

Consideration of the AU Commission Chairperson Report on South Sudan

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Tomorrow (15 October) the African Union (AU) Peace and Security Council (PSC) will have a session for considering the report of the AU Commission Chairperson on the Situation in South Sudan. The Commissioner for Peace and Security, Smail Chergui, is expected to introduce the report with an update on the state of implementation of the Revitalized – Agreement on the Resolution of the conflict in South Sudan (R-ARCSS). Ethiopia, as the Chair of the Intergovernmental Authority on Development (IGAD), is also expected to make a statement in the partially open segment of the session ahead of the closed session.

The last time the AUPSC received a briefing on South Sudan was on 11 June 2019 following the extension of the Pre-transition period for six months until 12 November. Barely a month is now left for the expiry of the extended timeline, which according to the decision of the IGAD Council of Ministers, will not be renewable. The key question remains whether enough progress has been made in implementing the pre-transitional tasks, which are instrumental for the establishment of the Revitalized Transitional Government of National Unity (RTGoNU) come 12 November 2019. As things currently stand, the answer seems to be far from reassuring. Last month marked the first anniversary of the signing of the R-ARCSS. That the agreement is so far holding is considered as good news in and of itself. Many of the various institutions and mechanisms set out by the agreement have been established. Various representatives of the opposition parties have also moved back to Juba. Fighting has also subsided and the displacement of people due to

conflict is said to have significantly decreased. But there is still sporadic fighting between the parties and non-signatory groups and intercommunal violence continuing to claim the lives of innocent civilians.

In terms of implementing the R-ARCSS, the positive developments notwithstanding, challenges abound in terms of making tangible progress regarding the implementation of pre-transitional tasks. Key among these, which is of interest for today's PSC session, is, of course, the implementation of the security arrangements and the resolution of the boundaries issue. The Chairperson's report is expected to highlight the various developments not only generally in the situation in South Sudan but also importantly in the implementation of the pre-transitional tasks of the RARCSS. The IGAD Council of Ministers at its meeting held on 21st August 2019 in Addis Ababa decided that at least 50% of the 83 thousand necessary unified forces should be cantoned and barracked, trained and deployed before the end of September. According to UN reports, currently, out of the 35 cantonment sites planned, 23 are said to have now been occupied by opposition forces and 10 by the Government. Food, water and other resources have also been delivered to the sites. However, there is lack of amenities and there is serious financial and logistical constraint. TGoNU had pledge to provide 100 million USD to support implementation but only few of that amount has so far been disbursed. According to SRSG David Sherer, who recently briefed the UN Security Council (UNSC) on the latest in South Sudan, "more fundamental differences also persist. The opposition foresees a newly constituted security sector, whereas the Government presumes that opposition troops will be subsumed into existing forces". On the other hand, the Independent Boundaries Commission, which was supposed to address the number of states and their boundaries was unable to reach consensus.

Although the IGAD Special Envoy has been exerting efforts to

engage the non-signatory parties and bring them on board, it has so far not been successful. In fact, the holdout opposition groups had organized a meeting in The Hague at the end of August with a view to forging a united front against Juba. The meeting was said to have been attended by General Thomas Cirillo, Pagan Amum, General Oyai Deng Ajak, Cirino Hiteng, Sunday de John, Thomas Tut and other opposition officials. General Paul Malong was also said to have joined the meeting via teleconference.

It is against this backdrop that the face-to-face meeting between President Salva Kiir Mayardit and the First Vice President-Designate, Riek Machar Teny took place in Juba last month. The meeting, according to IGAD, is said to have resulted in a way forward particularly on addressing pending Security Arrangements issues. The meeting also called for a Committee to address the sensitive issue of the boundaries. The meeting was welcomed by the region and the international community at large injecting renewed impetus to the peace process.

However, not long after the face-to-face meeting, SPLMIO issued a statement condemning what President Salva Kiir is alleged to have said during prayers held at the Presidential Palace. The statement accused the president of asserting that the revitalized transitional government will be formed without the SPLM-IO, which it argued, contradicts the outcome of the face-to-face meeting. The situation was further compounded by the defection of an SPLM-IO General – James Ochan Puot – to the government side. These and the increasing fracture of the various groupings in the opposition camp is said to be threatening to overshadow the positive atmosphere observed following the face-to-face meeting.

The Deputy Spokesperson of SPLM-IO is reported to have said that they [SPLM-IO] will not be part of a unity government without proper security arrangements and agreement on the

internal boundaries of states. Lam Akol, the leader of the National Democratic Movement, echoed these sentiments.

The remaining few weeks before the expiry of the pretransition period are no doubt going to be very critical. It has become very clear that the key benchmarks set out in the R-ARCSS may not be met and, therefore, the hope and expectation now is that they could be carried out during the transition period with the formation of an inclusive and Revitalized Transitional Government of National Unity. IGAD is expected to meet at the level of Heads of State and Government during the course of this month and one of the likely issues to feature on the agenda of the Summit will be the situation in South Sudan.

The UNSC has issued a Presidential Statement on 8 October 2019, under the South African Presidency, welcoming the face to face meeting and the initial progress made in implementing the R-ARCSS. It called on Parties to speed up implementation of the transitional security arrangements and to continue consultation on the issue of the number and boundaries of states with a view to finding a common solution. The UNSC stressed that actions which threaten the peace, security or stability of South Sudan may be subject to sanctions and it affirmed that it shall be prepared to adjust measures contained in the relevant resolutions in light of the implementation of the parties' commitments, including the ceasefire.

The Chair of the Security Council Committee 2206 on South Sudan is on a visit South Sudan and the region, including Ethiopia, Sudan and Uganda as part of the regular consultation. In the following days, the delegation of the UNSC is also scheduled to visit Juba before their joint annual consultation with the PSC in Addis Ababa. Machar is said to have been requested to travel with them to Juba.

What has become clear both from the pre-transitional period tasks that are outstanding and the statements of the opposition parties is that what will happen come 12 November 2019 is very difficult to predict. This uncertainty has made the need for contingency planning a necessity. It would be of particular interest for PSC members to learn from Chergui AU's engagements since the last PSC session on South Sudan and the options available to it, working along with IGAD and the UN, for helping the parties address the main outstanding issues to prevent the derailment of the transitional process. The expected outcome of the session is a communique.

While welcoming some of the progress made including the face-to-face meeting between President Kiir and Dr. Riek Machar, the PSC could underscore the need for the signatories to continue demonstrating the necessary political will and commitment to establish agreed mechanisms to address all outstanding issues in the implementation of pre-transitional tasks, notably those relating to security arrangements and the number and boundaries of states. The AUPSC could urge the TGoNU to avail the necessary resources for the implementation of the agreement and appeal to AU member states and partners to provide financial and technical assistance in this regard. It may also echo the call by the UNSC to IGAD to appoint the Chair of the Reconstituted Joint Monitoring and Evaluation Commission.