

# THE REPUBLIC OF SOUTH SUDAN



## MINISTRY OF CABINET AFFAIRS

### The Transitional Government of National Unity (TGoNU)

Office of the Minister (17<sup>th</sup> December, 2017)

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The Transitional Government of National Unity (TGoNU) Critique of the Pre-Forum Report on the Conduct of the High-Level Revitalization Forum for the Parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), IGAD Council of Ministers, Addis Ababa, Ethiopia, 17<sup>th</sup> December, 2017.

#### 1. The Preamble

The TGoNU takes the opportunity of this 59<sup>th</sup> Extra-Ordinary IGAD Council of Ministers meeting of the 17<sup>th</sup> December 2017, to register its sincere appreciation to the IGAD Heads of State and Government for their concern and commitment to restore peace, harmony and socio-economic prosperity to the people of South Sudan.

The decision of the IGAD Heads of State and Government proves that the implementation of the ARCSS is in progress, contrary to the conclusion of some stakeholders as came in paragraph 107 of IGAD Special Envoy's Report on page 28 that 'the ARCSS failed because of lack of compliance/enforcement and accountability mechanisms. Shortcomings in the timely implementation of the ARCSS are in the main due to lack of funding.

Honourable Ministers, you will recall that following the IGAD Heads of State and Government recommendation, in its Summit of 12<sup>th</sup> June 2017, in Addis Ababa, Ethiopia, that a High Level Revitalization Forum (HLRF) be conducted on the ARCSS implementation, the TGoNU willingly accepted without reservation. Subsequently it participated fully in the IGAD Council of Ministers meeting of 2<sup>nd</sup> July 2017. Allow me at this juncture, Honourable Ministers, to relay to Your Excellences that I have been

privileged by my government and leadership to represent the TGoNU in this meeting. And *a priori* Chair, I wish to humbly submit to your leadership in this august Council.

Chair, we were pleased to receive your invitation for this 17<sup>th</sup> December, 2017, Council meeting because the TGoNU was troubled by the endorsement of the Pre-Forum Report of the IGAD Special Envoy, Mr. Ismail Wais, at the IGAD Council of Ministers meeting on the sidelines of the AU-EU Partnership Summit, in Abidjan, Cote D' Ivoire, on the 28<sup>th</sup> November, 2017, in exclusion of South Sudan. It was good that you marked the Abidjan sidelines meeting as 'Informal'.

Mr. Chairman and Honourable Ministers, we have come with directives from H.E. President Salva Kiir Mayardit, who extends his warm greetings to all of you, to engage constructively and to ensure that the Revitalization Forum is successfully conducted to silence the guns and bring peace and harmony to South Sudan. We have orders for constructive engagement and we intend to carry them out with honesty and loyalty with the cooperation of Your Excellences.

## **2. The High-Level Revitalization Forum (HLRF)**

- 2.1 The HLRF is IGAD Heads of State and Government mandate issued during its 31<sup>st</sup> Assembly, for the IGAD Council of Ministers to 'convene and facilitate a High Level Revitalization Forum of the Parties to the ARCSS including estranged groups to discuss concrete measures to: (i) Restore permanent ceasefire, (ii) Realize full implementation of the Peace Agreement and (iii) To develop a revised, realistic timeline and implementation schedule towards a democratic election at the end of the transition period in collaboration with relevant stakeholders.
- 2.2 The directive further provided guidelines for the IGAD Council of Ministers pursuant to the decision of the 31<sup>st</sup> Extra-Ordinary Summit of the IGAD Heads of State and Government. The TGoNU underlines the importance of those guidelines and is committed to full implementation in letter and spirit.
- 2.3 The TGoNU and IGAD agreed during the 57<sup>th</sup> Extra-Ordinary IGAD Council of Ministers Meeting that the Revitalization Forum is '*Not a Renegotiation of the ARCSS*'. Both IGAD and the TGoNU maintain that position as critical to the Forum.

- 2.4 Similarly the TGoNU and IGAD agreed during that 57<sup>th</sup> Extra-Ordinary meeting of the Council that a ‘credible criteria will be agreed to determine the estranged groups’.
- 2.5 The TGoNU and IGAD agreed that the intention of the HLRF is to re-energize and re-activate the ARCSS implementation and therefore its current status of implementation shall constitute the basis.
- 2.6 The TGoNU and IGAD also agreed that whilst Dr. Riek Machar Teny’s representatives should present his views at the Forum, Dr. Teny himself will not be in attendance. The TGoNU view this as critical to the success of the Forum and to the revitalization of the ARCSS.
- 2.7 IGAD, UN and TROIKA reiterated that the HLRF is not a Forum for ‘regime change’ and the TGoNU takes that assertion as a serious guideline for the Forum deliberations on issues of political nature.
- 2.8 We observed in paragraph 103 page 23 on the Role of IGAD, that the TGoNU should not be invited to as IGAD member in matters of the ARCSS, unless other parties are also invited. South Sudan is a member state of IGAD and it has guiding principles. IGAD is not for rebels and estranged groups. This kind of proposal does not help peace building in South Sudan and we strongly reject its inclusion in the report.
- 2.9 The TGoNU in its consultation paper proposed that the Forum should have two tracks, one political and the other military. This concurs with paragraphs 105 and 106 on page 24.
- 2.10 The TGoNU considers the National Dialogue to be complementary to the ARCSS implementation and hence the HLRF, not an alternative and should be supported by IGAD, the continent and the International Community. The Resolutions and Recommendations of the National Dialogue will help in the Permanent Constitution-Making process.
- 3. The Pre-Forum Consultations Report on the High-Level Revitalization Forum** (Submitted by the Office of the Special Envoy for South Sudan to the Chairperson, IGAD Council of Ministers).
- 3.1 Analysis of Stakeholders Inventory of Consultations (Page 33, dated November, 2017).**

The consultations outcome compiled by the IGAD Special Envoy, Mr. Ismail Wais, makes reference to a mapping exercise (point C on Stakeholders Mapping Page 11) having been undertaken by a Task-Force in collaboration with JMEC, CTSAMM and UNMISS. It mentioned a category of estranged groups as ‘significant opposition’. The TGoNU disagrees with the selective description of estranged groups as insignificant or significant. Any group carrying arms and causing insecurity in South Sudan is important and must be involved.

Alas, it also erroneously claims that ‘the TGoNU was approached for information but never materialized’ (Last paragraph of point 9, page 11). That statement is incorrect and I can confirm that I never met the IGAD Special Envoy or received a request from him for a meeting, yet he very well knows that I am the TGoNU Focal Person for the process, at least for JMEC Plenary meetings.

The HLRF needs the participation of people who practically have impact on the achievement of peace in the country. Unfortunately, the majority of the people who were consulted are Dr. Riek’s allies, who betrayed him after the failure of the power war in December 2013, and again July 2016. Some leave in Europe and have never been to South Sudan for more than 5 years or so.

Some of the individuals are roaming around the region and between continents fighting the people and government of South Sudan, even lobbying for South Sudan to be a ‘Protectorate’ of the United Nations. They are not only responsible for the crisis in the country, but almost all of them participated in the IGAD-Led Peace Talks from 2014 to 2015. They are the architects of the ARCSS, which they are now trying to disown.

