



**Joint Monitoring and Evaluation Commission**  
(JMEC)

**OPENING STATEMENT as DELIVERED**

**BY**

**H.E. FESTUS MOGAE  
CHAIRPERSON OF JMEC**

**DURING THE PLENARY MEETING**

**OF THE**

**JOINT MONITORING & EVALUATION COMMISSION**

**23 JUNE 2016**

**JUBA**

**Excellencies;  
Honorable Members;**

## **Ladies and Gentlemen;**

1. It is with a heavy heart that I address you today.
2. After the announcement by the Presidency that agreement had been reached on a number of issues, including the establishment of the Boundary Commission, reinstatement of civil servants, release of prisoners of war and detainees, cantonment sites, and the expanded Transitional National Legislative Assembly, I had hoped that there would be more progress. On the contrary, I regret to report that the progress I had expected has not materialized. If anything, the Parties are further apart.
3. There appears to be a stalemate that now threatens the implementation of the entire Agreement. From my consultations with the Parties over the past two days, there is no common understanding of the terms of reference of the proposed Commission on the number of States; as well as on the issue of cantonment sites.
4. Today I will present my assessment of the progress on the implementation and adherence by the Parties to the letter and spirit of the Agreement as they often said they would.
5. I will also highlight what will be contained in my written Report, in accordance with Chapter 7, Article 5, to be submitted next month to the Transitional Government of National Unity Council of Ministers,

Chairperson of the IGAD Council of Ministers, Chairperson of the African Union Commission, the African Union Peace and Security Council, the Secretary General of the United Nations and the United Nations Security Council.

6. Regarding **governance and the formation of the Transitional Government of National Unity**, the formation of the Council of Ministers is welcome. However, the lack of progress in the expansion of the Transitional National Legislative Assembly and disagreement over the selection of the Speaker, is delaying the establishment of a critical component of the Transitional Government of National Unity – namely, the Parliament.
7. At another level, it is regrettable that the work of the **National Constitutional Amendment Committee (NCAC)**, that began on 23 December 2015 stalled.
8. This important work was impeded by disagreements over several issues, among them, the issue of the 28 States, vacancies of Members of Parliament, Chairing of the First Session of the expanded Transitional National Legislative Assembly, and appointment of presidential advisers.
9. However, today I am happy to announce that, while the NCAC had operated without a substantive chair for some time now, IGAD has appointed Mr. Gichira Kibara to chair this important Institution – who

from his CV appears most suitable to execute this noble task. I now expect the NCAC to reconstitute immediately and undertake their very important responsibilities, as required by the Agreement.

10. Regarding the **Permanent Ceasefire and Transitional Security Arrangements**, it is disappointing that CTSAMM Monitoring and Verification Teams continue to face enormous challenges in their verification work. I have received reports of constant denial of access to some areas, intimidation and restriction of freedom of movement of the monitoring and verification teams in Yambio and Torit, and here in Juba, for example, in blatant violation of the Peace Agreement. This deliberate and institutionalized impediment to the implementation of the Agreement is totally unacceptable.

11. I once again appeal to the President to issue explicit orders to the local civilian and military authorities to provide unimpeded access and freedom of movement to CTSAMM. I say this because, some of the local authorities say they will only permit movement of the teams if they receive written authority from the President.

12. On the **National Architecture and the Joint Military Ceasefire Commission** I remain particularly troubled by the loss of momentum. It is distressing to note that the **JMCC** has not been able to carry out its mandate due to the absence of leadership. There

is no denying that failure by the Ceasefire Commission begets failure for peace to hold.

13. I will be doing disservice to the JMEC if I did not disclose that the Chairperson of the JMCC is reportedly distracted by other duties, such as planning and executing military operations in some parts of the country. This is not a time of operating as business as usual; it is not usual, and military leaders must prioritize the work of the JMCC. If this information is correct, it clearly marks a sad episode in our work as JMEC. Such conduct is unacceptable, and is very unhelpful to our course, to the course of peace. It leaves us with no option but to suspect that perhaps there is a serious lack of commitment towards peace.

14. It is of paramount importance that both parties commit to a permanent ceasefire, and hold dutifully to it without any further delay. The need to field Area Joint Military Ceasefire Committees and Joint Military Ceasefire Teams cannot be overemphasized. This is, of course, not simply a military matter, but also a factor of political leadership.

15. I call on the Parties to recommit to the ideal of ensuring that there is a permanent ceasefire throughout the country; but more than that, to ensure that the JMCC is fully operational. The international community can commit to supporting our work in the JMCC, if we demonstrate clear commitment to achieve its goals.

16. I welcome the report that the **Joint Integrated Police** will soon start training, and that the first cohort of nine hundred police will deploy in Juba within the next month. To this end, and in applauding the Minister of Interior for his leadership together with the JIP Management Team, I encourage the Transitional Government of National Unity to fully support this effort.

**Excellencies;**

**Ladies and Gentlemen;**

17. I am concerned, in fact perturbed, that the **Strategic Defence and Security Review Board** has not been able to conduct official business due to difficulty in achieving a quorum. It is most worrying that its Members are reportedly failing to prioritize the work of the Board, electing to routinely absent themselves under the unacceptable pretext of competing Government and other business. The challenging work of transforming the security sector needs to be prioritized, and this calls for concerted efforts on the part of the political and military leadership to reign in their Representatives to commit to work.

