



安全理事会

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2021 年 4 月 14 日南苏丹问题专家小组给安全理事会主席的信

依照安全理事会第 [2521\(2020\)](#) 号决议延长任期的专家小组成员谨随函转递根据该决议第 18 段提交的最后报告。

报告于 2021 年 3 月 19 日提交给安全理事会关于南苏丹的第 [2206\(2015\)](#) 号决议所设委员会。委员会在 3 月 26 日对报告进行了审议。

专家小组谨请安全理事会成员注意本函及中期报告，并将其作为安理会的文件分发为荷。

南苏丹问题专家小组

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南苏丹问题专家小组根据第 2521(2020)号决议提交的最后报告

摘要

自 2020 年 2 月以来，南苏丹政府改革步伐缓慢，《解决南苏丹共和国冲突重振协议》(《重振协议》)的执行存在选择性，这阻碍了保护平民工作的改善和长期和平前景。一年多来，在如何执行《重振协议》问题上的政治争端和分歧扩大了该国现有的政治、军事和族裔分歧，导致《重振协议》两个主要签署方，即萨尔瓦·基尔·马亚尔迪特总统领导的苏丹人民解放运动(苏人解运动)和第一副总统里克·马沙尔·泰尼领导的苏丹人民解放运动/解放军反对派(苏人解运动/解放军反对派)之间发生多起暴力事件。

2021 年，南苏丹需要人道主义援助的人数比以往任何时候都多。尽管有 850 万人需要人道主义援助，但政府对提供人道主义援助设置了官僚障碍，持续的冲突也阻碍了人道主义援助的安全运送。截至 2021 年 3 月初，大皮博尔行政区、琼莱州阿科博县、北加扎勒河南乌韦勒县以及瓦拉卜州东通季、北通季和南通季县的南苏丹人处于临近饥荒的状态。

《重振协议》的两个主要签署方之间及其各自内部的关系已经破裂，因为各方在《重振协议》中的关键决定、包括安全安排问题上出现了政治僵局。苏人解运动内部以及总统的丁卡族权力基础对他处理过渡的方式不满，导致有人呼吁组建新的领导层。此外，苏人解运动和南苏丹人民国防军的高级领导人对基尔先生利用分裂局面谋求个人政治生存和依靠交易性政策继续掌权的做法表示关切。

鉴于苏人解运动/解放军反对派无力影响政府的决策或推动《重振协议》的执行，特别是推动落实安全安排，苏人解运动/解放军反对派开始分裂。苏人解运动/解放军反对派内部已经形成新的分裂团体，它们对马沙尔先生的领导和他在政府中的作用提出质疑。

经过 11 个多月的谈判，政府于 2021 年 1 月填补了最后一名州长空缺，任命 **Budhok Ayang Kur** 为上尼罗州州长，并在 2 月和 3 月初完成了州和地方行政机构的组建工作。此外，在拖延两年多之后，政府于 2021 年 1 月下旬宣布启动建立《重振协议》所述三个司法和问责机制、包括南苏丹问题混合法庭的进程。然而，政府尚未重组过渡期国民议会，而主要侧重于落实《重振协议》第 4 章所述的经济改革的行政方面内容。

朱巴的政治分裂局面导致首都以外地区发生安全事件，暴力活动有所增加。在上尼罗州，部分由于基尔先生拒绝提名 **Johnson Olony** 将军为该州州长，苏丹人民解放军反对派(苏人解反对派)和南苏丹人民国防军之间的战斗增多。在双方马班地方民兵的支持下，苏人解反对派和南苏丹人民国防军于 2020 年 12 月和 2021 年 1 月发生冲突，这违反了 2017 年 12 月的停止敌对行动协定。2021 年 3 月初，苏人解反对派控制的上尼罗州吉卡尼努维尔民兵袭击并焚烧了阿科卡县的村庄。

国家安全署国内安全局局长阿科尔·库尔·库克中将和总统安全事务顾问图特·邱·加特鲁克·马尼米利用苏人解反对派的内部分歧，鼓励苏人解反对派高级指挥官叛逃。2020 年 9 月，Moses Lokujo 少将叛离苏人解反对派，引起南苏丹人民国防军和苏人解反对派在中赤道州卡约凯吉发生数月战斗，导致一波与冲突有关的性别暴力、杀戮和平民流离失所。

由于瓦拉卜部分地区的平民继续受到暴力侵害，2021 年 3 月，新任命的省长 Aleu Ayeny Aleu 召集了一支由士兵和平民组成的混合部队，他们是根据基尔先生的命令招募和武装起来的。同样在瓦拉卜，库克中将招募和武装由国内安全局控制的部队，这些部队参与了侵害平民和致使平民流离失所的暴力活动。

鉴于对政治和安全局势的控制仍然处于崩溃状态，政府安全部队和其他武装团体已经创造了自己的收入来源。例如，在中赤道州、东赤道州和西赤道州，政府和反对派武装团体从事自然资源开采和贸易，包括小规模手工采矿、非法伐木以及木炭和木材运输和征税，以维持生计。

包括国内安全局在内的政府安全部队控制了公共资源和自然资源，以创造独立的收入来源，但这些收入并没有为国家预算作出贡献。国内安全局还干预国家税务局的税收工作，并安排自己的官员在南苏丹银行及财政和规划部任职。政府尚未公布将于 2021 年 6 月底结束的 2020/21 财政年度预算，但继续为总统办公室管理的价值 38.7 亿美元的道路建设项目提供资金。

政府的大部分收入来自石油销售，其中大多数石油继续通过预付款协议进行预售。2021 年，政府预期的石油货物中约有四分之三被指定用于偿还贷款或合同款项。与原油预付款协议相关的利息、费用和额外成本降低了政府的潜在收入。例如，2018 和 2019 年，政府为 4 项预付款协议支付了 9 500 万美元的相关费用。

政府本应通过其在尼罗石油公司的股份和石油作业公司支付的费用获得额外收入。然而，专家小组没有得到任何资料证实，政府从尼罗石油公司每月平均获得 340 万美元的净收入，或者从石油作业公司支付的地皮租赁费中每年获得估计 2 000 万美元的收入。

区域对南苏丹《重振协议》的支持对倡导存在分歧的签署方之间进行妥协和保持团结起到了助推作用。然而，在过去一年里，区域争端转移了人们对南苏丹政治危机的关注。因此，需要区域和国际伙伴重振势头，以缓解南苏丹日益严重的安全和政治分裂。鉴于民间社会、政治领导人和军事官员对《重振协议》能否给南苏丹带来持久和平感到关切，而且他们开始呼吁基尔先生和马沙尔先生下台，需要进行紧急参与，以避免再次发生大规模冲突。

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* 仅以来件所用语文分发，未经正式编辑。

缩写表

伊加特	政府间发展组织
基金组织	国际货币基金组织
苏人解反对派	苏丹人民解放军反对派
苏人解运动	苏丹人民解放运动
苏人解运动/解放军反对派	苏丹人民解放运动/解放军反对派
苏人解运动/反对派	苏丹人民解放运动/反对派
南苏丹特派团	联合国南苏丹特派团

一. 背景

A. 任务授权和旅行情况

1. 安全理事会第 [2206\(2015\)](#) 号决议规定对助长南苏丹冲突的个人和实体实施制裁制度,并设立了一个制裁委员会(安全理事会关于南苏丹的第 [2206\(2015\)](#) 号决议所设委员会)。委员会于 2015 年 7 月 1 日指认了将对其实施定向制裁的 6 名个人。随着安理会第 [2428\(2018\)](#) 号决议获得通过,安理会对南苏丹领土实施了军火禁运,并在被指认个人名单上增加了两个人。2020 年 5 月 29 日,安理会通过第 [2521\(2020\)](#) 号决议,将制裁制度延长至 2021 年 5 月 31 日。
2. 安全理事会第 [2521\(2020\)](#) 号决议将南苏丹问题专家小组的任务期限延长至 2021 年 7 月 1 日,使其能够提供信息和分析,支持委员会的工作,包括与将指认可能从事该决议第 15 和 16 段所述活动的个人和实体有关的工作。
3. 2020 年 7 月 2 日,秘书长经与委员会协商,任命了专家小组的五名成员(见 [S/2020/647](#))。
4. 自 2020 年 7 月以来,专家小组成员已前往直意大利、肯尼亚、南苏丹和乌干达。

B. 与会员国、国际组织和其他利益攸关方的合作

5. 虽然专家小组独立于联合国各机构和机关开展工作,但它要感谢南苏丹特派团在实地提供的支持,也感谢联合国其他工作人员,特别是在纽约的工作人员提供的支持。
6. 专家小组在工作过程中正式会见了南苏丹国防和退伍军人事务部部长以及人道主义事务和灾害管理部部长。
7. 专家小组在南苏丹和其他地方会见了联合国各机关和机构的代表。专家小组还与停火和过渡期安全安排监测和核查机制进行了磋商。
8. 安全理事会在第 [2521\(2020\)](#) 号决议第 17 段中强调,专家小组必须与有关会员国、国际、区域和次区域组织以及南苏丹特派团协商。鉴于 2019 冠状病毒病 (COVID-19) 大流行期间旅行受限,专家小组向南苏丹政府和该区域会员国发出了多次远程会议请求。然而,专家小组只能安排与常驻联合国代表团举行虚拟会议。
9. 为编写本报告,专家小组向南苏丹政府、非洲联盟和其他会员国,特别是该区域的会员国发出了 14 封正式信函索要资料,并考虑到疫情造成的干扰,延长了答复期限。政府对其中一封信作了答复;但对发给该区域国家和非洲联盟的 10 封信,专家小组没有收到任何答复。此外,专家小组向其他实体和个人发出了 29 封正式信函,收到了 10 份实质性答复。

C. 方法和形式

10. 本报告是根据专家小组的广泛研究编写的。专家小组进行了数百次访谈,收集了各种来源提供的大量可靠信息。专家小组审查了个人、商业实体、保密消息

人士和政府提供的文件。专家小组还借鉴了其先前开展的工作，包括以往提交安全理事会和委员会的公开和机密报告。

11. 专家小组遵循安全理事会制裁的一般性问题非正式工作组 2006 年 12 月报告(S/2006/997)所建议的标准。为达到适当的证据标准，专家小组已通过多个独立消息来源证实了本报告中的信息。

12. 专家小组以尽可能透明的方式开展研究，同时在必要时优先考虑保密。如果披露某个消息来源、某份文件或某个地点可能危及消息人士的人身安全，则此来源、文件或地点被称为机密。

13. 本报告分为八节。在本节导言之后，第二节记录了部分由于《解决南苏丹共和国冲突重振协议》执行工作进展缓慢而产生的政治分歧。鉴于该国境内暴力持续不断，报告第三节介绍了侵犯平民的证据和武装团体在凝聚力和资金方面日益分裂的情况。第四节详细介绍了公共资源和自然资源缺乏透明度和监督的问题，特别是在国家石油资源和收入的管理方面。第五节分析了自《重振协议》签署以来该区域政治动态的变化。第六节是结论，第七节阐述了专家小组的建议。

二. 在和平协议执行工作进展缓慢的情况下，政治联盟出现瓦解

14. 自 2020 年 2 月成立重振后的民族团结过渡政府以来，政府在执行《解决南苏丹共和国冲突重振协议》方面取得了一些进展。¹ 然而，由于错过了最后期限，而且在《重振协议》的关键条款上陷入政治僵局，南苏丹的稳定仍然面临风险。

15. 自 2020 年 11 月专家小组中期报告(S/2020/1141)发布以来，《重振协议》签署方之间的持久分歧已经扩大，同时签署方面临的内部政治分歧也在增加。专家小组与政治和军事领导人的访谈显示，两个主要签署方，即萨尔瓦·基尔·马亚尔迪特总统领导的苏人解运动和第一副总统里克·马沙尔·泰尼领导的苏人解运动/解放军反对派的政治基础内部的分歧威胁到签署方的凝聚力及其对《重振协议》的承诺(见 S/2020/342 和 S/2020/1141)。

16. 鉴于苏人解运动/解放军反对派在政府组建一年后未能在政府中获得平等地位，专家小组与之交谈过的多名政府官员和民间社会代表对《重振协议》是否仍然是实现持久和平的可行选择提出质疑。相反，首都朱巴的政治领导人越来越多地在《重振协议》框架之外进行交易性政治谈判。² 特别是，苏人解运动和南苏丹人民国防军的高级领导人对基尔先生利用分裂局面谋求个人政治生存和依靠交易性政策继续掌权的做法表示关切。

¹ 与政府官员、苏人解运动/解放军反对派、南苏丹人民国防军、停火和过渡期安全安排监测和核查机制、南苏丹特派团和保密消息人士的访谈，2020 年 8 月至 2021 年 2 月。

² 与政府官员、苏人解运动/解放军反对派和保密消息人士的访谈，2020 年 2 月至 2021 年 3 月。

A. 对和平努力普遍不满

17. 2021 年 3 月 1 日，代表数百个民间社会组织的全国性总团体南苏丹民间社会论坛讨论了和平协议执行情况和南苏丹局势。论坛评估认为，《重振协议》的执行“非常有限，主要以精英为基础，以朱巴为中心”，并指出“改革在我国领导人的讨论中不再占据显著位置”（见附件一）。

18. 同样，政府和武装团体内部多名消息人士告诉专家小组，在《重振协议》签署两年半后，其势头已经减弱。因此，这些消息人士中的许多政治和军事领导人告诉专家小组，他们已对《重振协议》失去希望。苏人解运动、苏人解运动/解放军反对派和南苏丹反对派联盟的官员在与专家小组访谈时列举了他们对《重振协议》不满的各种原因，但他们大多认为，由于执行速度缓慢，加上一些签署方的政治立场发生转变，《重振协议》不太可能得到执行。

19. 基尔先生发起的另一项和平努力，即全国对话倡议，也对当前的政治僵局提出批评。在南苏丹各地开展了长达三年由社区主导的地方一级协商后，全国对话倡议的和解进程在 2020 年 11 月 3 日至 17 日举行的会议上结束。³ 据专家小组访谈的政府官员说，基尔先生在 2016 年 12 月发起全国对话倡议时强调，和平努力的基础广泛，具有自下而上的性质。然而，参与该倡议的消息人士告诉专家小组，代表们是基于他们对基尔先生的支持而当选的，这导致反对党批评该倡议偏向总统。虽然存在这种指责，基尔先生在全国对话倡议的进程中也一直受到大量批评。该倡议的共同主席 Angelo Beda 在 2020 年 11 月 3 日的会议开幕词中哀叹，苏人解运动领导层“显然未能在南苏丹建立一个新的政治制度”。⁴

20. 正如专家小组在 2020 年中期报告中所述，《重振协议》非签署方之间的政治分歧尚未解决。非签署方以前团结在南苏丹反对运动联盟这个伞式团体之下，但现在仍然分为两派，一派由救国阵线领导人 Thomas Cirillo Swaka 将军领导，另一派由帕甘·阿穆姆将军和受制裁的保罗·马隆·阿万·阿内将军(SSi.008)领导。⁵

21. 由于存在内部分裂，世俗天主教圣艾智德团体组织了单独的和平谈判。2020 年 12 月，政府与 Cirillo 将军领导的派别在罗马举行会谈，但没有取得结果。2021 年 3 月初，政府与阿穆姆将军和马隆将军领导的派别在肯尼亚奈瓦沙分别举行了一轮会谈。虽然双方签署了一项旨在促进更多对话的原则声明(见附件二)，但由于《重振协议》的一方苏人解运动/解放军反对派在政府内部被边缘化，两个派别的代表对达成全面协议的可能性表示怀疑。

³ 与全国对话倡议理事会成员和民间社会的访谈，2020 年 11 月至 12 月。

⁴ Tamazuj 广播电台，“全国对话副主席说苏人解运动令南苏丹失望”，2020 年 11 月 4 日。

⁵ 与 Cirillo 将军、阿穆姆将军、马隆将军和 Oyay-Deng Ajak 将军的访谈，2021 年 1 月至 3 月。

B. 苏丹人民解放运动内部和丁卡族精英之间的竞争加剧

22. 自政府成立以来，苏人解运动内部和基尔先生的丁卡族精英成员之间的竞争加剧。苏人解运动和南苏丹人民国防军中的多名保密消息人士告诉专家小组，总统阵营内部在重新分配政府职位问题上出现了分歧。

23. 2020 年 6 月，基尔先生在苏人解运动高级领导人和丁卡族长老的压力下，解除了 Mayiik Ayii Deng 的职务，任命尼亚尔·邓·尼亚尔为总统事务部长。正如专家小组在 2020 年中期报告中所述，任命尼亚尔先生是为了制衡国家安全署国内安全局局长阿科尔·库尔·库克中将其及其亲密盟友、总统安全事务顾问图特·邱·加特鲁克·马尼米。正如专家小组定期报告的那样(见 [S/2019/301](#)、[S/2019/897](#) 和 [S/2020/342](#))，库克中将其和加特鲁克先生获得了不受制约的安全权力和财政资源。

24. 南苏丹人民国防军和苏人解运动的消息人士告诉专家小组，基尔先生试图控制其支持者之间的内部紧张关系，但未果，这导致首都以外发生安全事件。例如，丁卡博尔族高级代表告诉专家小组，他们的族群感到被基尔先生抛弃了，并对国家的总体发展轨迹表示关切。来自湖泊州、北加扎勒河州、上尼罗州和瓦拉卜州的丁卡族高级代表也向专家小组表达了他们对基尔先生处理政治过渡的不满。此外，专家小组的对话者指出，基尔先生与副总统塔班·邓·盖之间的关系日益紧张，后者在过渡前时期担任第一副总统，被视为基尔先生的亲密盟友。⁶

25. 2021 年 1 月 31 日，丁卡族长老理事会(丁卡族传统领导层的一个有影响力的机构)发表了题为“打破沉默”的声明，其中表示支持全国对话倡议对基尔先生的领导提出的批评(见附件三)。长老理事会一直是基尔先生的坚定支持者，并被指责与丁卡族占主导地位的政治串通一气(见 [S/2018/292](#))。2021 年 2 月 19 日，长老理事会发表了第二份声明，题为“打破沉默——前进之路”，其中指出，“南苏丹的腐败是政治竞争的驱动力”，并警告说，由于《重振协议》侧重于权力分享，而忽视了在地方一级建设和平，国家正在重新陷入战争(见附件四)。

C. 苏丹人民解放运动/解放军反对派开始瓦解

26. 苏人解运动/解放军反对派无法在政府及和平协议执行进程中发出独立且有影响力的声音，这引发了其领导层的不和(见 [S/2020/342](#) 和 [S/2020/1141](#))。根据对苏人解反对派高级领导人的访谈，由于基尔先生领导的苏人解运动垄断了政府政策，马沙尔先生被排除在政府大部分决策过程之外。同一消息来源报告说，苏人解反对派的一些部长被视为“反对总统利益的外国代理人”。

27. 由于不能在政府中发挥积极作用，心怀不满的苏人解运动/解放军反对派政治和军事领导人对马沙尔先生的领导发起挑战，而一些苏人解反对派高级军官则带部队叛逃至南苏丹人民国防军。苏人解反对派参谋长即受制裁的个人西蒙·加

⁶ 与保密消息人士的访谈，2021 年 3 月。

特韦克·迪尤尔中将(SSi.002)等高级指挥官和苏人解反对派成员对该运动的政治领导层日益不满(见 S/2019/897、S/2020/342 和 S/2020/1141)。⁷

28. 专家小组在 2020 年中期报告中报告了迪尤尔中将于 2020 年 9 月向马沙尔先生提出立即执行安全安排和重新部署苏人解反对派部队的要求；此后，苏人解反对派高级指挥官内部的保密消息人士告诉专家小组，马沙尔先生打算任命迪尤尔中将担任总统顾问。迪尤尔中将与苏人解反对派指挥官也获得军队统一指挥官职位的任命；不过，他们告诉马沙尔先生，如果不全面执行和平协议，特别是协议第二章，他们就拒绝接受这些职位。

29. 此外，在马沙尔先生撤回他指定 Johnson Olony 将军为苏人解运动/解放军反对派选出的上尼罗州州长职位人选的决定后，专家小组访谈的多个苏人解运动/解放军反对派消息人士批评马沙尔先生放弃了该运动倡导治理改革的努力，还批评他向基尔先生拒不任命 Olony 将军的做法让步。

30. 由于苏人解反对派内部的不满情绪，截至 2021 年 3 月初，已形成多个分裂团体，其中一些团体尚未正式宣布它们的计划。⁸

31. 2021 年 1 月 31 日，苏人解运动/解放军反对派内一些洛乌努维尔族成员宣布脱离该运动，成立了一个新团体。新团体指出，领导不力和被边缘化是其选择脱离的原因，并谴责马沙尔先生排挤洛乌努维尔族人，包括迪尤尔中将(见附件五)。此外，Kennedy Ongie Odong 准将指挥的东赤道州苏人解反对派 Tafeng 师特遣部队和 Emmanuel Wani Masco 上校指挥的中赤道州 2B 师 132 名苏人解反对派士兵分别于 2020 年 12 月 8 日和 2021 年 2 月 13 日叛逃至民族拯救阵线(见附件六和七)。

D. 执行和平协议的步骤参差不齐

32. 自 2021 年 1 月以来，政府优先执行已近一年未见进展的《重振协议》条款。重组后的联合监测和评价委员会在其关于《重振协议》执行工作一年最新情况报告中指出，“各派系之间的僵局”减缓了执行速度。⁹ 参与执行进程的政府消息人士告诉专家小组，政府只是在国际伙伴和民间社会的持续压力下才执行了被拖延执行的《重振协议》条款。

33. 根据重组后的联合监测和评价委员会临时主席 Charles Tai Gituai 少将的评估，政府执行了主要与安全 and 治理问题有关的任务，如任命地方领导人和审查立法。¹⁰ 同时，政府已经执行的关于经济管理的第 4 章和关于过渡期正义和问责制

