanese stakeholders and adherents, and regional and international guarantors. RJMEC also regularly briefed the Chairperson of the Assembly of IGAD Heads of State and Government, Chairperson of the IGAD Council of Ministers, regional and international Special Envoys, and the 72nd Extraordinary Assembly of the Intergovernmental Authority on Development (IGAD) Council of Ministers on the status of implementation, challenges and recommended remedial actions.

7. This report has four sections and is therefore structured as follows. Section I, the introduction, provides an overview of the entire report and highlights the main issues addressed. This is followed by Section II which provides an analysis of the status of implementation of the six thematic chapters of the R-ARCSS, namely, governance, security, humanitarian affairs, economic affairs, transitional justice and legal and constitutional affairs as well the activities of the RJMEC during the reporting period. Section III provides key observations and recommendations, and Section IV, is its conclusion.

II. Status of Implementation of the Transitional Tasks of the R-ARCSS

Chapter 1: Revitalized Transitional Government of National Unity

8. This part of the report on Chapter I of the R-ARCSS focuses primarily on the RTGoNU. During the quarter, there was some progress towards the implementation of the provisions of Chapter I of the R-ARCSS. The RTGoNU Presidency and Council of Ministers have regularly met, to provide leadership on and to make critical decisions aimed at expediting implementation of the R-ARCSS.

Transitional National Legislative Assembly, Council of States and the States Legislature

9. On 8 May 2021, H.E. Salva Kiir Mayardit, President of the Republic of South Sudan dissolved the TNL comprising the TNLA and the CoS. Two days later, the President reconstituted the TNLA from 332 members to 550 based on the responsibility-sharing arrangement provided for under article 1.14.2 of the R-ARCSS. By the end of the reporting period, the CoS was yet to be reconstituted.

10. RJMEC's preliminary gender analysis of the appointments to the reconstituted TNLA suggests that, overall, women constitute 33% of its members, falling short of the 35% minimum threshold the R-ARCSS requires the Parties to adhere to, and the gender disaggregation of the appointments remains a concern. That notwithstanding, the appointment of the RTNLA is a welcome development insofar as implementation of the governance aspects of the Agreement under Chapter 1 is concerned. However, it is critical that the RTNLA is sworn in to commence its business, including passage of the national budget and ratification of important pending legislations, such as all the amended security bills and the Constitutional Amendment Bill No. 8 (2020).

11. Related institutions with legislative and oversight functions yet to be reconstituted include, at the national level, the CoS and the State Legislatures (i.e., the State Legislative Assemblies, chairpersons and deputy chairs of Specialized Committees and County Councils) at the subnational levels.

12. Whereas State Executive structures were established in the first quarter of 2021, the appointments of the local governments in the Abyei Administrative Area, Ruweng Administrative Area and Greater Pibor Administrative Area are yet to be undertaken. There has also been delays in the restructuring and reconstitution of Institutions and Commissions at the national level.

Judicial Reforms

13. With regard to Judicial Reforms under Article 1.17 of the R-ARCSS, the following tasks were expected to have been completed within the first twelve months of the Transitional Period namely: establishment of the *ad-hoc* JRC and completion of its activities. Once established and operationalized, the JRC is expected to submit its final report and recommendations to the RTGoNU within six months. To date, there has been some progress made in this regard. The MoJCA, working together with RJMEC and IGAD advisors developed and adopted a Terms of Reference for the establishment of the JRC, and plans are underway to invite the Parties to the R-ARCSS to nominate their representatives to the JRC, and for IGAD to secure its nominees who are designated to chair and deputize the Committee.

Governance Working Committee

14. The Governance Working Committee continued to convene its regular meetings and tracked the implementation of the tasks in chapter I of the R-ARCSS against the milestones provided in the implementation matrix of the chapter. By end of June 2021, the Committee had convened six meetings since it was reconstituted in October 2020, and the co-chairpersons also briefed the Interim Chairperson of RJMEC on the status of the work of the Committee. The reports of the Working Committee are submitted to the Interim Chairperson of RJMEC and feed into the overall evaluation reports of the Commission.

