



SUDAN PEOPLE'S LIBERATION MOVEMENT  
SPLM (IO)  
DEPUTY CHAIRMAN



Date: 06/12/2023

PRESS STATEMENT

**ON THE OCCASION OF THE END OF THE SECOND SESSION OF  
PARLIAMENT, 2023 AND THE CONTINUOUS VIOLATIONS OF  
THE AGREEMENT (R-ARCSS) IN THE TRANSITIONAL  
NATIONAL LEGISLATIVE ASSEMBLY (TNLA) AND THE  
STALEMATE IN THE PEACE PROCESS**

The SPLM-IO Parliamentary Caucus of the Transitional National Legislative Assembly and the Council of States would like to update the general public, the Parties to the Agreement, the R-JMEC, the IGAD, Partners and the Guarantors at the end of the second Session of Parliament, 2023 on the continuous violation of the R-ARCSS by the SPLM-IG in and through the TNLA and the Stalemate in the Peace process in the Republic of South Sudan.

Firstly, we are saddened and disappointed to inform the General Public of the unilateral decision by the SPLM-IG to renege from the decision of the principals to the Agreement, the Parties, Stakeholders, Council of Ministers, resolving the outstanding issue of Sections 54 and 55 of the National Security Act 2014 (Amendment Bill, 2023) which unconstitutionally arrogated *powers to arrest and detain suspects without trials by the National Security Service*. A decision was reached on the 3<sup>rd</sup> March 2023 by the two principals to repeal the said Sections pursuant to the Constitutional requirements of Article 159 (e) which states that, “*the National Security shall be professional and its mandates shall focus on information gathering, analysis and advice to the relevant authorities*” and consequently, to the legal advice of the Minister of Justice and Constitutional Affairs who is also the legal advisor and the Attorney General of the Government of the Republic of South Sudan.

We would like to note and highlight that, the decision to repeal Sections 54 and 55 of the National Security Service Bill was formally communicated to the Transitional National Legislative Assembly on 28<sup>th</sup> April 2023 by Hon. Justice Reuben Madol Arol, the Minister of Justice and Constitutional Affairs who reported to the TNLA that, “**This issue was solved by the leadership of the Parties subsequently the Council of Ministers also resolved it in its regular meeting No. 5, 2023 held on Friday 24<sup>th</sup>**

Page 1 of 4





March 2023 abolished the power of the National Security to arrest or detain with or without warrant” and subsequently adopted by the TNLA in the First and Second Reading Stages. The National Security Service Act 2014 (Amendment Bill, 2023) has stalled in the Third Reading Stage due to insistence by the SPLM-IG to retain Sections 54 and 55.

The decision to renege on the resolution on Sections 54 and 55 of the Bill therefore not only tantamount to the violation of the Agreement but also undermines the security sector reforms towards democratic governance in the Republic of South Sudan. It implies the SPLM-IG is determined to continue using the National Security Service as a coercive paramilitary force to restrict Political space, civil liberty through intimidation, arrest, trial and detention of citizens with impunity contrary to the Constitution.

The Parliament was expected to proceed with the enactment of the National Security Service Bill as such, pursuant to Articles 1.18.2 of the R-ARCSS in its **Third Reading Stage** in order to reform and bring its provision into conformity with the Agreement, the Constitution and best practices. By overturning the decision of the Parties and Stakeholders to the Agreement, the SPLM-IG has unequivocally derailed the TNLA from its Transitional Mandates under Articles 1.14.7 and 1.14.8 which states that, *“the functions and mandates of the TNLA shall remain as stipulated in the Transitional Constitution of the Republic of South Sudan as amended unless otherwise specified by the terms of this Agreement...”*, *“the reconstituted TNLA shall, in the conduct of its business support this Agreement and enact legislation that enables and assist the Transitional Processes and reform described in this Agreement”*.

