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PEACE AND SECURITY COUNCIL
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HEADS OF STATE AND GOVERNMENT

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REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN SOUTH SUDAN

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I. INTRODUCTION

1. The present report is submitted as a follow-up to communiqué PSC/AHG/COMM.1 (CDLXXIV) adopted by Council at its 484th meeting held on 29 January 2015, at the level of the Heads of State and Government. The report provides an update on the evolution of the mediation efforts led by the Inter-Governmental Authority on Development (IGAD) and the prevailing situation on the ground, as well as on the efforts of the AU in support of IGAD. It concludes with observations on the way forward.

II. POLITICAL DIALOGUE

2. Council would recall that, at its 484th meeting, it noted with disappointment the failure of the South Sudanese parties to meet the 22 November 2014 deadline set by the 28th Extraordinary Summit of the IGAD Heads of State and Government, held on 6 and 7 November 2014, in Addis Ababa, to complete consultations on outstanding matters and reach a political settlement. Council, once again, called on the parties to recommit to an unconditional end of hostilities and to negotiate in good faith and without preconditions, in order to conclude their consultations on the outstanding matters.

3. On 1 February 2015, President Salva Kiir Mayardit and the leader of the Sudan People's Liberation Movement/In Opposition (SPLM/IO), Dr. Riek Machar, met in Addis Ababa, under the auspices of the Chairperson of IGAD, Prime Minister Hailemariam Dessalegn of Ethiopia, to discuss outstanding matters. At the end of their meeting, they signed a document titled: "Areas of Agreement on the Establishment of the Transitional Government of National Unity (TGoNU) in the Republic of South Sudan." The Agreement, among others, addressed the following issues: structure and mandate of the TGoNU; power sharing ratios during the Transition; the role of the National Assembly; federalism; transitional security arrangements; justice, accountability, reconciliation and healing; matters relating to a regional and international stabilization force; participation of other political parties; the Joint Monitoring and Evaluation Commission; and the completion of negotiations on outstanding issues. The Agreement requested the establishment of the TGoNU no later than 9 July 2015, and stipulated that the duration of the TGoNU would be 30 months, preceded by a pre-transition period of three months. It also provided that, in order to allow the establishment of the TGoNU by 9 July 2015, all outstanding issues of the conflict should be resolved by 5 March 2015, for the pre-transition period to begin on 1 April 2015.

4. The signing of the Agreement was followed by the second session of Phase Three of the IGAD mediation, in Addis Ababa, from 23 February to 3 March 2015. President Salva Kiir and Dr. Riek Machar held face-to-face negotiations from 3 to 6 March 2015, also in Addis Ababa, on the outstanding issues in the 1 February 2015 TGoNU Agreement. The face-to-face talks failed to produce a breakthrough, and the negotiations were suspended indefinitely.

5. In an address to the people of South Sudan, on 6 March 2015, the Chairperson of IGAD, Prime Minister Hailemariam Dessalegn, expressed regret that no compromise could be reached between the two leaders. He reminded the leaders that the continuation of the war disregarded the interests of the people and was tantamount to an abdication of a sacred duty to them. He stressed the need to reinvigorate and reform the peace process, indicating that he would consult with IGAD Heads of State and Government and other African and international partners to agree on a common plan of action.

6. On 24 March 2015, Council, at its 494th meeting, was briefed by the Chairperson of the IGAD Special Envoys to South Sudan, Ambassador Seyoum Mesfin, on the status of the negotiations. Expressing concern at the lack of progress in the negotiations, he announced IGAD's decision to reconfigure the peace process. He indicated that the IGAD Special Envoys had reviewed the positions of the parties and developed a comprehensive text that distilled all the issues into a single draft agreement. On its part, Council, noting with utmost disappointment the failure of the South Sudanese parties to reach an agreement on the outstanding issues by the deadline of 5 March 2015, as set by IGAD, once again, appealed to them to live-up to their commitments under the Agreement of Cessation of Hostilities of January 2014 and to display the required political will and sense of responsibility, to bring to an end the untold suffering inflicted upon their people. Council reiterated its appreciation to the IGAD Chairperson and to the other leaders of the region, for their commitment and tireless efforts in the search for a lasting solution to the conflict in South Sudan, as well as to the IGAD Mediation Team. Council looked forward to the next steps envisaged by IGAD for the resumption of the negotiations.

