



**Joint Monitoring and Evaluation Commission**  
(JMEC)

**REPORT BY**

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**ON THE STATUS OF IMPLEMENTATION OF THE AGREEMENT ON THE  
RESOLUTION OF THE CONFLICT IN THE REPUBLIC OF SOUTH SUDAN**

**FOR THE PERIOD**

**April 1<sup>st</sup> – June 30<sup>th</sup> 2018**

**JUBA, SOUTH SUDAN**

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## List of Acronyms

<i>AJMCCs</i>	<i>Area Joint Military Ceasefire Committees</i>
<i>ARCSS</i>	<i>Agreement on the Resolution of Conflict in the Republic of South Sudan</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>CTSMM</i>	<i>Ceasefire and Transitional Security Arrangements Monitoring Mechanism</i>
<i>DCAB</i>	<i>Draft Constitutional Amendment Bill</i>
<i>DDR</i>	<i>Disarmament Demobilisation and Reintegration</i>
<i>DoP</i>	<i>Declaration of Principles</i>
<i>EALA</i>	<i>East African Legislative Assembly</i>
<i>HLRF</i>	<i>High Level Revitalisation Forum</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>JMCC</i>	<i>Joint Military Ceasefire Commission</i>
<i>JMCTs</i>	<i>Joint Military Ceasefire Teams</i>
<i>JMEC</i>	<i>Joint Monitoring and Evaluation Commission</i>
<i>JOC</i>	<i>Joint Operations Centre</i>
<i>MHADMM</i>	<i>Ministry of Humanitarian Affairs and Disaster Management</i>
<i>MVTs</i>	<i>Monitoring and Verification Teams</i>
<i>NCAC</i>	<i>National Constitutional Amendment Committee</i>
<i>NCRC</i>	<i>National Constitutional Review Commission</i>
<i>NEC</i>	<i>National Election Commission</i>
<i>NRA</i>	<i>National Revenue Authority</i>
<i>OAGs</i>	<i>Other Armed Groups</i>
<i>OCHA</i>	<i>UN Office for the Coordination of Humanitarian Affairs</i>
<i>OLC</i>	<i>Office of Legal Counsel</i>
<i>PPC</i>	<i>Political Parties Council</i>
<i>SSUNDEE</i>	<i>South Sudanese Network for Democracy and Elections</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>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>
<i>UNMISS</i>	<i>United Nations Mission in South Sudan</i>

## Executive Summary

1. This Report which covers the period from April 1<sup>st</sup> to June 30<sup>th</sup>, 2018 updates the High Level Revitalization Forum (HLRF) while at the same time highlighting the prevailing political, security, humanitarian and economic situation in the Republic of South Sudan. In addition it presents a series of observations and make recommendations to address some of the shortcomings to date in the implementation process.
2. In May 2018 the second phase of the HLRF was reconvened and facilitated by the South Sudan Council of Churches (SSCC), with secretariat support from Civil Society and women groups. However the parties failed to compromise on most of the outstanding governance and security issues. Following this the IGAD Facilitation Team developed bridging proposals on the outstanding issues for the parties to consider. These were ultimately rejected by the parties.
3. In late June, IGAD leaders held two consecutive meetings on South Sudan in Addis Ababa, Ethiopia – the 62<sup>nd</sup> Extra-Ordinary Session of the IGAD Council of Ministers and the 32<sup>nd</sup> Extra-Ordinary Summit of the IGAD Assembly of Heads of State and Government. The Council authorised another round of intensive consultations including a face-to-face meeting between H.E Salva Kiir and H.E Dr Riek Machar facilitated by H.E Dr Abiy Ahmed, IGAD Chairperson and Prime Minister of Federal Democratic Republic of Ethiopia.
4. The Summit also mandated President Omar Hassan Al-Bashir to facilitate a second round of the meeting between President Salva Kiir Mayardit and Dr Riek Machar Teny in Khartoum, including other South Sudanese parties to build on the Addis Ababa process. Following this Kenyan president H.E Uhuru Kenyatta would facilitate a further round of the face-to-face meeting in Nairobi and report the outcome and way forward to the upcoming Ordinary Session of the IGAD Assembly of Heads of State and Government.
5. The *Khartoum Declaration* resulting from the first round of talks in which among other things the parties agreed that: (i) a Permanent Ceasefire would take effect after 72 hours of signing (ii) the transitional security arrangements adopted should aim at building an inclusive national army and other organized forces; (iii) discussions on the outstanding issues in the IGAD Bridging Proposal be concluded during the current rounds of talks; and (iv) the oil fields in Unity State would be rehabilitated. This Permanent Ceasefire has since been reportedly violated.
6. Concerning Chapter I the parties during the HLRF process agreed and initialed the following: (i) a transitional period of thirty-six (36) months preceded by 120 days Pre-Transitional Period; (ii) the Mandate of the revitalized transitional government; (iii) Judicial reform; (iv) Pre-Transitional tasks and mandate of the National Constitutional Amendment Committee (NCAC); (v) The restructuring and reconstitution of all transitional Institutions and Mechanisms; and (vi) National Elections at the end of the Transitional Period.
7. The NCAC during this period finalized the review and amendment of the *Political Parties Act, 2012* and the *National Elections Act, 2012*. Consistent with the dictates of the ARCSS the NCAC has begun the development of the necessary legal framework for the Economic and Financial Management Authority (EFMA). Establishment of the EFMA is expected to provide a good oversight and monitoring mechanism for the South Sudanese economy.
8. Consistent access to civilian populations in need of emergency humanitarian assistance and protection remains problematic and displacements continue with almost 4.2 million people

forced out of their homes, of which 2.5 million are taking refuge in neighbouring countries. At the same time food insecurity is widespread with over 7 million people severely food insecure. Despite the huge humanitarian needs, provision of assistance remains difficult due to not only the ongoing rainy season, but also on account of the continued violations of the Peace Agreement and the CoHA.

