



UNITED PEOPLE'S ALLIANCE (UPA)

RESPONSE TO R-TGONU PRESENTATION

Reasons why the Non-Signatories rejected to sign the R-ARCSS in 2018

- On June 5, 2018, President Bashir sent a high-level delegation, including the Minister of Foreign Affairs, Minister of Defence, Minister of Petroleum, Director General of National Intelligence Service (NIS) to Juba to deliver the demands of the Government of Sudan (GoS), which included claims for payment amounting to billions of dollars as compensation for the Heglig (Panthou) war (2012) and other concocted arrears;
- The Government of South Sudan (GoSS) quickly conceded to pay all these amounts to the utter surprise of the GoS delegation which demanded that the minutes of the meeting of June 5, 2018 be signed as a condition for Khartoum to force the Opposition to surrender to Juba, which were eventually signed on June 24, 2018 by the respective Undersecretaries of Ministries of Petroleum of South Sudan and Sudan ([Share the video](#));
- The GoS hijacked the IGAD Mediation and attempted to impose **Khartoum Peace Declaration Agreement** in pursuit of their own national interest to the detriment of South Sudan national interest;
- The Khartoum Peace Declaration Agreement was intended to be signed only by President Kiir and Dr. Riek Machar, Leader of SPLM-IO; but when this was leaked to the public, the Parties declined to sign it;
- Since the Parties rejected to sign the Khartoum Peace Declaration Agreement, the GoS imposed the signing of R-ARCSS with the understanding that it will not be implemented to subvert the transition to peace and democracy to keep South Sudan unstable;
- It was at that juncture the ITGONU Chief Negotiator, Hon. Nhial Deng Nhial was replaced with Hon. Lt. Gen. Tut Gatluak to ensure that the implementation of R-ARCSS is totally undermined; and
- Hon. Lt. Gen. Tut Gatluak was assigned by the Islamic Movement of Sudan with unlimited financial resources to subvert SPLM-IG, SPLM-

IO, and SPLM/N especially in South Kordofan and Blue Nile (**Share the attached document**).

1. Questions on the Government Presentation

- 1.1 Why has the R-TGONU failed to implement the R-ARCSS?
- 1.2 It has been repeatedly stated that lack of political will is one of the main causes of non-implementation of the R-ARCSS, the question is, which party amongst the signatories of the R-ARCSS that does not have “**Political will**”? How can this political will be attained?
- 1.3 Why has President Kiir repeatedly stated that the R-ARCSS was not designed to be implemented?
- 1.4 The R-TGONU presentation alluded to the freedoms of expression and Movement being enjoyed by all South Sudanese. How comes the First Vice President, and others who signed agreements with the government have never left Juba since they returned to implement those agreements? Will this be the fate of any party that will sign an agreement with the R-TGONU?
- 1.5 If the R-TGONU believes that the R-ARCSS has completely resolved the conflict in the Republic of South Sudan, why is it that only 10% of the agreement has been implemented over six (6) years?
- 1.6 If the R-TGONU believes that the R-ARCSS has completely resolved the conflict in the Republic of South Sudan, why did President Kiir requested President Ruto to mediate between the R-TGONU and the Non-Signatories and Other Opposition Groups?
- 1.7 Why is the National Security Act not in conformity with the provisions of the R-ARCSS and the Transitional Constitution of South Sudan 2011 (as amended) TCSS 2011 and the **Declaration of Principle (DOP) (Naivasha, March 2021)** despite the decisions of the Presidency and Council of Ministers to amend the Act?
- 1.8 Why does the R-TGONU insist that the R-ARCSS has addressed the root causes of the conflict in South Sudan while they have failed to implement it?
- 1.9 Why does the R-TGONU insist to align any agreement with the R-ARCSS while they have failed to implement it?
- 1.10 If more than 90% of the R-ARCSS (2018) was repeated from ARCSS; why is the repetition not applicable in the Tumaini Consensus?

- 1.11 What is the mandate of the current R-TGONU delegation when the previous delegation was dismissed for having overstepped their mandate?
- 1.12 Is the aim of the current R-TGONU to protect the R-ARCSS or to negotiate a peace agreement with UPA?

Why has the R-ARCSS failed?

- 1.13 The R-ARCSS has failed to address the root causes of the conflict in South Sudan which are leadership failure and power struggle;
- 1.14 Lack of political will and deficiency of trust and confidence among the Parties to the R-ARCSS led to the failure of the implementation of the R-ARCSS causing the R-TGONU to extend itself twice illegitimately;
- 1.15 Flawed Security Arrangements resulting into formation of R-TGONU before the unification of forces, contrary to the provisions of the R-ARCSS, thus delaying the conduct of elections;
- 1.16 Mismanagement of financial resources earmarked for implementation of the R-ARCSS by the NTC;
- 1.17 Obstruction of Permanent Constitution-Making Process resulting in delaying the conduct of elections;
- 1.18 Restriction of political space and denial of basic freedoms, such as freedom of expression, association, assembly, and movement which has undermined the creation of environment conducive to transition to democracy and conduct of free, fair, credible and peaceful elections;
- 1.19 The Parties have failed to show public commitment by not disseminating the R-ARCSS in order for the people to own and support the agreement;
- 1.20 The R-ARCSS implementation mechanisms are weak and susceptible to deliberate political manipulation rendering the R-ARCSS unable to deliver the expected peace;
- 1.21 The Parties to the R-ARCSS focused on power-sharing leading to establishment of a bloated, dysfunctional and expensive government unable to deliver peace and basic services to the citizens;
- 1.22 The failure of the Parties to the R-ARCSS to implement it has frustrated the development partners, regional and international guarantors;

2. Justification for the 8 Tumaini Protocols

The negotiations between the R-TGONU and Non-Signatories (SSOMA & Other Opposition Groups) started in Rome and continued in Nairobi under the auspices of Tumaini Initiative.

