



**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>AUPSC</i>	<i>African Union Peace and Security Council</i>
<i>CoHA</i>	<i>Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access</i>
<i>CSOs</i>	<i>Civil Society Organisations</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>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>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NCRC</i>	<i>National Constitutional Review Commission</i>
<i>NEC</i>	<i>National Elections Commission</i>
<i>NGOs</i>	<i>Non-Governmental Organisations</i>
<i>NTC</i>	<i>National Transitional Committee</i>
<i>NUF</i>	<i>Necessary Unified Forces</i>
<i>PCTSA</i>	<i>Permanent Ceasefire and Transitional Security Arrangements</i>
<i>PFM-OC</i>	<i>Public Finance Oversight Committee</i>
<i>PPC</i>	<i>Political Parties Council</i>
<i>PoC</i>	<i>Protection of Civilians</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>SPLM</i>	<i>Sudan People's Liberation Movement</i>
<i>SPLM-IO</i>	<i>Sudan People's Liberation Movement in Opposition</i>
<i>SSPDF</i>	<i>South Sudan People's Defence Force</i>
<i>SSNPS</i>	<i>South Sudan National Police Service</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>UNMISS</i>	<i>United Nations Mission in South Sudan</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 April to 30 June 2023 and builds on the previous quarterly Reports Nos. 001/19 - 018/23. It provides a status update on implementation or lack thereof of the thematic chapters of the R-ARCSS during the reporting period and around 18 months, according to the Roadmap, to the holding of elections in December 2024.

In the assessment of the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), the critical pending tasks outlined in the Roadmap, which are expected to pave the way for elections remain either unfinished, or may not have started. Key among those is the delay in the passage of the National Election Bill 2023 and a failure to reconstitute the National Constitutional Review Commission (NCRC) and the Political Parties Council, which are two key institutions needed to overseeing the constitution and the election processes respectively. In addition, there continues to be delays in the redeployment of the Necessary Unified Forces that are needed for election-related security.

The *ad hoc* Judicial Reform Committee (JRC) has continued to undertake tasks pursuant to its mandate. In June 2023, the JRC held regional consultations in several States. The public consultations were intended to incorporate stakeholders' perspectives so as to enrich the JRC's recommendations to the RTGoNU on appropriate judicial reforms in the Republic of South Sudan. At the same time, the mandate of the National Constitutional Amendment Committee (NCAC) tasked by the R-ARCSS to draft, amend and review legislation was extended by the RTGoNU for an additional six months to enable the Committee to complete amendments to five pieces of legislation.

During the period of reporting, there were no major ceasefire violations among the signatory Parties. However, CTSAMVM submitted two violation reports to the Intergovernmental Authority on Development (IGAD) and RJMEC, and also reported on clashes between civilians in the Malakal Protection of Civilians site. There has been gradual progress in the enforcement of accountability among the SSPDF who commit crimes against civilians. The SSPDF conducted a General Court Martial (GCM) in Yei River County, Central Equatoria State, which heard 29 cases. It culminated in 14 rulings, against various ranks, accused of offences ranging from murder, rape, sexual harassment, and loss of weapons and ammunition.

The onset of rains and the influx of refugees and returnees forced out of Sudan by conflict have exacerbated the already severe humanitarian needs compounded by the cumulative effects of prolonged intercommunal conflicts, long-term flooding, and high levels of food insecurity. The situation is worsened by limited funding to cover the nine million people already in need of humanitarian assistance and protection in South Sudan.

South Sudan is witnessing a deepening power crisis in land administration and confusion about the roles of the existing institutions at the different levels of the government, state, and local government. Despite an ambitious framework for land administration expressed in the 2009 Land Act, the 2009 Local Government Act and the Transitional Constitution of the Republic of South Sudan 2011, as amended, the institutional foundations for such a structure remain largely non-existent due to capacity

and resource constraints. Also, progress has been slow in implementing Public Financial Management reforms, as there is a need for draft bills that legitimize some of these reforms to be finalized and legislated by the TNLA. As a result, a considerable number of provisions in this area have therefore missed their benchmark dates as indicated in the Roadmap.

During this reporting period, the RTGoNU successfully convened a conference on Transitional Justice mechanisms under the theme *Building a Sustainable Transitional Justice System for South Sudan* from 15 to 18 May 2023 in Juba, South Sudan. The conference was organized by the High-Level Standing Committee on Implementation of the Roadmap, in collaboration, with the Ministry of Justice and Constitutional Affairs (MoJCA). The MoJCA is now at an advanced stage of completing the drafting of the Commission for Truth Reconciliation and Healing and the Compensation and Repatriation Authority Bills following the conference.

Consistent with its monitoring, evaluation and oversight mandate the leadership of RJMEC briefed H.E Salva Kiir Mayardit, President of the Republic of South Sudan, Dr Riak Machar, First Vice President, H.E. Dr William S. Ruto, President of the Republic of Kenya and the United Nations Security Council on the status of implementation of the R-ARCSS. RJMEC leadership also attended the 14<sup>th</sup> Ordinary Summit of the IGAD Heads of State and Government in Djibouti, and held substantive discussions with H.E. Dr Workneh Gebeyehu, Executive Secretary of IGAD and H.E. Dr Ismail Wais, IGAD Special Envoy for South Sudan. The main focus was mainly on an assessment of the status of the implementation of the R-ARCSS, as well as concerns over the very slow pace of implementation and the risk of failing to complete the critical tasks required for the conduct of peaceful and credible elections by the end of the Transitional Period.