7. In addition to the IGAD-led mediation, there were also efforts by the ruling parties of Tanzania, South Africa, and Ethiopia, namely the Chama Cha Mapinduzi (CCM), the African National Congress (ANC) and the Ethiopian People's Revolutionary Democratic Front (EPRDF), respectively, to facilitate a dialogue within the Sudan People's Liberation Movement (SPLM) towards the reunification of the party. Following the signing of the Reunification Agreement by President Salva Kiir, Dr. Riek Machar, leader of SPLM/IO, and Mr. Deng Alor Kuol on behalf of the former detainees, on 21 January 2015, in Arusha, Tanzania, under the auspices of the CCM, the SPLM Tripartite Committee, comprising the SPLM, the SPLM/IO and the former detainees, met again in Arusha from 12 to 16 February 2015. They agreed on a Roadmap for the implementation of the Reunification Agreement. Furthermore, the Tripartite Committee welcomed the inclusion of the ANC in the intra-SPLM dialogue process, as a co-Guarantor along with the CCM.

8. As a follow up to the Arusha Agreement, the CCM and the ANC hosted a meeting between the SPLM and the former detainees on 9 May 2015 in Pretoria, South Africa. The SPLM/IO did not attend the meeting, which took stock of steps taken towards the implementation of the Roadmap on the SPLM Reunification Agreement and acknowledged that tremendous progress had been made. On 1 June 2015, five member of the group of former detainees returned to Juba as an advance team. They were accompanied by Deputy President Cyril Ramaphosa of South Africa, Mr. Abdurahman Kinana, the Secretary General of CCM, as well as by Dr. Tedros Adhanom Ghebreyesus and Mrs. Amina Mohammed, Foreign Ministers of Ethiopia and Kenya, respectively. In line with the Arusha Agreement, President Salva Kiir, on 3 June 2015, issued an order revoking previous executive orders that he had issued dismissing some SPLM members, and reinstated them to their

former positions in the party. The SPLM also reinstated former Vice President Dr. Machar to the position of first deputy chairperson of the party. At the time of finalizing this report, the former detainees were planning to meet Dr. Marchar and discuss their return to the SPLM structure.

9. In addition to the ongoing efforts to bring peace to South Sudan, there were also other developments that should be noted. On 19 February 2015, the Government of South Sudan introduced to Parliament a draft constitutional amendment to postpone the general elections by two years, until 30 June 2017. On 24 March 2015, the Parliament adopted the amendment and extended the tenure of the President, the National Legislature and the State Legislative Assemblies by three years, until 9 July 2018. The mandate of the National Constitutional Review Commission was also extended until 31 December 2017. The SPLM/IO and the former detainees, in statements issued on 26 March and 4 April 2015, respectively, rejected the extension of term as unconstitutional.

III. SECURITY SITUATION

10. Sporadic fighting between the two warring parties continued in Upper Nile, Unity and Jonglei States during the period under review. According to the IGAD Monitoring and Verification Mechanism (MVM), established in February 2014 to monitor violations of the Cessation of Hostilities Agreement of January 2014, as at 30 April 2015, a total of 39 incidents that constituted violations have been recorded. A total of 20 violations were perpetrated by Government forces, and 23 by the SPLM/IO. Some incidents included violations by both parties. The months of April and May 2015 witnessed renewed hostilities in Unity and Upper Nile States, affecting hundreds of thousands of people.

11. In a press statement issued on 12 May 2015, I highlighted the unacceptable scale of the fighting and its attendant humanitarian effects as a tragedy that left a stain on the conscience of the international community, in general, and Africa, in particular. I stressed the need for renewed efforts to resolve the conflict, and to work towards the implementation of sanctions against elements violating international humanitarian law, obstructing the efforts of peacekeepers on the ground and undermining the quest for peace, as provided for in UN Security Council resolution 2206 (2015) of 3 March 2015. The IGAD Mediation, on 15 May 2015, also expressed dismay at the gross acts of violence and abuses targeting civilians and the destruction of villages.

