



**Reconstituted Joint Monitoring and Evaluation Commission
(RJMEC)**

REPORT

BY

**H.E. AMB. MAJ. GEN. (rtd) CHARLES TAI GITUAI, CBS
INTERIM CHAIRPERSON OF RJMEC**

**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

AU	African Union
CDC	Constitutional Drafting Committee
CRA	Compensation and Reparation Authority
CTRH	Commission for Truth Reconciliation and Healing
CTSAMVM	Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism
CTC	CTSAMVM Technical Committee
DDR	Disarmament Demobilization and Reintegration
EAC	East African Community
EFMA	Economic Financial and Management Authority
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IOM	International Office of Migration
JDB	Joint Defense Board
JMCC	Joint Military Ceasefire Commission
JRC	Judicial Reform Committee
JTSC	Joint Transitional Security Committee
MAFS	Ministry of Agriculture and Food Security
MVT	Mobile Verification Teams
NAS	National Salvation Front
NBS	National Bureau of Statistics
NCAC	National Constitutional Amendment Committee
NCRC	National Constitutional Review Commission
NEC	National Elections Commission
NGOs	Non-Governmental Organisations
NSS	National Security Service
NUF	Necessary Unified Forces
PFM	Public Finance Management
PPC	Political Parties Council
PSC	Preparatory Sub Committee
R-ARCSS	Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan
RJMEC	Reconstituted Joint Monitoring and Evaluation Commission
RTGoNU	Revitalized Transitional Government of National Unity
SDSRB	Strategic Defence and Security Review Board
SPLM -IG	Sudan People's Liberation Movement – In Government
SPLM-IO	Sudan People's Liberation Movement- In Opposition
SRF	Special Reconstruction Fund
SSPDF	South Sudan People's Defence Force
SSRA	South Sudan Roads Authority
TNL	Transitional National Legislature
TNLA	Transitional National Legislative Assembly
UN	United Nations
UNDP	United Nations Development Programme
UNMISS	United Nations Mission in South Sudan
UNHCR	United Nations High Commission for Refugees

Executive Summary

Article 7.9 of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) mandates the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) to prepare and submit Quarterly Reports to the Revitalized Transitional Government of National Unity (RTGoNU), the Transitional National Legislature (TNL), the Intergovernmental Authority on Development (IGAD), the African Union (AU) and the United Nations (UN). This report covers the period from 1 January to 31 March 2024 and provides a status update on implementation of the R-ARCSS during the reporting period, with less than ten months remaining before elections at the end of the Transitional Period.

Overall, there has been slow progress in the implementation of election related tasks. The three key institutions which were reconstituted in the previous quarter, namely, the National Elections Commission (NEC), Political Parties Council (PPC) and National Constitutional Review Commission (NCRC) undertook a series of induction workshops, including for developing their internal documents, workplans and budget for implementation of their respective mandates. At the same time, divergent views have emerged among the Parties and stakeholders to the R-ARCSS on whether elections should be conducted as scheduled or not. Consequently, RJMEC has recommended to the Parties to the R-ARCSS and stakeholders to urgently convene a dialogue and agree on the way forward to a smooth end of the transition. In principle, the Parties have responded positively to the RJMEC's call and started the dialogue at the end of March.

On Transitional Security Arrangements, there has not been any progress since the reported deployment of 4 000 Phase I Necessary Unified Forces (NUF) last quarter. Similarly, there has not been any movement on the preparations for Phase II NUF training even where the situation in cantonment sites remains dire. The DDR process for all forces ineligible to join the NUF Phase I deployment lacks funding from the RTGoNU and partners, therefore those officers remain in the training centres.

The humanitarian situation remained bleak with increasing needs and over 9 million people requiring assistance. Continuing depreciation of the local currency has aggravated food prices which increased by 19 percent in February compared to January 2024, thus worsening the situation of the population, many of whom were already acutely food insecure. By mid-March, over 620,000 people were reported to have crossed into South Sudan from Sudan since 15 April 2023. Given the limited resources, respondents were unable to provide adequate clean water, food, shelter and health care for the arriving populations. Overcrowding and unhygienic living conditions were reported in Bulukat and Renk transit centres in Upper Nile State.

Based on recommendations of the private sector development strategy (Article 4.15.1.3 of the R-ARCSS), the business environment has been improved by formalizing a good number of informal businesses. Relevant legal documentation, national identity cards and certificates were issued as most youth do not have birth certificates, which would otherwise limit their ability to benefit from these resources. Furthermore, there is a pilot and innovative initiative with UNDP and Stanbic Bank to provide microfinance for vulnerable youth, the ex-combatants, the returnees and the IDPs.

There has been no change during the quarter under Chapter V on Transitional Justice. During the last reporting period, the Council of Ministers deliberated and approved the Commission for Truth Reconciliation and Healing (CTRH) and the Compensation and Reparations Authority

(CRA) Bills. They were subsequently tabled before the TNLA on 5 December 2023 and is to be debated before the TNLA when it resumes its sitting in April.