The views they presented during the IGAD consultations are not new. They were presented during the peace talks and were found to be irrelevant. The IGAD Consultations failed to reach those who actually have impact on the security situation in South Sudan. People who are holding citizens hostages in their villages, killing travellers along interstate roads, beheading civilians, blocking roads and prohibiting access for humanitarian assistance to a large population. For the Revitalization to succeed and cause peace in the country these people must be enlisted, engaged and seriously involved in this process.

### **3.2 The contents and context of the Pre-Forum Report (Consulted Stakeholders Views).**

The TGoNU appreciates the manner with which the Pre-Forum Consultation views were categorized into issues of Governance, Security, Humanitarian and Economic Recovery. In order to relate those views to the ARCSS, the TGoNU has tried to critique them accordingly and develop appropriate agenda to the conduct of the HLRF.

### SECTION 1: CHAPTER-I ISSUES

- (a) **On Governance:** The Pre-Forum consultation report listed four (4) political options on the nature of the Transitional Government of National Unity, namely: (i) Status quo, (ii) Status quo ante 8<sup>th</sup> July, 2017, (iii) Reconstitute the ARCSS to include New Parties, (iv) Government of Technocrats and (v) Government of Technocrats and Politicians
- (i) The current TGoNU is a government of Movements (SPLM/IG and SPLM/IO), Political Parties (The National Agenda and National Alliance Group) and the Former Detainees (FDs), whose legal status is only known to the IGAD Mediators who brokered the ARCSS. The experience of the TGoNU following the appointment of General Taban Deng Gai replacing Dr. Reik Machar both as the Chairman of SPLM-A/IO and the First Vice President of the TGoNU, is that the government has stabilized due to improved collegial working relations at the level of the Presidency as well as the Cabinet.

Technically speaking, the proposition that the Transitional Government of the Republic of South Sudan should revert to the model of government before the re-eruption of conflict in J-1 in July, i.e status quo ante 8<sup>th</sup> July, 2017 (Option II), calls for the return of Dr. Riek Machar Teny to resume his position as the First Vice President of the Republic, and that is a recipe for instability of South Sudan.

The SPLM-IO is not only divided but multi-fractured along ethnic, regional and even tribal/clan lines creating a multiplicity of small, medium and large groups operating in different areas of the country, in most cases under no credible political leadership. Tempering with General Taban in favour of Dr. Riek will fuel further conflict that will render the revitalization Forum results incompatible with IGAD aspirations for peace in South Sudan, and that is not acceptable.

The Region, the continent and indeed the International Community will recall that on several occasions President Salva stated that following the swearing in of Dr. Riek as the First Vice President Kiir in April 2016, the

TGoNU Cabinet never resolved on any matter related to the ARCSS implementation. Again no meeting of the Presidency was ever concluded in harmony because Dr. Riek was contemptuous of the President and so he simply refused to cooperate with him. He was essentially running a parallel government. The situation today, however, it that apart from the FDs indifferent political contradictions, the stakeholders represented in the TGoNU Council of Ministers maintain a collegial spirit. It is that kind of relation that has made the TGoNU successfully implement some of the provisions of the ARCSS and stabilized the country after the infamous events of July 2016.

The proposal in option III, for a government of technocrats presumably means a government managed by Civil Servants who are not members of a political party. A technocratic government is normally provided for by a constitutional mandate vested in the powers of the President, who by his/her desire decides to have a government of Technocrats temporarily for a period of time at the beginning of Term of Office or in preparation for an election at the end of Term of Office. The ARCSS is a consensus government with no room to renegotiate its structure or mandate.

Moreover, Honourable Ministers, you will agree with the TGoNU that a technocrat is a person who is qualified in a particular field of specialization. And we know that technocrats the world-over run government institutions, agencies, Commissions and Parastatals. Technocrats technically manage the TGoNU institutions like anywhere else. Further, we know that there are politicians, in any government in the world, including in the TGoNU, who are Technocrats by qualification. While Technocrats provide technical knowledge to operate government institutions, Ministers only provide policy direction to implement the strategic plans developed by technocrats.

So Options IV and V in the report are only superficial political expressions that are intended to create ‘a strategic political vacuum’ for the proponents to grab power, without technical considerations. As said earlier, these options were previously advanced during the IGAD-Led peace talks that produced the ARCSS and were considered inappropriate. Equally, we consider them politically motivated and inappropriate.

- (b) ***On State Re-structuring:*** Under this governance matter of political controversy in South Sudan, the report enlisted three (3) Options namely that South Sudan: (i) Revert to 10 States, (ii) Maintain the 32 States and renegotiate power-sharing and (iii) Revert to 3 Greater Regions



The Transitional Constitution of the Republic of South Sudan is based on 10 States. But following the eruption of conflict in December 2013, popular pressure for more states increased. As IGAD mediated the ARCSS, the SPLM/A-IO under Dr. Riek declared the establishment of 21 States and he went on to appoint Governors. Dr. Riek's political intentions were to carve out the Oil Rich areas of the Greater Upper Nile Region to be under the control of his ethnic group. That policy provoked a popular reaction internally and after a series of stakeholder's consultations, the President issued Republican Order No. 36/2015 establishing 28 states, adding 7 more states to Dr. Riek's 21; and this became a serious problems during the ARCSS negotiations.

The SPLA/M-IO took up the creation of the 28 states as an opportune political agenda and made a political fuss of it; arguing that the criteria it applied to establish the 21 states was based on the boundaries of South Sudan of 1956. Differences over the number of States created by the SPLM/A-IO and the government continued even after the conclusion of the ARCSS. In fact it became a major political problem that contributed to the poor relations between Dr. Riek and President Kiir during the first in four Months of the TGoNU existence before Dr. Riek defected and went back to the bush.

However, in the aftermath of the incident of July 2016, and the appointment of General Taban Deng Gai to replace Dr. Reik following his second rebellion, as the First Vice President representing the SPLA-IO, dialogue ensued between the stakeholders to reach a consensus on the number of States. Based on the demand of the stakeholders, the President again increased the number of states from 28 to 32 and that closed the chapter. There are no more issues in relation to the number of states. In fact, there are still voices calling for creation of more states.

However if controversy continues political differences over the number of states in the Republic of South Sudan, we propose that this matter be subjected to a popular discourse and National Dialogue, as part of the Permanent Constitution-Making process. The Revitalization Forum is not intended to resolve on such matters.

- (c) **On Interim Governance:** The report recorded two (2) options; (i) the maintenance of the status quo till the end of Transition and (ii) The restructuring to South Sudan into Federal or Con-federal states, with either rotational or a Ceremonial Presidency with an Executive Prime Minister.

Chapter VI concerned with Parameters of Permanent Constitution (Sub-article 1.2), provides for the TGoNU to ‘Initiate a Federal Democratic System of government that reflects the character of South Sudan.....). Article 10.2.1 provided for the establishment of a Ministry of Federal Affairs, under the Governance Cluster, in fulfillment of sub-article 1.2. Indeed the Ministry is making progress towards restructuring of the Country into a Federal, not Con-federal, system. Therefore, the governance of South Sudan is not the subject of Revitalization, but rather the Permanent Constitutional Making Process, which is part of the ARCSS implementation.

