



**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**

**1<sup>st</sup> July to 30<sup>th</sup> September 2022**

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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>CTSAMVM</i>	<i>Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism</i>
<i>CVR</i>	<i>Community Violence Reduction</i>
<i>DDR</i>	<i>Disarmament Demobilization and Reintegration</i>
<i>IGAD</i>	<i>Intergovernmental Authority on Development</i>
<i>IDPs</i>	<i>Internally Displaced Persons</i>
<i>JRC</i>	<i>Judicial Reform Committee</i>
<i>MoJCA</i>	<i>Ministry of Justice and Constitutional Affairs</i>
<i>MSF</i>	<i>Doctors Without Borders</i>
<i>NAS</i>	<i>National Salvation Front</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NTC</i>	<i>National Transitional Committee</i>
<i>NUF</i>	<i>Necessary Unified Forces</i>
<i>OPP</i>	<i>Other Political Parties</i>
<i>PCTSA</i>	<i>Permanent Ceasefire and Transitional Security Arrangements</i>
<i>R-ARCSS</i>	<i>Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan</i>
<i>RJMEC</i>	<i>Reconstituted Joint Monitoring and Evaluation Commission</i>
<i>RTGoNU</i>	<i>Revitalized Transitional Government of National Unity</i>
<i>SDSRB</i>	<i>Strategic Defence and Security Review Board</i>
<i>SGBV</i>	<i>Sexual and Gender Based Violence</i>
<i>SLA</i>	<i>State Legislative Assemblies</i>
<i>SPLM</i>	<i>Sudan Peoples' Liberation Movement</i>
<i>SPLM-IO</i>	<i>Sudan Peoples' 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>UNOCHA</i>	<i>United Nations Office for the Coordination of Humanitarian Affairs</i>
<i>UNSC</i>	<i>United Nations Security Council</i>

## Executive Summary

This report on the status of implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has been prepared pursuant to article 7.9 of the R-ARCSS. The report covers the period from 1 July to 30 September 2022 and builds on the previous quarterly Reports Nos. 001/19 - 015/22, prepared since the signing of the Agreement on 12 September 2018.

In response to repeated requests by RJMEC to the RTGoNU to prepare a roadmap and clear strategy for implementing the outstanding critical tasks of the R-ARCSS, on 4 August 2022, the parties to the R-ARCSS reached consensus and signed the *Agreement of the Parties on a Roadmap to a Peaceful and Democratic end of the Transitional Period of the R-ARCSS*. Following unanimous approval by the RTGoNU Council of Ministers, the RJMEC consented to the amendment to article 1.1.2 of the R-ARCSS, which extends the Transitional Period by 24 months with effect from 23 February 2022 to 22 February 2025. The *Roadmap* awaits ratification by the Transitional National Legislature (TNL).

The TNL during the reporting quarter passed the *South Sudan Peoples Defence Forces (SSPDF) Bill*, the *Political Parties Bill*, and the *Wildlife Services Bill*. However, the Sudan Peoples Liberation Movement - In Opposition (SPLM-IO) Parliamentary Caucus boycotted the Parliament over the passing of the Political Parties Bill. The National Security Services Bill has not yet been passed by the TNLA due to disagreement over some of its provisions relating to the power of arrest and also without warrants by members of the security services. Meanwhile, the NCAC is continuing with its legislative reviews and amendments of relevant laws. Since its reconvening, it has completed reviews of the *National Audit Chambers Act (Amendment) Bill 2022*; *Public Finance Management Act (Amendment) Bill 2022*; *Petroleum Revenue Management Act (Amendment) Bill 2022*; *Petroleum Act (Amendment) Bill 2022*, which have all been submitted to the Minister of Justice and Constitutional Affairs.

Progress has been made on the graduation of the unified forces. On 30 August 2022, a total of 21, 973 forces were graduated from the training centres in the Equatoria Region. On 17 September 2022, 1,723 and 1,712 unified forces were graduated from the Maridi and Owinykibul Training Centers respectively. On 27 September 1,701 forces were graduated at Panyier Training Center in Jonglei State, bringing the total of all forces who graduated during Phase I to 27, 110. Graduation in Bhar El Ghazal and Upper Nile has been postponed due to logistical challenges such as the lack of enough uniforms and difficulties in the transportation of some forces due to flooding.

Funding cuts continued to affect the delivery of critical services, increased the risk of water-borne diseases, gender-based violence for girls and women seeking for services further away from their safe abodes, increased severity of food insecurity, loss of access to protection services, risk of 3.5 million children dropping out of school due to loss of access to safe learning spaces, and significant cuts in support to IDP camps and access to health services. Widespread intercommunal violence remained the biggest threat to the protection of civilians across the country. Armed attacks and robberies of civilian and humanitarian workers also remained a growing concern in an environment where limited access to justice, rule of law and punitive action against perpetrators continues to fuel impunity.

The Transitional National Legislative Assembly in September of 2022 passed a 1.4 trillion South Sudanese Pounds (US \$2.24bn) budget for the 2022/2023 Fiscal Year that aims among others to improve agriculture to stabilize economic growth and provide resources for implementation of the R-ARCSS. The budget is aligned with the Revised National Development Strategy (R-NDS).

During the reporting period the RJMEC leadership continued to proactively engage the RTGoNU and the various institutions and mechanisms of the R-ARCSS. For instance, appeals were made to the RTGoNU to provide funding towards the provision of relief and basic services to its citizens and allocate resources for service delivery and livelihoods in the 2022/23 budget. The RTGoNU was also urged to expedite processes of fast tracking of the institutions for import and customs clearance and visa renewal processes for humanitarian workers.

In an effort to increase the pace of implementation of the R-ARCSS, and also to encourage adherence to the implementation of the benchmarks provided for in the R-ARCSS, including schedules in the Roadmap, the report offers the following recommendations to the Agreement Institutions and Mechanisms, RTGoNU, TNLA, and IGAD.

