



**Report to Congress on  
South Sudan Policy  
Section 6508(b) of the National Defense Authorization Act, 2023 Report on  
United States Policy Toward South Sudan**

Consistent with section 6508(b) of the National Defense Authorization Act, 2022 (FY 2022 NDAA), the Department of State, in consultation with the United States Agency for International Development and other relevant federal departments and agencies, hereby submits this report on United States policy toward South Sudan. Nearly 12 years after independence, South Sudan remains a deeply fragile nation beset by weak governance, pervasive insecurity, fiscal mismanagement, and widespread corruption. As part of a whole of government approach to South Sudan, the United States is working to mitigate and prevent sub-national violence, protect human rights, better target U.S. assistance to communities in need, protect and defend civic space for civil society, independent media, and peaceful political voices, and hold the transitional government accountable to its commitments to manage the country's natural resources transparently. Our goal is to support the South Sudanese people's demands for an inclusive transition and a peaceful, stable future.

Over the past year, the United States—working with international partners—continued to press the transitional government to make progress across our policy priorities:

- In mid-July, due to the failure of South Sudanese leaders to implement their commitments to bring peace to South Sudan and in close coordination with Congress, we halted our financial support to the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) and Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM).

- In September, joined by our UK, Norwegian, and EU partners, we did not support the two-year extension of the transitional government. At the time of our non-support, we expressed our concern that the Revitalized Transitional Government of National Unity (RTGoNU) chose not to take the necessary steps to implement the peace process. We jointly called upon the RTGoNU to immediately demonstrate significant progress towards implementation of the outstanding elements of the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) and to expand political and civic space to ensure that the voices of the South Sudanese people, including those who hold opposing views, are consistently heard throughout the implementation of the Roadmap.
- In November, we significantly reduced the waivers provided to South Sudan on its TIP Tier 3 designation and announced our opposition to international financial institution lending to the RTGoNU outside of lending or programs that support basic human needs.
- In February, working with partners, we improved oversight mechanisms governing a \$114 million rapid credit facility from the International Monetary Fund, due to shared concerns over failures to abide by public financial management commitments in the R-ARCSS.
- In December, we facilitated the travel of South Sudanese civil society activists to Washington for the U.S.-Africa Leaders Summit, where they met with summit participants including Under Secretary for Civilian Security Zeya to demonstrate the importance we place on elevating and engaging with non-governmental South Sudanese leaders. At the same time, the Department of State delivered a clear message to the Foreign Minister, who represented President Salva Kiir, about the need for action to address subnational violence, human rights violations, the lack of justice and accountability, and the lack of progress toward bringing the transitional period to a successful conclusion.

Over the course of the past year, Embassy Juba regularly engaged with religious leaders and the South Sudan Council of Churches to encourage a unified message among the various denominations and for the churches to engage communities in an effort to reduce subnational violence and increase civic participation in the political process.

Embassy Juba in coordination with the Troika pressed senior RTGoNU officials to stop exploiting international humanitarian assistance for political gain, to protect humanitarian workers, and for unimpeded delivery of humanitarian assistance to communities including those most vulnerable to food insecurity.

In Washington and Juba we expanded our outreach and regularly engaged civil society actors and marginalized communities across a range of issues including human rights, subnational violence, and civic space.

These efforts came in the context of another year in South Sudan in which large parts of the population are internally displaced due to sub-national violence and natural disasters, including historic floods and drought. The U.S. commitment to addressing the humanitarian needs of the South Sudanese population remained steadfast. In FY 2022, the United States continued to be the leading international donor to South Sudan, providing more than \$993 million in humanitarian assistance. In 2022, an estimated 8.9 million South Sudanese (about 70 percent of the country's population) needed some type of humanitarian assistance, with up to eight million facing crisis or worse levels of acute food insecurity, making South Sudan one of the most food-insecure countries in the world. Complicating U.S. efforts, South Sudan continues to be one of the most dangerous places for aid workers. In January and early February 2023, eight humanitarian workers were killed, compared to nine humanitarian workers killed in 2022 and five in 2021. Since the conflict began in 2013, over 150 humanitarians, predominantly South Sudanese, have lost their lives while providing assistance to people.

### **Political Factions Stifle Progress and Reform**

The RTGoNU continued to fail to implement essential commitments under the R-ARCSS and has repeatedly failed to meet key milestones in a timely manner. The two-year extension of the RTGoNU President Kiir, announced on August 4, 2022, has further undermined confidence that Kiir's government was committed to reform.