Option II proposed under this item is irrelevant. South Sudan has an elected President whose mandate has been renewed by the ARCSS. Had it not been for the internecine conflict of December, 2015, which was provoked by a power struggle the President would no doubt have contested elections in 2015. It is not like the President postponed elections to cling on to power because he is unpopular.

Whether South Sudan should have a rotational or ceremonial Presidency is a major democratic decision for the people of South Sudan to make, not a group of politicians fighting over power. The provision of the ARCSS (Chapter VI) for permanent constitution-making process and the National Dialogue provide the Fora where the people of South Sudan will decide to have either a rotational or ceremonial Presidency.

- (d) **On the Council of Ministers:** The composition of the TGoNU is provided for in the ARCSS (Chapter 1, article 10.2), which authoritatively states that ‘No other Ministries shall be created during the Transitional Period’. This article is fully implemented. Considering the current economic constraints, the TGoNU considers any suggestion for further expansion of the government impractical and constitutes a renegotiation of the ARCSS. And that is not the objective of the HLRF.

The proposal to revert to the status quo ante December 2013, i.e. 18 Ministers, was annulled by IGAD during the negotiations to accommodate more stakeholders despite the position of the then government of South Sudan that a lean cabinet be maintained. It is, therefore, not logical to return to such an option. Cabinet members represent political parties, not regions or ethnic groups. Option III that recommends the ‘Restructuring of Cabinet to have 10 Ministers and Deputies from each of Bahr-el-Ghazal, Equatoria and Upper Nile Regions is just pure lack of knowledge about on the basis of government composition and an attempt to turn governance in South Sudan tribal and/or regional rather than democratically based on political affiliation.



- (e) **The Transitional Legislature:** The Transitional National Legislative Assembly (TNLA) and the Council of States of the TGoNU is constituted in accordance with article 11.1, and that article is fully implemented. The current building of the TNLA was reconstructed after the CPA 2005 to accommodate number of Parliamentarians ante December, 2013, i.e. 332 members.

Increasing the number of the members of Parliament from 332 to 400 under the ARCSS has pushed the building to its maximum limit. The Council of States, which has 50 members, is accommodated essentially in what used to a British build family residence. The leadership of the Council of States is struggling to operate from that premise. So option II is not practicable.

Option III, calling for ‘Dissolve and re-establish TNLA with representatives from the 3 Regions of Bahr-el-Ghazal, Equatoria and Upper Nile’ is not relevant to South Sudan. The TGoNU is a political set-up, not a ‘Popular’ institution composed of tribal and/or regional representatives. On the other hand option V, which calls for the establishment of a Lower and Upper House, is not dissimilar to the current structure of the TGoNU legislature. In any case the practice of such an arrangement usually gives the Lower House more members than the Upper (e.g the UK and the USA to mention but a few).

- (f) **The Judiciary in the Transitional Period:** The proposals on issues of the Judiciary reconstitution as identified in the Pre-Forum Report are fine. These proposals are contained in the ARCSS and the TGoNU has already started implementing these reforms. As for the establishment of three levels; Federal, Regional and Local; such a proposal must conform to the norms of Judiciary institutions in the region or elsewhere.

The Revitalization Forum does not have the mandate to decide on this matter and should be left for the Permanent Constitution-Making Process and the National Dialogue.

- (g) **Institutional Reforms:** The ARCSS provides for a series of institutional reforms, (Chapter I, article 14, and a number of others under Chapter IV including the creation of New Institutions in Article 2.5). Progress has been made in the implementation of the ARCSS reforms and establishment of new institutions. The challenge of capacity is recognized by the

government and this explains why the TGoNU is urging the UN to revert to UNMISS Mandate No. 1996 (2011).

The views of the stakeholders consulted by the IGAD Special Envoy calls for the establishment of 13 additional institutions and commissions. Also concerns were raised regarding the lack of capacity, and thus the inefficiency of the various institutions. The proposed additional institutions and commissions to strengthen ARCSS implementation are: (i) Asset Recovery, (ii) Public Procurement, (iii) Equitable Representation, (iv) Reconstruction, (v) Natural Resource and Endowment Fund, (vi) Repatriation, Compensation and Reparation, Conciliation, (vii) Mediation and Arbitration, (viii) Peace Support and Implementation, (ix) Media, (x) National Boundary, (xi) Public Debt Verification and Settlement and (xii) National Security.

The TGoNU has no objection to studying those proposals and where there is difference with the institutions already provided for by the ARCSS the proposal will be taken forward.

- (h) **On National Elections:** Article 197 of the Transitional Constitution of the Republic of South Sudan, 2011, amended 2015, provides for the establishment of a National Elections Commission to conduct elections. The Commission has developed a Strategic Plan (2016-2018), in line with the National Elections Act 2012; and the ARCSS, 2015.

In addition to facilitating general elections, the NEC Strategic Plan also aims to establish structures of the institution across the country. The TGoNU, therefore agrees with the stakeholders calling for elections at the end of the Transition Period, even by the end of October 2018. However, the decision of the IGAD Heads of State and Government in its Summit of 12<sup>th</sup> June 2017, charged the HLRF ‘To develop a revised, realistic timeline and implementation schedule towards a democratic election at the end of the transition period in collaboration with relevant stakeholders’.

The TGoNU will comply with the decision of the Heads of State and Government and has in that respect has identified activities that ought to be carried out in 6 phases (Annex-4) in preparation for the conduct of democratic elections under favourable conditions, including comprehensive disarmament, demobilization and reintegration of ex-combatants (Option IV). The proposal for an Independent Elections and Boundary Commission composed of both South Sudanese and other Nationals is rather strange. Why should a foreigner be included in our national elections institution? The duties and responsibilities of the NEC can be adjusted to cover issues of

boundaries if necessary.

## SECTION 2: CHAPTER-II ISSUES

- (a) **Cessation of Hostilities and Permanent Ceasefire:** The views of the stakeholders on (i) Total cessation of hostilities, (ii) Signing of a Political Charter to commit to non-violence and (iii) Inclusive permanent ceasefire and transitional security arrangements to be negotiated before the Forum concur with the TGoNU position and that is welcome.

Chapter II of the ARCSS has a clear road map covering all the views expressed above. The failure of the TGoNU to implement the provisions of this Chapter is attributed to three (3) challenges: (i) the multiplicity of SPLM/A-IO fragmentation and the emergence of new armed groups. Apart from the SPLM/A-IO under the leadership of the First Vice President of the Republic quest for peace, all the other SPLM/A-IO factions and the newly emerged armed groups are anti-peace, obstructing pro-peace armed groups from reporting to assembly/cantonment areas, (ii) The financial challenges of the TGoNU associated with the war, and (ii) The non compliance of the International Community to finance the sector.

For the proposal on cessation of hostilities and Permanent Ceasefire to succeed, a comprehensive plan must be developed by IGAD, the AU and the entire International Community to address the challenges outlined by the TGoNU. Also the armed estranged groups consulted by the IGAD Special Envoy did not include all the groups the TGoNU established in its survey conducted in collaboration with some domestic partners (Annex-1 and Sketch-1).