***a. To the Institutions and Mechanisms***

- urge the ad-hoc JRC to fast track their work, complete the review of the Judiciary Services Act, and submit its report to the RTGoNU to implement appropriate judicial reforms; and
- urge the NCAC to fast track the reviews of the relevant laws, including the NGO Act, draft amendment bills and submit them to the Minister of Justice and Constitutional Affairs.

***b. To the RTGoNU***

- urge the Minister of Justice and Constitutional Affairs to present all the bills received from the NCAC to the RTGoNU Council of Ministers and to forward the same to the TNLA for enactment;
- urge the RTGoNU to continue to avail the necessary financial resources through the budget process to the various line ministries in order to expedite the pace of implementation of the R-ARCSS;
- complete graduation of the first phase of the unification process, deploy the forces, and commence the second phase of the cantonment and training without any unnecessary delay;
- provide a conducive environment for the returns of refugees and IDPs including the provision of services at the points of return;
- expeditiously establish the Special Reconstruction Fund to pave the way for the pledging conference; and
- take action on inter-communal violence and continuing armed attacks and hold perpetrators accountable in order to stem impunity.

***c. To the TNLA***

- There is need for the TNLA to expedite the enactment of all the bills which have been presented by the RTGoNU to facilitate kick-starting implementation of other provisions of the R-ARCSS such as the Permanent Constitution making process.

***d. To IGAD***

- assist the RTGoNU in mobilising the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in the Republic of South Sudan; and
- continue to engage the leadership of the RTGoNU and assist in mobilising the political support and goodwill necessary for full implementation of the R-ARCSS.

## **I. Introduction**

1. This report on the status of implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has been prepared pursuant to article 7.9 of the R-ARCSS. The report covers the period from 1 July to 30 September 2022 and builds on the previous quarterly Reports Nos. 001/19 - 015/22.<sup>1</sup> It provides a status update on progress or lack thereof in the implementation of the thematic chapters of the R-ARCSS during the reporting period, provides some observations and concludes with recommendations to the Revitalized Transitional Government of National Unity (RTGoNU), the Transitional National Legislature (TNL), and the Intergovernmental Authority on Development (IGAD), who are the guarantors to the Agreement.
2. During the quarter, the Parties to the Agreement agreed on a Roadmap and strategy with timelines on how the outstanding tasks of the R-ARCSS should be implemented. The Roadmap was adopted by the Council of Ministers and later consented to by the members of the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC). Adoption of the Roadmap paved the way for the extension of the Transitional Period of the Agreement by an additional twenty-four (24) months to end-February 2025. The key activities within the roadmap focus on the unification of forces and their redeployment, the making of the permanent constitution, and the elections process, to pave the way for the holding of free, fair and credible elections.
3. The Roadmap attempts to address the persistent delays in the implementation of the provisions of the R-ARCSS, and in particular that of the lack of sufficient funding. Other challenges which contributed to the extension of the Transitional Period, and which the Roadmap attempts to address include insufficient political will from the leadership of the parties; delayed unification of forces; trust deficit among the Parties to the Agreement; and capacity gaps.
4. Having identified the challenges facing the implementation of the R-ARCSS, and in an attempt to further improve the pace of implementation of the Agreement, the Interim RJMEC Chairperson regularly engaged RTGoNU, TNL, Agreement institutions and mechanisms and the other Parties to the Agreement, stakeholders and adherents. Discussions were also undertaken with the IGAD leadership. In the process, a number of recommendations were offered among which is the need to complete as quickly as possible the graduation and redeployment of the Necessary Unified Forces, provision of predictable resources to fund implementation of the R-ARCSS, and the need to pass the outstanding legislation that is geared to setting the pace for the permanent constitution making and election processes.
5. This report has four sections and is 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 thematic chapters of the R-ARCSS to include, including governance, security, humanitarian affairs, economic affairs, and legal and constitutional affairs; as well as the activities of the RJMEC during the reporting period. Section III provides key observations that highlight concerns and focuses recommendations to the RTGoNU, the Agreement mechanisms and institutions, TNL, and the guarantors to the Agreement; and Section IV is the conclusion.

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<sup>1</sup> <https://jmecsouthsudan.org/index.php/reports/rjmec-quarterly-reports>.

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

### Chapter 1: Revitalised Transitional Government of National Unity

6. This section of the Report highlights the status of the tasks under Chapter 1 of the R-ARCSS, which are supposed to have been implemented during the reporting period. They include benchmarks, which have either been achieved, undergoing implementation and or are still outstanding.

#### *a. Transitional Period of the RTGoNU*

7. According to article 1.1.2 of the R-ARCSS, the Transitional Period, which commenced on 22 February 2020 was intended to last for 36 months until 21 February 2023. Following repeated requests by RJMEC to the RTGoNU to prepare a roadmap and clear strategy for implementing the outstanding critical tasks of the R-ARCSS, on 4 August 2022 the parties to the R-ARCSS reached a consensus and signed the *Agreement of the Parties on a Roadmap to a Peaceful and Democratic end of the Transitional Period of the R-ARCSS*, hereafter, the *Roadmap*.

8. On 5 August 2022, the Council of Ministers of the RTGoNU unanimously approved the *Roadmap* and submitted it and the Council Resolution endorsing the *Roadmap* to the Interim Chairperson of the RJMEC on 10 August 2022. Pursuant to article 8.4 of the R-ARCSS, the RJMEC convened an Extraordinary Plenary on 2 September 2022 to deliberate on the *Roadmap*. The RJMEC members consented to the amendment to article 1.1.2 of the R-ARCSS, which extends the Transitional Period by 24 months with effect from 23 February 2022 to 22 February 2025. The *Roadmap* awaits ratification by the TNL.