Political elites are deeply vested in maintaining a status quo that allows them to accumulate political power and economic resources at the expense of the people of South Sudan. Further, competition for political power and economic resources manifests in fighting between proxies, with political sub factions manipulating ethnic and communal tensions to their advantage, often leading to violence,

displacement, and grave human rights abuses. In 2022, violence in Unity, Upper Nile, and Jonglei States resulted in hundreds of civilians being killed and over 90,000 individuals displaced. In addition to the killings, homes and livelihoods were burned and destroyed, and horrifying sexual and gender-based violence, including against minors was reported.

### **Public Financial Management Reform Challenges**

The government has not made significant progress implementing public financial management (PFM) reforms and has not yet met its commitment in the 2018 peace agreement to create a single treasury account to transparently manage its oil revenue. While the Ministry of Finance and Bank of South Sudan have attempted to consolidate government accounts, revenues remain dispersed in multiple locations and commercial accounts. Data on the Ministry of Finance's website reported \$1.6 billion in 2021-22 revenue generated by the country's oil wealth. A lack of transparent accounting for oil revenues and loans collateralized with oil cargo facilitates significant revenue leakage and diversion by corrupt actors, undermining the already negligible financing of basic services for South Sudanese people. Transparency International ranked South Sudan 178 out of 180 countries in its 2022 Corruptions Perceptions Index.

### **Security Challenges**

The UN Mission in South Sudan (UNMISS) documented 503 incidents of violence affecting civilians between January 1 and September 30, 2022, including reported killings, injuries, abductions, and conflict-related sexual violence. Those implicated in fueling the conflict include local, state, and federal officials, and armed groups over which they have influence.

The RTGoNU established the Necessary Unified Forces (NUF) with the initial graduation of the first batch of more than 20,000 troops from training on August 20, 2022. As of the end of January 2023, the NUF has yet to deploy from their cantonments, lack consistent payment of salaries, are not adequately funded, and the government has not provided information on how the NUF will be utilized to improve security throughout the country.

Escalating harassment, intimidation, and arbitrary arrest by national security and other government officials have had a chilling effect on civic spaces and caused

many civil society and media actors to self-censor, resign, withdraw from peace process activities, and/or flee the country. In August 2021, security forces detained former Governor of Northern Bahr El Ghazal State Kuel Aguer Kuel for having signed a letter calling for peaceful protests to force President Kiir to leave office. Aguer was held in detention for over a year without charges. On October 7, he was brought to court and charged with eight crimes, including attempt to overthrow a constitutional government by unconstitutional means. The U.S. Government engaged regularly in support of his release. On December 9, a three-judge appellate court released Aguer from detention after unanimously dropping all eight charges brought against him by state prosecutors and deciding not to send his case to trial.

As recently as January 2023, several employees of the government-owned South Sudan Broadcasting Corporation were detained by members of the National Security Service in connection to a leaked video of President Kiir taken in December 2022. As a result of such instances of shrinking civic and political space, national-level civil society participation in peace agreement implementation has noticeably decreased over the last two years

### **Promoting Accountability**

On April 3, 2014, the United States established, through executive order (EO) 13664, a South Sudan sanctions program targeting those responsible for, *inter alia*, threatening the peace and stability, undermining democratic processes, or expanding or extending the conflict in South Sudan. Since the issuance of EO 13664, the Department of the Treasury has designated 13 individuals and six entities under that authority primarily for expanding or extending the conflict in South Sudan including by obstructing the reconciliation process or peace talks. The Department of the Treasury has also designated six individuals and eight entities in South Sudan pursuant to E.O. 13818 – which implements and builds upon the Global Magnitsky Human Rights Accountability Act of 2017 – for their roles in corruption or serious human rights abuse. The United States will not hesitate to impose costs on those who perpetuate the conflict in South Sudan and will continue to apply pressure on the senior leadership of South Sudan to take concrete measures to bring peace and stability to the country. State and Treasury officials regularly coordinate on international engagement regarding corruption in South Sudan's oil sector.

## **U.S. Humanitarian and Development Assistance**

The vast majority of U.S. assistance for South Sudan addresses humanitarian needs. Over 80 percent of U.S. assistance for South Sudan focuses on delivering humanitarian assistance to alleviate human suffering and prevent wholesale systemic collapse. State Department and USAID-managed bilateral assistance to South Sudan included \$124 million in FY 2021 for targeted development interventions (including health services, PEPFAR, civil society support/conflict mitigation, education, agriculture, livelihoods, and youth programming) to build resilience against recurring shocks and reduce dependency on emergency assistance. Total USG humanitarian assistance for South Sudan in fiscal year 2022 was more than \$993 million, including programming from both USAID's Bureau for Humanitarian Assistance and the State Department's Bureau of Population, Refugees, and Migration. Additional development assistance was provided to the U.S. Institute of Peace and other non-governmental organizations to analyze drivers of conflict and support efforts to meaningfully realize commitments made in R-ARCSS.

