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PEACE AND SECURITY COUNCIL
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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 in pursuance of communiqué PSC/AHG/COMM.1(CDXI) Rev.1 on the situation in South Sudan adopted by Council at its 411th meeting held in Banjul, The Gambia, on 30 December 2013, at the level of 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 follow-up to the above-mentioned Council's communiqué. The report concludes with observations on the way forward.

II. EVOLUTION OF THE IGAD-LED MEDIATION EFFORTS

2. At its Banjul meeting, I provided Council with an update on the IGAD-led mediation in the conflict in South Sudan. In particular, I highlighted the visit to Juba of an IGAD ministerial delegation, from 19 to 21 December 2013, as well as the visit undertaken, on 26 December 2013, by the Chairperson of IGAD, Prime Minister Hailemariam Dessalegn of Ethiopia, and President Uhuru Kenyatta of Kenya. These visits were followed by the convening of the 23rd IGAD Extraordinary Summit, in Nairobi, on 27 December 2013. The Summit stressed the need for an immediate cessation of hostilities and to take urgent measures towards an all-inclusive dialogue, including reviewing the status of the detainees in recognition of their role, in accordance with the laws of the Republic of South Sudan. The Summit decided that face-to-face talks would commence by 31st December 2013.

3. In its Banjul communiqué, Council welcomed the IGAD communiqué of 27 December 2013. Notably, it demanded that the parties: immediately and unconditionally cease hostilities; engage in unconditional and inclusive dialogue, requesting, in this respect, that the Government of the Republic of South Sudan release all political leaders that are detained; ensure the protection of the civilian population and humanitarian workers; and put an immediate end to the mobilization of armed groups along ethnic lines and to any hostile and inflammatory message. On their part, the members of the United Nations Security Council, in a press statement issued on 30 December 2013, welcomed the IGAD Summit and the continued and essential engagement of IGAD to push for immediate dialogue among South Sudan leaders. The members of the Security Council also underlined and reiterated their call for an immediate cessation of hostilities and for President Salva Kiir, former Vice-President Riek Machar and other political leaders to urgently engage in direct talks without preconditions.

4. As a follow-up to the IGAD communiqué of 27 December 2013 and the appeals made by the AU and the UN, as well as by other international stakeholders, the two parties, namely the Government of the Republic of South Sudan and the Sudan People's Liberation Movement/Army - SPLM/A (in opposition), appointed negotiation teams. Following two-days of

extensive proxy talks that sought to understand key issues, as well as agree on the agenda items and modalities for negotiations, the face-to-face talks began in Addis Ababa on 4 January 2014, facilitated by an IGAD Mediation Team chaired by Ambassador Seyoum Mesfin of Ethiopia and comprising General Lazaro Sumbeiywo of Kenya and General Mohammed Ahmed Moustafa El Dabi of Sudan. The talks focused on two agenda items: the cessation of hostilities and the question of the detainees. On the same day, I issued a press statement welcoming the beginning of the talks, stressing that ending the fighting in South Sudan was not only a humanitarian imperative but also a strategic necessity, in order to halt the rapid descent of Africa's newest nation into full blown civil war. I expressed AU's full support for, and confidence in, the IGAD Mediation Team and its commitment to take all steps required to facilitate a successful conclusion of the negotiations.

5. On 6 January 2014, the two parties agreed on the basic documents that should guide the negotiations, namely the Rules of Procedure, the Terms of Reference and the Modalities of Engagement. Subsequently, the Mediation Team visited South Sudan on a number of occasions, to engage President Salva Kiir Mayardit and Dr. Riek Machar, as well as the detainees. During these meetings, President Kiir reiterated his Government's commitment to the search for a political solution and to unconditional negotiations on the cessation of hostilities, so as to bring an end to the violence in his country. Dr. Riek Machar, while raising some concerns, expressed his readiness to cooperate with the Mediation Team and acknowledged the lead role of IGAD. On their part, the detainees expressed their support for the ongoing efforts, and stressed that their status should not be an impediment to reaching an agreement on the cessation of hostilities.

6. In a press statement issued on 10 January 2014, the members of the UN Security Council reiterated their strong support for the mediation efforts led by IGAD. They underlined their demand for President Salva Kiir and former Vice-President Riek Machar and other political leaders to demonstrate leadership by immediately agreeing to a cessation of hostilities and commencing a broader dialogue. In particular, they urged Mr. Machar to move forward and agree to a cessation of hostilities without any precondition. They requested the Government of the Republic of South Sudan to release all political leaders that are detained, in order to create an environment conducive for a successful dialogue.

