



# Security Council

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## Implementation of paragraph 5 of resolution [2521 \(2020\)](#)

### Report of the Secretary-General

#### I. Introduction

1. In paragraph 5 of its resolution [2521 \(2020\)](#), the Security Council requested the Secretariat to provide to the Council, by 31 October 2020, a report assessing the role of the arms embargo in facilitating the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and articulating options for the elaboration of benchmarks, in coordination with the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, the reconstituted Joint Monitoring and Evaluation Commission, and in consultation with the Revitalized Transitional Government of National Unity, to assess the arms embargo measures according to progress on the implementation of the Revitalized Agreement, including adherence to the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access and the ceasefire provisions of the Revitalized Agreement.

2. In pursuance of the above request, the Secretariat undertook consultations, in August and September 2020, with the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, the reconstituted Joint Monitoring and Evaluation Commission, the African Union, regional States,<sup>1</sup> members of the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan and its Panel of Experts, the United Nations Mission in South Sudan (UNMISS) and members of civil society, including women's groups.<sup>2</sup> Consultations were also undertaken with the Government of South Sudan, through the Permanent Representative of South Sudan to the United Nations and the Minister for Foreign Affairs and International Cooperation, Beatrice Khamisa Wani-Noah.<sup>3</sup>

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<sup>1</sup> Djibouti, Egypt, Eritrea, Ethiopia and Kenya were consulted. The Sudan and Uganda were invited but did not take part in the consultations for the present report.

<sup>2</sup> The members of civil society consulted included representatives of the South Sudan Council of Churches, the South Sudan Islamic Council, the South Sudan NGO Forum, the Centre for Inclusive Governance, Peace and Justice, the Community Empowerment for Progress Organization and the Sudd Institute.

<sup>3</sup> The Intergovernmental Authority on Development (IGAD) was also invited, through its current Chair in New York, to provide inputs for the assessment.



## II. Arms embargo

3. On 3 March 2015, in response to deteriorating political and security conditions in South Sudan, the Security Council adopted resolution [2206 \(2015\)](#), by which it established a sanctions committee and a panel of experts. It also adopted an asset freeze and a travel ban, with a view to applying such targeted measures to individuals or entities responsible for, or complicit in, actions or policies that threaten the peace, security or stability of South Sudan. On 13 July 2018, the Council adopted resolution [2428 \(2018\)](#), imposing, until 31 May 2019, a general arms embargo on South Sudan. In resolution [2428 \(2018\)](#), the Council also called upon Member States, in particular States neighbouring South Sudan, to inspect all cargo to South Sudan should there be reasonable grounds to believe that the arms embargo was being violated. Since 2018, the Security Council has renewed the arms embargo without modification, by its resolution [2471 \(2019\)](#) until 31 May 2020 and by its resolution [2521 \(2020\)](#) until 31 May 2021.

4. The arms embargo contains three distinct exemptions, as set out in resolution [2428 \(2018\)](#): exemptions subject to the prior approval of the Committee; exemptions requiring an advance notification to the Committee; and standing exemptions for which no prior approval from or advance notification to the Committee is required. There are no exemptions under the arms embargo for non-State armed groups in South Sudan, which are all prohibited from receiving weapons from any source.

5. First, arms embargo exemptions subject to the prior approval of the Committee are for:

(a) Arms and related materiel, as well as technical training and assistance, solely in support of the implementation of the terms of the peace agreement;

(b) Other sales or supply of arms and related materiel, or provision of assistance or personnel.

6. Second, Member States and international organizations are required to submit advance notifications to the Committee regarding the provision of the following assistance and equipment:

(a) Non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training;

(b) Arms and related materiel temporarily exported to South Sudan by the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the protection or evacuation of its nationals and those for whom it has consular responsibility in South Sudan;

(c) Arms and related materiel, as well as technical training and assistance, to or in support of the African Union Regional Task Force intended solely for regional operations to counter the Lord's Resistance Army.

7. Third, arms embargo standing exemptions for which no prior approval from or advance notification to the Committee are required are for:

(a) Arms and related materiel, as well as training and assistance, intended solely for support of or use by United Nations personnel, including UNMISS and the United Nations Interim Security Force for Abyei (UNISFA);

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to South Sudan by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only.