Women's participation in decision making and peace process

15. During the reporting period, H.E. Rebecca Nyandeng de Mabior, Vice President and Head of the Gender and Youth Cluster launched the South Sudanese Women Leadership Forum under the theme: '*Strengthening Women's Participation in Peace and Nation-Building*'. The Forum brought together South Sudanese women leaders from political, faith-based groups, civil society, private sector, business sector, security sector, justice institutions, academia, and media to deliberate on women's leadership role in South Sudan.

16. The Forum is established as a platform to assist women in addressing multiple issues that prevent gender equality and women empowerment in various fields, and to engage and hold political and government leaders accountable with regards to promoting and implementing all gender related commitments made by the signatories, stakeholders as well as the guarantors under the R-ARCSS and the Transitional Constitution of the Republic of South Sudan (TRCSS) 2011 (as amended).

National Constitutional Amendment Committee

17. Under Article 1.18 of the R-ARCSS, the National Constitutional Amendment Committee (NCAC) was expected to have completed drafting, review and amendment of several legislations, including the National Elections Act, the NGO Act, Bank of South Sudan Act, Anti-Corruption Act, National Audit Chambers Act, National Petroleum Act amongst other, and to incorporate any reforms relevant to the Agreement or international best practices, within twelve months into the Transitional Period.

18. By 22 February 2021, when the NCAC's mandate expired, it was in the process of reviewing the Public Finance Management Act and the National Audit Chambers Act, but these were yet to be finalised and handed over to the Minister of Justice and Constitutional Affairs. The NCAC had also started the review of the Petroleum Act and Petroleum Revenue Management Act.

19. In order to complete these pending laws, as well as review and amend the National Elections Act and the NGO Act, the NCAC requested for extension of its mandate for another twelve (12) months. All the Parties to the R-ARCSS endorsed the request for an extension of the NCAC working period. However, due to financial challenges, the IGAD office has not yet reconvened the NCAC. Discussions continue with partners like the United Nations Development Program (UNDP) for potential support to allow the NCAC to resume its work.

Chapter 2: Permanent Ceasefire and Transitional Security Arrangements

Political and Security Issues

20. Since the last RJMEC quarterly report, the Permanent Ceasefire has continued to hold. This, despite the volatile security situation in parts of Central and Western Equatoria due to clashes between the South Sudan Peoples Defence Forces (SSPDF) and the National Salvation Front (NAS) of Gen Thomas Cirillo. A particularly concerning security incident occurred at

the end of May 2021 in Lainya County, Central Equatoria with the abduction from a church, and the subsequent summary execution of a 9-year-old boy, a pastor, and two other men by allegedly SSPDF personnel. Both the SSPDF and NAS denied responsibility for the incidents, but the SSPDF issued a statement stating that they were going to launch an investigation into the matter. RJMEC has recommended that CTSAMVM also investigate the incident.

21. Community-based violence persisted throughout the reporting period, across the Equatorias. Most incidents involved cattle raiding and revenge attacks between the Bor Dinka and Mundari tribes. Also, communal violence between the Buya and Toposa tribes, youth harassment of humanitarian workers, as well as ambushes on civilian vehicles by criminal groups worsened the security situation in Eastern Equatoria. On 31 May in Torit, Eastern Equatoria, vehicles belonging to the UNDP and the International Community of the Red Cross (ICRC) were looted and personnel robbed by local youth. Of much concern is the major threat to peace posed by inter-communal violence, which has negatively impacted the implementation of the Agreement as some Cantonment Sites have been attacked by local youths, leading Cantonment personnel to rearm themselves in self-defence.

22. Between the areas of Bunj and Maban in Upper Nile state, the Bantaween militia attacked the Beneshowa community and also the Liang cantonment site. However, the South Sudan Liberation Army in Opposition (SPLA)-IO in the area successfully repelled the militia attacks. Also in Jonglei an attack in May 2021 by the Gawar Nuer and the Dinka youth on Gumuruk and Likungole was reported to have killed 105 men and 28 women, whilst 72 women and 84 children were abducted. On 28 May 2021, community-based violence in Ulang County resulted in 43 civilian deaths. In addition, on 24 May 2021, a humanitarian warehouse was attacked in Koch County, Unity State by an unknown armed group and over 500 tons of food was stolen or destroyed.

