



Joint Monitoring and Evaluation Commission
(JMEC)

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

July 1st – September 30th 2018

JUBA, SOUTH SUDAN

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List of Acronyms

<i>AJMCCs</i>	<i>Area Joint Military Ceasefire Committees</i>
<i>AU</i>	<i>African Union</i>
<i>AUC</i>	<i>African Union Commission</i>
<i>CoHA</i>	<i>Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access</i>
<i>CRA</i>	<i>Compensations and Reparations Authority</i>
<i>CTRH</i>	<i>Commission on Truth, Reconciliation and Healing</i>
<i>CTSAMM</i>	<i>Ceasefire and Transitional Security Arrangements Monitoring Mechanism</i>
<i>HCSS</i>	<i>Hybrid Court for South Sudan</i>
<i>HLRF</i>	<i>High Level Revitalisation Forum</i>
<i>IBC</i>	<i>International Boundaries Committee</i>
<i>IGAD</i>	<i>Inter Governmental Authority and Development</i>
<i>IDPs</i>	<i>Internally Displaced Persons</i>
<i>JIP</i>	<i>Joint Integrated Police</i>
<i>JDB</i>	<i>Joint Defense Board</i>
<i>JMCC</i>	<i>Joint Military Ceasefire Commission</i>
<i>MVTs</i>	<i>Monitoring and Verification Teams</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NPTC</i>	<i>National Pre-Transitional Committee</i>
<i>OCHA</i>	<i>UN Office for the Coordination of Humanitarian Affairs</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>R-JMEC</i>	<i>Reconstituted Joint Monitoring and Evaluation Commission</i>
<i>SDSR</i>	<i>Strategic Defence and Security Review</i>
<i>SDSRB</i>	<i>Strategic Defence and Security Review Board</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>TBC</i>	<i>Technical Boundaries Committee</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>TNLA</i>	<i>Transitional National Legislature</i>
<i>UNDP</i>	<i>United Nations Development Program</i>

Executive Summary

1. This Report covers the period from July 1st to September 30th, 2018 with highlights of the closing months of the High Level Revitalization Forum (HLRF) culminating in the signing of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) on September 12, 2018. Throughout the process, JMEC Advisors provided support to the IGAD Special Envoy through secondment to the HLRF Taskforce. In addition the Report highlights the prevailing, security, humanitarian and economic situation in the country and presents a series of observations and makes recommendations to address some of the impediments to implementation.
2. Since the signing the Chairperson of JMEC and the IGAD Special Envoy separately wrote to all the parties and stakeholders of the R-ARCSS to bring to their attention immediate obligations critical for the implementation of the Agreement during the Pre-Transitional Period and in preparation for the Transitional Period. They were urged to submit the names of nominees to various Agreement institutions and mechanisms, and reminded of the key commitments to be observed immediately.
3. Among some of the tasks completed by the end of September is the disseminated by JMEC of printed copies of the Agreement, ratification by most of the parties, celebration of the signing in Khartoum involving the leadership of the Parties to the R-ARCSS and Stakeholders as part of confidence building measures, and the appointment of members to the National Pre-Transition Committee (NPTC).
4. Although some progress has been made in implementing the R-ARCSS several tasks were still outstanding at the end of the period including the ratification of the R-ARCSS by the Transitional National Legislature (TNL), approval of the RJMEC Terms of Reference and appointment of a new Chairperson, as well as establishment of most of the institutions and mechanisms.
5. Despite the signing of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (ACOH) in December 2017 and the R-ARCSS in September the parties to the conflict continued fighting in some parts of South Sudan during the reporting period. At the same time the humanitarian situation remains precarious. There are some improvements on the economic front. The exchange rate, which had depreciated rapidly in the previous quarter rose appreciably from the end of June and has subsequently remained stable contributing to a slowing of inflation.
6. The JMEC Chairman addressed the 33rd Extra-Ordinary Summit of the IGAD Assembly of Heads of State and Government in Addis Ababa, at which the R-ARCSS was signed. He reflected on the HLRF process revealing that it had come a long way, starting from internal deliberations within JMEC culminating in his recommendation and the historic decision taken by the Assembly during its 31st Extra-Ordinary Summit on 12th June 2017 to convene the Forum.
7. The signing of the R-ARCSS provides a tremendous opportunity to bring lasting peace to South Sudan. It, however, will call for a commitment from all the parties to live up to their commitments made during the signing process. To this end the parties should quickly complete their nominations to the various Agreement institutions and mechanisms, and IGAD should have them reconstituted to start their work.

