

# Briefing on the situation in South Sudan

**Briefing on the situation in South Sudan** Date | 15 November 2023

Tomorrow (16 November), the African Union (AU) Peace and Security Council (PSC) will convene its 1186<sup>th</sup> session to consider the situation in South Sudan and assess political and security developments since its last meeting on the situation in February following its solidarity field mission to the country.

Following opening remarks by Abdi Mahamoud Eybe, Permanent Representative of the Republic of Djibouti and Chairperson of the PSC for the month of November, it is expected that the AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye, will make a statement. The representative of South Sudan is also expected to deliver a statement on behalf of the country concerned. Additionally, the Special Representative of the Chairperson of the AU Commission for South Sudan and Head of AU Liaison Office in Joram Mukama Biswaro, Chairperson of the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), Charles Gituai and the Special Representative of the United Nations (UN) Secretary-General for South Sudan and Head of the UN Mission in South Sudan (UNMISS) Nicholas Haysom are also expected to deliver statements during the open segment of the session.

The last time the PSC discussed the situation in South Sudan was at its 1158<sup>th</sup> meeting held on 15 June 2023 which assessed the situation in the Horn of Africa. The central focus with respect to South Sudan during that session was the status of implementation of outstanding transitional tasks envisaged in the Revitalized Agreement on the Resolution of the Conflict in

the Republic of South Sudan (R-ARCSS). The key outstanding activities outlined in this respect included the graduation and deployment of the Necessary Unified Forces; the enactment of the National Electoral Commission Act; the reconstitution of the National Electoral Commission and Political Parties Council; and the completion of the permanent constitution making process.

Tomorrow's meeting is expected to likely focus on the progress in the implementation of the R-ARCSS, with a specific emphasis on the status of the outstanding tasks identified during PSC previous meeting. The session is also expected to particularly follow up on the implementation of the roadmap agreed by the signatories to the R-ARCSS on 4 August 2022 to extend the transitional period by 24 months. Previously, in the communique of its 1141<sup>st</sup> session held on 28 February 2023, the PSC also urged the signatory parties to complete outstanding tasks within the extended time to avoid any further extensions of the transition period.

Five years have elapsed since the signing of the R-ARCSS, and tomorrow's meeting offers an opportunity for PSC members to assess the progress and challenges in its implementation. Ambassador Charles Tai Gituai, the Chair of the RJMEC entrusted with overseeing the R-ARCSS implementation, acknowledged some of the accomplishment during the past five years, which include the holding of the ceasefire (despite occasional clashes between government forces and the National Salvation Front (NAS), a faction that remains outside the peace process). Moreover, these five years have witnessed the successful graduation of more than half of the necessary unified forces, the resolution of issues pertaining to the number of states and their boundaries, the integration of the R-ARCSS into the transitional constitution, the establishment of executive and legislative structures within the unity government, and the initiation of legal, judicial, security, institutional, economic, and financial management reform

processes.

Gituai, however, noted the lack of progress concerning several outstanding tasks, including the reconstitution of the Political Parties Council responsible for the registration of political parties, the establishment of institutions essential for crafting a permanent constitution, and the deployment of unified forces to ensure the country's security, which remains plagued by recurrent inter-communal conflicts. He also highlighted the dire humanitarian situation exacerbated by the impact of climate change, the sluggish implementation of economic reforms, and the absence of advancements in establishing transitional justice mechanisms. Furthermore, other ongoing challenges he highlighted include inadequate funding and the lack of political will and trust among the leadership of the signatory parties.

The situation in South Sudan is further compounded by the adverse humanitarian and economic consequences of the ongoing conflict in Sudan. This has led to a massive influx of returnees and refugees, intensifying intercommunal tensions and competition over resources. According to the UN High Commissioner for Refugees (UNHCR), approximately 330 thousand individuals, comprising South Sudanese returnees, Sudanese refugees, and third-country nationals, have sought refuge in South Sudan due to the conflict in Sudan. Briefing members of the UN Security Council on the situation in Abyei on 6 November, the UN Special Envoy for the Horn of Africa Hanna Tetteh informed them that the ongoing fighting in Sudan is getting closer to the boundary with Abyei and the border with South Sudan and noted that “[t]hese military developments could have adverse consequences for Abyei’s social fabric,” she said, and the already fragile coexistence between the Misseriya and Ngok Dinka.

