SUDAN PEOPLE'S LIBERATION MOVEMENT
SPLM/SPLA(IO)
CHAIRMAN AND COMMANDER-IN-CHIEF

H.E. Salva Kiir Mayardit
President,
Republic of South Sudan

Re: The SPLM/SPLA (IO) Position on The Implementation of 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)" And The Way Forward

I am forwarding to your Excellency the position of SPLM/SPLA(IO) entitled above. The SPLM/SPLA(IO) reviewed and evaluated the status of the implementation of the Agreement through the Roadmap timelines, outlined the fundamental milestones achieved, the prerequisites for conducting the elections and required timelines for implementation of pending tasks of the R-ARCSS and prerequisites.

I am also forwarding this position to others including the Peace Agreement Partners, and IGAD Guarantors.

Yours truly,

13/2/2024

Riek Machar Teny-Dhurgon, PhD
Chairman and Commander-in-Chief of the SPLM/SPLA (IO) and The First Vice President of the Republic
February 13, 2024

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1. R-ARCSS Partners
2. Interim Chairman of RJMEC
3. IGAD Special Envoy to South Sudan
4. IGAD R-ARCSS Guarantors
5. AU Representative
6. C5 Representative
7. TROIKA
8. EU Representative

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GENERAL HEADQUARTERS

THE SPLM/SPLA (IO) POSITION ON THE IMPLEMENTATION OF 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)" AND THE WAY FORWARD

The SPLM/SPLA (IO) Political Bureau met on 13th February, 2024, in Juba, Republic of South Sudan to evaluate the prospects for conducting elections by December, 2024. The Political Bureau reviewed and evaluated the status of the implementation of the Agreement through the Roadmap timelines and consulted reports of the Peace Implementation Mechanisms namely: RJMEC, NCAC, SDSRB, CTSAMVM, JDB, JMCC, JTSC, SSM and DDR and also reports from the members of SPLM/SPLA(IO) assigned in the R-TGoNU. After extensive deliberations, the Political Bureau observed the following:

I. THE OBJECTIVES OF THE ROADMAP

1. **Recalling** that the Road-map is an extension of the Transitional Period by 24 months in order to complete, before 22nd December, 2024, the pending tasks in the implementation of the R-ARCSS to ensure a peaceful and democratic end of the Transitional Period by 22nd February, 2025, in order to usher in a new political dispensation in the country;

2. **Underscoring** the fact that the following fundamental milestones in the implementation of the R-ARCSS have been achieved, including;
   a) Establishment of the major institutions of R-TGoNU at the National, State and Local Government levels.
   b) Ongoing Security Arrangements Implementation i.e the Permanent Ceasefire, Cantonment, Training, Graduation and Deployment of the Necessary Unified Forces (NUF), (Phase I).
   c) Review and enactment of the Constitutional Amendment Bills and some key reform legislations.
   d) Opening up humanitarian corridors for humanitarian access and intervention all over South Sudan including receiving some returnees and refugees from the neighboring countries.
   e) Conducting Transitional Justice Mechanism Conference aimed at establishing the Commission for Truth, Reconciliation and Healing (CTRH), Compensation and Reparation Authority (CRA) and the Hybrid Court for South Sudan (HCSS).
   f) Reviving the oil production in GPOC and SPOC oilfields.

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g) Introduction of major reforms in the oil sector such as Cost Recovery Audit, Environmental Audit, Unified Human Resource Policy Manual and Local Content Regulations.

h) Conducting of National Economic Conference aimed at ushering in economic reforms including establishing of relevant institutions such as the Economic and Financial Management Authority (EFMA) and its Board (BEFMA) led by the President of the Republic.

i) Reconstitution of important democratic institutions such as the National Constitutional Review Commission (NCRC), the Political Parties Council (PPC) and the National Election Commission (NEC) marking the commencement of political transition and reform processes.

j) Engaging the hold-out groups through the Rome Talks in order to achieve Sustainable Peace throughout the country and Inclusive Elections.