12. At its 510th meeting held on 22 May 2015, in Swakopmund, Namibia, Council reiterated its deep disappointment over the failure of the leaders of the belligerent parties in South Sudan to rise above personal and factional political interests and put the national interest and well-being of their people first. Council further strongly condemned the resumption of hostilities in South Sudan and the untold suffering inflicted on the civilian population, in total disregard of international humanitarian law. Council underlined the particular relevance of its previous communiqués and press statements expressing its determination, in coordination with IGAD, to take the necessary measures against any party that fails to honour its commitments and continue to undermine the search for a negotiated solution, as well as of UN Security Council resolution 2206 (2015). In this respect, Council agreed on specific steps, as indicated in its press statement of 22 May 2015.

IV. HUMANITARIAN SITUATION

13. During the period under review, the humanitarian situation has further worsened. As of 30 April 2015, 1.52 million people were internally displaced, while 552,000 have sought refuge in neighboring countries. Nearly 121,400 people were sheltered inside the protection sites of the UN Mission in South Sudan (UNMISS). About 300,000 people were affected by the upsurge in the conflict in the first days of May 2015, as active hostilities and insecurity continue to disrupt humanitarian response activities and restrict road and air access.

14. According to the U.N., South Sudan faces the worst levels of food insecurity in its history. Some 4.6 million people are projected to face severe food insecurity during the months of May-July 2015. More than 4.1 million people are in critical need of water sanitation and hygiene services. The majority of people in need are located in remote rural locations with little or no services. Almost 40 per cent of water points are not functioning and the repair and maintenance capacity is limited. In some protection of civilian's sites, including Bentiu and Malakal, the continuous influx of internally displaced people is increasing pressure on facilities and lowering the standard of services provided. The numbers of internally displaced people are set to rise in the coming months, as fighting continues.

15. Active hostilities and insecurity continue to disrupt humanitarian response activities and restrict road, riverine and air access. As a result of fighting, over 750,000 beneficiaries in the Greater Upper Nile remain inaccessible. On 22 occasions, since the beginning of the year, humanitarian organizations have suspended activities because of hostilities, including reducing staff levels or pausing programmes in affected areas. Road and river checkpoints and demands for illegal taxes or extortion, imposing additional costs for humanitarian convoys and affecting the movement of humanitarian goods and personnel, as well as the ability of civilians to access assistance, continued. Violence against aid workers, facilities and assets, including assaults, threats, harassment, detention and abduction of personnel, were also regularly recorded. Humanitarian actors have continued to raise these security and access concerns with both parties. Since the beginning of the year, there have been 70 reported incidents of violence against humanitarian personnel or assets, 18 cases of detention, and two cases of abduction.

16. The funding requirements for South Sudan Humanitarian Response Plan amount to US\$1.8 billion. On 9 February 2015, donors pledged US\$529 million at a high-level event in Nairobi organized jointly by IGAD and the Office for the Coordination of Humanitarian Affairs (OCHA). This brought the total of pledges and commitments for South Sudan and South Sudanese refugees since the beginning of the year to US\$618 million. By mid-April 2015, the funding for Humanitarian Response Plan stood only 12 per cent.

V. REPORT OF THE AU COMMISSION OF INQUIRY

17. At its 411th meeting held in Banjul, The Gambia, on 30 December 2013, Council requested me to establish a Commission of Inquiry to investigate human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways and means to ensure accountability, reconciliation and healing among all South Sudanese

communities. The report of the Commission, as completed, was submitted to the 484th meeting of Council, held on 29 January 2015. While commending the Chair of the Commission of Inquiry, former President Olusegun Obasanjo, and its members, for their hard work and commitment in the discharge of their mandate, Council decided to defer the consideration of the report of the Commission of Inquiry to a later date and to take appropriate decisions, in line with the objectives set out in the Banjul communiqué.