⁷ 对苏人解反对派高级指挥官的访谈，2020 年 9 月至 2021 年 3 月。

⁸ 同上。

⁹ 重组后的联合监测和评价委员会，“重组后的联合监测和评价委员会临时主席 Charles Tai Gituai 少将(退役)阁下关于 2021 年 2 月 22 日至 23 日期间《解决南苏丹共和国冲突重振协议》过渡期第一年的进展报告”，2021 年 3 月 2 日。

¹⁰ 同上；对政府高级官员和保密消息人士的电话访谈，2021 年 1 月至 3 月。

的第 5 章的大部分条款侧重于《重振协议》的行政和程序方面，而不是重在落实各项改革以消除南苏丹和平、安全与稳定所受威胁。¹¹

E. 和平协议执行工作的资金有限

34. 政府尚未公布如何为和平协议执行工作分配公共资源的详情。根据《重振协议》第 1.4.8 条，全国过渡预备期委员会负责设立一个基金，以管理过渡预备期涉及的各项费用，如联合防务委员会的行政费用和委员会代表的食宿费用。正如专家小组先前报告所述，委员会未能透明地管理为和平协议执行工作分配的资金（见 S/2020/342）。

35. 在 2020 年 2 月过渡预备期结束后，总统下令成立一个新的协调执行安全安排的全国过渡委员会，由加特鲁克先生领导，负责完成全国过渡预备期委员会的任务。虽然《重振协议》没有明确规定由哪个机构负责管理安全安排的费用，但重组后的联合监测和评价委员会报告说，根据总统令，新委员会负责编制和执行安全安排的预算。¹²

36. 然而，新的全国过渡委员会和财政和规划部都没有说明政府如何为和平协议执行工作分配资金。正如专家小组 2020 年中期报告所述，政府计划在 2020/21 财政年度拨款 6 870 万美元，用于和平协议执行工作，该财政年度于 2021 年 6 月结束。

37. 根据全国过渡委员会向专家小组提供的信息，委员会自 2020 年 6 月 17 日成立以来，从南苏丹银行收到两笔总额约 900 万美元的预算转账，用于执行和平协议的安全安排。委员会在给专家小组的信中解释说，这些资金没有指定用于具体支出，而是划拨给各种安全安排的总体经费，如驻扎营地和培训中心的食品和其他用品费用、行政费用以及参与执行安全安排的 485 名代表的食宿费。¹³

38. 2020 年 11 月，朱巴的 9 家接待数百名参与执行安全安排代表的酒店致函委员会主席，要求支付未付食宿费用。2020 年 12 月，加特鲁克先生授权向各家酒店支付约 259 000 美元。2021 年 2 月，当欠款达到约 1 000 万美元时，这些酒店后续致函，威胁称如果不支付费用，就会驱逐代表。¹⁴

39. 《重振协议》第 1.4.8 条要求透明地管理用于安全安排的资金。然而，全国过渡委员会没有具体说明如何分配 2020 年 6 月 17 日至 2021 年 1 月 22 日期间收到的约 870 万美元的剩余资金。

¹¹ 对重组后的联合监测和评价委员会、外交官和保密消息人士的访谈，2021 年 1 月至 3 月。

¹² 重组后的联合监测和评价委员会，“重组后的联合监测和评价委员会临时主席 Augustino S.K. Njoroge 中将(退役)大使阁下关于 2020 年 1 月 1 日至 3 月 31 日期间《解决南苏丹共和国冲突重振协议》执行情况的报告”。

¹³ 专家小组存档文件。

¹⁴ 专家小组存档信件。

F. 总统颁布拖延已久的法令

40. 2021 年 1 月 29 日, 基尔先生和马沙尔先生同意由苏人解运动/解放军反对派的 Budhok Ayang Kur 担任上尼罗州州长, 取代苏人解运动/解放军反对派原来提名的候选人 Olony 将军。¹⁵ 这一拖延已久的任命为 10 个州领导人的任命工作画上句号, 但也引发了苏人解运动/解放军反对派内部以及上尼罗州各社区和武装团体之间的紧张关系。¹⁶

41. 2021 年 2 月 2 日, 在尼亚尔先生的领导下, 基尔先生与马沙尔先生和 4 位副总统开会, 商讨制定一项计划, 以加速完成国家和地方政府的组建。尼亚尔先生宣布, 将颁布总统令, 批准统一的军队指挥领导结构, 并落实第一批联合部队的毕业进程(见附件八)。2021 年 2 月 3 日, 尼亚尔先生宣布, 将颁布总统令, “在 2 月 15 日或之前”完成过渡期国民议会和国务委员会的重组(见附件九)。

42. 专家小组注意到, 截至 2021 年 3 月初, 总统令尚未如概述那样得到贯彻。到 2021 年 3 月 3 日, 基尔先生在所有 10 个州任命了各州顾问、部长、县长和其他官员。然而, 军队指挥权的统一、联合部队的毕业进程和过渡期国民议会的重组工作尚未完成。¹⁷

G. 政府为执行第 4 章采取的行政措施

43. 为支持执行《重振协议》提出的经济改革, 由捐助者支持的公共财政管理监督委员会制定了政府税收和管理改革程序(见 S/2020/1141)。另外, 经济事务工作委员会于 2020 年 12 月开始开会, 该委员会是重组后的联合监测和评价委员会负责监测和评价《重振协议》执行情况的机制。¹⁸ 在首次会议之后, 重组后的联合监测和评价委员会报告说, 政府在执行第 4 章的内容方面“没有任何重大进展”。¹⁹

44. 此后, 政府为执行《重振协议》第 4 章所述改革采取了一些初步措施。例如, 政府将监督贷款谈判的委员会从总统办公室转到财政和规划部, 以解决政府贷款程序中缺乏财务治理的问题(《重振协议》第 4.13.4 条)。此外, 基尔先生签署了一项行政命令, 成立一个负责监督石油资源审计的委员会(第 4.8.1.14.5 条; 见附件十)。

45. 然而, 第 4 章所述大多数经济改革都没有得到落实, 或者主要集中在行政任务上。参与改革工作的民间社会、国际捐助方和一些反对党告诉专家小组, 政府

¹⁵ 对政府官员和苏人解运动/解放军反对派的访谈, 2021 年 1 月。

¹⁶ 对苏人解运动/解放军反对派和上尼罗州保密消息人士的访谈, 2021 年 1 月至 3 月。

¹⁷ 对政府官员的访谈, 2021 年 3 月。

¹⁸ 对民间社会和国际专家的访谈, 2020 年 11 月至 2021 年 2 月。

¹⁹ 重组后的联合监测和评价委员会, “重组后的联合监测和评价委员会临时主席 Charles Tai Gituai 少将(退役)阁下关于 2020 年 10 月 1 日至 12 月 31 日期间《解决南苏丹共和国冲突重振协议》执行情况的报告”。

的承诺缓慢且自相矛盾。此外，由于政府尚未重组过渡期国民议会，立法者一直无法监督国家管理资源的情况，也无法批准预算(见附件十一)。²⁰

H. 尽管已颁布法令，但南苏丹问题混合法庭继续受到抵制

46. 安全理事会在各项决议中明确提到过渡期正义是实现可持续和平的关键(见附件十二)。安理会在第 2521(2020)号决议的序言部分还强调，必须对南苏丹境内违反国际人道法和侵犯人权行为者的违法行为追究责任，并敦促政府与非洲联盟签署关于设立南苏丹问题混合法庭的谅解备忘录。²¹

47. 正如专家小组以往报告(见 S/2017/326 和 S/2020/1141)所述，四年多来，政府一直阻止混合法庭的组建。不过，部长委员会于 2021 年 1 月 29 日批准关于建立《重振协议》第 5 章所述问责制和过渡期正义机制的进程，包括组建混合法庭。²² 多名过渡期正义和问责制问题南苏丹专家和国际专家告诉专家小组，虽然宣布这一消息是朝着加强问责制迈出的积极一步，但政府与建立第 5 章所述混合法庭或其他问责机制的目标仍相距甚远。

48. 同一消息来源提醒说，政府先前关于混合法庭的公告没有得到落实。据报告，政府于 2017 年与非洲联盟签署了关于设立混合法庭的谅解备忘录草案。然而，正如专家小组 2020 年中期报告所述，没有提供关于该文件内容的信息，也没有说明为设立混合法庭采取了哪些行动。

49. 关于部长委员会最近的公告，接受专家小组访谈的消息人士提醒说，高级官员缺乏设立混合法庭的政治意愿，因为官员们担心他们可能被认定犯有严重的侵犯人权罪行。此外，混合法庭的设立也遭到该国最高司法官员的反对。据南苏丹专家称，法官们认为，《重振协议》第 5.3.3.2 和 5.3.3.3 条侵犯了南苏丹对过去发生的侵犯人权行为进行调查的主权，因为这两条规定，大多数法官、检察官和辩护律师应来自“南苏丹共和国以外的非洲国家”。

50. 专家小组的消息来源着重指出，政府已就开展《重振协议》第 5.2.1.3 条所述公共协商进行了初步对话，以建立真相、和解和消除创伤委员会。据专家小组消息来源称，政府内部对建立这一机制的动力更大，因为该机制计划完全由南苏丹管理，而且不具有惩罚性。²³

I. 南苏丹人民国防军违反停止敌对行动协议

51. 专家小组从卫星图像中获得的证据显示，2020 年 2 月 15 日至 9 月 17 日期间，至少有一架驻扎在名为“比勒珀姆”的南苏丹人民国防军总司令部的 Mi-24 型直升机被转移(见附件十三)。无论出于何种原因，在没有事先通知的情况下移

²⁰ 对议会前议员和民间社会的访谈，2021 年 1 月至 2 月。

²¹ 《解决南苏丹共和国冲突重振协议》第 5.3 条规定设立国际和南苏丹联合司法法庭，负责调查最严重的侵犯人权行为，包括灭绝种族罪、危害人类罪和战争罪。

²² Jale Richard, “内阁批准设立混合法庭”，Eye 广播电台，2021 年 1 月 30 日。

²³ 对过渡期正义和问责制问题南苏丹专家和国际专家的访谈，2021 年 1 月至 2 月。

动此类直升机，都违反了《重振协议》第 2.1.10.4 条和 2017 年 12 月 21 日停止敌对行动协议第 1.2、11.5 和 11.6 条。根据这些协议的规定，所有武装团体在移动任何装备之前必须事先通知停火和过渡期安全安排监测和核查机制。该机制的官员向专家小组证实，他们没有收到政府发出的任何关于移动 Mi-24 型直升机的通知。

52. 如专家小组以往报告记录的，南苏丹人民国防军直升机的移动有时与军事进攻相关联。政府直升机被部署用于对非签署方部队发动进攻，包括 2019 年 12 月对中赤道州民族拯救阵线发动进攻，还用于向民兵运送武器和弹药，如 2020 年 5 月向大皮博尔行政区古穆鲁克的穆尔勒族民兵运送武器和弹药(见 [S/2020/342](#) 和 [S/2020/1141](#))。

三. 安全环境和平民安保状况恶化

53. 自一年多前政府成立以来，平民权利的保护并未得到改善，平民继续面临来自政府安全部队和武装团体的威胁。暴力导致各州民众被迫流离失所，并使该国面临自 2011 年独立以来最严重的粮食危机之一。²⁴ 2021 年 2 月 2 日，人道主义事务和灾害管理部长 Peter Mayen Majongdit 在接受专家小组访谈时告诉专家小组，“国家正面临最可怕的灾难性人道主义局势”。

54. 国内安全局奉库克中将的直接命令，继续限制公民空间，阻碍《重振协议》的执行。专家小组通过保密消息来源证实，在本报告所述期间，国内安全局官员威胁、骚扰和任意逮捕记者、人权维护者和民间社会领袖。专家小组此前曾报告国内安全局的法外拘留设施，在这些设施中，平民和被认为反对库克中将利益的人经常遭到拘留、酷刑和杀害(见 [S/2019/301](#) 和 [S/2020/342](#))。

55. 保密消息人士告诉专家小组，国内安全局官员根据库克中将的直接命令，继续要求民间社会组织在开展大多数社区活动和方案之前获得许可。同一消息来源证实，即使获得许可，官员也会监督民间社会组织的活动。

A. 持续阻碍人道主义援助的运送

56. 人道主义事务协调厅 2021 年 1 月公布的数字显示，南苏丹需要人道主义援助的人数比以往任何时候都多。²⁵ 根据该厅的数据，2021 年估计有 850 万人需要人道主义援助，超过总人口的三分之一，而 2020 年需要援助的人数为 750 万，2019 年为 710 万。²⁶

57. 根据粮食安全阶段综合分类的调查结果，截至 2021 年 3 月上旬，南苏丹近一半的人口处于高度急性粮食不安全状态，生活在大皮博尔行政区以及北加扎勒

²⁴ 对保密消息人士的访谈，2020 年 7 月至 2021 年 2 月。

²⁵ 人道主义事务协调厅，“南苏丹：人道主义简述”，2021 年 1 月。

²⁶ 人道主义事务协调厅，“2020 年人道主义需求概览：南苏丹”，2019 年 11 月；人道主义事务协调厅，“2019 年人道主义需求概览：南苏丹”，2018 年 11 月。

河州南乌韦勒县和瓦拉卜州东通季、北通季和南通季县的 92 000 多人处于临近饥荒的状态。²⁷

58. 尽管对援助的需求很高，但人道主义组织在运送人道主义援助时遇到了安全和官僚障碍，这些障碍给援助人员带来严重的个人风险。人道主义事务协调厅在 2021 年 1 月指出，与 2019 年相比，2020 年报告的人道主义援助受阻事件数量增多，该厅评估认为，这主要是由于活跃的敌对行动和暴力侵害人道主义工作人员和资产的行为所致。²⁸ 2021 年 1 月 4 日至 6 日，由于上尼罗州马班县本吉发生战斗，几个人道主义组织停止了行动。此后，国家和国际人道主义组织为保护工作人员降低了活动水平。²⁹

59. 此外，专家小组对各种形式拒绝给予人道主义援助准入的调查表明，政府对援助运送故意建立了一个复杂的官僚系统，且未能保证安全运送人道主义援助。尤其是多个消息来源表示，他们严重关切政府的政策蓄意拒绝或拖延为数百名因 COVID-19 而从南苏丹撤离的国际人道主义工作人员发放签证。据消息来源称，政府的意图是限制返回南苏丹的国际工作人员人数(见 S/2017/326、S/2017/979 和 S/2018/292)，从而导致一些人道主义组织在人数不到正常人员配置一半的情况下开展工作。

B. 政府压低粮食不安全的程度

60. 继 2020 年 2 月中旬至 8 月初琼莱州和大皮博尔行政区发生战斗后，截至 2021 年 3 月初，平民的人道主义状况已恶化到临近饥荒的状态。大皮博尔行政区的平民因暴力事件和流离失所而无法应对 2020 年 7 月发生的严重洪水。专家小组在 2020 年中期报告中指出，该地区的平民处于饥饿的边缘，粮食安全阶段综合分类饥荒审查委员会后来核实了这一情况。

61. 鉴于粮食不安全的状况，一个由国家和国际专家包括政府代表组成的技术工作组从 2020 年 10 月 16 日起开会，评估和确定需求水平。工作组大多数成员的结论是，大皮博尔行政区、琼莱州阿科博县、北加扎勒河州南乌韦勒县以及瓦拉卜州东通季、北通季和南通季县的人口处于最高等级的急性粮食不安全状态，即粮食安全阶段综合分类第 5 阶段(见附件十四)。

62. 然而，政府代表认为，没有足够数据得出这一结论。³⁰ 保密消息来源向专家小组报告说，政府通过农业和粮食安全部对人道主义机构施加政治压力，试图阻止公布技术工作组的调查结果。据专家小组的消息来源称，政府对人道主义机构施加压力，以阻碍采取解决该国若干地区(包括大皮博尔行政区)粮食危机所需的全面人道主义应对措施。正如专家小组之前曾报告，政府为阻挠人道主义援助准

²⁷ 粮食安全阶段综合分类，“南苏丹：粮食安全阶段综合分类技术工作组和外部审查的综合调查结果”。

²⁸ 人道主义事务协调厅，“南苏丹：2020 年人道主义援助准入概览”，2021 年 2 月。

²⁹ 对保密消息人士的访谈，2020 年 7 月至 2021 年 2 月。

³⁰ 对保密消息人士的访谈和秘密提供给专家小组的评估，2020 年 11 月至 2021 年 2 月。

入采取了各种策略，以满足其自身政治、军事和经济议程，包括阻挠运送粮食并将粮食转移给自己的支持者(见 [S/2017/326](#)、[S/2017/979](#)、[S/2018/292](#) 和 [S/2018/1049](#))。

63. 由于对技术工作组的结论缺乏共识，2020 年 11 月 17 日，粮食安全阶段综合分类全球支助股这一国际专家小组进行了单独审查。支助股发现，大皮博尔行政区的“情况令人非常关切，有些指标已超过粮食安全阶段综合分类第 5 阶段(饥荒)的门槛值”。³¹ 根据全球支助股的调查结果，饥荒审查委员会于 2020 年 11 月中旬得出结论认为，古穆鲁克、勒库安戈莱、皮博尔和韦尔特思各区实际上处于粮食安全阶段综合分类第 5 阶段。³²

64. 饥荒审查委员会发现，6 月和 7 月在勒库安戈莱和古穆鲁克发生的“史无前例的协同暴力攻击”以及严重的洪水导致了目前的粮食危机。³³

65. 政府拒绝认可饥荒审查委员会和全球支助股的调查结果，并于 2020 年 12 月 18 日公布了自己的调查结果，报告说，大皮博尔行政区有 11 000 人处于粮食安全阶段综合分类第 5 阶段，是饥荒审查委员会确定的 33 000 人的三分之一。³⁴ 政府在报告中也没有承认暴力和不安全对当前粮食危机的影响，而是列举了“COVID-19 的影响、持续低迷的宏观经济状况和洪水的影响”。³⁵

66. 据专家小组消息来源提供的信息，截至 2021 年 3 月初，大皮博尔行政区有大量人口面临饥饿致死的风险，而韦尔特思、古穆鲁克和勒库安戈莱都有与饥饿相关的死亡记录。³⁶ 专家小组审查的机密文件显示，在过去三个月，这些地区大多数人每天只吃一餐，而妇女照护者已开始每两三天才吃一餐。³⁷ 消息来源还告诉专家小组，由于没有解决粮食不安全问题的典型策略，而且此类策略也没有成效，人们几乎完全靠获取野生食物和空投食物为生。³⁸

C. 首都以外的分裂和暴力日益加剧

67. 政府没有能力利用《重振协议》确保地方的治理和安全，导致出现各种安全真空，10 个州中至少有 7 个州和大皮博尔行政区出现失控的暴力行为。专家小组

³¹ 粮食安全阶段综合分类，“关于南苏丹粮食安全阶段综合分类急性粮食不安全情况分析的多伙伴实时质量审查和饥荒审查：总结报告”。

³² 粮食安全阶段综合分类，《粮食安全阶段综合分类饥荒审查：有关南苏丹皮博尔县的结论和建议——粮食安全阶段综合分类分析——2020 年 11 月》(2020 年)。

³³ 同上。

³⁴ 对保密消息人士的访谈，2020 年 12 月至 2021 年 3 月；粮食安全阶段综合分类，“粮食安全综合阶段分类急性粮食不安全和急性营养不良情况分析：2020 年 10 月至 2021 年 7 月”，2020 年 12 月 18 日。

³⁵ 粮食安全阶段综合分类，“粮食安全综合阶段分类急性粮食不安全和急性营养不良情况分析”。

³⁶ 对保密消息人士的访谈和秘密提供给专家小组的 8 份评估，2020 年 11 月至 2021 年 2 月。

³⁷ 同上。

³⁸ 同上。

在 2020 年中期报告中描述了琼莱州、大皮博尔行政区、中赤道州、西赤道州和瓦拉卜州的严峻暴力局面，并描述了朱巴的政治和安全行为体在助长这种暴力行为方面所起的作用。此后，地方暴力事件已蔓延到瓦拉卜州的北通季县和团结州的科赫县。此外，湖泊州大多数县，即 Awerial、东伊罗勒、西伊罗勒、东伦拜克、中伦拜克、北伦拜克和 Cucibet 县以及上尼罗州也面临着暴力。³⁹

68. 2021 年 1 月 27 日，基尔先生在琼莱州和大皮博尔行政区和平会议上对该国部分地区失控的不安全局面发表了评论。他在讲话中说，“下次如果你们再打起来，我不会来救你们了。你们尽管自相残杀，直到一帮把另一帮打跑”。⁴⁰

69. 2021 年 1 月 28 日，基尔先生任命了瓦拉卜州新州长 Aleu Ayieny Aleu，取代他 2020 年 6 月任命的 Bona Panek Biar，并解释道这样做是为了改善法律和秩序。⁴¹

70. 2021 年 3 月 8 日，Aleu 先生身着军装，在北通季县基里克镇检阅了一支被称为“Tuck Tuck”的士兵和民兵混合部队。阅兵视频和与独立来源的核实显示，Aleu 先生称基尔先生授权他武装这支部队。Aleu 先生说，瓦拉卜州的问题是“政客利用平民作为代理人”造成的，专家小组在 2020 年中期报告中介绍琼莱州和大皮博尔行政区的情况时也详细说明了这一点。州长称这支混合部队为“第二支 Mathiang Anyoor 民兵”，Mathiang Anyoor 民兵在 2013 年开始的冲突中对平民犯下了罪行(见 S/2016/70)。⁴²

71. 南苏丹人民国防军多名消息人士告诉专家小组，视频中可见的武器和制服最初是采购供必要的联合部队使用的。Aleu 先生还向民兵承诺，他们将被编入正规武装部队。⁴³ 专家小组注意到，在安全安排之外招募并武装一支新武装部队违反了《重振协议》第 2 章。

72. 在本报告所述期间，专家小组还证实在瓦拉卜州北通季县，库克中将继续违反《重振协议》，招募、训练和武装国内安全局控制的部队。库克中将指挥的一些部队一直在参与暴力活动，并支持与库克有族裔关联的民兵。瓦拉卜州北通季县被确定为粮食不安全程度最高(属于粮食安全阶段综合分类第 5 阶段)的地区。⁴⁴

