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# BRIEFING NOTE ON THE POLITICAL AND SECURITY SITUATIONS IN SOUTH SUDAN

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## I. INTRODUCTION

1. This Briefing Note on the political and security situations in South Sudan covers the period since the last meeting of the Peace and Security Council (PSC) of the African Union (AU) on South Sudan, held on 11 July 2022. It updates the progress of implementation of the 2018 Revitalized Peace Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), and the Roadmap on Outstanding Issues in the R-ARCSS. It also addresses the engagements of the AU Commission as a key guarantor to the R-ARCSS, and relations with partners including Intergovernmental Authority on Development (IGAD), the United Nations (UN), and Troika. It covers the role played by other AU Organs in promoting the South Sudan peace process.

## II. POLITICAL SITUATION

2. The political landscape in South Sudan continued to be dominated by the implementation of the R-ARCSS, the essentials of which remained strong during the reporting period. The ceasefire largely held, despite pockets of inter-communal violence, while the transitional governance institutions remained functionally agile. However, recognizing that political transition was approaching its end in February 2023 with many provisions in the Peace Agreement unmet, the Parties on 4th August 2022 agreed to a Roadmap on Outstanding Issues, and extended the Transition Period by 24 months in order to complete the remaining tasks. The Roadmap revised the benchmarks and timelines up to February 2025, and envisaged general elections in December 2024.

3. The Roadmap was assented to by the Council of Ministers, as well as the R-ARCSS monitoring body, namely the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC). It paved the way for the commencement of the key outstanding tasks. Principal among these were the unification, graduation, and redeployment of the Necessary Unified Forces (NUF), and drafting of legislations on permanent constitution-making and electoral processes. It also drew commitments from the Parties on addressing insufficient funding, deficits in political will and trust, as well as capacity gaps, which were all responsible for the delays in implementation of the Peace Agreement.

4. These developments were welcomed by the AUC as they represented a consensus among the Parties on a nationally-owned process. The AUC also recognized the apprehensions among partners in relation to a global acceptance of the extension of the Transitional Period, especially regarding concerns on non-inclusivity in the dialogue that led to the extension. Some domestic constituencies that also disapproved the failure to end the Transitional Period in February 2022, were further concerned about Government's ability to implement the many tasks within only 24 months as it could not complete them in almost three years.

5. Nonetheless, the AUC remained committed to the implementation of the R-ARCSS and the Roadmap as the only alternatives for peace in South Sudan. It is encouraged by seeming consensus in particular between the key principals to the Agreement – the SPLM-In Government (IG) and the SPLM-In Opposition (SPLM-IO) – on the Roadmap. While political game-play has been evident in recent months with the dismissal of SPLM-IO leader Dr. Riek

Machar, First Vice President, and Mr. Pagan Amum, leader of Real-SPLM, out of the mainstream SPLM faction led by H.E. President Salva Kiir, the development did not appear to affect commitments to the Roadmap. The two purported dismissed leaders continue to consider themselves a part of the SPLM family with no particular wing able to exercise a right of dismissal until the Arusha SPLM Re-unification Agreement of 2014 was achieved.

6. At the time of this report, plans were advance for a joint SPLM-IG/SPLM-IO coordination of graduation of troops to conclude the last Phase I of the unified army formation. The consensus between the two principal Parties on other crucial issues also motivated the other parties on the sustainability of the Roadmap. The issues included the political crisis in Western Equatoria, Warrap, and Upper Nile States, and the tribal clashes in the Abyei Area, as well as common perspective on climate-induced humanitarian catastrophes, in particular flooding and drought in seven of the ten states of South Sudan.

7. Another consideration is also on the determination on a future election process, with enthusiasm evident at the high level over the current momentum, despite the current flashes of violence.

## III. SECURITY SITUATION

8. Even though intercommunal violence continued to mark the security landscape of South Sudan during the period under review, it did not threaten to unravel the country. Nevertheless, the clashes illustrated the urgency to implement the Roadmap as the cycle of clashes and revenge killings could be addressed and security restored with the eventual completion of the unified national armed forces.

9. The most acute of these security concerns were the intra-Party fighting between the main SPLM-In Opposition with its breakaway Kitgwang and Agwelek factions in Upper Nile, Jonglei, and Unity states. In Upper Nile, affected civilians fled to UN's Protection of Civilians site in Malakal, the State capital and exacerbating the already serious humanitarian situation. Similar tensions were experienced in Western Equatoria, where disputes among the leadership paralyzed the work of the state government. In Unity State, other political related fighting led to extrajudicial killings.