I. Introduction

1. This report is submitted pursuant to Chapter VII, Article 9 of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) and covers the period July 1st to September 30th, 2018. The report highlights the closing months of the High Level Revitalization Forum (HLRF), culminating in the signing of the Revitalised Agreement, which took place on September 12th, 2018. Key to the Report is the prevailing political, security, humanitarian and economic situation in the Republic of South Sudan; and how this relates to the new signed Peace Agreement.
2. It also focuses on the new Agreement Institutions and Mechanisms that have been set up and highlights the key differences between the latest Agreement and the one of 2015. Finally the Report proposes a series of observations and recommendations aimed at setting the stage for successful monitoring and evaluation of the implementation of the R-ARCSS.

II. Engagements of the Joint Monitoring and Evaluation Commission

3. The JMEC leadership vigorously engaged with the Regional guarantors of the R-ARCSS, the AU Commissioner, as well as the international partners' community in the fulfilment of its mandate. The engagement included frequent briefings with the ambassadors from TROIKA (US, UK and Norway), European Union, China, Germany, Canada and South Africa as well as engaging the parties to the ARCSS, and other stakeholders.
4. The JMEC Chairman addressed the 33rd Extra-Ordinary Summit of the IGAD Assembly of Heads of State and Government in Addis Ababa, at which the R-ARCSS was signed. He reflected on the HLRF process revealing that it had come a long way, starting from internal deliberations within JMEC culminating in his recommendation and the historic decision taken by the Assembly during its 31st Extra-Ordinary Summit on 12th June 2017 to convene the Forum. Further he viewed the process as a success and a reflection of a thorough and inclusive process. Also at the Summit the Heads of State noted that the tenure of Chairman H E Festus Mogae has come to an end, and paid him tribute for his demonstrated commitment and leadership rendered as the Chairperson of JMEC, while wishing him a long and happy life.
5. At the margins of the Summit the JMEC Chairman met with the Ethiopian Prime Minister in Addis Ababa, and reiterated the need for IGAD to speak with One Voice post the Revitalized Agreement. He also stressed the need to immediately appoint a new JMEC Chairman.
6. The JMEC Chairman also visited New York and Washington D.C where he met with the Deputy Permanent Representative of the U.S to the UN and State Department officials respectively. He briefed on the progress with respect to the Revitalized Peace Agreement.
7. JMEC also routinely met with donors' representatives. In addition, discussions were held with the International Monetary Fund (IMF) in the context of a Fund visit to South Sudan. The discussions revolved around a deeper involvement of the multilateral institutions in the post revitalization era.

8. During the reporting period, the National Constitution Amendment Committee (NCAC) continued its work consistent with its mandate under Chapter 1, Article 13 of the ARCSS. The Committee held five (5) continuing with the finalization of the two election related laws. Following the Stakeholders meeting, the Committee received and considered additional submissions from the National Elections Commission (NEC), the Political Parties Council and Civil Society. The submissions were incorporated into the final Amendment Bills, which were accompanied by explanatory notes prepared in consultation with a professional draftsman. The final adoption and handing over of the Bills to the Minister of Justice and Constitutional Affairs was however postponed pending the outcome of the High Level Revitalization Forum (HLRF) and Khartoum talks.
9. The development of the necessary legal framework for the establishment of the Economic and Financial Management Authority (EFMA), as per the Peace Agreement, is also the mandate of the NCAC. During this period, the NCAC held meetings with the World Bank and International Monetary Fund (IMF) to discuss the proposed EFMA law. The NCAC Secretariat also continued undertaking research in this area with the aim of developing a concept paper on the proposed EFMA law.
10. Following the successful incorporation by NCAC of the ARCSS into the Transitional Constitution of the Republic of South Sudan (TCRSS), 2011 (Amended) 2018 was passed into law by the Transitional Government of National Unity (TGoNU). The Committee carried out an analysis of the Act including a comparison between the NCAC Bill and the TCRSS. This was presented to JMEC.
11. JMEC's Gender Advisor engaged several South Sudanese women including some of the delegates at the HLRF, members of civil society organizations, activists within South Sudan and in the Diaspora to discuss and develop a strategy for women's engagement including the implementation of the 35% quota during the Pre-Transitional and Transitional period.
12. Through plenary discussions, the women leaders reviewed their engagement in the peace process, identified gaps and mapped an action plan on how to effectively further a more inclusive gender and equal society. The women assented to work with others in the political parties to collect profiles of women leaders that could be drawn upon to occupy positions for the attainment of the 35% quota, which has so far not been observed during the reporting period. The workshop was held in Nairobi and sponsored by UN Women.
13. JMEC continued its active outreach program by organising four ARCSS orientation/ awareness workshops and other activities for students, journalists and women groups. In addition, JMEC also engaged the media by way of a live radio interview and the issuance of several press releases (audio and text). At the same time, seventeen (17) news stories/articles, eleven (11) Press/Text Release, six (6) Audio Releases and six (6) Statements were published on the JMEC website (www.jmecsouthsudan.org). The text, audio releases and the statements are also published on the website and sent out to local, regional and international media for publication. The same are also shared on the Commission's Twitter handle (@JMECsouthsudan).