73. 此前，在瓦拉卜州东通季县，由南苏丹人民国防军军事情报部门负责人，林·图维尼·马博尔·邓中将领领导的解除武装行动导致了暴力事件，专家小组在 2020 年中期报告中报告了这一情况。2020 年 6 月至 8 月，以解除该地区民兵武装为重点的行动导致数十名平民死亡，数千人流离失所。

³⁹ 与当地行政人员、民间社会和保密消息人士的访谈，2020 年 11 月至 2021 年 3 月。

⁴⁰ David Mono Danga，“南苏丹基尔宣布将置身于族群间冲突之外”，美国之音，2021 年 1 月 29 日。

⁴¹ Tamazuj 广播电台，“基尔将瓦拉卜州长撤职并任命新州长”，2021 年 1 月 29 日。

⁴² 社交媒体上发布并经独立核实的阅兵视频。

⁴³ 同上。

⁴⁴ 与当地民间社会和保密消息人士的访谈，2021 年 2 月至 3 月。

D. 政治决定助长了上尼罗州的冲突

74. 鉴于朱巴的政治分歧及其对安全的影响，盛产石油的上尼罗州仍有发生严重暴力行为的危险。上尼罗州存在大量武装团体，包括苏人解反对派和南苏丹人民国防军部队、保护油田的国内安全局部队(见 S/2020/342)和各种族裔民兵，包括与努维尔族、巴东丁卡族和希卢克族有关联的团体。2019 年 9 月，在国内安全局说服詹姆斯·奥昌·普特少将从苏人解反对派变节投靠政府后，与埃塞俄比亚的边界沿线爆发了暴力事件(见 S/2019/897)。

75. 在 2021 年 1 月 Budhok Ayang Kur 被任命为上尼罗州州长前后，各种消息来源报告了上尼罗州对国家政府忠诚度的转变和地方图谋之间的竞争，导致了更多暴力事件。⁴⁵ 基尔先生和马沙尔先生最终拒绝接受希卢克族的 Olony 将军担任苏人解运动/解放军反对派提名的上尼罗州州长，这加剧了紧张局势。⁴⁶ 希卢克族和巴东丁卡族为争夺地区首府马拉卡勒和尼罗河东岸其他地区的控制权发生了冲突，这些地区传统上一直由希卢克族控制，但在以往冲突中，特别是在 2017 年，被巴东丁卡族占领。

76. 2020 年 12 月和 2021 年 1 月，在上尼罗州东部的马班县，苏人解反对派与南苏丹人民国防军在与苏丹的边界沿线爆发了战斗，这违反了停止敌对行动协议。双方部队之间的暴力事件于 2020 年 12 月 13 日在马班县 Liang 开始，当地民兵也参与其中。马班的多个消息来源向专家小组报告称冲突范围扩大，从 2021 年 1 月 4 日开始在马班县各地发生事件。2021 年 1 月 4 日至 6 日在本吉周围以及 2021 年 1 月 9 日和 10 日在 Tommaji 和 Gasmalla 发生了规模最大的战斗，造成数十名平民死亡，数千名平民流离失所，其中一些人逃往埃塞俄比亚。⁴⁷

77. 根据专家小组的访谈，该地区的苏人解反对派维持了一支 3 000 多人的部队，得到了当地民兵中数百名马班族士兵以及上尼罗州纳西尔和迈乌特的其他努维尔族民兵的支持。同时，在该地区主要村镇维持小规模基地的南苏丹人民国防军部队配备了重机枪，并得到了其他马班族民兵的支持。据多个消息来源称，参与暴力活动的其他马班族民兵独立于苏人解反对派和南苏丹人民国防军开展行动。

78. 2021 年 2 月在上尼罗州阿科卡县爆发了冲突。这一地区在 2020 年 12 月和 2021 年 1 月受到洪水的严重影响，导致数万人流离失所，该县无法通行。当地消息人士称，从 2021 年 2 月 2 日开始，至少 3 000 名来自上尼罗州乌朗和纳西尔的吉卡尼努维尔族民兵表面上在苏人解反对派的控制下，袭击村庄，烧毁房屋，偷走庄稼和食物。这些消息人士还说，吉卡尼努维尔族民兵杀害了数十名平民和南苏丹人民国防军部队人员，并使数千名当地居民流离失所。截至 2021 年 3 月初，吉卡尼努维尔族民兵继续在阿科卡县游荡，与这些民兵指挥官有联系的消息人士称，这些民兵打算抢掠帕洛伊奇的油田。

⁴⁵ 与当地民间社会和保密消息人士的访谈，2021 年 1 月。

⁴⁶ 与政府官员、苏人解运动/解放军反对派和保密消息人士的访谈，2020 年 6 月至 7 月。

⁴⁷ 与当地民间社会、社区领袖和当地指挥官的访谈，2021 年 1 月至 2 月。

79. 上尼罗州持续数月的战斗似乎与该州的政治任命有部分关系。专家小组从该地区的指挥官和政界人士那里获悉，暴力事件的部分原因是当地对基尔先生没有任命 Olony 将军担任州长感到不满。据保密消息来源透露，库克中将军和加特鲁克先生试图以高级军事职位和经济回报为条件招募 Olony 将军加入南苏丹人民国防军，但失败了，这进一步引发了紧张局势。

80. 此外，多名当地指挥官和政界人士评论说，苏人解反对派武装部队与其他地方民兵的重组新尝试助长了动荡局面。据这些消息人士称，驻扎在上尼罗州和琼莱州北部的多支苏人解反对派部队对和平协议未得到执行感到不满，已开始采取步骤，在《重振协议》框架外组建新的联盟。该地区的多个消息来源向专家小组报告说，巴东丁卡族一些领导人认为基尔先生抛弃了该族群，已经开始讨论是否重新调整他们的政治效忠对象。

E. 安全安排未得到实施加剧了不稳定局面

81. 政府在拖延一年后任命州政府和地方政府官员，转移了人们的政治注意力，使之不再关注《重振协议》的一项基础：联合安全安排。正如专家小组先前所述(见 S/2020/342 和 S/2020/1141)，根据专家小组对参与安全安排的官员的访谈，驻扎营地和培训中心没有统一任何部队，甚至没有评估哪些部队要重新训练，哪些部队要复员。

82. 南苏丹人民国防军的大部分部队仍留在驻扎营地外，而一些苏人解反对派和其他反对派部队则驻扎在营地内。⁴⁸ 参与安全安排的多名官员，包括来自停火和过渡期安全安排监测和核查机制的官员告诉专家小组，在这些营地，除了缺乏训练，生活条件也很差，缺乏食物、基本卫生条件和药品。国防部长安吉丽娜·特尼 2021 年 3 月 5 日公开承认，驻扎营地和训练中心已被遗弃，并补充说，对妇女而言，那里的条件尤为恶劣。⁴⁹

83. 接受专家小组访谈的安全部门多名高层消息人士评估说，由于进驻营地和开展训练的方式不当，即使联合部队毕业并重新部署，部队也可能会因政治分歧而分裂，在军事上不可靠。此外，熟悉安全部门的多名保密消息人士告诉专家小组，政府已按照《重振协议》(第 2.5 条)的要求成立了防务和安全问题战略审查委员会，但该委员会尚未制定安全和防务综合战略。政府也未能为不属于新军队的各武装派别士兵的解除武装、复员和重返社会制定一项全面计划(第 2.4.10 条)。⁵⁰

F. 当地民兵获取弹药的情况

84. 在全国各地，有少量弹药流散且存在获取渠道，这使与政府安全部队无关的武装团体(如地方民兵和偷牛团体)得以在南苏丹长期制造不稳定。全副武装的

⁴⁸ 与南苏丹人民国防军和保密消息人士的访谈，2020 年 11 月至 2021 年 2 月。

⁴⁹ Emmanuel J. Akile 和 Priscah Akol, “国防部长称驻扎营地已被遗弃”, Eye 广播电台, 2021 年 3 月 5 日。

⁵⁰ 与安全部门保密消息人士的访谈，2020 年 12 月至 2021 年 1 月。

民兵和养牛人能够抵抗政府安全部队，例如，在 2020 年 7 月解除武装行动期间，瓦拉卜州东通季县的当地民兵对抗政府部队(见 S/2020/1141)。

85. 在专家小组 2021 年 2 月 3 日与国防和退伍军人事务部部长举行的正式会议上，特尼女士指出，她对广泛存在的弹药获取渠道感到关切，这不仅威胁到平民，也威胁到人道主义工作人员和维和人员。

86. 专家小组通过保密消息来源证实，自 2018 年以来，朱巴和瓦乌的一些平民拥有高等级军用武器弹药。平民拥有的弹药包括 12.7×99 毫米和 12.7×108 毫米弹药，属于穿甲弹。⁵¹ 这类弹药具有穿透轻型装甲车辆的高破坏性，以前没有报告说平民手中有此类弹药。

G. 政府鼓励苏丹人民解放军反对派投诚

87. 除了政府不重视《重振协议》的安全安排外，基尔先生及其支持者还继续推动苏人解反对派军官和部队投诚。这些行动违反了《重振协议》第 2.1.8 和 2.1.10.4 条的规定。此外，正如专家小组在以前的报告(见 S/2019/897、S/2020/342 和 S/2020/1141)中指出的，投诚事件导致苏人解反对派现有内部裂痕扩大，并危及签署方建立信任和努力执行《重振协议》的能力。

88. 自《重振协议》签署以来，越来越多的苏人解反对派高级指挥官叛逃到南苏丹人民国防军。正如专家小组以往报告(见 S/2019/897、S/2020/342 和 S/2020/1141)所述，政府为苏人解反对派高级指挥官的投诚提供了便利，如上尼罗州迈乌特县的 Ochan 少将、西赤道州的 James Nando Mark 少将、中赤道州卡约凯吉县的 Moses Lokujo 少将以及最近上尼罗州马班县的高级指挥官。

89. 专家小组证实，库克中将、加特鲁克先生和南苏丹人民国防军指挥官为前苏人解反对派高级指挥官的投诚提供了便利，并向他们提供了经济奖励。⁵² 库克中将与南苏丹人民国防军高级指挥官一道，有时还指使这些苏人解反对派的叛变者攻击他们以前的部队，违反了停止敌对行动协议和《重振协议》。⁵³ 2020 年 9 月至 2021 年 1 月在中赤道州和 2019 年 9 月至 2021 年 3 月在上尼罗州对以前部队的攻击导致平民死亡和大规模流离失所。

H. 部队自筹资金助长了不安全状况

90. 武装团体在驻扎营地得不到支持，没有固定的薪金，也没有明确的指挥与控制，只能自寻收入来源维生，并为与冲突有关的活动筹措资金。例如，专家小组收到报告称，在中赤道州，民族拯救阵线的个别士兵、国内安全局、南苏丹人民

⁵¹ 来自社区观察小组和安保人员的报告和对他们的访谈，2020 年 10 月至 2021 年 2 月。使用最多的弹药包括 7.62×39 毫米(用于现代化卡拉什尼科夫自动突击步枪)、7.62×54 毫米(用于卡拉什尼科夫机枪)、7.62×51 毫米(用于 M60 和 M240 机枪和狙击步枪)和 12.7×108 毫米和 12.7×99 毫米(穿甲)弹筒。

⁵² 与南苏丹人民国防军和保密消息人士的访谈，2020 年 8 月至 12 月。

⁵³ 同上。

国防军及其军事情报部门通过买卖黄金以及出售和运输木炭和木材赚取收入。⁵⁴ 在其他地方，武装团体在非法征税、开采当地资源和发展私营公司的基础上，建立了多层非正式治理。⁵⁵

91. 指挥系统的崩溃助长了自筹资金的行动。多个消息来源告诉专家小组，政治和安全控制支离破碎，引发了“军阀政治”，在这种情况下，武装团体为控制资源和领土而不是保护平民和法律与秩序而战。⁵⁶ 例如，中赤道州的一位消息人士在向专家小组描述 Lokujo 少将从苏人解反对派叛逃到南苏丹人民国防军的动机时说：“他和他的手下打仗只是为了抢掠，为了占有更多妇女，最终完全控制非法原木贸易，并通过非法税收获取收入”。⁵⁷

I. 金矿开采点附近持续不安全

92. 中赤道州持续的不安全局势阻碍了对合法黄金开采追加投资(见 [S/2020/342](#) 和 [S/2020/1141](#))。2020 年底，政府制定了一项增加黄金部门收入的经济计划。然而，持有勘探许可证的四家国际矿业公司告诉专家小组，由于存在武装团体，它们无法进入其特许矿区，这阻碍了勘探和投资。⁵⁸

93. 2020 年 6 月以来，专家小组发现，2020 年 6 月在东赤道州劳鲁、2020 年 7 月在中赤道州卡尔佩托和 2020 年 8 月在中赤道州戈罗姆的主要金矿开采点周围发生了涉及《重振协议》签署方和其他武装团体的低水平暴力事件(见 [S/2020/1141](#))。⁵⁹ 正如专家小组在 2020 年中期报告中指出的，东赤道州和中赤道州各地的武装团体部队继续从事小规模手工采矿活动。南苏丹人民国防军多名指挥官和军官还告诉专家小组，由于士兵，包括驻扎营地的士兵没有工资，指挥官和士兵转而从事手工采金活动。

94. 专家小组评估认为，鉴于武装团体成员不能定时收到薪金，他们通过开采和交易手工黄金来赚取收入、维持生计。专家小组没有发现证据表明，武装团体有能力通过黄金开采和贸易为与冲突有关的活动筹资。

J. 东赤道州和中赤道州的非法采伐

95. 在调查非法采伐过程中，专家小组评估认为，东赤道州和中赤道州仍然是政府安全部队、武装团体和私营公司从事非法采伐并从中获益的主要地点(见 [S/2020/342](#) 和 [S/2020/1141](#))。在东赤道州，柚木种植园集中在靠近乌干达边界的托

⁵⁴ 与民间社会、记者、矿业员工和矿产部的访谈，2020 年 7 月至 12 月。

⁵⁵ 同上。

⁵⁶ 与当地行政人员、民间社会、民兵指挥官和保密消息人士的访谈，2020 年 11 月至 2021 年 3 月。

⁵⁷ 与一名保密消息人士的访谈，2020 年 12 月。

⁵⁸ 与商界人士、矿产部和矿业员工的访谈，2020 年 8 月至 2021 年 1 月。

⁵⁹ 与民间社会、商界人士、矿产部和民族拯救阵线的访谈，2020 年 7 月至 12 月。

里特县和马圭县,以便沿托里特-Ikotos-Tseretenia、Kudo-Lowai-Lirya-尼穆勒和托里特-马圭-尼穆勒线路运往乌干达,进行非法木材贸易。⁶⁰

96. 据多个消息来源称,在东赤道州,南苏丹人民国防军第7师的军官和地方行政长官支持私营企业非法开采木材。⁶¹ 专家小组收到信息说,幸运之友贸易和建筑有限公司(Lucky Friends Trading And Construction Company Ltd.)(见 S/2020/342)继续在托里特县伊莫通的森林中进行采伐。⁶² 截至2021年2月,这些木材以每平方米420-540美元的价格在乌干达进行交易。⁶³ 根据专家小组的访谈,南苏丹人民国防军第7师军官为这些公司的伐木作业和采伐场地提供保护,为此收取费用,并护送运木卡车前往乌干达边境,每辆卡车收取约800-900美元的费用。⁶⁴

97. 幸运之友贸易和建筑有限公司和其他公司以及贸易商还得到了东赤道州政府官员以及环境和林业部下属地方官员的行政支持。⁶⁵

98. 专家小组审查的机密文件显示,在中赤道州,卡约凯吉县的一家公司非法采伐柚木和非洲缅茄,并将木材运往乌干达。

99. 专家小组在与托里特和卡约凯吉当地社区的访谈中发现,非法采伐并没有使平民受益;事实上,毁林导致当地环境退化,社区的经济状况恶化。虽然私营公司承诺建造桥梁、学校和道路,但社区成员告诉专家小组,大多数项目尚未开始。⁶⁶ 此外,非法采伐还造成了安全风险,因为政府安全部队和武装团体在采伐中追求经济利益,不惜以平民的安全为代价。

K. 将军的叛变引发了对中赤道州妇女的攻击

100. 如上所述,政府鼓励苏人解反对派指挥官叛变,并为指挥官投诚提供经济奖励。此外,专家小组发现,在苏人解反对派在朱巴失去政治和经济权力之际,指挥官已改变了效忠对象以确保对领土和自然资源的控制。在此背景下,Lokujo少将于2020年9月21日叛逃到南苏丹人民国防军(见 S/2020/1141)。

101. 与Lokujo少将关系密切的消息人士向专家小组表示,他投靠南苏丹人民国防军的原因是希望继续控制主要路线的领土,以便向乌干达和刚果民主共和国非法运输自然资源。⁶⁷ 至少自2017年以来,Lokujo少将直接参与了在其控制的中赤道州地区对柚木和红木征税,并积极参与了原木跨境转运(见 S/2019/897)。

⁶⁰ 与非政府组织人员和民间社会的访谈,2020年12月至2021年2月。

⁶¹ 同上。

⁶² 与朱巴和托里特的南苏丹非政府组织成员、民间社会活动人士和贸易商的访谈和通信,2020年12月至2021年2月。

⁶³ 与非政府组织人员、民间社会和贸易商的访谈,2021年2月。

⁶⁴ 同上。

⁶⁵ 同上。

⁶⁶ 与非政府组织人员和民间社会的访谈,2020年12月至2021年2月。

⁶⁷ 与保密消息人士的访谈,2020年10月至2021年2月。

102. Lokujo 少将叛变后不久，2020 年 9 月 27 日，他指挥的部队袭击了居住在 Kirwa 军营的平民和苏人解反对派士兵。此后不久，又于 2020 年 9 月 29 日对居住在莫罗托训练中心的苏人解反对派士兵和平民发起进攻。正如专家小组以前报告的，居住在军事基地内和周围的平民容易受到武装袭击(见 S/2020/342)。

103. 一个月后，即 2020 年 11 月 26 日至 29 日，Lokujo 少将及其部队对留在或返回莫罗托训练中心和 Kirwa 军营的苏人解反对派部队和平民发起了第二次军事行动。在这次的第二阶段行动中，部队袭击了卡约凯吉县阿吉奥、利沃洛、科里焦和博里等村的平民。⁶⁸

104. 专家小组核实，在此期间 Lokujo 少将直接指挥和控制的部队实施了严重侵犯人权和严重违反国际人道法的行为，包括 10 起法外处决、32 起强奸以及其他类型的性暴力和性别暴力、5 次拒绝为监测目的提供准入、2 次拒绝为运送人道主义援助提供准入，并且还掠夺平民财产和限制平民的行动自由。⁶⁹ 此外，人道主义事务协调厅指出，这些暴力袭击造成了大规模冲突导致的被迫流离失所。⁷⁰

L. 来自安全部队公司的未追踪收入

105. 国内安全局、南苏丹人民国防军和南苏丹人民国防军军事情报部门通过建立独立的创收公司并成立内部部门来管理这些公司的运营，从自然资源中赚取预算外收入。根据专家小组对财政和规划部文件、公司记录和访谈的审查，各安全部队从自然资源开采和其他业务活动中获得的利润均无追踪记录，未经审计，也没有供政府使用。

106. 对安全部队设立的公司和来自独立来源的收入缺乏监督，增加了安全部门支出模糊不清的风险，这可能威胁南苏丹的和平、安全与稳定。正如专家小组以前报告的那样，特别是国内安全局试图利用自己的独立收入来源购买武器(见 S/2020/342 和 S/2020/1141)。

107. 国内安全局遵照库克中将军的直接命令，继续经营未披露收入、未向财政和规划部中央税收缴款的私营公司(见 S/2020/342 和 S/2019/301)。⁷¹ 对公司文件和进口记录的审查显示，在石油和安全部门运营的各种公司由国内安全局投资公司(负责管理这些公司)和行政司的高级官员拥有。

108. 与国内安全局类似，南苏丹人民国防军也运营一个名为军事经济公司的业务部门。⁷² 根据专家小组的访谈，该公司在包括自然资源开采在内的一系列部门成立了私营公司。公司文件显示，军事经济公司创建的 MED 建筑发展有限公司

⁶⁸ 同上。

⁶⁹ 同上。

⁷⁰ 人道主义事务协调厅，“南苏丹：人道主义简述”，2020 年 12 月。

⁷¹ 与财政和规划部、民间社会、前政府官员和商界人士的访谈，2020 年 8 月至 2021 年 2 月。

⁷² 与民间社会、外国外交官和采矿企业的访谈以及机密文件，2020 年 11 月至 2021 年 1 月。

在 2018 年申请并获得了三个黄金开采许可证。⁷³ 根据专家小组审查的各种公司注册文件,军事经济公司的私营公司,包括 MED 和 Bolt 工程有限公司在内,都按照正常程序在南苏丹进行了公司注册,但没有公布其与南苏丹人民国防军有关联。

109. 南苏丹人民国防军军事情报部门也增加了来自自然资源非法开采活动的预算外收入。例如,南苏丹人民国防军军事情报部门与戈罗姆矿业公司签订保护小型矿场的协议,从中获得了独立收入(见 S/2019/897 和 S/2020/1141)。⁷⁴ 根据一份经多方证实的机密文件,作为其私下业务活动的一部分,南苏丹人民国防军军事情报部门还在中赤道州用军车向朱巴运送木材。此外,朱巴的商界人士向专家小组表示,除了开采自然资源外,南苏丹人民国防军军事情报部门还寻求了新的商业机会以增加收入来源,而这些收入来源不受财政和规划部及监督机构的管制。⁷⁵

