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PEACE AND SECURITY COUNCIL  
1141<sup>ST</sup> MEETING

28 FEBRUARY 2023  
ADDIS ABABA, ETHIOPIA

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DRAFT REPORT

FIELD MISSION OF THE PEACE AND SECURITY COUNCIL TO THE REPUBLIC OF SOUTH SUDAN,  
CONDUCTED FROM 22 TO 25 FEBRUARY 2023

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## LIST OF ABBREVIATIONS

|         |  |
|---------|--|
| AfDB    | African Development Bank   |
| AU      | African Union  |
| CRA     | Compensation and Reparation Authority  |
| CSO's   | Civil Society Organizations  |
| CTRH    | Commission for Truth, Reconciliation, and Healing                                      |
| CTSAMVM | Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism |
| DDR     | Disarmament, Demobilization and Reintegration  |
| EU      | European Union   |
| FBO's   | faith-based organizations  |
| HCSS    | Hybrid Court of South Sudan  |
| IDP's   | Internally Displaced Persons   |
| IGAD    | Inter-Governmental Authority on Development  |
| IPF     | IGAD Partners Forum  |
| NEC     | National Elections Commission  |
| PSC     | Peace and Security Council   |
| R-ARCSS | Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan |
| R-JMEC  | Reconstituted Joint Monitoring and Evaluation Commission                               |
| R-TGoNU | Revitalised Transitional Government of National Unity                                  |
| RTNL    | Revitalized Transitional National Legislature  |
| SSP     | South Sudanese Pound   |
| SSR     | Security Sector Reform   |
| UN      | United Nations   |
| UNMISS  | United Nations Mission in South Sudan  |
| UNOCHA  | United Nations Office for the Coordination of Humanitarian Assistance                  |

## **I. INTRODUCTION**

1. The Peace and Security Council (PSC) of the African Union (AU), undertook its seventh field mission to South Sudan, from 22 to 25 February 2023, within the overall context and framework of the PSC mandate of promoting peace, security and stability in Africa. The field mission was also undertaken as a follow up to the Council's decisions and those of the AU Assembly on the situation in South Sudan, particularly the current transition process. The field mission was undertaken during the end of the timelines of the 36 months first Transition period, on 22 February 2023, as stipulated in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) that was signed on 12 September 2018 and the commencement of the 24-month extension of the Transition period, on 23 February 2023.

## **II. COMPOSITION OF THE PSC DELEGATION**

2. The Delegation of the PSC comprised the representatives of all PSC Members, as follows: Burundi, Cameroon, Congo, Djibouti, Gambia, Ghana, Morocco, Namibia, Nigeria, Senegal, South Africa (Chair), Tanzania, Tunisia, Uganda and Zimbabwe. The Mission was led by the Permanent Representative of the Republic of South Africa to the AU, H.E. Ambassador Edward Xolisa Makaya, in his capacity as the PSC Chairperson for February 2023. The Delegation also included support staff from the AU Commission Department of Political Affairs, Peace and Security.

## **III. OBJECTIVES**

3. Essentially, the main objective of the field mission was to gather first-hand information regarding the prevailing political, security, economic, and humanitarian situation in the country, to gauge the status of progress achieved in the implementation of the R-ARCSS since the last field mission of the PSC conducted in February 2022, including the challenges being faced. The information gathered is critically necessary for the PSC to take better informed decisions on the next steps required to more effectively support the Revitalised Transitional Government of National Unity (R-TGoNU) in accomplishing the outstanding tasks within the 24-months period of the extended Transition period. Furthermore, the field mission was undertaken within the context of the AU as one of the guarantors of the R-ARCSS and also as an expression of the AU solidarity with the Government and people of South Sudan. It was also undertaken as a reaffirmation of the unwavering commitment and determination of the AU to continue supporting the efforts of the people of South Sudan to complete the Transition successfully.