23. During the reporting period, National Monitors boycotted participation in the CTSAMVM structures after financial support from the government of Japan ended in March. During the boycott, the National Monitors intentionally prevented the regional and international monitors from deploying, monitoring or investigating incidents in all their areas of responsibility. Direct threats were made to CTSAMVM personnel by the National Monitors, and in some cases with the support of government security agencies.

24. These actions consequently significantly undermined CTSAMVM's operational capability and performance. Consequently, the RJMEC Chairperson wrote to the President requesting his intervention in the matter. During the last week of June 2021, funds were made available to CTSAMVM by the Chairperson of the National Transitional Committee (NTC), for the specific purpose of providing salaries for the National Monitors, thus successfully resolving the issue. The National Monitors resumed work on 22 June 2021.

25. The SSPDF leadership established a Military Mobile Court in Malual Chat, Jonglei State, and a General Court Martial in Warrap State to deal with crimes committed by soldiers. These are very positive developments similar to the District Field Court Martial established by the SSPDF in Yei in mid-2020, which prosecuted several soldiers for crimes committed against both the military and civilians. At the time, the actions of the Court significantly improved civil-military relations in the Yei area, as well as reduced incidents of sexual and gender-based violence.

Sexual and Gender Based Violence

26. Incidents of sexual and gender-based violence by uniformed forces still occur. During this period, CTSAMVM reported on incidents of SPLM/A-IO soldiers who allegedly assaulted two girls in Wau IDP camp on 14 June 2021. Local police confirmed that there were two other cases earlier committed by the same group. With regards to accountability, SSPDF established military justice mechanisms mentioned above to deal with both military discipline cases as well as crimes against civilians in Jonglei and Warrap State. The Court's jurisdiction includes cases ranging from alleged murder, rape, recruitment of children to petty theft by military personnel. On 20 June 2021, the JDB together with UNMISS Protection of Women rolled out their Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence in South Sudan.

Status of Cantonment Sites and Training Centres

27. Cantonment sites and training centres continue to face significant challenges that include a lack of food, medicines, clean water, shelter equipment and personal hygiene items for female personnel. As a result, morale has deteriorated. A significant number of personnel have left the cantonment sites and training centres in search of food but are still committed to the Peace Agreement and are ready to return to the cantonments once food and medicines are made available.

The Unification Process

28. Some positive progress has been made with the announcement on 8 June 2021 from the Presidency directing the JDB to 'accelerate the graduation of unified forces and develop a unified command'. Since this announcement, the JDB has conducted an assessment mission to all but four training centres in Greater Equatoria, Bhar El Ghazal and Upper Nile using three assessment teams. Reports are expected shortly on the state and conditions of the respective training centres in preparation for graduation and deployment; although no decision or plans have been announced in that regard. Similarly, no decision has yet been made on the unification of command with an on-going impasse between the Parties on the ratios and the key command appointments. The expectation is that this issue will be resolved by the Presidency.

Disarmament, Demobilisation and Reintegration

29. The DDR Commission has received some assistance from International Partners, but has insufficient government funding and resources to implement its tasks. At the same time, the DDR strategy and policy documents for implementation are yet to be approved by the NTC and the RTGoNU. The lack of progress on the DDR process is having a significant detrimental impact on the Parties' and RTGoNU's ability to deal with senior officers and soldiers who are not eligible to serve in the new unified forces.

Strategic Defence and Security Review

30. The drafting of the Strategic Defence and Security Review (SDSR) strategy and policy documents required in accordance with article 2.5.4 of the R-ARCSS is on-going, but progress has been relatively slow. The SDSR Board has conducted a series of workshops with support from UNMISS and RJMEC on the draft Strategic Security Assessment and Security Policy

Framework, which are currently being finalised and readied for submission to the Parties, the RTGoNU Council of Ministers and TNLA for endorsement. The next stage is the completion of drafting the Revised Defence Policy.

Senior Military Leadership Training

31. From 3 - 9 May 2021, twenty-five (25) South Sudan senior military officers (Major Generals and above) participated in a ‘Senior Leadership Post-Conflict Peace Building and Reconstruction Course’ at the Rwanda Peace Academy (RPA) – Nyakinama –Rwanda. This was the second training course following one in December 2020 that took place in Kenya. The objective of these courses is principally to build confidence and trust among participants, and learn some lessons and experience from the host countries and respective security sector institutions. They are sponsored by United Nations Institute for Training and Research (UNITAR) in coordination with and facilitation by RJMEC, South Sudan Ministry of Defence, and host country institutions, in this case the Rwanda Peace Academy.