7. At its 413th meeting held on 16 January 2014, Council reiterated its grave concern at the escalation of the political dispute into a full-fledged civil war, the deepening humanitarian crisis and the violations of human rights in the country. Council also reiterated its call for an immediate and unconditional cessation of hostilities, as well as its call to the leaders of South Sudan to rise to the challenge of acting in a spirit of national interest and selfless patriotism. Council expressed full support and appreciation to the efforts being deployed by IGAD, under the chairmanship of Prime Minister Hailemariam Dessalegn of Ethiopia. Council also expressed appreciation to the IGAD Mediation Team, and urged the parties to extend full cooperation to it. Council welcomed the close coordination between the Mediation Team and the AU Commission and encouraged the Commission to take all necessary steps to enhance AU's support to the IGAD-led efforts, including further interaction with the South Sudanese parties.

Council further reiterated its determination to impose targeted sanctions against all those found to be obstructing peace and reconciliation efforts in South Sudan.

8. Based on its interaction with the parties, the Mediation Team submitted to them a draft Final Agreement on Cessation of Hostilities. The parties made contributions to the document proposed by the Mediation Team, which also made proposals regarding the issue of the detainees.

9. On 23 January 2014, in Addis Ababa, the Parties signed the Agreement on Cessation of Hostilities and the Agreement on the Status of Detainees. The Agreement on Cessation of Hostilities revolves around the following elements: declaration of cessation of hostilities; cessation of hostile propaganda; protection of civilians; and humanitarian access. The Agreement also provides for a Monitoring and Verification Mechanism under the leadership of IGAD. The Agreement on the Status of Detainees, having acknowledged the role that the detainees can play in the ongoing dialogue in South Sudan, in line with the IGAD communiqué of 27 December 2013, commit the parties to the outcome of the peace process and to an all-inclusive dialogue to resolve the issues connected with the current crisis. It also commits the parties to establish an all-inclusive national reconciliation process, in which the detainees and other political actors, civil society organisations, traditional and religious leaders have a significant role to play.

III. FOLLOW-UP TO COUNCIL'S BANJUL COMMUNIQUE OF 30 DECEMBER 2013

10. As a follow-up to Council's meeting in Banjul, the Commission forwarded the communiqué adopted on that occasion to the Parties, requesting them to keep it updated on the steps they would be undertaking in compliance with the demands contained therein. The communiqué was also formally transmitted to the Chairperson of the IGAD Council of Ministers and Executive Secretary, as well as to the UN Secretary-General and Security Council, for information and action as may be appropriate. Both the Commissioner for Peace and Security and I had interactions with the Troïka (Norway, United Kingdom and United States) to exchange views with them on the situation and to update them on AU's efforts pursuant to the Banjul communiqué of the Council.

11. The Commission also intensified its interaction with the IGAD Mediation Team. On 15 January 2014, I met with Ambassador Seyoum Mesfin, who updated me on the efforts being deployed in order to reach a cessation of hostilities and facilitate negotiations on the other aspects of the conflict. We agreed that the AU would be included in the Mediation Team in order to facilitate coordination. Furthermore, and following AU's endorsement of the request made by IGAD, the EU, on 16 January 2014, agreed to provide financial support to the IGAD-led mediation process, within the framework of the Africa Peace Facility (APF).

12. On 20 January 2014, and as part of AU's support to the IGAD-led efforts, I undertook a visit to Juba, accompanied by the Commissioner for Peace and Security. On that occasion, I met with President Salvar Kiir Mayardit, as well as with the detainees. In my interactions with both

parties, I insisted on the need for them to urgently sign an agreement on the cessation of hostilities, so as to stop the senseless killings taking place in South Sudan and bring to an end the humanitarian tragedy unfolding in their country. While the parties offered different explanations on the root causes of the current crisis, both nevertheless agreed that the fundamental issue is a political problem within the ruling party, which requires a political rather than a military solution. They also agreed on the urgency of an immediate and unconditional signing of a cessation of hostilities agreement to stop the killing and the suffering of the people of South Sudan. In this regard, the detainees reiterated their position that their release should not be used as a pre-condition for the conclusion of the cessation of hostilities agreement.

13. In its Banjul communiqué, Council requested me, in consultation with the Chairperson of the African Commission on Human and Peoples' Rights (ACHPR) and other relevant AU structures, to urgently establish a Commission of inquiry to investigate the human rights violations and other abuses committed during the armed conflict in South Sudan and make appropriate recommendations on the best ways and means of ensuring accountability, reconciliation and healing among all South Sudanese communities. As a follow-up to this decision, the Commission has since taken steps to develop the terms of reference of the Commission of Inquiry, select its members and mobilize the necessary support for the effective discharge of its mandate.