III. Revitalization of the Peace Agreement

Overview

14. In June 2017 the IGAD Heads of State and Government approved JMEC's recommendation to convene a High-Level Revitalization Forum (HLRF) of the Parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), including estranged groups to discuss concrete measures to restore the permanent ceasefire, full implementation of the peace agreement and develop revised realistic timelines and an implementation schedule towards democratic elections at the end of the Transitional Period.
15. The HLRF culminated with the signing of the Peace Agreement on September 12, 2018. The Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was signed with the participation of most of the parties involved in the negotiations. Throughout the process, JMEC Advisors provided support to the IGAD Special Envoy through secondment to the HLRF Taskforce, while others contributed on an ad-hoc basis, especially during the final stages of the negotiations.

Developments since the signing

16. Just one week after the signing the JMEC HLRF taskforce met with the State Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, representing the Chairperson of the IGAD Council of Ministers to reflect on the HLRF process and outcomes, discuss the R-ARCSS 2018 implementation matrix and the way forward.
17. At the time a list of priority actions required from IGAD, as the Mediator, to kick-start immediate implementation of the Agreement was compiled. The list was subsequently submitted to the Office of the Chairperson IGAD Council of Ministers on September 18, 2018. Among the priority areas was the need to immediately complete the nomination process and thereafter launch the critical Agreement Institutions and Mechanisms particularly the National Pre-Transitional Committee (NPTC), National Constitutional Amendment Committee (NCAC); Independent Boundaries Commission (IBC); Technical Boundaries Committee (TBC); and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanisms (CTSAMVM) Board among others.
18. Consequently, the Chairperson of JMEC and the IGAD Special Envoy separately wrote to all the parties and stakeholders of the R-ARCSS to bring to their attention immediate obligations critical for the implementation of the Agreement during the Pre-Transitional Period and in preparation for the Transitional Period. They were urged to submit the names of nominees taking into account the need to give due consideration to national diversity, gender and regional representation. In addition, they were reminded of the key commitments to be observed immediately (See Box 1 Below).
19. Since the signing and up to the end of the reporting period the following tasks consistent with the implementation matrix of the R-ARCSS have been implemented:

- The signed R-ARCSS has been disseminated by JMEC immediately from the D-Day as per article 2.1.3 and this process is ongoing. Printed copies have been made available to the TNLA, Government ministries, Opposition Parties, embassies and the wider public.
- In response to letters from the Chairperson of JMEC and the IGAD Special Envoy to the Parties requesting nominations to the institutions/mechanisms of the Agreement, about 75 percent of nominees to these institutions have been received.
- The leadership organs of the following Parties ratified the R-ARCCS (Article 8.1), the SPLM/A-IO completed it on September 22, Former Detainees Party (FDP) on September 25, and South Sudan Opposition Alliance (SSOA) on September 28;

