

THE REPUBLIC OF SOUTH SUDAN



Ministry of Cabinet Affairs

Office of the Minister

Update on the Implementation of UNSC Resolution 2683 (2023) on Arms Embargo and Sanctions on South Sudan (6th May, 2024)

1. In October 2023, United Nations Security Council visited South Sudan and held a meeting with the R-TGoNU Representatives on Tuesday 24th October, 2023.
2. The visited was to assess the implementation of UNSC Resolution 2683 (2023) on Arms Embargo and Sanctions on South Sudan for the period 2022/2023 under paragraph 18.
3. The delegation was led by Ambassador Michel Xavier Biang, from Gabon, and twelve (10) others representing China, France, Gabon, Ghana, Japan, Malta, Mozambique, Switzerland, UAE, British Embassy in Juba and US Embassy in Juba.
4. The R-TGoUN was represented by the Ministers of Cabinet Affairs as the Chair, Justice and Constitutional Affairs, Defense and Veterans Affairs, Interior, Foreign Affairs and International Cooperation and that of Gender, Child and Social Welfare. The Minister of Finance and Planning was absent.
5. The Chair of the UNSC delegation Ambassador Michel high-lighted the terms of Resolution 2683 on the Arms Embargo and Sanctions, emphasizing progress so far made by the R-TGoUN in the implementation of the five (5) Benchmark. This report is an update of the progress so far made since the 2022/2023 report on the implementation of the five benchmarks. namely:

R-TGoUN response/narrative on the progress made in the implementation of the benchmarks.

1. On benchmark No. 1: the completion, by the RTGNU, of Stages 1, 2, and 3 of the Strategic Defense and Security Review (SDSR) process contained in the Revitalized Agreement. **Response:**

- (i) As reported earlier, in 2023 the Strategic Defense and Security Review Board (SDSRB) established vide Article 2.5 of the Revitalized Agreement on the Resolutions in the Republic of South Sudan (R-ARCSS 2018) in 2023 developed five (5) documents for security Sector reform: (i) Strategic Security Assessment (SSA) Document Developed, (ii) Security Policy Framework (SPF), (iii) Revised Defence Policy (RDP), (iv) Security Sector Transformation Roadmap (SST), (v) Draft Whitepaper on Defence to provide the framework for security sector transformation.
- (ii) From the 23rd to 25th 2024 the SDSR-Board, with support from UNMISS, RJMEC, IGAD and AU conducted a validation workshop. Following the successful validation, the documents will now be subjected for consideration by the parties signatory to the agreement. After approval by the parties signatory to agreement, the SDSR-Board will submit them for approval by the Council of Ministers and then the Ministry of Justice and Constitutional Affairs will present them to the Parliament for ratification. Once ratified by the Parliament they became the legal framework for Security Sector Transformation in the Republic of South Sudan.

2. On benchmark-2: the formation, by the RTGNU, of a unified command structure for the Necessary Unified Forces (NUF), the training, graduation, and redeployment of the NUF, and allocation by the RTGNU of adequate resources for the planning and implementation of the redeployment of the NUF. **Response:**

- (i) The National Transitional Committee (NTC) recorded a total of 55,958 combatants in Phase-1 of the Security Arrangements. These are apportioned 15,150 Army; 3,380 VIP protection; 15,178 South Sudan National Police (SSNP); 4,069 Correctional Service (Prison); 5,605 Civil Defence; 6,261 Wildlife Service and 6,315 National Security.

- (ii) Approximately 90% of the Army have been deployed. The few remaining are now ready for deployment upon commencement of Phase-2. The first battalion deployed to Greater Equatoria, Second Battalion to Greater Bahr-El-Ghazal and the Third to Greater Upper Nile.
- (iii) On the composition of the second echelon of military command structure, the SPLM/IO leadership handed over the list of their Officers to H.E. the President on Friday the 2nd May, 2024. It is anticipated that the incorporation of the SPLM/IO officers will be completed without *further ado*.
- (iv) Also, preparations are at advanced stage for the deployment of the Other Organized Forces and the National Security Forces.
- (v) Phase-2 preparations for cantonment, training, graduation and subsequent deployment are now complete and this phase is due to commence during the second week of May, 2024 and anticipated to be graduated and deployed within 3 Months.

3. On benchmark-3: RTGNU made on the establishment and implementation of the disarmament, demobilization, and reintegration (DDR) process, and in particular the development and implementation of a plan for the collection and disposal of long and medium range heavy weapons, and the development of a time-bound plan for the complete and verifiable demilitarization of all civilian areas.