8. To date, six Member States have submitted a total of eight exemption requests for the approval of the Committee, of which seven were granted. All seven requests were applications for the supply, sale or transfer of arms and related materiel, as well as technical training and assistance, solely in support of the implementation of the terms of the peace agreement. Of the seven requests, five included the provision of non-lethal military equipment to the Government of South Sudan, to equip the professional army that should be formed in accordance with the Revitalized Agreement. The other two exemption requests included the transfer of helicopters to provide transportation assistance to the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism.

9. In the context of the sanctions regime, the Chair of the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan undertook visits with a number of Committee members to South Sudan and the region in June 2018<sup>4</sup> and October 2019,<sup>5</sup> during which the delegations met with representatives of the Government of South Sudan, UNMISS, Member States, regional organizations and civil society. During both visits, the arms embargo was discussed.

10. To date, no Member States have submitted inspection reports to the Security Council Committee. The Committee's sanctions list currently contains the names of eight individuals subject to the asset freeze and travel ban.<sup>6</sup>

### III. Assessment of the arms embargo

11. The Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, of 12 September 2018, established several milestones, including the determination of the number of states and their boundaries; the appointment of state and local governments; the formation of the Revitalized Transitional Government of National Unity; and the implementation of the security arrangements.

12. Since the signing of the Revitalized Agreement, several of those milestones have been accomplished. On 15 February 2020, the President of South Sudan, Salva Kiir, announced his decision to revert to a 10-state arrangement with three administrative areas (Abyei, Pibor and Ruweng). On 22 February, the Revitalized Transitional Government of National Unity was formed (marking the end of the pre-transitional period) and, on 12 March, the Cabinet was appointed following an agreement on the allocation of the ministerial portfolios. On 17 June, the parties reached a decision on responsibility-sharing ratios for gubernatorial and state positions, following which, 8 of the 10 governors and chief administrators of the administrative areas of Abyei, Pibor and Ruweng were appointed on 29 June. The governor of Jonglei was appointed on 17 July, leaving only the last position of governor of Upper Nile yet to be filled.

13. Progress was more limited on the implementation of the transitional security arrangements. The Strategic Defence and Security Review Board has yet to make progress towards a broader framework for security sector reform, including with

<sup>4</sup> The visit took place several weeks after the adoption of resolution [2418 \(2018\)](#) on 31 May 2018, in which the Security Council, inter alia, decided that if the Secretary-General reported to the Council that any fighting had taken place after adoption of the resolution involving parties to the cessation of hostilities agreement in South Sudan and that the parties had not come to a viable political agreement, then the Council would consider listing six individuals whose names were included in the annex to the resolution and/or imposing an arms embargo within five days of the report of the Secretary-General.

<sup>5</sup> The visit took place a year after the adoption on 13 July 2018 of resolution [2428 \(2018\)](#) establishing the arms embargo.

<sup>6</sup> Available at [www.un.org/securitycouncil/sanctions/2206/materials](http://www.un.org/securitycouncil/sanctions/2206/materials).

regard to the vision, size, composition and budget of the national army, the security service and other organized forces. The plans to train, graduate and deploy the necessary unified forces also remain unfulfilled. The training centres and cantonment sites continued to be deserted by forces owing to a lack of food, water, medicine and essential services. Most government forces were not yet part of the unification process and remained in barracks throughout the country, while the opposition parties sent a significant portion of their forces to such centres and sites. The implementation of the security arrangements would enhance the institutional capacity and integrity of security and defence institutions. This would, in turn, improve the capacity of the Revitalized Transitional Government of National Unity and its security sector institutions to effectively and efficiently receive, record, store, distribute and manage weapons and ammunition.

14. In the conduct of the present assessment, the Secretariat sought the views of various interlocutors, including the Government of South Sudan, regarding the role played by the arms embargo in facilitating the implementation of the Revitalized Agreement. Some interlocutors had specific views regarding the relative contribution of the arms embargo, while others reflected on the general contributions of the sanctions regime towards the implementation of the Revitalized Agreement.