## **IV. METHODOLOGY**

4. To achieve the objectives of the field mission, the PSC Delegation held extensive consultations with various key stakeholders that include the representatives of the R-TGoNU; the Revitalized Transitional National Legislature (RTNL); the National Elections Commission (NEC); the African Diplomatic Community; the Inter-Governmental Authority on Development (IGAD); the Reconstituted Joint Monitoring and Evaluation Commission (R-JMEC); the Transitional Security Arrangements Monitoring and Evaluation Mechanism (CTSAMVM); the African Development Bank (AfDB); the United Nations Mission in South Sudan (UNMISS); the European Union (EU); the Troika, comprising Norway, United Kingdom and United States of America; the IGAD Partners Forum (IPF), represented by the Netherlands; as well as representatives of Civil Society Organizations (CSOs), including Faith-based Organizations (FBOs), think tanks and the media.

5. The PSC Delegation paid a courtesy call on the President of the Republic of South Sudan, H.E. Salva Kiir Mayardit and the Vice-Presidents H.E. Dr. Riek Machar (1<sup>st</sup> Vice-President); H.E. Dr James Wani Igga (Vice-President) and H.E. Hussein Abdelbagi Akol (Vice-President).

## **V. KEY FINDINGS**

6. During the field mission, the PSC gathered first-hand information regarding the prevailing situation in South Sudan, particularly in relation to the state of progress in the implementation of the R-ARCSS, as well as challenges to be urgently addressed.

### **A. Political Situation**

7. The PSC Delegation noted that, since its last field visit in February 2022, some relative progress has been registered in the implementation of the R-ARCSS, albeit slowly. To begin with, on 4 August 2022, the signatories to the R-ARCSS endorsed the roadmap presented by President Salva Kirr Mayardit, extending the Transition period by a further 24 months, which started on 23 February 2023 and will end on 23 February 2025. The Roadmap was approved by the Council of Ministers on 5 August 2022. It was endorsed by the RJMEC on 1 September 2022 and subsequently ratified by the RTNL. Essentially, the Roadmap is meant to provide time-bound guidance on the implementation of the outstanding provisions of the R-ARCSS, which are critical for the successful organization of credible and transparent democratic elections in December 2024, which will mark the end of the Transition period.

8. On 21 February 2023, the High-Level Committee, representing the Parties to the R-ARCSS, issued a Press Statement by the R-TGoNU, clarifying the end of the 36 months Transitional Period of the R-ARCSS ended on 22 February 2023 and the 24 months Extended Transitional Period as provided in the Roadmap ending on 22 February 2025, with elections to be held in December 2024.

9. However, the Troika, CSOs, and international partners, as well as the National Election Commission (NEC), remain apprehensive over the feasibility of the successful organization of credible, transparent democratic elections within the 24-month extended transition period, arguing that the necessary preconditions are not yet in place and that the remaining time will not be sufficient to complete the outstanding matters. However, the high-level officials of R-TGoNU assured the PSC delegation that efforts are underway to ensure that the elections are successfully organized by December 2024 and that there will be no further extension of the Transition period. The RTNL also assured the PSC Delegation that it will timeously process all outstanding Bills to ensure the completion of the transition within the extended timelines.

10. CSOs, the Troika, IPF, and the media, emphasized the urgent need for the R-TGoNU to prioritize the restoration of durable peace, security and stability throughout the country and population census as key preconditions for the South Sudanese people to enjoy their fundamental freedoms of movement, assembly and expression. The interlocutors also underlined the urgent need for reviewing the Electoral Act, the establishment of an independent and fully capacitated national election management body to oversee the successful organization of credible, transparent and democratic elections that would undisputedly reflect the freely expressed will of the people of South Sudan, in compliance with AU instruments governing democratic elections.

11. Some of the interlocutors observed that there is deficit of mutual trust and confidence between some of the signatories of the R-ARCSS, as well as the proliferation of splinter groups which are yet to embrace the R-ARCSS. However, the San Egidio negotiation process was ongoing to ensure that the hold-out movements also embrace the peace process and join the Transition process.