32. In addition to in-class lectures and presentations, the Rwandese officials gave the participants the opportunity to visit a number of historic sites. The participants toured various relevant locations during their stay in Rwanda to be able to reflect on the country’s experience during their own crises such as the Genocide Memorial, Campaign against Genocide Museum, DDR Centre, Rwanda Military Academy, and Mayange Unity and Reconciliation Village. The course concluded with a focus on the role of the military in national unity and state building and in bringing lasting peace while preventing a relapse into conflict.

Security Working Committee

33. The Security Working Committee convened regular meetings and tracked the implementation of the tasks in Chapter 2 of the R-ARCSS against the milestones provided in the implementation matrix of the chapter. By end-June 2021, the Committee had convened three times since it was reconstituted in October 2020. The Chairperson of the Security Working Committee has briefed the Interim Chairperson of RJMEC on the status of the work of the Committee and informed him of the importance of having party and government member representation. The reports of the Committee are submitted to the Interim Chairperson of RJMEC and feed into the overall evaluation reports of the Commission.

Chapter 3: Humanitarian Assistance and Reconstruction

34. Overall, there has been some improvements in the status of provision of humanitarian assistance to those in need, including the gradual returns by previously internally displaced persons (IDPs) and refugees. However, UNOCHA estimates suggest that 7.2 million people in South Sudan continue to be acutely food insecure between April and July and the need for relief remains high.

35. Compounding the humanitarian challenge is the concerns regarding the state of insecurity in some parts of the country, which continue to undermine current progress,

including the slowing down of voluntary returns thus increasing the risks of reversing some of the gains already made. Around the country, there are reported incidences of violence such as the clashes between the SSPDF and NAS in Central Equatoria, community-based violence in Jonglei, Lakes, Warrap, and Unity States which resulted in many civilian casualties. Taken together, all these amount to a worrying composite security picture of the country and the context in which humanitarian agencies operate

36. This year, four aid workers have been killed, including one on 12 May² and two on 7 June 2021 in Lakes State, highlighting the continued dangers faced by aid workers in some parts of the country. The safety and security of humanitarian workers therefore continues to be threatened by the ongoing violence. There have been recent compound intrusions and the physical assault of aid workers in Upper Nile state, Unity State and Eastern Equatoria. Further, concerns on road security, notably in Lakes, Jonglei, and the Equatorias, continue to impede the delivery of aid to those who most need it. Some youths have reportedly been demonstrating in Torit, Eastern Equatoria and have been demanding for employment of locals in international organizations. They reportedly issued threats to undermine the work of such organizations if their demands are not met.

37. The Special Reconstruction Fund (SRF) and its Board which is mandated to assess the reconstruction needs and raise the necessary funds are vital aspects of the Peace Agreement. This body was supposed to be established during the first month of the Transitional Period, and, upon its establishment, a donors' conference is to be convened to coordinate support to the implementation of the R-ARCSS. To date, neither the Fund nor the Board have been established. This calls for urgency in the part of the RTGoNU to prioritise their establishment and the eventual convening of the donors' conference. The RTGoNU, as required by the R-ARCSS, is expected to provide initial funding of USD 100 million per annum for the duration of the Transitional Period.

Chapter 4: Resource, Economic and Financial Management

38. The outlook for government finances continued to improve through the second quarter of 2021 mainly due to higher oil prices. The price of Brent crude oil reached USD 75 per barrel at the end of June, compared to an average of around USD 42 in 2020. Also, the IMF transferred more than USD 174 million under the Rapid Credit Facility, against the background of the economic crisis and the need for support to stabilize the economy, but also in recognition of measures taken by the government to strengthen fiscal discipline, remove distortions in the foreign exchange market and improve transparency.

39. With regard to implementation of tasks related to the provisions in Chapter IV, only a few tasks have been completed. For acts covering public financial management the reviews by the NCAC are at a late stage, but not yet completed. This includes the Public Financial Management and Accountability Act, the National Audit Chamber Act, the Petroleum Revenue

² The aid worker killed in May was in a clearly marked humanitarian vehicle when it was attacked with small arms fire. In 2020, a total of nine aid workers were killed.