3. **Noting** that the prerequisites for conducting peaceful, transparent, democratic, free, fair and credible elections at the end of the transition in the Republic of South Sudan have not yet been fully implemented, namely;
   a) Completion of Security Arrangements (Phase I and Phase II)
   b) Permanent Constitution Making Process
   c) Conduct of Population Census
   d) Judicial Reforms
   e) Repatriation of Refugees and Resettlement of the Internally Displaced Persons
   f) Transitional Justice Mechanisms (CTRH, CRA and Hybrid Court)
   g) Dissemination of the Peace Agreement (R-ARCSS)
   h) Reconstitution of other independent Commissions and Institutions
   i) Pre-elections activities
   j) Political and civic space

4. **Reiterating** that the implementation of the R-ARCSS is the only viable means to end political violence and the cycle of political transitions in the country, as the R-ARCSS addresses the root causes of the conflict and provides a federal system of governance that undertakes transformative reforms in a multi-party democracy;

5. **Cognizant** that the R-ARCSS is to lay the foundation for a united, peaceful and prosperous society based on constitutionalism, justice, equality, respect for human rights and the rule of law, for South Sudan to emerge as a viable state capable of protecting and serving its citizens;

6. **Concerned** of the fact that the Road-map comes to an end in twelve months without the pending tasks and the critical prerequisites for elections mentioned above being fully implemented.

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Furthermore, the Political Bureau evaluated the implementation of the Road-map and the findings are as follows:

II. VIOLATIONS OF THE R-ARCSS DURING THE ROADMAP

The Political Bureau registered during the implementation of the R-ARCSS since the signing of the Road-map the following unresolved major incidences of violations:

1. Taking over of the SPLM-IO allocated Ministry of Petroleum by the SPLM-IG through the Republican Order No.3/2024, stripping the Minister of his powers and arrogating the same to the Undersecretary and the Director General of Petroleum Authority.

2. Continuous harassment, intimidation, arbitrary arrest, detention, torture and forced disappearances of members of SPLM/SPLA (IO) in the States (Art. 2.1.10). For example, the continued arrest and detention of SPLA (IO) four senior officers and two bodyguards in Torit town of Eastern Equatoria State and have been in detention for over a year in Juba without trial;

3. Denial of participation of SPLM/SPLA (IO) and other parties in the governments of the three Administrative Areas (Art. 1.16.2 read together with Article 162(1) (a) of the Constitutional Amendment Act No. 7, 2020 and Article 164(1) of the Constitutional Amendment Act No. 8, 2021) and in the Agreement on structures and allocation of responsibility sharing in the three Administrative Areas in accordance with R-ARCSS (January 18th, 2021);

4. Encouraging hostile propaganda and hate speeches against the SPLM/SPLA (IO) and its leadership using state media (Art. 2.1.10);

5. Lack of political space and civil liberties manifested by continuous obstruction of other parties from freely assembling and holding public meetings and rallies (Art. 2.1.10);

6. Showing hostility to and attacking the R-ARCSS and its institutions publicly in the State media. For example, public statements by senior SPLM-IG political leaders referring to the R-ARCSS as neither the Bible nor the Quran.

7. Obstruction and denial of freedom of movement of the leaders of SPLM/SPLA (IO), including the Chairman and Commander-In-Chief;

8. Continuous harassment, arrest and detention of media personnel, civil society, etc. (Art. 2.1.10);

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9. Encouraging and incentivizing military defections and receiving the defectors officially at the SPLM-IG Party Headquarters by its senior party leaders as well as broadcasting the event on the state-owned media.

10. Renewed attacks on the SPLA-IO assembly areas and cantonments in Unity (Nyuel-Nyuel of Rupkotna County), Central Equatoria (Kawori and Namurle in Terakeka County)

11. Creation of parallel structures outside the agreed structures in the Military (Assistant Chief of Defense Forces for Procurement), Police (splitting the Training Department into Training and Human Resource Development Departments, Social Welfare Department into Social Welfare and Investment Departments) and National Security (splitting the offices of the deputies for Internal Security Bureau and General Intelligence Bureau, each into two deputies, for Operation, and Administration and Finance.)