The relevant entities acting upon the following RJMEC recommendations will provide some much-needed impetus to the peace process, which largely stalled.

***To the Parties to the Agreement and Relevant Stakeholders***

- follow the example of the other Stakeholders and immediately submit lists of their nominees to the various Constitution making mechanisms;

***To the Reconstituted Transitional Government of National Unity***

- consider to expeditiously reconstitute the NCRC and establish the Preparatory Sub Committee and other relevant mechanisms for the constitution-making process to proceed;
- avail adequate and predictable resources to facilitate the establishment and operationalization of the relevant constitution-making mechanisms;
- complete review of the CTRH and CRA Bills and move towards enacting these laws;
- address recurrent impediments to access and assure security for humanitarian workers and civilians as well as their goods and assets; and

- expeditiously establish the Special Reconstruction Fund and its Board to pave the way for the convening of the South Sudan Pledging Conference.

***To the Transitional National Legislative Assembly***

- expedite the deliberation and enactment of all the outstanding bills including the National Elections Bill, which have been presented by the RTGoNU to help strengthen the elections process.

***To International Partners and Friends of South Sudan***

- all donor partners to consider supporting the permanent constitution-making process, including by directly resourcing some of the critical mechanisms, civic education, and providing capacity building; and
- consider extending full support to the permanent constitution-making process, including resourcing the critical mechanisms, supporting civic education, capacity building of the NCRC secretariat, and facilitating participation of different disadvantaged groups in the Constitution making process.

## 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 April to 30 June 2023 and builds on the previous quarterly Reports Nos. 001/19 - 018/23.<sup>1</sup> It provides a status update on implementation or lack thereof of the six thematic chapters of the R-ARCSS during the reporting period and around 18 months, according to the Roadmap, to the holding of elections in December 2024.<sup>2</sup>

2. In the assessment of RJMEC, the critical pending tasks outlined in the Roadmap<sup>3</sup>, which are expected to achieve the goal of elections remain largely unfinished, and in some cases have not started. Key among those is the delay in the passage of the National Election (Amendment) Bill 2023 and a failure to reconstitute the National Constitutional Review Commission (NCRC) and the Political Parties Council (PPC), which are two key institutions needed to overseeing the constitution and registration of political parties to participate in elections respectively. In addition, under the governance chapter of the R-ARCSS, progress has been slow towards the reconstitution of independent Institutions and Commissions at the national level, and operationalization of the enacted laws.

3. Another key task in the elections process, namely the redeployment of the Necessary Unified Forces, which is expected to provide election-related security, remains outstanding. Recent efforts have focused on resolving the problem of the command structure at the middle echelon levels and also providing appropriations in the July national budget to fund the process. In the meantime, the humanitarian situation continues to deteriorate, made worse by the ongoing crisis in the Republic of Sudan. Progress towards Public Financial Management reforms is also behind schedule as legislation needed to guide the reforms are yet to be enacted into law. Finally, there has been some progress on transitional justice issues as the Revitalised Transitional Government of National Unity (RTGoNU) nears completion of draft legislation governing the Commission for Truth Reconciliation and Healing (CTRH), however, the permanent constitution-making process has not progressed.

4. 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 R-ARCSS to include governance, security, humanitarian affairs, economic affairs, and constitutional making processes; as well as the activities of the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) during the reporting period. Section III provides key observations that highlight concerns and focuses on recommendations to the RTGoNU, the Transitional National Legislature (TNL), Parties and Stakeholders to the R-ARCSS, and the International Partners and Friends of South Sudan; Section IV is the conclusion.

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<sup>1</sup> Copies of previous reports are available at: <https://jmecsouthsudan.org/index.php/reports/rjmec-quarterly-reports>.

<sup>2</sup> In August 2022, the Parties to the Agreement triggered Article 8.4 of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), which allowed for its amendment to extend the Transitional Period of the Revitalised Transitional Government of National Unity (RTGoNU) from three years to five. Through the development of a Roadmap the Parties laid out a detailed plan to the holding of free, fair and credible elections at end-December 2024.

<sup>3</sup> <https://www.jmecsouthsudan.org/index.php/arcss-2015/roadmap/236-agreement-on-the-roadmap-to-a-peaceful-and-democratic-end-of-the-transitional-period-of-the-agreement-on-the-resolution-of-the-conflict-in-the-republic-of-south-sudan-r-arcss/file>.