Management Act, and the Petroleum Act. NCAC's work was interrupted as the mandate came to an end in February 2021.

40. There has been some progress in the implementation of Chapter IV provisions related to the petroleum sector. Audits of transfers to the petroleum producing communities and states have been conducted. These reports have still to be made public, but from what has been reported from the Ministry of Petroleum, the audits confirm that the central government has withheld significant parts of the transfers and has thereby accumulated large arrears in these transfers. Audits of cost recovery (deductions by the oil companies for investment and other costs related to oil production) since (2012) show, according government officials that oil companies have been overcompensated for costs they have incurred, which thereby has reduced profits and the government's share of oil production. The audit reports and the oil companies' comments have still to be made public.

41. Further, the Government has launched a tender for environmental audits, which are important against the background of environmental damage from oil spills and for putting in place policies to protect health and the environment. According to the Petroleum Ministry, environmental impacts have never been audited since the beginning of oil production in 1997.

42. The World Bank has committed to grants totaling USD 116 million aimed at strengthening capacity of farmers, and also to improve agricultural production and restore livelihoods and food security. These projects will be implemented through government systems, especially those of the Ministry of Agriculture and Food security. Finally, the government has embarked on exchange rate reform aimed at merging the official rate and the parallel market rate. The reform goes further than what is prescribed in Chapter IV. The gap between the official and the parallel market rate has constituted a window for fraud and corruption and has additionally reduced transparency of the budget as an allocation mechanism.

Chapter 5: Transitional Justice

43. The IGAD Council of Ministers at its 72nd Extraordinary Session held on the 24 June 2021 urged the RTGoNU to expedite the implementation of the formation of the three Transitional Justice mechanisms. The progress thus far is as follows. On the establishment of the CTRH as provided for in article 5.2.1.3 of the R-ARCSS, the MoJCA is required, in collaboration with other stakeholders and the civil society, to conduct public consultations for a period of not less than one month prior to the establishment of the Commission.

44. In fulfilment of this article, by way of Ministerial Order No. 02/2021 signed on 10 May 2021, Hon Justice Ruben Madol Arol, Minister of Justice and Constitutional Affairs established a Technical Committee for the National Consultative Process on the Establishment of the CTRH ('the Technical Committee').

45. In summary, the Technical Committee is mandated to:

45.1 carry out nationwide sensitization on truth, healing and reconciliation in order to create a conducive environment for people to engage actively in the consultations;

45.2 assist the MoJCA in leading efforts to increase understanding on transitional justice concepts of truth, healing and reconciliation;

45.3 in collaboration with MoJCA Taskforce develop media messages for dissemination;

45.4 consult communities at the grassroots level; and

45.5 visit all the identified locations to consult South Sudanese in the areas most affected by conflict; and record all discussions and use it to prepare consultation reports to inform drafting of CTRH legislation.

46. The 33-member Technical Committee will operate under the guidance of the Taskforce in the Ministry of Justice and will directly report to it. The RJMEC Working Committee on Transitional Justice has, in its June monthly meeting, by way of resolution recommended to the MoJCA to consider appointing an additional three South Sudanese women to the Technical Committee in order to bolster women representation. The Technical Committee was inaugurated on the 30 June 2021 and will undertake national consultations across the country for one month. Their findings will inform the drafting of the legislation that will govern the establishment of the CTRH.

47. There has been no progress on the establishment of the CRA. Similarly, there has been no progress made on the formation of the HCSS. RJMEC continues to urge the MoJCA and the Africa Union to discuss and agree the terms of establishment of the HCSS.

Chapter 6: Permanent Constitution Making-Process

48. Under Chapter 6 of the R-ARCSS, the RTGoNU is mandated to initiate and oversee a permanent Constitution-making process which is expected to be completed within 24 months into the Transitional Period. The RJMEC is mandated to convene a workshop for the R-ARCSS Parties to agree on the details of the Permanent Constitution-making Process in the fourth month, and its outcome is to form the basis for a legislation to be enacted to govern the Constitution-making process.