9. Since the start of the conflict in 2013 the South Sudanese economy has been in a state of decline and scant improvement has been seen in the period under review. In the recent past more favorable world oil prices have contributed to a better outlook in the oil sector. This recent development notwithstanding the fiscal situation remains bleak with mounting salary arrear payments owed to public workers and the military. Also, this provides limited scope for peace expenditures envisaged under the Peace Agreement.
10. The Ministry of Justice and Constitutional Affairs with the partnership of the UNDP and relevant stakeholders has commenced activities to form part of the proposed nationwide process intended to illicit views of those affected by the conflict to inform the content of the Commission on Truth and Reconciliation (CTRH).
11. The JMEC leadership continued to engage with both Regional guarantors and the international partners' community in the fulfilment of its mandate. On February 6<sup>th</sup> 2018 JMEC held a briefing of donor partners on the HLRF status, progress and implications to the JMEC mandate and operation. It created awareness on JMEC's critical role in the revitalization process, updated partners on progress made and unveiled a roadmap towards its successful conclusion as well as implication to JMEC both financially and in terms of strategy going forward.
12. Continued violations of the CoHA particularly in the context of the renewed peace efforts must stop. At the same time the IGAD Council of Ministers must hold to account spoilers and violators of the agreement and impose the necessary punitive sanctions to ensure compliance. No one should be allowed to violate the agreement with impunity. To this end, JMEC recommends the formation of a high level consultative mechanism comprised of Regional guarantors, the AU adhoc committee on South Sudan, and the UN. This mechanism will periodically review the implementation of the Peace Agreement with the objective of formulating and taking timely and decisive action against spoilers and violators of the agreement.
13. JMEC also urges the relevant national criminal justice institutions to investigate and prosecute those responsible for the spate of violations reported by CTSAMM, the Commission for Human Rights for South Sudan and UNMISS. TGoNU bears the primary responsibility for the protection of civilians and for preventing future violations by holding perpetrators accountable under domestic laws. The unconscionable delay in the establishment of chapter 5 mechanisms does not exempt TGoNU from its obligations under domestic and international law.

## **I. Introduction**

1. This report is submitted pursuant to Chapter VII, Article 5 of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) and covers the period April 1<sup>st</sup> to June 30<sup>th</sup>, 2018. The report summarises the progress on the High Level Revitalization Forum (HLRF) while at the same time highlighting the prevailing political, security, humanitarian and economic situation in the Republic of South Sudan; and their impact on the implementation of the Peace Agreement, or lack thereof. It also highlights specific JMEC supported activities and finally, it proposes a series of observations and recommendations to address some of the shortcomings in the implementation of the ARCSS.

## **II. Revitalization of the Peace Agreement**

### ***Overview***

2. The HLRF derives its mandate from the 31<sup>st</sup> Extra-Ordinary Summit of the Assembly of IGAD Heads of State and Government and the IGAD Council of Ministers decisions. Over the past year, IGAD has convened two Summits, six Extra-Ordinary Sessions and three side-line meetings on South Sudan specifically related to revitalization.
3. On June 12<sup>th</sup> 2017 the IGAD Summit made a decision to urgently convene a HLRF of the Parties to the ARCSS and estranged groups to discuss concrete measures to: a) restore a permanent ceasefire; b) full and inclusive implementation of the Peace Agreement; and c) to develop revised and realistic timelines and an implementation schedule towards a democratic election at the end of the transitional period. The decision followed the recommendation by the Chairperson of the Joint Monitoring and Evaluation Commission (JMEC) to this Summit for consideration to revitalize the ARCSS in order to restore its full and inclusive implementation.
4. By end-March 2018, two rounds of HLRF had already been conducted, with the first round launched on December 18<sup>th</sup> 2017, lasting five days. The Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access (CoHA) signed on 21<sup>st</sup> December 2017 by the parties and stakeholders was a significant milestone at this phase of the revitalization process. The subsequent HLRF session from February 5<sup>th</sup> – 16<sup>th</sup> 2018, deliberated on the Declaration of Principles, governance and transitional security arrangements. Some achievements were also made at this phase of the Forum with the parties initialing a number of the provisions of chapters I and II of the ARCSS on governance and security. Despite this progress, outstanding issues on governance and security arrangements<sup>1</sup> remained to be deliberated upon during later rounds of negotiations.

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<sup>1</sup> These outstanding issues were highlighted in the previous Quarterly Report. The outstanding governance issues pertained to the structure and composition of transitional government, responsibility sharing, number of States, size and composition of transitional national legislature. On security arrangements, there remained outstanding issues on the process and timelines for the unification of forces and approach to the formation of one national army, security of Juba; cantonment of forces; demilitarization of civilian centers; and, security sector reform or establishment.

### **Box 1: Key Timelines Linked to the Conduct of the HLRF Process**

**June 12<sup>th</sup> 2017** -- IGAD Summit of Council of Ministers takes the decision to revitalize the Peace Agreement by bringing together the Parties to the ARCSS and other estranged groups

**July 2017** -- Mapping of the Forum participants conducted to determine various groups to be invited to participate

**August 2017** -- Retreat of independent South Sudanese experts held in Addis Ababa, Ethiopia with a view to eliciting proposals on the way forward for the peace negotiations

**September 2017** -- JMEC conducts comprehensive evaluation of all of the chapters of the Peace Agreement and present its findings to a JMEC Plenary

**October 2017** -- Pre-Forum consultations and Report concluded

**July 2017 – March 2018:** IGAD Council of Ministers hold Four Extra-Ordinary Council Sessions on South Sudan

**December 18<sup>th</sup> – 21<sup>st</sup> 2017** – The first phase of the HLRF is held in Addis Ababa, Ethiopia resulting in the signing of the *Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access* on December 21, 2017.