2.1 The Community of Sant'Egidio Mediation:

- 2.1.1 In 2019, The R-TGONU and the Non-Signatories accepted the offer by the Community of Sant'Egidio (CSE) to mediate.
- 2.1.2 Following the invitation by the CSE, the Parties agreed to address the root causes of the conflict in South Sudan in **Rome Declaration (Jan 12, 2020)**;
- 2.1.3 **Rome Resolution on Monitoring and Verification of COHA (Feb 13, 2020)** in which the Parties agreed to recommit to the Cessation of Hostilities Agreement (COHA);
- 2.1.4 **Declaration of Principles (DOP) (Mar 10, 2021)** in which the Parties agreed to political engagement in order to achieve inclusivity and sustainable peace and agree that the sole mandate of the National Security Service is to gather, analyze and advise the government; they shall have no power of arrest and detention;
- 2.1.5 Resolution of the Implementation of the Rome Resolution and Naivasha Declaration of Recommitment (Jul 17, 2021);
- 2.1.6 Agreed Agenda of the Rome Initiative: **Root causes (Jul 18, 2021)**; and
- 2.1.7 The R-TGONU walked out from the CSE Mediation and requested the Government of Kenya to mediate, which led to what is now called "Tumaini Initiative".

2.2 The Tumaini Initiative

In March 2024, the Government of Kenya invited the leaders of SSOMA and Other Opposition Groups at the request of H.E. Salva Kiir Mayardit, President of the Republic of South Sudan to participate in the peace process.

- 2.2.1 On May 9, 2024, H.E. Dr. William Ruto launched the Tumaini Initiative at State House, Nairobi attended by H.E. President Salva Kiir Mayardit, several Heads of State and Government, AU Chairperson, IGAD, regional and international partners;
- 2.2.2 Immediately after the launch, H.E. President Kiir met with leaders of the opposition and the R-TGONU delegation in state house Nairobi and urged both delegations to **rescue the country**.
- 2.2.3 The High-Level Mediation for South Sudan (HLMSS) facilitated a sustained negotiation process between the Parties from May 10, 2024, which led to the following:
 - 2.2.3.1 The Parties agreed and signed the **Declaration of Commitment to the Tumaini (Hope) Initiative for South Sudan Peace Process (May 16, 2024)**;
 - 2.2.3.2 The HLMSS produced a report after the Parties presented and deliberated on their respective positions, identified and agreed on the following issues for negotiations:
 - (a) Security Sector Reforms
 - (b) Economic and Social Issues
 - (c) Justice
 - (d) Political and Governance
 - 2.2.3.3 Following sustained negotiations on the above issues, the Parties and Stakeholders reached a compromise and agreed to incorporate the ongoing, and pending programs of the R-ARCSS and newly established programs into the eight (8) protocols of the Tumaini Consensus **providing the only framework for peace building and democratization in South Sudan**;
 - 2.2.3.4 **The repetition of provisions of the R-ARCSS in the Tumaini Consensus is an agreed necessity, as was the case with the ARCSS provisions being repeated in the R-ARCSS;**

2.2.3.5 Having drawn lessons from the failures of implementation of peace agreements in South Sudan, the Parties and Stakeholders agreed to establish strengthened mechanisms to implement the Tumaini Consensus, such as **NLC, NIOC, GOC, and SSROC**; and

2.2.3.6 Therefore, the Parties and Stakeholders agreed that Tumaini Consensus shall be a standalone agreement.

2.2.3.7 In summary, the following eight (8) Protocols, Preamble, Statement of Purpose and General Principles were negotiated and shall remain as agreed upon by the Parties and Stakeholders:

2.2.3.7.1 Preamble

2.2.3.7.2 Statement of Purpose

2.2.3.7.3 General Principles

2.2.3.7.4 Trust and Confidence Building

2.2.3.7.5 Permanent Ceasefire, Security Arrangements and Reforms

2.2.3.7.6 Humanitarian Access and Support

2.2.3.7.7 Communal Conflicts, Armed Civilians and Land-related Disputes

2.2.3.7.8 Economic Recovery, Resources and Financial Management Reforms

2.2.3.7.9 Justice Sector Reform, Transitional Justice and Accountability

2.2.3.7.10 Permanent Constitution-Making Process

2.2.3.7.11 Guarantors: Internal and External

2.2.3.7.12 Responsibility Sharing To be Agreed

2.2.3.7.13 Implementation Modalities To be Agreed

2.2.3.7.14 Implementation Matrix To be Agreed

3. The Parties and Stakeholders at this stage of the negotiations are to address and agree on the only remaining Protocol (Responsibility Sharing) and complete the Implementation Matrix. The Parties, Stakeholders and the mediation shall decide on the date of signing the Tumaini Consensus.