

Statement by Mr. Nicholas Haysom
Special Representative of the Secretary-General and Head of UNMISS
United Nations Security Council Briefing
14 December 2023
[As delivered]

Mr. President,

Thank you for the opportunity to brief this Council on the situation in South Sudan.

As we conclude the year, it is appropriate to take stock of the implementation of the Revitalized Peace Agreement, particularly as it relates to the milestone of elections, currently scheduled for December 2024, a process which would see South Sudan's transitional period brought to a close.

Update on implementation

With only 11 months remaining, the pace of overall implementation towards this objective has been uneven.

The Transitional Security Arrangements – which are agreed to by the parties—remain significantly behind schedule. This is concerning because the Necessary Unified Forces are critical in providing a secure environment to protect civilians before, during and after elections. While recent actions have been taken, there are distinct challenges to the full deployment of the unified forces; chief among them, the distribution of salaries and equipment, and their operationalization under a single unified command especially the appointment of the middle ranks, agreement on which is yet to be achieved.

With regard to the permanent constitution making process, it is now 15 months behind the timeline set out in the roadmap and the Revitalised Agreement. The adoption of an amended constitution was agreed to by the parties as a prerequisite for the finalisation of the electoral legal framework and the subsequent holding of the elections. Unfortunately, work on the amendment of the constitution has not properly started although the National Constitutional Review Committee has at last been established.

I acknowledge the appointment of members of the National Election Commission, the Political Parties Council, and the National Constitution Review Commission. However, except in the case of the Political Parties Council, complaints have been raised by the opposition as to whether the composition of these bodies is in line with the Revitalised Agreement concerning the gender quota, and agreements on nominees as between the parties. This has led to controversy and the stalling of the swearing-in of the members of these two committees. It is now critical that these bodies are operationalised and resourced with the necessary funding to begin undertaking their considerable responsibilities.

In July, the Trilateral Mechanism that is the United Nations (UN), African Union (AU) and IGAD presented a list of 10 questions to be answered by the parties, to create clarity on the elections, including on such issues as the level at which elections will be held, the participation of refugees, and various mechanisms for administration of elections and handling of complaints. The questions also highlighted the importance of agreeing on a voter registration process, the census or any other acceptable source of population data. These questions have so far not been dealt with by the parties, nor an appropriate legal framework set up to resolve these issues.

To facilitate movement towards common ground amongst the parties on the proper preparations for the elections, UNMISS has convened Political Party Forums, engaged with Faith Based leaders, Civil Society organisation, IDPs, refugees, and other stakeholders. We have stressed that these decisions should be made in conformity with the peace agreement and in a manner that discourages unilateral decisions, encourages consensus and embodies constructive proposals on how to conduct credible elections by December 2024 in the face of missed timelines. And we have stressed that these decisions can only be made by the South Sudanese themselves.

Indispensable prerequisites

Comparative experience suggests that elections are a likely trigger for the relapse into violence in societies emerging from conflict unless adequate time, resources and confidence building measures are invested in their preparations: underscoring notably, the need for agreement amongst the contending parties. South Sudan faces a similar risk and requires the same investment to avoid conflict.

Member states have enquired of UNMISS as to whether the country can be considered capable of holding free, fair, credible, and especially peaceful elections. We have clearly stated that, as matters stand now, the country is not yet in a position to hold credible elections, a view shared by almost all key stakeholders across the political spectrum. The consequential question raised by this conclusion is what conditions and institutions must be in place for such an election to be possible and by when will those conditions have to be in place for the elections to meet the December 2024 deadline.

The necessary conditions which must be met for these elections are identified in the Secretary General's report before you and include: that a new 'permanent' constitutional framework be in place; that properly trained and equipped unified forces are deployed; that an operational election security plan has been formulated; a clear electoral framework be agreed upon; election institutions and mechanisms be in place; and voter registration modalities and electoral dispute resolution mechanisms are agreed through consensus. There must be an agreed code of conduct for political parties, establishing the parameters of acceptable political behaviour and which allows for a more open political and civic space than the one that currently exists in the country.