49. Some commendable progress has been made in this regard, namely:

49.1 the RJMEC successfully convened a workshop for the Parties to the R-ARCSS to agree on the details of conducting the constitution-making process as mandated under article 6.7 of the R-ARCSS;

49.2 the workshop, which took place from 25-28 May 2021, was officially opened by H.E. Salva Kiir Mayardit, President of the Republic of South Sudan, and was addressed by H.E. Abdallah Hamdok, Prime Minister of Sudan and Chairperson of the IGAD Assembly of Heads of State and Government. The workshop was facilitated by the Max Planck Foundation for International Peace and Rule of Law.

50. Amongst the key resolutions of the Workshop were:

50.1 the establishment of a Constitutional Drafting Committee as a specialised technical body to draft the constitutional text and accompany the process at all stages;

50.2 the composition and criteria for nominations of the reconstituted National Constitutional Review Commission (R-NCRC), the Preparatory Sub-Committee (PSC) for the convening of the National Constitutional Conference (NCC), and

50.3 civic education and public participation at all stages of the constitution-making process.

51. RJMEC officially handed over the Resolutions to the RTGoNU on 10 June 2021. Consequently, RTGoNU has now commenced the drafting of the legislation that will govern the constitution-making process.

Activities of the Reconstituted Joint Monitoring and Evaluation Commission

52. Pursuant to its mandate of monitoring and evaluation implementation of the R-ARCSS and in line with Article 7.12, the RJMEC held two monthly plenary meetings and issued a statement in lieu of a plenary which was not held in March due to lockdown measures which was in place.

53. The RJMEC Interim Chairperson has continued to engage at the highest political level with the various stakeholders of the R-ARCSS, including high-level diplomatic engagements with the RTGoNU Presidency, Ministers, Parties to the R-ARCSS, various stakeholders, regional and international guarantors, and the Troika Special Envoys. RJMEC also regularly briefed the Chairperson of the Assembly of IGAD Heads of State and Government, Chairperson of the IGAD Council of Ministers, regional and international Special Envoys. He also briefed the 72nd Extraordinary Session of the IGAD Council of Ministers on the status of implementation, challenges and recommended remedial action.³

54. The RJMEC Interim Chairperson meetings with the IGAD leaders centred on: ways to improve political will and commitment among the Parties; the need to earmark resources for effective and efficient implementation of the Revitalized Agreement; the importance of implementing the Transitional Security Arrangements particularly the unification of forces and their redeployment; and ways to enhance implementation of other aspects of the R-ARCSS.

55. Discussions between the leadership of RJMEC and the Presidency were aimed at providing them with an update on the status of implementation of the Agreement, and also on some of the challenges, and how the Presidency can use their good office to move the process of implementation forward. The Presidency was generally in agreement on the need to more vigorously pursue implementation of the R-ARCSS, and in particular address the security situation and secure additional resources towards implementation.

56. The leadership also held several meetings with members of the diplomatic community who were briefed on the status of implementation of the R-ARCSS and the many challenges facing implementation. In May, the Interim Chairperson held a meeting with the Troika Special Envoys in which he gave a detailed update on the status of implementation of the R-ARCSS including recent progress, challenges and priorities going forward. The interim Chairperson reported on the reconstituting of the TNLA, and further trust and confidence building efforts sponsored by UNITAR, in conjunction with RJMEC aimed at senior members

³ The Communique of the 72nd Extraordinary Session of the IGAD Council of Ministers held virtually on 24 June 2021 reflecting recommendations of the RJMEC leadership can be accessed from: <https://igad.int/communique/2734-communique-of-the-72-nd-extra-ordinary-session-of-igad-council-of-ministers>, [Accessed, 1 July 2021].

of the military. The Special Envoys requested the Chair to give a candid assessment of RJMEC's ability to advance implementation of the R-ARCSS, and noted the growing humanitarian crisis in the country, including famine.

57. During the quarter, the RJMEC Secretariat has continued to engage, within the framework of partnership with UNMISS/IGAD/AUMISS. The Secretariat participated in leadership retreats of State Executives in Northern Bhar El Ghazal, Western Equatoria, and Eastern Equatoria states. RJMEC elaborated on the Peace Agreement and provided an update on the status of implementation. In addition, the roles and responsibilities of the State as envisaged in the Agreement was made clear to the participants. The platforms also provided opportunities for the dissemination of the R-ARCSS at the subnational level.