- (i) DDR Commission developed its plan of action and budget for the programme. Its activities face funding challenges, but the government is working to raise the necessary funds and to seek Partners support. *The DDR continue to face challenges although plans for funding are being considered.*

4. On benchmark-4: progress by the South Sudanese defense and security forces on properly managing their existing arms and ammunition stockpiles, including by establishing the necessary planning documents, protocols, and training for the recording, storage, distribution and management of the weapons and ammunition;

- (i) Concept paper for the Control Management and Stock filing of Arms, Ammunitions and other military equipment has been developed in collaboration with UNMISS.
- (ii) Training of personnel has been conducted and plans to construct stores for storage of weapons, Ammunitions and other military equipment are also on going.
- (iii) Budget for construction of facilities has been prepared and the Ministry of Défense and Veteran Affairs is due to submit for approval by the Council of Ministers. Also support from UNMISS is solicited.*

5. On benchark-5: the implementation of the Joint Action Plan for the Armed Forces on addressing conflict-related sexual violence, with emphasis on the training, sensitization, accountability and oversight of the defense and security forces.

5.1 The South Sudan Defense Forces (SSPDF)command started to develop a Military Justice System and later established the Directorate of Military Justice to administer Justice and Enforce Accountability. The Policy Documents Covers a Range of Areas:

- (i) The Mandate and Function/Objectives of the Military Justice Directorate are: (i) To ensure members of SSPDF who commit criminal offences, including against children, and disciplinary offences are held to account and (ii) Ensure a fully functioning military justice system by enforcing criminal and disciplinary law throughout all ranks of the SSPDF. **Annex-1** shows how the Military Justice addressed in South Sudan.
- (ii) The National Legal Framework applicable to Children include: The Transitional Constitution of South Sudan 2011 (As Amended), The South Sudan Penal Code Act, The South Sudan Criminal Procedure Act, The South Sudan Child Act and International Treaties signed by South Sudan, like the Convention on the Rights of the Child.

- (iii) The section on the National Legal Framework on the Rights Children is a **routine training programme** for combatants on the **Rights of children, including the fact that every child has the right to be protected from sexual abuse, gender-based violence, rape, incest, female genital mutilation.**
 - (iv) The policy also provides for the objectives of juvenile justice system for combatants to know; **covering issues of Reformation, social rehabilitation and reintegration of child, while emphasizing individual accountability for crime committed, and the Restoration of relationship, through reconciliation, restitution and compensation.**
- 5.2 On the Action Plan on Children with Armed Conflict and Military Justice (See details in Annex-2):**

- (i) **This section provides for Practical Training Programme started since 2018 continues to date. As report earlier, (a) 12-session training programme led by UNMISS Rule of Law and senior leadership from the Military Justice Directorate were carried out, (b) It assisted judge-advocates to bridge the gap between theory and implementation, identify practical solutions to promote accountability for serious crimes, including against children and (c) To meet the requirements under the SSPDF's Action Plan to Combat Conflict-Related Sexual Violence (CRSV Action Plan), which also includes sexual offences committed against children.**
- (ii) **The Action Plan on Children Associated with Armed Conflict and Military Justice was reviewed in April/May 2023 (Copy attached as Annex-3) to promote accountability. Mobile General Court Martials are established to: (i) Provide a rapid response mechanism, (ii) break down impunity for crimes committed by members of the SSPDF, (iii) bring justice to the people and provide important avenues for survivors, including children, to seek justice and reparations.**
- (iii) **So far with support from UNMISS 12 General Mobile Courts (GMC) have been established as follows: (a) 2 to the fourth Infantry Division in Bentiu, (b) 2 to the sixth Infantry Division in Maridi, (c) 1 to the 1st Infantry Division in Renk, (d) 1 to**

the 8th and the 10th Infantry Division in Bor, (e) 1 to the 2nd Infantry Division in Malakal, (f) 1 to the GCM in Juba, (g) 1 to the 5th Infantry Division in Wau, (h) 1 to the 7th Infantry Division in Torit and (i) 1 to the 6th Infantry Division in Yei.

- (iv) The total number of cases under these court martials are 527: (a) 174 on going cases, (b) 112 criminal cases, (c) 136 cases suspects charged with serious offences, including sexual violence and (d) 105 suspects convicted and sentenced to imprisonment-discharged from active service, stripped of rank and served sentences in a civilian prison.
- (v) More recently the Court Martial in Malakal received 27 cases (Details are in Annex-4)
- (vi) **From 2022 to 2023 a number of Conflict-Related Sexual Violence (CRSV) cases were recorded and sentences made through the Court Martials:** (i) **In Torit** a number of suspected cases were 12 out of which 6 were convicted and 6 acquitted, (ii) **In Wau** a total of cases 10 of which 8 were convicted and 2 acquitted, (iii) **In Yei (2022)** a total 22 suspected cases were recorded of which 21 were convicted and 1 acquitted, (iv) **In Maridi (2022)** a total of 11 were recorded of which 7 were convicted and 4 acquitted and (v) **in Yei (2023)** again a total of 37 cases were suspected of which 25 were convicted with the reaming 12 cases are either pending or withdrawn. These are in addition to the statistics report by UNMISS for 2020 in the earlier report.

