

Calendar No. 338

116TH CONGRESS
1ST SESSION

S. RES. 371

Reaffirming the support of the United States for the people of the Republic of South Sudan and calling on all parties to uphold their commitments to peace and dialogue as outlined in the 2018 revitalized peace agreement.

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2019

Mr. COONS (for himself, Mr. ISAKSON, Mr. DURBIN, Mr. YOUNG, Mr. GARDNER, Mr. KAINE, Mr. VAN HOLLEN, Mr. CARDIN, Mr. CRUZ, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations

DECEMBER 17, 2019

Reported by Mr. RISCH, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Reaffirming the support of the United States for the people of the Republic of South Sudan and calling on all parties to uphold their commitments to peace and dialogue as outlined in the 2018 revitalized peace agreement.

~~Whereas the United States recognized South Sudan as a sovereign, independent state on July 9, 2011, following its secession from Sudan;~~

Whereas the United States played a key role in helping draft the 2005 Comprehensive Peace Agreement that laid the groundwork for the 2011 referendum on self-determination, through which the people of South Sudan overwhelmingly voted for independence;

Whereas the people and Government of the United States have a deep and abiding interest in South Sudan's political stabilization and post-conflict development;

Whereas stability in Sudan is critical to peace and security in the region, including for South Sudan, and the United States Government remains committed to fostering Sudan's peaceful transition, as reflected by the passage of Senate Resolution 188 (116th), which "encourag[es] a swift transfer of power by the military to a civilian-led political authority in the Republic of the Sudan";

Whereas, since the onset of the civil war in South Sudan in December 2013, nearly 400,000 South Sudanese citizens are estimated to have been killed, 1,900,000 have been internally displaced, and 2,300,000 have fled the country and registered as refugees;

Whereas the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) signed on September 12, 2018 by the political parties of South Sudan, affirms the Parties' commitment to the permanent ceasefire and forbids human rights violations and restrictions on humanitarian assistance;

Whereas the R-ARCSS establishes two phases of implementation, a Pre-Transitional Period until May 12, 2019, which was subsequently extended to November 12, 2019, followed by the establishment of a Revitalized Transi-

tional Government of National Unity (RTGoNU) for three years;

Whereas the six-month extension of the deadline to form the RTGoNU was granted to allow additional time to complete critical Pre-Transitional tasks, including agreement on the number and boundaries of states and important security arrangements;

Whereas the R-ARCSS stipulates that the signatories will create an enabling political, administrative, operational, and legal environment for the delivery of humanitarian assistance and protection;

Whereas the people of South Sudan continue to suffer from a humanitarian crisis, with the United Nations reporting that over 6,300,000 people, more than half the population, were classified as severely food insecure at the peak of the lean season in 2019, including an estimated 10,000 who faced famine conditions, and despite slight improvements in food security during the harvest, the number of children under age five who are acutely malnourished is projected to rise to 1,300,000 in early 2020;

Whereas humanitarian organizations are providing lifesaving assistance to more than 5,300,000 South Sudanese people and are providing other vital support services such as medical care to survivors of sexual violence and facilitating access to education to over 690,000 children;

Whereas religious and faith-based organizations have played a key role in the peace process and humanitarian response efforts in support of the people of South Sudan;

Whereas at least 112 humanitarian aid workers have been killed since the start of the conflict in 2013, including at least 15 in 2018;

Whereas the United States Department of State 2018 Country Report on Human Rights Practices in South Sudan states that both the government and opposition forces engaged in serious human rights abuses by perpetrating extrajudicial killings, including ethnically based targeted killings of civilians, and by engaging in arbitrary detentions, torture, rape, beatings, and looting of property;

Whereas, on March 15, 2019, the United Nations Security Council extended the mandate of the United Nations Mission (UNMISS) in South Sudan for one year and authorized UNMISS to use all necessary means to deter violence against civilians, to prevent and respond to sexual and gender-based violence, and to foster a secure environment for the return or relocation of internally displaced persons (IDPs) and refugees;

Whereas impunity for past atrocities continues to drive violence in South Sudan, and signatories to the R-ARCSS committed to the establishment of transitional justice measures;

Whereas the United Nations Children's Fund (UNICEF) has reported that children comprise approximately 25 percent of all reported cases of conflict-related sexual violence, and the United Nations Commission on Human Rights in South Sudan has reported that forced recruitment of child soldiers is increasing, despite the 2018 peace agreement;

Whereas illicitly obtained wealth and revenue sources perpetuate conflict in South Sudan;

Whereas leaders of South Sudan use violence and corruption as a means of capturing key sectors of the national econ-

omy, such as the oil and mining sectors, for purposes of personal enrichment; and

Whereas the United Nations Security Council adopted resolution 2471 on May 30, 2019, to extend its sanctions regime in South Sudan and renew the prohibition of the supply, sale, or transfer to South Sudan of arms and related material or the provision of training, technical, and financial assistance related to military activities or materials until May 31, 2020: Now, therefore, be it

Whereas the people and Government of the United States have a deep and abiding interest in South Sudan's democratic development and post-conflict stabilization;

Whereas the United States was a critical partner in the drafting and implementation of the 2005 Comprehensive Peace Agreement that laid the groundwork for the 2011 referendum on self-determination, through which the people of South Sudan overwhelmingly voted for independence;