12. Most of the interlocutors concurred that the general lack of progress in the implementation of the transitional tasks was partly due to the lack of required financial resources coupled with the arms embargo, sanctions and other forms of punitive measures imposed on the Government of South Sudan by international organizations and some of its bilateral development partners.

13. Emphasis was also made to ensure that the 35% quota for women is fulfilled, in line with the R-ARCSS, as well as more meaningful participation of women and the youth in the transition process.

## **B. Security Situation (Chapter 2)**

14. Progress in the implementation of Chapter 2, which is generally regarded as the backbone of the R-ARCSS, has been slow, partly due to the United Nations arms embargo and sanctions imposed against South Sudan and lack of funding, while partners are of the views that there is lack of political will from the leaders of the country.

15. While the command structure for each of the Necessary Unified Forces (NUFs) have been resolved, the middle echelons still need to be agreed upon. Furthermore, while approximately 53,000 NUFs were successfully trained and graduated under Phase 1, their deployment has been stalled due to lack of necessary resources, ranging from financial, material, including weapons, as well as logistics. In addition, the processes of Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR) are also stalled. Some interlocutors of the PSC Delegation emphasized that it is critical that NUFs are deployed before the electoral processes begin.

16. Furthermore, there are increasing reports of armed clashes between and among some splinter groups which have not yet embraced the peace process, as well as reports of inter-communal violence in some parts of the country due to cattle rustling, among others. There also reported sexual violations, human trafficking and abductions of women and children. The areas mostly affected by recent cases of violence include Jonglei, Upper Nile, Unity State, Abyei area, Central Equatoria, Eastern Equatoria, Western Equatoria, Warrap, as well as the areas along the border with Kenya and Uganda. The insecurity has resulted in numerous losses of lives and internal displacement of people, thereby causing a severe humanitarian situation. The country is also said to be awash with illicit weapons.

17. Some of the interlocutors of the PSC Delegation argued that, the growing insecurity in the country is symptomatic of the lack of required State capacity to guarantee human security and, as such, suggested that the urgent deployment of NUFs would significantly contribute towards stabilizing the country, including by addressing the scourge of proliferation of illicit weapons. To this end, the Government was planning to deploy the NUFs, at the earliest, by March 2023, before the beginning of the cantonment and training of NUFs under Phase 2. It should also be noted that the Government is planning to train a bigger number of NUFs under Phase 2. The second group of NUFs will be asked to participate in the training with the weapons they were previously using. This procedure will assist the government in gathering and registering the weapons that the NUFs will employ after graduating.

18. Refugees and IDPs were respectively reluctant to be repatriated or to voluntarily return to their villages due to the prevailing insecurity. As such, emphasis was laid on the need for the R-TGoNU to deploy efforts towards creating necessary conditions for facilitating the repatriation of refugees and the voluntary return of IDPs. Though the Government has made efforts to ensure that IDPs and refugees return to their homes, and some political leaders emphasized that this will contribute towards the successful organization of the elections.

19. Some of the international partners have stopped funding the activities of CTSAMVM which has affected the monitoring of the R-ARCSS which include ceasefire. The RJMEC appealed for the AU to provide financial support.

20. In light of the foregoing, an appeal was made for the AU to redouble efforts towards the lifting of the UN arms embargo and sanctions imposed against South Sudan in order to facilitate the successful implementation of the R-ARCSS, in particular Chapter 2.

### **C. Humanitarian Situation**

21. As a result of the persistent conflict, South Sudan continues to face a dire humanitarian situation. Many South Sudanese people are internally displaced, while others are still refugees in neighboring countries. Women, children and the elderly have been disproportionately affected by persistent conflict. According to the United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA), an estimated 8.3 million people in South Sudan are in desperate need of humanitarian assistance. An appeal was made for continued humanitarian support in favor of South Sudan.