Box 1: Key Commitments to be Observed Immediately on Signing the R-ARCSS

- Ratification of the R-ARCSS;
- Drafting of the Constitutional Amendment Bill to incorporate the R-ARCSS into the Transitional Constitution of the Republic of South Sudan;
- Establishment of a Fund for the implementation of activities during the Pre-Transitional Period;
- Adherence to the Permanent Ceasefire throughout the Republic of South Sudan;
- Creating conducive conditions for voluntary repatriation, resettlement, rehabilitation and reintegration of returnees;
- Wide dissemination of the R-ARCSS 2018 provisions to all forces, allies and affiliates, and ensuring compliance;
- Strict implementation of all the ceasefire arrangements including disengagement and separation of forces in close proximity, withdrawal of own and allied troops;
- Opening of humanitarian corridors;
- Release of all prisoners of war and political detainees;
- Refraining from all prohibited actions and complying with all obligations outlined in the CoHA 2017;
- Convening of the Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop in Khartoum; and
- Timely implementation of all agreed Pre-Transitional tasks, as scheduled.

- The Khartoum celebration of the signing of the R-ARCSS was convened on September 22 and involved a meeting of the leadership of the Parties to the R-ARCSS and Stakeholders as part of confidence building measures among the Parties and Stakeholders;
- The Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop was convened by CTSAMVM as per article 2.1.11 on September 24-25;
- President Salva Kiir appointed the NPTC in a Republican Order No. 16/2018 on September 25 as per article 1.4.7; and
- The CTSAMVM Board was reconstituted on September 27 as per article 2.4.6 of the R-ARCSS, and the CTSAMVM Technical Committee met in Khartoum for the first time on September 26.

20. Although some progress has been made in implementing the R-ARCSS several tasks were still outstanding at the end of the period including the ratification of the R-ARCSS by the Transitional National Legislature (TNL), approval of the R-JMEC Terms of Reference and appointment of a new Chairperson, establishment of the JMCC, JTSC, JDB, IBC and TBC, and the reconstitution of JMEC.

IV. Prevailing Security Humanitarian and Economic Situation

21. Despite the signing of the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (CoHA) in December 2017 and the R-ARCSS in September the parties to the conflict continued fighting in some parts of South Sudan during the reporting period. This gave rise to the issuance of nine violation reports by CTSAMVM. The Reports detailed attacks against civilians, and impediments to provision of humanitarian assistance.
22. Notwithstanding some movement on the peace front the humanitarian situation remains precarious. Recent reports from the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) indicate a small reduction in the number of people that are reported to be food insecure, around 6.1 million. Importantly, more than half of the population (7 million), are reported to be in need of humanitarian assistance. Of note is the fact that the number of people displaced compared to the last reporting period is up slightly at a total of almost 4.4 million, with more than half outside South Sudan.
23. In the face of the huge humanitarian needs, provision of targeted assistance remains difficult to those in need on account of the continued violations of the Peace Agreement and the CoHA. In violation of the agreed principles for humanitarian assistance, the CoHA has been breached on several occasions as reported by CTSAMVM. Further, UNOCHA also reported a total of 80 access impediments on average during July to September. Two aid workers were also killed during the reporting period.
24. There are some improvements on the economic front noted during the reporting period. The exchange rate, which had depreciated rapidly in the previous quarter rose appreciably from the end of June and has subsequently remained stable at around SSP 200 to the US dollar. Largely as a consequence of this development, trend inflation has slowed somewhat. Another positive development relates to the increasing world oil prices which have also helped ease inflation. It has contributed as well to an improved government fiscal situation.
25. Arrears owed to Sudan on account of previously missed payments has been extinguished resulting in more revenue accruing to the authorities. The repayment had previously placed a tremendous burden on the government's ability to meet its other spending obligations. This recent development has resulted in an easing of the bleak fiscal situation, but the situation is by no means resolved. Salary arrear payments are still owed to public workers and the military.

26. To date there has not been a noticeable increase in capital expenditures, which is a necessary measure to generate economic growth. Also with the signing of the R-ARCSS government is expected to deposit a significant amount towards the funding of the pre-transitional period. It remains to be seen the extent to which this obligation will be respected.

Economic Outlook

27. The signing of the R-ARCSS offers an opportunity to forge a path towards economic growth and development for the country. Meaningful development can only be truly realised in the absence of war and in a focused effort to increase the share of capital expenditure, stimulate agriculture production, mobilise oil and other revenue sources, and expand the private sector's role in development.
28. High inflation levels, deterioration of the exchange rate, and ballooning fiscal deficits continue to serve as major threats to the economic stability of the country. Already the exchange rate appears to have stabilised against the US dollar and this will help in pushing inflation downwards. There is need to improve expenditure management, enact appropriate legislation, and further improve revenue collection to help stabilise the economy in the face of its daunting challenges. Finally, a renewed focus on implementing the recommendations contained in Chapter IV of the R-ARCSS will strengthen public financial management, enhance the economic policy framework, and help drive the country's economy towards sustained growth.

