

Briefing session on the situation in South Sudan

Automatic Heading TextDate | 09 April, 2020Briefing Session on the Situation in South Sudan

Tomorrow (9 April 2020), the African Union (AU) Peace and Security Council under the Chairpersonship of Kenya will have a briefing session via remote electronic exchanges. Instead of the delivery of the briefing in person, the PSC will consider the written briefing of the Special representative of the Chairperson of the AU Commission for South Sudan. The PSC will also consider the statement of the representative of South Sudan and the statement of the Interim Chairperson of Revitalized-Joint Monitoring and Evaluation Commission. While there is no indication on input from IGAD, the Ceasefire and Transitional Security Arrangement Monitoring and Verification Mechanism (CTSAMVM) has also shared a brief to the PSC.

The purpose of tomorrow's meeting is to review the developments in South Sudan since PSC's field visit to South Sudan and the subsequent formation of the Government of National Unity of South Sudan, inaugurating the transitional period under the Revitalized – Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS).

It is to be recalled that the AUPSC had undertaken a field mission to South Sudan from 18-20 February 2020 to evaluate the status of implementation of the peace agreement and express solidarity with the people of South Sudan. The visit took place at a very critical moment when the extended pre-transitional period was about to expire in two days' time, and important discussions were underway in relation to the formation of an inclusive Revitalized Transitional Government of National Unity (R-TGoNU). The visit was a good opportunity for members of the AUPSC to undertake important consultations

with the leadership, the national pretransitional Committee (NPTC), UNMISS, the Reconstituted Joint Monitoring and Evaluation Commission (R-JMEC), the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) and other relevant stakeholders in this regard.

Although it came almost at the 11th hour before the expiry of the deadline for the extended pre-transitional period, President Salva Kiir made a compromise proposal to revert to the ten states plus three administrative areas for resolving the stalemate on the issue of the boundaries.

It is this compromise proposal that helped revive hope and restored the confidence of the parties to the peace process, who then agreed to address other remaining outstanding issues, including the transitional security arrangements, during the transition period. This is what paved the way for the formation of the inclusive transitional government of national unity.

The agreement reached by the parties to form an inclusive transitional government has certainly rescued the country back from the brink. One of the issues that the region and other in the international community raise is whether the arrangement will pass the test of time and avoid the illfated fortune of the previous transitional government of national unity that ended in July 2016.

As the briefing from the AU SRCC highlighted, the parties have succeeded in putting in place a new presidency and a new cabinet. The Presidency as announced on 21 February by President Kiir is made up of the President, First Vice President and four other Vice Presidents responsible for a cluster of ministers. The announcement by President Salva Kiir of the formation of the R-TGoNU with an inclusive new cabinet was welcomed. Ministerial portfolios were allocated among the parties to peace agreement with the President nominating 20 Ministers from his side, including Finance and Interior

Ministers, while Dr. Reikh Machar nominating nine Ministers, including Defense and Petroleum Ministers. The South Sudan Opposition Alliance (SSOA) got three Ministers, Former Detainees two Ministers and Other Opposition Political Parties one Minister in the new cabinet.

While the distribution of cabinet portfolios has led to defection from both the SPLM-IO and the side of SPLMIG, no major disagreement that puts the R-TGNU has risen over the assignment of cabinet posts. Members of the cabinet were appointed on 12 March.

However, there two major areas of delay for the full constitution and operationalization of the R-TGNU. As highlighted in the statement of the Interim Chairperson of R-JMEC, the first relates to the delay in the formation of the Transitional National Legislative Assembly and the restructuring and reconstitution of the Council of States.

Second, there has been a deadlock on responsibility sharing at state and local government levels and this is delaying the completion of the establishment of the structures and composition of the revitalized transitional government. In line with the revitalized peace agreement, the State and local levels of government will be reconstituted with power-sharing among the Parties at these levels. Accordingly, 55% will be allocated for Incumbent SMPL-in Government (SPLM-IG) led government and 27% for SPLM/A-IO, while SSOA will get 10% and other opposition parties will have 8%. The SPLM-IG and the SPLM-IO disagree over the interpretation of the prescribed percentages for allocating State Governors under the R-ARCSS. Series of meetings between the parties are said to have taken place on this issue but no consensus has yet been achieved. The government is said to be insisting on taking six states, while other parties are opposing the government's position on this issue.

The delay in the appointment of governors is said to have

created a power vacuum at the state level. This has contributed, among other things, to incidents of intercommunal violence. Therefore, the parties have been called upon by the Interim Chairperson of R-JMEC to resolve this issue in a spirit of compromise and collegiality. The slow implementation of the security arrangements and the delay in the training of the Necessary Unified Forces, and the shortage of supplies also remains a matter of concern. Given that this has been the major factor behind the collapse in July 2016 of the first unity government, issues facing the transitional security arrangements is an area of major concern that should receive major attention.

Other issues highlighted in the various documents include the lack of consultation by the President with the TGNU presidency in making senior appointments to public institutions, and the inconsistencies of the Constitutional Amendment Act No.6 of 2020 issued on 19 February with the R-ARCSS due to changes that the President Kiir's government made to the Constitutional Amendment Bill. The CTSAMVM also reports various incidents that occurred since the formation of the RTGNU including allegations of rape and violent sexual abuse, defections and armed assault on members of the CTSAMVM.

These challenges notwithstanding, the latest developments in South Sudan has rekindled hope for silencing the guns in the country. The South Sudanese peace process has no doubt been fraught with so many challenges, and the road ahead is by no means easy. But the hope and expectation is that the parties will defy the odds and try to work together for the sake of the south Sudanese people who have endured so much for far too long.

Based on the input that members of the PSC will provide electronically after reviewing the various briefing notes and statements, the expected outcome of this remote briefing on the situation in South Sudan is a communique.

The AUPSC may wish to welcome the formation of the inclusive revitalized transitional government with the announcement of the new cabinet and the show of increasing trust and collegiality between President Kiir and First Vice President Machar. The Council may express concern over the delay in the formation of the Transitional Legislative Assembly, the State Council and the appointment of governors. Also of concern for the PSC is the slow implementation of the transitional security arrangements and urge the parties to avoid the slow progress in security arrangements from derailing the transitional process. In this regard, the PSC may wish to call on the parties to continue to work together in a spirit of consensus and compromise to resolve some of these outstanding issues to complete the formation of the RTGoNU in line with the peace agreement. As South Sudan became the latest country in Africa to confirm new cases of corona virus infection, the AUPSC may also call on the AU, IGAD, UN, EU and others to support the effort of South Sudan for containing the virus while ensuring that COVID19 does not lead to major disruption in the transitional process in South Sudan.