22. While some humanitarian corridors were in place and that humanitarian access had improved, there were still occasional cases of attacks against humanitarian actors.

23. Furthermore, the R-TGoNU will soon develop the legal framework for the establishment of a Special Reconstruction Fund for South Sudan which will be followed by an International Donors Pledging Conference to mobilize resources in favor of South Sudan.

### **D. Economic Situation**

24. With punitive economic measures imposed against South Sudan still in place, as well as lack of sustained economic support by the international financial institutions and bilateral partners, the process of economic recovery and stabilization remains slow and challenging. In fact, the economic situation continues to worsen, with the continued depreciation of the South Sudanese Pound (SSP) and the increases in prices of basic commodities, thereby sharply raising the cost of living.

25. The African Development Bank informed the PSC Delegation that it is providing capacity building support to the Government of South Sudan in order to facilitate necessary economic and financial reforms, including improvements in public finance management and revenue generation, both, oil and non-oil revenue. The Troika and IPF encouraged the Ministry of Finance to improve non-oil revenue collection, which emphasis being laid on the importance of demonstrable transparency and accountability in the management of the oil revenue and other public resources, fighting corruption, and commitment towards implementation of institutional, structural and financial reforms.

26. Overall, the PSC Delegation was informed that the delays in the implementation of the R-ARCSS was due to the lack of international commitment to fund the process.

### **E. Transitional Justice (Chapter 5)**

27. Progress in the implementation of Chapter 5 of the R-ARCSS is also slow. However, a draft legislation was already in place for the establishment of the Commission for Truth, Reconciliation and Healing and it was now awaiting a workshop to be organized by the R-TGoNU with a view to refining it before its submission for the final legislative process. Similarly, the Delegation was also informed

that the legislation for the establishment of the Compensation and Reparations Authority was also in process. Study visits by experts from South Sudan were undertaken to Rwanda, South Africa, Burundi and The Gambia to draw context-specific practical lessons and best practices in national reconciliation.

28. The representatives of the R-TGoNU claimed that, the delays in the implementation of this Chapter of the R-ARCSS were due to the fact that the AU Commission had not yet transmitted the guidelines as stipulated in the R-ARCSS. The clarification was made that the AU has officially requested to engage with the Government of South Sudan and is waiting for confirmation from the Government. As such, it was agreed that the AU Office of the Legal Counsel will urgently (re)transmit the Note Verbals and engagement with South Sudan on the establishment of the hybrid court.

#### **F. Constitution Making Process (Chapter 6)**

29. Efforts are already underway for the drafting of a permanent new constitution for South Sudan, which is a key precondition for the successful organization of credible, transparent democratic elections. In fact, a Bill had already been assented into law and the Ministry of Justice and Constitutional Affairs had already outlined the design, form and content of the Draft Constitution. The National Constitutional Review Commission will soon be established. In this respect, a request was made for the AU Commission's Office of the Legal Counsel and the Political Affairs, Peace and Security Department to provide the required technical assistance, as well as for the AU to support South Sudan in mobilizing other required resources.

30. Furthermore, while the R-ARCSS clearly stipulates that the country will be governed through a federal system of government, there was no clarity with regard to the specific type or form of federal system. For this reason, soon there will be public consultations to generate the required consensus.

#### **VI. CONCLUSIONS**

31. There has been steady but slow progress in the implementation of the R-ARCSS with the transition period now having been extended by 24 months, beginning on 23 February 2023 until 23 February 2025. Most aspects of Chapter 1 of the R-ARCSS are in place. The implementation of Chapter 2 is stalled due to a number of factors including the arms embargo and sanctions, as well as withdrawal of partner's financial support to CTSAMVM. As a result, although some parts of the country enjoy relative calm, the general security situation in other parts of the country remains volatile. On the other hand, although public finance management is gradually improving and economic and financial reforms are being implemented, there is still need for enhanced transparency and accountability in the management of oil-revenue and non-oil revenue. Economic recovery and stabilization largely continue to be daunting challenges. While humanitarian access had relatively improved in some areas, the overall humanitarian situation remains dire due to renewed fighting and inter-communal violence in some parts of the country and hence, refugees and IDPs are still reluctant to return to their original communities.

