

Briefing on the situation in South Sudan

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Tomorrow (11 July) the African Union (AU) Peace and Security Council (PSC) is expected to convene its 1092nd session to consider the situation in South Sudan, with a focus on the implementation of the 2018 Revitalized – Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS).

The session will commence with the opening remarks of the PSC Chairperson for July, Djibouti's Permanent Representative to the AU, Abdi Mahamoud Eybe. This would be followed by remarks of the AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye. The PSC is expected to receive the main briefing from Joram Biswaro, Special Representative of the Chairperson of the AU Commission for South Sudan and Head of the AU Mission in South Sudan (AUMISS). The PSC will also receive statements from the representative of the Intergovernmental Authority on Development (IGAD) Ismail Wais and the Head of the United Nations (UN) Mission in South Sudan (UNMISS) and the Special Representative of the UN Secretary-General Nicholas Haysom. As a country of concern, it is also anticipated that there will be the statement by the Permanent Representative of South Sudan to the AU.

The last time the PSC met to discuss South Sudan was at its 1060th session convened on 25 January 2022. At the time, it decided to undertake a solidarity visit to South Sudan on the second anniversary of the formation of the Transitional Government on 22 February 2022, considering that the end of the three-year transition period was approaching fast.

Members of the PSC undertook their sixth field visit to South

Sudan from 22 to 25 February 2022. The visit allowed them to assess the overall situation on the ground, particularly the status of progress in the implementation of the R-ARCSS. During the visit, PSC members met with President Salva Kiir Mayardit and encouraged progress on the full implementation of the peace agreement, particularly its Chapter II on security arrangements. They also met with the UN Mission in South Sudan (UNMISS), members of the Troika (US, UK and Norway) and other international partners in Juba. Furthermore, they discussed with civil society representatives on the need to engage women and the youth in the implementation of the peace agreement. Subsequent to the visit, the PSC was supposed to discuss its field report and adopt a Communique in March although this did not happen as planned.

Given the present challenges in South Sudan, the co-guarantors of the peace agreement namely Sudan and Uganda have been expected to renew their engagement in support of reinvigorating the implementation of the peace agreement. Sudan is preoccupied with its own internal challenges. Even though it is currently chairing IGAD, it has been a while since the organization met and discussed any of the peace and security challenges in the region, including South Sudan. The IGAD Executive Secretary visited Khartoum recently to secure the participation of the leadership as Chairperson in the IGAD Summit that took place in Nairobi on 5 July.

On his part, Ugandan President Yoweri Museveni had invited South Sudan President Salva Kiir and First Vice President Riek Machar to Kampala to facilitate talks on the implementation of the peace agreement, including on the issue of security arrangements. The PSC welcomed his initiative to help the parties resolve some of the outstanding issues. However, the meeting which was planned to be convened from 3-4 March 2022, did not take place.

The PSC also recognized the need to reactivate the AU Ad-Hoc High-Level Committee's engagements on the South Sudan peace

process. Following its meeting and decision to undertake a visit to South Sudan, the Committee traveled to South Sudan in early June and engaged various stakeholders. Among others, it received a briefing from the Revitalized Joint monitoring and Evaluation Commission (R-JEMC) on the status of implementation of the peace agreement.

One of the issues that tomorrow's session will thus address itself to is the follow-up on the PSC field mission, including the report on the mission and this recent mission undertaken by the AU High-Level Ad Hoc Committee on South Sudan.

South Sudanese government has been partly attributing the delay in the implementation of the peace agreement, particularly as it relates to the security arrangements, to the arms embargo imposed by the UN Security Council (UNSC). At its 1060th session, the PSC had called on 'the international community to lift the arms embargo and other sanctions imposed on South Sudan to enable the country to build the required capacity of the unified armed forces and for them to more effectively discharge their constitutional mandate of defending the territorial integrity of their country'. However, several UNSC members were of the view that South Sudan did not make adequate progress on the benchmarks set out by the UNSC for the easing or lifting of the sanctions. On 26 May 2022, the Security Council adopted resolution 2633 (2022) renewing the South Sudan sanctions regime until 1 July 2023. Ten Council members including Ghana voted in favor of the resolution, while five abstained including the two African members Gabon and Kenya as well as China, India and Russia.

The implementation of the peace agreement was further complicated by the split within SPLM-IO and the emergence of factions which led to deadly clashes. This eroded trust in the peace process resulting in SPLM/A-IO to suspend its participation in the monitoring mechanisms of the agreements – RJMEC and CTSAMVM. On 30 and 31 March 2022, UN, AU, IGAD and

RJMEC representatives met with the South Sudanese leadership – President Salva Kiir Mayardit, and First Vice President Dr. Riek Machar Teny, as well as Vice Presidents Rebecca Nyandeng de Mabior, Dr. Wani Igga, and Gen. Taban Deng Gai – and urged them to de-escalate the political tensions. They also encouraged them to resort to dialogue to resolve their differences and called on the leaders to return to the full implementation of the Agreement underscoring the need to make progress based on a clear roadmap to address outstanding issues such as the unification of forces, the constitution-making process and preparations for elections. The representatives of the three institutions also appealed to SPLM/A-IO to resume its participation in RJMEC and CTSAMVM. The RJMEC and CTSAMVM face further strain due to withdrawal of financial support by the US, which contributes up to 40 percent of their funds. The efforts of the representatives of the four entities culminated in a rapprochement between President Kiir and the first vice President Machar, although SPLM-IO suspended its participation in Parliament over the passage of the Political Parties Amendment Act 2022 without consensus.