**January 24<sup>th</sup> -25<sup>th</sup> 2018** – CTSAMM conducts workshop in Addis Ababa on the new security arrangements linked to the signing of the CoHA

**February 5<sup>th</sup> – 16<sup>th</sup> 2018** – Phase two of the HLRF is conducted in Addis Ababa, Ethiopia. The parties discuss the Declaration of Principles, governance and transitional security arrangements

**March 26<sup>th</sup> 2018** – IGAD Council of Ministers meet at the 61<sup>st</sup> session in Addis Ababa, Ethiopia and agree to undertake intensive shuttle diplomacy among the parties. This included rounds of Intensive Interlinked Consultations (IIC) and a technical workshop on governance and security

**April 10<sup>th</sup> – 18<sup>th</sup> 2018** – IGAD Council of Ministers and the Special Envoy with the support of the taskforce conduct intensive shuttle diplomacy among the various parties

**May 15<sup>th</sup> – 16<sup>th</sup> 2018** – Conduct of a technical workshop on transitional governance and security arrangements for the South Sudan HLRF delegates

**May 17<sup>th</sup> – 22<sup>nd</sup> 2018** – Phase two of the HLRF takes place in Addis Ababa, Ethiopia

**May 31<sup>st</sup> 2018** Council of Ministers at its 62<sup>nd</sup> Extra-Ordinary Session endorses Bridging Proposals

**June 18<sup>th</sup> – 20<sup>th</sup> 2018** – Proximity talks among the various parties conducted in Addis Ababa, Ethiopia

**June 20<sup>th</sup> 2018** -- H.E. Salva Kiir Mayardit, President of the Republic of South Sudan and Dr Riek Machar, Chairman of SPLM/A-IO meet in the first of three face-to-face talks in Addis Ababa

**June 21<sup>st</sup> 2018**, IGAD holds 62<sup>nd</sup> Extra-Ordinary Session of the Council of Ministers and the 32<sup>nd</sup> Extra-Ordinary Summit of the Assembly of Heads of State and Government and agrees to continue the South Sudan peace process

**June 26<sup>th</sup> – 27<sup>th</sup> 2018** -- Second round of talks between the parties

**June 27<sup>th</sup> 2018** – Signing of the *Khartoum Declaration of Agreement between the parties of the Conflict of South Sudan* by H.E. Salva Kiir Mayardit, Dr Riek Machar and other South Sudan opposition groups, including South Sudan Opposition Alliance (SSOA), Other Political Parties, and the Former Detainees

### ***HLRF Shuttle Diplomacy***

5. On March 26<sup>th</sup> 2018, the IGAD Council of Ministers held its 61<sup>st</sup> Extra-Ordinary Session on South Sudan and agreed to undertake shuttle diplomacy with the objective of assisting the parties and stakeholders to narrow the gaps in their positions and make the necessary compromises. Consequently, the Council conducted the shuttle diplomacy with support from the Special Envoy and the HLRF Taskforce from April 10<sup>th</sup> – June 18<sup>th</sup> 2018.
6. Party delegates participated in rounds of Intensive Interlinked Consultations (IIC) and a technical workshop on governance and security in Addis Ababa, Ethiopia. In addition the Council held high-level political consultations in Juba, South Sudan and Pretoria, South Africa during which H.E. Salva Kiir Mayardit, President of the Republic of South Sudan and Dr Riek Machar, former First Vice President and Chairman of the SPLM/A-IO were consulted.
7. A technical workshop on transitional governance and security arrangements was convened on May 15<sup>th</sup> and 16<sup>th</sup> 2018 for the South Sudan HLRF delegates, including representatives of political parties, women, youth and faith based organizations. This workshop received technical support from the JMEC members of the HLRF Taskforce. The workshop provided experiential learning to the participants on regional and international best practices for transitions, with Angola, Burundi, DRC, Liberia, Sierra Leone and South Africa as case studies.

### ***Reconvening of Phase II of the HLRF***

8. The HLRF was reconvened from May 17<sup>th</sup> – 23<sup>rd</sup> 2018 and facilitated by the South Sudan Council of Churches (SSCC), with secretariat support from Civil Society and women groups at the Forum. The IGAD Mediation Team and HLRF Taskforce observed the process. In spite of the intra-South Sudanese dialogue eliciting constructive engagements between the parties, they did not compromise on the outstanding governance and security issues.
9. The Council's efforts to narrow the gaps in the positions of the parties did not yield the necessary compromises between the parties on the outstanding governance and security issues. The parties acknowledged the persistence of these gaps and requested the IGAD Mediation Team to develop bridging proposals for them to consider.

### ***IGAD Bridging Proposal***

10. Following the intra-South Sudanese dialogue, the IGAD Facilitation Team developed a set of bridging proposals on the outstanding governance and transitional security arrangements. They were intended to identify common ground between the parties negotiating positions. Subsequently the parties submitted written responses to those proposals reflecting their positions. Based on these submissions the Mediation Team revised the bridging proposals and submitted it to the IGAD Council of Ministers. The proposals were subsequently endorsed by the Council at its 62<sup>nd</sup> Extra-Ordinary Session held on May 31<sup>st</sup> 2018.
11. On June 21<sup>st</sup> 2018, IGAD leaders held two consecutive meetings on South Sudan in Addis Ababa, Ethiopia – the 62<sup>nd</sup> Extra-Ordinary Session of the IGAD Council of Ministers and the



32<sup>nd</sup> Extra-Ordinary Summit of the IGAD Assembly of Heads of State and Government respectively.

12. The Summit mandated President Omar Hassan Al-Bashir to facilitate a second round of face-to-face discussions between President Salva Kiir Mayardit and Dr Riek Machar Teny to build on the Addis Ababa face-to-face talks. This was to discuss and resolve the outstanding issues on governance and security arrangements; and measures to be taken to rehabilitate the South Sudanese economy through bilateral cooperation between the Republic of South Sudan and the Republic of Sudan.