四. 公共和自然资源控制分散

110. 自 2020 年 2 月团结政府成立以来,许多部委、机构和安全部队控制了南苏丹的公共和自然资源,以此作为产生独立收入来源的手段,而这些收入来源与政府的中央预算分离(见 S/2020/342 和 S/2020/1141)。公共和自然资源的控制和管理日益分散,削弱了政府执行和平协议第 4 章、限制挪用政府资金和改善国家经济地位的努力。南苏丹的外债继续增加,已超过 20 亿美元。⁷⁶

111. 政府出售自然资源(特别是原油)的各种收入来源缺乏监督,也没有按照南苏丹法律和《重振协议》(第 4.10.1.2 条)的要求合并成单一账户。基金组织警告说:“不透明的石油预付款、石油担保贷款和预算外交易正在破坏财政纪律和预算的完整性”。专家小组发现,这使得政府的收入流缺乏协调,没有用于执行《重振协议》。⁷⁷ 例如,财政和规划部在 2020 年 9 月报告,有 19 个创收机构未向国家税务局转账。⁷⁸

A. 融资有限影响治理

112. 截至 2021 年 3 月初,2020/21 财政年度还剩四个月,政府尚未公布全部预算或弥补预期财政赤字的计划(见 S/2020/1141)。⁷⁹ 鉴于 COVID-19 疫情的财政影响,基金组织利用其快速信贷机制,于 2020 年 11 月以 5 230 万美元贷款的形式

⁷³ 南苏丹石油矿产部和 Trimble 土地管理局,南苏丹采矿地籍门户。可查阅 <http://portals.flexicadastre.com/southsudan/>。

⁷⁴ 与保密消息人士的访谈,2020 年 12 月至 2021 年 1 月。

⁷⁵ 与商界人士、记者和外国外交官的访谈,2020 年 7 月至 2021 年 1 月。

⁷⁶ 与财政和规划部和基金组织的访谈以及专家小组存档的机密文件。

⁷⁷ 基金组织,“南苏丹共和国:2019 年第四条磋商——新闻稿、工作人员报告和执行主任关于南苏丹共和国的声明,”第 19/153 号国家报告,2019 年 6 月。

⁷⁸ 美国之音,“聚焦南苏丹”,录音集,2020 年 9 月 14 日。

⁷⁹ 与民间社会、外国外交官和政府官员的访谈,2021 年 2 月至 3 月。

向政府提供了直接财政援助。⁸⁰ 政府用部分贷款支付了 2020 年 6 月和 7 月两个月的拖欠工资，但仍欠公务员和士兵至少五个月的工资。⁸¹

113. 鉴于南苏丹对进口商品的依赖，为控制价格，政府还用来自快速信贷机制的应急资金向外汇局拍卖美元。自 2020 年 12 月以来，南苏丹银行每周向各外汇局拍卖 100 万至 200 万美元(见附件十五)。⁸² 2020 年 12 月，南苏丹银行拍卖了 100 万美元，20 个外汇局各分到 5 万美元。⁸³ 经济学家指出，将商业银行排除在每周的拍卖之外，使拍卖无法有效地降低通胀并缩小官方汇率与黑市汇率的差距。⁸⁴

114. 鉴于政府资金有限，专家小组采访的政治和军事领导人指出，基尔先生相应地缺乏资金来激励传统支持团体的忠诚，并将反对派政治和军事领导人纳入政府。如上文所述，基尔先生及其盟友提供了财政激励，以说服苏人解反对派军事领导人叛逃，但接近基尔先生的消息人士表示，由于《重振协议》和 COVID-19 导致的经济减速，总统的传统赞助系统日益受到限制。

115. 在州一级，专家小组的消息来源还指出，地方行政当局缺乏可用资金。专家小组与上尼罗州、湖泊州和中赤道州的官员进行了访谈，他们强调指出，州政府没有分到财政资源，因此有一个消息人士向专家小组报告说：“地方金库空空如也，因此掠夺[资源]仍将是他们唯一的选择”。

B. 公路项目支出仍在继续

116. 财政和规划部预计，2020/21 财政年度政府收入将达到约 6 亿美元。政府的财政灵活性有限，但这并没有妨碍向石油换公路方案分配资源(见 S/2020/1141)。专家小组核实，自 2019 年初以来，政府签署了四个公路建设项目合同，价值 38.7 亿美元。对合同的审查表明，这四条公路将于 2024 年完工。⁸⁵

117. 在 2019 年道路项目开始时，总统解释说，政府计划通过出售从团结州和鲁翁行政区开采的尼罗混合原油来支付项目费用。然而，专家小组证实，其在 2020 年中期报告中记录的朱巴-博尔公路 1 亿多美元的初始融资并不是根据石油换公路付款计划供资的。

118. 2019 年，政府从非洲进出口银行获得 4 亿美元贷款(见 S/2020/342)。⁸⁶ 根据协议条款，非洲进出口银行代表财政和规划部直接向一些受益人付款。另外，该银行将部分贷款转给南苏丹银行，以支持政府的预算支出。据独立消息来源称，

⁸⁰ 基金组织，“南苏丹：2019 年第四条磋商”。

⁸¹ 与民间社会、外国外交官和政府官员的访谈及机密文件，2021 年 1 月至 3 月。

⁸² 《苏丹论坛报》，“南苏丹中央银行每周拍卖 200 万美元：官方”，2021 年 1 月 26 日。

⁸³ 专家小组存档文件；2021 年 1 月至 2 月与当地非政府组织和民间社会的访谈；Jale Richard，“中央银行每周拍卖 200 万美元”，Eye 广播电台，2021 年 1 月 25 日。

⁸⁴ 与当地非政府组织和民间社会的访谈，2021 年 1 月至 2 月。

⁸⁵ 2020 年 12 月至 2021 年 1 月与保密消息人士的访谈；专家组存档的机密文件。

⁸⁶ 与外国外交官、前政府官员和保密消息人士的访谈，2020 年 7 月至 2021 年 1 月。

政府从存放在南苏丹银行的资金中划拨出了一部分资金，用于支付朱巴-博尔公路的费用。

119. 此后，非洲进出口银行又批准了一笔 2.5 亿美元的贷款，供政府用于支出和基础设施项目，但截至 2021 年 3 月初，尚未拨付任何资金。⁸⁷

120. 朱巴-博尔项目自初始融资以来至少又获得了 5 000 万美元。同一时期，朱巴-伦拜克公路项目至少获得了 8 200 万美元的拨款。⁸⁸ 经政府审查和工程调整后，朱巴-伦拜克公路于 2021 年 1 月恢复施工(见 S/2020/1141)。

121. 部长委员会于 2019 年 5 月同意每天分配 30 000 桶原油用于基础设施发展(见附件十六)。自那以来，总统办公室就一直在直接管理公路建设项目的谈判和实施。现任和前任政府官员告诉专家小组，由于总统办公室设立了一个专门的“办公室”来直接管理项目，因此这些项目没有政府监督。道路和桥梁部没有对道路的技术方面进行正常审查，财政和规划部在项目付款方面也缺乏财务透明度(见附件十七)。⁸⁹

C. 不知去向的石油收入

122. 南苏丹的原油销售和收入征缴对经济稳定构成风险，因为对这一政府主要收入来源的管理不符合《重振协议》第 4 章的规定。尽管原油约占政府收入的 90%，但政府将其石油业务和收入的大多数方面列为“机密”。⁹⁰ 因此，政府没有回应专家小组多次提出的索取信息的书面要求，根据 2012 年《石油法》和 2013 年《石油收入管理法》，这些信息应当公开。

123. 专家小组审查了政府从石油部门获得的一些收入来源，发现大部分收入信息没有由独立审计师收集、核实和公布。根据《重振协议》第 4.14.8 条，“所有政府收入均应入账，信息应向公众开放”。

124. 政府从各自独立的三大来源获得石油收入，这使得政府的石油收入账目模糊不清。对 2013 年《石油收入管理法》的审查表明，南苏丹银行应从以下来源获得石油资金：(a) 政府直接出售其原油份额；(b) 尼罗石油公司从其在石油作业公司的股份中获得的原油收入份额，(c) 石油作业公司向政府一次性支付和每年支付的地皮租赁费和签约定金。

D. 石油销售和合同缺乏监督

125. 石油部的直接原油销售是政府最大的收入来源。然而，如 2020 年中期报告所述，南苏丹的大部分外债偿还与根据预定时间表进行的石油货物销售挂钩，这增

⁸⁷ 与保密消息人士的访谈，2021 年 2 月至 3 月。

⁸⁸ 与保密消息人士的访谈，2020 年 12 月至 2021 年 1 月。

⁸⁹ 与保密消息人士的访谈，2020 年 7 月至 2021 年 1 月。

⁹⁰ 与参与石油部门的政府官员和商人的访谈，2020 年 11 月至 2021 年 2 月。

加了石油销售监督的复杂性，并往往导致石油销售价格降低。政府尚未完成按照《重振协议》第 4.8.1.3 条和第 4.14.4 条的要求对以石油为抵押的债务进行的审查。

126. 除了专家小组 2020 年中期报告中详述的非洲进出口银行石油担保信贷安排之外，南苏丹在 2020 年对欠卡塔尔国家银行的约 6.5 亿美元债务进行了重组，纳入了主权担保(见 S/2017/979)。根据偿还协议，卡塔尔国家银行有权每年收到两批实物原油。⁹¹

127. 专家小组审查了关于原油货物预付款协议的机密文件，这些协议与向非洲进出口银行、卡塔尔国家银行、NASDEC General Trading 公司和石油换公路项目分配货物的具体月份挂钩。根据这些数据，专家小组计算出，2021 年共预先分配了 21 批实物货物，占政府预期石油货物的四分之三以上。⁹² 政府根据同样的还款计划为 2022 年预分配了 16 批货物。⁹³

128. 石油担保融资、包括石油预付款协议的谈判和管理，通常没有有关部委的充分参与和部长委员会的批准，也不通知议会。⁹⁴ 例如，从 2018 年 4 月开始，政府与撒哈拉能源资源公司签署了一系列预付款协议。⁹⁵ 根据第三份预付款协议的条款，撒哈拉能源公司提供了高达 6 亿美元的信贷额度，政府将通过分配未来的原油货物偿还这笔贷款。⁹⁶ 保密消息来源指出，非竞争性预付款协议的谈判缺乏透明度。截至 2020 年底，政府欠撒哈拉能源公司约 1.37 亿美元未偿债务。⁹⁷

129. 2021 年，政府继续分配固定数量的原油销售用于偿还债务和支付项目费用，这使其石油管理分散化，增加了政府石油资源被滥用的风险。民间社会和商界人士向专家小组指出，预先分配的做法使某些政府支出(如工资)优先于其他支出，并导致在财政和规划部主导的预算程序之外进行付款。⁹⁸ 鉴于这种做法，2020 年 12 月 6 日，苏人解运动 / 解放军反对派第六次年度会议呼吁政府为执行和平协议直接分配石油。⁹⁹

案例研究：预付款协议造成的政府收入损失

130. 专家小组一直报告，通过与国际石油贸易商签订预付款协议预售石油(买方向政府预付未来交付的石油货款)的做法，特别容易导致出现挪用公共资金的现

⁹¹ 2020 年 12 月至 2021 年 1 月与政府官员的访谈以及机密文件。

⁹² 2020 年 7 月至 2021 年 2 月与石油部门商人和政府官员的访谈以及机密文件。

⁹³ 同上。

⁹⁴ 与商界人士、政府官员和银行专业人员的访谈，2020 年 7 月至 2021 年 2 月。

⁹⁵ 与前石油部官员和商界人士的访谈，2020 年 4 月；Valéry Guillebon，“南苏丹撒哈拉能源公司”，在 2018 年 11 月非洲石油和电力会议上的发言。

⁹⁶ 专家小组审查的机密文件；2020 年 4 月与前石油部官员、外国外交官和行业专家的访谈；非洲情报，“撒哈拉能源公司的 Tope Shonubi 完成原油交易”，2018 年 5 月 8 日。

⁹⁷ 2020 年 10 月至 2021 年 2 月与民间社会和商业银行的访谈以及专家小组存档的机密文件。

⁹⁸ 与民间社会和石油贸易商的访谈，2020 年 10 月至 12 月。

⁹⁹ 专家小组存档文件。

象(见 S/2019/301、S/2020/342 和 S/2020/1141)。这种做法缺乏监督，因为政府没有按照《重振协议》(第 4.8.1.3 条和第 4.14.4 条)的要求披露其各种预付款协议的条款或与石油担保贷款有关的金融负债的程度。2019 年 6 月，政府对这一做法展开调查；然而，调查现已结束，没有公布任何调查结果(见 S/2019/897)。¹⁰⁰

131. 财政和规划部在其 2020/21 年度国家预算计划中承认，政府因预付款协议相关费用而损失了大量公共收入，并指出“政府严重依赖石油收入和石油抵押贷款为预算提供资金，这给政府带来了高昂成本”。专家小组审查了石油收入数据、预付款协议条款和政府机密文件，据此估计，2018-2020 年的预付款协议使政府的潜在收入减少了至少 1.5 亿美元。

132. 专家小组审查了政府与一家国际石油贸易公司签署的四份预付款协议相关的文件，并约谈了保密消息人士，以核实与这些协议有关的费用。

133. 2018 年 4 月至 2019 年 8 月期间，政府通过四份预付款协议获得了预付资金，该公司向政府预付了八笔款项，总额为 446 973 882.79 美元。同时，按照预付款协议的规定，政府向该公司支付了 95 138 582.61 美元的利息和费用。

134. 专家小组审查了预付款协议和石油部的对账文件。协议和文件详细说明了政府负责的三项主要费用。首先，政府按融资协议的全部价值支付了 1.25%-3.5% 的前期安排费，其中包括融资协议的行政费用。在 2018 和 2019 年的 17 个月里，政府为四份预付款协议总共支付了 68 238 400.00 美元的安排费。第二，政府为未偿融资余额支付了比全球基准利率高出 7% 的利息，总额为 13 079 925.55 美元。¹⁰¹

135. 第三，由于政府收到了石油预付款，该公司则以低于现货市场价格的预定折扣率收到石油。专家小组审查的四个预付款计划包括每桶原油 1.15-1.35 美元的折扣率，这导致 2018 年 5 月至 2019 年 7 月 11 批货物的销售收入减少 8 504 139.85 美元。¹⁰²

136. 专家小组估计，与现货招标合同的预期石油价值相比，四份短期预付款协议的各种费用和利息付款导致政府潜在收入减少 24%，即每月约 550 万美元(见 S/2020/342)。专家小组没有发现与上述四份预付款协议有关的任何挪用公款的情况。然而，财政和规划部以及石油部的官员告诉专家小组，部分由于资金计算和报告方式的缘故，这两个部一直无法完全跟踪贷款的偿还情况。

E. 未经审计的尼罗石油公司收入

137. 政府除了从直接的石油销售中获得收入外，还有权通过政府全资拥有的石油公司——尼罗石油公司另外获得石油收入。作为南苏丹各石油作业公司的合作伙伴，尼罗石油公司有权从达尔石油作业公司获得 8% 的盈利石油利润，从大先锋作业公司获得 5% 的利润，从苏德石油作业公司获得 8% 的利润。

¹⁰⁰ 与现任和前任石油部官员和民间社会的访谈，2020 年 7 月至 2021 年 2 月。

¹⁰¹ 贷款利息与伦敦银行同业拆放利率挂钩，该利率是用于借款的主要全球基准利率。

¹⁰² 专家小组对公司和石油部文件的审查。

138. 专家小组发现，尼罗石油公司没有将其作为公共资源的财务利润转给南苏丹银行。¹⁰³ 专家小组根据石油部内部文件、政府公开报告、石油生产数据和访谈进行了计算，结果显示，尼罗石油公司在 2013 年 6 月至 2019 年 5 月期间至少赚了 4 亿美元。专家小组没有证据表明这些公共收入中有任何部分转移到了南苏丹银行。石油部最后一次公布尼罗石油公司石油份额完整数据是在 2019 年，这一年，该公司每月平均净收入超过 340 万美元。

139. 无论是尼罗石油公司还是政府都没有对该公司所赚收入作出解释。¹⁰⁴ 专家小组于 2020 年 9 月和 2021 年 2 月致函尼罗石油公司，提出了具体问题，但尚未收到答复。此外，尼罗石油公司一直没有接受过审计，尽管 2012 年《石油法》规定其“应按照国家标准，公布经审计的年度账目、生产份额、营销程序、销售价格、石油活动和运输费用或收益以及石油协议和分包合同”。¹⁰⁵

140. 2012 年《石油法》还规定，总统负责任命尼罗石油公司董事会。如 2020 年中期报告所述，2020 年 8 月 28 日，基尔先生任命了新的董事会成员，并要求他们向反腐败委员会和国家审计分院报告个人资产。¹⁰⁶ 此外，现任和前任政府高级官员告诉专家小组，总统办公室不仅任命了董事会，而且还在石油部和政府监督机构的权限之外，直接管理尼罗石油公司的业务。¹⁰⁷

F. 没有石油地皮租赁费方面的数据

141. 政府通过各种一次性收费或年费赚取额外的石油收入。据熟悉与政府签署的勘探和石油共享协议的石油部现任和前任官员称，运营南苏丹油田的石油作业公司尤其要每年支付地皮租赁费。2012 年《石油法》规定，地皮租赁费款项“应全额支付予国家岁入基金”。¹⁰⁸ 不过，据保密消息人士透露，租赁费并未按照 2012 年《石油法》和 2013 年《石油收入管理法》的规定转入南苏丹银行(用于国家岁入基金)。

142. 专家小组以书面形式请石油部、财政和规划部以及尼罗石油公司澄清地皮租赁费方面的问题，但没有得到答复。大先锋作业公司 2021 年 3 月 4 日答复专家小组，表示其有“合同义务对涉及石油业务的所有信息保密”，并已请求政府和“相关合作伙伴”批准共享这些信息。达尔石油作业公司 2021 年 3 月 9 日致函专家小组，作出了同样的答复。

¹⁰³ 与现任和前任政府官员及保密消息人士的访谈，2020 年 12 月至 2021 年 2 月。

¹⁰⁴ 与民间社会、外国外交官、现任和前任尼罗石油公司和政府官员以及保密消息人士的访谈，2020 年 8 月至 2021 年 2 月。

¹⁰⁵ 南苏丹，2012 年《石油法》，第 5 章，第 13 节，第 10 条。

¹⁰⁶ 同上，第 19 章，第 97 节，第 1 条和第 2 条。另见 <https://nilepet.com/board-of-directors/>。

¹⁰⁷ 与前任和现任石油部和尼罗石油公司官员、石油部门经济学家、外国外交官和保密消息人士的访谈，2020 年 8 月至 2021 年 2 月。

¹⁰⁸ 南苏丹，2012 年《石油法》，第 16 章，第 72 节。

143. 专家小组没有关于石油区块当前使用情况的数据，无法核实达尔石油作业公司和大先锋作业公司应当支付多少费用，因为政府是根据石油作业公司对石油区块内土地的使用情况计算地皮租赁费。¹⁰⁹ 根据 2019 年付款情况的部分数据，并通过访谈熟悉石油付款情况的个人，专家小组估计，三家石油作业公司每年支付的租赁费超过 2 000 万美元。¹¹⁰

G. 政府挪用公共资金

144. 政府机构和部委转移公共资源，挪用款项，干预非石油收入征收工作的公共财务管理。基金组织表示，公共财务管理系统尤其“造成了与捐助者之间的信誉鸿沟，导致援助的拨付和落实流出政府系统”。¹¹¹ 鉴于收入管理和拨付的相关风险，部长委员会批准了公共财务管理监督委员会的 11 项优先行动(这些行动大多与《重振协议》规定的改革一致)，以解决南苏丹公共资源和自然资源长期缺乏财务治理的问题。

H. 国内安全局在非石油收入征收方面存在利益关系

145. 国内安全局继续巩固其对政府收入征收工作和私营企业的影响力。例如，国内安全局经济情报司要求一些私营公司必须获得国内安全局的批准才能运营。¹¹² 朱巴的商人和前政府官员向专家小组报告指出，国内安全局经常要求私营公司雇用该局的在职工作人员，尽管在某些情况下，国内安全局管理着有竞争关系的自有私营公司。

146. 据国家税务局与财政和规划部现任和前任官员称，国内安全局系统性削弱了国家税务局征收非石油收入的能力。正如专家小组 2020 年中期报告所指出，国家税务局前代理专员 Erjok Bullen 是国内安全局的一名官员，在临时任职期间，他推动广泛实施进口税收豁免，限制收入征收工作的透明报告。此外，专家小组发现，国内安全局的官员还在南苏丹银行、财政和规划部以及国家海关署担任其他公共财务管理职位。¹¹³

147. 据前政府官员称，经济情报司在国家税务局中设有一个正式职位，负责调查逃税避税问题。然而，保密消息人士向专家小组证实，经济情报司的官员试图控制来自非石油收入的资金，并拒绝遵守改善非石油收入征收工作的内部条例。¹¹⁴ 专家小组还发现，如其 2020 年中期报告所述，存在国内安全局官员向国家税务局施压、要求其为私营公司提供免税待遇的情况。¹¹⁵

¹⁰⁹ 石油作业公司的地皮租赁费按使用面积的平方公里数计算，泵送石油的土地、正在开发的土地和不再使用的土地的租赁费率各不相同。

¹¹⁰ 与保密消息人士的访谈，2020 年 7 月至 12 月。

¹¹¹ 基金组织，“南苏丹共和国：快速信贷机制拨付请求——新闻稿、工作人员报告和执行主任关于南苏丹共和国的声明”，第 20/301 号国家报告，2020 年 11 月。

¹¹² 专家小组审查的机密文件。

¹¹³ 与民间社会组织、国家税务局、财政和规划部长的访谈，2020 年 12 月。

¹¹⁴ 同上。

¹¹⁵ 同上。

148. 此外，2019 年，当国家税务总局将税款征收统一纳入单一整体账户时，国内安全局试图对选择授权哪些银行代表南苏丹银行处理金融交易施加影响。保密消息人士告诉专家小组，国内安全局的官员试图探知国家税务总局的机密招标和遴选流程。

