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Insights on Peace & Security Council

AU-UN Briefing on joint field visit to South Sudan

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Tomorrow (10 October) the Peace and Security Council (PSC) of the African Union (AU) will receive a briefing from Smail Chergui, AU Commissioner for Peace and Security and Jean-Pierre Lacroix, UN Under Secretary-General for Peacekeeping Operations. The session will listen to the reports by the two officials on the political and security developments in South Sudan, and on the contribution, gaps and future of the UN Mission in South Sudan (UNMISS), and its relations with the Regional Protection Force (RPF).

The briefing by Chergui and Lacroix follows their joint visit to South Sudan along with the co-chair of the AU FemWise, Speciosa Wandira Kazibwe and the Executive Director for UN Women, Phumzile Mlambo-Ngcuka. The visit took place from 07 to 09 October. During the visit, they had talks with members of the South Sudanese government including the President and first vice President, the leadership of the UN Mission in South Sudan (UNMISS), and women leaders and organizations in Juba and Bentiu, including those at the UN Protection of Civilians sites.

The joint mission to South Sudan had two objectives. The first concerns the promotion of the peace agreement. The second focuses on enhancing the participation of women in the implementation of the peace agreement. It is to be recalled that the South Sudanese parties signed the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), on 12 September 2018.

In terms of the first aspect of the joint visit, apart from the opportunity that the visit presented to the delegation for expressing support for the peace agreement, it was also an occasion for first hand exchange on the implementation of the peace agreement and role that UN Mission to South Sudan

(UNMISS) and the Rapid Protection Force (RPF) could play and the contribution that the AU could make in supporting the implementation process. The visit also enabled the delegation to have a better understanding of the challenges facing the implementation of the R-ARCSS.

With respect to the second dimension of the visit, the delegation sought to highlight tangible actions on women's meaningful participation and leadership in the implementation of the peace agreement. Important part of such enhanced role of women is also the representation of women in the committee for the implementation of the peace agreement that the government constituted and in the transitional government of national unity.

Tomorrow's session is thus expected to examine the political and security developments in South Sudan and the role and partnership of the UN and the AU in the next phases of the peace and political processes. This would enable the PSC not only to be appraised of where the implementation of the R-ARCSS stands and the steps that the parties to the agreement are taking in this direction.

The 12 September agreement was followed by a positive announcement by President Kiir calling for the immediate release of all opposition fighters and political prisoners. Juba subsequently releases twenty political prisoners. However, serious differences still remain on who should be included in the pardon list. Despite some of these positive developments, there is a legitimate skepticism on the seriousness and commitment of the parties of the conflict to implement the latest rounds of the agreement. The signatories have repeatedly failed to respect the spirit and words of previous deals, and the capacity and power of the two leaders to command and control the proliferated and undisciplined armed groups they lead presents a further challenge. The SPLM-IO also recently reported that there were at least five violations of the ceasefire by the government forces since 12 September. There

were also reports of serious clashes between government and opposition forces in Equatoria and Unity states on 24 September.

The insecurity in the country still affects the activities and movement of the UNMISS. Days after the 12 September agreement in Addis, a UNMISS peacekeeper was injured when a government soldier fired at a U.N. convoy. Repeated violations of previous attempts to stop the violence and consolidate the peace, and antagonism of some members of the leadership in Juba towards the UN have put the role of the UNMISS in doubt.

The appointment by the South Sudan government of Gen. Malek Reuben Riak as deputy minister of defense has attracted strong international criticisms. Gen Riak has been repeatedly accused of obstructing peace and blocking humanitarian assistance, and is sanctioned by the U.S. and U.N. The divisive general has also been implicated with arming a militia that committed gross violations of human rights, and war crimes by a 2016 U.N. Panel of Experts. The decision isn't the first of its kind as President Kiir appointed Gabriel Jok Riak, another figure on the UN sanctions list accused of obstructing peace and repeatedly violating the terms of the peace agreements, as army chief of staff.

Tomorrow's briefing will also be an occasion for PSC members to be appraised of the progress made and challenges faced in the implementation of the peace agreement. It would be of interest for the PSC to be informed of risks of repeat of the violations that hindered the implementation of the August 2015 initial agreement and importantly what role the AU could play for supporting the full implementation of the revitalized peace agreement.

The head of the UN Mission in South Sudan David Shearer recently highlighted the lack of the 'key ingredient' in the latest agreement. Shearer said the personalities behind the deal have a complex past and 'suspicions still remains widespread', and there is a lack

of trust. The briefing offers an opportunity for discussing what the UN-AU partnership can do to enhance trust and the important role that the enhanced participation and representation of women could play for enhancing the legitimacy and effective implementation of the peace agreement.

In terms of the second dimension of the joint visit, how the AU supports the representation and participation of women in the implementation of the peace agreement including the role that the AU FemWise could play in this regard would also be of particular interest for the PSC. It is likely that this dimension of the visit would also feature in the session of the PSC on UN Resolution 1325 expected to take place on 19 October.

While it was not the focus of the joint field mission, one area of the peace agreement that implicates the role of the AU is the operationalization of the Hybrid Court, a major element of the peace agreement and the political process. The details of the operationalization and operations of the court with South Sudanese judges and international war crimes experts is articulated under chapter five of the revitalized peace agreement. The chapter also envisions the establishment of the hybrid court and puts mechanisms for the compensation and reparations of the victims of crimes committed during the conflict. Although the Government of South Sudan signed the MoU on the establishment of the Hybrid Court with the AU, it has not adopted the relevant legislative measure for the domestication of the MoU. Following the announcement of amnesty by the government, concerns were raised on the implication of the amnesty for the mandate of the hybrid court in establishing accountability for atrocities committed against South Sudanese civilians. Despite this mounting pressure against impunity, earlier this month, the Minister for Information of South Sudan Michael Makuei said that his government is opposed to the creation of a war crimes court. The minister which labeled the court 'a

tool of regime change by the troika' added that peace must be the priority of the involvement of the international community in South Sudan. He accused the hybrid court as 'an instrument they want to use against the people of South Sudan, especially the leadership of South Sudan. They want to use it in a sense that because the agreement gives the hybrid court the right to indict anybody at any time and once you are indicted, you are apprehended and taken to jail'.

Within the broader discussion on the peace agreement, the session also affords an opportunity for examining developments in the IGAD led Joint Monitoring and Evaluation Commission (JMEC) and the state of the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) in the framework of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), including the planned deployment of troops from Sudan for securing the oil infrastructure.

The briefing by Chergui and Lacroix is also expected to look into the progress made in the deployment of the Regional Protection Force (RPF), its harmonization with the UNAMISS and its role vis-à-vis the revitalized peace agreement. The force which is created with a mission of protection of civilians and mandate to secure Juba will have a capacity of 4,000 at full capacity. So far, 2,400 of these troops have been deployed. There are uncertainties and lack of clarity on how these forces will engage and coordinate with the 8,000 peacekeepers under UNMISS.

The expected outcome of the briefing is a communiqué.



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