

**Joint Statement of the Trilateral Taskforce on Permanent Constitution-Making & Electoral
Processes Support to South Sudan
Delivered at the AU PSC meeting on 27th February 2024**

Excellencies,

1. On behalf of my colleagues on the Trilateral Taskforce on Permanent Constitution-Making and Electoral Processes Support to South Sudan (which comprises the AU, IGAD, and UN, with the Reconstituted Joint Monitoring and Evaluation Commission [RJMEC]), we wish to thank you for the opportunity to brief the Council on developments in South Sudan and the work of the Taskforce as they relate to preparations for constitution-making and elections.
2. As the Council may recall, it requested at its 1186th Meeting held on 16 November 2023, that the Trilateral Taskforce report on its work in February 2024, as South Sudan begins to prepare for elections in December. We are reliably informed that a briefing note on this request has already been submitted to the Council for prior information and background to this meeting.
3. The Taskforce was formally established pursuant to a Decision of this Council during its 1092nd Meeting held on 11th July 2022, where it requested the AU, IGAD, and UN to initiate “a strategy by the end of August 2022 on mobilizing the needed support for the constitution-making and electoral processes in South Sudan.” Council adopted the Decision upon its review of the AU/IGAD/UN-led evaluation in March 2022 on the needs of the two processes in South Sudan; and the recommendation that the three entities coordinate on the areas of their mandates relating to the two processes. On 31st August 2022, the three organizations and RJMEC constituted the Taskforce at the technical level with regular fortnightly meetings, followed by a first quarterly principals (or heads of mission)-level meeting on 4th November.
4. First, we wish to commend Council for its role and contribution to peace, security, and stability in South Sudan. We also commend the assessment missions by the AU Panel of the Wise in December 2023, the Commissioner for Political Affairs, Peace and Security of the AUC in January 2024, and in February 2024 the visits of the IGAD Special Envoy to South Sudan, the UN Under-Secretary-General for Peace Operations, and the UN Special Envoy for the Horn of Africa, in addition to the convening of the AU C5 on the margins of the 37th AU Summit. We recognize these efforts in solidarity with South Sudan as it prepares for its first post-independence elections.
5. We commend the Government and people of South Sudan for their resilience and thank its partners and friends for their sustained support, despite the challenges. We welcome the collegiality demonstrated by the parties, in particular, H.E. President Salva Kiir Mayardit and First Vice President Dr. Riek Machar in jointly calling for a lasting ceasefire, as well as peaceful co-existence among the communities amidst increasing inter-communal violence in the

country. We also commend President Kiir's recent efforts to resume talks with the non-signatory South Sudan opposition groups.

Excellencies

6. Following several extensions of the peace agreement, South Sudan is now at a critical juncture in its history as it contemplates a smooth transition to democratic governance with envisioned elections by December 2024.
7. Following Council's last session on South Sudan in November 2023, the government reconstituted all three key independent institutions related to constitution-making and elections: the National Elections Commission (NEC); the National Constitution Review Commission (NCRC); and the Political Parties Council (PPC). We are pleased to inform you that these institutions have all been inaugurated and have conducted initial inductions on commencing individual preparations and planning for the rollout of their operations.
8. Notwithstanding these positive developments, there are also concerns about having a secure environment that would engender the needed political and civic space for elections and successful transition. The Necessary Unified Forces (NUF) are not fully deployed as anticipated. Only 4000 of an initial 53,000 trained forces have been deployed so far. DDR and SSR are not in full execution.
9. The humanitarian situation also remains dire and is compounded by reduced funding; yet refugee, IDP and returnee numbers continue to rise. This is exacerbated by the crisis in Sudan, inter-communal violence, and climate change factors, especially floods and drought. Initial impetus to a Special Reconstruction Fund (SRF) has waned, while the AU/IGAD/UN are yet to convene the pledging conference provided for in the peace agreement. The Board of the SRF has also not been formed.

Excellencies,

10. The Trilateral Taskforce leverages the comparative advantages of the AU, IGAD and UN to support the government and engage in key issues impacting the peace agreement. It also mediates between the parties to help resolve tensions and break political deadlocks. In March 2023, the Government invited the Trilateral to join *The Government/Trilateral (AU/IGAD/UN) Joint Taskforce on Implementation of Constitution-Making and Electoral Processes*. It is through this mechanism, that in June 2023, we identified, upon the Government's request, ten key priority areas (*previously shared with Council*) that required rapid decisions to realize a permanent constitution and prepare for elections by December 2024. Clarity on many of these areas remain outstanding and unresolved.
11. Following the reconstitution of the NCRC, NEC, and PPC, our Trilateral organizations facilitated orientation and induction programmes that supported the bodies on their initial

budgetary, strategic and operational planning considerations. The Taskforce is a key part of the UNMISS-led stakeholder engagement with parties, civil society, faith-based, women, and youth groups, to expand the space for engagement on constitution-making and elections. We also continue to strengthen our internal working relations through joint collaborations. From 29 January to 09 February 2024, the AU Mission, IGAD Office, and RJMEC joined UNMISS and the United Nations Electoral Needs Assessment Mission (NAM) to Lakes State, South Sudan, as part of a broader exercise to assess the country's readiness for elections.