12. Failure to adhere to the implementation matrix of the R-ARCSS Road-map timelines.

13. Refusal to pass the National Security Act, 2014 (Amendment) Bill 2022, (Art. 1.18.1.2) despite the consensus reached in the NCAC, Council of Ministers and the two Principals.

III. STATUS OF IMPLEMENTATION OF THE R-ARCSS ROADMAP

Chapter I: Revitalized Transitional Government of National Unity (R-TGoNU)

The following pending tasks are not yet implemented:

1. Dissemination of the R-ARCSS to the people of South Sudan (Art. 1.4.3.1).
2. Process of national reconciliation and healing (Art. 1.4.3.3)
3. Security Arrangements activities have not yet been completed (Art. 1.4.3.4). Given resources, this task can be completed within 8 months.
4. Devolution of powers and resources to the lower levels of government (Art. 1.2.15), (Art. 1.4.3.7), (Art 4.1.6) and (Art. 4.11.4). The parties to the Agreement to negotiate and implement this provision within 3 months.
5. Lack of financial support of national members in CTSAMVM, DDR, SDSRB, JDB, JTSC, JMCC, SSM, JRC, NCAC and medical doctors and trainers in the training centers (there should be a clear budget for such activities);
6. Failure to reconstitute the governments of the three Administrative Areas in violation of (Art. 1.16.2 read together with Article 162(1) (a) of the Constitutional Amendment No. 7 Act, 2020 and Article 164(1) of the Constitutional Amendment No. 8, Act 2021) and the Agreement (January 18th, 2021) on Structures and Allocation of Responsibility Sharing in the three Administrative Areas in accordance with the R-ARCSS (this requires political will only and can be done within a week);
7. Failure to reconstitute national independent Commissions and other independent institutions (58 in number including those institutions mentioned in other chapters)

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except the NCRC, NEC and PPC (this also requires political will and can be done within one week).

8. Reinstatement of civil servants who fled the country during the war (this can also be done within 3 months).
9. Participation of members of other parties in the Foreign Service (this should take 2 weeks).
10. Appointment of Undersecretaries and Directors General at the National and State levels respectively without recommendation from the concerned ministers (Art. 1.6.2.5) (this can be done within 1 month).
11. The Constitutional Court is not yet established (Art. 1.17.7) (expedite the enactment of the law and the subsequent formation of the Constitutional Court within 3 months).
12. R-TGoNU has not addressed the challenges of reconstruction, repatriation, resettlement, rehabilitation and reintegration of IDPs and returnees as critical factors affecting peacebuilding and elections (Art. 1.20.7) (this process can be completed within 8 months).
13. Continuous forceful occupation of houses of war displaced victims which has made them continue to remain in the POCs (the identification and evacuation of such houses can be done within 3 months).
14. The National Security Act, 2014 (Art. 1.18.1.2) has not yet been amended to conform with the Agreement (this can be done within one week)

Chapter II: Permanent Ceasefire and Transitional Security Arrangements (PCTSA)

1. The unification of Middle Echelon Commands of the Unified Forces has not been completed (this can be done within 1 month).
2. Delay in the deployment of Phase I of the Unified Forces (this can be finished within 1 month).
3. Cantonment, Screening, Unification of forces of Phase II has not started (this can be completed within 8 months);
4. Funding of the security mechanisms' activities is inadequate and not consistent (they should be clearly budgeted for).
5. NTC has no separate budget for its activities and therefore inadequately financed (clear budget is required).
6. Due to lack of funding, DDR has not established any of the 8 Transition Facilities/Centers and, therefore, is unable to implement its mandate (provide funds for DDR to execute its mandate within 8 months).

