



**Reconstituted Joint Monitoring and Evaluation Commission
(RJMEC)**

BRIEFING

By

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INTERIM CHAIRPERSON**

TO THE

**RECONSTITUTED TRANSITIONAL NATIONAL
LEGISLATIVE ASSEMBLY**

**SEPTEMBER 5, 2023
JUBA, SOUTH SUDAN**

- Rt Honourable Speaker,
- Rt Honourable Deputy Speakers,
- Honourable Members,
- Distinguished Ladies and Gentlemen.

Good morning

1. I am honoured, as the Interim Chairperson of the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), to brief the Reconstituted Transitional National Legislative Assembly on the status of implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). This briefing is pursuant to Article 7.9 of the Revitalised Peace Agreement which mandates RJMEC to report quarterly to and brief this august House. It therefore covers the second quarter of this year, from April 1 to June 30, 2023.
2. During this period, I had the opportunity to brief H.E. Salva Kiir Mayardit, President of the Republic of South Sudan, H.E. Dr Riek Machar, First Vice President, H.E. Dr William S. Ruto, President of the Republic of Kenya, and the United Nations Security Council on the status of implementation of the R-ARCSS.

3. In addition, I attended the 14th Ordinary Summit of the IGAD Heads of State and Government in Djibouti, and held substantive discussions with H.E. Dr Workneh Gebeyehu, Executive Secretary of IGAD and H.E. Dr Ismail Wais, IGAD Special Envoy for South Sudan. The focus of the RJMEC's engagements highlighted above was to provide a detailed assessment on the status of implementation of the Revitalized Peace Agreement, raise concerns over the slow pace of implementation and highlight risks associated with the parties' inability to complete implementation of the critical benchmarks required for the conduct of peaceful and credible elections in 2024. I also appealed for more support to the South Sudan peace process.
4. In light of the aforementioned, my briefing to this august House is a summary of the RJMEC Quarterly Report which was earlier forwarded to you. I will provide a chapter-by-chapter update on the status of implementation for the reporting period, highlight critical pending tasks in the Roadmap, particularly those critical for the conduct of elections, reflect on the recurring challenges and conclude with recommendations.

Rt Hon. Speaker, Honourable Members.

5. In terms of governance, some progress has been made by the *ad hoc* Judicial Reform Committee (JRC) pursuant to its mandate of studying and making recommendations to the RTGoNU for consideration on appropriate judicial reforms in the Republic of South Sudan. To that end, the JRC held regional public consultations in three States in the country in June 2023 so as to incorporate stakeholders' perspectives to enrich its report.
6. The mandate of the National Constitutional Amendment Committee (NCAC) tasked by the R-ARCSS to draft, amend and review legislation which lapsed in May 2023 was extended by the RTGoNU for an additional six months to enable the Committee to complete its tasks. The following are the pending legislation to be reviewed and amended by the NCAC: the Non-Governmental Organisation Act, the Investment Promotion Act, the Mining Act, the Transport Act, the Pension Fund Act, and the Telecommunication Act.
7. On national elections, the *Roadmap* of the R-ARCSS provides that elections are to be held in December 2024.

For this to happen, legal, security and institutional frameworks for holding credible elections should be in place by now. These benchmarks include, among others, enactment of the National Elections Bill, and reconstitution and full operationalization of the National Elections Commission (NEC) and the Political Parties Council (PPC). The National Elections Amendment Bill is before this august House for consideration to pave the way for reconstitution of the National Elections Commission.

8. Progress towards operationalisation of the Political Parties Council has been slow despite the enactment of the Political Parties (Amendment) Act in June 2022. The Political Parties Council is a crucial institution for the registration of political parties and will, among others, help to protect political and civic space for citizens' participation in all spheres of governance.
9. Regarding the Permanent Ceasefire and Transitional Security Arrangements, RJMEC observes that the Permanent Ceasefire has continued to hold. However, CTSAMVM reported two violations to RJMEC and IGAD regarding detention of an SPLA-IO officer and National Salvation Front (NAS) attack on SSPDF in

Central Equatoria State. Clashes between civilians were also reported in the Malakal Protection of Civilians site.

10. Following the Phase I graduation of 55,000 troops between August 2022 and January 2023, there has been no further progress on the unification of the Necessary Unified Forces (NUF). The graduated forces are still in the Training Centres, yet to be redeployed and in dire need of logistical support. Additionally, there is no progress in Phase II of the unification of forces and the DDR process remains unfunded.
11. Despite the aforementioned setbacks, there has been some progress in the enforcement of accountability among the SSPDF who commit crimes against civilians. For example, the SSPDF conducted a General Court Martial (GCM) in Yei River County, Central Equatoria State, which heard 29 cases. These accountability efforts culminated in convictions for murder, rape, sexual harassment, and loss of weapons and ammunitions.
12. The National Police Service (NPS) and the Ministry of Justice and Constitutional Affairs (MoJCA) in collaboration with the University of Juba are

implementing police reform initiatives. Furthermore, the National Police Service Directorate of Community Policing, launched the Voluntary Civilian Disarmament Strategy, which aims at voluntary disarmament of communities and enhancement of their protection.