58. The RJMEC Leadership was also called upon to give remarks at a conference on the Extractive Industries Transparency Initiative (EITI) in South Sudan. During the discussions the RJMEC Chairperson stressed that the use of EITI systems, together with implementation of other provisions in the Peace Agreement has great potential to significantly improve transparency in the oil, and minerals sectors as the challenges in disclosure of contracts and licenses granted to oil and gas and mining companies are addressed.

III. Key Observations and Recommendations

Observations

59. Firstly, the report notes that overall, there has been some progress in the implementation of some provisions of the R-ARCSS during the quarter. Notably, they included the following: (a) dissolution and reconstitution of the TNLA; (b) approval of the draft Terms of Reference for the establishment of the JRC; (c) agreement to extend the mandate of the NCAC for 12 months;(d) resolution of the deadlock over payments of the National Monitors (e) development of a roadmap for the establishment of the three transitional justice mechanisms; establishment of a Technical Committee for the National Consultative Process on the Establishment of the CTRH; and successful convening of the workshop for the Parties to the R-ARCSS whose outcome shall form the basis of the legislation to govern the process of the constitutional making process.

60. Second, the IGAD Council of Ministers convened its 72nd Extraordinary Session and made the following policy decisions on the situation in South Sudan, which are contained in its communique⁴. The Council:

60.1 called upon the RTGoNU and the Parties to expedite the reconstitution of the Council of States, the State Legislature and to conclude the restructuring and reconstitution of Institutions and Commissions at the national level. The Council also urged the Parties to adhere to the 35% quota of women representation and to honour and respect this cardinal

⁴ See <https://igad.int/communique/2734-communique-of-the-72-nd-extra-ordinary-session-of-igad-council-of-ministers>.

rule of women representation in the formation of remaining Agreement mechanisms/institutions;

60.2 appealed to all Parties under the South Sudan Opposition Movement Alliance (SSOMA) to pursue the Sant'Egidio mediation process and adhere to the Cessation of Hostilities Agreement, Protection of Civilians and Humanitarian Access (CoHA) (Dec. 2017), the Rome Declaration (Jan. 2020), and the Declaration of Principles (DoP) (Mar. 2021);

60.3 urged the RTGoNU and the Parties to expedite the implementation of remaining transitional tasks in particular those activities related to judicial reforms; economic and finance related reforms; establishment of the SRF and its Board; the formation of the three Transitional Justice mechanisms; and the permanent constitution-making process; and

60.4 called upon the international community to work in close collaboration with line Ministries of the RTGoNU to create an enabling environment for the safe and dignified return of refugees and IDP. Further, urged a commitment to actively engage at the highest political levels of the international community to mobilise goodwill and support towards the full implementation of the R-ARCSS.

61. Third, there are recurring challenges facing the implementation of the R-ARCSS which need to be addressed. These include, *inter alia*, insufficient funds and requisite resources for effective and efficient implementation of the R-ARCSS; relational challenges arising from trust deficit and lack of sufficient confidence between some leadership of the Parties to the R-ARCSS; the stalled implementation of Transitional Security Arrangements including the establishment of the NUF; recurrence of community-based violence and insecurity in some parts of the country; institutional capacity gaps in some agreement institutions and mechanisms; negative impact of the activities of holdout groups in some areas of Equatoria and the vagaries of the COVID-19 pandemic on the overall peace process.

Recommendations

62. The report therefore offers the following recommendations to various stakeholders, including the RTGoNU, the regional and international guarantors, and the international community.

a) To the RTGoNU:

62.1 expedite the swearing in of the members of the Reconstituted TNLA, complete the reconstitution of the Council of States, the State Legislature, and restructure and reconstitute Institutions and Commissions at the national level, while adhering to the 35% level of women representation and giving due attention to representation of the youth;

62.2 expedite the enactment of the outstanding Security and Political Parties Act and other laws already amended by NCAC;