9. The *Roadmap* outline several tasks, which were meant to be implemented no later than the end of September 2022. These include: (a) establishment of the *ad hoc* Judicial Reform Committee (JRC) (as per article 1.17.3 of the R-ARCSS), to study and make the reform recommendations by 17 August 2022; (b) review of the Judiciary Act 2008 (as per article 1.17.2 of the R-ARCSS) by 17 September 2022; (c) reconstitution of the Judicial Service Commission (JSC) (as per article 1.19.9 of the R-ARCSS) by 12 August 2022; (d) enactment of the amendments required in the laws enumerated under article 1.18.1.2 of the R-ARCSS by 24 June 2022; (e) presentation of the draft amendment bills to the Council of Ministers and TNLA for adoption as per article 1.18.6 of the R-ARCSS by 24 August 2022; (f) restructuring and reconstitution of various Commissions and Institutions at the national level pursuant to article 1.19 of the R-ARCSS by 21 August 2022; (g) review of the Political Parties Act 2012 and adoption by the TNLA as per article 1.20.1 of the R-ARCSS by 29 June 2022; and (h) reconstitution of the Political Parties Council pursuant to article 1.20.4 of the R-ARCSS by 21 August 2022.

10. Of the eight benchmarks previously highlighted, the JRC was established in the previous quarter and is undertaking implementation of its mandate. Upon completion of its tasks, the recommendations of the JRC to the RTGoNU will inform the review of the Judiciary Act, reconstitution of the Judicial Service Commission (JSC) and establishment of an independent Constitution Court for South Sudan. Some bills have been presented in the TNL for enactment. These include the security bills, the Political Parties Bill, and the Constitution-making Process Bill.

11. It is noteworthy to underscore the benchmarks in the Roadmap, which have not been realized within the timeline as provided for in the schedules. They include completion of

enactment of all the bills before Parliament; review of the Judiciary Act; reconstitution of the JSC; reconstitution of the Commissions and Institutions at the national level; and reconstitution of the Political Parties Council.

*b. Transitional National Legislature and States Legislative Assemblies*

12. The TNL comprising the Transitional National Legislative Assembly (TNLA), the Council of States, and the State Legislative Assemblies have continued to undertake their parliamentary functions. As reported in the previous quarter, six security-related bills, the *Political Parties Bill* and the *Constitution-making Process Bill* were before the TNL for ratification. Since that time, the TNL passed the *South Sudan Peoples Defence Forces (SSPDF) Bill*, the *Political Parties Bill*, and the *Wildlife Services Bill*. However, the Sudan People's Liberation Movement - In Opposition (SPLM-IO) Parliamentary Caucus boycotted the Parliament over the passing of the *Political Parties Bill* at the end of May 2022. The boycott negatively impacted the smooth function of the TNLA.

13. In order to address the SPLM-IO concerns regarding the disagreement over the *Political Parties Bill*, after several previous attempts<sup>2</sup> were made for redress, the RJMEC leadership wrote to the leadership of the Parties to the R-ARCSS on 1 August 2022 advising them to uphold the relevant provisions of the R-ARCSS and ensure passing of the bills. Later, H.E President Salva Kiir Mayardit and First Vice President H.E. Dr Riek Machar in their meeting held on 11 August 2022 agreed on the following: (i) the bills which were passed by the TNLA in the absence of the SPLM-IO members from Parliament would be reintroduced; (ii) the SPLM-IO members of TNLA would terminate their boycott of Parliamentary sittings; and (iii) the *Political Parties Act 2012* may be amended as per the Parliamentary procedures. Finally, on 14 August 2022 the SPLM-IO Parliamentary Caucus resolved to terminate their boycott of Parliamentary sessions with effect from 15 August 2022. Accordingly, the boycott was called off, two and a half months since it commenced.

14. The *National Security Services Bill* has not yet been passed by the TNLA due to disagreement over some of its provisions relating to the power of arrest and also without warrants by members of the security services. This matter has been referred to the leadership of the RTGoNU for further consideration. On another note, on 27 September 2022 the RTNLA passed a SSP 1.4 trillion national budget for FY 2022/23.

*c. Judicial Reform Committee*

15. In terms of the Judicial Reforms process under article 1.17 of the R-ARCSS, the *Roadmap* sets out the following tasks and deadlines: (i) establishment of the Ad-hoc JRC to study and recommend appropriate reforms by 17 August 2022; (ii) review of the Judiciary Act 2008 by the JRC by 17 September 2022, and reconstitution of the JSC by 12 August 2022.

16. The JRC was established on 28 July 2022 and held its inaugural meeting on 29 July 2022. The Committee considered and adopted its internal rules of procedure and subdivided itself into working groups. The working groups have been assigned thematic questions to study, upon which consultation with key stakeholders and the public shall be conducted. From 22 - 23

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<sup>2</sup> On 12 June 2022, the SPLM/A-IO leadership wrote to H.E. President Salva Kiir Mayardit asserting that the passing of the Bill was a violation by the TNLA of the R-ARCSS and requested that the latter should not assent to the Bill. The President met with the Speaker of the TNLA and sought clarity on how the Bill was passed, including on the way forward. Following the meeting, the President directed that the matter would be referred to the Presidency to resolve. On 18 June 2022 the NCAC clarified on procedural matters related to all bills, which are reviewed and amended by the Committee.



August 2022, the JRC held an induction workshop facilitated by the Max Planck Foundation, which considered a whole range of judicial reform issues in South Sudan. The review of the Judiciary Act 2008 and reconstitution of the Judicial Services Commission are both pending conclusion of the JRC work and recommendations in their report.