RJMEC held its 34th regular ordinary monthly meeting on 8 February. During the meeting, the Interim Chairperson highlighted the need for dialogue to break the cycle of violence, while underscoring the need for the culture of peace to prevail. He told the RJMEC members: “with so much at stake for the people of South Sudan as they seek to have their democratic aspirations met by holding their first elections as an independent nation, RJMEC reminds the RTGoNU of its responsibility, as per Article 1.2.2 of the R-ARCSS, to restore permanent and sustainable peace, security, and stability. Also, the full operationalisation of the three newly reconstituted institutions, especially through the provision of funding to enable them to deliver on their mandates.”

While the focus rightly continues to be on the holding of elections in a timely manner, priority should be given to the expedited completion of the pending critical tasks, which are pre-requisites to the conduct of credible elections under the Agreement. Foremost among those are unification of forces and the making of a permanent constitution. There’s also need to ensure the passage by the TNL of the NSS Bill as well as the CTRH and CRA bills. Passage of the NSS Bill in its current form will help in the creation of political and civic space in the build up to elections. The transitional justice bills once passed will allow for the reconstitution of the Commissions that will guide the process of truth and reconciliation. In addition, following through on the establishment of the Special Reconstruction Fund (SRF) will help channel additional resources to deal with the growing humanitarian situation and address the needs of the returnees and Internally Displaced Persons (IDP’s).

The recommendations which follow, including to the Parties to the Agreement, RTGoNU, TNL, IGAD and International Partners are geared towards encouraging a faster pace of implementation of the R-ARCSS and will better prepare the country for the upcoming elections, if acted upon.

To the Parties to the Agreement and Relevant Stakeholders:

- provide clarity to RJMEC members and the public on how it will complete the critical pending tasks and create the necessary conditions for the conduct of elections in a timely manner; and
- embrace the call for dialogue in the spirit of collegiality and present to the people of South Sudan a unified plan for elections, with practical steps to fast-track the implementation of the Roadmap to ensure the timely conduct of elections.

To the RTGoNU:

- expedite funding to the PPC, NEC and NCRC in order to enhance the making of a people led and a people owned permanent constitution in accordance with provisions of the Constitution Making Process Act 2022, and provide resources to begin to undertake the election related tasks;
- provide resources for the elections process while engaging with the international community to support its efforts;
- urge the Judicial Reform Committee (JRC) to expedite its ongoing consultations, conclude its report and submit to the RTGoNU in order to ensure that the judicial reform

process compliments the permanent constitution making process and the conduct of elections;

- help guide the conduct of the dialogue towards achieving its goal of delivering a clear path as well as actionable political guidance on the way forward in an effort to sustain peace throughout the country;
- address the ongoing intercommunal violence consistent with its obligations to maintain security throughout the country;
- provide, as a matter of urgency, all the resources necessary to deploy the remaining NUF, and in addition complete harmonization of the command structure so that the country can have a unified force with a national character under one Commander in Chief; and
- pursue establishment of the SRF with a view to helping to address the ongoing humanitarian crisis in the country.

To the TNLA:

- expedite the enactment of all pending amendment bills, including the National Security Services Bill, NGO Amendment Bill, and transitional justice bills; and
- support the process of funding of the constitution and election making processes by ensuring passage of bills to secure funding for their operationalisation.

To the Intergovernmental Authority on Development:

- encourage the Parties to dialogue in an open and meaningful manner, with a view to reaching consensus on the way forward;
- consider the holding of an IGAD Council of Ministers meeting on the situation in South Sudan which would be a welcome signal to its people and the Parties to the Agreement; and
- support President Ruto's efforts in hosting and facilitating talks between the RTGoNU and non-signatory groups.

To International Partners and Friends of South Sudan:

- consider supporting the permanent constitution-making process, including by directly funding some of the critical mechanisms, civic education, and providing capacity building; and
- appeal to the RTGoNU to work diligently with the Parties during the dialogue process to ensure its success in planning a definite way forward for the Agreement.