32. While the limited progress achieved is welcome and commendable, a lot still needs to be done in order to ensure a successful transition within the extended transition period. As such, the R-TGoNU needs to demonstrate more determination and continued commitment to expeditiously implement the outstanding tasks stipulated in the R-ARCSS. A call was made for the Government of South Sudan to honour its promise to contribute to the reconstruction fund for the implementation of the R-ARCSS. Equally important, in this regard, is the commitment of the South Sudanese people in general, with the sustained support of the neighboring countries, the region (IGAD), the AU, UN, the Troika, the EU and other bilateral partners, as well as a supportive international community. There is also need for predictable and sustainable provision of necessary resources to the R-TGoNU, coupled with their



judicious, accountable, transparent and responsible management. The hold-out movements, should continue to be constructively engaged in order to ensure that they unconditionally embrace the peace process and positively contribute towards the success of the transition. Last but not least, it will require a resolute and firm approach towards any peace spoilers.

## **VII. RECOMMENDATIONS**

33. In view of the detailed first-hand information gathered during the field mission, Council may wish to:

- i. Welcome the steady progress in the implementation of the R-ARCSS, in particularly difficult circumstances and, in this regard, commend all parties to the R-ARCSS for their patriotism and continued commitment to expeditiously implement the remaining provisions of the R-ARCSS within the extended transition period and to stress that there will be no further extension of the Transition;
- ii. Congratulate the South Sudan authorities, particularly, H.E. President Salva Kiir Mayardit, First Vice-President Dr. Riek Machar and other Parties to the R-ARCSS for placing the supreme interests of the country and its people above all else;
- iii. Welcome President Salva Kiir's commitment not to take the country back to conflict;
- iv. Urge the parties in the R-TGoNU to put their differences aside use dialogue as the viable and sustainable approach to address their differences;
- v. Welcome the Roadmap and the 24-month extension of the transition period with the elections in December 2024; and urge the R-TGoNU and all other parties concerned to complete the outstanding tasks within the extended period taking into consideration the need not to have any further extensions;
- vi. Emphasize the important role of women and youth in the South Sudan peace processes, including in reconciliation, economic development and transitional justice; and ensure that the 35% quota for women is fulfilled, in line with the R-ARCSS, as well as more meaningful participation of women and the youth in the transition process;
- vii. Request the AU Commission to engage with the Government of South Sudan with a view to mobilizing technical support for the DDR and SSR programmes to strengthen the national institutions and create a conducive environment for the organization of free, fair and credible elections;
- viii. Reiterate the critical importance of expediting the implementation of Chapter V of the R-ARCSS, which includes the establishment Hybrid Court of South Sudan (HCSS), with the support of the AU Commission, the Commission for Truth, Reconciliation, and Healing (CTRH) and the Compensation and Reparation Authority (CRA), with a view to fighting the culture of impunity, as well as promoting lasting peace, justice and reconciliation in South Sudan;
- ix. Request the Chairperson of the AU Commission to urgently constitute a team of experts to work closely with the R-TGoNU in creating some of the necessary conducive conditions for the successful organization of credible, transparent and democratic elections in December 2024, as well as on matters relating to transitional justice and constitution-making;