*d. Legislative Reviews and NCAC Mandate*

17. In terms of legal reforms and constitutional amendments under article 1.18 of the R-ARCSS, the *Roadmap* sets out the following tasks and deadlines: (i) amendments by the NCAC and enactment of the relevant laws under article 1.18.1.2 by 24 June 2022; (ii) presentation of draft amendment bills by the MoJCA to the TNLA for adoption by 24 August 2022; (iii) reconstitution of the Political Parties Council by 21 August 2022; (iv) review of the *National Elections Act* and reconstitution of the National Electoral Commission (NEC) by 21 October 2022; (v) establishment of an independent and credible Constitutional Court by 30 September 2024; (vi) amendment of the National Elections Act to conform to the terms of the Permanent Constitution by 30 October 2024; and (vii) constituting of the NEC to prepare for elections by December 2024.

18. The NCAC is continuing with its legislative reviews and amendments of relevant laws. Since its reconvening on 17 May 2022, it has completed reviews of the *National Audit Chambers Act (Amendment) Bill 2022*; *Public Finance Management Act (Amendment) Bill 2022*; *Petroleum Revenue Management Act (Amendment) Bill 2022*; *Petroleum Act (Amendment) Bill 2022*, which have all been submitted to the Minister of Justice and Constitutional Affairs. The NCAC is in the final stages of reviewing and drafting amendments to the *National Elections Act (Amendment) Bill 2022* and *Southern Sudan Anti-Corruption Act (Amendment) Bill 2022*. The Political Parties Council has not yet been reconstituted and the review of the National Elections Act is ongoing, following which, the NEC will be reconstituted.

## **Chapter 2: Permanent Ceasefire and Transitional Security Arrangements**

*a. Permanent Ceasefire*

19. During the period of reporting, the Permanent Ceasefire largely continued to hold among the signatory parties to the Agreement despite reported skirmishes between Lt. Gen Johnson Olony and Lt. Gen Simon Gatwech's forces in Upper Nile State, and between the SSPDF and South Sudan People's Movement/Army (SSPM/A) under the leadership of Lt. Gen Stephen Buay in Mayoum County, Unity State, as well as between the SSPDF and the National Salvation Front (NAS) in some parts of Western and Central Equatoria States. Unfortunately, throughout July 2022, the CTSAMVM's capacity to monitor, investigate and report on the alleged skirmishes in Unity and Upper Nile States, and in the aforementioned two Equatoria States was undermined by the withdrawal of the US government's support to CTSAMVM.

20. The withdrawal of both rotary and fixed wing aircraft support as well as other essential logistical and staff support, necessitated the urgent reconfiguration of CTSAMVM's concept of operation thereby delaying the investigations of the reported skirmishes. In addition, throughout August, the National Monitors in CTSAMVM's Monitoring and Verification Teams (MVTs), withdrew their participation due to unpaid allowances, and as a result, the international and regional monitors could not operate without the participation of the national element needed for effective liaison between the MVTs and the field commanders.

21. Therefore, clashes reported in the three regions in July and August were not investigated to establish facts needed for CTSAMVM's reports to IGAD and the RJMEC. However, National Monitors returned to work in early September, and CTSAMVM's MVTs resumed their operations under a new concept of operation that takes into consideration the lack of aircraft, limited ground transportation, and staff.

22. Despite the lack of MVT investigations, the reported attack by Lt. Gen Stephen Buay's forces on Mayoum County HQ on 22 July, that left 16 military and police officers dead including the County Commissioner, Hon Choul Gatluak Manime and 13 others injured, was confirmed by multiple sources including the RTGoNU. On 26 July, SSPM/A ambushed an SSPDF convoy at Tuoch Loka area, Bieh Nyang Payam, Mayoum County, Unity State in which 22 soldiers were reportedly killed and 3 vehicles destroyed.

23. The SSPM/A claimed responsibility in their press release dated 26 July 2022. As a result of the attacks, the SSPDF conducted operations in Mayoum to restore peace. Unfortunately, reports were received and a video circulated on social media of the extrajudicial killing of the alleged senior officers of the SSPM/A who were allegedly involved in the attacks. The RTGoNU is still investigating the circumstances surrounding the extrajudicial killings of the SSPM/A commanders by the SSPDF. The SSPM/A attacks in Mayoum County negatively impacted peace and security, and has raised the issue of human rights.

24. Although CTSAMVM cannot verify alleged clashes between the SSPDF and National Salvation Front (NAS) due to the lack of communication with NAS elements. On 25 July 2022, NAS issued a press release claiming that they conducted a counter-attack operation against SSPDF forces on Yei-Maridi road, Central Equatoria State on 20 July 2022. An SSPDF commander in the area informed CTSAMVM that from 17 - 19 July, SSPDF conducted an operation in areas of Bandame, Misa and Moruwa along the Yei-Maridi Road. Although there was a decline in NAS activities in the second quarter, there have been partially verified reports of NAS attacks on civilian vehicles on main roads in some parts of Central and Western Equatoria, as well as attacks on the SSPDF and abductions of civilians during the period of reporting.

25. On violations, CTSAMVM submitted the following four violation reports on 4 August 2022:

- **Violation Report 2022/17<sup>3</sup>:** Final Report on the Armed Clashes and Violations Against Civilians in Koch and Leer Counties of Unity State.
- **Violation Report 2022/18<sup>4</sup>:** Torture and Killing of Three Civilians in Kiri Boma of Kajo-Keji County, Central Equatoria State by SSPDF Soldiers of Mundari Barracks on 26 May 2022.
- **Violation Report 2022/19<sup>5</sup>:** Violations of the R-ARCSS and CoHA in Nasir County, Upper Nile State by Party Signatories.
- **Violation Report 2022/20<sup>6</sup>:** Illegal Recruitment and Training by National Security Service (NSS) in Tambura County Western Equatoria State.

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<sup>3</sup> [https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022\\_17-FINAL-REPORT-ON-ARMED-CLASHES-IN-KOCH-AND-LEER-COUNTIES.pdf](https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022_17-FINAL-REPORT-ON-ARMED-CLASHES-IN-KOCH-AND-LEER-COUNTIES.pdf).