I. Introduction

1. Article 7.9 of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) mandates the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) to prepare and submit Quarterly Reports to the Revitalized Transitional Government of National Unity (RTGoNU), the Transitional National Legislature (TNL), the Intergovernmental Authority on Development (IGAD), the African Union (AU) and the United Nations (UN). This report covers the period from 1 January to 31 March 2024 and builds on the previous Reports Nos. 001/19 - 021/23.¹ It provides a status update on implementation of the R-ARCSS during the reporting period, with less than ten months remaining before elections at the end of the Transitional Period. The activities conducted by the RJMEC in its oversight, monitoring and evaluation mandate within the R-ARCSS, and in support of its implementation are also highlighted.
2. During the reporting period, very little progress was made in advancing the pace of implementation and in particular, with respect to the key tasks required to allow for the conduct of free and credible elections at the end of 2024. While key institutions of the National Constitutional Review Commission (NCRC), the National Elections Commission (NEC), and the Political Parties Council (PPC), needed to oversee the permanent constitution making and election processes were reconstituted, they require funding in order to press on with their work.
3. Meanwhile, the TNL stayed out on recess throughout the first quarter of 2024 and are scheduled to return in April. Upon its return to work the TNL is expected to debate several pieces of legislation including the *National Security Service Bill*, *NGO Bill* and that of the *Commission for Truth Reconciliation and Healing* (CTRH), and the *Compensation and Reparations Authority* (CRA) bills. With respect to the NSS Bill its passage is anticipated to help encourage political and civic space in the buildup to elections. Additionally, there has been no change in the status of deployment of the Necessary Unified Forces (NUF) since the last quarter. Unfortunately, the humanitarian situation remains bleak, and continues to worsen with a deterioration in the country's economic situation and the impact of the Sudan conflict.
4. In efforts to encourage the Parties to the Agreement to hasten the pace of implementation of the R-ARCSS, the RJMEC Chairperson wrote to the Parties reminding them of the key tasks that remain outstanding but more importantly requested that they consider engaging in dialogue to determine the best way forward for the holding of elections. In response, the Parties under the leadership of the Chairperson of the National Transitional Committee (NTC) and Security Adviser to the President Hon Tut Gatluak Manime met to begin the much-desired dialogue.
5. This report has four sections with Section I, the introduction, providing an overview of the entire report. This is followed by Section II, with an analysis of the status of implementation of the R-ARCSS to include governance, security, humanitarian affairs, economic affairs, transitional justice, and constitutional making processes; as well as the activities of the RJMEC during the reporting period. Section III provides key observations that highlight concerns and focuses on recommendations to the RTGoNU, TNL, IGAD, Parties and Stakeholders to the R-ARCSS, and the International Partners and Friends of South Sudan; Section IV is the conclusion.

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

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

Chapter 1: Revitalised Transitional Government of National Unity

Preparation for National Elections

6. The Transitional Period is expected to come to an end with the conduct of free, fair and credible democratic elections, 60 days prior to the end of the extended Roadmap period, which is February 2025. With only nine months left to the elections, there is need for adequate and full preparations as well as expedited implementation of the critical pending tasks of the R-ARCSS.

7. The critical enablers for elections as provided for in the Agreement include, among others, the following: (a) operationalisation and resourcing of recently reconstituted Agreement mechanisms namely the PPC, the NEC and the NCRC²; (b) making of a permanent constitution in accordance with the Constitution Making Process Act 2022 to guide the conduct of elections; (c) subsequent amendment of the *National Elections Act 2023* to conform to the terms of the Permanent Constitution (Article 1.20.6); (d) addressing the challenges of reconstruction, repatriation, resettlement, rehabilitation, and reintegration of IDPs and returnees as critical factors affecting peacebuilding and elections (Article 1.20.7); (e) the conduct, by the NEC, of elections-related activities listed at Article 1.20.8, such as establishment of subsidiary electoral management bodies at state level, procedures for the voter registry and targeted voter registration, and support to civic education and voter outreach; (f) publication of the voters register six months prior to the holding of elections as per Article 1.20.10; (g) the delimitation of constituencies, in accordance with the provisions of the *National Elections Act, 2023*; and (h) completion of unification of forces and their redeployment in line with Article 2.4.11.

8. Overall, there has been slow progress in the implementation of the key outstanding aforementioned provisions of the R-ARCSS. The three key institutions which were reconstituted in the previous quarter, namely, NEC, PPC and NCRC undertook a series of induction workshops, including for developing their internal documents, workplans and budget for implementation of their respective mandates. In its effort to support the constitution-making and electoral processes, and census, the Council of Ministers of the RTGoNU passed a budget during this quarter for implementation of activities of the three institutions as well as the National Bureau of Statistics (NBS). However, by the end of the quarter, none of these institutions had received funding disbursement from the RTGoNU.

9. Of important note, is the divergent views which the Parties and stakeholders to the R-ARCSS hold regarding whether elections should be conducted as scheduled or not. The proponents for the elections in December 2024 argue that the elections should be held in accordance with the R-ARCSS and the Roadmap, an extension is out of the question as the Agreement has been extended several times, and that the transition needs to end. Also, with Parties agreeing on the level of elections which is feasible if general elections cannot be

² These are the three latest mechanisms and institutions created by the Agreement to be either reconstituted, or established. Previously reconstituted are those within the security sector to include the National Pre-Transitional Committee (NPTC), Joint Defense Board (JDB), Joint Transitional Security Committee (JTSC), Joint Military Ceasefire Commission (JMCC), Strategic Defense and Security Review (SDSR) Board, Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), and the Demobilisation Disarmament and Reintegration (DDR) Commission. Others are the National Constitutional Amendment Committee (NCAC) and the Judicial Reform Committee (JRC). Others that remain to be reconstituted include the Commission for Truth Reconciliation and Healing (CTRH), the Reparations and Compensation Authority (CRA), and the Economic Financial and Management Authority (EFMA).

conducted under the circumstance. Those against this view have argued that the critical tasks of the R-ARCSS should be implemented to pave the way for elections.

10. There are merits in both viewpoints, and whatever the case may be, it will trigger an amendment to the R-ARCSS, in line with Article 8.4 of the R-ARCSS. Consequently, RJMEC has appealed to the Parties to the R-ARCSS and stakeholders to urgently convene a dialogue and agree on the way forward to a smooth end of the transition. In principle, the parties have responded positively to the RJMEC's call and started the dialogue at the end of March.