- x. Encourage the R-TGoNU to appoint a High-Level peace committee, including traditional leaders to find solutions to sporadic cases of intercommunal violence, and, in this context, urge the responsible authorities in all parts of the country grappling with inter-communal violence to work earnestly with the committee towards an inclusive process of holistically addressing the root causes, with a view to promoting durable peace in these areas;
- xi. Appeal to the signatories of the Rome Declaration to recommit to the Sant' Egidio process, including adherence to the Cessation of Hostilities Agreement of December 2017 and the Rome Declaration, as well as to the January 2020 Resolution;
- xii. Commend IGAD for its continued efforts in South Sudan, particularly its oversight role in the implementation of the R-ARCSS and encourage it to continue to work in collaboration with the AU and other international partners, including through its Special Envoy, in supporting the peace process in South Sudan;
- xiii. Note with satisfaction the efforts of the High-Level Ad Hoc Committee on South Sudan (C5) supporting the promotion of peace and stability in South Sudan and its coordination work with the PSC and urge them to enhance their support of the peace process as provided for in the Revitalised Peace Agreement;
- xiv. Appreciate the tireless efforts of the R-JMEC and commitment to continue assisting the South Sudanese parties to fulfill their obligations within the context of the R-ARCSS; and calls for the international community to provide financial support for the activities of CITSAMVM;
- xv. Commend the African Development Bank for its contribution towards enhancing the capacity of the R-TGoNU to successfully implement economic and financial reforms so as to facilitate speedy economic recovery and stabilization in South Sudan;
- xvi. Note with appreciation the sustained efforts, commitment and sacrifices of the UNMISS and humanitarian agencies working in South Sudan to end the suffering of the people of South Sudan;
- xvii. Appeal to the Government of South Sudan to continue to take necessary measures to ensure safety and security of humanitarian agencies; and urge the international community to continue supporting humanitarian efforts in South Sudan;
- xviii. Reiterate the African Union's appeal to the international community to lift the arms embargo and other sanctions imposed on South Sudan, in order to facilitate the successful implementation of the remaining aspects of the R-ARCSS;
- xix. Express gratitude to the South Sudanese authorities for finding time to interact with the PSC Delegation during the field mission, as well as to all interlocutors, namely, the African Diplomatic Community, IGAD, R-JMEC, CITSAMVM, UNMISS, the Troika, as well as the representatives of Civil Society Organizations; and also, express gratitude to UNMISS for providing transport facilities for the Council's Delegation;
- xx. Express particular gratitude to the AU Liaison Office in Juba for facilitating the successful conduct of the field mission and commend the efforts of the Liaison Office in effectively promoting the visibility of the AU on the ground;

- xxi. Note with deep concern, the institutional capacity constraints facing the AU Liaison Office and, in this regard, request the Chairperson of the Commission to urgently take necessary measures to ensure that the Office is availed with all necessary human, material and financial resources, in order to enable it to more effectively discharge its mandate; and
- xxii. Commit to undertake a follow up field mission to South Sudan by year end.

**ANNEX I: FIELD MISSION IN PICTURES**



**Courtesy call on the President of the Republic of South Sudan, H.E. President Salva Kiir Mayardit.**



**Engagement with Dr Riek Machar, First Vice President in the R-TGoNU, on the state of progress in the implementation of the R-ARCSS.**



**Engagement with the Vice Presidents James W. Igga and Hussein A. Akol.**



**Engagement with Hon. Martin Elia Lomuro, Minister of Cabinet Affairs.**



**Engagement with the Speaker of the National Assembly and Chairs of various parliamentary Committees on the role of the parliament in the transition process.**



**Engagement with the Vice Presidents James W. Igga and Hussein A. Akol.**



**Engagement with the National Electoral Commission on the electoral process and preparedness of the Government of South Sudan.**



**Engagement with the CSOs and FBOs of South Sudan appealed to the AUPSC to redouble its efforts in supporting South Sudan for the realization of the durable democratic transition.**



**AUPSC, JMEC, UNMISS and AFDB exchanging views on ensuring successful implementation of all outstanding transitional tasks.**

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PSC Supporting Bodies

PSC Secretariat

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2023-02-28

# 1141st Meeting of the Peace and Security Council Held on 28 February 2023, on the Consideration of the Report of the PSC Field Mission to South Sudan.

Peace and Security Council

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