<sup>4</sup> [https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022\\_18-TORTURE-AND-KILLING-OF-THREE-CIVILIANS-IN-CENTRAL-EQUATORIA-STATE.pdf](https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022_18-TORTURE-AND-KILLING-OF-THREE-CIVILIANS-IN-CENTRAL-EQUATORIA-STATE.pdf).

<sup>5</sup> [https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022\\_19-VIOLATIONS-OF-THE-R-ARCSS-IN-NASIR-COUNTY-UPPER-NILE-STATE.pdf](https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022_19-VIOLATIONS-OF-THE-R-ARCSS-IN-NASIR-COUNTY-UPPER-NILE-STATE.pdf).

<sup>6</sup> [https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022\\_20-ILLEGAL-RECRUITMENT-AND-TRAINING-IN-WESTERN-EQUATORIA-BY-NSS.pdf](https://ctsamvm.org/wp-content/uploads/2022/08/20220727-CTSAMVM-REPORT-2022_20-ILLEGAL-RECRUITMENT-AND-TRAINING-IN-WESTERN-EQUATORIA-BY-NSS.pdf).

26. The RJMEC Chairperson wrote a letter to the SSPDF Chief of Defence Staff in his capacity as the Chairperson of the Joint Defence Board (JDB), requesting accountability for violations stated in Violation Reports 2022/18, 2022/19, and 2022/20. RJMEC awaits a response to the letters from the RJMEC Chairperson.

*b. The Unification Process*

27. Progress has been made on the graduation of the unified forces. On 30 August 2022, a total of 21, 973 forces were graduated from the training centres in the Equatoria Region. The forces were broken down as follows: VIP Protection Force (Army) 3,308, National Police 4,366, National Security Service 6,315, Prisons Service 1,121, Wildlife Forces 3,575, and Civil Defence 3,289 for a total of 21 974.

28. On 17 September 2022, 1,723 and 1,712 unified forces were graduated from the Maridi and Owinykibul Training Centers respectively. On 27 September 1,701 forces were graduated at Panyier Training Center in Jonglei State, bringing the total of all forces who graduated during Phase I to 27, 110. Graduation in Bhar El Ghazal and Upper Nile has been postponed due to logistical challenges such as the lack of enough uniforms and difficulties in the transportation of some forces due to flooding.

29. The implementation of the Disarmament Demobilization and Reintegration (DDR) process during this reporting period has made little to no progress. Since the Commission submitted its DDR strategy, implementation plan and estimated budget to the RTGoNU for approval through the National Transitional Committee (NTC), there has been no response or decision on DDR from the national authorities.

30. On 22 - 25 August 2022, the 8<sup>th</sup> Strategic Defence and Security Review (SDSR) Board workshop was held in Juba. The workshop was chaired by the Minister of Defence and Veterans Affairs, H.E Angelina Teny. During the workshop Board representatives continued finalizing the Strategic Security Assessment, the Security Policy Framework, Revised Defence Policy and developing the Security Sector Transformation Roadmap. Deliberations centered around human resource development, facility infrastructure, and professionalization through training and gender equality in the Security Sector.

*c. Strengthening the Peace Process in South Sudan*

31. RJMEC commenced in August 2022, with effective procedures that will facilitate Monitoring and Evaluation of the R-ARCSS and civil society actors with strengthened implementation and advisory capacities for supporting the reform of the South Sudanese National Police Service in the peace and transition process, in partnership with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), commissioned by the German Federal Foreign Office.

*d. The Rome Peace Process*

32. Following the Rome Communique of 30 June 2022, there was hope that officers from the South Sudan Opposition Movement Alliance (SSOMA) of Gen Paul Malong and Pagan Amum were going to be integrated into the CTSAMVM structure as per Paragraph 5.1. of the Communique which states that: "The parties agree that SSOMA shall start the deployment of its representatives into the CTSAMVM structures by August 15th, 2022. CTSAMVM and IGAD shall facilitate the deployment processes and the Community of Sant'Egidio shall accompany the implementation of the whole process." In addition, paragraph 5.4 states that:

“SSOMA Real SPLM and SSUF/A shall declare size and the location of their forces to CTSAMVM before August 1st, 2022.” Unfortunately, the two deadlines for SSOMA’s declaration of forces and their arrival in Juba were missed. SSOMA alleged that their forces who were in the process of assembling in some areas of Bhar El Ghazal were attacked, with some officers captured by the SSPDF. Due to the alleged incidents, SSOMA officers could not travel to Juba due to lack of trust. During the period of the alleged incidents, CTSAMVM MVTs were not operational due to the National Monitors’ withdrawal of their participation in CTSAMVM operations.

### **Chapter 3: Humanitarian Assistance and Reconstruction**

33. With the onset of rains, thousands continued to be affected by heavy flooding in Upper Nile, Unity, Jonglei, Bahr el-Ghazal and for the first time Western Equatoria states, which are usually not part of the flood-prone areas. The South Sudan government declared the flood-affected parts of the country as national disaster areas and appealed for additional humanitarian assistance. This new wave of flooding heightened the risk of water-borne diseases, exacerbated the high levels of food insecurity, disrupted livelihoods and led to massive displacement of communities.

34. Funding cuts continued to affect the delivery of critical services, increased the risk of water-borne diseases, gender-based violence for girls and women seeking for services further away from their safe abodes, increased severity of food insecurity, loss of access to protection services, risk of 3.5 million children dropping out of school due to loss of access to safe learning spaces, and significant cuts in support to Internally Displaced Persons (IDP) camps and access to health services.

35. During the quarter, inadequate funding continued to affect the delivery of critical services like humanitarian food assistance and nutritional services with only about 45% of the 1.7 billion dollar ask for the Humanitarian Response Plan realized. The World Food Program (WFP) announced the need for US \$17m to sustain the school feeding programs until the end of the year to stem the dropout of at least 600,000 children and the need for \$70 million to fund additional programs in the coming year.