Health programs improve health and nutritional outcomes, strengthen state and county-level health service delivery, and enhance access to and sustainable management of water and sanitation systems that are critical to community health, and incorporate protection against gender-based violence and services for victims of sexual violence.

Economic growth programs foster sustainable livelihoods, improve agricultural practices and value chains, and promote sound public financial management. Youth and education programs support improved access to education for girls, marginalized, and hard-to-reach learners across South Sudan, and provide life skills and vocational training for at-risk youth.

USAID's democracy and governance activities support free and fair media, citizen engagement and oversight of the failures of the peace process by assisting civil society coalitions to promote transparency, conflict management, and advocacy for peace agreement implementation. To promote broad citizen oversight of R-ARCSS implementation, USAID provides extensive support for independent media such as radio. USAID continues to finance networks of national and community

broadcasters with over three million listeners, as radio remains an essential source of information in a country with high rates of illiteracy and a dispersed rural population. USAID remains a staunch supporter of journalists and independent media and has distributed thousands of battery and solar powered radios among beneficiary populations.

## **UNMISS Activities**

UNMISS-mandated core tasks are protection of civilians, including at the last remaining Protection of Civilians camp in Malakal, Upper Nile State; creating conditions conducive to the delivery of humanitarian assistance; supporting the implementation of the R-ARCSS; and monitoring, investigating, and reporting on violations of international humanitarian law and violations and abuses of human rights. Politicized subnational fighting continues and is increasingly making the UNMISS mandate both more difficult and critical. According to UN reports, an estimated 9.4 million people will need humanitarian assistance during 2023 and approximately 2.3 million people are internally displaced. Nearly 2.3 million South Sudanese are refugees or are seeking asylum. U.S. efforts at the United Nations are focused on improving UNMISS' performance of its protection of civilians mandate, and ensuring elections support is targeted to include effective contributions by civil society and non-governmental organizations in the constitutional drafting and elections oversight bodies called for in the 2018 peace agreement.

Despite support from the UN and pressure from the international community, the RTGoNU has made insufficient progress on transitional justice. In January 2021, the Minister of Justice was authorized to begin establishing the three transitional justice mechanisms called for in the R-ARCSS—the Hybrid Court for South Sudan (HCSS) to be established with the African Union, a Commission on Truth, Reconciliation and Healing (CTRH), and a Compensation and Reparations Authority (CRA). There has been no progress on establishing the HCSS despite commitments by the RTGoNU and the African Union Commission (AUC) to work on the legal framework needed to establish the court. The State Department has repeatedly engaged the AUC on this issue and pressed the RTGoNU and other AU member states, especially members of the Intergovernmental Authority on Development, to maintain political focus on the commitments in the R-ARCSS.

Support from the UN and the international community has expanded limited access to domestic accountability mechanisms. Launched in December 2020, South Sudan's Gender Based Violence and Juvenile Court in Juba has been trying some perpetrators of gender-based crimes, including rape, and has successfully concluded multiple convictions.

Since 2017, the South Sudanese judiciary has supported mobile courts with the assistance of UNMISS, the UN Development Program, and other donors. These mobile courts hear criminal and civil cases in areas where access to justice is otherwise limited. In 2021, despite pandemic challenges, 15 Joint Special Mobile Courts operated throughout the country. The State Department supports long-term accountability efforts in South Sudan through funding human rights documentation designed to support transitional justice processes. The U.S. government consistently advocates for the Human Rights Council's renewal of the Commission on Human Rights in South Sudan, including its evidence collection mandate, and supports continued human rights reporting by UNMISS and the UN Panel of Experts.

### **Barriers to Free and Fair Elections**

South Sudan has not established the necessary preconditions for free and fair elections, evidenced by continued delays in establishing the legal frameworks, independent electoral institutions, and civic spaces to enable genuine political competition and democratic elections. This includes failure to date to enact and amend key legislation. Civil society, independent media, and political dissidents continue to face intimidation, harassment, and arrests by security services under the President's command, which has forced many South Sudanese critical of the transitional government to flee the country. Critical outstanding tasks include, but are not limited to, the full establishment of an impartial and independent National Elections Commission and the drafting of a permanent constitution. RTGoNU officials report that legislation necessary to commence these tasks, including amendments to the Political Parties Act and the National Elections Act of 2012, and passage of the procedural law for drafting a permanent constitution, was approved by the Council of Ministers in 2021, and was only recently submitted to the legislature on February 14.