#### ***The Khartoum Declaration***

13. The Khartoum talks commenced on June 25<sup>th</sup> 2018 under the auspices of President Omar Hassan El Bashir. JMEC members of the taskforce were deployed in Khartoum to provide the technical support to the talks. Following two-days of face-to-face talks between H.E Salva Kiir Mayardit, and Dr Riek Machar Teny, and other South Sudan opposition groups, including the South Sudan Opposition Alliance (SSOA), other Political Parties, and the Former Detainees, the parties signed the “*Khartoum Declaration of Agreement between the Parties of the Conflict of South Sudan*” on June 27<sup>th</sup> 2018.
14. The *Khartoum Declaration* focused on the following five key issues.
  - a. A permanent ceasefire, which was to take effect after 72 hours upon signing of the Declaration. The parties agreed all provisions of ARCSS shall apply unless agreed otherwise during the current peace talks. They also agreed to a third party regional force (AU and IGAD) to help with the supervision of the permanent ceasefire.
  - b. The transitional security arrangements to be adopted should aim at building an inclusive national army and other organized forces (including police and other security organs). There was unanimity on the need for policies for disarmament of civilians throughout the country.
  - c. It was agreed to conclude discussions on the outstanding issues as provided in the IGAD Bridging Proposal during the current round of talks in Khartoum. In addition, agreement was reached on the Pre-Transitional Period and Transitional Period of 120 days and 36 months respectively;
  - d. The parties further agreed to improve the infrastructure and basic services in South Sudan, especially those that relate to improving the livelihoods of citizens; and
  - e. The rehabilitation of the oil fields in Unity State and a technical assessment of their economic viability to be undertaken.
15. Following the *Khartoum Declaration*, President Salva Kiir issued a Presidential decree declaring a permanent ceasefire countrywide. Dr Riek Machar Teny, in his capacity as the Commander-in-Chief of the SPLA-IO forces also issued a press statement declaring a permanent ceasefire. This Permanent Ceasefire has since been reportedly violated. The

violations could be an indication of a lack of political will, lack of command and control or lack of effective communication flow to the field commanders.

## **Chapter I -- Transitional Government and National Unity**

16. Pursuant to one of the objectives of the revitalization of ensuring full and inclusive implementation of Transitional Government of National Unity, the parties agreed on and initialed some provisions of Chapter I of the ARCSS. the provisions of this chapter that have been agreed include the following articles:
  - a. Transitional period of thirty-six (36) months preceded by 120 days Pre-Transitional Period (Art. 1.2 of ARCSS);
  - b. the mandate of the revitalized transitional government (Art.2 of ARCSS);
  - c. Judicial reform (Art. 12 of ARCSS);
  - d. Pre-Transitional tasks and mandate of the National Constitutional Amendment Committee-NCAC (Art 13 of ARCSS);
  - e. The restructuring and reconstitution of all transitional Institutions and Mechanisms (Art.14 of ARCSS); and
  - f. National Elections at the end of the Transitional period (Art. 16 of ARCSS).
17. The Peace Agreement mandates the National Constitutional Amendment Committee (NCAC) to review and make amendments to election related laws. Specifically, Chapter 1, Article 16 provides for the review of the *Political Parties Act, 2012* to ensure that it complies with international best practices for the free and democratic registration of political parties. Article 16.3 further provides for the amendment of the *National Elections Act, 2012* to conform to the Peace Agreement.
18. For the period under review the NCAC held eight (8) committee meetings, which were facilitated by the JMEC Secretariat. The committee finalized the review and amendment of the *Political Parties Act, 2012* and the *National Elections Act, 2012* and prepared amendments.
19. The resulting Bills were developed through a process that involved the proposed amendments to the election related laws arising out of an initial reading of the existing laws, and research to include comparative analysis. This was carried out by the Secretariat as well as incorporation of agreed changes following consideration of submissions made to the Committee by the National Elections Commission, the Political Parties Council, the South Sudan Law Reform Commission, SPLM/IO, women's and youth organizations and civil society including the South Sudanese Network for Democracy and Elections (SSUNDEE) and the National Disabled Organization.

20. In keeping with the Committee's participatory approach to carrying out legislative reform, the draft Bills were then presented to a stakeholders meeting on June 21<sup>st</sup> 2018 for input and feedback. The stakeholders meeting was attended by more than 60 participants including representatives of the National Elections Commission, Political Parties Council, the National Constitutional Review Commission and representatives of political parties, civil society, women groups, youth, and the media.
21. The objective of the meeting was to validate proposed amendments to the *National Elections Act* and the *Political Parties Act, 2012* as well as to obtain inputs and recommendations from the stakeholders to enhance the amendment process. This feedback will be incorporated into the final amendment bills to be presented to the Minister of Justice and Constitutional Affairs in August 2018.
22. The development of the necessary legal framework for the Economic and Financial Management Authority (EFMA) in accordance with the Peace Agreement, is also the mandate of the NCAC. During this period, the NCAC began initial consultations on the development of a legislative framework for its establishment. This included several meetings with the JMEC Economic advisors, DFID, UNDP and Civil Society actors to determine the understanding of the scope and mandate of the proposed legislation.
23. On June 11<sup>th</sup> 2018, the NCAC met the Minister for Cabinet Affairs Dr. Martin Elia Lomuro and the Minister for Justice and Constitutional Affairs Hon. Paulino Wanawila. The purpose of the meeting was to brief them on the commencement of work on the drafting of legislation for the establishment of the EFMA. The Committee also held meetings with the South Sudan Law Review Commission to assess the current status of laws reviewed/amended by TGoNU under Chapter IV of the Peace Agreement. This is particularly relevant as the EFMA legislation will have a consequential effect on other laws in this sector.
24. The NCAC has since undertaken research in this area and developed a concept paper on the EFMA law. This will be shared with relevant stakeholders and the process of developing the law undertaken in the next quarter.