36. Supplementary funding was availed by the USA, France, the Central Emergency Response Fund (CERF) and the government of South Sudan among others to help scale up underfunded humanitarian operations by covering immediate lifesaving food assistance and nutritional needs of the vulnerable people. However, increasing demands created by floods have meant prioritizing flood response over other pressing needs. These floods continued to adversely affect agriculture across the country and threaten food security as cultivated fields were destroyed more notably in the non-traditional flood regions like Western and Central Equatoria states.

37. The African Development Bank (AfDB) launched a two-year program aimed at boosting food production and strengthening community resilience in Northern Bahr El Ghazal, Western Bahr El Ghazal, Western Equatoria, Eastern Equatoria and Upper Nile states. The South Sudan Emergency Food Production Program (SSEFPP) responded to the government of South Sudan's development agenda on agriculture, and its focus on the agriculture value-chain development for economic diversification and resilience aimed at covering the current annual food deficit standing at 545,000 metric tons. The program targets the production of 1.3 million metric tons of food needed to reduce prevailing food insecurity.

38. Bureaucratic impediments to humanitarian efforts continued including harassment and extortion of workers regarding immigration and operational issues. Looting of humanitarian

goods, insecurity, armed attacks and the imposition of import and customs clearance taxes on humanitarian goods also continued to negatively impact the availability and delivery of humanitarian services and hampered access to those in need. UNOCHA reported 77 incidents related to humanitarian access constraints in July and August 2022. 46 of these incidents involved violence or threats against humanitarian personnel and assets. During the quarter, four aid workers were killed bringing the total to 8 so far for those who have lost their lives this year.

39. More than half of the total number of incidents reported were assessed to have a significant impact on humanitarian operations with notably high incidences reported in Jonglei, Upper Nile and Eastern Equatoria states. Continued operational impediments were mainly related to a decree issued by the Minister of Humanitarian Affairs and Disaster Management in April imposing additional fees. Also, demands for approvals and fees to allow NGOs to conduct meetings is on the rise.

40. Widespread intercommunal violence remained the biggest threat to the protection of civilians across the country. Armed attacks and robberies of civilian and humanitarian workers also remained a growing concern in an environment where limited access to justice, rule of law and punitive action against perpetrators continues to fuel impunity.

41. Reports by CTSAMVM, and the human rights commission at UNMISS voiced concerns regarding the rise in sexual assault cases and unmatched punitive action against perpetrators. More than 50% of civilian casualties were attributed to community-based militias and self-defence groups, with most intercommunal violence incidences reported predominantly in Warrap, Jonglei, Greater Pibor Administrative Area (GPAA), Lakes and Upper Nile states while armed attacks on civilians, their vehicles and goods were also predominantly reported in Eastern Equatoria. On a positive note, Lakes State passed laws to combat child marriage and prioritize girl child education in a state where literacy rates stand at 34% and a third of all the girls in the State are forced into early marriage.

42. UNHCR reported the spontaneous return of 3,142 South Sudanese in the month of August bringing the accumulated number of refugee returnees to 600,247 since the signing of the revitalized peace agreement in September 2018. Efforts noted in return areas included government attempts to improve learning systems with support from humanitarian agencies, area-based approaches under 'Pockets of Hope' were encouraged including support through farming and other income-generating activities. UNHCR continued to strengthen the capacity of the government to facilitate effective coordination and support of the returnees especially through infrastructure development for relief and rehabilitation.

43. Main challenges in areas of return remained the lack of health services, lack of food, inter-communal violence, limited access to shelter materials, floods, poor infrastructure including roads and the invasion of farming communities by armed cattle headers.

44. During the quarter, the UN launched the Action Agenda on Internal Displacement to find lasting solutions for IDPs and sustainably reintegrate them into society in collaboration with development, peace, and climate experts, NGOs, civil society, and displaced communities, and national and local authorities. It is hoped that this agenda will avail resources to implement the already developed durable solutions for IDP plans in South Sudan.

45. Concerning the refugees and IDPs, spontaneous returns continue to be hampered by flooding, inter-communal violence, onset of rains and invasion of farming communities by armed cattle headers resulting in continuous displacement of communities in areas of return.

## Chapter 4: Resource Economic and Financial Management

46. The TNLA in September of 2022<sup>7</sup> passed a 1.4 trillion South Sudanese Pounds (US \$2.24bn) budget for the 2022/2023 Fiscal Year that aims among others to improve agriculture to stabilize economic growth, and provide resources for implementation of the R-ARCSS. The budget is aligned with the Revised National Development Strategy (R-NDS). The resource envelope was estimated at SSP 832bn (US \$ 1.34bn) while the expenditure was estimated at SSP 1,392 trillion (US \$2.24bn), leaving a deficit of SSP 560bn (US \$ 903 million). This indicates that approximately 40% of the budget has to be financed through borrowing. This could result in the public debt ceiling of 35% being exceeded by 5% if the budget is to be fully implemented.

47. During the quarter, the National Revenue Authority<sup>8</sup> recorded a thirty-eight per cent increase in non-oil revenue collection in the fiscal year 2021-22. This only covers taxation revenue and excludes customs revenues. President Salva Kiir Mayardit has since issued Republican Order No. 16/2022 directing the immediate transfer of the South Sudan Customs Service to be an integral part of the National Revenue Authority (NRA) in line with Sections 3(3) and 51(2) of the NRA Act, 2016. The Order specifically tasked the Inspector General of Police and the Commissioner General of the NRA to take all necessary measures to ensure that the total entity of the South Sudan Customs Service, is transferred to the NRA with immediate effect. This is yet to be done thus derailing the implementation of the Agreement, which requires all revenues collected on behalf of the government to be pooled and administered by the NRA.