It is against the backdrop of these developments that South Sudan is preparing for elections scheduled to take place in December 2024. The AU, in close collaboration with IGAD and

the UN, is engaged in supporting the South Sudanese government in its constitution-making and electoral processes and a joint task force, comprising representatives from these three organizations, has been established in this regard. With a mere 14 months remaining until the elections, Gituai stated during the RJMEC's monthly meeting on 5 October 2023 that 'a significant amount of work still lies ahead to address the critical pending tasks necessary for South Sudan's democratic transition.' He also stressed the urgency of the South Sudanese government in providing the people of South Sudan with clarity regarding its preparedness for the upcoming elections.

Commemorating the fifth anniversary of the R-ARCSS, the political bureau of the Sudan People's Liberation Movement (SPLM)/Sudan People's Liberation Army in Opposition (SPLA-IO) convened in Juba on 11 September 2023, with the objective of reviewing and assessing the status of the roadmap's implementation. While shedding light on the current state of the roadmap's implementation, a [press statement](#) issued subsequent to this meeting provided a more detailed assessment of the challenges in implementing the various provisions of the R-ARCSS including failure to establish local government councils aside from the government of Central Equatoria State; failure to ensure reinstatement of civil servants who fled the country during the war; lagged progress in the devolution of powers and resources to lower government levels; and slow advances in the process of national reconciliation and healing. The press statement also identified violations noted during the one year period from the adoption of the roadmap, particularly unilateral dismissals and arbitrary arrests of officials including SPLM-IO members of parliament as well as the delay faced in the formation of county and municipal legislative councils. The SPLM-IO has also been expressing reservations about the upcoming elections, with one of its government ministers recently quoted in the media as stating that the country is not ready for such an electoral process.

In his briefing to the Security Council on 15 September 2023, the Special Representative of the Secretary-General and Head of the UNMISS Nicolas Haysom referred to an independent perception survey commissioned by the mission which showed significant popular demand for elections despite the prevailing challenges. This notwithstanding, he underscored the need for the signatory parties to resolve a number of issues surrounding the elections, including the type of elections to be held, voter registration requirements, how electoral boundaries will be determined, the nature of the participation of refugees and internally displaced persons, the allocation of security responsibilities and how electoral-related disputes will be managed. Haysom particularly emphasized the need to expedite the constitution-making process and highlighted the shared responsibility of the South Sudanese political class in addressing the obstacles to the implementation of the roadmap. He stressed the primary responsibility of the ruling party to fully utilize public resources and decision-making committees to propel the agreement's implementation.

In response to the growing calls for action on a number of key issues related to the upcoming elections, the South Sudanese government announced on 3 November the adoption of a presidential decree on the commencement of the process to reconstitute the Political Parties Council (PPC), the National Constitutional Review Commission (NCRC) and the National Elections Commission (NEC). In a joint statement issued on 9 November, IGAD, the AU and the UN commended the government for initiating this important process and called for the allocation of the necessary resources to enable these bodies to carry out their mandates. The three organizations emphasized the need for all the signatory parties to demonstrate greater political will, trust, and pragmatism to agree on key decisions in relation to the upcoming election. Therefore, they called on them to engage in constructive and inclusive dialogue as a matter of urgency to pave the way for

the holding of peaceful, credible, and inclusive elections in South Sudan for the first time since the country's independence.

The expected outcome of tomorrow's session is a Communiqué. The PSC is expected to commend South Sudanese stakeholders for the progress achieved in the implementation of the R-ARCSS during the past year and may in this regard welcome the adoption of a presidential decree on the commencement of the process to reconstitute the PPC, the NCRC and the NEC. The PSC may also call on the Reconstituted Transitional Government of National Unity (R-TGoNU) to ensure that these bodies are provided with the resources and the capacity to execute their mandate effectively and impartially during the remainder of the transitional period. The PSC may express concern over the delays in meeting the benchmarks agreed under the roadmap for the extended period of the transition adopted in August 2022 and the implications of these delays both for the stability of the country and the convening of peaceful and credible elections. In this regard, the PSC is expected to urge the parties to remain committed and to exert their full efforts for the implementation of pending tasks which are crucial for the success of the transition. The PSC may also call on the R-TGoNU and other relevant actors to create the political and civic space necessary for enabling citizens to participate freely in the electoral processes. It may also take note of the aggravated humanitarian situation in South Sudan and appeal to partners and the international community at large to extend support and assistance to affected communities, including South Sudanese returnees and Sudanese refugees. PSC may call on the AU and others to support South Sudan in its effort to receive large number of returnees and refugees from Sudan with a view to mitigate the adverse impact of the influx on the stability of receiving areas of South Sudan. The PSC may urge national and local actors to promote peaceful dispute resolution mechanisms and encourage local peacebuilding efforts to mitigate and contain intercommunal clashes that

pose serious threats to human security in the country.