## **Chapter II - Permanent Ceasefire and Transitional Security Arrangements**

25. Fighting between government and opposition forces, including opposition against opposition forces, has continued sporadically in different parts of the country. The main highways and commercial transit arteries remain dangerous due to the large number of robberies, ambushes and physical assaults including killings.

### ***Ceasefire Violations***

26. Verification of violations of the ceasefire continues. CTSAMM received numerous reports of violations from all parties during the period under review resulting in the generation of eleven violation reports. The addition by the HLRF of seven opposition groups to the ceasefire

monitoring table complicates the CTSAMM investigations. The absence of liaison officers for these new groups, as well as those for the SPLA-IO (Machar) in the CTSAMM Monitoring and Verification Teams (MVTs) hinders their access into areas of reported violations where these groups operate.

### ***Status of Transitional Security Arrangements Mechanisms***

27. The work within the Transitional Security Arrangements Mechanisms such as the Joint Military Ceasefire Commission (JMCC), the Joint Operations Centre (JOC), the Joint Integrated Police-Management Team (JIP-MT) and the Strategic Defence and Security Review Board (SDSRB) continued. The addition of new opposition groups required by the HLRF will mean a revision and restructuring of these mechanisms to include membership from the new groups. Funding by the TGoNU or others to support Chapter II mechanisms has not yet materialized and will be required to implement the revitalized HLRF.

### ***The Joint Military Ceasefire Commission***

28. The JMCC met routinely, focusing efforts on the cantonment of forces under FVP Taban Deng. The National Architecture development and other security related concerns, which includes the Area Joint Military Ceasefire Committees (AJMCCs), and the Joint Military Ceasefire Teams (JMCTs), are yet to be established due to a persistent lack of funding and resources. The development of the National Architecture is necessary to support cantonment operations and other security related verification duties for the TGoNU and in coordination with CTSAMM.
29. The Opposition aligned with FVP Taban Deng under the JMCC has completed initial preparations for cantonment at the Malobure site near Juba. 450 troops have moved onto the site, but are only provided with minimal shelter in the form of plastic covered structures. Vital logistical support such as food, water and medical supplies are virtually non-existent, with no clear understanding of future financial support to improve this situation.
30. Other troop assembly locations are reported to have been initiated within other areas by the forces aligned with FVP Taban Deng. These are: Magwi, 1500 troops; Khor Englith, 750 troops; Wau, 600 troops; Malakal, 700 troops; Terekak, 250 troops; Monduri, 150 troops; and Bentiu, 9500 troops, for a total of 13,450 troops assembled.

### ***The Joint Operations Centre***

31. The Joint Operations Centre (JOC), which had been established prior to the July 2016 conflict, is fundamentally operational; however, not to the full extent as per the expectations of the ACRSS. Operations of the JOC continuously over a 24 hour period are still not accomplished, with the JOC only serviceable during daytime shifts and hours. The funding support to maintain JOC operations and expand its effectiveness, including additional training and advisory support, needs to be addressed.

### ***The Joint Integrated Police***

32. The background vetting of the JIP is still not completed. Deployment of the JIP was initiated; however, there is a severe lack of logistical support to the units and they are not functioning as per the expectations of the ARCSS. CTSAMM monitoring reports indicate that JIP mostly are stationary units that only respond to incidents and are not actively performing preventative patrols as was expected.

### ***Ceasefire and Transitional Security Arrangements Monitoring Mechanism***

33. CTSAMM reporting has been able to provide JMEC confirmation that the CoHA is being violated by SPLM/A-IG, SPLM/A-IO and other armed parties. CTSAMM continues receiving official allegations and counter-allegations from the signatories of the CoHA as well as from other sources. The Parties have failed to distribute copies of the CoHA and no procedures or plans are observed for informing and training subordinate units and civil servants on the CoHA. Tensions in some areas are still high, mainly due to non-compliance with the articles requiring the freezing of forces and advance notification of unit movements to CTSAMM. To date, CTSAMM has not received any responses from the named parties addressing the violations cited in its reports as is required by the CoHA.
34. Sporadic fighting continued in parts of Unity, Yei River State, Yambio, Northern Jonglei and in the areas around Pagak and Nassir. Crime, including armed robberies along main roads in the Equatorias continued due to the economic situation and as a means to obtain supplies and funds for both regular and irregular forces.
35. CTSAMM continues to execute the CoHA verification of forces, in which they seek to verify the names of major commanders, their contact information and locations. CTSAMM is still encountering obstructionism from some of the signatories who refuse to disclose unit locations to its Monitoring and Verification Teams (MVTs). Further, CTSAMM teams are regularly denied access by all parties.
36. JMEC initiated an effort to improve coordination with CTSAMM that has strengthened the reporting process. CTSAMM shares their draft violation reports with JMEC advisors, resulting in enhanced reports that also address the human impact of the violations on the civilian population. JMEC has also arranged a process with the Special Representative of the Secretary General and the CTSAMM Chairperson where CTSAMM violation reports are provided to the United Nations Security Council via UNMISS. The JMEC Chairperson has also provided the CTSAMM Chairperson clear instructions to post the violations reports on their website.

### ***Strategic Defence and Security Review Board***

37. The Strategic Defence and Security Review (SDSR) Board last met in September 2017 when it completed Stage 1 of the security reform process and published the Strategic Security Assessment, the Security Policy Framework and the Revised Defense Policy. The new chairman of the Board, Lt Gen Johnson Juma Okot, the Deputy Chief of Defense for Administration, Personnel and Finance, attempted to hold a Board meeting on 12<sup>th</sup> April 2018, but could not

muster a quorum due to a last minute event with the President. Future meetings are awaiting the results of the HLRF Process.