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

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

5. The *ad hoc* Judicial Reform Committee (JRC), charged with the responsibility of studying and making recommendations on reforms of the judiciary, has continued to undertake tasks pursuant to its mandate. In June 2023, the JRC held regional consultations in the States of Western Bahr el Ghazal, Western Equatoria and Upper Nile, and in the Greater Pibor Administrative Area. The consultations were undertaken with a cross-section of stakeholders including the executive, legislature and judicial arms of State governments, County Commissions, traditional institutions, law enforcement and correctional services, faith-based leaders, Civil Society Organisations (CSOs), women and youth groups. The public consultations were intended to incorporate stakeholders' perspectives so as to enrich the JRC's recommendations to the RTGoNU on appropriate judicial reforms in the Republic of South Sudan. While the JRC plans to continue with extensive public consultations in other States, logistical and operational challenges are likely to undermine its operationalization.

6. During the reporting period, the mandate of the National Constitutional Amendment Committee (NCAC) tasked by the R-ARCSS to draft, amend and review legislation was extended by the RTGoNU for an additional six months to enable the Committee to complete its pending tasks. The pending tasks include drafting and completing amendments to the Non-Governmental Organisation (NGO), the Investment Promotion, the Mining, the Transport, the Pension Fund, and the Telecommunication Acts. The NCAC mandate extension was necessitated following the boycott by its national members from April 2023 due to delayed payment of their allowances. Considering the impact of such interruptions on the work of Agreement Institutions and Mechanisms, the RTGoNU is encouraged to address such recurring logistical challenges in a timely manner to avoid future challenges.

7. In June, the Minister of Justice and Constitutional Affairs tabled the following revised legislation before the reconstituted TNL for enactment: the Banking Act (Amendment) Bill; the Bank of South Sudan Act (Amendment) Bill; the National Security Services Act (Amendment) Bill; the National Mine Action Authority Act (Amendment) Bill; the National Archives and Records Act (Amendment) Bill; the National Public Health Act (Amendment) Bill; the Public Financial Management and Accountability Act (Amendment) Bill; the National Elections Act (Amendment) Bill and the Anti-Corruption Commission Act (Amendment) Bill. Upon enactment and operationalization, these Bills are expected to strengthen the legal and institutional frameworks as provided for under the R-ARCSS.

8. The R-ARCSS provides for the restructuring and reconstitution of Commissions and Institutions at the national level. To that end, the RTGoNU has reported some progress made by the *High-Level Standing Committee for the Implementation of the R-ARCSS*.<sup>4</sup> The Parties, through internal negotiations, reportedly agreed on the allocation of positions to the various institutions and commissions and what remains to complete this process is submission of the list of the Parties' nominees to the appointing authority. Cognizant of the critical role the national institutions play in improving accountability, transparency, institutional independence, and

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<sup>4</sup> This Committee is Chaired by the Minister of Cabinet Affairs, Hon. Martin Elia Lomuro and is comprised of senior representatives of the Parties to the Agreement working together to guarantee that the tasks under the Roadmap are carried out by the RTGoNU.



efficiency in national governance, it is critical that further delays be avoided to mitigate against any possible risk that would undermine progress.

9. The Roadmap of the R-ARCSS provides for the holding of elections in December 2024. This will require that the legal, security and institutional frameworks for holding credible elections needed to have been in place. These include, among others, enactment of the amended National Elections Bill, and reconstitution of the National Elections Commission (NEC), and the Political Parties Council (PPC). To date, the National Elections Amendment Bill is before the TNL for consideration and the NEC and PPC are yet to be reconstituted. Progress towards operationalisation of the PPC has been slow despite the enactment of the Political Parties (Amendment) Act in June 2022. This institution is critical for the registration of political parties and will help to protect political and civic space, for citizens' participation in all spheres of governance.

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

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

10. During the period of reporting, there were no major ceasefire violations among the signatory Parties. However, the Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) submitted two violation reports to the Intergovernmental Authority on Development (IGAD) and RJMEC. One report was on the arrest and detention of a Sudan People's Liberation Army – In Opposition (SPLA-IO) Officer together with his bodyguards and a civilian in Eastern Equatoria State, and the other report was on the National Salvation Front (NAS) attacks on the South Sudan People's Defence Forces (SSPDF) and civilians in Central Equatoria State. CTSAMVM also reported on clashes between civilians in the Malakal Protection of Civilians (POC) site, an issue that was handled jointly by the United Nations Mission in South Sudan (UNMISS) and the RTGoNU.

11. Also, there was no progress on the unification of the Necessary Unified Forces (NUF), notwithstanding the graduation of 55,000 troops between August 2022 and January 2023. Forces that graduated are still in training centers and are in dire need of food, medicines and allowances. In addition, the confirmation of the ranks of officers that graduated is still pending. The main reasons for the delayed redeployment of the NUF are the unresolved unification of the middle and lower-level command echelons, and the lack of funding for re-deployment. There has been no progress in training of Phase II NUF due to the delayed re-deployment of Phase I forces. In late June appropriations were made in the July 2023 national budget for funding earmarked towards the redeployment of the NUF.