I. 卫生部官员挪用公共资金

149. 专家小组在调查公共资金可能被挪用问题的过程中发现，卫生部的一名官员和南苏丹银行违反了旨在保护公共收入不受财务不当行为影响的程序。¹¹⁶ 根据专家小组审查的政府文件，2020 年 2 月 19 日，卫生部次长 Makur Matur Kariom 正式请求南苏丹银行发放 30 780 美元现金(见附件十八)。在给南苏丹银行的信中，Kariom 先生要求银行发放现金用于支付与某外国代表团访问卫生部相关的费用，包括为来访人员提供每日生活津贴。

150. 然而，2020 年 4 月 6 日，卫生部行政和财务司长通知 Kariom 先生，受 COVID-19 疫情影响，上述外国代表团的访问取消。尽管如此，Kariom 先生仍命令卫生部出纳人员前往南苏丹银行，从卫生部账户中提取 30 780 美元(见附件十八)。专家小组审查的文件显示，出纳人员在未完整填写必填表格的情况下提取了现金(见附件十九)。

151. 根据卫生部的政策，从该部账户中提取任何资金，都必须事先通知行政和财务司长并获得司长批准。专家小组致函卫生部和南苏丹银行，请求提供有关该交易的更多信息，但没有收到答复。

五. 地区争端分散了对南苏丹的关注

152. 2018 年 9 月，非洲之角地区局势日益缓和，当时，在地区集团伊加特的支持下，埃塞俄比亚、苏丹和乌干达团结起来，一致倡导签署《重振协议》，在此背景下，谈判并签署了《重振协议》。正如专家小组在其 2020 年中期报告中所述，为执行《重振协议》采取切实步骤，往往需要从区域层面向签署方持续施压。

153. 然而，自政府组建以来，伊加特内部不团结，限制了《重振协议》执行方面协调一致的高级别区域接触。在此期间，一系列区域安全问题影响了该区域和伊加特自身的凝聚力，对南苏丹的和平与稳定产生了直接和间接的影响。

区域安全问题增多

154. 根据专家小组与政府官员和地区情报机构的访谈，南苏丹境外非洲之角的三起争端对南苏丹的和平与安全尤其产生了影响：(a) 埃塞俄比亚提格雷民族州的冲突；(b) 埃塞俄比亚和苏丹边境法沙卡地区摩擦；(c) 埃及、埃塞俄比亚和苏丹在埃塞俄比亚复兴大坝建设问题上的分歧。

155. 虽然区域争端没有蔓延至南苏丹境内，但多名区域外交消息人士向专家小组表示，这些争端以及索马里的选举计划和乌干达 2021 年 1 月选举引发的其他

¹¹⁶ 与民间社会组织和保密消息人士的访谈，2020 年 12 月至 2021 年 2 月。

紧张局势分散了伊加特的注意力，并造成了紧张局势，导致伊加特一直未发挥作用。因此，伊加特始终如一领导《重振协议》执行工作的能力减弱。据政府高层保密消息人士透露，由于上述情况，该区域已减少对南苏丹政治进程的关注。

156. 在埃塞俄比亚，自 2020 年 11 月开始，总理阿比·艾哈迈德领导的联邦政府实施军事行动，以抓获埃塞俄比亚提格雷民族州的前领导人，并对该州的领土实施全面控制。多位区域和国际消息人士向专家小组表示，厄立特里亚军队支持艾哈迈德先生实施军事行动，行动已导致大批难民涌入苏丹加达里夫地区。¹¹⁷

157. 提格雷州冲突的蔓延加剧了埃塞俄比亚和苏丹边境法沙卡地区争议的紧张局势。根据殖民地时期的条约，法沙卡地区为苏丹所属土地，但埃塞俄比亚人已在这里定居。¹¹⁸ 2020 年 12 月中旬以来，围绕法沙卡产生的紧张局势一直在持续，导致苏丹武装部队与埃塞俄比亚部队之间发生军事对峙。¹¹⁹ 2021 年 1 月 15 日，南苏丹主动提出在其两个邻国之间进行调解。¹²⁰

158. 如专家小组之前所述(见 S/2018/292)，这些区域动态加剧了埃塞俄比亚与埃及和苏丹之间在埃塞俄比亚复兴大坝蓄水问题上的现有分歧。三国就大坝蓄水问题进行了长达多年的谈判，国际社会也在施压要求各方找到折衷办法，但三国仍未达成协定。

159. 在区域两极分化和各方唇枪舌剑之际，埃及与苏丹于 2021 年 3 月 2 日签署军事合作协定，埃及政府称该协定史无前例。¹²¹ 2021 年 3 月 6 日，埃及总统阿卜杜勒-法塔赫·塞西前往喀土穆会见苏丹过渡主权委员会主席阿卜杜勒·法塔赫·布尔汗中将。据媒体报道，双方重申需要在埃塞俄比亚复兴大坝蓄水之前进行谈判的共同立场，塞西先生向苏丹方面保证，埃及将支持苏丹在与埃塞俄比亚就法沙卡边界存在的争端中捍卫其领土的权利。¹²²

160. 鉴于埃及、埃塞俄比亚和苏丹之间的紧张局势，多名南苏丹和区域消息人士对南苏丹卷入区域争端表示担忧。熟悉该区域的朱巴保密消息人士告诉专家小组，在整个区域外交危机期间，库克中将和加特鲁克先生一直试图说服埃及和苏丹以及埃塞俄比亚相信南苏丹的忠诚。据上述消息人士称，由于这些活动，埃及、埃塞俄比亚和苏丹向基尔先生施压，要求他在该区域争端中表明立场。

161. 上述消息人士警告称，如果基尔先生在这些争端中选边站队，南苏丹的和平与稳定将面临风险。保密消息人士向专家小组证实，2021 年 3 月 9 日，埃塞俄

¹¹⁷ 与外国外交官、区域情报人员和保密消息人士的访谈，2020 年 11 月至 2021 年 3 月。

¹¹⁸ 与区域情报人员和保密消息人士的访谈，2020 年 12 月至 2021 年 3 月。

¹¹⁹ 同上。

¹²⁰ 与政府官员的访谈，2021 年 1 月。

¹²¹ 与区域情报人员和保密消息人士的访谈，2021 年 3 月；《埃及独立报》，“埃及与苏丹签署军事合作协定”，2021 年 3 月 2 日。

¹²² Hamza Hendawi，“塞西在喀土穆称，埃及和苏丹拒绝埃塞俄比亚‘控制’尼罗河”，《国家报》，2021 年 3 月 6 日。

比亚副总理兼外交部长德梅克·梅孔嫩前往朱巴会见基尔先生，就基本区域动态举行会谈。

162. 此前，塞西先生于 2020 年 11 月 28 日访问了南苏丹(见附件二十)。据多位保密消息人士称，基尔先生和塞西先生就双边问题进行了会谈，并就埃塞俄比亚局势等区域稳定问题交换了意见。

六. 结论

163. 如专家小组自政府组建以来一直报告(见 S/2020/342 和 S/2020/1141)的那样，《重振协议》的执行存在选择性且十分缓慢，对南苏丹的和平与安全构成风险。由于《重振协议》的前提是在经历了五年暴力冲突之后组建分享权力的团结政府，专家小组指出，《重振协议》未得到切实执行，一直是签署方承诺作出共同决定和妥协的晴雨表。然而，一年多以来，围绕如何执行《重振协议》产生的政治争端和分歧扩大了政治、军事和族裔方面的分裂。与此同时，由于区域裂隙不断扩大，该区域聚焦南苏丹的势头已经减弱。

164. 2021 年 1 月初以来，民间社会组织、政治领导人和军事官员在与专家小组的公开和秘密谈话中，对《重振协议》能否为南苏丹带来持久和平表示严重关切，对政治过渡表示不满，对政府的领导能力表示失望。参加谈话的多名南苏丹高级别人士重申丁卡族长老理事会的立场，认为基尔先生和马沙尔先生已成为南苏丹民主、经济发展和人民进步的障碍，两人应当下台，让南苏丹探索其他政治出路，防止发生新的冲突。

七. 建议

165. 考虑到南苏丹安全状况不断恶化，专家小组重申其 2020 年中期报告中概述的建议(见 S/2020/1141，附件十九)，即安全理事会应：(a) 维持对南苏丹领土的武器禁运；(b) 要求对该国政府的武器储存管理情况进行独立评价。

166. 此外，专家小组建议：

(a) 为确保有效执行武器禁运，安全理事会应修改武器禁运的豁免条款，将提供包括供应商、拟议交货日期、运输方式和货运路线在内的所有相关信息作为豁免申请的要求；应请伊加特授权停火和过渡期安全安排监测和核查机制对安全理事会关于南苏丹的第 2206(2015)号决议所设委员会根据安全理事会第 2428(2018)号决议第 5(f)和(g)分段并经第 2521(2020)号决议重申的规定批准豁免入境南苏丹的货物实施检查；

(b) 为支持根据第 2521(2020)号决议第 8 至 10 段提交关于武器禁运执行情况的独立报告，安全理事会应请秘书处与南苏丹特派团以及停火和过渡期安全安排监测和核查机制协商，制订标准化报告模板，供会员国报告对运往南苏丹的货物实施检查的情况；

(c) 为确认保障过往侵犯人权和违反国际法行为受害者的权利和制止有罪不罚现象的重要性，安全理事会应将威胁或破坏执行《重振协议》第 5 章所述过渡期正义机制的行动或政策列为单独的制裁指认标准。

167. 专家小组重申其在 2020 年中期报告中概述的建议(见 [S/2020/1141](#)，附件十九)，即：(a) 委员会应对阻碍国际维和和外交特派团活动以及人道主义援助的运送和分发的军事领导人实施定向制裁；(b) 为采取一切必要步骤确保资产冻结措施得到执行，委员会应促请南苏丹邻国政府向各自政府机构，包括中央银行、国家税务局、金融监管机构以及土地和住房部，提供委员会制裁名单上的 8 名南苏丹被指认个人名单。

168. 此外，专家小组建议：

(a) 为防止武装团体在南苏丹非法开采和交易木材，委员会应敦促该国政府叫停没有环境和林业部正式许可证的公司的经营，并为用于出口的所有批次木材签发原产地证书。证书应载有木材种植园的地理位置、伐木日期、所伐树种和批次总重信息；

(b) 为采取一切必要步骤应对与财务不当行为和转移公共资源相关的风险，即第 [2521\(2020\)](#) 号决议第 16 段所述令安全理事会严重关切的问题，委员会应公开呼吁建立负责有效监督公共财政管理的经济和财政管理机构的咨询委员会。根据《重振协议》第 4.16 条的规定，咨询委员会应包括世界银行、基金组织、非洲开发银行、东部和南部非洲共同市场、东南非贸易和发展银行、非洲经济委员会、联合国开发计划署和三个主要捐助方代表；

(c) 为协助查明并阻止挪用和转移公共资源的行为，委员会应公开促请南苏丹从事自然资源贸易和开采的私营公司，特别是石油作业公司，按照采掘业透明度倡议的报告要求，单方面披露公司信息。由于《重振协议》第 4.8.1.14.11 条规定政府应尽快加入采掘业透明度倡议，公开发布公司向政府支付的款项和提供的服务、自然资源产量和市场价值以及产品出口情况的信息，将有助于政府努力改善南苏丹的监督工作和公共财政管理；

(d) 专家小组的记录显示，国内安全局违反《重振协议》第 2 章的规定继续训练、招募和武装部队，证明国内安全局继续拥有不受制约的军事和财政权力(见 [S/2019/301](#) 和 [S/2020/342](#))；国内安全局受库克中将的直接命令，继续违反《重振协议》，阻碍《重振协议》的执行(见 [S/2019/301](#) 和 [S/2020/342](#))，因此是对南苏丹和平与安全的最大威胁之一；专家小组的大量报告显示，存在系统性践踏人权的行为，包括在非法拘留设施(包括受库克中将直接指挥和控制的称为“蓝房子”和“河滨”的设施以及在卢里的各处设施)中实施法外拘留、酷刑和杀害；鉴于上述情况，并考虑到国内安全局在继续采取这些做法，委员会应敦促南苏丹政府采取一切必要步骤，关闭所有非法拘留设施，确保国内安全局的所有活动均符合 2011 年《南苏丹过渡期宪法》，特别是第 159 和 160 条，并遵守国际人权法和国际人道法。

八. 附件

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Annex I: Open Letter of the South Sudan Civil Society Forum on the Status of the Peace Implementation, 1 March 2021

SSCSF Letter to Citizens Number 1



The South Sudan Civil Society Forum

March 1, 2021

To the Citizens of South Sudan,

Dear Fellow Citizens,

Re: Open Letter 1 –The Status of Peace Implementation

1. Introduction

The South Sudan Civil Society Forum (SSCSF) writes to you following the eve of the first anniversary of the Transitional Period of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). This letter aims to update you on what is happening with the implementation of the 2018 Peace Agreement.

SSCSF, with a nation-wide membership of over 200 diverse and independent civil society organizations and individual activists, has represented you in the peace process right from the High Level Revitalization Forum (HLRF) and now in the implementation mechanisms of the R-ARCSS.

The Forum held numerous consultations throughout the country, engaged in radio talk shows, social media and channelled your voices to various institutions of the agreement. It is therefore obligatory for SSCSF to report to you the status of implementation of the R-ARCSS, one year into the Transitional Period and about 29 months since the signing of the Agreement.

The purpose of this letter is to inform you about prospects for peace in our country through the implementation of the 2018 Agreement by the Revitalized Transitional Government of National Unity (RTGoNU) and its constituent parties. This letter also intends to draw your attention to active citizenry in pursuit of lasting peace in the country.

2. Missed Opportunities during the Transitional Period

Fellow Citizens, the R-ARCSS is a framework for peace in South Sudan. It was agreed upon by parties to the conflict and endorsed by stakeholders including faith-based leaders, civil society, academia, women, youth, business community and eminent persons.

If implemented on time, the Agreement would have established and strengthened the government to deliver on its core mandate of protecting us, our property and our country. Public institutions at all levels of government would have been reformed and strengthened to deliver social services to South Sudanese. It would have also allowed internally displaced persons (IDPs) and refugees to return home voluntarily, in safe and dignified manner.

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Reconciliation and healing of our society, especially through transitional justice mechanisms of the Agreement did not move an inch in the whole first year of the Transitional Period. .

We should have been engaging in writing a permanent constitution for our country to address unsettled matters of governance, wealth sharing and elections. This too has not formally commenced.

Radical reforms and transformation in public financial management systems to promote transparency and accountability in the utilization of our national resources have not been accomplished. Commitments in the Agreement for much needed reforms, restructuring and transformation in the civil service, security sector, judicial and electoral systems have not been meaningfully realized. The commitment to devolve powers and resources to state and local government levels, closer to us throughout the country, still remains only on paper.

The Agreement provides for representation of women by at least 35% in constitutional posts. Unfortunately, out of 264 officials so far appointed in governments of seven states, only 33 (12.5%) are women. At the national level, this 35% was not also met and the former Incumbent Transitional Government of National Unity (ITGoNU), dominated by Sudan People's Liberation Movement (SPLM) is the main party that consistently undermined this commitment of the Agreement.

4. Effects of slow implementation

Fellow Citizens, in the slow and selective implementation of the agreement, the one year-old R-TGoNU has done very little to develop sufficient administrative, institutional, systemic and security capacities to effectively govern the country and address the multiple challenges facing South Sudanese.

Security situation

The country is beginning to lose the gains made in implementation of the Transitional Security Arrangements (TSAs). Reports by the monitoring mechanisms of the Agreement – the Reconstituted Joint Monitoring and Evaluation (RJMEC) and the Ceasefire and Transitional Security Arrangements, Monitoring and Verification Mechanism (CTSAMVM) indicate that forces assembled in both cantonment sites and training centers have been deserting those facilities due to unbearable living conditions and wilful neglect by the parties to the agreement.

Within the last one year of the Transitional Period, the parties have been accepting and even promoting on the national television, the defections of forces who are supposed to be unified within the framework of the Agreement. The defections amounts to recruitment, hence violating commitment of the parties in Article 2.1.8 of the Agreement, to cease recruitment of forces. Acceptance and promotion of defectors on the national television also amounts to violation of commitment under Article 2.1.10.4 to refrain from offensive, provocative or retaliatory actions such as dissemination of hostile propaganda, recruitment, mobilization, redeployment and movement of forces.

In Moroto unified training center, these defections resulted in serious fighting among forces affiliated to the SPLM/A-IO and defectors allied to ITGoNU, especially in September and November of 2020, undermining Agreement commitments to cessation of hostilities. The fighting also resulted in loss of lives of our fellow citizens, some of whom were your close relatives.

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At the community levels, inability of the RTGoNU to provide adequate administrative controls and security to civilians gave way for numerous armed violence that resulted in destruction of lives, property and villages; abduction of women and children, raping of women and girls; displacements of populations and disruption of means of livelihoods of our populations. In our interactions with many of our fellow citizens, especially in the affected areas around the country, they reported living in fear and not having seen the “Juba-based” Agreement helping to improve their conditions.

Fellow Citizens, instead of using the provisions contained in the agreement to address major security issues affecting the country, RTGoNU relies on *ad-hoc* interventions of holding political, elite-level and Juba-based dialogues. While doing so, conflicting groups in the communities and villages continue with the menace. Moreover, the dialogues are concluded only at closing ceremonies and their outcomes are never seriously implemented.

Meanwhile, the United Nations has found evidence that senior army and elite politicians are providing weapons to communities¹. The country is yet to witness any action by the RTGoNU to hold to account individuals or groups responsible for the flow of combat grade weapons to civilians involved in killings, cattle theft, abductions of women and children and destruction of villages.

While the forces under unification desert cantonment and training centers, civilians roam the villages, so armed and powerful that local government authorities and available government security cannot manage to contain them. In some parts of the country, for example Tonj East County of Warrap State, selective and poorly planned disarmament of civilians resulted in more violence and loss of lives; leaving heavily armed civilians in control of villages.

We are repeatedly told by the parties that our country has no resources to fund the implementation of the agreement, especially the security arrangements. However, we see hotels in Juba demanding millions of dollars of our national resources in accommodation bills from the RTGoNU. We equally witness heavy spending of our national resources on very expensive luxurious vehicles. With priorities, these resources would have helped in the implementation of many aspects of the Agreement.

Economy situation

Fellow Citizens, we measure progress in the R-ARCSS not by elite- and Juba-based activities but by the level of improvements the Agreement brings to your living conditions in your respective locations. Generally, the economic situation has continued to worsen since the signing of the Agreement and particularly over the last one year of the Transitional Period.

By the time Agreement was signed in September 2018, the exchange rate of South Sudanese Pounds (SSP) against the United States dollar was about \$1 to 200SSP in the parallel market, today \$1 equals to 340SSP. And it has further plunged to \$1 equals 650SSP, raising market prices on goods and services far above the reach of ordinary citizens who are not usually paid salaries for months.

¹ UN Panel of Experts on South Sudan Interim (2020) Interim Report. Available online: <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-332F11B10100%7D/2020-11-11-15>

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These difficult economic conditions cause some institutions of the RTGoNU to improvise means to extort money from the already struggling citizens. For example, many illegal roadblocks are set up along major roads in the country to illegally extort money from travellers and businesses. In Juba city, driving licences and logbooks are routinely confiscated from drivers, especially female drivers and *boda-boda* riders and they are charged to pay thousands of pounds, in most cases without receipts. This happens in complete disregard for the economic situation citizens face.

Humanitarian situation

Current statistics on humanitarian situation indicates that over 8 million of our citizens, including 4.3 million children are in need of multi-sectoral humanitarian assistance; 4 million remain displaced including 1.6 million IDPs and 2 million refugees in the region². The statistics further reveal that 1.3 million children are at risk of acute malnutrition, 3.3 million people lack essential health care services, 5.2 million people lack access to safe clean drinking water and 3.1 million children can miss basic education in this year alone. This statistics puts our humanitarian crisis among the worst in the world. Evidently, the Agreement is not being implemented to robustly address these multiple humanitarian crisis in the country.

Political situation

Fellow Citizens, there is no clear political agenda and direction for our country. The R-ARCSS as a political program, is not being responsibly implemented. A complimentary solution was sought through the South Sudan National Dialogue, from December 2016 to November 2020. Substantial amounts of resources were invested from national and foreign sources and many of you participated in this National Dialogue at different levels – grassroots consultations, regional conferences and national conference. This too is now being abandoned with no commitments to implement its outcomes. Further still, the vision of the struggle for the liberation and independence of our country “...for justice, freedom, equality, human dignity and political and economic emancipation³” should have been the foundation of our country’s governance. But again, our leaders have abandoned that vision too.

On the political land scape, there is clearly no difference between parties that have been in government and those supposedly fighting for fundamental reforms in our country. We engage with all the parties directly and in the oversight and implementation mechanisms of the agreement and we can report to you with certainty that the calls for reforms no longer feature prominently anywhere in the discussions of the leaders of our country.

² UNOCHA (2021), Humanitarian Needs Overview. Available online at: <https://reliefweb.int/report/south-sudan/south-sudan-acute-food-insecurity-and-acute-malnutrition-situation-october-2020> and Integrated Food Security Phase Classification (2020). Available online at: http://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/South_Sudan_TWG_Key_Messages_Oct_2020-July_2021.pdf

³ As stipulated in the very first paragraph of the Declaration of Independence of South Sudan – Available online at: <http://org.southsudan.org/wp-content/uploads/2020/09/FULL-TEXT-OF-DECLARATION-OF-INDEPENDENCE-2011.pdf>

SSCSE Letter to Citizens NUMBER 1

As South Sudan remains politically weak, it becomes increasingly vulnerable to aggressive encroachment on our sovereign territories by some neighbouring countries. This is another potential source of future crisis in the country.