### ***The Regional Protection Force***

38. The United Nations Mission in South Sudan (UNMISS) has made slow progress in the deployment of the main bodies of the Regional Protection Force (RPF). Although the Bangladesh Construction Engineering and Nepalese High Readiness Companies have deployed in full force, the main bodies of the Rwandan and Ethiopian Infantry Battalions are only deployed at 47% and 23% respectively. The RPF Headquarters has similarly deployed only 68% of the required staff.

## **Chapter III - Humanitarian Assistance and Reconstruction**

39. The provisions in Chapter III of the ARCSS and in the CoHA on humanitarian access and protection of conflict-affected people access remain only partially implemented. Consistent access to civilian populations in need of emergency humanitarian assistance and protection has not been assured and displacements continue.
40. Undoubtedly the humanitarian situation remains dire. According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), 4.2 million people remain displaced, 2.5 million in neighbouring countries and almost 1.7 million internally. Of those remaining in the country, 7 million people need humanitarian assistance and 7.1 million people are estimated to be severely food insecure. With the ongoing conflict and the deteriorating economy, food insecurity is likely to persist due to increased displacement, disruption of markets and supply routes leading to increased prices, and hampering of livelihood activities, especially food production.
41. Despite the huge humanitarian needs, provision of targeted assistance remains difficult due to not only the ongoing rainy season, but also 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 CTSAMM. Further, UNOCHA also reported a total of 138 access incidents during April and May. Four aid workers have been killed and dozens of aid workers were detained during the reporting period.
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## **Chapter IV - Resource, Economic and Financial Management**

42. Since the start of the conflict in 2013 the South Sudanese economy has been in a state of decline and scant improvement has been seen in the period under review. At end-March annual inflation persisted at 80 percent. Measures implemented by the authorities to help stem the steady decline in the exchange rate have met with limited success. The deterioration persists but at a much slower rate compared to the steep decline during the first quarter. Ultimately the exchange rate

level will be determined by the availability of foreign currency in the market. To keep inflation in check it is imperative to moderate the decline in the exchange rate.

43. In the recent past more favorable world oil prices has contributed to the authorities efforts to pay down arrears due to the government of Sudan under the Oil Agreement. It is expected that the arrears will be cleared by end-August 2018. The repayment had previously placed a tremendous burden on the government's ability to meet its other spending obligations. With the revised payment date there is an expectation that the authorities will command a much better cash flow situation. This recent development notwithstanding the fiscal situation remains bleak with mounting salary arrear payments owed to public workers and the military, and with limited scope for peace expenditures envisaged under the Peace Agreement.
44. During the period under review the authorities demonstrated a renewed commitment to unwind the fuel oil subsidy formally including it into the budget measures for the new fiscal year. This combined with ongoing efforts at mobilising revenue collection by the recently established Revenue Authority will help to some extent to improve the country's fiscal outlook. However much remains to be done with respect to expenditure reorientation away from military spending and towards sectors of the economy that can spur and generate economic growth. Consequently, there is need to press ahead with urgently needed public finance reforms.
45. With regards to the overall implementation of Chapter IV, insufficient resources, failure to update key legislation, and in some cases a lack of political will have severely constrained progress. Further, key support structures like the Anti-Corruption Commission and the Economic and Financial Management Authority (EFMA) has so far been largely ignored. However, work has started on developing the legislative framework for the setting up of the EFMA. When operationalised this organization is expected to provide a basis for better monitoring and oversight of the South Sudanese economy.

### ***Economic Outlook***

46. In the absence of a comprehensive peace it is difficult to envisage much progress with regards to economic growth and development. The economy of South Sudan and ultimately its people can only truly begin to experience meaningful development 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.
47. 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. Unless efforts are focused on improving expenditure management, enacting appropriate legislation, and further improving revenue collection the economy will continue to face severe challenges in economic stabilisation and setting the stage for future growth. Finally, implementation of Chapter IV of the Peace Agreement will need to be sped up in order to strengthen the economic policy framework, and set the basis for sustained growth.

## **Chapter V - Transitional Justice, Accountability, Reconciliation and Healing**

### ***Commission on Truth, Reconciliation and Healing (CTRH)***

48. The Ministry of Justice and Constitutional Affairs in partnership with the UNDP and relevant stakeholders continued with outreach activities mandated under Article 2 (2.1.3). The consultations undertaken thus far form part of the proposed nationwide process intended to illicit the views of those affected by the conflict to inform the content of the CTRH legislation.
49. As a precursor to the nationwide consultations, the Multi-Stakeholder Technical Committee established in December 2016 conducted awareness raising visits to several States. The purpose of these visits was to sensitize targeted members of the public on the purpose of the proposed CTRH legislation. Those targeted by the initial sensitization visits included State governors and cabinet members, transitional state legislative assembly members, organised forces, chiefs/traditional leaders, civil society organisations, women's groups, religious leaders (Christian/Muslim), political parties, internally displaced persons, refugees, youth, persons with disability, academics and development partners. During the state visits, summaries of chapter V of the ARCSS were distributed to participants.
50. Since December 2017, the Technical Committee and members of the Civil Society Working Group on Transitional Justice have held consultations in Juba, Aweil, Bor, Yambio, Torit, Mundri and Kuajok within South Sudan and in refugee camps in Khartoum (Jebel Awlia), Kenya (Kakuma) and in Ethiopia (Gambella). In total 2,341 people have been consulted, 994 (43%) of whom were women. However, it must be noted that conditions necessary for inclusive consultations will only be attained when the security situation stabilizes sufficiently for the millions of displaced people to return to their communities to take part in the truth telling, healing and reconciliation process envisaged by the ARCSS. A stabilization of the security situation would also enable wider consultation among victimised communities and groups of affected populations. In addition, gender sensitive methodologies of consultation should be utilised during this phase given the reported high incidence of sexual and gender based violence.