Chapter III: Humanitarian Assistance and Reconstruction

1. Special Reconstruction Fund (SRF), not established (Art. 3.2) (enact legislation and establish it within 3 months).
2. Board of the Special Reconstruction Fund (BSRF), not established (Art. 3.2.1) (can be put in place one month after the establishment of the SRF);

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3. R-TGoNU has not provided the SRF with the initial funding of not less than USD 100 million per annum. (Art.3.2.7) (should be included in the next Financial Year 2024/2025 budget);
4. The IGAD, Troika, China, African Union, United Nations, European Union, World Bank, IGAD Partners Forum and African Development Bank have not nominated their respective members to BSRF (Art. 3.2.5-13);
5. The international community within BSRF has not appointed the chairperson of BSRF (Art. 3.2.3-4);
6. South Sudan Pledging Conference has not been convened. Responsible bodies are: BSRF Chairperson, Chairperson of IGAD, Chairperson of African Union Commission and Secretary General of the United Nations (Art.3.2.8).
7. IDPs and refugees have not been repatriated, resettled, reintegrated and rehabilitated (Art. 3.1.1.2, 3.1.1.5 and 3.1.2.1) (this should be completed within 8 months).
8. Non-Governmental Organizations Act 2016 was reviewed by NCAC but not yet enacted (Art 3.1.2.5) (this can be completed within 1 month).

Chapter IV: Resource, Economic and Financial Management

The following new institutions are yet to be established:

1. Economic and Financial Management Authority (EFMA) (Art. 4.16.1).
2. Board of Economic and Financial Management Authority (BEFMA) (Art. 4.16.2).
3. EFMA Advisory Committee (Art. 4.16.5).
4. Public Procurement and Asset Disposal Authority (Art. 4.6.1.1).
5. Salaries and Remuneration Commission (Art. 4.6.1.2).
6. Environmental Management Authority (EMA) (Art. 4.6.1.3).
7. Research and Development Center for Natural Disasters (Art. 4.6.1.4)
8. Research and Development Center for Strategic Studies (Art. 4.6.1.4):
9. Development Center for Scientific Research (Art. 4.6.1.4):
10. Health Care Support Fund (Art. 4.6.1.5).
11. Students Support Fund (Art. 4.6.1.6).
12. Youth Enterprise Development Fund (Art. 4.15.1.4).
13. Women Enterprise Development Fund (Art. 4.15.1.5).
14. Micro-finance Institutions (Art. 4.15.1.6).
15. Social Security Fund (Art. 4.15.1.8).
16. Oil Stabilization Account (Art. 4.8.1.11).
17. Future Generations' Fund (Art. 4.8.1.11).

All the above-mentioned institutions can be established within the next 6 months.

The following institutions have not been restructured and reconstituted:

1. Bank of South Sudan (Art. 4.2.1).
2. The National Audit Chamber (Art. 4.5).
3. Anti-Corruption Commission (Art. 4.4).
4. Fiscal and Financial Allocation Monitoring Commission (Art. 4.11.2).

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5. National Petroleum and Gas Commission (Art. 4.8.1.14.14).
6. National Petroleum and Gas Corporation (NilePet) (Art. 4.8.1.14.14).
7. National Revenue Authority (Art. 4.10.1.4)
8. Constituency Development Fund (4.3.1.5)

The restructuring and reconstitution of the aforementioned institutions can be done within 2 months.

The following national legislations, inter alia, have not been amended;

1. Investment Promotion Act, 2009 (Art. 4.7.1.1).
2. Telecommunication and Postal Service Act, 2016 (Art. 4.7.1.3).
3. The Transport Act, 2008 (Art. 4.7.1.4).
4. Petroleum Revenue Act, 2012 (Art. 4.7.1.8).
5. The Mining Act, 2012 (Art. 4.7.1.9).
6. Petroleum Revenue Management Act, 2012 (Art. 4.7.1.10).
7. National Pensions Fund Act, 2012 (Art. 4.7.1.11).
8. Land Act, 2008 (Art. 4.8.2.1.1).
9. Code of Ethics and Integrity of Public Officials (Art. 4.1.3).

The enactment of the legislations above can be completed within 3 months.

In summary, no reforms in the economic sector have been done due to failure to establish and reconstitute the institutions mentioned above as well as non-devolution of powers and resources to the states and counties (Art. 4.1.6 and 4.1.5). This defeats the mandate of the R-TGoNU to reform South Sudan's economic and public sector (Art. 4.14.10) and is tantamount to non-implementation of critical tasks of the R-ARCSS.