12. Despite the stagnation of the unification of forces, there has been gradual progress in the enforcement of accountability among the SSPDF who commit crimes against civilians. Since 2020, the SSPDF has deployed 11 Mobile General Court Martials to 9 different locations in South Sudan (two to Bentui and Maridi, and one each to Bor, Malakal, Renk, Juba, Wau, Yei and Torit). From 22 May to 16 June 2023, the SSPDF conducted a General Court Martial (GCM) in Yei River County, Central Equatoria State. The GCM heard 29 out of 32 cases because three of the accused died in the intervening period. The GCM culminated on 16 June with 14 rulings, where the ranks of the accused ranged from private soldier to first lieutenant, accused of offences that included murder, rape, sexual harassment, and loss of weapons and ammunition. Sentences handed out included ten years in prison for murder, seven years for rape, fines, compensation, demotion, and dismissal from the SSPDF.

13. Although the security mechanisms (the Joint Defence Board (JDB), the Joint Transitional Security Committee (JTSC), the Joint Military Ceasefire Commission (JMCC), and the Strategic Defence and Security Review Board (SDSRB)) have been working diligently in their respective areas since the signing of the Peace Agreement, their work has been severely undermined by the lack of funding for their mandated tasks and the sustenance of the members of these mechanisms. However, the SDSRB, with logistical assistance from UNMISS has continued to work, and has recently been completing the drafting of the White Paper on Defence and Security. The Disarmament Demobilization and Reintegration (DDR) Commission has not made any progress on its tasks mainly because of the lack of funding by the RTGoNU. RJMEC continues to urge the government to fund DDR, and has also made a similar appeal to the regional and international community.

*b. Police Reforms in South Sudan*

14. During this reporting period, police reform activities were monitored through community dialogues, field visits, and various workshops, as part of the building of a police service, in accordance with Article 2.3.2 of the Peace Agreement. RJMEC's assessment revealed that the National Police Service (NPS) and the Ministry of Justice and Constitutional Affairs (MoJCA), in collaboration with the University of Juba, are actively implementing police reform initiatives. Notably, with the assistance of the United Nations Police, public prosecutors delivered specialized training to judiciary Police officers and investigators on addressing Sexual and Gender-Based Violence (SGBV) with the aim of strengthening the effectiveness of investigations and prosecutions.

15. One specific area of focus outlined in the National Policing Strategic Plan 2020-24<sup>5</sup> is the improvement of service delivery to enhance public confidence. It is gratifying to witness the implementation of Community Policing Policies in the ongoing prevention of SGBV. Another promising development is the launch of the Voluntary Civilian Disarmament Strategy by the National Police Service's Directorate of Community Policing during this reporting period. This strategy aims to ensure the disarmament and protection of communities in preparation for the upcoming elections. These community-police partnerships exemplify collaborative endeavors towards creating safer communities and establishing a professional police service, aligning with the goals of Article 2.3.4 of the Agreement. However, in order to build a truly professional police service, significant attention must be given to infrastructure development and the optimal utilization of human and physical resources, as defined by the National Policing Strategic Plan 2020-24. The current lack of infrastructure and resources poses a challenge for the National Police Service. Therefore, it is crucial to enhance policing governance in order to gain public confidence and earn support from stakeholders.

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<sup>5</sup> The National Policing Strategic Plan 2020-24, developed by the NPS also outlines a number of commendable efforts in police reform, which if implemented can lead to a further strengthening of the Police in South Sudan.

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

#### *a. The Humanitarian Situation*

16. The onset of rains and the influx of refugees and returnees forced out of Sudan by conflict have exacerbated the already severe humanitarian needs compounded by the cumulative effects of prolonged intercommunal conflicts, long-term flooding, and high levels of food insecurity. The situation is made worse by limited funding to cover the nine million people already in need of humanitarian assistance and protection in South Sudan.

17. More pressure was exerted by the 130,870 individuals (28,516 households), the majority of whom are South Sudanese returnees, who fled to South Sudan. Some returnees remained stranded at the locations of entry or drop-off points having no place to go or means to proceed to desired locations. The plight of returnees remained compounded by the fact that conditions at the would-be final points of return are not conducive given the lack of basic services like education, water, health and livelihood opportunities. Response efforts included the supply of emergency kits, transport away from the border points, and construction of shelters and dumping sites for solid waste at the reception centers.

18. Another impact of the conflict is the closure of trade routes between Sudan and South Sudan, which has negatively affected the supply of food and other essential goods into South Sudan creating scarcity and driving up prices. The cost of the minimum food basket rose by 51% in Bentiu and 72% in Yida compared to pre-crisis levels. The depreciation of the local currency by 55% over the past 12 months made matters even worse. This in turn worsened the already dire food security situation.

19. Currently, millions of people in need risk remaining without food or livelihood assistance. It is estimated by the UNHCR that over 70% of the returnee and refugee populations are expected to face crisis and emergency levels of food insecurity. The food security situation continued to deteriorate as food assistance was hampered by severe funding gaps, even before the outbreak of conflict in Sudan. Already, 7.76 million people were acutely food insecure, 3.5 million of whom were receiving assistance. As a result of reduced funding however, only 10% of the beneficiaries received enough food for 3 weeks per month while 90% received enough food for only 2 weeks per month. An estimated \$403 million is urgently needed to cover food security and livelihood needs in South Sudan.