In light of the above development, the SPLM-IO Parliamentary Caucus condemns in no uncertain terms the continuous violation of the Agreement and disregard of the resolutions to repeal Sections 54 and 55 of the National Security Service Amendment Bill. We urge the principals to the Agreement, R-JMEC and the Guarantors to intervene and resolve this matter as soon as possible to restore the function and roles of the TNLA.

Furthermore, we would like to register the following difficulties in the implementation of the Peace Agreement which has entered into its final year of the *Agreement on the Roadmap to a Peaceful and Democratic end of the Transitional Period of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)*:

1. We have encountered resistance in the amendment of the Political Parties Act 2012 to make it democratic and create a platform for multiparty political system in the Republic of South Sudan.
2. We have encountered resistance in the amendment the National Elections Act 2012 to ensure the conduct of democratic, free, fair and credible elections in the Republic of South Sudan.





3. We have encountered resistance in the allocation of budget for Peace Implementation in the FY 2022/2023 and FY 2023/2024 for the following critical institutions and mechanism relevant to the conduct of free, fair and credible elections in the Republic of South Sudan:
  - a. National Election Commissions (NEC)
  - b. National Constitution Review Commission (NCRC)
  - c. Political Parties Council (PPC)
  - d. The National Bureau of Statistics (NBS)
  - e. Security Arrangement Mechanisms (JDB, JMCC, JTSC, SDSR, NCAC, CTC, CTSAMVM and DDR, etc)
  - f. Special Reconstruction Fund (SRF), Repatriation of Refugees and Resettlement of IDPs.
  - g. Transitional Justice Mechanisms;
    - Hybrid Court for South Sudan (HCSS)
    - Commission for Truth, Reconciliation and Healing (CTRH)
    - Compensation and Reparation Authority (CRA)
4. We continue to encounter mismanagement of public resources as follows:
  - a. Lack of transparency in the production, sale and the management of oil revenues. There is no definite figures of the amount of crude oil produced per day, the revenue generated thereof and how these revenues are appropriated to various spending agencies of government and services for the people.
  - b. Misappropriation of public resources by financing the Secretariat and political activities of the SPLM-IG
  - c. Lack of funds for the accountability institutions including the National Audit Chamber and Anti-corruption Commission. This has crippled these institutions from executing their constitutional mandates leading to widespread impunity and corruption in the government.
  - d. Lack of budget discipline and reforms aggravating the poor living condition of public servants including low salaries and delays/lack of payments to institutions.
5. We continue to encounter the lack of Political Space and Civil liberty throughout the country and consequently;
  - a. Continuous restriction on the freedom of movement within and outside the country on the First Vice President and Chairman and Commander-In-Chief of the SPLM/A-IO.
  - b. Rejection of members of our Party from participating in the three Administrative Areas of Pibor, Ruweng and Abyei.
  - c. Dismissal and swapping of SPLM-IO Constitutional Post holders and positions in the government at the National, State and Local government levels in contravention of the Power sharing agreement of the R-ARCSS.
6. We continue to encounter State-sponsored violence and inter-communal conflict in our constituencies as a result of incentivized defections of our Political and Military personnel.





7. The lack of progress in the peace process and stalemate in the Rome talks under the auspices of saint Egidio presents further insecurity and lack of stability in the Country.

In light of the above critical challenges facing the implementation of the Peace Agreement, particularly in its final year of the Transitional Period, the SPLM-IO Parliamentary Caucus urges the principals and the Parties to the Agreement, R-JMEC, the office of the Special Envoy (OSE) and the Guarantors (IGAD, TROIKA, AU, EU, UN, CHINA) to intervene and ensure the foregoing critical outstanding issues and tasks pertaining to the peace process in the Republic of South Sudan are addressed without further delay.

*Oy Nathaniel*

Sign.....

Rt. Honorable Oyet Nathaniel Pierino

First Deputy Speaker of the TNLA and SPLM-IO Deputy Chairman

Juba

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