The TGoNU, therefore, proposes that estrange groups, with or without political wings, must be determined and required to partake in the Forum Security Session. Their names, location and contact must be obtained, especially those commanding Divisions, Brigades and Battalions across South Sudan as outlined in Annex-1 and depicted in sketch 1.

Some of the politicians the IGAD Special Envoy has consulted claim control of field rebels when in fact they do not know them or recognize their leadership to fulfill their political objectives. Engaging directly with those actually fighting the TGoNU and causing insecurity to the people of South Sudan is the surest way for durable peace and stability in the country.

- (b) **Ceasefire Monitoring and Enforcement Mechanism:** The TGoNU has in many JMEC meetings complained that CTSAMM is not effective in its conduct of business. The option for CTSAMM to be effective in monitoring ceasefire as well as verification and enforcement mechanism, including freedom of movement for CTSAMM through enablers and multipliers are welcome and in line with the ARCSS is in order.

There is no need to constitute a national ceasefire commission since the SPLA-IG and the SPLA-IO are represented in CTSAMM. Other armed estranged groups willing to denounce violence and sign up for peace will also be included. There is no need for such a commission.

The TGoNU has completed its part of the MoU between it and the UNSC on the deployment of the Regional Protection Force RPF. Some of the Forces from the troops contributing countries and their weapons have arrived, and are appropriately accommodated. The mandate of the RPF is civilians protection and that must be the case. It has been the view of the TGoNU that the mandate of the RPF should be separate and an exit strategy agreed. The TGoNU is not worried about the RPF having a separate mandate from UNMISS as long as the sovereignty of South Sudan is respected.

- (c) **Security Sector Transformation:** The transformation of this sector is a matter of policy commitment of the TGoNU. The proposals for overhauling the security sector, with complete review and transformation of the security sector to make it professional and national in character (Option I) have already been started.

Whilst the desire for a ‘representative Security Sector is reasonable the call for creating a totally new Security Sector, rather than reforming the current one (Option iii), is a suggestion for escalation of insecurity. It shows the ignorance of those who proposed it about the changes that have taken place in the character and skill of the current security sector. Those demanding for the ‘Total disbandment of the SPLA and Auxiliary forces’ are not nationalists. It is amazing that they are oblivious to our very recent history. They do not recognize the liberation success of the SPLA that secured the Independent and Sovereign South Sudan they now want to rule. IGAD should dissociate itself from such proposals and people who want throw the country into total chaos and perpetual war.

### SECTION 3: CHAPTER III ISSUES

- (a) **Humanitarian Access and Relief:** The TGoNU has consistently urged the International Community to financially support the implementation of the Chapter II of the ARCSS on Permanent Ceasefire and Transitional Security

Arrangements, precisely because of its concerns on the humanitarian crisis imposed by the unnecessary internecine war on the people of South Sudan.

The views contained in the Pre-Forum Report on: (i) Commitment to protection of civilians including specific measures to fast-track safe and voluntary return of IDPs and Refugees and (ii) The establishment of IDPs and Refugees Commission to be co-chaired by UNHCR and TGoNU can be considered. The TGoNU and its Humanitarian Partners annually publish a ‘Need for Humanitarian Response plan modeled’, more recently on the 13<sup>th</sup> December 2017. Whether to model such a Humanitarian Response Plan on Operation Life-Line Sudan is a matter for technical assessment of the value that it would contribute positively to the system in existence.

#### **SECTION 4: CHAPTER IV ISSUES**

- (a) **Economic Recovery:** The ARCSS provides for Resource, Economic and Financial Management reforms. In October, 2017, the TGoNU submitted its report on the status of implementation of the Chapter. The views of estranged stakeholders namely: (i) Extensive economic and Civil society reforms, (ii) Equitable resources sharing between the 3 regions and (iii) International Community to fully support economic recovery programmes through comprehensive ‘Marshal Plan’ for the Revitalization Forum are acceptable issues for discussion.

#### **SECTION 5: CHAPTER V ISSUES**

- (a) **Transitional Justice, Accountability and Reconciliation:** Chapter V spells out the views: (i) Expeditious implementation of Chapter V provisions, (ii) Hold perpetrators of abuses responsible, including justice in compensation of victims and (iii) That the chapter V be independent free from the whips of the Parties.

Consultations on the establishment of the Commission for Truth, Reconciliation and Healing (CTRH) are being conducted. The Council Ministers of the TGoNU on Wednesday 13<sup>th</sup> December 2017, approved the Memorandum of Understanding (MoU) for the establishment of the Hybrid Court for South Sudan (HCSS). The Council further directed the Minister of Justice and Constitution Affairs to forward the MoU to the National Legislature for enactment. Progress is being making on these issues and there should be no concerns on this.

## SECTION 6: CHAPTER VI ISSUES

- (a) **Permanent Constitution:** The four options: (i) Enactment critical for democratization and sustainable peace building. (ii) Independent National Constitutional Commission to draft the Bill, (iii) Revert to 1956 boundaries, (iv) Form a representative Constituent Assembly to be chaired by IGAD/AU to draft the bill and (vi) Subject new constitution to plebiscite (referendum) expressed by the estranged groups are issues to be discussed in the process of the Permanent Constitution-Making Process. The Revitalization Forum will not add much since the process is yet to start.

## SECTION 7: CHAPTER VII ISSUES

- (a) **Joint Monitoring and Evaluation Commission:** Option (i) on strengthening the oversight and enforcement mechanism, (ii) on inclusions of new parties and estranged groups and (iii) the proposal for JMEC to provide technical assistance to all TGoNU institutions is positive.

However, the proposal that the JMEC Chair recommendations be binding on TGoNU and the Parties gives the impression that the proponents of this view want to subject South Sudan to the trusteeship of JMEC, totally ignoring its sovereignty. These people are unable to differentiate between the country and the government. It is a view which infringes on our sovereignty and that is not an acceptable proposition.

As for the view that an Independent National Monitoring Mechanism be established for South Sudanese stakeholders, with representatives of the 64 ethnic groups and civil society, it is impractical. First the various ethnic groups are already represented in their various capacities in the JMEC. All the different Civil Society Organizations are adequately represented in JMEC as stipulated in Chapter VII, article 2 (Sub-articles 2.2). Already JMEC is full to the extent that space is a problem during Plenary Meetings. There is no need to consider this proposal because it is both superfluous and impractical.

## SECTION 8: CHAPTER VIII ISSUES

- (a) **Supremacy of the Agreement:** Stakeholders want the resolutions of the HLRF to be appended to the ARCSS, the TCSS and that in case of conflict the resolution of the HLRF shall prevail. That is fine but then the draft TCSS incorporating the ARCSS will be halted in Parliament pending the incorporation of the HLRF Resolutions.

This is important because the intention of the HLRF is to strengthen the ARCSS implementation and by implication it is part and parcel of it since it is only an addendum.