#### *b. Access and Safety of Humanitarian Workers*

20. During the quarter, the safety and security of humanitarian workers and goods remained a challenge despite repeated pleas by the humanitarian community to the RTGoNU. Incidences of attacks and looting of humanitarian convoys and goods continued to be reported and affected the humanitarian response. In May 2023 alone, 38 access incidents were reported and verified by the UN Office for the Coordination of Humanitarian Affairs (OCHA), affecting the humanitarian operating environment. This represented a 23% increase from the 31 incidents reported in April 2023. Sixteen (16) of the incidents involved violence against humanitarian personnel and assets, including physical assault, robbery, ambush, looting, humanitarian compound burglary, detention, and intimidation and harassment. Eleven (11) of these had a significant impact while 15 had a moderate impact on humanitarian operations.

21. In six instances, the humanitarian access incidents reported in May led to the temporary suspension of humanitarian operations, including the suspension of services at the

Transit Center in Renk due to tensions among returnees from Sudan while convoy movements were temporarily suspended in Jonglei and the Greater Pibor Administrative Area (GPAA) due to attacks and looting of humanitarian supplies in Bor. Inter-communal violence temporarily disrupted the ability of humanitarian partners to provide services and the ability to track returnees and refugees in the Abyei Administrative Area while insecurity in Western Equatoria State, impeded humanitarian movements preventing access to refugees and returnees. Recently, attacks targeting UN personnel were reported in the Malakal PoC site signaling possible deterioration in the humanitarian operating environment for humanitarian agencies working in the PoCs. These access impeding trends like robbery, looting and theft are likely to continue as long as the youth and other members of society have no alternative livelihood opportunities like agriculture and vocational training to increase employability.

*c. The Special Reconstruction Fund*

22. The long overdue establishment of the Special Reconstruction Fund (SRF) and its Board remained a concern especially in view of increasing needs and dwindling funding for humanitarian support, recovery as well as the implementation of especially chapter III of the agreement. The purpose of the SRF is to avail funding to support refugees and IDPs to return in safety and dignity, the institution of programs for relief, protection, repatriation, resettlement and reintegration and the targeting of conflict-affected persons and vulnerable groups with basic, humanitarian and protection services as well as infrastructure development to help the realization of the dividends of peace to the citizens of South Sudan. The establishment of the SRF Board will hopefully pave the way for a pledging conference to source for much-needed funding. During the quarter, the AU and IGAD launched a post-conflict needs assessment, with the objective of ‘enhancing the efforts of the RTGoNU towards the full implementation of the R-ARCSS.’ One of the outcomes of the needs assessment is to highlight opportunities for support, including modalities for the establishment of the SRF.

## **Chapter 4: Resource Economic and Financial Management**

*a. Management of Natural Resources*

23. South Sudan is witnessing a deepening power crisis in land administration and confusion about the roles of the existing institutions at the different levels of the Government, state, and local government. Despite an ambitious framework for land administration expressed in the 2009 Land Act, the 2009 Local Government Act and the Transitional Constitution of the Republic of South Sudan, 2011, as amended, the institutional foundations for such a structure remain largely non-existent due to capacity and resource constraints.

24. Consequently, the country relies on the pre-independence 2009 Land Act, while each state has its own land policies, laws, and regulations. The reviewed 2009 Land Policy was validated by several parties at a retreat in 2022 and will later be discussed within the economic cluster before being enacted by the TNLA. This Policy notably addresses post-war conflict over land rights, informal settlements in cities and towns, and conflicts over access to land with pasture and water. Land grabbing and disagreements over boundaries between Counties and Payams (districts) are also addressed.

25. To further support the implementation of the land related legislation, there needs to be a mapping exercise to maximize the economic utilization of land in South Sudan (Article 4.8.2.1).

Unfortunately, the Ministry of Land, Housing and Urban Development lacks the necessary spatial data infrastructure to carry this out. The absence of this mapping exercise has resulted in challenges to the land tenure system and identification of "Transhumance Corridors," which are designated migratory routes used by herders and their herds during their mobility within and across the borders of counties and states to access water and pasture. This has fueled intercommunal violence across the country. Reforms to address these issues are contained in the revised land Policy. The Road map for the implementation of the policy will be revised and a strategic plan developed and costed by the Cluster of Undersecretaries who form a high-level task force dealing with land issues.

26. The Land Act 2009, the Local Government Act, the Investment Promotion Act, and the Land regulations all need to be reviewed and harmonised. The 2009 Land Act, for instance, allows companies to lease land for a maximum of 99 years, and the Investment Promotion Act also passed in 2009, permits only 30 to 60-year lease periods. The land registry for Central Equatoria has been operational since 2009 but is domiciled at the MoJCA. However, article 4.8.4.1.2 of the R-ARCSS mandates that it should be an independent registry of lands at all levels of government for the issuance of title deeds. The RTGoNU has since commenced discussions with a local company to create this independent registry. The Agreement requires that the Land Commission is empowered at different levels to develop and interpret legislation regarding land issues and to reflect customary laws and practices and local heritage as an institutional trend. The institutional foundations for the desired structure remain largely non-existent due to capacity and resource constraints and as a result, the Commission cannot assist in the mediation of conflicts arising from land as mandated in article 4.8.2.1.2 of the R-ARCSS.