18. The **humanitarian situation** in South Sudan remains of great concern. Violent incidents have continued to impede access to humanitarian services for the civilian population. These acts include

killings, robberies, ambushes, intimidation and harassment, which clearly violate the Peace Agreement. According to the UN Office for Coordination of Humanitarian Assistance (OCHA), 73 per cent of these actions involved violence against humanitarian personnel and their properties.

19. Reports of increased sexual and gender based violence, in particular against children, and the conscription of child soldiers further increases the vulnerability and need for humanitarian assistance across the country.
20. The delay in the reconstitution of the **Relief and Rehabilitation Commission (RRC), the Refugees Commission (RC) and the Peace Commission**, among others, is most distressing. These Institutions are necessary to ensure rehabilitation, integration and resettlement of returning refugees and the 2.3 million internally displaced people. This is clearly a matter that the Transitional Government of National Unity needs to treat as urgent.
21. The **Special Reconstruction Fund Board** is yet to be constituted. I encourage the Parties to strive for gender balance in constituting this important Board in order to incorporate the needs and priorities of all citizens of South Sudan and at the same time take account of the experiences of men, women and children in the reconstruction programs.

**Excellencies;**

**Ladies and Gentlemen;**

22. The state of the economy of South Sudan cannot be ignored. This situation, if left unchecked, has a potential to reverse the meager gains we are all making in the peace process. The economy continues its descent, further escalating the suffering of ordinary people of South Sudan. Inflation is on the rise, and the government suffers extremely poor liquidity, and almost no cash reserves. Indeed, it is almost impossible to ascertain the actual economic and financial condition of the country but the writing is on the wall, according to the IMF:

*"There is a risk of total economic collapse without correcting measures to restore macroeconomic stability... and continuation of current policies would further increase inflation and accumulation of arrears causing rapid loss of credibility to the government and further decline in the value of the South Sudanese pound."*

23. The June 2016 IMF mission to South Sudan submitted to the Government and the Development Partners recommendations on a way to arrest and reverse the economic crisis. Many of the IMF's

recommendations find expression in Chapter IV of the Peace Agreement, where it is clearly stated that “**The TGoNU shall undertake immediate and medium-term Economic Reform Program.**” It is, therefore, only appropriate that we highlight this important issue during this Meeting, with a view to encouraging Transitional Government of National Unity to expedite its work on the preparation and responses to IMF’s austerity measures, as recommended.

24. Moving on to the issue of **Transitional Justice, Accountability, Reconciliation and Healing**, it is important to underline that these mechanisms were proposed to deliver transitional justice, including through the establishment of a **Truth, Healing and Reconciliation Commission**, a Hybrid Court for South Sudan (HCSS) and a Compensation and Reparations Authority (CRA).

25. It is troubling that, as of today, these Institutions have yet to be established. The concern that I have is that there does not seem to be demonstrable political will to do so, and thereby engendering an unhealthy scenario of potentially abetting impunity, with reported continuing violent incidents in some parts of the country.

26. It will be useful that we get these important Institutions on their feet, and ensure that they help the peace process deliver on the dividend of justice, accountability, healing, reconstruction and

reparations. I will, in this connection, pursue the matter further with the African Union Commission to find out progress, in particular, towards the establishment of the Hybrid Court for South Sudan, which is within their mandate.

27. On the **Permanent Constitution making process**, there is equally no progress to report at this stage. The Transitional Government of National Unity is mandated to initiate and oversee a permanent Constitution-making process within the first 6 months, with the expectation to complete work within eighteen (18) months. Furthermore, it should be noted that the said Constitution, once in place, would guide the elections at the end of the Transition Period.

28. Sadly, sadly, I must note that the situation in which we find ourselves regarding this matter is a consequence of delays in implementation of one element of the Agreement, which invariably affects adherence to other agreed timelines and implementation schedules. It is now two months since the Transitional Government of National Unity was formed but the TNLA, which is mandated to enact legislation to undertake the constitution development process, is yet to be established.

**Excellencies; Honorable Ministers,  
Ladies and Gentlemen;**

29. In the end, and many agreed timelines having been missed, I am made to understand that the Transitional Government of National Unity has developed a revised matrix for implementation of the Agreement. I respectfully encourage the Transitional Government of National Unity to submit the matrix, at the earliest, for our consideration.
30. Looking ahead, and reflecting on the evaluation which I have just shared, I hope that at the end of this important Meeting we can emerge with the following key outcomes:
31. An update on implementation progress and challenges from the Transitional Government of National Unity that informs our way forward;
32. Substantive reports from the operational boards and institutions, in particular, as regards to outstanding issues impeding full implementation of the Agreement;
33. Discussion of the continued dire humanitarian situation and concrete steps to be taken to improve delivery of humanitarian assistance and protection;
34. The dire economic situation and steps by the Transitional Government of National Unity to address citizens' concerns, effect

reforms under the Agreement, and respond to recommendations made by IMF and their development partners; and

35. Any practical recommendations and proposals on how to overcome some of the major obstacles to implementation to help us forge ahead.

**Honorable Ministers, Your Excellences;  
Ladies and Gentlemen;**

36. I thank all of you for your participation today, and look forward to a healthy dialogue and discussion. I call on all stakeholders, in particular, the Parties, to redouble efforts to help this important task we have of bringing about peace to South Sudan.

37. I urge, more importantly, the Transitional Government of National Unity to function as a united body to ensure implementation of the Peace Agreement in letter and spirit. I further recommend that decisions reached by the Presidency be subjected to discussion and endorsement by the Transitional Government of National Unity Council of Ministers to ensure inclusivity and acceptance.

38. Finally, we should never despair in this task, the task before us.

I Thank you.