V. Observations and Recommendations

29. The signing of the R-ARCSS provides a tremendous opportunity to bring lasting peace to South Sudan. It however will call for a commitment from all the parties to live up to their commitments made during the signing process. To this end the parties should quickly complete their nominations to the various Agreement institutions and mechanisms.
30. At the same time a quick reconstitution of all the mechanisms such as the NPTC, NCAC, JSB and the various Security Arrangements mechanisms must be advanced. Also, the parties to the Agreement that have committed to the freeing of POWs and political detainees must act with haste. This will serve to infuse a sense of trust into implementation of the Agreement.
31. Violations of the CoHA and the R-ARCSS although dropping still continue and this must all stop. To this end, JMEC welcomes the new provision in the R-ARCSS Article 7.10, which allows for the IGAD Council of Ministers to meet within 14 days of receiving a report from JMEC on serious violations or incidents contrary to the Agreement. JMEC for its part intend to make full use of this provision. It further pledges to vigorously monitor implementation of the Agreement and to work closely with the parties in dealing with any impediments to implementation.

32. The signing of the inclusive Agreement sets the stage for economic stability and growth in South Sudan. The country's pledge to increase oil production in Unity State as well as higher world oil prices are both positive steps in the right direction. However, the TGoNU needs to undertake expenditure reorientation away from military spending and continue to mobilise nonoil revenue sources in an effort to improve the country's fiscal outlook. Already inflationary pressures have eased somewhat as the exchange rate strengthened against the US dollar.
33. The Parties to the R-ARCSS must seize this window of opportunity and engage in implementation of the Agreement with vigour and demonstrable political commitment. Parallel to this the international community should, commensurate to political commitment from the Parties, give the necessary political and financial support to the NPTC and other Agreement Institutions and Mechanisms; in order to ensure successful implementation.
34. The lack of accountability mechanisms has contributed to the increase during the intervening period of the perpetration of egregious human rights violations and the commission of crimes under international humanitarian law. The process of establishing the Hybrid Court for South Sudan (HCSS) has stalled since December 2017 when the Cabinet approved the MoU for its establishment. It is hoped that under the provisions of the R-ARCSS the AUC will move forward on the matter of the HCSS. If impunity is to be stemmed and the rule of law established, the AUC, UN, IGAD and TGoNU must address the establishment of Chapter 5 mechanisms with utmost urgency.
35. The National Dialogue, which has been adopted by the authorities can, if properly pursued, further contribute to peace in South Sudan. The Chairman of the forum has outlined his plan to hold National Dialogue consultations in various regions of the country. A commitment by stakeholders and parties to take part in the consultations will go a long way to ensuring their success and help in national healing.

VI. Conclusion

36. At the end of fifteen difficult months of negotiation an inclusive Peace Agreement has been signed. It is hoped that the people of South Sudan will finally realise a complete end to hostilities, and a lasting and permanent peace. Now is the ideal opportunity to focus on reversing the desolate humanitarian situation and address conditions that have burdened and depressed the economy. No doubt the people of South Sudan look to the parties of the latest signed provisions implemented in letter and spirit, and push ahead with the realization of durable peace. There must be a renewed commitment from all stakeholders to adhere to the CoHA and to fully implement the R-ARCSS.
37. The NCAC will continue to execute its mandate of facilitating the necessary legislative and legal framework during the Pre-Transition and Transition Periods, which will ultimately result in free and fair elections in South Sudan. Similarly CTSAMVM will continue with its

monitoring, verification and reporting activities in a timely fashion to JMEC and IGAD in order that the necessary action will be taken when required.

38. JMEC on its part shall continue to monitor, evaluate and report as it vigorously carry out its oversight responsibilities with regards to the R-ARCSS. It will also continue regular reporting in writing to the TGoNU, the TNLA, the Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the Peace and Security Council of the AU, and to the Secretary General and Security Council of the UN.