27. Given the current insecurity in Sudan and South Sudan's reliance on oil exports through Port Sudan as its source of revenue, the RTGoNU set up an emergency Taskforce to continuously monitor the situation regarding the impact of the Sudan crisis on the exportation of crude oil. The RTGoNU developed a structured contingency that includes moving logistics to the oil production sites through Djibouti from Mombasa thereby providing support for production up to the end of July 2023. Current oil production is between 166,000 and 170,000 barrels a day.<sup>6</sup> The Government also negotiated with the parties in the conflict to ensure the safety of the oil installations and pipelines in Sudan.

#### *b. Public Financial Management*

28. Progress has been slow in implementing Public Financial Management (PFM) reforms, as there is a need for draft bills that legitimize some of these reforms to be finalized and legislated by the TNLA. As a result, a considerable number of provisions in this area have therefore missed their benchmark dates as indicated in the Roadmap. There needs to be transparency and accountability to be able to mobilize resources for the execution of South Sudan's sustainable peace and development. The PFM Oversight Committee (PFM-OC)<sup>7</sup> continued to ensure the implementation of the medium-term Economic and Financial Management reform program through its Public Financial Management Reform Strategy (PFMRS), which focuses on eleven priority areas and two cross-cutting issues.

29. Regarding the implementation of Treasury Single Accounts (TSA), the Bank of South Sudan has almost completed the digitization of the payment system and has contracted a firm

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<sup>6</sup> Transmission fees collected by Sudan has recently declined from an equivalence of 28 000 barrels a day to 10,000.

<sup>7</sup> The PFM Oversight Committee is co-chaired by the Minister of Finance and a Troika Ambassador and is comprised of the Ministries of Finance and Petroleum as well as the Revenue Authority.

to provide the required software. A Memorandum of Understanding (MoU) has been established between the Central Bank and the Ministry of Finance and Planning (MoFP) detailing the roles and responsibilities in this process. The Central Bank has since closed all accounts held in Commercial Banks by various Ministries, Departments and Agencies (MDAs) except those in the States and Administrative Areas where government accounts do not have access to Bank of South Sudan services.

30. To ensure efficient and transparent management of financial resources, MoFP has regularly published the cash allocation plan on its website and made it accessible to all the MDAs. The cash flow forecast template is also being updated monthly and consolidated cash flow forecast is constantly being prepared for execution of monthly cash transfers to MDAs. In addition, Treasury operations have continuously transferred cash to MDAs based on its availability. The verification of arrears has been ongoing, and the arrears management strategy developed and approved by the PFM-OC as a working document.

31. The MoFP is in the process of establishing the Arrears Management Committee that would be responsible for the implementation of this strategy. The government has inaugurated the governing board of the Public Procurement and Disposal of Assets Board of the Public Procurement and Disposal of Assets Authority (PPDAA), which will serve to advance the management of the Government's finances but also increase the competitiveness of the private sector in the public procurement process and ensure efficient public procurement and disposal of assets by the principles of good governance.

32. To strengthen the budget process and enhance budget credibility the MOFP ensured an improvement in its adherence to the budget timetable as required by law. The resource envelope was approved ahead of the commencement of the financial year and the Appropriation Bill was forwarded to the TNLA before the commencement of the budget year.

## **Chapter 5: Transitional Justice Accountability Reconciliation and Healing**

33. During this reporting period the RTGoNU successfully convened a conference on Transitional Justice Mechanisms under the theme *Building a Sustainable Transitional Justice System for South Sudan* from 15 to 18 May 2023 in Juba, South Sudan. The conference was organized by the High-Level Standing Committee on Implementation of the Roadmap, in collaboration, with the MoJCA. It was launched and officiated over by H.E. Salva Kiir Mayardit, President of the Republic of South Sudan and moderated by H.E. Riek Machar Teny, First Vice President. Regional and international experts attending the conference were drawn from South Africa, Nigeria, Togo, Central African Republic, Kenya, Uganda, The Gambia, Burundi, and the Democratic Republic of Congo.

34. The experts provided enriching perspectives that were strategic towards improving the CTRH and the Compensation and Reparation Authority (CRA) Bills. The Conference was attended by 415 participants drawn from the diplomatic corps, leadership of the executive and legislature, state executives and legislature, County Commissioners and Civil Society Organizations. By the time of compiling this report, the MoJCA was at an advanced stage of completing the drafting of the CTRH and CRA Bills, following this conference. The Bills have also benefited from a public consultation process held in 2022.<sup>8</sup> The Ministry will be submitting

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<sup>8</sup> Apart from Ethiopia public consultations with refugees in neighbouring countries remains pending due to bureaucratic, logistical and security challenges.

these draft Bills to the Council of Ministers for consideration and tabling before the reconstituted TNL.

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

35. In terms of the permanent constitution-making process, a critical requirement for the conduct of elections and post-transition governance arrangements, very little progress has been made in the operationalization of the Constitution Making Process Act 2023 enacted on 21 December 2022, during this reporting period.