### ***The Hybrid Court for South Sudan (HCSS)***

51. The Cabinet approved the Memorandum of Understanding (MoU) for the establishment of the Hybrid Court in December 2017. TGoNU has indicated that it awaits the completion of the HLRF process to move the process forward. The AUC has not indicated what action it is taking independently, as required by the ARCSS to expedite the establishment process.

### ***The Compensation and Reparation Authority (CRA)***

52. The Compensation and Reparations Authority has not been established and there has been no progress in initiating legislation to establish the CRA and relevant bodies.



## **Chapter VI - Parameters of Permanent Constitution**

53. A core mandate of the revitalized TGoNU agreed and initialized by the HLRF parties in February 2018 is the making of a Permanent Constitution as was provided for under the ARCSS. Except for revision of the timelines therefore, the task will remain as originally stipulated. The Parties agreed in Principle that only Chapter 1 and 2 of the ARCSS shall be the focus of the HLRF forum and that other chapters shall be subjected to only consequential amendments.
54. Given that no progress had yet been made in the Permanent Constitution making, the task will commence in the new Transitional Period which has now been agreed by the Parties in the *Khartoum Declaration* of June 27<sup>th</sup> 2018. As one of the key goals of the Transitional Period, the Permanent Constitution making is expected to be a top priority of the TGoNU and all resources should be made available to ensure immediate implementation of this task in a consultative manner.
55. Under Chapter VI of the ARCSS, the TGoNU was required to initiate and oversee a permanent Constitution-making Process within the first six (6) months. The process was expected to be completed within eighteen (18) months into the Transitional Period. The parameters of the Permanent Constitution are detailed under Article 2 of Chapter 6 of the ARCSS.
56. Key tasks to be undertaken in the Permanent Constitution-making Process include the review and reconstitution of the National Constitutional Review Commission (NCRC), drafting and enactment of legislation to guide the Constitution-making process; and consultation with all key stakeholders (political parties, CSOs, women, Faith based groups).

## **Chapter VII - Joint Monitoring and Evaluation Commission**

57. The JMEC leadership continues to engage with both Regional guarantors and the international partners' community in the fulfilment of its mandate. The engagement included 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.
58. The JMEC Chairman addressed the reconvening of the second phase of the HLRF in May. He further addressed the 61<sup>st</sup> and 62<sup>nd</sup> Extra-Ordinary Session of the IGAD Council of Ministers and the 32<sup>nd</sup> Extra-Ordinary Summit of the IGAD Assembly of Heads of State and Government. At all times he expressed a desire for the parties to embrace the opportunity for peace and to utilise the forum to sort out their differences and arrive at a comprehensive peace. At the margins of the IGAD summit the JMEC Chairman met with the African Union Chairperson H.E. Moussa Faki Mahamat, the Troika's Special Envoys for South Sudan from the UK and Norway H.E. Christopher Trott, and Erling Skojonsberg respectively, and the Chairperson of the resolution 2206 of the UN Security Council Committee, Joanna Wronecka and her delegation.

59. JMEC continued its active outreach program by participating in a live radio interview and the issuance of ten press releases (audio and text) during the reporting period. At the same time, twenty one news stories and five press statements were published on the JMEC website. The text and audio releases are also published on the website and sent out to local, regional and international media.
60. In view of the ongoing HLRF the Chairman issued public statements in support of the revitalised peace process and encouraged the parties to embrace the opportunity to finally bring an end to the conflict. These were delivered at the start of phase two of the HLRF on May 17<sup>th</sup> to 23<sup>rd</sup> and at the IGAD Council of Ministers meeting on May 31<sup>st</sup> 2018, both in Addis Ababa, Ethiopia. He also issued press statements on May 14 and at the 62<sup>nd</sup> Extra-ordinary Summit of the IGAD Heads of State in Addis Ababa, Ethiopia on June 12<sup>th</sup> 2018.

### **Specific JMEC Supported Activities**

#### ***IGAD Council of Ministers Side-line Meeting, June 30<sup>th</sup> 2018***

61. JMEC facilitated the IGAD Special Envoy in the convening of an IGAD Council of Ministers meeting at the side-line of the 31<sup>st</sup> Ordinary Summit of the AU in Nouakchott, Mauritania on June 30<sup>th</sup> 2018. The sideline meeting was convened pursuant to the decision of the IGAD Assembly of Heads of State and Government at its 32<sup>nd</sup> Extra-Ordinary Summit held in Addis Ababa, Ethiopia on June 21<sup>st</sup> 2018, which inter-alia instructed the Council to give guidance to the Special Envoy for South Sudan on the remaining HLRF tasks.
62. In attendance were; H.E Mohamoud Ali Yussuf, Minister of Foreign Affairs and International Cooperation, Republic of Djibouti, H.E Sam Kutesa, Minister of Foreign Affairs, Republic of Uganda, H.E Abdulkadir Ahmedkheyr Abdi, State Minister of Foreign Affairs, Federal Republic of Somalia, and H.E Mohammed Idris, State Minister-Foreign Affairs, Republic of Sudan. At the meeting, the Council welcomed the progress being made by the HLRF parties in the ongoing face-to-face talks in Khartoum and the declaration of a permanent ceasefire throughout South Sudan.
63. The Council noted that the ongoing face-to-face meetings taking place in Khartoum and as planned subsequently in Nairobi are a continuation of the Addis Ababa HLRF process and called for its full support.
64. It also endorsed the *Khartoum Declaration* of June 27<sup>th</sup> 2018, the agreement on a new Transitional Period of 36 months to be preceded by 120 days of a Pre-Transition period, and the resolution by parties to conclude on all the outstanding governance and security issues in the IGAD Bridging Proposal, the opening of humanitarian corridors, release of prisoners of war and political detainees, as well as the request to the African Union and IGAD member states to deploy the necessary forces to supervise the permanent ceasefire.
65. The Council reiterated IGAD's determination to bring peace to South Sudan and observed that tremendous progress has already been made, and resolved that the HLRF shall continue at a higher level in Khartoum and Nairobi and its outcome finalised in the next Summit.