Transitional National Legislature

11. The reconstituted TNL comprising the Transitional National Legislative Assembly (TNLA) and Council of States (CoS) went for recess in mid-December 2023 and did not resume their sitting during the quarter. It is expected that the TNL will resume at the beginning of April 2024.

National Constitutional Amendment Committee

12. The NCAC has essentially concluded all its work and is in process of organising its final handover report. During this reporting period, the NCAC handed over to the Minister of Justice and Constitutional Affairs the draft *Pension Fund (Amendment) Bill 2024*. Some of the major changes introduced to the bill include amending the pension scheme from a Defined Benefits (DB) to a Defined Contributions (DC) Scheme; separation of the Regulator from the Fund; clear definition of the scope of membership and benefits; strengthening of governance by including the representatives of the states and trade unions in the Board of Trustees; prohibition of risky investments and better accountability including provisions for an annual general meeting.

13. The NCAC also completed the reviews and drafting amendments to Transport and Communications related laws. Even though the R-ARCSS mandated the NCAC to draft amendments to the *Transport and Communications Act* (See Article 4.7.1.4), the Committee discovered that no such laws existed and after consultations with relevant authorities, it was agreed that the Committee should review the various laws governing the transport sector to ensure they conform with the Agreement. In this regard, the Committee undertook consultations, literature review and a comparative analysis of the laws governing transport in the East African Community (EAC) region and drafted two separate laws (Transport and Commission), which were reviewed by sectoral experts on 31 January 2024, and attended by representatives from the Ministry of Transport (MoT); Ministry of Roads and Bridges (MoRB); the South Sudan Roads Authority (SSRA); the Civil Aviation Authority (CAA); TNLA Sub-committee responsible for transport, the University of Juba and the private sector.

14. From 21 – 22 February 2024, NCAC successfully convened a stakeholder's consultative forum to seek stakeholders' inputs and opinions on the two draft bills. The outcomes of the forum were integrated into the draft bills which were being finalised for handing over to the Minister of Justice and Constitutional Affairs. The NCAC has also commenced preparation for its official closing ceremony and handover of its final report to the RTGoNU tentatively scheduled for 24 April 2024.

Judicial Reforms

15. In terms of the judicial reforms process, the ad hoc Judicial Reforms Committee (JRC) is in the process of concluding its high-level stakeholders' consultations and drafting its final report to be submitted to the RTGoNU. During this reporting period, the Committee held

consultations with all the Vice Presidents, Speakers of both TNLA and CoS as well as the Minister of Justice and Constitutional Affairs and Minister of Information and Communication among others. The Committee further requested for an extension of its mandate for two more months to enable it to successfully conclude and hand over its reports with recommendations for appropriate judicial reforms.

Chapter 2: Permanent Ceasefire and Transitional Security Arrangements

16. The Permanent Ceasefire continued to hold during the reporting period despite alleged violations yet to be confirmed following CTSAMVM investigations. Clashes between the South Sudan Peoples Defense Forces (SSPDF) and the National Salvation Front (NAS) of Lt. Gen Thomas Cirillo, mostly in the southern part of Central Equatoria State were reported by CTSAMVM, who are unable to issue conclusive reports because NAS is neither party to CTSAMVM nor the R-ARCSS. In addition, intercommunal violence continues to negatively impact communities and during 27-28 January 2024, over 50 lives were lost in intercommunal fighting, including two peacekeepers from the United Nations Interim Security Force for Abyei.

17. Since January 2024, following the end of the CTC and CTSAMVM Board strikes, CTSAMVM has successfully performed its functions as per the R-ARCSS without any interruptions. During the current quarter, CTSAMVM published and submitted a total of 13 violation reports to the RJMEC and IGAD.³ Eleven (11) violation reports were attributed to the SSPDF including affiliated defectors, one report had no attribution to any of the Parties, and one was attributed to the Ruweng Administrative Area leadership. In turn, RJMEC submitted the reports to the Chief of Defence Forces for accountability and responses are yet to be received. However, due to funding challenges, CTSAMVM reduced its Monitoring and Verification Teams (MVTs) from eight to six having closed MVT Bor and MVT Torit.

18. On Transitional Security Arrangements, there has not been any progress since the reported deployment of 4 000 Phase I Necessary Unified Forces (NUF) last quarter. Also, no movement on the preparations for Phase II NUF training has been reported, and the situation in cantonment sites remains dire. The DDR process for all forces ineligible to join the NUF Phase I deployment lacks funding from the RTGoNU and partners, therefore those officers remain in training centres. The DDR Chairperson and the Secretary made a study visit to Rwanda during 11-17 February 2024, where they examined how Rwanda has been conducting its DDR programs. The DDR Commission leadership also visited Cairo on a study visit during 5- 8 March 2024.⁴ The lack of funding has hindered the work of all the security mechanisms, namely the JDB, JMCC, JTSC, as well as the DDR Commission and the SDSR Board.