10. The over violent clashes between the Twic Dinka tribal communities of Warrap State of South Sudan, and Dinka Ngok of Abyei which led to casualties, remain a concern. In response, H.E. President Salva Kiir established investigative committees on the fighting. The Government of Uganda also facilitated the impasses between the two Dinka communities, including compliance with the Khartoum agreement that the two sides had earlier signed. The leadership in South Sudan called on the AU Commission to reactivate the AU High Level Implementation Panel on Sudan and South Sudan (AUHIP) and the Abyei Joint Oversight Committee (AJOC) to assist with the situation in Abyei.

## IV. OVERALL STATUS OF IMPLEMENTATION OF R-ARCSS AND ROADMAP

11. The AU Commission, in line with the decision of the PSC, has continued to provide support towards the implementation of the R-ARCSS and the Roadmap. Below is the current status of the implementation of the R-ARCSS:

12. With regard to the formation of **governance institutions** (Chapter I), progress was registered in several areas. These included the agreement on the Roadmap on 4th August 2022, and endorsed unanimously by the Council of States on 5th August 2022, and RJMEC on 1st September 2022. However, the Roadmap awaits ratification by the Parliament.

13. Nonetheless, implementation continued with the ratification of the Political Parties Bill, the Southern Sudan Audit Bill, and the Public Financial Management and Accountability Bill by the Parliament. The outstanding tasks included the promulgation of the Petroleum Act, the Petroleum Revenue Management Act, the Banking Act, Anti-Corruption Act, and the National Revenue Acts among others. The Judicial Reform Committee has been established, comprised of judges from the IGAD region. The reconstitution of the Political Parties Council, as well as the promulgation of security bills, were also outstanding.

14. The Constitution-Making Process Bill was passes and is with the President for assent. The National Electoral Bill is still outstanding. However, PSC took the proactive effort to direct a trilateral AU/UN/IGAD evaluation of constitution-making and electoral needs of South Sudan, to develop a standby support strategy for South Sudan and also directed the formation of a trilateral taskforce, in this regard.

15. Regarding the **permanent ceasefire and transitional security arrangements** (Chapter II), the signatories continued to respect the ceasefire. The impasse over the command-and-control structure of the armed services was resolved, thereby paving way for the ongoing graduation of the armed services. A total of 27,000 troops of NUF have so far been graduated in Phase I. Graduation of 20,000 troops in Bhar El Ghazal and Upper Nile were scheduled for early November 2022. The Government has made efforts to address the logistical challenges such as the lack of uniforms, and food.

16. The **humanitarian situation** (Chapter III) continued to deteriorate, severely impacted by limited funding, low agricultural production, global price increases that led to high fuel, and services prices. The economic downturn has also disrupted livelihoods. The UN estimated that 8.3 million people, out of South Sudan's population of 12 million, were in need of food assistance. It is also feared that about 7.7 million people will face acute food insecurity during April-July 2023 lean season while 1.4 million children will be malnourished. There was also increased displacement. The trends, according to the reports, were driven not only by intercommunal conflict but by drought and floods. Concerns were expressed at the high level of possible flooding of whole states in 2023, such as in Unity State, if the four-year-long flooding continued. Access to affected locations and people was challenging due to impassable roads, flooded airstrips, and insecurity. The UN redesignated several Protection of Civilian sites as IDP camps and handed them to Government oversight, which is currently grappling with providing requisite needs. Further, about 2 million South Sudan are refugees in Ethiopia, Kenya, Sudan and Uganda. While there were some returnees in 2022, most went back as they had lost their homes, and livelihoods could not be rebuilt.

17. With respect to **economic and financial management** (Chapter IV) South Sudan completed payment of $3.03 billion to Sudan, agreed under the Transitional Financial Arrangements negotiated in 2011. The Ministry of Petroleum of South Sudan commenced environmental auditing of oil fields during the reporting period. The National Development Strategy was also developed to strengthen governance. The Government increased civil servant salaries, but continued to grapple with payments. Following improvements in

macroeconomic reforms, the Government received significant World Bank and IMF grants. However, the microeconomic indices were less promising, evidenced by the high poverty levels, food and services prices. The R-TNLA passed 2022/23 budget of 1.4 trillion SSP with a deficit of 560 billion SSP. The new budget has a salary increase component for civil servants as well as funding the R-ARCSS.