***AU ad-hoc Committee on South Sudan Meeting at the level of Heads of State and Government June 30<sup>th</sup> 2018***

66. JMEC also attended in the company of the IGAD Special Envoy the first AU Ad-hoc Committee on South Sudan meeting on the side-line of the 31<sup>st</sup> AU Summit held in Nouakchott, Mauritania. The meeting was chaired by the South African President H.E Cyril Ramaphosa and attended by the President of Rwanda, and Foreign Ministers of Nigeria, Chad, and Algeria. Also in attendance were AU Commission Chairperson Moussa Faki, AU High Representative to South Sudan, H.E Alpha Konare, State Minister of Foreign Affairs of Ethiopia, and the IGAD Special Envoy.
67. The meeting discussed the situation in South Sudan, progress in the HLRF, and ways in which the IGAD plus 5 AU countries (C5)<sup>2</sup> can add value to the IGAD peace building process. The meeting commended IGAD for its tireless efforts in seeking to restore peace in South Sudan, endorsed the outcome of the HRLF including the *Khartoum Declaration*, and urged all parties to fully implement agreed outcomes, and pledged to take action against violators. It further instructed the AUC Chairperson and Chairperson of the C5 to engage with IGAD and develop a clear roadmap and practical measures through which the C5 can add value and support IGAD.

***AU Peace and Security Council Meeting at the level of Heads of States, June 30<sup>th</sup> 2018***

68. JMEC advisors with the IGAD Special Envoy also attended an AU PSC meeting at the level of Heads of State and Government on June 30<sup>th</sup> 2018 during the 31<sup>st</sup> Ordinary Summit of the AU in Nouakchott, Mauritania, which discussed the situation in South Sudan. The AU PSC was chaired by the Sierra Leonean President its current chair. It was fully attended by all AU-PSC members and was addressed by the Chairperson of the AU Commission, the AU High Representative to South Sudan, the AU-PSC Commissioner, and President Omar Al Bashir of Sudan who provided a detailed update on the IGAD led peace process that culminated into the signing of the *Khartoum Declaration*, and he appealed for the AU-PSC's full support to the process and implementation of its outcomes.

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

69. Several of the Transitional Security Arrangements Mechanisms such as the JMCC, JOC, JIP-MT, SDSRB as well as cantonment efforts continue. Also, the addition of new opposition groups required by the HLRF will mean a revision and restructuring of these mechanisms to include membership from the new groups. However, anticipated funding from both TGoNU and donor countries has not yet materialized thus complicating successful implementation. In view of the need to fully operationalise these institutions to JMEC urges TGoNU to make good on its commitment to contribute funding while calling upon the donor community to consider increasing their contributions to these critical institutions.
70. Continued violations of the CoHA particularly in the context of the renewed peace efforts must stop. At the same time the IGAD Council of Ministers must hold to account spoilers and

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<sup>2</sup> The C5 countries coopted to augment the Intergovernmental Authority on Development (IGAD) are Algeria, Chad, Nigeria, Rwanda and South Africa. These countries join the IGAD consisting of Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan, Sudan and Uganda in the IGAD plus grouping.

violators of the agreement and impose the necessary punitive sanctions to ensure compliance. No one should be allowed to violate the agreement with impunity. To this end, JMEC recommends the formation of a high level consultative mechanism comprised of Regional guarantors, the AU adhoc committee on South Sudan, and the UN. This mechanism will periodically review the implementation of the Peace Agreement with the objective of formulating and taking timely and decisive action against spoilers and violators of the agreement.

71. Commendable progress has been made during this reporting period in the HLRF process culminating in the signing of the *Khartoum Declaration* on June 27<sup>th</sup> 2018. However, this must translate to tangible measures on the ground in order to bring hope to the long suffering people of South Sudan. Now is the time for all parties to the conflict to effectively demonstrate political will, commit to implementing already agreed provisions, and work towards the speedy resolution of outstanding issues.
72. To realise economic stability and growth there is need for sustained peace. The recent signing of the *Khartoum Declaration* combined with the pledge to increase oil production in Unity State is a step 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. A better fiscal position and higher oil export levels are expected to dampen inflationary pressures and restrict the depreciation in the exchange rate both necessary conditions for setting the basis for sustained economic growth.
73. 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 HCSS has stalled since December 2017 when the Cabinet approved the MoU for its establishment. The AUC should move forward on the matter of the HCSS strictly in accordance with the ARCSS provisions. 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.
74. JMEC also urges the relevant national criminal justice institutions to investigate and prosecute those responsible for the spate of violations reported by CTSAMM, the Commission for Human Rights for South Sudan and UNMISS. TGoNU bears the primary responsibility for the protection of civilians and for preventing future violations by holding perpetrators accountable under domestic laws. The unconscionable delay in the establishment of chapter 5 mechanisms does not exempt TGoNU from its obligations under domestic and international law.
75. In addition, JMEC recommends that TGoNU should implement measures to protect witnesses and victims, particularly the most vulnerable - women, IDPs, children and the elderly - during the preparatory phases of the establishment of Chapter 5 mechanisms. This will help build the confidence of citizens engaging with the proposed transitional justice mechanisms.

#### **IV. Conclusion**

76. The people of South Sudan continue to demand a complete end to hostilities, and a lasting and permanent peace. There is extreme weariness with the desolate humanitarian situation, egregious violations of human rights and a depressed economy. Undoubtedly 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 revised ARCSS.
77. The NCAC will continue to execute its mandate of facilitating the necessary legislative and legal framework during the Transition Period to result in free and fair elections. Similarly CTSAMM will continue with its monitoring, verification and reporting activities in a timely fashion in order for IGAD to take necessary action when required.
78. JMEC on its part shall continue to monitor, evaluate and carry out its oversight responsibilities with regards to the ARCSS. It will also report regularly 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.