³ Among the violation reports are clashes that took place: (i) on 22 October 2023 between SPLM-IO and the SPLM-Kitgwang Faction in Tonga, Panyikang County, Upper Nile State; (ii) in November 2023 at Kaigai, Koch County Unity State between SPLM-IO forces loyal to Dr. Riek Machar and ex SPLM-IO forces led by Lieutenant General Simon Maguek; and (iii) violations against civilians in Gondokoro, Central Equatoria by a mixed force of SSPDF soldiers who were deployed to undertake a civilian disarmament campaign in December 2023. These violation reports can be accessed in their entirety at <https://ctsamvm.org/ctsamvm-violation-reports/>.

⁴ The visit was hosted by the Cairo International Center for Conflict Resolution, Peacekeeping and Peacebuilding (CCCCPA).

Chapter 3: Humanitarian Assistance and Reconstruction

19. The humanitarian situation remained bleak with increasing needs and over 9 million people requiring assistance. Continuing depreciation of the local currency has aggravated food prices, which increased by 19 percent in February compared to January 2024, thus worsening the situation of the population, many of whom were already acutely food insecure. An estimated 5.78 million people were projected to be at risk of high levels of acute food insecurity between December 2023 and March 2024.

20. By mid-March, over 620,000 people were reported to have crossed into South Sudan from Sudan since 15 April 2023. Given the limited resources, respondents were unable to provide adequate clean water, food, shelter and health care for the arriving populations. Overcrowding and unhygienic living conditions were reported in Bulukat and Renk transit centres in Upper Nile State.

21. Overall, dignified return and reintegration continued to be hampered by limited funding for onward travel to the returnees' final destinations, limited funding for resettlement and reintegration, and lack of services at the final points of return. The situation was further aggravated by intercommunal violence in Warrap and Jonglei States. The violence left many persons displaced, with reported cases of abduction, civilian death, sexual assault, and destruction of public facilities in Abyei, Unity Upper Nile, Western Bahr El Ghazal, and Central Equatoria. Shelters and livelihood sources were also negatively impacted resulting in disruption of humanitarian efforts to assist the affected populations.

22. During the quarter, the Government of South Sudan kept its borders open to refugees and returnees and supported joint border monitoring with the International Office of Migration (IOM) and the United Nations High Commission for Refugees (UNHCR). The government also participated in onward transport of returnees to their final destinations and the biometric registration of refugees.

23. In a bid to mobilize funding to support dignified relocation of refugees, IDPs and returnees, the Relief and Rehabilitation Commission (RRC) of the RTGoNU initiated the process of merging the South Sudan Action Plan on Return Reintegration and Recovery (2020-22) and the National Framework on Solutions (2017) into a comprehensive National Framework for durable solutions for refugees, internally displaced persons, returnees and host communities. The RRC is also drafting a community led campaign strategy aimed at supporting free, voluntary and dignified return and reintegration. The campaigns are aimed at creating awareness and building confidence and trust among the IDPs and returnees for a more dignified and acceptable return and reintegration. Efforts are also underway to set in motion the establishment of the Special Reconstruction Fund (SRF) with support from International Partners in order to fund the persistent humanitarian needs and reconstruction of affected regions.

24. During the quarter, incidents affecting humanitarian access continued to be reported. These included operational and administrative interference by government authorities and communities particularly in Upper Nile State while bureaucratic impediments, notably concerning assets handover, remained problematic in Upper Nile, Unity, and Central Equatoria States. The humanitarian operational environment was also negatively affected by illegal check points, looting of goods, interference in response locations, customs clearance, administrative demands and continued threats against the safety of humanitarian workers. By the end of the quarter, 5 humanitarian workers had lost their lives compared to 10 in the entire year of 2023.

Chapter 4: Resource Economic and Financial Management

PFM Oversight Committee

25. The implementation of the Public Financial Management reforms has been slow within the quarter. The work of the PFM Oversight Committee is ongoing but has been faced with a few administrative challenges. The committee has therefore decided to assess the status of its economic and financial management reform program, which has been developed with short, medium and long-term strategies in line with the R-ARCSS (Article 4.1.7 of the R-ARCSS). The Committee continued to monitor the non-oil revenue collection, which has progressively performed well as a result of recent reforms of the National Revenue Authority (NRA). Data on oil revenue for the period has not been released following challenges posed by insecurity in Sudan and the Red Sea on the lifting and export of crude oil respectively. Exports have been disrupted since the last week of February 2024.

Private Sector Development Strategy

26. The RJMEC Working Committee held two meetings during which it focused on assessing the status of implementation of the nine articles under Article 4.15 of the R-ARCSS relating to Enterprise Development Funds. It also examined the identification of local, national, and sectoral private sector associations to improve productivity and efficiency, through capacity building, and to ease access to finance and the development of Micro Small and Medium Enterprises (MSMEs).

27. Based on recommendations of the private sector development strategy (Article 4.15.1.3 of the R-ARCSS), the business environment has been improved by formalizing a good number of informal businesses. Relevant legal documentation, national identity cards and certificates were issued as most youth do not have birth certificates, which would otherwise limit their ability to benefit from these resources. Furthermore, there is a pilot and innovative initiative with the United Nations Development Programme (UNDP) and Stanbic Bank to provide microfinance for vulnerable youth, ex-combatants, returnees and the IDPs. These groups are being supported through skills and technology transfer. A digital marketplace has been established with 3000 MSMEs trading in the platform with the use of mobile money technology for transactions. In addition, a digital learning management system has been rolled out that provides training on professional and agricultural value chains.