36. The constitution-making law requires, *inter-alia*, for the reconstitution of the National Constitutional Review Commission (NCRC) within 45 days and followed by the establishment of the Constitution Drafting Committee and the Preparatory Sub-Committee for the National Constitutional Conference (NCC). As of the time of this reporting, none of these mechanisms were yet in place, and their establishment and operationalization are way behind schedule, per the RTGoNU timelines outlined in the Roadmap.

37. According to the Roadmap schedule, the reconstitution of the NCRC should have been completed by 30 August 2022; the establishment of the Constitutional Drafting Committee (CDC), by 30 October 2022; the conduct by NCRC of its first phase of civic education and collection of data on public views on the constitution-making process by 30 January 2023; the preparation of the first report by NCRC of the civic education and public consultation data for validation by the Public by March 2023; recruitment of members to form the National Constitutional Conference (NCC) by 30 December 2022; and the establishment of the Preparatory Sub-Committee (PSC) by 30 January 2023. Almost six months later, none of these tasks have been completed.

38. In terms of ongoing progress, RJMEC understands that the stakeholders have submitted to the RTGoNU their lists of representatives to reconstitute the NCRC and establish the PSC and that the Parties have agreed on the allocation of membership within the NCRC and PSC, but not all of the Parties have done so.

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

39. Consistent with its monitoring, evaluation and oversight mandate the leadership of RJMEC briefed H.E. Salva Kiir Mayardit, President of the Republic of South Sudan on RJMEC's assessment of the status of the implementation of the Agreement, as well as concerns over the very slow pace of implementation and the risk of failing to complete the critical tasks required for the conduct of peaceful and credible elections by the end of the Transitional Period. In particular, concerns were raised on delays in the deployment of the NUF and commencement of unification of the forces in Phase 2; reconstitution of the NCRC, and preparation for the conduct of elections.

40. The leadership also briefed H.E Dr Riek Machar Teny, First Vice President on a wide range of issues about the implementation of the R-ARCSS, including the failure of the RTGoNU to complete certain critical tasks or meet crucial milestones by now.

41. Furthermore, on 20 June 2023, the RJMEC Interim Chairperson briefed the United Nations Security Council Session in New York on RJMEC's assessment of the status of the implementation of the R-ARCSS and its role in support of the peace implementation. The Chairperson appealed for international support for the peace process, including direct funding

to some of the critical upcoming processes of permanent constitution-making, election preparations, and the DDR program. In their deliberations, Council members expressed their full support to the implementation of the R-ARCSS in letter and spirit, welcomed the expressions of assurance from RTGoNU to conduct elections in December 2024, and urged the RTGoNU to expedite progress and adhere to the Roadmap.

42. At the regional level, the RJMEC leadership briefed H.E. Dr William S. Ruto, President of the Republic of Kenya on the status of implementation of the R-ARCSS. The leadership also participated in the 14<sup>th</sup> Ordinary Session of the IGAD Assembly of Heads of State and Government held in Djibouti on 12 June 2023, which among other issues, deliberated on the crisis in neighbouring Sudan and the peace process in South Sudan. About South Sudan in particular, the Summit in its communique<sup>9</sup> took note of the RTGoNU commitment to hold elections in December 2024, urged RTGoNU to expedite implementation of the critical pending tasks, welcomed the resolution of the disputes over the ministerial swapping<sup>10</sup>; and appealed for continued financial support to the monitoring mechanisms, CTSAMVM and RJMEC.

43. The RJMEC Interim Chairperson also held discussions with H.E Dr Workneh Gebeyehu, Executive Secretary of IGAD on a wide range of issues, including the challenges affecting CTSAMVM operations. Also discussed were the various administrative challenges and the concerns raised by national representatives of the CTSAMVM Technical Committee (CTC), and it was resolved to streamline CTSAMVM operations with very clear Terms of Reference for its components. Consequently, the Terms of Reference of the CTSAMVM Chairperson and of the Board have been reviewed and endorsed by IGAD. Further, the Terms of Reference of the CTC was drafted and to be reviewed and approved by the CTSAMVM Board in accordance with its mandate. These are significant steps, which are expected to help strengthen CTSAMVM operations. The RJMEC leadership also briefed Dr Ismail Wais, IGAD Special Envoy for South Sudan on the status of implementation of the R-ARCSS, including ways in which it should be expedited.

44. During the reporting period the RJMEC leadership met regularly with the Parties to the Agreement, various institutions and mechanisms of the R-ARCSS, the diplomatic community and the stakeholders and adherents to the Agreement. Discussions typically focused on ways to improve the pace of implementation particularly as it relates to the constitution-making and election processes. Also, discussions have focused on ways to complete the arrangements for the redeployment of the NUF and complete the necessary legislation to guide the conduct of elections.

45. RJMEC held its 29<sup>th</sup> and 30<sup>th</sup> regular ordinary monthly plenaries and made critical policy decisions contained in the Resolutions of the two meetings.