## OTHER ISSUES (Miscellaneous)

### 1. Critical Issues for Success of the Revitalization Forum

- (i) Inclusivity
- (ii) Cessation of hostilities and ceasefire
- (iii) Political will
- (iv) Unified opposition position on IGAD's leadership and credibility as and impartial arbiter
- (v) Robust enforcement mechanism to be agreed by IGAD
- (vi) AU and UNSC presence and commitment
- (vii) Structure of the Forum
- (viii) Gender Parity
- (ix) Participation of Dr. Reik Machar
- (x) Coordination of current initiatives: National Dialogue, the SPLM re-unification and the revitalization
- (xi) Wider consultation and transparency.
- (xii) *Commitment for financial and Technical Support from the Region, AU and the International Community.***

### 2. Proposed HLRP

- (i) Review ARCSS Implementation for challenges and agree on remedies
- (ii) Discuss new inclusive permanent ceasefire and revise current transitional Security arrangements
- (iii) New inclusive transitional governance arrangements and number of states

### 3. Expected Outcomes

- (i) End conflict
- (ii) Comprehensive security sector reform
- (iii) Specific Measures to Revitalize the ARCSS
- (iv) New Governance Structure for Transitional Period
- (v) Clear Action Plan and Economic Recovery and Resources Mobilization
- (vi) Clear Action Plan to address Humanitarian Situation and Strengthen Over-sight mechanism

### 4. Punitive Measures and Enforcement Mechanism

- (i) Wide range against spoilers and violators for compliance
- (ii) **Readiness to Declare Ceasefire**
  - (i) Agree to negotiate cease fire and conclude permanent ceasefire at the HLRF and transitional security arrangements
- (ii) **Stakeholders Position on the National Dialogue, Civil Society Participation and Unified Position of Opposition Groups**
  - (i) Support National Dialogue but reserved on outcome of the current process
  - (ii) Support their participation as track 1 and track 2
  - (iii) Most prefer opposition to have a unified position
  - (iv) Others prefer opposition to present a unified opposition
- (iii) **Timelines for the Transitional Period**
  - (i) On average 4 years preferred to effectively deliver transition into democratic elections
  - (ii) Majority prefer 2-3 years
  - (iii) Others suggest 5-10 years
  - (iv) Majority want the pre-transitional period to be 3-6 months
- (iv) **Conclusion.**
  - (i) All Stakeholders welcome the HLRF
  - (ii) HLRF will restore the implementation of the ARCSS
  - (iii) Also Achieve peace and stability in South Sudan

**‘End of Document’**

## Annex-2

Updated status of rebel activities according to states. This status indicates current individuals/officers or soldiers engaged in rebel activities. The status report also provides rebel forces establishment, combat readiness and logistic status. General manpower estimates and political strength of the SPLA-IO faction of Riek Machar and other rebel movements in South Sudan according to the Former three Greater Regions: Greater Equatoria, Greater Upper Nile and Greater Bahr-el-Ghazal.

**(1) Greater Equatoria Region:** There are three sub-regions of the greater Equatoria namely: Central, Western and Eastern Equatoria.

**(a) Former Central Equatoria State:** It was divided into three states as follows;

- (i) Terekeka State:** The following are the commanders of the SPLA-IO faction of Riek Machar in the state; Maj. Gen. Benjamin Gore Lojang; Brigadier General Lado Tungun and Brigadier Jada in Koda, Brigadier James Lokaku in Kworijik, Brig. Gen. Emmanuel Jogo along the river side of Terekeka and Col. James Angelo. These officers are without soldiers as they were promoted by Dr. Riek Machar as incentive for joining SPLA IO at various stages of his rebellion.
- (ii) Jubek State:** The forces of SPLA-IO faction of Riek Machar in Jubek state are allegedly under the command of Maj. Gen. Benjamin Gore Lojang, who decided to stay in his village of Kuda of Mundari land due to lack of actual troops to command. The deputy of Gen. Benjamin Gore is a certain Brigadier John Tungun who hails from Lulubo community and is in charge of operations in Jebelen Mountain along Juba-Nimule highway ambushing commercial traffic and killing civilians. The SPLA-IO in Jubek State engages in banditry activities, and is headed by Col. Soka in Mangala and Lt. Col. Samuel Lotti in Lokiliri (these are the officers who coordinates the movement of SPLA-IO soldiers living inside UNMISS POC 3, Juba. As sons of the local community, they facilitate river crossing to the eastern bank and back.

Recently, there emerged some officers from SPLA-IO who declared allegiance to **National Salvation Front (NAS)** in Jubek State, among them Maj. Gen. Lado Stephen, Brigadier Ramis, Brigadier Emmanuel (second name not known) all in Lobonok village with no significant

forces beside the bodyguards of former SPLA deputy chief of staff for logistics Lt. Gen. Thomas Cirilo. These NAS elements in Lobonok were recently joined by a couple of officers fleeing the onslaught of SPLA-IO in Kajo-Keji after declaring their allegiance to NAS without forces.

- (iii) **Yei River State:** The forces of the SPLA-IO faction of Riek Machar in this state are commanded by Lt. Gen. John Jok Gai, they are based in Lasu as the SPLM/A-IO headquarters for the greater Equatoria Region. Other commanders currently in the base include; Lt. Gen. Wesley Samson Welebe (SPLA-IO deputy chief of staff for Training), Maj. Gen. John Mabieh Gar, Maj. Gen. John Malual Biel (commander of former Tiger Republican guards who later died on the way to Kenya border in Sept. 2017), Maj. Gen. Frank Matata (the SPLA-IO Governor of Yei River state), Maj. Gen. Losuba Wongo, Brig. Gen. James Thow Kuach and Brig. Gen. Albiros Yata, Maj. Gen. John Malual died on the way during his mission from Lasu to the border of south Sudan and Ethiopia.

There is another commander called Brig. Gen. Musa Lokudu who is based in Kajo Keji. There is also another commander called Brig. Gen. Ismail Azhari who is currently in detention because of his attempts to defect to NAS of Gen. Thomas Cirilo.

Maj. Gen. Losuba Wongo was the founder of the **Revolutionary Movement for National Salvation (REMNAS)** before joining the SPLA-IO faction of Riek Machar and finally fleeing to the USA where he registered as a refugee, but is alleged to have joined NAS.

This is the state where the **National Salvation Front, NAS** was initiated. The first NAS forces were group of defectors from SPLA IO under the command of Lt. Gen. Kenyi Lobuoreng currently in Uoli village (between Lainya and Wunduruba) his home area. Other commanders under him include, Maj. Gen. David Taban who is currently living in a refugee camp in Northern Uganda.

Recently new rebellion emerged known as **National Army for Change** under the command of Maj. Gen. Abraham Wani, the Former Deputy Governor of Yei River State. His forces estimated to be 50 persons mainly from his village are based inside Lainya (around Mukaya and Loka west). His rebellion was triggered by an attempted arrest and disarmament by the SPLA-IO, but people also claim government security agents.

- (b) **Former Eastern Equatoria State;** which was divided into two states;

- (i) **Imotong State;** There are two SPLA-IO factions of Riek Machar camps in Imotong state; the units in those camps were named as Anyanya and Tafeng divisions. The sector 9 of SPLA-IO is commanded by Lt. Gen Justine Akudo, who is currently stuck in the triangle between South Sudan, Ethiopia and Kenya borders, where he reportedly was sent by Dr. Riek Machar to receive weapons from the Ethiopian army. His deputy is Maj. Gen. Anthony Osuru who is currently hiding in Gong Hills South West of Torit Town.