12. Through the coordination of the Joint Taskforce on Elections and Constitution-Making, a two-day consultative dialogue with the three above-mentioned institutions, and National Bureau of Statistics (NBS), was convened on 22 and 23 February 2024. This was the first formal dialogue between the primary entities who have a role to play in facilitating the holding of elections. The dialogue between the four entities deepened an appreciation of the linkages amongst them and considered the common challenges that require political decisions for them to achieve their respective mandates. Over forty representatives of the four institutions attended the event that was opened by the Minister of Cabinet Affairs and the Head of the AU Mission to South Sudan, representing the Trilateral Mechanism.
13. Given the limited time remaining within the R-ARCSS for election preparations, outcomes of the discussions will be referred to the Joint Taskforce for their consideration by the parties to the peace Agreement. These include clarity on the constitution-making process timeline and its relationship to elections, decisions on what elections to take place, agreement on the electoral system, delimitation of electoral boundaries considerations, enfranchisement of refugees, IDPs and returnees, and how to manage electoral disputes, among others. All four institutions acknowledged that coordination and dialogue is critical for moving forward in the collective endeavor to support the creation of a conducive environment for the conduct of elections and the constitution-making process. However, resources and time are not in their favor.
14. Furthermore, the UNMISS invites the AU and IGAD to all its Political Parties Forums, which discuss various topics relating to political party involvement in elections, including the creation of a conducive environment. Through these Forums, the parties have developed an initial code of conduct draft to govern their members during the elections.
15. We also participate in joint leadership engagements and publish joint statements in the media, following mediation efforts between and among disputing parties, and in a bid to reduce tensions, lower the political temperature, and promote peace and stability in the country.

,

16. As Council is aware, elections in post-conflict contexts, require ample preparations to build consensus amongst parties and confidence among citizens to minimize the potential for a relapse to violence. In this regard, our Taskforce recognizes the importance of resolving questions impeding progress in constitution-making and elections, especially consensus-building and inclusivity – in addition to the institutional preparedness of these bodies to lead these national processes. We also note the importance of avoiding unilateral decisions by parties to the Agreement. We encourage the parties to continue to use dialogue as a means in which to recognize other players’ concerns including the non-signatories to the R-ARCSS, (otherwise known as the holdout groups), as well as refugees, IDPs, women, youth, and persons with disability (PWD).
17. A secure environment is a prerequisite for peaceful and credible elections, and there is need therefore for the Government to complete the training and deploy phases of subsequent NUF troops. Similarly, efforts should be made by government and traditional leaders on solutions to inter-communal violence, which now affects resident populations as well as displaced groups.
18. The government should also harness regional and continental experiences and expertise to aid preparations in constitution-making and elections. We thus encourage the Government to engage embassies in Juba to explore how their capitals could share experiences on constitution-making and elections.
19. Equally important, the Government should be encouraged to urgently fund the NEC, NCRC, PPC and the other critical bodies so that they can begin to operationalize and implement their mandates.
20. The Joint Taskforce should enhance its coordination on the constitution-making and electoral processes. It is also crucial to establish the SRF and its Board to enable the Taskforce principals to commence joint arrangements with Government on the Pledging Conference for South Sudan. In this regard, the Taskforce recommends the speedy establishment of the SRF so that planning for the pledging conference can commence.

Excellencies,

21. In conclusion, South Sudan’s transition is at a crossroads and will require our collective diplomatic efforts. The Taskforce will continue its support, acting swiftly and decisively, particularly in mediating deadlocks between the parties and urging the regional guarantors and international partners to leverage diplomatic efforts in support of the ongoing processes. Furthermore, we welcome the resumption of the talks between the government and the non-signatory groups and commend President William Ruto’s efforts in giving impetus to this process.
22. Finally, we recognize and support a South Sudan-owned and led peace process. The Trilateral also holds the view that to conduct elections, adequately resourcing the institutions and addressing the ten key priority areas previously shared with the Joint Taskforce, in addition to responding to the issues raised by the four institutions during the recent Consultative

Dialogue on 22-23 February, are urgent first steps to be taken by the signatories to the R-ARCSS. In this connection, the Trilateral Taskforce urges this Council, and the international community to continue supporting the crucial and final phase of the transitional process.

23. We thank you.