5. Our Conclusions

Fellow Citizens, from our analysis of the situation, we have reached a conclusion on the following important issues:

- (1) Economic, security, political and humanitarian situations in our country continue to worsen, imposing unbearable suffering on the population over the past one year of the Transitional Period. There is no predictable indication showing that the situation will change for the better any time soon, under current conditions of the peace implementation.
- (2) The bloodshed and the suffering of the people as a result of the deteriorating security, economic and humanitarian situations in the country are likely to worsen unless the government takes urgent and responsible measures as outlined in the Agreement and also in the Resolutions of the National Dialogue, to restore sustainable peace, security and stability in the country.
- (3) The people of South Sudan have used the agreement, the National Dialogue and other peaceful means at their disposal to repeatedly remind the parties and the government to improve the situation in our country, but nothing significant has changed. The region and the international community who sympathize with our conditions have equally called on the parties to implement the agreement, but the parties remain selective, slow and inconsistent in implementing the peace agreement.
- (4) Our participation in the agreement as your representative voice only makes sense as long as the implementation of the agreement is carried out in a manner that improves the security, economic, humanitarian and human rights situations for you; and ultimately unite our country and put an end to the bloodshed. We contend that we cannot be an endorsement to the continuous extension of your suffering, the destruction and mismanagement of our national resources through willful inconsistencies in the implementation of the peace agreement. To that end **Fellow Citizens**, we will reconsider our participation in the oversight and implementation mechanisms of the Agreement.
- (5) Given this situation in the country, we invite you, **Fellow Citizens**, to do your part and play an active citizenry role towards ending the persistent suffering and continuous bloodshed in our country. Specifically, we call on you to:
 - 5.1 Demand of the government and its constituent parties, full implementation of the Agreement and measures that would restore stability in your respective localities.
 - 5.2 Take charge of peacebuilding in your respective communities including holding dialogues to resolve any disputes and normalize relations.
 - 5.3 Identify, disown, name and shame perpetrators of violence in the community and use appropriate mechanisms at the community, state or national levels to stop them perpetuating further violence and destabilization.

#SouthSudanIsCalling

Annex II: Rome Initiative for Political Dialogue in South Sudan, Declaration of Principles, 10 March 2021, Naivasha, Kenya

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**Rome Initiative for Political Dialogue in South Sudan
DECLARATION of PRINCIPLES**

We, the representatives of the Revitalized Transitional Government of National Unity (R-TGoNU) led by Hon. Barnaba Marial Benjamin and South Sudan Opposition Movements Alliance (SSOMA) led by Hon. Pa'gan Amum Okiech (Real SPLM) and Gen. Paul Malong Awan Anei (SSUF/A), meeting under the auspices of the Community of Sant'Egidio in coordination with the Government of Kenya in Naivasha, Kenya,

Recalling the Rome Declaration of 12th January 2020 and the Rome Resolution of 13th February 2020;

Aware of the unique opportunity availed by the Rome Initiative to achieve a comprehensive, all-inclusive and sustainable peace in South Sudan;

Concerned by the continued suffering and misery of the people of South Sudan;

Committed to transform South Sudan into a viable and resilient state capable of building a free and prosperous nation, where its people live "united in peace and harmony";

Reaffirming our commitment to preserve and protect the independence and territorial integrity South Sudan;

Hereby agree to the following Declaration of Principles (DoP) that would constitute the basis for the subsequent political dialogue to resolve the grave national crisis in the country

1. That lasting resolution of the conflict in South Sudan requires addressing the political concerns and root causes of the conflict;
2. No military solution can bring lasting peace and stability to the country and a negotiable and just political settlement shall be the common objective of the parties to the Rome Initiative to achieve permanent and sustainable peace and democratic system of governance; based on the the supremacy principles of the rule of law

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3. The unity of the people of South Sudan based on their shared history of struggle for freedom and self-determination, shared aspirations to live in peace, harmony and dignity, must be the common goal.
4. South Sudan is a multi-ethnic, multi religious and multi-cultural society and therefore full recognition, respect, protection and acceptance of these diversities must be affirmed.
5. Divisive policies, and negative regional sectarianism, tribalism and nepotism shall be rejected and eradicated South Sudan .
6. The civil and political, cultural and economical rights of all South Sudanese citizens shall be upheld and guaranteed by law
7. A secular, democratic and multi-party federal state based on equal citizenship shall be established in South Sudan.
8. A fair, transparent management and sharing of national wealth among the people of South Sudan at the national state and local government levels must be realized.
9. Land in South Sudan belongs to the people. Its ownership and use shall be regulated by customs and law. Resolution of communal and tribal land disputes shall be based on communal and tribal land boundaries as they stood on the 01/01/1956, taking into consideration the historical, cultural and geographical factors. This principle shall be incorporated into the permanent constitution in the current constitutional making process.
10. Establishment of transparent and accountable system of management of natural and public resources to prevent and combat corruption, mismanagement and to realize equitable socio-economic development in the country
11. Transitional justice and accountability must be instituted without delay or obstruction as the basis for national reconciliation, healing and unity.
12. Defense forces and other organized forces of the Republic of South Sudan shall be professional, non-partisan and non-political. Their composition shall reflect the diversity of the Republic of South Sudan, their mandate shall be defined by the constitution and law.


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13. The National Security Service (NSS) of the Republic of South Sudan shall be professional, non-partisan and non-political and its composition shall reflect the diversity of the nation. Its sole mandate is to gather and analyse information, and advise the government in pursuit and protection of national interest. They shall have no power of domestic law enforcement. The principle of it not having the power of arrest and detention shall be enshrined in the Constitution as part of the current constitution making process.
14. Professionalize law enforcement agencies and community policing services with the mandate of maintaining internal law and order and protection of citizen's life and property.
15. The Republic of South Sudan shall have an effective public service reform and environmental stewardship.

With this Declaration of Principles the parties commit themselves to implement as soon as possible the agreement in a spirit of good faith.

Done on 10th March 2021, in Naivasha, Kenya



Barnaba Marial Benjamin (R-TGoNU)

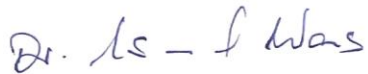


Pa'gan Amum Okiech (SSOMA-Real SPLM)





Paul Malong Awan Anei (SSOMA- SSUF/A)



Ismail Wais, IGAD Special Envoy for South Sudan

Stephen Kalonzo Musyoka, Kenya Special Envoy for South Sudan



Betty Oyella Bigombe, Uganda Special Envoy for South Sudan



Paolo Impagliazzo, Secretary General Community of Sant'Egidio



Annex III: Excerpts from the Jieng Council of Elders Letter entitled "Breaking the Silence", 26 January 2021

The Jieng Council of Elders (JCE)

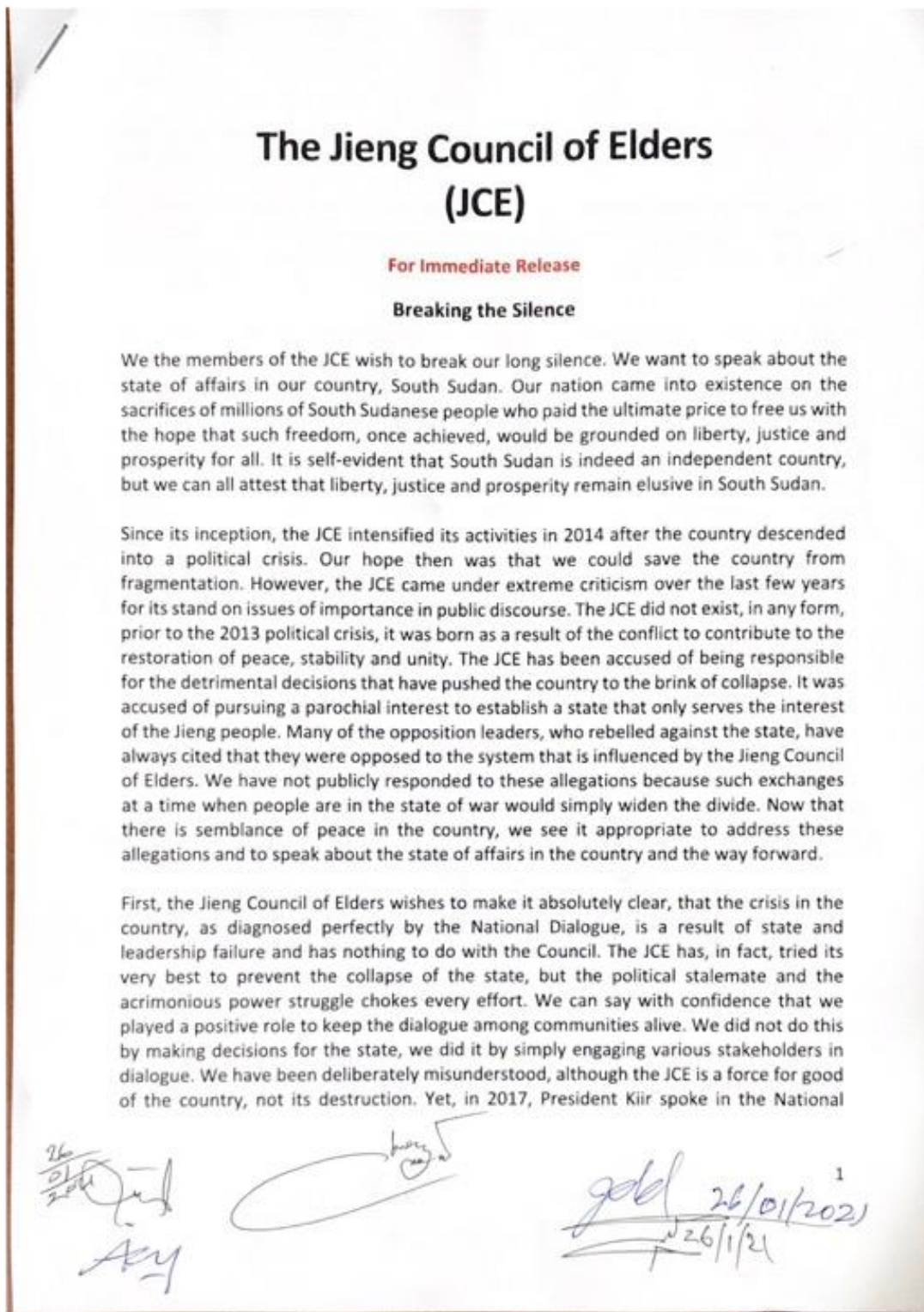
For Immediate Release

Breaking the Silence

We the members of the JCE wish to break our long silence. We want to speak about the state of affairs in our country, South Sudan. Our nation came into existence on the sacrifices of millions of South Sudanese people who paid the ultimate price to free us with the hope that such freedom, once achieved, would be grounded on liberty, justice and prosperity for all. It is self-evident that South Sudan is indeed an independent country, but we can all attest that liberty, justice and prosperity remain elusive in South Sudan.

Since its inception, the JCE intensified its activities in 2014 after the country descended into a political crisis. Our hope then was that we could save the country from fragmentation. However, the JCE came under extreme criticism over the last few years for its stand on issues of importance in public discourse. The JCE did not exist, in any form, prior to the 2013 political crisis, it was born as a result of the conflict to contribute to the restoration of peace, stability and unity. The JCE has been accused of being responsible for the detrimental decisions that have pushed the country to the brink of collapse. It was accused of pursuing a parochial interest to establish a state that only serves the interest of the Jieng people. Many of the opposition leaders, who rebelled against the state, have always cited that they were opposed to the system that is influenced by the Jieng Council of Elders. We have not publicly responded to these allegations because such exchanges at a time when people are in the state of war would simply widen the divide. Now that there is semblance of peace in the country, we see it appropriate to address these allegations and to speak about the state of affairs in the country and the way forward.

First, the Jieng Council of Elders wishes to make it absolutely clear, that the crisis in the country, as diagnosed perfectly by the National Dialogue, is a result of state and leadership failure and has nothing to do with the Council. The JCE has, in fact, tried its very best to prevent the collapse of the state, but the political stalemate and the acrimonious power struggle chokes every effort. We can say with confidence that we played a positive role to keep the dialogue among communities alive. We did not do this by making decisions for the state, we did it by simply engaging various stakeholders in dialogue. We have been deliberately misunderstood, although the JCE is a force for good of the country, not its destruction. Yet, in 2017, President Kiir spoke in the National



Annex IV: Jieng Council of Elders Letter entitled "Breaking the Silence—The Way Forward", 19 February 2021

The Jieng Council of Elders (JCE)

19 February 2021

Breaking the Silence—The Way Forward

We the members of the JCE wish to release this document as a follow-up to our press statement released on 26 January 2021. The previous press statement generated a lot of debate and questions from the public with people wondering what prompted us to issue the statement. There are many other conspiracy theories that the statement has spawned, and we intend not to give credence to those wild speculations. We owe it to the public, however, to explain what compelled us to come out publicly. This statement, therefore, is in response to the question of what provoked us to speak out, and in it we offer a concise analysis of the crises facing the country, the main reason we had to speak out. We also propose what we believe needs to be done to reverse the trend that is definitely heading to another senseless war in South Sudan.

I. The R-ARCSS

The country seems to be heading for another war and as elders and senior citizens, we do not want to witness another bloodshed in the country. Our people have had enough of the suffering and if we can contribute to alleviating this suffering by speaking the truth, we shall have performed our patriotic duty. In our Press Statement in January, we stated that the Revitalized Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) is far worse than the 2015 ARCSS. Here is why:

First, the Agreement is overly focused on power sharing among the parties and less about peace among the people of South Sudan. This Agreement simply lacks credibility when it comes to building peace at the local level as it has no single clause addressing real grassroots issues such as communal violence, cattle raiding and mundane gun criminality. In fact, the Agreement has fractured the country more, starting from the national, states, counties and payams levels to the level of communities.

The responsibility sharing at the states, counties, and payams is not properly understood at the local level and it has triggered local conflicts. People wonder why they are forced to accept sharing power in their counties and payams with parties which have no presence in their areas. The political conflict has simply been expanded by way of an agreement to areas that never experienced unrest before. This has unnecessarily politicized and militarized normal social relations in our rural areas. Current violent conflict episodes in Warrap, Lakes, Unity, Central Equatoria, Jonglei and Upper Nile states explain this phenomenon. This phenomenon was compounded by the abrupt dissolution of 32 states and county governments early last year, leaving no authority in charge of the entire countryside. This goes of course into the broader question of the quality of leadership and decision-making mechanisms in the country.



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Second, the Agreement has instituted an experimental government in the country with six co-presidents running mini cabinets, a system never seen anywhere before. This structure of government is not workable and quite impractical, and it has led to paralysis of the institutions and decision-making processes everywhere in the country. In fact, no one feels responsible for running the affairs of the country. Executive powers have been diffused and the President is technically handicapped with so many veto points in the cabinet and the presidency. It should not surprise anyone that it has taken a year just to form this government, which in the end is assured to fail.

Third, the Agreement lacks international support. Key members of the international community such as the Troika (United States, United Kingdom and the Kingdom of Norway) and the European Union have refused to be witnesses or guarantors to the Agreement, an indication of their reservations. Even IGAD countries did not become guarantors to the Agreement, only Sudan and Uganda are guarantors. The process was simply handed over to Bashir, our erstwhile enemy, to arm-twist the parties into accepting an Agreement that is fraught with impractical clauses.

Fourth, the Agreement failed to address the central problem of South Sudan, which is the political stalemate and leadership failure. As will be shown in the next section, leadership failure and political stalemate are the root causes of the conflict in South Sudan as indicated by the Obasanjo Report and the National Dialogue. Failing to address this fundamental issue is the single most important drawback of the R-ARCSS.

Lastly, any agreement, no matter how imperfect it might be, can be made to work, provided there is political will and effective political leadership. Unfortunately, for the R-ARCSS, political will is exactly what it is lacking. The slow pace, coupled with selective implementation of the provisions of the Agreement, demonstrate the unwillingness of political leaders to move forward. What we see in fact are more efforts to undermine the Agreement and less practical initiatives to move it forward. This therefore renders any hopes for its success hollow and unrealistic. It is in this vein that we want to make it clear that we are not against the peace Agreement; we as a matter of principle, would like to see a workable peace agreement and the R-ARCSS is awfully unworkable.

Way Forward—The government must take necessary actions now to prepare for the elections to take place. The current Transitional Period cannot and must not be extended as the country needs a democratic transition to consolidate peace. Among the most important steps that need to be taken now, include conducting census, revising the electoral law, reconstituting the Elections Commission, and registering political parties. The work on the permanent constitutions must also commence now because it is going to govern the next elections. It is imperative, therefore, that resources are made available for these processes. More importantly, the return of the displaced persons and refugees and the unification of the forces are prerequisites for both the census and credible elections.

II. The National Dialogue

President Salva Kiir Mayardit initiated the South Sudan National Dialogue process in December 2016 to the delight of the enlightened segment of the country's population. The JCE fully supported the initiative as this was consistent with our objectives. Dialogue among the people of South Sudan was sorely needed and, when the opportunity was availed, the people came together,



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and they have spoken in no uncertain terms. All the three stages (grassroots consultations, regional conferences, and national conference) of the National Dialogue provided the opportunity for the people of South Sudan to air out their grievances and to reach consensus on the way forward.

The people of South Sudan have analyzed critically how the country got into its current crises and this analysis is contained in the Covering Note of the Co-Chairs. The people of South Sudan have discussed all issues exhaustively starting with governance and political issues, constitutional matters, security matters, and matters related to the economy and social cohesion. It is a ready-made program for the government to implement. We are appalled, however, by the indifference of the political leaders toward the National Dialogue Resolutions.

President Kiir, in his closing statement of the National Dialogue, showed little enthusiasm for the implementation of the National Dialogue Resolutions. Dr. Riek Machar, on the other hand, refused to acknowledge the significance of this national process. Other opposition leaders did express their support to the National Dialogue Resolutions. Failing to recognize or implement those Resolutions would amount to killing of a national spirit and the people of South Sudan will not stand by and watch their interests dismissed. As with the R-ARCSS, the leaders are simply intent on shelving the will of the people of South Sudan expressed through the Resolutions of the National Dialogue. We stand with the people of South Sudan in their demand for full implementation of the National Dialogue Resolutions.

Way Forward—We fully support the Resolutions of the National Dialogue National Conference and the outcomes of all the three phases. The South Sudan National Dialogue provides far superior solutions to the problems facing South Sudan. As such, its resolutions and recommendations contained in the Covering Note should be implemented. The RTGoNU must hold a national meeting on the National Dialogue Resolutions and the follow-up mechanism must be instituted. The will of the people of South Sudan must not be buried; it must be invigorated through the implementation of the National Dialogue Resolutions.

III. Leadership Failure and Political Deadlock

The war in South Sudan was a result of political deadlock between President Kiir and his then Deputy, Dr. Riek Machar, and the fact that the duo failed to lead the country as envisioned. This conclusion came out very clearly in the Final Report of the African Union Commission of Inquiry on South Sudan (AUCISS), also known as the Obasanjo Report. Paragraph 90 of the Report states that:

“... the crisis in South Sudan, has roots in, and is indeed a crisis of weak governance, weak leadership and weak institutions, conflation of personal, ethnic and national interests ...”¹.

The National Dialogue Leadership reached the same conclusion independently by concluding that leadership failure and political deadlock lie at the root of the conflict, and unless resolved, the country cannot move forward. The Covering Note of the National Dialogue Co-Chairs states that:

The people noted with concern that the collective leadership of the country did not only fail to provide a vision for the country and lay a strong foundation for stable political,

¹ See the Obasanjo Report page 34 Paragraph 90.



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security, and socioeconomic systems, but conspicuously got distracted by power struggle and related spoils from the goal of building a new political dispensation for all the people of the country. Although the people from the grassroots to the regional conferences highlighted this failure, it is common knowledge to which our national leaders themselves attest.

Both the leadership failure and political deadlock remain unresolved in South Sudan. The origin of this political deadlock, according to the Obasanjo Report, is deeply rooted in the history of the liberation struggle. Paragraph 50 of the Report states:

The other dimension to these developments was the relationship between the President and his Vice President. The Commission established that long before the 2010 elections, the relationship between the two leaders was already strained, and that these differences were overlooked for the sake of unity within the party during the Interim Period (2005-2011). It was suggested that the SPLM split in 1991, and the reordering of the SPLM leadership to accommodate Riek Machar on his return were partly to blame for the frosty relationship that carried on into government after independence. In 2010, the two leaders are said to have supported rival candidates in a number of key electoral positions, particularly the governorships of several states.²

The Leadership of the South Sudan National Dialogue, in the Covering Note of the Co-Chairs, clearly articulated the political deadlock, stating:

It seems obvious by now that President Kiir and Dr. Riek Machar have irreconcilable political differences and personal animosity towards one another. They have therefore created a seemingly unbreakable political deadlock in the country, and they no longer have the political will or leadership capacity to move beyond personal grudges. Our country is stuck in the hands of these two leaders and both have proven beyond reasonable doubt that their joint leadership is no longer capable of getting the country out of its present predicament. Nothing is likely to improve or work in South Sudan unless this political deadlock is broken.³

The wild claims that the JCE or the Jieng community in general, is behind the conflict, are obviously chauvinistic opinions. Evidence is already abundant, through the Obasanjo Report and the National Dialogue documents, in respect to how South Sudan got itself into this abyss.

Way Forward—President Kiir and Dr. Riek Machar symbolize both failure of leadership and political deadlock. Addressing this dual problem demands that both of them step aside and give the country an opportunity to explore other options politically per the National Dialogue recommendations. They have both stymied democracy, economic development, and human progress. Besides, we strongly believe that there is not much that is left for them to achieve more than the referendum and hoisting of our national flag on Independence Day!

² Obasanjo Report page 21, Paragraph 50

³ The Covering Note of the Co-Chairs released on the 15 Dec 2020, page 10.



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IV. Corruption

South Sudan is now among the most corrupt countries in the world, according to Transparency International 2020 Report.⁴ Corruption in South Sudan is the driver of political competition and hence the war. This assertion is supported by the Sentry Report, the National Dialogue, and the Obasanjo Report. The Sentry had this to say:

By the time South Sudan became the world's newest state in 2011, a cabal of military and civilian officials had already captured its main government institutions, enabled by a dizzying array of international actors seeking to profit from a rapidly developing kleptocracy. Factions that had formed during the long war for independence now turned their attention to competing over the control of this new state, which was blessed with billions of dollars of annual oil revenue and no checks and balances or transparency.