A "critical mass" of these pre-requisites is necessary for creating the conditions for the conduct of elections that are not only free and fair but also deemed credible and acceptable to South

Sudanese citizens. The process of agreeing on these conditions must be one that builds trust in the electoral institutions and acceptance of the outcomes by all participants.

Based on consultations with electoral experts, it is our considered view that the critical mass of the pre-requisites outlined above must be in place by April 2024 if peaceful elections are to be conducted by December 2024.

UN Electoral Support

We believe that with the necessary political will, a sense of urgency and compromise, the South Sudanese could indeed establish the conditions for elections in December 2024. In support of South Sudan's electoral efforts and as part of a first Phase of preparations, UNMISS is itself actively engaged in promoting an enabling environment for elections through repurposing its staff within existing resources. This involves providing capacity-building support to establish trusted electoral management bodies and a political environment encompassing the necessary political and civic space for a real competitive process.

Scaling up UN electoral assistance under Phase 2 would involve concrete logistical and similar support for the conduct of the actual elections; and it remains contingent upon the progress achieved on the pre-requisites by April 2024. This scaling up will, therefore, be also subject to the support of Member States and the consequent availability of necessary resources. While this does not preclude South Sudan opting to proceed with elections without these conditions in place, however, it does serve as a yardstick for the international community's support for an election which would be a nation building event rather than a divisive exercise.

Partnerships and Engagements

UNMISS recognises, Mr. President, that creating conditions for peaceful elections requires the support of the international community. For our part, this requires UNMISS to act in partnership with the Member States, the AU, IGAD, EU and the Troika. And in this regard, I have recently engaged with the governments of Djibouti, Ethiopia, Kenya, South Africa, and Uganda as well as the IGAD Secretariat and AU Peace and Security Council who have all confirmed an appreciation of the importance of preventing a relapse into violence and for the conduct of peaceful elections in South Sudan. The African Union Peace and Security Council has requested the Trilateral (that is the IGAD, AU and UNMISS) mechanism to jointly brief them on the constitution making process and the status of election preparation in February 2024.

I have similarly engaged with national stakeholders and can confirm that there is broad support for elections, but there is also apprehension and concern about the lack of professional preparations and consultations for such elections.

Protection of civilians

Mr. President,

The dire economic situation of the country and the resulting competition over diminishing resources at the subnational level, the influx of returnees from Sudan, climate shocks and a fragile political environment, suggests that elections in South Sudan would take place in an environment of elevated tensions. If these risks are not mitigated, then the threat to civilians remains real. UNMISS remains committed to the protection of civilians and prioritizes it as a key mandated task.

The Mission is implementing proactive measures aimed at mitigating the risks of pre-electoral, electoral, and post-electoral violence, with a focus on maintaining a robust presence in potential hotspots through existing and new temporary operating bases, team sites, fortifying rapidly deployable reserves of peacekeepers, extensive patrolling, and building on our political and civil engagement at the community and national levels.

The humanitarian situation in the country has reached alarming proportions, where two-thirds of the population is now food insecure. Competing global priorities have negatively impacted international humanitarian assistance. This requires that South Sudanese leaders invest more resources towards humanitarian efforts to alleviate the suffering of their people. As of 12th December, 434, 000 people had crossed into South Sudan since the start of the Sudan conflict in mid-April, which means the humanitarian caseload in South Sudan is only growing.

South Sudan remains a dangerous place for our humanitarian partners to operate in and where many have made the ultimate sacrifice. I call on the Government of South Sudan to enable safe and unfettered humanitarian access throughout the country and hold to account perpetrators responsible for attacks against humanitarians and the looting of humanitarian aid destined for the most vulnerable.

It is now time for the government of South Sudan to take decisive actions to address these challenges and put in place conditions that not only lead to peaceful and credible elections but also deliver genuine peace dividends and stability after a vote.

Mr. President, Excellencies

Finally, 2024 is anticipated to be a difficult and challenging year for UNMISS, for South Sudan, its people and the region, UNMISS reiterates that it will discharge its mandate to the best of its ability.

I thank you.