48. Meanwhile, the process of implementing the treasury single account is ongoing as a stocktaking exercise of all accounts has been conducted. It is important to note that not all unauthorised accounts were closed since some were frozen and occasionally used. Another challenge is that donor funds are managed in separate accounts due to the weakness in government-owned systems.<sup>9</sup>

49. The revised Anti-Corruption Commission Act 2009 was tabled by the NCAC to the committee of experts. Key amongst the issues raised were the Commission's independence, its ability to protect public property, investigate and prosecute, promote ethical standards in public institutions, and its ability to accede to international conventions on fighting corruption.

50. A review of all oil revenues due to the national government and their allocation since 2011 (article 4.8.1.14.10 of the R-ARCSS) is currently being pursued and Financial Statements have been prepared and sent to the National Audit Chamber. The Cash Monitoring Committee and Unit which were established to create an effective, transparent and accountable management of oil and non-oil revenues have not been effective as the Ministry currently practices cash rationing due to inadequate revenue flows. Devolution of powers and resources (article 4.11.4 of the R-ARCSS) is a priority of the R-NDS and is being operationalised with the development of state plans for all 10 states and 3 administrative areas since 2021.

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<sup>7</sup> The budgeting timetable violates the PFMAA and 4.3.13 of the RARCSS as it was not prepared and submitted as required by law.

<sup>8</sup> The NRA was one of the institutions recommended to be established under Chapter 4 of the R-ARCSS. It is mandated to assess, collect administer and enforce all laws relating to taxation and revenue in South Sudan.

<sup>9</sup> The Government is committed to developing a New Deal for the Fragile States following the Fragility Assessment conducted in 2021. National consultation would commence developing a Compact that would ensure the commitment of the development partners in the state-building process, consistent with article 4.3.1.7 of the R-ARCSS. The Compact would bring about greater transparency and accountability in public financial management.

## **Chapter 6: Parameters of Permanent Constitution**

51. With regard to Chapter 6 on the permanent constitution-making process, the Roadmap provides that the permanent constitution making process must be completed within 24 months, starting from the date of assent by the President to the Constitution Making Process Bill 2022 as enacted by the TNLA, and identified eighteen (18) tasks to be implemented, within specified timelines, as follows: (i) reconstitution of the National Constitutional Review Committee (NCRC) by 30 August 2022; (ii) establishment of the Constitutional Drafting Committee (CDC) by 30 October 2022; (iii) conduct of the first phase of civic education and collection of data on public views on the constitution making process by 30 January 2023; (iv) preparation of a first report on the civic education and public consultation data for validation by the Public by March 2023; (v) recruitment of members to form the National Constitutional Conference by 30 December 2022; (vi) establishment of the Preparatory Sub-Committee (PSC) that will later convene the National Constitutional Conference (NCC) by 30 January 2023; (vii) the NCC convenes to consider the draft CDC report (2<sup>nd</sup> draft text) by 30 March 2023; (viii) distribution of the 2<sup>nd</sup> draft text to the public to collect their views by 30 May 2023; and (ix) publication of the 2<sup>nd</sup> draft Constitution Text to the public for comment by 30 July 2023.

52. The Roadmap further provides that RTGoNU should budget for adequate funding for the constitution-making process by 30 August 2023; and that the NCRC should seek assistance from regional and international partners by 30 September 2023 onwards. In addition, adoption of the CDC drafted permanent constitutional text by the NCC by 30 October 2023; and transformation of the TNL into a Constituent Assembly to adopt the permanent constitution by 30 December 2023.

53. Lastly, the NCRC/CDC and NEC are required to conduct civic education on the permanent constitution, immediately upon its adoption until 30 June 2023; and the *Roadmap* further proposes a new Transitional National Conference, as the TNLA dissolves and the NEC takes over to prepare for the conduct of elections, upon ratification of the revised Elections Act by 30 September 2024. All the above tasks are still pending the enactment of the *Constitution Making Process Bill 2022*, which was passed, but later recalled for re-tabling before the TNLA. This is because, at the time of its initial passing by the TNLA, the SPLM/A-IO members were in a boycott.

## **Chapter 7: Reconstituted Joint Monitoring and Evaluation Commission**

54. During the reporting period, the United States withdrew its support to the RJMEC Secretariat and the CTSAMVM, effective 15 July 2022. The United States had for the past six years provided robust support to both institutions that allowed for the Secretariat to support the RJMEC in its pursuit of its mandate of monitoring and overseeing the implementation of the R-ARCSS and the mandate and tasks of the RTGoNU, according to article 7.9 of the R-ARCSS.

55. On 2 September 2022 an extraordinary Plenary of the RJMEC was held at which the 43 members of the institution voted overwhelmingly in favour of amending article 1.1.2 of the R-

ARCSS<sup>10, 11, 12</sup> which allowed for an extension of the Transitional Period by a further two years. The extension was requested by the Parties to the Agreement consistent with article 8.4 of the R-ARCSS, which sets out the procedure for an amendment of the Agreement.<sup>13</sup> In August the Council of Ministers unanimously approved the Roadmap which contained the request to extend the Transitional Period from 36 months by an additional twenty-four months. The extension as approved now calls for elections to be held in December 2024, three months before the end of the Transitional Period.

56. During the reporting period the RJMEC leadership continued to proactively engage the RTGoNU and the various institutions and mechanisms of the R-ARCSS. For instance, appeals were made to the RTGoNU to provide funding towards the provision of relief and basic services to its citizens and allocate resources for service delivery and livelihoods in the 2022/23 budget. The RTGoNU was also urged to expedite processes of fast tracking of the institutions for import and customs clearance and visa renewal processes for humanitarian workers. Also, the government was urged to reduce bureaucratic impediments and assure security for humanitarian workers, goods and assets. Finally, the NCAC was urged to expeditiously review the NGO Act 2016 in order to help improve access to those in need before expiration of their current term.