15. In consulting with the Government, the Secretariat met with the Permanent Representative of South Sudan to the United Nations on 4 September 2020 and with the Minister for Foreign Affairs and International Cooperation on 30 September 2020. The Revitalized Transitional Government of National Unity was of the view that the arms embargo, though well-intentioned, had not been well-timed in relation to the positive advances made in the peace negotiations. The Government was also of the view that the sanctions regime impeded its ability to defend itself against external security threats and was counterproductive in helping the country to transition from war to peace. Moreover, the design of the arms embargo was not balanced, since it was focused only on the parties that had signed the Revitalized Agreement while neglecting non-signatories of the Agreement. In addition, the arms embargo impeded the Transitional Government from operationalizing the necessary unified forces, as established in the Revitalized Agreement, because the Government was not able to provide the necessary equipment to the forces.

16. On 21 September 2020, during the high-level meeting to commemorate the seventy-fifth anniversary of the United Nations, the President cited improvements in the security situation in the country while noting that some challenges could not be addressed by South Sudan because of “constraints imposed by the United Nations. For example, the recently renewed arms embargo on South Sudan by the Security Council has far-reaching implications on the implementation of the revitalized peace agreement security arrangements. For example, we expect to graduate the unified forces very soon, but the question our international partners need to answer is, how is the Government going to arm these forces when its ability to acquire arms has been blocked”.<sup>7</sup>

17. In the consultations, both the reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism clarified that they do not have a mandate to monitor the implementation of the arms embargo and were therefore unable to assess the relative contribution of the arms embargo in facilitating the implementation of the Revitalized Agreement. Nevertheless, the Commission was of the view that the permanent ceasefire had held in most parts of the country, with the exception of minor violations. In its view, the main reason for that was the political will of the parties, combined with the more effective command and control of troops and the effective

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<sup>7</sup> Available at [www.un.org/en/un75/commemoration/south-sudan](http://www.un.org/en/un75/commemoration/south-sudan).

dissemination of information. The Mechanism (while reiterating that its monitoring teams did not report on the arms embargo and did not perform investigations related to ammunition and weapons) was of the view that the arms embargo had had an effect on the overall decrease in violence by reducing the free flow of weapons and ammunition.

18. At the regional level, there were divergences in views regarding the sanctions regime in general and the arms embargo specifically. Since the imposition of the arms embargo on 13 July 2018, several regional States had expressed their opposition to the arms embargo. Those States considered that the arms embargo was unhelpful to the political process and not in sync with the progress made by the parties in the implementation of the Revitalized Agreement. Moreover, it also had the potential to force the parties to adopt more extreme positions on outstanding issues that were pending resolution. In addition, they argued that the arms embargo constrained the ability of the Revitalized Transitional Government of National Unity to build a professional army. In their overall assessment, pressure on the parties would not lead to peace. Instead, those States were of the view that the lifting of the arms embargo would encourage the parties to fully implement the Revitalized Agreement.

19. The African Union<sup>8</sup> and the Intergovernmental Authority on Development (IGAD)<sup>9</sup> have called for the lifting of all punitive measures on South Sudan, including multilateral sanctions, as well as measures imposed by different Member States.

20. Two of the regional States consulted, however, were of the view that international pressure, including through the arms embargo, may have helped in generating greater political commitment among the parties. For those States, the arms embargo had not hindered the capacities of the region to provide military assistance, including the provision of military equipment, to support the implementation of the security arrangements. The exemptions contained in paragraph 5 of resolution 2428 (2018) provided the framework for Member States to provide the assistance required by the Revitalized Transitional Government of National Unity.

21. The divergence of views at the regional level was also mirrored in the Security Council Committee. Some members maintained that progress made in the implementation of the Revitalized Agreement (such as the establishment of the Revitalized Transitional Government of National Unity in February 2020) was a result of the efforts of regional mediators rather than pressure from the sanctions regime. They were of the view that the arms embargo had indeed affected the capacity of the Government of South Sudan to protect its own population. Hence, in their view, the Council's sanctions regime needed to be adapted to better reflect the latest realities on the ground; and they were therefore in favour of clear benchmarks that would form a road map for the lifting of the arms embargo.

<sup>8</sup> The Secretariat's consultations with the Permanent Observer Mission of the African Union to the United Nations confirmed the official position of the African Union, as reflected in paragraph 5 of its resolution on the impact of sanctions and unilateral coercive measures (Assembly/AU/Res.1(XXXIII)), adopted at the thirty-third ordinary session of the African Union Assembly of Heads of State and Government, held on 9 and 10 February 2020, in which it called upon the United Nations to give due consideration to the lifting of the arms embargo imposed on South Sudan. See also the communiqués of the Peace and Security Council of the African Union at its 917th meeting of 9 April 2020 and its 945th meeting of 15 September 2020 (PSC/PR/COMM.1(CMXVII) and PSC/PR/COMM.(CMXLV)).