28. The UNDP and Stanbic Bank initiative has provided loans valued at over 1.5 billion SSP (US \$15 million) at a 6% interest rate compared to 20% previously offered. For non-eligible borrowers, UNDP provided training to enable them to qualify for loans. These were given mostly for agricultural value chains and, 44 percent of these loans were given to women. The Ministry of Agriculture and Food Security (MAFS) in collaboration with the Ministry of Youth secured resources to strengthen the participation of 60 groups comprising youth and women in Agribusiness development. The MAFS is implementing a US \$14m project to contribute to developing agricultural markets, and foster value addition and trade development in Central Equatoria and Jonglei states. The Ministry is implementing several other projects to provide resilient agricultural livelihood, strengthen emergency preparedness and respond to threats to food production throughout the country.

29. Despite these commendable activities the relevant legislation to ensure sustainability has not been passed, namely the bills for the establishment of the Youth Enterprise Development Fund and the Women Enterprise Development Fund (Articles 4.15.1.4 and 4.15.1.5 of the R-

ARCSS). Another important legislation that needs to be enacted is regulating non-bank financial institutions, namely the microfinance institutions (Article 4.15.1.6 of the R-ARCSS). With the enactment of the *Bank of South Sudan Act 2023* and the *Banking Act of South Sudan*, the Central Bank of South Sudan (BoSS) is now fully empowered to regulate the financial sector (Article 4.2.2.2 of the R-ARCSS). The BoSS seeks to realign with the Agreement and expand its mandate to that of the supervision of microfinance institutions through the development of the first *Microfinance Act* that is with the Ministry of Justice and Constitutional Affairs (MoJCA). It has, with the support of development Partners, improved its payment system and uses a real-time gross settlement system (RTGS) and an automated clearing house network, thereby improving its banking operations in the country.

30. Social welfare development policy and the establishment of the Social Security Fund (4.15.1.8) are both under the Ministry of Labour. The South Sudan Social Insurance Fund currently sits within the Ministry of Labour. The law was enacted in December 2023 and needs to be operationalized. However, the Ministry in collaboration with its partners prioritizes job opportunities for all citizens, including youth and people with special needs through its policies and regulations. Ministry of Labour also partners with development partners to address child labour and other vulnerable groups in existing enterprise development initiatives.⁵

Chapter 5: Transitional Justice Accountability Reconciliation and Healing

31. There has been no change during the quarter under Chapter V on Transitional Justice. During the last reporting period, the Council of Ministers deliberated and approved the CTRH and the CRA Bills. They were subsequently tabled before the TNLA on 5 December 2023 and are expected to be debated when it resumes its sitting in April 2024. The Bills should proceed to the Committee of Peace and Reconciliation for review and adoption before tabling to the whole House.

Chapter 6: Parameters of Permanent Constitution

32. The NCRC since its reconstitution on 20 December 2023, held a five-day induction workshop in January 2024 during which it adopted its internal working documents including draft Rules of Procedure, Organogram, Workplans, Civic Education Manual and draft Budget. These documents were extensively reviewed, discussed and amended by NCRC members and shared with the relevant authorities. From 11 - 15 March 2024, the NCAC conducted a Validation Workshop during which these draft internal documents were validated and adopted by its members and have now become its official guiding documents going forward.

33. The NCRC budget was submitted and approved by the RTGoNU Council of Ministers and now awaits approval of the TNLA, which resumes its seatings in April 2024. The Commission continues to await disbursement of requested funds in order to commence its work, including civic education, public consultation and the recruitment of the Constitutional Drafting Committee (CDC), a specialised technical body expected to support the NCRC in drafting the permanent constitution as well as the establishment of the Preparatory Sub-Committee (PSC) for the convening of the National Constitutional Conference (NCC).

⁵ The South Sudan Pension Fund (SSPF) was launched in 2019 in adherence to the SSPF Act 2012 and is operational but focuses only on civil service employees.

Chapter 7: Reconstituted Joint Monitoring and Evaluation Commission

34. The RJMEC leadership held discussions with key members of the RTGoNU including with Vice President H.E Hussein Abdelbagi. Discussions centred around the implementation of the R-ARCSS, current challenges facing the Agreement in the build up to elections, and the need for dialogue among the Parties. In addition, briefings were provided to the Commissioner of the African Union Political Affairs, Peace and Security Department and the South Africa Special Envoy to South Sudan. The Interim Chairperson urged the AU Commissioner and South African Envoy to emphasise to the RTGoNU the need for the Leadership and the Parties to commence honest dialogue, embrace collegiality, and work together as peace partners in order to build the level of social cohesion and public confidence needed to hold free, fair and credible elections as scheduled in December 2024.