Chapter V: Transitional Justice, Accountability, Reconciliation and Healing

The following institutions have not been established:

1. Commission for Truth, Reconciliation and Healing (CTRH) (Art. 5.1.1.1 and 5.2) (since the required law has been enacted, the Commission can be formed within 1 month. The work of CTRH transcends the Transitional Period, 6 years according to the Act).
2. Hybrid Court for South Sudan (HCSS) (Art. 5.1.1.2 and 5.3) (the A.U to provide the guidelines for the legislation within 3 months. The work of the Hybrid Court goes beyond the Transitional Period provided that the process has been started).
3. Compensation and Reparation Authority (CRA) (Art. 5.1.1.3 and 5.4) (works concurrently with the CTRH).
4. Compensation and Reparation Fund (CRF) (Art. 5.4.2.5) (Works concurrently with CRA and CTRH).

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The AU Commission is urged to provide the required guidelines for legislation of the Act establishing the Hybrid Court for South Sudan (HCSS) (Art. 5.3.1.1).

Chapter VI: Parameters of Permanent Constitution

The following institutions and processes have not been done or are still pending (Art.1.25 and Art. 1.20.5, Art. 6.1, Articles.6.4 and 6.5):

1. National Constitutional Conference (Art. 6.6).
2. Preparatory Sub-Committee (Art. 6.6).
3. Constitutional Drafting Committee (Art. 6.9).
4. Constituent Assembly (Art. 6.5 and 6.11).
5. Amendment of the National Elections Act 2012 as amended, 2023 (Art. 1.20.6) and reconstitution of National Elections Commission accordingly.
6. The constitution making process is envisaged to be completed not later than 24 months following the establishment of the Transitional Period and shall be in place to guide the elections toward the end of the Transition (Articles 6.4 and 6.5).
7. National Elections to be conducted sixty (60) days prior to the end of Transitional Period in accordance with the Permanent Constitution (Art. 1.20.5).

IV. Other Matters of National Concern That Affect the Peace Process

1. Prevalence of Sub-national Violence among communities, and organized forces versus the communities, namely in Warrap State, Abyei Administrative Area, Western Bhar-El-Ghazal State, Pibor Administrative Area, Jonglei State, Upper Nile State, Lakes State, Eastern Equatoria State, Western Equatoria State, Central Equatoria State and Unity State.
2. Lack of transparency in the use of oil money.
3. The Rome Talks with the hold-out groups.
4. The conflict in the Sudan.
5. The impact of Climate Change.

There is a need to discuss these foregoing issues as they affect the Peace Implementation and the conduct of elections in South Sudan.

V. The Way Forward

In light of the above, the timelines for critical tasks that are prerequisites to the conduct of elections are as follows;

a) Completion of Security Arrangements (Phase I and Phase II) (to be completed within 8 months);
b) Permanent Constitution Making Process (to be completed within 24 months);
c) Conduct of Population Census (to be carried out within 16 months);
d) Judicial Reforms (to be completed within 8 months);

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e) Repatriation of Refugees and Resettlement of the Internally Displaced Persons (to be completed within 8 months);
f) Transitional Justice Mechanisms (CTRH, CRA and Hybrid Court) (must be established within 4 months from now but their activities will transcend the Transitional Period);
g) Dissemination of the Peace Agreement (R-ARCSS) (to be completed within 6 months);
h) Reconstitution of independent Commissions and Institutions (to be completed within 1 month); and
i) Pre-elections activities (require a minimum of 11 months especially voter registration).

Given the above-mentioned prerequisites, it is the Constitution Making Process which has the longest timeline that will determine the end of the Transitional Period and the other concurrent activities including setting the time for elections. In the light of this, it is imperative that the parties to the Agreement must dialogue among themselves in order to chart the way forward to allow for the implementation of these critical activities that are extremely important for peaceful and democratic end of the transition.

The SPLM/SPLA (IO) reiterates its full commitment to the implementation of the R-ARCSS as the only viable option for peaceful and democratic transition.

Signed,

13/2/2024

Riek Machar Teny-Dhurgon, PhD
Chairman and Commander-In-Chief, SPLM/SPLA(IO), and The First Vice President of the Republic.
13th February, 2024.

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