14. I seized the opportunity of my visit to Juba to explain to the parties the decision taken by Council on the establishment of the Commission of Inquiry. I stressed that the inquiry would be an African-led process and would aim to address the plight of the victims of human rights violations and to assist the Government and people of South Sudan to identify the elements that are needed to strengthen the institutions of their young nation, while providing reconciliation and healing opportunities to its diverse people and ensuring sustainable peace. In so doing, the inquiry would build on African experience and act within the framework of relevant AU instruments. Both parties supported the establishment of the Commission of Inquiry along the terms that I described and discussed with them, and undertook to collaborate with the inquiry. In its press statement of 10 January 2014, the members of the UN Security Council welcomed Council's decision to establish the Commission of Investigation to ensure accountability, reconciliation and healing among all South Sudanese communities, while also demanding that all human rights violations and abuses should cease and stressing that those responsible will be held accountable. The UN Security Council also welcomed and encouraged the efforts of the UN Mission in South Sudan (UNMISS) to monitor, investigate, verify and report the abuses.

IV. EVOLUTION OF THE SITUATION ON THE GROUND

15. Since the conflict began on 15 December 2013, it has spread to various parts of the country, particularly to the Jonglei, Unity and Upper Nile states. At the time of compiling this report, the forces of the Government of South Sudan had recaptured the major cities that were under the control of the rebel forces, including Bor, in the Jonglei State, Malakal, in the Upper Nile State, and Bentui, in Unity State.

16. As a result of the fighting, the humanitarian situation has further deteriorated since my last report to Council. On 12 January 2014, over 200 people died after the boat that they were using to escape to safety from Malakal capsized in the Nile River. According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), 494,000 people have been internally displaced since the conflict started on 15 December 2013, while 89,100 people have crossed into neighbouring countries, with over half of them to Uganda. The number of people sheltering in UN peacekeeping bases across the country is estimated at 66,900, with the largest concentrations in Malakal and in Juba. So far, the humanitarian aid agencies have been able to assist an estimated 204,500 people. According to the UN, US\$105 million is needed to meet the immediate requirements under the South Sudan Crisis Response Plan. The total requirements for humanitarian action in South Sudan in 2014 stand at US\$1.4 billion.

V. OBSERVATIONS

17. During the period under review, the situation on the ground has continued to be a cause for serious concern. Since the beginning of the conflict, thousands of people have been killed, while others died trying to escape the violence. Tens of thousands of people have sought protection in the UNMISS camps. Overall, more than half a million have fled their homes. The conflict has caused needless bloodshed and destruction, and it has set back the cause of development and democracy in South Sudan, while impacting negatively on the wider region.

18. Against this background, I welcome the signing of the Agreements on Cessation of Hostilities and the Status of Detainees. This marks a first and significant step towards the search for a lasting solution to the conflict in South Sudan. I commend the parties for the spirit of compromise and mutual accommodation that they have demonstrated in the course of the negotiations. I call on them to faithfully and fully implement the commitments they have made, so as to rapidly improve the humanitarian situation on the ground, including by facilitating unfettered and secured access by humanitarian aid agencies to all the people who are in urgent need for assistance, especially women, children and the elderly. The importance of the early establishment and operationalization of the Monitoring and Verification Mechanism provided for in the Agreement cannot be overemphasized. I urge the parties to extend full cooperation to IGAD. It is critical that the parties, building on the progress made, engage in the envisaged all-inclusive political dialogue with the required commitment and leadership, in order to address the underlying causes of the conflict, and recommit themselves to rebuilding their young nation.

19. I would like to, once again, express the AU's appreciation for the continued commitment and leadership of IGAD and to its Chair, Prime Minister Hailemariam Dessalegn of Ethiopia, as well as to the other Heads of State and Government of the region. I hail the perseverance and untiring efforts of the IGAD Mediation Team, which made possible the signing of the Agreements of 23 January 2014. I reiterate AU's commitment to continue supporting the IGAD-led efforts and to actively follow up on the relevant decisions of Council notably through the early operationalization of the Commission of Inquiry to investigate human rights violations committed in the course of the conflict, with a view to ensuring accountability and promoting reconciliation and healing.

20. I must also acknowledge the tremendous support extended by international partners to the mediation efforts. I have no doubt that we can continue to rely on their support, and I urge them to continue to use their influence on the parties to help find a lasting solution to the conflict. I must also acknowledge the humanitarian assistance being extended to the affected populations. I call for renewed efforts to mobilize additional resources to meet the humanitarian needs on the ground.

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