Maj. Gen. Patrick Ohiti was designated to command the SPLA-IO Tafeng Division, but due to lack of manpower he, like most of the other commanders return to their respective communities for protection. Other commanders include, Maj. Gen. Biliu Duop who is currently in Kakuma Refugee Camp, Brig. Gen. Paul Galerio who is based in his home village of Imurok, Brig. Gen. Ohisa Robert also based in his home village of Imehejek in Lopit area, Col. Renato Ohitang based in his home village of Ogwasu and Col. Sam Amin also in Imurok village from where he usually sneaks into Torit town for robbery and contracted killing of civilians.

Maj. Gen. Okeny George Lam was designated commander of Anyanya Division of SPLA-IO; due to lack of forces, he is currently based in his home village of Pajok, Pogee County in Magwi. Recently, he left for Bweyale refugee settlement camp (Kiryandongo district, Uganda). Before him, there were other SPLA-IO officers designated to command the Anyanya Division, among them Maj. Gen. Azo Marli Marx but he went to Kampala and resigned from the SPLA-IO faction of Riek Machar for some unknown reasons. Some of the Senior Commanders in the Anyanya division are Maj. Gen. Oyet Nathaniel Perino, Governor of Imotong State who is a former university lecturer promoted by Dr. Riek. He currently lives in Uganda.

Major General Martin Abucha former government of South Sudan Director of Statistics Bureau who became the commander in Madiland, in his home village of Kurepi. But after the disappearance of Gen. Martin Kenyi, Mr. Martin Abucha returned to USA. Other officers include; Brig. Gen. Michael Odongtoo (former LRA officer who is currently the Commander of SPLA-IO Magwi brigade made up of 400 LRA soldiers from Ugandan Acholi) is currently based in Pajok along the border with Uganda where he receives food supplies from Ugandan associates, Col. Abonga Henry Okee who is also based in Pajok is residing in his home village for lack of soldiers.

There are no forces of **National Salvation Front (NAS)** identified in Imotong state, though there are sons of the area in the Diaspora who declared allegiance to NAS.

- vi) **Namorunyang (Kapoeta) State;** Lt. Gen. Justine Akudo is the senior commander of the SPLA-IO faction of Riek Machar who hails from this state, but lack military presence. Currently, he is on a mission along the South Sudan, Ethiopia and Kenya border where he was expected to receive military supplies from Ethiopia in order to recruit the Toposa and other communities of this state into SPLA-IO. Maj. Gen. Marko Lokidor is the SPLA-IO designated governor of Kapoeta state, however, he has been living in Kakuma refugee camp in Kenya since his appointment by Dr. Riek Machar. Other individuals who pledged allegiance to SPLA-IO of Riek Machar are staying in their respective villages across the state with no military activities; Brig. Abdallah Lokerno who is based in Napopot, Brig. Gen. Marko Lojore around Newsite near Narus and Col. Peter Taban based in Chukudum. Maj. Gen. Simon Karlo Lotinyang who defected from SPLA-IO to **NAS** is currently in Kangetan Refugee Camp in Southern Ethiopia where they hope to establish Training Centre reportedly with the support of the Ethiopian Army.

There are also individuals from the state who pledged allegiance to Dr. Lam Akol's **National Democratic Movement (NDM)**. These individuals include Brig. Gen. Yusuf Peter Lotuke and Lt. Col. Khalid Loci who were both under the SPLA-IO Commander Maj. Gen. Simon Karlo Lotinyang. They are currently in their villages around Napopot Kapoeta South County.

**3. Former Western Equatoria State;** which was divided into four states namely Gbudue, Amadi, Maridi and Tombura states.

- (i) **Gbudue State;** the SPLA-IO faction of Riek Machar in Gbudue state was commanded by Lt. Gen. Alfred Futiyo Karaba who is currently in Southern Darfur, Sudan to receive logistics from the Sudanese Forces. The SPLA-IO forces on the ground were left under the command of Maj. Gen. John Sabadari Mamido. Due to lack of sufficient forces of SPLA IO, Maj. Gen. John Sabadari is currently living in his village in R-rangu north of Nzara. Most of the forces under Maj. Gen. John Sabadari Mamido have joined the South Sudan National Liberation Movement (SSNLM) and have recently surrendered to government and are now undergoing integration into government forces. Most of them are currently under training in Yambio.



Col. Joseph Bakosoro Bangasi, after leaving for USA ostensibly for medical reasons, his political supporters established militia group known as **(National Movement for Change, NMC)**. This militia group is currently headed by an SPLA-IO officer Col. Jimmy Richard Sikpa. NMC is officially under the SPLA-IO faction of Riek Machar as per the directives of Joseph Bakosoro Bangasi to his supporters. They have no military presence anywhere in the state.

- (ii) **Amadi State;** The forces of the SPLA-IO faction of Riek Machar in Amadi state were commanded by Lt. Gen. Wesley Samson Welebe who is currently in Lasu SPLA IO headquarters, Yei River state. Other officers of SPLA IO in this state have mostly returned to their respective home villages due to lack of forces and command structure. They are Maj. Gen. Sapana Ajuli who is based now in Mbara village, Maj. Gen. David Alison Natana based in Lanyi village, Brig. Gen. Emmanuel Bajaro Monday based in Yeri village, Maj. Gen. Bakata Lino (chief of intelligence for SPLA IO), Brig. Gen. John Bariyona based in Bangolo village, Brig. Gen. John Kenyi based in Kotobi village.
- (iii) **Maridi State:** The commander of the SPLA-IO faction of Riek Machar in this state was Maj. Gen. Joseph Palako the man who helped Dr. Riek to escape to DR Congo in 2016, Brig. Gen. Martin Cleto who is currently in Uganda, Brig. Jamal in Tore village. Most of these officers have no forces and have decided to go to refugee camps or their villages. Many of their former soldiers have surrendered to the government through community peace initiatives.

Recently, an officer of SPLA-IO who was residing in his village by name Maj. Gen. Emmanuel Lawrence Amitai Lejee, declared his allegiance to the **National Salvation Front, NAS**. He recently received a Thuraya Satellite phone and money to mobilize youth for NAS in the state.

- (iv) **Tombura State:** There are no SPLA IO rebel activities in the state. Only the LRA sporadic and wildlife poachers from Central African Republic remain the major concern.
- (b) **Greater Bahr-el-Ghazal Region: Former Western Bahr el Ghazal;** which was divided into two states of Lol and Wau state.