18. Regarding **transitional justice, accountability and reconciliation and healing** (Chapter V), the Ministry of Justice and Constitutional Affairs led public consultations to collate views to support the drafting of the law on the creation of the Commission for Truth, Reconciliation and Healing. The AUC Office of the Legal Counsel and the Ministry of Justice and Constitutional Affairs continued consultation on arrangements to deploy a technical team to Juba to review the roadmap on the Hybrid Court of South Sudan. The Compensation and Reparation Authority (CRA) was yet to be operationalized.

19. With regards to **permanent constitution-making process** (Chapter VI), the draft Permanent Constitution-Making Bill (2022) was tabled to the Parliament and referred to the Specialized Sub-committee on Justice for consideration. Progress in this regard was affected by the SPLM-IO's boycott of the Parliament sessions over the Political Parties Bill.

## V. RECOMMENDATIONS:

i. ***Commend*** H.E. President Salva Kiir Mayardit, President of the Republic of South Sudan, for pursuing political dialogue in the implementation of the peace processes in South Sudan and ***encourage*** him to continue to pursue the path to the letter and spirit and accommodating all the political stakeholders;

ii. ***Also commend*** the President, and the other Parties and stakeholders to 2018 Revitalized Peace Agreement for their dedication to conclude the Agreement; ***applaud*** them for forging a Roadmap on the Outstanding Issues in Peace Agreement; and ***urge*** them to end the extended Transitional Period in February 2025, by pursuing the tasks with the requisite resources and steadfast will;

iii. ***Call upon*** the Government and the Parties to expedite the reconstitution of all the national and local level commissions and institutions provided for in the Roadmap on Outstanding Issues so as to meet the final goals of conducting constitution-making and electoral processes by December 2024, and the democratic governance in February 2025;

iv. ***Encourage*** the Government to explore all possible avenues to provide the needed resources, including funds and food, to complete the remaining graduation of forces for Necessary Unified Forces as well as deploying them;

v. ***Encourage*** the RTGoNU, working in collaboration with the AU Commission and other critical institutions, including the African Development Bank, the AU Development Agency-NEPAD, on practical means and ways of mobilizing complementary humanitarian support to that currently being provided by the UN and other international partners;

vi. ***Request*** the AU Commission, pursuant to the Decision of the 15th Extraordinary AU Humanitarian Summit and Pledging Conference held in Malabo, Equatorial Guinea on 27 May 2022, to explore the possibility of access to the Special Fund of the pledging project, so as to contribute to addressing the humanitarian needs in South Sudan;

vii. ***Express*** appreciation to the Rome Sant'Egidio Community for its continued tireless facilitation of peace talks between the South Sudanese stakeholders to resolve the impasse between them;

viii. ***Urge*** AU Ad-hoc High-Level Committee for South Sudan (C5) to fulfill the pledge to undertake a solidarity visit to South Sudan in support of the peace process, pointing to its important role in that process as provided for in the 2018 Peace Agreement; and in this regard also ***request*** the AU Panel of the Wise to undertake a similar visit to South Sudan and brief back the PSC;

ix. ***Emphasize*** the importance of Peacebuilding and Post Conflict Reconstruction Development programs in achieving sustainable peace and stability in South Sudan, and in this regard ***reiterate*** the request made to the African Union PCRD Centre to prioritize South Sudan amongst its areas of work the PRCD programme in South Sudan;

x. ***Reiterate*** the decision adopted through Communique [PSC/PR/COMM.1(CMXVII)] at its 917th meeting held on 9 April 2020; and in this regard, ***requests*** the AU Political Affairs, Peace and Security Department to conclude arrangements towards the Post-Conflict Needs-Assessment exercise for South Sudan, jointly with the IGAD Secretariat;

xi. ***Undertake*** a solidarity visit to South Sudan on the third anniversary of the formation of the Transitional Government on 22 February 2023, aimed at encouraging the country to pursue the task in the 2022 Roadmap on Outstanding Issues, and concluding the political transition on 22 February 2025;

xii. ***Decide*** to remain actively seized of the matter.