5.3 On Negative impact of continued Arms Embargo and Elections

- i. Next week the Government will effect the restructuring and reconstitution of the National Constitutional Review Commission (NCRC), National Election Commission (NEC) and the Political Parties Council (PPC). The three organs of

the agreement will work transparently with the Gover-Trilateral (AU, IGAD and UN) Taskforces on Electoral and Constitutional-Making process.

- ii. Continuation of the Arms Embargo not only deprives South Sudan from its duty to protect its territory and to have credible security for the conduct of free, fair, transparent and credible election by retarding that work of elections related organs.
- iii. It has delayed the implementation of R- ARCSS notably deployment of the unified forces and their capacity to meet internal conflict in parts of the nation where armed groups engage in violence.
- iv. The SSPDF cannot be expected to expeditiously and effectively deal with these outbreaks without having the proper equipment to reach the point of conflict and to engage safely with the armed groups. The mere presence of a properly equipped and trained SSPDF force is capable of having the effect of dissuading armed groups from violence before it commences.
- v. A further consequence is that the SSPDF do not have the necessary capacity to protect the delivery of humanitarian resources in those parts of the country which are threatened by violence or more broadly from criminal depredations of those resources.
- vi. The SSPDF has been unable to provide crucial training for its personnel in relation to the use and operation of equipment necessary for any national armed forces including: (i) weapons and ammunition, (ii) aircraft and unmanned aerial vehicles; (iii) ships, marine and riverine vessels, (iv) tanks and fighting vehicles; (v) support non-combat vehicles (armed) and (vi) specific electronics and software programmes.
- vii. Whilst the Government of South Sudan is aware of the exemption protocol in place, the extensive scope of the current arms embargo makes it very challenging for South Sudan to first, enter negotiations with third party States/entities to secure required training and or equipment and second, secure numerous exemptions from the Sanctions Committee.

- viii. The Government of South Sudan would welcome more regular consultations in this regard with a view to prioritizing which categories are more likely to secure either partial lifting of the arms embargo and/or exemptions. R-TGoNU should be prepared to inform the delegation of progress in achieving the five benchmarks listed in para 2 S/RES/2577 (2021) with regard to a review of the measures and their possible “modification, suspension or progressive lifting”.
- ix. The sanctions regime has also stifled South Sudan’s ability to secure foreign investment as it continues to be negatively viewed by international and regional partners. This has wider implications in relation to governance, infrastructure and securing peace and national reconciliation in South Sudan and stability in the region. It also places South Sudan at significant risk of attracting bad actors.

5.4 The sections below were report in 2023 report but left as they are still relevant in relation sanctions and the others issues (Civil Space, Political Space and Freedom of the Media) which are usually raised for political reasons,

- (i) **On Sanctions (Details provided to the UNSC Chair):** R-TGoUN argued that huge progress has been made since the imposition of the targeted sanctions and provided details including: (i) enhanced legislative progress, (ii) Judicial Reform, (iii) Implementation of Transitional Justice, (iv) progress in implementation of Security Arrangements, (v) Freedom of Media and Civil Society, (vi) Economic Reforms and (vii) continued preparation towards elections.
- (ii) The negative impact of the Sanctions and Arms Embargo was also high-lighted: (i) Delay in the implementation of the agreement, (ii) reduced ability of the SSPDF to response to challenges of armed groups, (iii) weak capacity to protect Humanitarian resources in areas threatened by violence amongst others.
- (iii) The point was also made on Sanctions individuals desire for delisting and legal challenge. In order to assist requests for delisting, the Government requests the Sanctions Committee to provide additional information concerning:

- (a) the designating State (s) which put forward and/or supported the designation of each individual;
- (b) whether any supporting material was provided as a basis for each designation and what that information was; **and**
- (c) which State (s) continue to oppose removal of individual sanctions.

5.5 Others:

- (i) **On Civic Space:** The Chairperson of the Community Empowerment Association confirm that huge improvement has been realized with regards to Civic space as per the attached four points (5) summarized by the himself.

- (ii) **On Political Space:**
 - (a) Although the agreement asserts that only five (5) partners to the agreement, in fact there are a total of forty-two (42) party within the five (5) partners to the agreement. The majority are not registered according to the Political Parties Act, 2022.
 - (b) Upon the restructuring and reconstitution of the Political Parties Council, all parties shall be guided on the registration process and the right to exercise democratic activities in accordance with the constitution and the law.

- (iii) **On Freedom of the Media:** There are no restrictions of Media in South Sudan as show by the many Accredited Radio Station and the functioning of the five (5) New Papers in South Sudan. South Sudan is even better compared to many Countries in the region (See the report of the Chairperson of the South Sudan Journalist Association attached).

End of Briefing Notes