<sup>9</sup> The most recent pronouncement of IGAD on the issue of the lifting of the ("crippling economic") sanctions on South Sudan was made during the thirteenth ordinary summit of IGAD Heads of State and Government, held on 29 November 2019 (see the communiqué of the summit, para. 11, available at <https://igad.int/communique/2308-communique-of-the-13th-ordinary-summit-of-igad-heads-of-state-and-government>). Since the adoption of Security Council resolution 2521 (2020) on 29 May 2020, there has been no public reference by IGAD to the issue of sanctions.

22. Other members – while acknowledging the diplomatic efforts undertaken by parties to the conflict, regional States and regional and subregional organizations – believed that the arms embargo had created the space necessary to support the implementation of the Revitalized Agreement,<sup>10</sup> specifically by reducing the flow of weapons to South Sudan. According to those members, the signing of the Revitalized Agreement just two months after the imposition of the arms embargo was not coincidental. The parties would have had less incentive to reach agreement at the negotiating table if they had had free access to weapons and ammunition. Accordingly, they believed that the imposition of the arms embargo had changed the calculus of the parties from a preference for military solutions towards resolving disputes through dialogue. Moreover, they noted that the reduction of violence was a direct consequence of the imposition of the arms embargo, which had reduced the capacity to conduct military operations, as evidenced by the reduction of ceasefire violations after the imposition of the arms embargo in July 2018. They further argued that the free flow of weapons into South Sudan in the absence of an arms embargo would have had a greater negative impact on the security of the civilian population.

23. The Secretariat's preparation for the present report included consultations with representatives of civil society, including women's groups. Some civil society organizations were of the view that the arms embargo had helped to create some of the conditions necessary for the parties to sign the Revitalized Agreement. They included making it more difficult for the parties to obtain supplies of weapons and ammunition, a reduction in violence, including conflict-related sexual violence, and opening a political space for dialogue,<sup>11</sup> especially on governance and development issues. Several representatives assessed that the arms embargo had pressured the parties to implement several aspects of the Revitalized Agreement. For example, several representatives of civil society noted that discussions of the Security Council on sanctions (including the arms embargo) had motivated the parties to take steps in the allocation of state governor positions between the parties. Moreover, the arms embargo had also encouraged the non-signatory of the Revitalized Agreement to reach a political settlement.

24. Most of the civil society representatives consulted were of the view that the arms embargo had prevented the supply of heavy weaponry, although the embargo had not had an effect on the flow of small arms, which had continued unimpeded. Nevertheless, others were of the view that positive developments, such as the adherence of the parties to the permanent ceasefire, could not be directly or solely attributed only to the arms embargo, but also to the willingness of the parties to give peace a chance. On the implementation of the security arrangements, several representatives of civil society were of the view that most of the activities defined in the Revitalized Agreement, such as the formation, training and deployment of the necessary unified forces, did not require new deliveries of weapons. In their view, countries in the region and other Member States had already provided the necessary equipment for these forces.

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<sup>10</sup> This view was shared by the Panel of Experts on South Sudan. The Panel also believed that the arms embargo had contributed to the easing of the conflict between the Revitalized Transitional Government of National Unity and non-State armed groups, which in turn was helpful for the negotiations in Rome facilitated by the Community of Sant'Egidio.

<sup>11</sup> One view among civil society representatives was that the reduction in violence, including conflict-related sexual violence, partly attributable to the arms embargo, also facilitated the participation of civil society, including women's groups, in the implementation of the Revitalized Agreement. Others were of the view that civil society had already had a place at the negotiating table before the imposition of the arms embargo.