- (i) **Lol State:** The forces of SPLA-IO faction of Riek Machar in this state are currently located in Redum along South Sudan and Sudan border. They are commanded by Maj. Gen. Shallah Mumuki. Others include Maj. Gen. Musa Ahmed Dakuma, Brig. Gen. Abdallah Osman Fatran, Brig. Gen. Ramadan Lam Dut, Brig. Gen. Pul Makuach, Brig. Peter Pal, Col. Semir Yusuf and Col. Manytap. After the failed assault on wau town and Raja in 2016, the SPLA-IO has retreated to the Sudanese territory of Southern Darfur where many proceeded to Khartoum and others remain in the camps of Sudanese army. There is no known presence of any other South Sudan rebel movements in the state.
  - (v) **Wau State:** The forces of the SPLA-IO faction of Riek Machar in Wau state were commanded by Maj. Gen. Joseph Arop who left for Khartoum in 2016. Other officers in his group were Maj. Gen. Ashahb Khamis Fahal Ukand who was designated as SPLA-IO governor of Wau state. Due to lack of forces, he is currently living in his home village Bagari area with a certain Brig. Gen. Abuadit Ojang. Many youth who were mobilized by SPLA-IO in 2015-2016 responded to the general amnesty by the President of the Republic and returned to government areas. Those who were armed were reintegrated into the SPLA army.
4. **Former Northern Bahr el Ghazal;** which was divided into two states namely Aweil East and Aweil. There are no SPLA IO in the state. Recently, there emerged a rebellion known as **South Sudan Democratic Movement (SSDM)** under the command of Maj. Gen. Agany Agany Abdulbagi who are currently based in the Sudanese town of Meirem at the border with South Sudan. SSDM has not staged any military operation in South Sudan.
5. **Former Lakes State:** Which was divided into three states?
- (i) **Western Lakes State:** There have been inter-communal fighting and cross state cattle raiding conflicts. The SPLA-IO attempted from Western Upper Nile to created a militia group under Australia-based Abraham Majak Maliap. The militia outfit was to be commanded by a criminal who was former SPLA soldier hailing from Aweil state. He was later killed while cattle-raiding in Rumbek East County.
  - (ii) **Eastern Lakes State:** there are no rebel activities, except cattle raiding disputes among the community, which were later contained by community driven peace initiatives.
  - (iii) **Gok State (Former Warrap State):** Which was divided into three states namely Tonj, Twic and Gogrial? There are no rebel activities in these

states. There was inter-communal conflict, which was recently contained through disarmament of civilians.

**6. Greater Upper Nile Region:** There are three sub-regions in greater Upper Nile; former Unity state, former Upper Nile and former Jonglei state:

**(i) Former Unity State: Northern Liech state;** The SPLA-IO faction of Riek Machar in this state is headed by Lt. Gen. Simon Magwek Gai Majak (sector two commander). His forces are based in Gariya (border of Sudan). Other senior officers are Maj. Gen. George Gathuoi Thak, Maj. Gen. Thomas Kedol Thong, Maj. Gen. Tito Biel, Maj. Gen. John Turuk Khor, Brig. Gen. Tut Kong Wapuoy.

**(ii) Southern Liech State;** The SPLA-IO faction of Riek Machar in this state is headed by Maj. Gen. Samuel Dak Wanjang. They are based in Adok, Leer. These are mobile forces that relies on the mobilization of local youth for operations against the government. Other officers include; Maj. Gen. Moses Ruei Khor, Maj. Gen. Tut Yap Kuong, Gabriel Mawich (SPLA-IO commissioner of Adok).

**(iii) Ruweng State:** no rebel activities. Individuals the state have formed a political party and are based in Sudanese side of the border

**7. Former Upper Nile State**

**(i) Fashoda State:** There are some forces of the SPLA-IO faction of Riek Machar in this state; these forces are under the command of Lt. Gen. Johnson Ulony Thabo (sector one commander and SPLA-IO Governor of Fashoda). They are based in Magenisi on the border with Sudan. some commanders includes; Maj. Gen. James Gattiek Diar, Maj. Gen. James Yak Dayiem, Maj. Gen. Gatwech Chuol, Maj. Gen. Diing Chan (chief of SPLA-IO military Intelligence) Maj. Gen. Parome Angui, Maj. Gen. Marjang Abdallah. The forces in this state consist mostly of youth from Shilluk and few a Nuer officers. After the fighting with forces allied to Dr. Lam Akol, many Shilluk youth left for Sudan.

SPLA IO Unit known as **Division 1**. Is headed by Maj. Gen. Joseph Gai Gatluak who is currently based in Magenisi with the sector commander. Other senior officers in this unit include; Maj. Gen. Kuleker Kur (deputy division commander), Brig. Gen. William Nuai Deng, Brig. Gen. James Thou Ruach, Brig. Gen. Parjiek Toang Liah (brigade 1 commander)

based in Hamar, Brig. Gen. James Gatluak Nhial (brigade 2 commander), Brig. Gen. James Gatjang Nguen (brigade 3 commander) and Col. Mathon Dobuol Dak.

SPLA-IO Unit known as **Division 7** is headed by Maj. Gen. Johnson Kuol Gai (SPLA IO designated governor of Fangak) based in Old Fangak. Other commanders include; Maj. Gen. Peter Puol Koang (deputy governor of Fangak state) based in Ayod area, Maj. Gen. Duoth Dejuol Kuany based in Tunga, Maj. Gen. Simon Diang Duoth, Maj. Gen. Samuel Jok Kuai Toch, Brig. Gen. Wuor Gai Thonypiny (brigade 1 commander), Brig. Gen. James Kuot Duop (brigade 2 commander) and Brig. Gen. Peter Riek Pieng (brigade 3 commander). Most of these officers of SPLA are actually from the local communities.

- (ii) **Maiwut state:** The forces of the SPLA-IO faction of Riek Machar in this state are based in Maiwut town. These forces are under the command of Maj. Gen. James Khor Chuol Giet (division 5 commander). Other commanders include; Maj. Gen. David Thuok Choul (deputy commander), Maj. Gen. John Gatwech Thowath (Operations commander), Maj. Gen. John Chuol Kuan Chigach (Logistics), Brig. Gen. Peter Alberto, Brig. Gen. Jacob Nhial Wie Puot, Col. Majok Bol Maani (Training support unit).

There is a **special brigade 2** commanded by Maj. Gen. James Ochan Puot who is currently based in inside Ethiopian border around Pagak. He is deputized by Maj. Gen. Kamal Lumi who is also based in Both inside (Sudan territory).

- (iii) **Latjor State:** The forces of SPLA-IO faction of Riek Machar in Latjor state are commanded by Lt. Gen. Peter Thuok Chuol Luak (sector 3 commanders), deputized by Lt. Gen. Peter Lim Bol. The forces are based in Mandeng and Jokow. Other senior officers includes; Maj. Gen. Thomas Tut Riek (division 3 commander) based in Mandeng, Maj. Gen. Peter Ruach Wei (deputy commander), Maj. Gen. Sudan Ngor Kuany based on the side of Ulang county, Maj. Gen. John Chuol Nguot, Maj. Gen. James Kayier Lual, Maj. Gen. James Duoth Lam, Brig. Gen. Paul Gatnor Ruot and Brig. Gen. Bol Rambang. Most of these SPLA IO officers are based in their respective villages and depend on youth mobilization as forces.

- (iv) **Northern Upper Nile State:** there are no rebel activities, except those crossing the border with Sudan from the Blue Nile State of Sudan.

- (v) **Central Upper Nile State:** there are no rebel activities

## **8. Former Jonglei State:**

- (i) **Akobo State:** The forces of the SPLA-IO faction of Riek Machar in this state are under the command of Lt. Gen. Thomas Mabior Dhol (sector 4 commanders). The forces are based in Lanken; he is deputized by Maj. Gen. Michael Wal Nyak. Other commanders in this sector include; Maj. Gen. Koang Rambang Chuol (the SPLA-IO designated governor of Akobo state) currently based in Buang area, Maj. Gen. James Otong Liah (division 8 commander) based in Walgak, Maj. Gen. John Luk Bayek and Brig. Gen. Simon Yien Deng.