The perception of corruption is apparently high in South Sudan as the government operates in total darkness without accountability. Oil revenues and the revenues from the National Revenue Authority get spent whimsically without regards to the public financial management rules. The public budget, which is presented to the parliament is hardly the basis of expenditures. In fact, fictitious institutions that do not appear in public budgets get to spend the money while public institutions are cash starved.

The country is basically up for looting and this is in large part because of the political deadlock and leadership failure. Public resources are spent on buying political opponents, keeping them in hotels for lengthy period, buying them homes, simply paying them handsome amounts of cash to remain silent. Yet, the men and women of the armed forces in the trenches get passed when the time for payment comes.

All these have bankrupted the country and will continue to drain the meagre resources away from serving public interest. Although the R-ARCSS has elaborately outlined in Chapter IV reforms in the economic and public financial management sectors, we know nothing will come of these provisions. It is these concerns, that have prompted us to speak out.

Way Forward—We call on the government and the international community, to support an international audit of the oil production and sale of crude effective since independence. This audit should involve both the Ministry of Finance and the Ministry of Petroleum focusing on cost oil, revenue sharing and related transactions such as Transitional Financial Assistance to Sudan. The Ministry of Finance and the National Revenue Authority should also be audited on revenue management. Ideally, a foreign consulting firm with recognized experience in oil auditing from countries, like Norway and Canada, should carry out the audit. The audit reports would then inform the country's new financial management rules and procedures. Generally, there is a need for institutional reform to prevent corruption.

Perpetrators in public institutions that have already been identified as the dens of corruption must be brought to books. Our legislative institutions must perform their constitutional role in exposing

⁴ See detailed report at: <https://www.transparency.org/en/cpi/2020/index/ssd>



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and ordering prosecution of corrupt elements throughout the country whether in public or private institutions. The President's voice must be heard in the campaign against corruption.

V. Persistent Insecurity in the Rural Areas

If there is one area where the government of South Sudan has spectacularly failed, it is in relation to security. We are all witnesses to the appalling security situation in our rural communities. Inter-ethnic wars are commonplace and so are intra-ethnic conflicts. For far too long, our government has allowed citizens to fend for themselves in protecting and preserving their lives and property. Weapons have found their way in the hands of civilians and they now kill and loot each other with impunity. The state is apparently unable to exert control and it therefore has no capacity to prevent these conflicts. For how long can the people of South Sudan go on like this?

These are issues that leaders everywhere in the world have sleepless nights over. In South Sudan however, leaders are inured to these situations and could care less about addressing them. What peace are we talking about then, if the majority of our people are at war in the rural areas, and we are unable to contain these wars? The state has the duty to address these matters, failure of which would warrant questions about the legitimacy of the government and its functions.

Way Forward—We cannot pretend that this is not a problem; it is actually the most serious situation that any serious government would want to address at the start. South Sudan shall never be a stable country until all local conflicts are addressed and until civil disarmament takes place. The people of South Sudan, through the National Dialogue, consider disarmament as the number one priority for peace in the country. Failure to disarm and control the civil population, means there shall never be peace and stability in the country. The fallacy that once you reward warlords with positions and power you get peace is simply outdated and we need a paradigm shift.

To address some of these issues the government must organize and modernize the security organs and provide them with the requisite logistics to enable them to perform their mandates satisfactorily. Furthermore, the government must revive the supremacy of the state power and authority. The most important responsibility of any government is to ensure the security of its citizens and maintain law and order throughout its territory.

VI. Institutions

All institutions of democratic governance in South Sudan are virtually dead. The ruling party, the Sudan People's Liberation Movement (SPLM), is practically paralyzed. It does not meet, and its policies do not guide government action. The Secretariat, which generates ideas and policies is neglected and its recommendations are not considered. The National Liberation Council (NLC) last met in December 2013 and it has not met again. The Political Bureau only meets to discuss policies decided already by the government and only when convened at the whims of the Chairman.

The parliament has been undermined and weakened by executive interference. It is not independent, and it does not debate matters democratically. It simply goes along with what is brought by the Executive. It does not question the on-going corruption and it does not investigate



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or debate reports of the Auditor General. The country has for long been under an authoritarian system and it is now moving more towards stalemated and unworkable system.

All accountability mechanisms have been disabled, including the national army, which has now been relegated to the same level of militias per the terms of the R-ARCSS. For all practical purposes, South Sudan has lost all the democratic gains ushered in by the CPA and the Declaration of Independence. There are no avenues where political matters of significance are discussed openly. Many politicians now resort to talk politics at funerals, weddings, and other social gatherings such as the churches. South Sudan cannot and must not continue like this.

Way Forward—The single most serious threat against the Republic of South Sudan is lack of internal cohesion and insecurity across the country. In keeping with the Resolutions of the National Dialogue, civil disarmament is the most important priority the country should undertake. After the unification of the national army, the country needs a robust disarmament policy through an act of parliament. All must be disarmed, and possession of arms must be criminalized for civilians and non-active military personnel. The government must have a robust and decisive response to communal violence.

South Sudan urgently needs democratic transition. Return to democracy is the only way to establish and reinforce virtuous institutions of governance. The growing impunity is a function of paralyzed democratic institutions. Democracy by definition is a form of accountability and transparency.

VII. Conclusion

In concluding this statement, we want to reiterate that South Sudan remains in serious crises and the R-ARCSS has proven inadequate in bringing peace to the country. These crises as indicated by the National Dialogue are a result of leadership failure and power struggle. We strongly believe that the National Dialogue provides superior supplementary solution to the problems facing South Sudan, so we suggest that its resolutions must therefore be implemented fully and should become a readymade program of the government. We call for democratic transition in the country as an exit from leadership failure and political deadlock, hence, our demand for preparations for elections to be expedited.

1. Hon. Joshual Dau Dui,
2. Hon. Charles Majak Aleer,
3. Hon. Dr. Aldo Ajou Deng,
4. Hon. Daniel Dhieu Matuet,
5. Hon. Maker Thiong Maal,




Chairman

Co-Chairman

Member

Member

Member

Annex V: Declaration of Breaking Away of Lou Nuer Faction from SPLA/M-IO, 31 Jan. 2021

31/01/2021

PRESS STATEMENT
FOR IMMEDIATE RELEASE

Subject: Declaration of Breaking Away of Lou Nuer from SPLA/M-IO

This is to inform the public and peace partners that, we the Community of Lou Nuer, do hereby declare our breaking away from SPLA/M-IO of Dr. Riek Machar due to the reasons cited below. We are not against the peace process. We are also ready to negotiate with anybody as an independent entity.

1. Dr. Riek, the so-called Chairman, a title that he enjoys so much even when he is asleep, used Lou Nuer Community as his human shield during all his useless, baseless, aimless wars but dumps them after achieving his objective. All Lou Nuer members should recall with tears the loss of their sons in 1991, however, during integration of his forces back to SPLA in 2002 most of them were left out, thanks to Late Paulino Matip Nhial who did full integration in 2005.
2. Under representation of Lou Nuer at state and national level and also in military structures, for example the sidelining of the Chief of Staff and the IGP.
3. There is no single cantonment site in Lou Area whereas it was the SPLA/M-IO stronghold. All Lou fighters were scattered to various cantonment areas.
4. During the war, SPLA/M-IO incurred loans from Nuer businessmen, however, when peace was signed and the opposition came to Juba, Dr. Riek refunded all the other traders except those who hail from Lou Community.
5. Over the last eight years, Dr. Riek has been verbally promoting white army from Lou Nuer to various military ranks while secretly instructing his security chiefs who are also his cousins not to allow them to wear their ranks or have their names recorded in the

SPLA-IO Dam Records. He is just using Lou Nuer White Army to fight his wars and later abandons them.

6. Dr. Riek's poor administration has caused more death in Nuerland as evidenced in Maiwut where he appointed someone from Fangak to be the Commissioner. He also created division in Nasir and Panyijar areas. The same situation almost happened in Akobo.
7. Dr. Riek doesn't help any Lou Nuer member seeking medical assistance. He only contributes for the taking of dead bodies for burial.
8. Dr. Riek has weakened Lou Nuer leaders and politicians by undermining their constituencies control and representation. He also doesn't like Lou Nuer Community to live in a peaceful co-existence with our brothers in Gawaar, Jikany, Dinka Ngok of Bailiet, Dinka of Duk, Dinka of Atar, Anyuak and Murle.
9. Dr. Riek and his wife continue to sideline our prominent son who is the SPLA-IO Chief of General Staff, Gen. Simon Gatwech Dual, and other capable sons of Lou Nuer like Gen. Moses Chot Riek, Gen. Mabor Dhol.
10. From the onset of 2013 war, Lou Nuer sons and daughters both in diaspora and in the field fully participated politically and militarily. After the war ended, he gave all key positions to his close relatives who were enjoying in diaspora and East Africa but knew nothing about the pain and suffering of our people for the last seven years of this war. Such appointments of relatives include but not limited to, the appointment of his wife, Angelina Teny, as Minister of Defence, in-law Puot Kang Chol, as Minister of Petroleum, cousin Dheling Keah as the head of Military Intelligence, Cousin Yiey Dak Wie, as Director General for National Security plus others.
11. In any community there are elders and leaders to be followed for guidance and advice. Dr. Riek Machar wanted to use Lou Nuer and betrayed their leaders and elders. For example, Lt. Gen. Simon Gatwech Dual, the only Lou Nuer son who is the most senior officer in SPLA-IO has now been abandoned.

Based on the above accounts of our sad realities, suffering, humiliation, exploitation within the SPLM-IO, we, the undersigned senior officials, army officers, white army leaders, chiefs, women and youth leaders would like to make it clear from today that we have sat, analyzed the current situation and agreed to break away from SPLM-IO of Dr. Riek Machar.

All sons and daughters of Lou Nuer in uniform, White Army, politicians, chiefs and including those in diaspora, should remain calm until the outcome of the meeting.

Lou Nuer Community shall convene a conference in Lou area on the date to be announced. We shall ensure that all Lou Nuer sons and daughters in uniform and White Army in greater Lou-land as well as those in Diaspora are equally served in a dignified way and their contributions are recognized.

Signed:

1. Hon. Jamuth Yuot Dak: Former Commissioner of Akobo East County, Bieh State under SPLM-IO
2. Hon. Koryom Turuk Koryom: Former Chairperson of Investment Commission, Bieh State under SPLM-IO
3. Maj. Gen. John Jock Giek
4. Brig. Gen. Gatkuoth Chuol Nyinyar
5. Brig. Gen. Kok Wechtuor Mok
6. Brig. Gen. John Jock Kuon
7. Brig. Gen. Gatkhor Wanjang Tung
8. Col. Ngony Kich Chan
9. Col. Gatwech Guol Garang
10. Lt. Col. Gatwech Tot Thot Dinay
11. Maj. Yoal Bol Khan
12. Puok Nyuon Nying, Head Chief of Nyirol
13. Majok Tot Nyuon, Head Chief of Uror
14. Gatwech Kon Reath, Head Chief of Diror
15. Yien Biel Both, Head Chief of Wejal
16. Tuong Yak Tharjeith, Head Chief of Walgak

Annex VI: National Salvation Front Announcement of SPLA-IO in Eastern Equatoria, 8 December 2020

National Salvation Front/Army
OFFICE OF THE SPOKESMAN
NAS-HQs

Email: samuelsuba@yahoo.co.uk

Ref: NAS/OSM/32

Date: 08th December; 2020

FOR IMMEDIATE PRESS RELEASE

The Leadership of National Salvation Front (NAS) takes this opportunity to announce officially the joining of Tafeng Division task force of the SPLA IO Eastern Equatoria State (EES) under Brig Gen. Kennedy Ongie Odong together with his colleagues and forces under their command on 5th December 2020.

The Leadership of NAS and its members view this development as historical and nationalistic move. NAS encourage all other forces in the country who are dissatisfied with the dictatorial regime of Salva Kiir including the SSPDF who feel exploited to emulate the example shown by Brig Gen. Odong and his colleagues. The Leadership of NAS appeals to all freedom fighters in the country to joint hands together with NAS in its struggle to restore our people's lost dignity, justice, equality and freedom.

On behalf of NAS, the Leadership, members and the sympathizers warmly welcomes these forces into the ranks and files of NAS freedom fighters and we are looking forward to working together.

NAS Guwa NAS Guwa NAS Power!!!

Suba Samuel Manase

NAS Spokesman



NAS

Annex VII: Resignation from SPLM/A-IO of Brigade 2B forces in Central Equatoria, 13 February 2021

REPUBLIC OF SOUTH SUDAN

COLEMMANUEL WANI MASCO, BRIGADE 2B
DIVISION 2B, CENTRAL EQUATORIA STATE
DATE: 13th /02/2021

TO: C-IN-C SPLA/M-IO DR. RIEK MACHAR TENY
FVP REPUBLIC OF SOUTH SUDAN, JUBA

INFO: SPLA/M-IO CHIEF OF INTELLIGENCE
INFO: CDR BRIGADE 2B SPLA/M-IO CES
CC: FILE

SUBJECT: RESIGNATION FROM SPLM/A-IO

I Col. EMMANUEL WANI MASCO, hereby declare my resignation from SPLA/M-IO under the leadership of Dr. RiekMacharTeny with Immediate effect with my forces, due to the following reasons;

1. The 2018 R-ARCISS, did not address the Root Causes of the conflict in the Republic of South Sudan
2. The Agreement failed to be Implemented as there is no Unification of forces, no Peace, no states Governments formed and no Legislatures reconstituted due to lack of Political will.
3. The Agreement maintained **Status quo** to continue Oppressing and Looting the downtrodden people of South Sudan
4. The Revitalized Agreement is a surrender in disguise, as it focused on allocating elites positions rather than resolving the people's problems

Due to the above reasons and more, I and my 132 forces attached have joined the Revolutionary Forces of the National Salvation Front/Army, committed to Addressing the Root Causes of conflict, standing and defending the restoration of Unity, Dignity and the Power to the people of South Sudan, under the wise and able leadership of NAS C-in C and Chairman Gen. Thomas Cirillo Swaka.

COL. EMMANUEL WANI MASCO
FMR OPERATION FORCE CDR SPLA/M-IO
BRIGADE 2B, DIVISION 2B, CENTRAL EQUATORIA STATE.

13 Feb 2021

Long Live NAS Chairman!
Long Live People of South Sudan!
NAS Guwa, NAS Power, People's Power!!!

Annex VIII: Minister of Presidential Affairs Press Statement, 2 February 2021



REPUBLIC OF SOUTH SUDAN
Ministry of Presidential Affairs
The Minister

2/2/2021

PRESS STATEMENT

His Excellency President Salva Kiir Mayardit, President of the Republic of South Sudan convened today Tuesday 2/2/2021 a meeting of the Presidency, which was attended by the 1st Vice President and all the four (4) Vice Presidents of the Republic.

After extensive deliberations that lasted for three (3) hours on a broad range of critical and pertinent issues revolving around the implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), the meeting resolved:

1. That completion of the process of the formation of State Governments be expedited, by finalizing the list of nominations and issuance of the requisite Presidential Decrees, in the course of this week, effecting the appointments of:
 - (a) State Advisors
 - (b) State Ministers
 - (c) State Commission Chairpersons and Members
 - (d) County Commissioners
 - (e) State Legislative Assemblies
 - (f) County Councils
2. That the unification of the top echelons of the Army Command shall be expeditiously carried out to pave the way for the commencement of the process to integrate all forces into a single National Army under one unified command.
3. That the graduation of the first batch of the Unified Forces currently in the various Training Centers across the country be conducted without further

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The Minister

delay, notwithstanding the lack of equipment essential for their graduation and launch preparations to admit the next batch of trainees to the Training Centers.

4. That H.E. the 1st Vice President Dr. Riek Machar Teny, accompanied by some Vice Presidents and Ministers shall undertake a tour of different areas of the country for the purpose of disseminating (R-ARCSS). This measure is intended among other things, to help address some of the recurrent problems associated with freedom of access to and movement within, areas still under the administrative control of the SPLM (IO) by entrenching the reality that the R-TGONU is a single unified Government having undivided jurisdiction over the entire territory of the Republic of South Sudan



Nhial Deng Nhial

Minister of Presidential Affairs



Annex IX: Minister of Presidential Affairs Press Statement, 3 February 2021



REPUBLIC OF SOUTH SUDAN
Ministry of Presidential Affairs
The Minister

3/2/2021

PRESS STATEMENT

Further to the Press Statement issued on the outcome of the meeting of the Presidency that was held yesterday Tuesday, Feb 2, 2021, the Ministry of Presidential Affairs hereby wishes to declare that the said meeting also resolved that the (R-TGONU) shall finalize the reconstitution of the **Transitional National Legislative Assembly (R-TNLA) and the Council of States on or before February 15, 2021.**

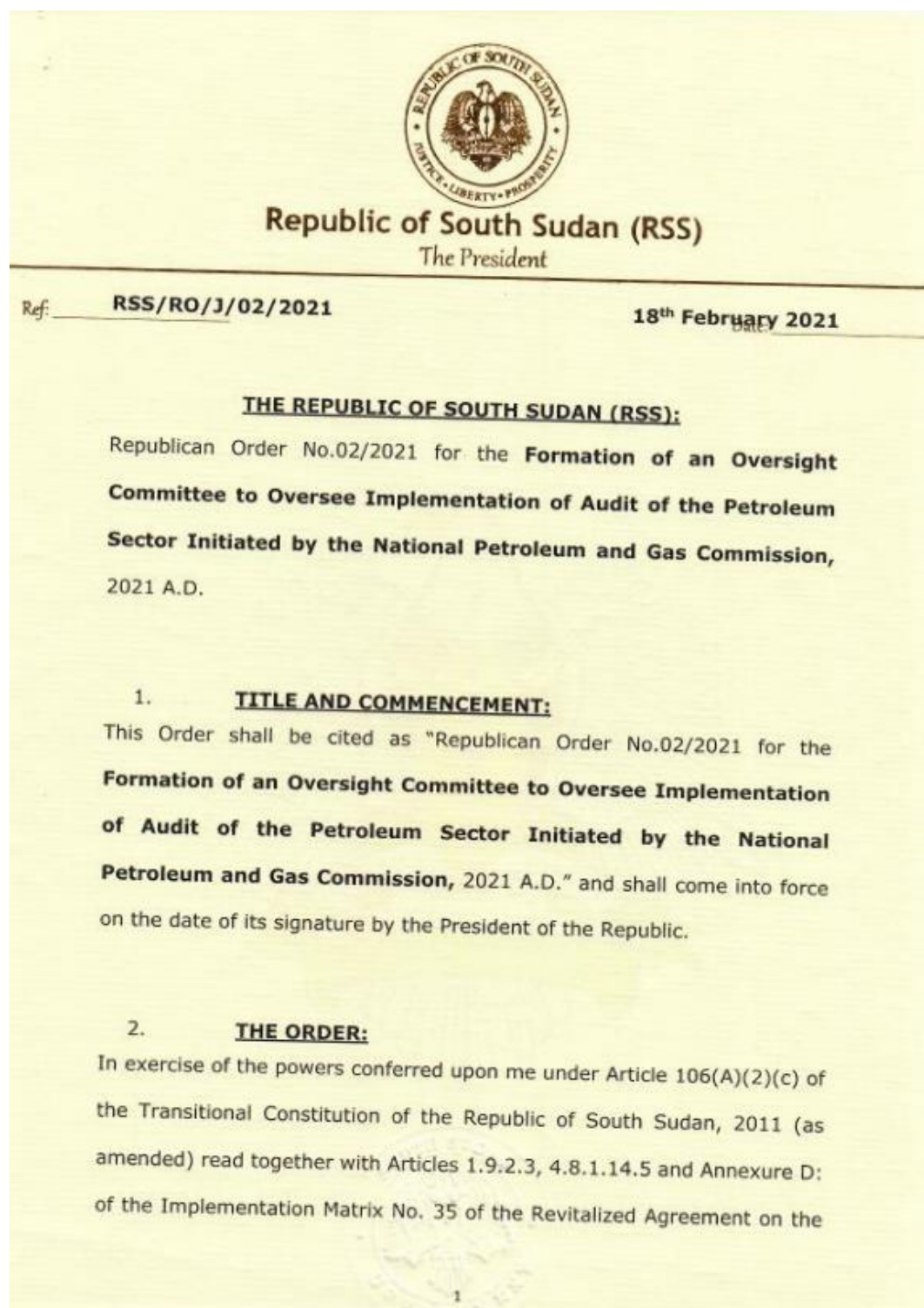


Nhial Deng Nhial

Minister of Presidential Affairs

The Minister

Annex X: Presidential Order No.02/21 on “the Formation of an Oversight Committee to Oversee Implementation of Audit of the Petroleum Sector Initiation by the National Petroleum and Gas Commission,” 18 February 2021



Resolution of the Conflict in the Republic of South Sudan (2018) I, Salva Kiir Mayardit, President of the Republic of South Sudan, do hereby issue this Republican Order for the **Formation of an Oversight Committee to Oversee Implementation of Audit of the Petroleum Sector Initiated by the National Petroleum and Gas Commission** comprising of Members as hereunder:

S/No.	Name in Full	Position
1.	Minister of Presidential Affairs	Chairperson
2.	Chairperson of the National Petroleum and Gas Commission	Deputy Chairperson
3.	Auditor General of the National Audit Chamber	Member
4.	Undersecretary of the Ministry of Justice and Constitutional Affairs	Member
5.	Director General of the Petroleum Authority, Ministry of Petroleum	Member
6.	Director General, General Intelligence Bureau, National Security Service	Member
7.	Director General of Exploration and Production, NilePet Corporation	Member

3. TERMS OF REFERENCE OF THE COMMITTEE:

The Terms of Reference for the Committee shall be as hereunder:

The President
2

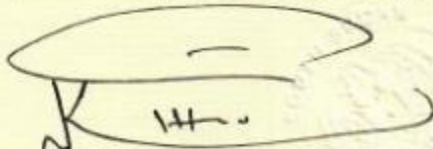
- (1) To ensure that Audit of the Petroleum Sector is carried out with immediate effect and in accordance with the Agreement/Contract, signed between the National Petroleum and Gas Commission and Alex Stewart International to avail accurate information relating to petroleum resources to enable the leadership of the RTGoNU to:
 - (a) reconstitute and empower the National Petroleum and Gas Commission in accordance with the R-ARCSS, 2018;
 - (b) enable the reconstituted and empowered Commission to formulate policies relating to management of petroleum resources; and
 - (c) adapt measures to ensure that;
 - (i) loss and wastage of petroleum resources in the course of extraction, processing, transportation and exportation is kept to a bare minimum so that the Country derives maximum financial benefits from its exploitation; and
 - (ii) the exploitation of petroleum resources is conducted in a manner that avoids causing harm to both the natural environment and livelihoods
- (2) Ensure that all relevant stakeholders participate in the audit exercise accordingly and report periodically to the Presidency on implementation of this Order.
- (3) The Committee may review the Agreement/Contract signed between the National Petroleum and Gas Commission and Alex Stewart International where appropriate and recommend to the parties thereof; any necessary amendment.
- (4) The Committee may summon or direct any other person, body corporate or authority to adhere to the audit exercise.