13. On humanitarian assistance, the onset of rains and the influx of refugees and returnees from Sudan have exacerbated the already severe humanitarian needs in the country. This is compounded by the cumulative effects of prolonged intercommunal conflicts, long-term flooding and high levels of food insecurity. The disruption of trade routes between Sudan and South Sudan has also negatively affected the supply of food and other essential goods into South Sudan, resulting in scarcity and increase in prices. The overall humanitarian situation is worsened by shortage of basic services and limited funding to cover over nine million people already in need of humanitarian assistance and protection in South Sudan.

14. The long overdue establishment of the Special Reconstruction Fund (SRF) Board remains a concern especially in view of increasing needs and dwindling funding for humanitarian support, recovery as well as

the implementation of chapter III of the Agreement. The purpose of the Special Reconstruction Fund is to avail funding to support, among others, reconstruction as well as relocation, resettlement and reintegration of the IDPs and returnees.

Rt Hon. Speaker, Honourable Members,

15. On the management of economic and financial resources, progress has been slow in implementing the provisions aimed at improving the systems geared to the efficient management of public funds. These systems must be put in place in a timely manner to ensure that the resources, financial or natural, are beneficial to the people of South Sudan.
16. South Sudan is experiencing challenges in land administration in defining the roles of the existing institutions at national, state and local government levels. Currently the country relies on the pre-independence 2009 Land Act, while each state has its own land policies, laws and regulations. The RTNLA is required to adopt the reviewed Land Policy which will go a long way in addressing challenges in the land sector, including land grabbing, boundary disputes, conflicts over access to pasture. Consequently, RTNLA

should prioritise land related legislation to support these reform efforts.

Rt Hon. Speaker, Honourable Members,

17. There has been slow progress in implementing Public Financial Management reforms. It is critical that this august House expedites the enactment of the bills to support these reforms. As a result, a considerable number of provisions in this area have missed their benchmark dates as indicated in the Roadmap. There is need for transparency and accountability in order to attract international support for the execution of South Sudan's sustainable peace and development agenda.
18. Regarding transitional justice, the RTGoNU convened a conference under the theme *Building a Sustainable Transitional Justice System for South Sudan* in May 2023 in Juba. The Bills for the Commission for Truth, Reconciliation and Healing and the Compensation and Reparation Authority have been drafted and submitted to the Council of Ministers for approval before presentation to this august House for enactment.

19. In terms of the permanent constitution-making process, a critical requirement for the conduct of elections and post-transition governance arrangements, very little progress has been made in the operationalization of the Constitution Making Process Act 2022. This august House passed this Bill and was assented to by His Excellency the President, in December 2022. The institutions required to drive the process forward, such as the National Constitutional Review Commission (NCRC) is still not reconstituted and the Constitutional Drafting Committee (CDC) and the Preparatory Sub-Committee for the National Constitutional Conference (NCC) are not yet established.

Rt Hon. Speaker, Honourable Members,

20. In conclusion, during the period under review, very little was accomplished with regard to improving the overall pace of implementation of the Revitalised Peace Agreement. Overall, tasks related to the permanent constitution-making and electoral processes have stalled, and critical benchmarks outlined in the Roadmap are yet to be implemented.

21. In light of the aforementioned, the report makes the following recommendations:

21.1. To the Parties to the Agreement and Relevant Stakeholders, submit lists of their nominees to the various Constitution-making mechanisms;

21.2. To the Reconstituted Transitional Government of National Unity:

- a. expeditiously reconstitute the NCRC and establish the Preparatory Sub-Committee and other relevant mechanisms for the constitution-making process to proceed;
- b. urgently expedite the establishment and operationalization of the relevant constitution-making institutions and mechanisms;
- c. complete the review of the CTRH and CRA Bills and forward them to the RTNLA for enactment;
- d. provide basic services to citizens to promote the relocation, resettlement and reintegration of IDPs and returnees; and

e. expeditiously establish the Special Reconstruction Fund Board to pave way for the convening of the South Sudan Pledging Conference.

21.3. To this august House, expedite the deliberation and enactment of all the outstanding bills before you, including the National Elections, the National Security Service (NSS) and the Public Finance Management (PFM) Bills.

22. In conclusion, I would like to note that this month of September marks exactly one year since the endorsement of the Roadmap. More importantly, in a week's time, on 12 September, South Sudan will be marking exactly five years from the day the Revitalised Peace Agreement was signed. It is therefore important to reflect on the road which we have traveled thus far in the implementation of the R-ARCSS. Despite this journey, several critical benchmarks remain unaccomplished, including the unification of forces, the making of the permanent constitution, enactment and operationalization of legal frameworks and electoral processes in preparation for elections scheduled for December 2024.

23. In this regard, it is critical to underscore the need for sufficient political will, commitment of resources by the RTGoNU and for the Parties to the Agreement to build trust and confidence.
24. On RJMEC's part as the oversight institution of the R-ARCSS, it shall continue to monitor, evaluate and report on the status of implementation of the R-ARCSS pursuant to its mandate, as envisaged under Chapter 7.

I Thank You!