All these officers lack forces and only rely on forcibly mobilizing the white army to conduct military operations against the government.

- (ii) **Bieh State:** there are no rebel activities. The communities have been engaged in local peace initiatives, which persuaded the white army to stop fighting for SPLA-IO.
- (iii) **Fangak State:** The forces of the SPLA-IO faction of Riek Machar in Fangak state are based in New Fangak under the command of Lt. Gen. John Both Teny. Other senior officers are Maj. Gen. John Mawich Makuach, Maj. Gen. Stephen Gawar Manyok. The area was the HQ of Dr. Riek Machar before leaving for South Africa. The officer who have remained are from the local community. They leave without forces and depend on the local community for protection.
- (iv) **Buma State:** The commander of the SPLA-IO faction of Riek Machar in Buma state is Brig. Gen. Luka Rachu; he has been based in the border of Akobo and Pibor. He recently launched an attack on civilian in Duke Payuel of Jonglei state on the orders of Dr. Riek Machar. The purpose of the attack was to obtain food items and animals for feeding his soldiers.

There are some elements of former Cobra of David Yauryau who declared allegiance to the **National Salvation Front, NAS since January 2017. They are** based in Achwa River between Pochalla and Boma. They were expecting supply of weapons from Ethiopia army. They are under the command Maj. Gen. Adoch. The soldiers are made up of former cattle raiders who kidnapped Ethiopian children and are wanted by the authorities in Pibor.

- (v) **Jonglei State:** There are no rebel activities. Only youth mobilization for retrieval of stolen cattle and children from Boma State. Local peace initiative has managed to contain hostilities between the two states youth.



### **Annex-3**

## **TGoNU Proposal for the Conduct of the High Level Revitalization Forum**

1. Opening Remarks by IGAD, IGAD Partner Forum, Representative of the TGoNU, Representatives of the other Parties and stakeholders, as well as the estranged groups.
2. Review of the Status of the ARCSS Implementation by JMEC and the TGoNU.

### **2.1 Chapter II Agenda Items: Cessation of Hostilities (? day)**

- i) Review of the Status of Chapter II Implementation and identification of challenges.
- ii) Identification of estranged groups with or without military wings and the details of Division, Brigade and Battalion Commanders established and CTSAMM mandated to transport them from their respective locations en route to Addis Ababa for the Revitalization Forum on Security Sector Issues.
- iii) Discussions/negotiations on the Charter on declaration of commitment to non-violence by all: the TGoNU, the armed groups with or without political wing, as well as politicians propagating violence from the Region, the Continent and Abroad.
- iv) Discussions/negotiations of the cessation of hostilities agreement between TGoNU and estranged groups with military wings.
- v) Signing of cessation of hostilities agreement between TGoNU and the estranged groups with military wings.
- vi) Effective date of the cessation of hostilities before the continuation of the Forum proceedings.
- vii) Discussion/Negotiation of the permanent ceasefire and associated activities with the parties signatory to the cessation of hostilities. Issues to be considered:
  - Assembly/Contonment areas.

- Registration, organization, integration, Training and development armed estranged groups.
- DDR

viii) Punitive measures for obstructing or resisting the revitalization process.

## **2.2 Chapter 1: Identification of issues (? day)**

- i) Review Implementation Status of Chapter I and the Identification of Challenges.
- ii) Discussion/Negotiation of TGoNU status quo and other emergent political issues between TGoNU and political estranged groups, including the possibility to accommodation (Accommodation Formula and Potential for the expansion of Cabinet.
- iii) Discussion of the status of Transitional National Legislature, The Transitional National Legislature (TNLA) and the Council of States (TNCS) and the option for the option for accommodation of estranged groups at the state level rather than the national level of government.
- iv) Discussion/negotiation of realistic timeframe that will lead to free and fair elections with effect from the date of signature of the addendum (2/3/4 years) and agreement on the Pre-transitional Period.

## **2.3 Chapter III: Humanitarian Access and Relief (? day)**

- i) Review Implementation Status of Chapter III Implementation and Identification of Challenges. Government to present current humanitarian operations mechanism.

## **2.4 Chapter IV: Issues of Economic Recovery (? day)**

- i) Review Implementation Status of Chapter IV Implementation and Identification of Challenges. Government to present current humanitarian operations mechanism.
- ii) Development of ‘Marshal Plan’, including economic recovery, to support the implementation of the ARCSS Revitalization resolutions.

## **2.5 Chapter V: Issues of Transition Justice, Accountability and Reconciliation (? day)**

- i) Review Implementation Status of Chapter V and Identification of Challenges. Government to present update on the establishment of the Commission for Truth, Reconciliation and Healing (CTRH) and the AU-TGoNU Memorandum of Implementation on the establishment of the Hybrid Court.

**2.6 Chapter VI: Issues of Parameters of a Permanent Constitution (? day)**

- i) Review Implementation Status of Chapter VI and Identification of Challenges and modalities for Revitalization.

**2.7 Chapter VII: The Joint Monitoring and Evaluation Commission-JMEC (? days)**

- i) Review the Implementation Status of JMEC and exploration for areas to be strengthen.

**2.8 Chapter VIII: Issues of the Supremacy of the HLRF Resolutions (? days)**

- i) Discuss the modalities for the determination of the supremacy of HLRF Resolutions.

**3. Finally agree on the signing ceremony of the Agreement as an addendum to ARCSS.**

#### Annex-4

TGoNU Framework for the development of ‘revised, realistic timelines and Implementation Schedule for the conduct of Democratic, Free and Fair Elections at the end of the Transition’.

1. **Phase-1 Activities (proposed for 2018):** This Phase is concerned with matters of political and Security stability.
  - Framing Transitional Justice
  - Strengthening Accountability Sector
  - Strengthening Political power
  - Unrestricted Humanitarian Access
  - Cessation of Hostilities and Permanent Ceasefire
  - Constitution Restructuring
2. **Phase 2 Activities (proposed for 2019):** This Phase puts in place the system for democracy, stabilization of security in order to give IDPs and Refugees the confidence to return home.
  - Political Parties Development
  - Framing population census
  - Security Arrangements
  - IDPs and Refugees Repatriation
3. **Phase 3 Activities (proposed for 2020):** Here The country prepare for elections and settlement of Ex-combatants and addressing transition justice.
  - EDF engagement
  - Electoral preparations
  - National Civic Education
  - Population Census conduct
  - DDR Process
  - Transitional Justice
4. **Phase 4 Activities (proposed for 2021):** This is the phase for reforms on electoral process, political party system, population census, civic space and judiciary.
  - Framing for Security Protection of Electoral Process
  - National Security and Defense Completed
  - Political Parties roll-out electoral process
  - Population census results released
  - Electoral Constituencies/systems declared

5. **Phase 5 Activities (proposed for 2022-2023):** Now the country enters post-conflict phase with a democratically elected government and sets up a programme for long term development based on 'a Revised South Sudan Vision 2014)
- Electoral Voter Education
  - Elections Voting
  - Elections Results
  - Democratically Elected Government Established.

**'End of Proposals'**