With less than eight months left for the end of the transition period, there is increasing concern within the country about what will happen in February 2023 as not much has been done to prepare for elections. There is also growing fear that if South Sudan slides back into yet another cycle of conflict and violence, it will further aggravate the complex situation in the horn of Africa region which is already facing enormous peace, security and humanitarian challenges. At the R-JMEC monthly meeting on 2 June 2022, the Interim Chair Charles Tai Gituai noted the ‘growing public anxiety, frustration and despair on what happens when the Transitional Period lapses in February 2023 without the completion of all tasks of the Agreement’.

The UN Special Representative Nicolas Haysom also underscored

the sense of urgency with the impending deadline for the end of the transition fast approaching. In his engagement with the media on 30 June 2022, SRSg Haysom called on 'all parties to demonstrate collective common purpose—unity of purpose—by working together towards the full implementation of the agreement. I encourage the leaders to take the necessary steps for the country to exit its transitional period, through the conduct of free, fair, credible, and peaceful elections.'

Perhaps, the most pressing issue, which is also of concern for South Sudanese, is the question of whether and how elections could be held at the end of the transitional period. There is no consensus among South Sudanese political forces on whether to proceed with the elections as scheduled for early 2023. While some advocate for holding of elections as scheduled, others point out that the elections should be postponed given the lack of progress in implementing key aspects of the peace agreement including unification of forces, preparation of the final constitution, and establishment of the necessary legal and institutional frameworks.

As this delay may become a site for political contestation and lead to instability, PSC members may seek clarification on contingency plans on how to deal with the uncertainty and disagreement that may result from this situation. It is worth recalling that during its visit last month, the delegation of the AU Ad Hoc Committee received assurance from officials it engaged that it will receive a proposed roadmap on how to manage the uncertainty resulting from the failure to complete the basic transitional arrangements for holding the elections as scheduled in February 2023. The proposed roadmap, which among others is expected to indicate the duration of the possible extension of the transitional period and the plan for completing remaining transitional tasks for holding of elections, has not as yet been received.

The other issue expected to receive attention during tomorrow's session is the security situation. As noted above,

growing disagreement among the parties to the peace agreement brought the country to the brink of the collapse of the Revitalized Transitional Government of National Unity (RTGoNU) and the return to fighting. As parts of the country are experiencing insecurity often on account of local political, socio-economic and security dynamics, it would be of interest for members of the PSC to consider how the lack of progress in implementation of the peace agreement exacerbates these existing conflict dynamics. These include cattle-raiding in the tristate corridor between Warrap, Lakes, and Unity States, child abduction among communities in the GPAA and Jonglei, the impact of cattle migrations from Jonglei and Lakes States into the Equatorias, or contestation over state administrations among ethnolinguistic communities in Wau and Malakal. These highlight the need for peacebuilding initiatives to focus also on measures for mitigating such local conflict dynamics while working on modalities for speeding up implementation of the peace agreement and securing consensus among South Sudanese actors on how to manage transitional tasks not finalized at the end of the traditional period.

The expected outcome of the session is a Communiqué. The PSC may welcome the efforts of AU, IGAD, RJMEC and the UN to accompany the parties to the R-ARCSS through among others mediating their disputes. While welcoming the rapprochement between President Kiir and First Vice President Machar and the progress made in implementing the peace agreement including the launching of consultations for the establishment of the Truth, Healing and Reconciliation Commission, it may also express concern about the lack of progress in the implementation of key transitional activities necessary for successful end of the transition and the convening of elections on time including making of final constitution, adoption of laws for convening of elections, the reform of the elections commission and the graduation and redeployment of the unified forces. The PSC may urge the parties to exert their utmost efforts and commitment for speeding up

implementation of the key transitional activities. It may also call on the authorities to present the roadmap outlining the plan on the implementation of the remaining transitional tasks. The PSC may also call on the AU Commission to work with IGAD and the UN to undertake joint assessment of the areas of the transitional process in South Sudan that require urgent engagement and support from the region, the AU and the international community. It may welcome the field visit by the AU Ad Hoc Committee of five member states to South Sudan in June and encourage them to have a follow up visit to review developments since last visit and assess implementation of commitments made during the last field mission. The PSC could also call on the AU and the international community to mobilize peacebuilding and humanitarian support for South Sudan to address the pressing peacebuilding and humanitarian issues including a high-level of food insecurity facing many parts of the country.