35. RJMEC held its 34th regular ordinary monthly meeting on 8 February. The 35th meeting, which was scheduled to be held on 21 March was postponed at the request of the Parties to the Agreement, after the Parties scheduled a meeting to discuss the way forward on the R-ARCSS that same day. During the 34th meeting, the Interim Chairperson highlighted the need for dialogue to break the cycle of violence, while underscoring the need for the culture of peace to prevail. He told the RJMEC members: “with so much at stake for the people of South Sudan as they seek to have their democratic aspirations met by holding their first elections as an independent nation, RJMEC reminds the RTGoNU of its responsibility, as per Article 1.2.2 of the R-ARCSS, to restore permanent and sustainable peace, security, and stability. He also reiterated the importance of the full operationalisation of the three newly reconstituted institutions, especially through the provision of funding to enable them to deliver on their mandates.”

36. During the period under review, the RJMEC leadership engaged separately in discussions with the Parties to the Agreement, civil society, diplomatic corps, and mechanisms and institutions of the R-ARCSS. The Parties to the Agreement were urged to commence constructive dialogue to forge a viable way forward, which allows for consensus-based amendments, under Article 8.4 of the R-ARCSS. The RJMEC Interim Chairperson subsequently wrote to the Parties, urging dialogue on election preparations. In late March, a meeting of the Parties was convened towards this end, and is expected to continue during April. The leadership also urged the security mechanisms to complete Phase I of the unification of the forces and commence Phase II as quickly as possible.

37. RJMEC continued to highlight the importance of women’s meaningful participation in the implementation of the peace agreement as well as political and constitutional making processes. RJMEC also recognized ongoing efforts in support of women’s participation by partners including the UNMISS, UN women and CSOs. Notable efforts included that of the UNWomen towards building the capacity of stakeholders, including electoral management bodies, security institutions, women civil society organizations and community leaders. The focus was to encourage meaningful participation and create a conducive environment for a transparent and peaceful electoral process. RJMEC also contributed to those efforts by making presentations on the status of implementation of the R-ARCSS with a focus on ensuring the participation of women in all political processes ahead of elections and in accordance with the agreement mandated minimum threshold of 35 percent.

III. Key Observations and Recommendations

Observations

38. With less than ten months to go for the holding of elections, the work undertaken now, in these first few months of the year, will have a great impact on what happens at the end of the year. Completing this work efficiently and diligently will help in paving the way for a smooth transition as set out in the Revitalised Peace Agreement. Failure will jeopardise the hard-won relative peace of this country, therefore falling far short of “laying the foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law,” as the Parties promised in the Agreement’s Preamble.

39. Therefore, much of this work towards the successful holding of elections centres around completion of the security arrangements, developing the permanent constitution and beginning electoral related work such as the voters registry and establishment of subsidiary electoral management bodies at the state level.⁶ There is also the aspect of hold-out groups that need to be considered. As long as hold out groups are not part of the peace process or elections, ensuring sustainable peace in South Sudan will continue to prove challenging. Further, the Permanent Constitution is the basis on which elections are to be conducted and the unification and redeployment of forces is required to create a secure and conducive environment in order to conduct peaceful, free and fair elections.

40. Successful holding of elections also necessarily involves full funding of the electoral and constitutional mechanisms of the PPC, NEC and NCRC. Registration of Parties is also required. So far, the Sudan Peoples’ Liberation Movement (SPLM) of President Salvar Kiir Mayardit is registered along with fourteen other parties, while the other Parties to the Agreement including the Sudan Peoples’ Liberation Movement – In Opposition (SPLM-IO) is yet to do so. The fourteen Parties and SPLM-IO have recently challenged the US \$50 000 registration fee levied against them by the PPC, questioning what they perceive to be an exorbitant fee.

41. The leader of the SPLM-IO, Dr. Riek Machar has also gone public regarding his inability to travel outside Juba to visit his constituency and campaign. More generally, there are concerns about the absence of civic and political space. Another major concern is that as elections are fast approaching, differences particularly between SPLM-IG and SPLM-IO, are becoming more pronounced with regards to the holding of elections by December 2024. Senior leadership of Parties to the R-ARCSS consulted reveal that there is hardly any consensus on the holding of elections. While some of the Parties is of the view that elections should take place by the end of the year as agreed in the Roadmap, SPLM-IO has adopted the position that credible elections cannot take place unless the prerequisites provided in the agreement are met.

42. The dilemma, however, is that while holding elections without meeting the requirements could be a recipe for disaster, as past experiences show, there is also no guarantee that pending tasks will be completed if elections are postponed. In that regard, the leadership of the RTGoNU

⁶ Implementation of the R-ARCSS have persistently faced a number of recurring challenges over the years which has resulted in a relatively slow pace of implementation. Among these are the: (i) lack of political will; (ii) failure by the RTGoNU to provide adequate funding to the Agreement Institutions and Mechanisms; (ii) trust deficit among the Parties; (iii) capacity gaps within the various implementation mechanisms; (iv) persistent levels of intercommunal violence in some of the states; (v) insecurity caused by military defections and holdout groups; and (v) severe flooding and the influx of returnees and refugees fleeing the conflict in Sudan.

is encouraged to embrace dialogue, work collegially, and resolve all disputes peacefully. In addition, there is need to expand civic and political space and to build the social cohesion and the public confidence needed to hold free, fair and credible elections as scheduled for in December 2024. The announcement by the Parties that they have started to engage in this level of dialogue is therefore welcome. This dialogue should necessarily involve all the Parties to the Agreement and should aim to reach an amicable solution on the best way forward.