- 62.3 consider enactment of the Constitutional Amendment Bill No 8 (2021) as proposed by the NCAC – the Bill that rectifies the inconsistencies contained within the Constitutional Amendment Act No 6 of 2020;
- 62.4 in collaboration with IGAD, establish the ad-hoc JRC in a timely manner so as to enable it to undertake the study and recommend judicial reforms to be implemented;
- 62.5 make financial resources available for the completion of the Transitional Security Arrangements, including for graduation and redeployment of Phase I of the unified forces, for the DDR Commission to implement its plans and for commencement of Phase 2 of the unification process;
- 62.6 prioritise the establishment of the SRF and Board to coordinate international support to the peace process and to coordinate the convening of the South Sudan pledging conference;
- 62.7 pursue economic reforms along with increased transparency and accountability, especially in the oil sector, and establish the Economic and Financial Management Authority (EFMA) to enhance oversight and management of the country’s resources;
- 62.8 proceed in a timely manner to fast-track broad-based public consultation on the establishment of the CTRH, and to further liaise with the African Union Commission regarding the establishment of the HCSS; and
- 62.9 expedite the enactment of the legislation to govern the Constitution-making process based on the outcome of the workshop, and fully implement the agreed Constitution-making process roadmap.

b) To IGAD

- 62.10 nominate the Chairperson and Deputy Chairperson for the *ad-hoc* Judicial Reforms Committee and urge the Parties to the R-ARCSS to nominate their representatives;
- 62.11 urge the Parties to the Agreement for continued dialogue and trust-building amongst themselves on all unresolved issues, with greater show of political will and, convene the high-level ‘Leadership Retreat’ of the principals to the R-ARCSS as previously proposed;
- 62.12 appeal to all actors under SSOMA to pursue the Sant’Egidio mediation process, including adherence to the COHA, the Rome Declaration of January 2020, and the Declaration of Principles of March 2021; and
- 62.13 actively engage the international community at the highest political level to mobilise goodwill and support for full implementation of the R-ARCSS.

c) To the African Union:

- 62.14 liaise with the RTGoNU and expedite processes that will lead to the establishment of the HCSS;
- 62.15 continue to engage the leadership of the RTGoNU and mobilise the political support and goodwill necessary for full implementation of the R-ARCSS; and
- 62.16 consider mobilizing the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in its member state, the Republic of South Sudan.

d) To the International Partners and Friends of South Sudan

62.17 continue to engage the leadership of the RTGoNU and mobilise political and moral support and goodwill for full implementation of the R-ARCSS; and

62.18 continue to mobilize the requisite resources for and coordinate provision of humanitarian response to those in dire need of assistance in the Republic of South Sudan, including in the prevention of and response to the COVID-19 pandemic.

IV. Conclusion

63. The report shows that whereas some provisions of the R-ARCSS were implemented during the period under review, overall, its critical aspects such as operationalization of the TNL to enable them to enact laws, completion of Phase I of the unification of forces, including operationalization of the DDR processes, were not given the attention they deserve by the RTGoNU. Consequently, the expected changes from the implementation of the R-ARCSS during the quarter did not positively impact the lives of ordinary citizens, particularly at the subnational level. It is therefore critical that the RTGoNU focuses its attention more to ensure effective and efficient implementation of the outstanding tasks on governance and Transitional Security Arrangements, as they are the bedrocks of the R-ARCSS.

64. Furthermore, the RTGoNU needs to take steps to ensure that all the Agreement institutions mechanisms are established, the necessary institutional reform processes are undertaken in a time fashion, financial and in-kind resources mobilized, and the permanent constitution-making process progresses as planned. With only 20 months remaining to the end of the Transitional Period, there is need to ensure that the outstanding tasks of the R-ARCSS are simultaneously implemented. For this to happen, it requires the requisite political will of the RTGoNU, continued support from the regional and international guarantors, as well as the goodwill and support of all involved.

65. On its part and pursuant to its mandate as provided for in Chapter 7 of the R-ARCSS, the RJMEC will continue to monitor, evaluate, report on the status of implementation of the R-ARCSS, as circumstances demand, intervene to break any deadlock that may emerge in the course of implementation. It will regularly provide reports and briefings to the RTGoNU, the reconstituted TNLA, Chairperson of the IGAD Assembly of Heads of State and Government, Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the Peace and Security Council of the African Union and to the Secretary General of the United Nations and the Security Council of the United Nations.

END