### **III. Key Observations and Recommendations**

#### **Observations**

57. The authorities decision to extend the Transitional Period by an additional two years is indicative of the slow progress in the implementation of the R-ARCSS that has plagued the Agreement since its signing in September 2018. The lack of predictable financial resources committed to implementation, and challenges linked to trust and confidence within the Parties are among the reasons for this delay. Going forward therefore, it is critically important that the authorities dedicate resources towards completing the tasks outlined in the Roadmap. In that regard, it is noteworthy that the most recent budget, which was passed in September, earmarks specific budget appropriations to various ministries charged with implementation of the R-ARCSS. Recognition by the authorities of the need to have predictable resources will go a long way to overcoming the previous delays that have been witnessed.

58. Arguably, the task of unifying the forces is the most critical activity in setting the foundation for lasting and sustainable peace and to tackling the ongoing problem of inter-communal and sexual and gender-based violence. The recent partial graduation of the first phase of the NUF will therefore go a long way in realizing this goal. As such, the authorities

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<sup>10</sup> Article 1.1.2 of the R-ARCSS notes that: ‘The Transitional Period shall commence eight (8) months after signing of this Agreement and the term of office shall be thirty-six (36) months preceded by eight (8) months of a Pre-Transitional Period.

<sup>11</sup> 37 of the 42 members present at the extraordinary Plenary voted in favour with notably the Troika (United States, Norway and the United Kingdom) voting against the extension.

<sup>12</sup> The RTGoNU was established on 22 February 2020, which officially heralded the start of the Transitional Period. Prior to that, the Pre-Transitional Period was extended by IGAD from the original 8 months to 18 months (12 September 2018 to 21 February 2020).

<sup>13</sup> According to article 8.4 of the R-ARCSS: ‘The Revitalised Agreement may be amended by the Parties, with at least two thirds of the members of the Council of Ministers of the RTGoNU, and, at least two-thirds of the voting members of the RJMEC consenting to the amendment, followed by ratification by the TNL, according to the constitutional amendment procedures set out in the TCRSS, 2011 (as amended).



must ensure that the graduation of all the forces is completed within the quickest time possible. In addition, these forces should immediately be deployed around the country in order to begin the task of addressing the ongoing security situation. In a similar manner Phase 2 of the unification process, which envisages the cantonment and training of additional forces should be executed in a quick a time as possible.

59. Whereas efforts are ongoing to engage with local authorities and all stakeholders to guarantee the safety and access of humanitarian workers in the delivery of humanitarian assistance, the fast tracking of the institutions for import and customs and immigration laws and the review of the NGO act as envisaged by the Agreement will greatly contribute towards the provision of a conducive environment for the delivery of humanitarian services.

60. Finally, the RTGoNU should avoid falling behind in the implementation of the tasks specifically outlined within the Roadmap. In that regard they should work at completing the passage of the relevant bills and in particular the Permanent Constitution-Making Process Bill, which is vital to kickstarting the constitution-making, and eventually pave the way for free, fair and credible elections.

### **Recommendations**

61. In an effort to increase the pace of implementation of the R-ARCSS, and also to encourage adherence to the implementation of the benchmarks provided for in the R-ARCSS, including schedules in the Roadmap, the report offers the following recommendations to the Agreement institutions and mechanisms, RTGoNU, TNLA, and IGAD.

#### ***a. To the Institutions and Mechanisms***

61.1. urge the ad-hoc JRC to fast track their work, complete the review of the Judiciary Services Act, and submit its report to the RTGoNU to implement appropriate judicial reforms; and

61.2. urge the NCAC to fast track the reviews of the relevant laws, including the NGO Act, draft amendment bills and submit them to the Minister of Justice and Constitutional Affairs.

#### ***b. To the RTGoNU***

61.3. urge the Minister of Justice and Constitutional Affairs to present all the bills received from the NCAC to the RTGoNU Council of Ministers and to forward the same to the TNLA for enactment;

61.4. urge the RTGoNU to continue to avail the necessary financial resources through the budget process to the various line ministries in order to expedite the pace of implementation of the R-ARCSS;

61.5. complete graduation of the first phase of the unification process, deploy the forces, and commence the second phase of the cantonment and training without any unnecessary delay;

61.6. provide a conducive environment for the returns of refugees and IDPs including the provision of services at the points of return;

61.7. expeditiously establish the Special Reconstruction Fund to pave the way for the pledging conference; and

61.8. take action on inter-communal violence and continuing armed attacks and hold perpetrators accountable in order to stem impunity.

***c. To the TNLA***

61.9. There is need for the TNLA to expedite the enactment of all the bills which have been presented by the RTGoNU to facilitate kick-starting implementation of other provisions of the R-ARCSS such as the Permanent Constitution making process.

***d. To IGAD***

61.10. assist the RTGoNU in mobilising the requisite resources for conflict prevention, post-conflict reconstruction, strengthening state institutions and nation building in the Republic of South Sudan; and

61.11. continue to engage the leadership of the RTGoNU and assist in mobilising the political support and goodwill necessary for full implementation of the R-ARCSS.

## **IV. Conclusion**

62. Now that the authorities have agreed on a Roadmap towards the holding of free and fair elections by December 2024, greater efforts must be placed on completing the tasks that are set out based on the schedule of implementation. The success of the Agreement to deliver sustained peace and economic growth rests squarely on the government's ability to complete the security arrangements, curb intercommunal violence and enact the necessary political and economic reforms outlined in the R-ARCSS. It is RJMEC's expectation that the new spirit of cooperation demonstrated by the Parties in reaching an agreement on the Roadmap will be employed in order to increase the pace of implementation.

63. To achieve this, there is need to fully implement the Roadmap in letter and spirit and to adhere to its implementation schedules and timelines. Undoubtedly, implementation of the Revitalised Peace Agreement remains the best hope of securing enduring peace in South Sudan. Its full implementation will lay a foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law.

64. 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, the Chairperson of the IGAD Assembly of Heads of State and Government, the 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**