The President

3

- (5) The Committee may co-opt not more than two (2) additional Members where necessary.

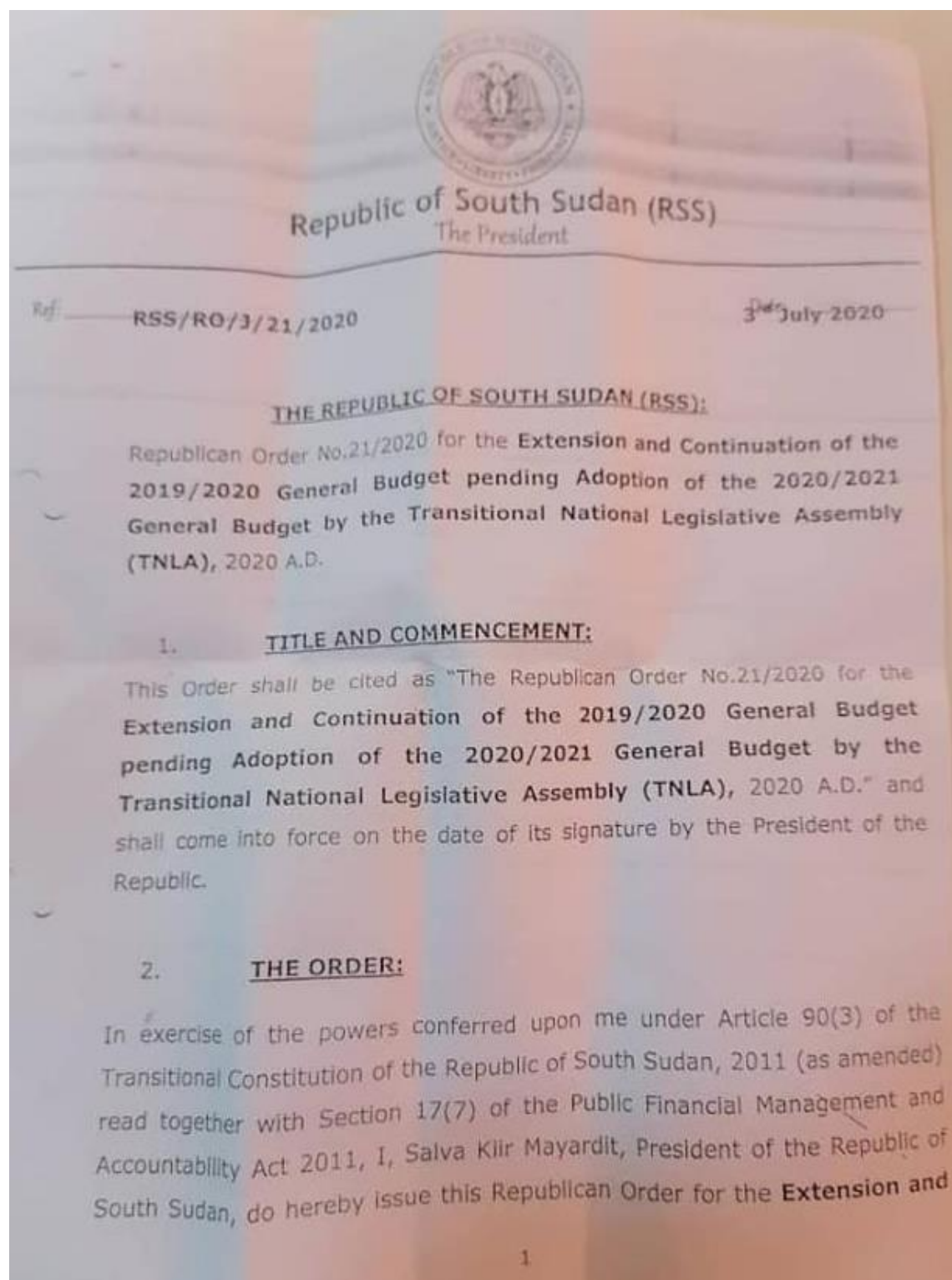
Issued under my Hand and the Seal of the Republic of South Sudan in Juba, this Eighteenth Day of the Month of February in the Year 2021.

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line and a small flourish.

**Salva Kiir Mayardit,
President,
Republic of South Sudan,
Juba.**

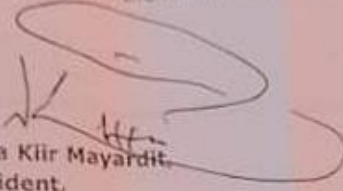
The President
4

Annex XI: Presidential Order No.21/2020 on “Extension and Continuation of the 2019/20 General Budget pending Adoption of the 2020/2021 General Budget by the Transitional National Legislative Assembly (TNLA),” 3 July 2020



Continuation of the 2019/2020 General Budget pending Adoption of
the 2020/2021 General Budget by the Transitional National
Legislative Assembly (TNLA), 2020 A.D.

Issued under my Hand and the Seal of the Republic of South Sudan in Juba,
this Third Day of the Month of July in the Year 2020 A.D.



Salva Kiir Mayardit,
President,
Republic of South Sudan,
Juba.

Annex XII: United Nations Security Council resolutions on transitional justice

The United Nations Security Council has made explicit reference to transitional justice as a key to achieving long-lasting sustainable peace, and it has highlighted the importance of transitional justice in relation to women, peace and security and on children and armed conflict. In particular, the Security Council has emphasised the responsibility of the States to end impunity, investigate and prosecute those responsible for genocide, crimes against humanity, war crimes and other crimes perpetrated against children and women and girls:

- On children and armed conflict see [S/RES/2427 \(2018\)](#), [S/RES/2143 \(2014\)](#), [S/RES/2068 \(2012\)](#), [S/RES/1882 \(2009\)](#) and [S/RES/1820 \(2008\)](#).
- On women peace and security see [S/RES/2467 \(2019\)](#), [S/RES/2242 \(2015\)](#), [S/RES/2122 \(2013\)](#), [S/RES/2106 \(2013\)](#), [S/RES/1960 \(2010\)](#), [S/RES/1888 \(2009\)](#), [S/RES/1820 \(2008\)](#), [S/RES/1325 \(2000\)](#)

In addition, the Security Council in resolution [2106 \(2013\)](#) drew attention to the importance of a comprehensive approach to transitional justice, which according to the UNSC should encompass both judicial and non-judicial measures.

Annex XIII: Movement of Mi-24 stored at SSPDF general headquarters, known as Bilpham between 15 February 2020 and 17 September 2020

15 February 2020



Annex XIV: Integrated Food Security Phase Classification (IPC)

How is food security measured with the IPC?

The IPC standardized scale categorizes **the severity of acute food insecurity into Five Phases**. Each of these phases has important and distinct implications for where and how best to intervene and therefore influences priority response objectives.

The IPC phases are determined by analyzing a range of outcomes based on international standards including **food consumption levels, livelihoods changes, nutritional status, and mortality**. These are triangulated with several contributing factors (food availability, access, utilization and stability, vulnerability and hazards) and analyzed within local contexts.

The IPC classification is based on a **convergence** of all of this evidence and functions essentially like a thermometer that takes the 'temperature' of how bad the food security situation is. But its more than just the temperature. The IPC indicates the changing of a food insecure situation and, critically, changes in the required responses.

1. Minimal
2. Stressed
3. Crisis
4. Emergency
5. Famine

- The IPC makes a distinction between acute and chronic food insecurity.
- The IPC classifies the current severity of acute food insecurity situations as well as the future projected conditions to provide an early warning statement for proactive decision-making.

Image taken from the Integrated Food Security Phase Classification (IPC), briefing. Available at: <https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/IPC-Factsheet.pdf>

Annex XV: press statement of the Bank of South Sudan regarding re-introduced Foreign Exchange Auctions, 21 January 2021



Bank of South Sudan

21 января, 10:13 · 🌐

...

PRESS STATEMENT

The Bank of South Sudan (BSS) re-introduced Foreign Exchange Auctions on the backdrop of the rapid depreciation of the South Sudanese Pound (SSP) and high inflation. This monetary policy tool –among other policy instrument implementations- has proven success in the past while addressing the economic shocks brought about by low international oil prices and other externalities beyond our control, which led to considerable fiscal imbalances and constrained financial system performance.

In light of the above, the article published by the Juba Monitor on the 20th of January, 2021, is extremely misleading and lacks the undertaking of the objectives of why the Bank of South Sudan engages in Foreign Exchange Auctions.

The objective of this tightened monetary policy stance is to withdraw the excess liquidity from the market, and in return harmonise the difference in exchange rates, while stabilising market prices. Therefore, the impression carried by some Forex Bureaus that the FX Auctions are intended for maximising the profits of Forex Bureaus are absolutely false.

We would like to make it clear that the current FX Auctions are only meant for forex bureaus. Commercial Banks are not participating; however, BSS still provides commercial banks with USD at the official rate to support the importation of essential commodities, including food items, fuel and medicines.

We strongly encourage media houses to contact the Bank of South Sudan in the future for any clarification on the Bank's dealings before publishing on such sensitive matters that usually have adverse effects on the market and to avoid misleading the public.

<https://www.bankofsouthsudan.org/.../21/press-statement-3/>

Annex XVI: Annex of Resolution No.46/2019 on Council of Ministers entitled “Allocation of a Further 20,000 Barrels of Crude Oil a Day for Infrastructure Projects”, 7 May 2019

Annex

Initial list of roads and Bridges for construction under the crude-oil for development-of-infrastructure arrangement.

- a. Juba – Terekeka – Yirol – Rumbek – Wau –Gogrial – Aweil road.
- b. Rumbek – Bentiu – Malakal road.
- c. Nadapal – Kapoeta – Torit – Juba – Bor – Ayod – MalaKal – Renk road.
- d. Juba – Mundri – Maridi – Yambio – Tamura – Wau road.
- e. Kaya – Yei –Juba road.
- f. Sobat Bridge and the east-West Bridge near Malakal in the former Greater Upper Nile.
- g. Wau – Raga road.
- h. Gogrial – Twic – Abyei- Bentiu road.
- i. Wau – Aweil road.



AA Khial
7/5/2019.

Annex XVII: Speech of President Kiir at Opening Session of Transitional National Legislature, 14 May 2019



**REPUBLIC OF SOUTH SUDAN
The President**

**SPEECH OF H.E. THE PRESIDENT OF
THE REPUBLIC ON THE OCCASION OF
THE OPENING OF THE SECOND SESSION OF
THE TRANSITIONAL NATIONAL LEGISLATURE**

MAY 14TH, 2019


With peace in our sight, I see road construction as a critical measure needed in order to spur development and economic growth in our country. Economic development is a function of the movement of people, goods and services; and these require good roads. Towards this end, the government has signed a contract with Shandong High-Speed Company and other Chinese construction companies to build major highways connecting the three regions of South Sudan with Juba.

As it is reported, the government has approved a plan to fund the construction of these highways from our crude oil. The Ministry of Petroleum is instructed to deposit 30,000 barrels of crude oil daily into an account established for this purpose. It is against the funds accruing from these barrels of crude that road construction can be financed.

These plans have been approved by the Council of Ministers and I have created a China Desk in my office so I can directly supervise this important project. We are starting with the Juba-Rumbek highway, and then we can start the Nadapal-Torit-Juba-Bor highway to Upper Nile. The third road is the Kaya-Yei and Western Equatoria to Raja Road. These roads are they trunk roads that will spur economic growth and give birth to new industries in our country.

Annex XVIII: Official letter of the Director of Administration and Finance of the Health Ministry to the Minister of Health (RSS/Juba), 8 April 2020

The Republic of South Sudan



Ministry of Health

Head of legal Administrative
plse provide your legal opinion
Hon. Elizabeth Yal

Hon. Minister of Health

RSS/Juba

6.4.2020 *08/04/2020*

Subject:- USD 30780 Thirty Thousand Seven Hundred and Eighty USD

The above amount was requested by the ministry from Bank of South Sudan on 19.2.2020 the purpose for the request was to meet the following expenses;

1. DSA for Delegation to Addis Ababa	USD 10000
2. Payment to (Makuic)drug Supplier to AL Cardinal Kidney Hospital	10780
3. DSA and accommodation to Kidney Dialysis Engineer from Sudan	<u>10000</u>
Total	30780

As the Pandemic of COVID19 occurred the trip to Addis Ababa was cancelled, in the same manner the coming of the Engineer from Khartoum was called off.

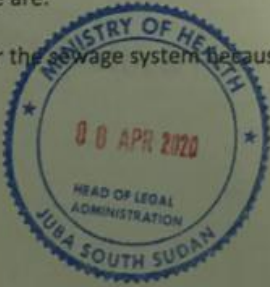
The Supplier of drugs Mr. Makuic opted to be paid in Local currency at official bank rate

On 2.4.2020 the request for hard currency came out for the above amount in BoSS the Undersecretary Dr. Makur Kariom did not inform me as the official responsible for finances but he went to the bank with the cashier. I got the information two days later from the director of Finance when I informed him that the Hon. Minister instructed me to start repairing the sewage system in the ministry and that I should bring a plumber to do the work. To my dismay I found that an amount was withdrawn from the bank account equivalent to 30780 USD. I called the cashier if the amount got remitted in the chest with the Idea to remit the money back to BoSS for the transaction to be reversed as there is no need for the hard currency.

Unfortunately the cashier informed me that the money was taken by Dr. Makur Kariom up to the moment .

The points I want to communicate are:

1/ We are not in position to repair the sewage system because we don't have money in the bank account.

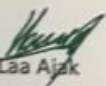


2/ The amount taken without justification remains a question when auditors come, and the responsibility goes to me as DG for Adm. & Finance ,therefore the amount must be remitted in the chest.

Hon. Minister,

These are the issues I felt must be forwarded to you for the smooth running of the work in the ministry

I remain awaiting your kind and positive reply.

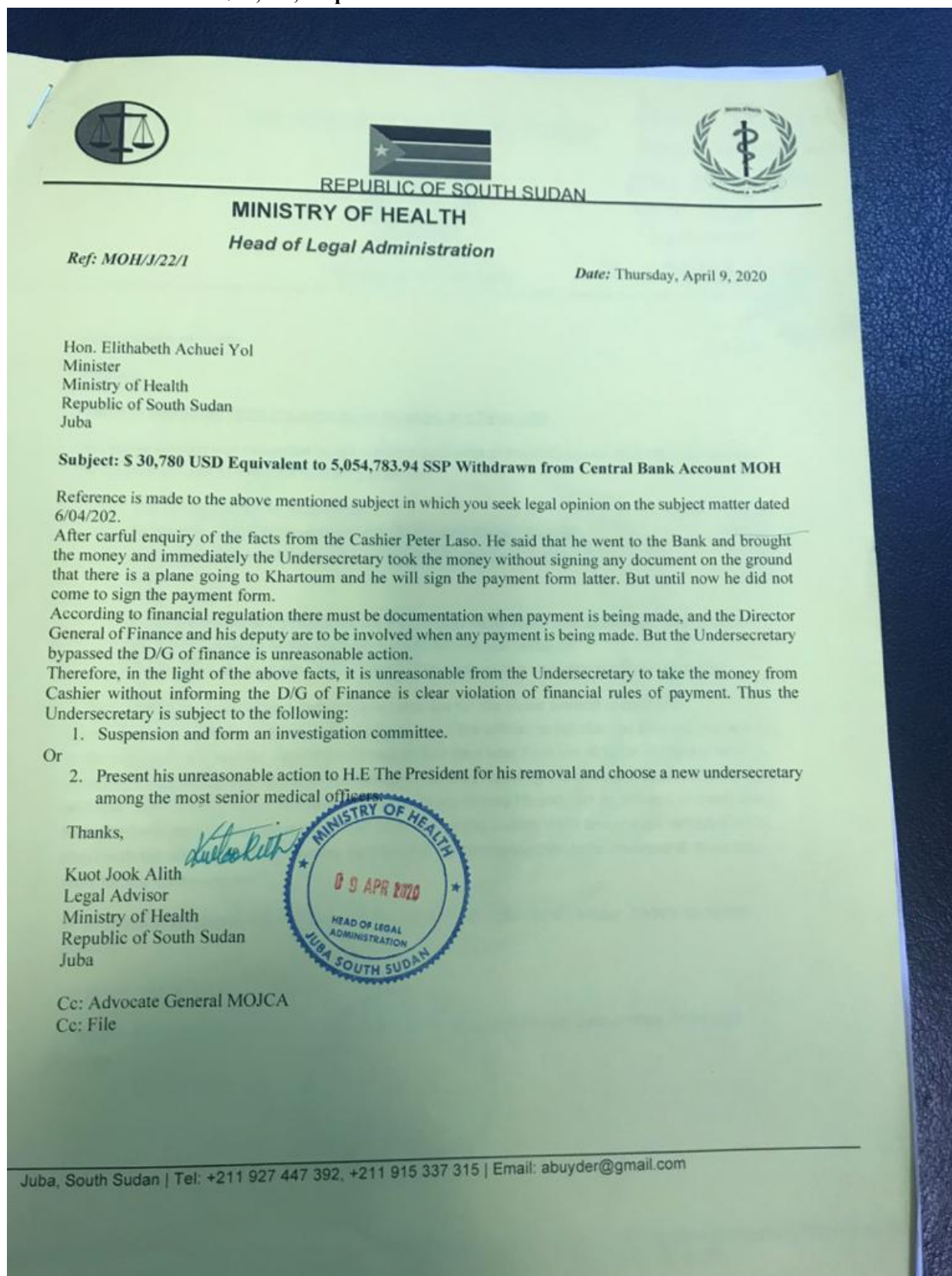

Adwok Laa Ajak




DG of Administration and Finance

MoH/RSS/Juba



Annex XIX: Official letter of the Legal Advisor of the Ministry of Health to the Minister of Health regarding the withdrawal of USD \$30,780, 9 April 2020



REPUBLIC OF SOUTH SUDAN

MINISTRY OF HEALTH

Head of Legal Administration

Ref: MOH/J/22/1

Date: Thursday, April 9, 2020

Hon. Elithabeth Achuei Yol
Minister
Ministry of Health
Republic of South Sudan
Juba

Subject: S 30,780 USD Equivalent to 5,054,783.94 SSP Withdrawn from Central Bank Account MOH

Reference is made to the above mentioned subject in which you seek legal opinion on the subject matter dated 6/04/202.

After careful enquiry of the facts from the Cashier Peter Laso. He said that he went to the Bank and brought the money and immediately the Undersecretary took the money without signing any document on the ground that there is a plane going to Khartoum and he will sign the payment form latter. But until now he did not come to sign the payment form.

According to financial regulation there must be documentation when payment is being made, and the Director General of Finance and his deputy are to be involved when any payment is being made. But the Undersecretary bypassed the D/G of finance is unreasonable action.


Therefore, in the light of the above facts, it is unreasonable from the Undersecretary to take the money from Cashier without informing the D/G of Finance is clear violation of financial rules of payment. Thus the Undersecretary is subject to the following:

1. Suspension and form an investigation committee.


Or

2. Present his unreasonable action to H.E The President for his removal and choose a new undersecretary among the most senior medical officers.

Thanks,



Kuot Jook Alith
Legal Advisor
Ministry of Health
Republic of South Sudan
Juba



Cc: Advocate General MOJCA
Cc: File

Juba, South Sudan | Tel: +211 927 447 392, +211 915 337 315 | Email: abuyder@gmail.com

Annex XX: Communiqué of the Office of the President of South Sudan on the visit of the President of Egypt to South Sudan, 27 November 2020


Republic of South Sudan
Office of the President

Ref: RSS/OP/PS/J/1. A/5/20 Date: 27/11/ 2020


Sub: The Visit of the Arab Republic of Egypt President to South Sudan

The Office of the President is delighted to announce that, His Excellency Abdel Fattah Al- Sisi, President of the Arab Republic of Egypt and his accompanying delegation is paying a visit to South Sudan on Saturday, November 28, 2020.

H.E. Salva Kiir Mayardit will welcome his Egyptian Counterpart, President Abdel Fattah Al- Sisi upon arrival at Juba International Airport. The two leaders are expected to hold bilateral talks which will include State Lunch. They will discuss bilateral issues and exchange views on regional stability as well as deepening South Sudan's and Egypt diplomatic ties.

Therefore, The Office of the President invites the general public to come to Juba International Airport beginning from 8:00 am for the reception ceremony of the historic visit of His Excellency Abdel Fattah Al- Sisi.

We would also like to reiterate that only the invited media houses are allowed to cover this event.


Ateny Wek Ateny
Press Secretary,
Office of the President