VI. FOLLOW-UP TO RELEVANT DECISIONS OF THE PEACE AND SECURITY COUNCIL

18. Council would recall that at its 474th meeting, held on 5 December 2014, it decided to enhance and scale up its support to IGAD and its mediation efforts in South Sudan, including consultations with the leaders of the region for the urgent establishment of an AU High-Level *ad hoc* Committee of Heads of State and Government comprising one representative from each of the five regions of the continent. At its 494th meeting, held on 24 March 2015, Council welcomed the completion by the Commission of the consultations regarding the composition of the AU High-Level *ad hoc* Committee, to strengthen Africa's support to the IGAD mediation. Council urged the *ad hoc* Committee, to be composed of the Heads of State and Government of Algeria, Chad, Nigeria, Rwanda and South Africa, to meet as early as possible to elaborate its terms of reference and determine its work plan in support of IGAD. Council also requested the Commission to extend all the necessary support to the *ad hoc* Committee, to enable the AU to fully play its role in the search for a lasting solution to the conflict in South Sudan. At the time of finalizing this report, steps were being taken for the convening of the inaugural meeting of the *ad hoc* Committee.

19. On 2 June 2015, I appointed former President Alpha Oumar Konaré of Mali as the AU High Representative for South Sudan. President Konaré's rich experience and long standing commitment to Pan-Africanism will be a major asset in the search for a solution to the conflict that is tearing South Sudan apart. In the discharge of his responsibilities, the High Representative will maintain close contact with the South Sudanese parties and other stakeholders; interact with the IGAD leaders, other African stakeholders and the members of the *ad hoc* High-Level Committee, to facilitate a collective and coordinated African action, in the search for a negotiated solution; and work with the United Nations and other international actors, in support of the African-led efforts.

VII. OBSERVATIONS

20. I continue to be concerned by the deterioration of the security and humanitarian situation on the ground. This tragedy is a dark blot on the conscience of the international community, in general, and Africa, in particular. Most alarming in this ongoing humanitarian tragedy is the inability of the South Sudanese parties to agree on a political framework to end the fighting and the suffering of their own people.

21. Over three years ago, the AU welcomed the new nation of South Sudan into its ranks, with high expectations that this country would become a beacon of peace, prosperity and hope. I am profoundly dismayed at the turn of events, which has led to the loss of countless human lives and untold suffering.

22. Since the inception of the crisis, IGAD, under the chairmanship of Prime Minister Hailemariam Dessalegn of Ethiopia, has made sustained efforts to facilitate the early resolution of the conflict. I renew the AU's appreciation to the leaders of the region for their commitment. I also would like to pay tribute to the CCM and the ANC, as well as to the Governments of Kenya, Tanzania and South Africa, for their efforts towards the reunification of the SPLM and the return to Juba of the former detainees. The result achieved to-date is a significant contribution to the search for a lasting solution to the conflict in South Sudan.

23. In view of the prevailing situation, marked by a catastrophic humanitarian situation and deadlocked political talks, the imperative of renewed efforts cannot be overemphasized. It is in this spirit that the Commission took the necessary steps to operationalize the *ad hoc* Committee of Heads of State and Government established by Council last December, to enhance Africa's support and input to the peace process, and that I decided to appoint former President Alpha Oumar Konaré as the AU High Representative for South Sudan. In the same spirit, Council may wish to address the issue of the report of the Commission of Inquiry and take the decisions it deems appropriate in this respect.

24. I wish to express my appreciation to UNMISS, which continues to implement its mandate, including the protection of civilians, under difficult circumstances. In this regard, I wish to urge to the Government of South Sudan and all other stakeholders to extend full cooperation to UNMISS. I also extend my appreciation to the personnel of the IGAD Monitoring and Verification Mechanism for their efforts to report accurately violations of the Cessation of Hostilities Agreement by the warring parties. I commend the humanitarian actors for their continued assistance to the affected populations, in spite of the challenging conditions under which they are working. I call on the Government of South Sudan and all other stakeholders to extend full cooperation to them and facilitate their work, in full compliance with international humanitarian law.

25. While the region and the continent as a whole should spare no efforts to end the tragedy unfolding in South Sudan, the South Sudanese parties bear primary responsibility for achieving this objective. It is high time that they live up to their commitments. They have to end the unnecessary suffering they are inflicting on their own people. They have to understand that there is no military solution to the current conflict. I renew the AU's commitment to continue to work with the IGAD leadership, with a view to finding a peaceful and lasting way out of the present conflict in South Sudan.