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<sup>9</sup> The full communique is available at <https://igad.int/final-communique-of-the-14th-ordinary-session-of-the-igad-assembly-of-heads-of-state-and-government-djibouti-republic-of-djibouti-12th-june-2023/>

<sup>10</sup> In the previous report, RJMEC reported on the relief of Hon. Madam Anjelina as the Minister of Defense and Veteran Affairs, and the swapping of the Ministry of Defense and Veteran Affairs and the Ministry of Interior between RTGoNU and SPL/A-IO respectively which was contested by the SPLM/A-IO.



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

#### **Observations**

46. During the period under review, very little was accomplished with regard to improving the overall pace of implementation of the Revitalized Peace Agreement. Overall, tasks related to the permanent constitution-making and election processes stalled. In RJMEC's assessment to conduct free, fair, and credible elections, some very critical benchmarks need to be attained as per the Revitalised Peace Agreement, namely:

46.1. completion of the unification and redeployment of forces, to provide election-related security;

46.2. reconstitution and operationalization of the institutions tasked with the preparation and conduct of elections, namely the Political Parties Council and the National Elections Commission;

46.3. fast-track the making of a people-led and people-owned Permanent Constitution, by reconstituting and establishing the critical institutions to drive it forward and to guide the conduct of elections;

46.4. judicial reforms to enhance the capacity and independence of the judicial institutions to deal with elections-related disputes; and

46.5. improvement to the overall political and civic space in which multiparty elections are conducted.

47. In terms of the preparation for elections as per the Roadmap, no progress has been made in the reconstitution of the Political Parties Council despite the law having been enacted over one year ago. The reconstitution of the Council is critical to paving the way for the registration of political parties. Also, the enactment of the National Elections (Amendment) Bill, which is before the TNL, and its operationalization is way behind schedule. As a result of these delays, all the elections-related tasks including the establishment and functioning of institutions that drive the elections process, are behind schedule.

48. The making of the permanent constitution is also an important prerequisite for the holding of elections. However, since the enactment of the Act in December 2022, very little has been done in its operationalization. For instance, the reconstitution of the National Constitutional Review Commission, which will oversee the process is yet to be completed as the Parties delay in nominating their members to the Commission.

49. Concerning the worsening humanitarian situation, it is incumbent upon the RTGoNU to find resources to institute programs for relief, protection, repatriation resettlement, reintegration and rehabilitation of the internally displaced persons and returnees in coordination with the UN and other partners. As returnees continue to flock into the country, the limited or lack of facilitation for resettlement and reintegration and lack of services at the final points of return may compel some of them to exit the country into neighboring countries as refugees. This crisis, therefore, has the potential of increasing the burden on neighboring countries like Uganda, Kenya and Chad which were already hosting South Sudanese refugees.

## **Recommendations**

50. The relevant entities acting upon the following RJMEC recommendations will provide some much-needed impetus to the peace process, which at the moment is largely stalled. While most of the recommendations are directed at the RTGoNU, which is responsible for implementation of the R-ARCSS, Parties to the Agreement also have a key role to play particularly that of filling positions within the Commissions and Institutions.

### ***a. To the Parties to the Agreement and Relevant Stakeholders***

50.1. Follow the example of the other Stakeholders and immediately submit lists of their nominees to the various Constitution making mechanisms to the Minister of Justice and Constitutional Affairs through his Taskforce for consideration and appointment by the RTGoNU;

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

50.2. expeditiously reconstitute the NCRC and establishment of the PSC and other relevant mechanisms for the constitution-making process to proceed;

50.3. avail adequate and predictable resources to facilitate the establishment and operationalization of the relevant constitution-making mechanisms;

50.4. complete review of the CTRH and CRA Bills and move towards enacting these laws and establishing the Commission and the Authority.

50.5. address recurrent impediments to access and assure security for humanitarian workers and civilians as well as their goods and assets; and

50.6. expeditiously establish the Special Reconstruction Fund and its Board to pave the way for convening of the South Sudan Pledging Conference.

### ***c. To the TNLA***

50.7. expedite the deliberation and enactment of all the outstanding bills, including the National Elections (Amendment) Bill, which have been presented by the RTGoNU to help strengthen the elections process.

### ***d. To International Partners and Friends of South Sudan***

50.8. RJMEC reiterates its appeal to all donor partners to support the permanent constitution-making process, including by directly resourcing some of the critical mechanisms, providing civic education and capacity building; and

50.9. consider providing full support for the permanent constitution-making process, including resourcing the critical mechanisms, supporting civic education, capacity building of the NCRC secretariat, and facilitating participation of different disadvantaged groups in the constitution-making process.

#### **IV. Conclusion**

51. A lot of work remains to be done if the tasks outlined in the Roadmap towards free, fair and credible elections are to be completed in time. This requires a solid commitment of resources to implement the Agreement. Also, the Parties to the Agreement need to continue to overcome the challenge of diminished trust and confidence and find a way to build collegiality and consensus on matters relating to implementation of the Agreement. These are required efforts needed to assure the people of South Sudan that the RTGoNU is in a position to conduct elections in December 2024.

52. 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, and as circumstances may demand, intervene to break any deadlock that may emerge in the course of implementation. RJMEC 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**