43. The multiple incidences of intercommunal violence in different parts of the country, in particular the Abyei Administrative Area, and Unity, Warrap, Western Bahr el Ghazal and Jonglei States resulting in loss of life and further displacement, continues to pose a challenge for the smooth conduct of elections and lasting peace in South Sudan. The RTGoNU is therefore reminded of its responsibility, as per Article 1.2.2 of the R-ARCSS, to restore permanent and sustainable peace, security, and stability. In this regard, the ongoing efforts of the Presidency to address intercommunal violence, and its recent appeal to the conflicting communities to halt violence and make peace is welcome.

44. While the focus rightly continues to be on the holding of elections in a timely manner, there's also need to ensure the passage by the TNL of the NSS Bill as well as the CTRH and CRA bills. Passage of the NSS Bill in its current form will help in the creation of political and civic space in the build up to elections. The transitional justice bills once passed will allow for the reconstitution of the Commissions that will guide the process of truth and reconciliation. In addition, following through on the establishment of the SRF will help channel additional resources to deal with the growing humanitarian situation and address the needs of the returnees and IDP's.

Recommendations

45. The recommendations which follow, including to the Parties to the Agreement, RTGoNU, TNL, IGAD and International Partners are geared towards encouraging a faster pace of implementation of the R-ARCSS and will better prepare the country for the upcoming elections, if acted upon.

a. To the Parties to the Agreement and Relevant Stakeholders:

45.1. provide clarity to RJMEC members and the public on how it will complete the critical pending tasks and create the necessary conditions for the conduct of elections in a timely manner; and

45.2. embrace the call for dialogue in the spirit of collegiality and present to the people of South Sudan a unified plan for elections, with practical steps to fast-track the implementation of the Roadmap to ensure the timely conduct of elections.

b. To the RTGoNU:

45.3. expedite funding to the PPC, NEC and NCRC in order to enhance the making of a people led and a people owned permanent constitution made in accordance with provisions of the *Constitution Making Process Act 2022*, and provide resources to begin to undertake the election related tasks;

- 45.4. provide resources for the elections process while engaging with the international community to support its efforts;
- 45.5. urge the JRC to expedite its ongoing consultations, conclude its report and submit it to the RTGoNU in order to ensure that the judicial reform process compliments the permanent constitution making process and the conduct of elections;
- 45.6. help guide the conduct of the dialogue towards achieving its goal of delivering a clear path as well as actionable political guidance on the way forward in an effort to sustain peace throughout the country;
- 45.7. address the ongoing intercommunal violence consistent with its obligations to maintain security throughout the country;
- 45.8. provide, as a matter of urgency, all the resources necessary to deploy the remaining NUF, and in addition complete harmonization of the command structure so that the country can have a unified force with a national character under one Commander in Chief; and
- 45.9. pursue establishment of the SRF with a view to helping to address the ongoing humanitarian crisis in the country.

c. *To the TNLA:*

- 45.10. expedite the enactment of all pending amendment bills, including the National Security Services Bill, NGO Amendment Bill, and transitional justice bills; and
- 45.11. support the process of funding of the constitution and election making processes by supporting passage of bills to secure funding for their operationalisation.

d. *To Intergovernmental Authority on Development (IGAD):*

- 45.12. encourage the Parties to dialogue in an open and meaningful manner, with a view to reaching consensus on the way forward;
- 45.13. consider the holding of an IGAD Council of Ministers meeting on the situation in South Sudan, which would be a welcome signal to its people and the Parties to the Agreement; and
- 45.14. support President Ruto's efforts in hosting and facilitating talks between the RTGoNU and non-signatory groups.

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

- 45.15. consider supporting the permanent constitution-making process, including by directly funding some of the critical mechanisms, civic education, and providing capacity building; and
- 45.16. appeal to the RTGoNU to work diligently with the Parties during the dialogue process to ensure its success in planning a definite way forward for the Agreement.

IV. Conclusion

46. The Parties to the Agreement have started the process of dialogue to determine how best to address the issue of pending elections and the number of prerequisites, which are yet to be completed. Such dialogue should necessarily be conducted in an atmosphere of collegiality with a view to consolidating the gains already made in the pursuit of peace. It is important to note that *“the RTGoNU is founded on the premise that there shall be collegial collaboration in decision-making and continuous consultations within the Presidency, between the President, the First Vice President, and the Four Vice Presidents, to ensure effective governance during the Transitional Period.”*

47. The outcome of this dialogue will no doubt determine the future of the peace process and establish whether the Parties believe that they can successfully navigate the many challenges that confront the conduct of free, fair and credible elections. Due consideration must be given to the limited time left and repeated failures in the past to successfully fund implementation of the Agreement. As such, the Parties will need to agree on how the process will be funded and how best to work with the international community and partners in pursuing the elections. Whatever the outcome of the dialogue, it is imperative to preserve the relatively peace that have taken hold over the more than five years since the signing of the R-ARCSS, and to continue to consolidate those gains.

48. 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.

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