## IV. Elaboration of benchmarks to assess arms embargo measures

25. The Security Council has requested assessments of arms embargoes and other sanctions measures in a number of cases.<sup>12</sup> Such assessments have proved to be a useful tool for the entire United Nations system to provide the Council with relevant input for its reviews of the overall sanctions regime and/or specific sanctions measures. Previous assessments of arms embargoes and other related sanctions measures have taken into account, among other factors, the status and relevance of the measures and their impact on the security situation in a country; their contribution to peace processes, ceasefire regimes or the cessation of hostilities agreements; the need for national legislative frameworks on weapons and ammunition management and weapons management systems; border control and customs issues; and the implementation of disarmament, demobilization, reintegration and security sector reform processes.

26. In the case of South Sudan, specific benchmarks have yet to be elaborated to reassess and/or adjust the arms embargo measures. Nevertheless, in pursuance of paragraph 5 of resolution 2521 (2020), three options for developing such benchmarks are presented below.

### Option 1: Headquarters-based desk review

27. One option would involve a Headquarters-based desk review. Such a desk review would collect, organize and combine available information, including lessons learned, from the Secretary-General's recent assessments on the design, implementation and monitoring of arms embargoes. Those general findings would be considered together with the current analysis of the implementation of the arms embargo in South Sudan. The results of the desk review may be used by the Security Council to elaborate a list of benchmarks against which the progress of implementation at the national level may be assessed. The desk review would take approximately one month to complete. As the review would be conducted in a fairly short time frame, it may not be able to provide an analysis comprehensive enough to reflect the full perspectives and concerns of international, regional and national actors based in Juba. It might, however, be more feasible than the other options in the current environment, owing in particular to travel restrictions stemming from the coronavirus disease (COVID-19) pandemic.

### Option 2: Headquarters-based desk review with remote consultations

28. Another option would be to conduct a Headquarters-based desk review that would include videoconference and teleconference consultations with international, regional and national actors based in Juba and in the region. The consultations would allow for the collection of more comprehensive information and perspectives from relevant actors in South Sudan, which would be a useful complement to the desk review. On the basis of the information gathered, through both the desk review and the consultations undertaken from New York, the Security Council may elaborate benchmarks against which progress at the national level in implementing the arms embargo may be assessed. Consultations would be conducted with representatives of the relevant South Sudanese authorities, UNMISS, the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism and the reconstituted

<sup>12</sup> Such assessments were conducted in connection with Somalia in 2014 (S/2014/243) and 2019 (S/2019/616); Liberia in 2014 (S/2014/707) and 2015 (S/2015/590); Libya in 2018 (S/2018/451), 2019 (S/2019/380) and 2020 (S/2020/393); Guinea-Bissau in 2015 (S/2015/619), 2016 (S/2016/720), 2017 (S/2017/715), 2018 (S/2018/791), 2019 (S/2019/696) and 2020 (S/2020/818); and the Central African Republic in 2017 (S/2017/597), 2018 (S/2018/752), 2019 (S/2019/609) and S/2019/1008) and 2020 (S/2020/622).

Joint Monitoring and Evaluation Commission, regional States, the Security Council Committee and its Panel of Experts and civil society. This option would take an estimated two months to complete to allow for consultations among a wide range of relevant actors. In the short term, this is also a feasible option in the light of travel restrictions stemming from the COVID-19 pandemic.

**Option 3: Headquarters-based desk review with remote consultations and a field-based assessment mission**

29. A third option would combine the Headquarters-based desk review and initial remote consultations with interlocutors with a field-based assessment visit to South Sudan. The visit would allow for consultations with the widest possible range of national actors on the ground and would provide an opportunity to visit the weapons and ammunition storage facilities of the national defence and security forces. The visit would also identify the capacities of national institutions to effectively manage weapons and ammunition stockpiles. The assessment team would include representatives of the Secretariat who would consult the relevant national authorities (including the Ministry of Defence and Veterans' Affairs and the Ministry of the Interior), the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism and the reconstituted Joint Monitoring and Evaluation Commission. Such an assessment could be completed in three months, subject to travel restrictions related to COVID-19.

## V. Conclusion

30. I appreciate the engagement and contribution of the various interlocutors consulted for the present assessment, as well as their respective views shared with the Secretariat, on the role of the arms embargo in facilitating the implementation of the Revitalized Agreement. Those views, together with the above options for the elaboration of benchmarks to assess the arms embargo, should assist the Security Council in reviewing the next steps that it may wish to take in relation to the embargo. I reiterate my call upon the parties to adhere to a global ceasefire, especially in the context of the global COVID-19 pandemic.

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