Whereas the United States recognized South Sudan as a sovereign, independent state on July 9, 2011;

Whereas, since the onset of the civil war in South Sudan in December 2013, nearly 400,000 South Sudanese citizens are estimated to have been killed, 1,900,000 have been internally displaced, and 2,300,000 have fled the country and registered as refugees;

Whereas violence erupted in Juba in July 2016 and spread throughout the country in violation of the August 17, 2015, Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS);

Whereas the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), signed on September 12, 2018, affirmed the Parties' com-

mitment to the permanent ceasefire, humanitarian access, and respect for human rights, and established two phases of implementation, an 8-month Pre-Transitional Period followed by a 36 month Transitional Period that includes the establishment of a Revitalized Transitional Government of National Unity (RTGoNU), and calls for elections 60 days prior to the end of the Transitional Period to establish a democratic government;

Whereas the R-ARCSS stipulates that the signatories will create an enabling political, administrative, operational, and legal environment for the delivery of humanitarian assistance and civilian protection;

Whereas two extensions to the deadline to form the RTGoNU have been granted to allow additional time to complete critical Pre-Transitional tasks, including agreement on the number and boundaries of states and important security arrangements;

Whereas the United States Department of State 2018 Country Report on Human Rights Practices in South Sudan states that both the government and opposition forces engaged in serious human rights abuses by perpetrating extrajudicial killings, including ethnically based targeted killings of civilians, and by engaging in arbitrary detentions, torture, rape, beatings, and looting of property;

Whereas, on March 15, 2019, the United Nations Security Council extended the mandate of the United Nations Mission in South Sudan (UNMISS) for one year and authorized UNMISS to use all necessary means to deter violence against civilians, to prevent and respond to sexual and gender-based violence, and to foster a secure environment for the return or relocation of internally displaced persons (IDPs) and refugees;

Whereas the people of South Sudan continue to suffer from a humanitarian crisis, despite over \$4,500,000,000 in United States humanitarian aid provided since the conflict began, with more than half the population experiencing acute food insecurity at the peak of the lean season in 2019, and humanitarian organizations are providing more than 5,300,000 people with lifesaving assistance and other vital support services, such as medical care to survivors of sexual violence and facilitating access to education to over 690,000 children;

Whereas South Sudan has been at the lowest tier of the Department of State's Trafficking in Persons rankings since 2015, indicating that its government does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so;

Whereas impunity for past atrocities, corruption, and capture of key sectors of the national economy, such as the oil and mining sectors, continues to drive violence in South Sudan, and signatories to the R-ARCSS committed to the establishment of transitional justice and economic and resource management measures;

Whereas the United Nations Security Council adopted resolution 2471 on May 30, 2019, to extend its sanctions regime in South Sudan and renew the prohibition of the supply, sale, or transfer to South Sudan of arms and related material or the provision of training, technical, and financial assistance related to military activities or materials until May 31, 2020; and

Whereas peace and security in South Sudan is critical to peace and security in East Africa: Now, therefore, be it

1 *Resolved, That it is the sense of the Senate—*

1 (1) to reaffirm the commitment of the United
2 States to support peace in South Sudan;

3 (2) to call on the incumbent government and all
4 other signatories of the R-ARCSS to—

5 (A) create a secure, enabling environment
6 for all relevant political leaders to participate
7 actively in the formation of the RTGoNU and
8 South Sudan's political stabilization and post-
9 conflict development;

10 (B) resolve peacefully the remaining polit-
11 ical issues for negotiation during the Pre-Tran-
12 sitional Period, including agreement on the
13 number and boundaries of states before the ex-
14 tended deadline of November 12, 2019;

15 (C) establish a RTGoNU by November 12,
16 2019;

17 (D) adhere to the cessation of hostilities
18 and enable the delivery of humanitarian assist-
19 ance and protection;

20 (E) immediately release all political pris-
21 oners and fulfill their responsibility to protect
22 civilians; and

23 (F) ensure respect for and full exercise of
24 the right to freedom of expression, association,
25 and peaceful assembly;

1 (3) that the Secretary of State and the Admin-
2 istrator of the United States Agency for Inter-
3 national Development (USAID) should continue to
4 provide immediate lifesaving assistance to meet the
5 dire humanitarian needs of the South Sudanese peo-
6 ple;

7 (4) that the Secretary of State and the USAID
8 Administrator should continue to support civilians,
9 particularly women and children, who have been ad-
10 versely affected by the civil war, and should provide
11 foreign assistance to support peacebuilding, conflict
12 prevention, transitional justice, and reconciliation ef-
13 forts led by local civil society;

14 (5) that the Secretary of State should monitor
15 implementation of the UNMISS mandate authorized
16 by United Nations Security Council Resolution 2459
17 (2019) and ensure that any return or relocation of
18 IDPs from United Nations protection of civilian
19 sites are safe, informed, voluntary, dignified, and
20 conducted in coordination with humanitarian actors;

21 (6) that the Secretary of State, in conjunction
22 with the Secretary of the Treasury, should continue
23 to monitor human rights abuse and corruption in
24 South Sudan and take decisive action using authori-
25 ties granted under the Global Magnitsky Human

1 Rights Accountability Act (subtitle F of title XII of
2 Public Law 114–328; 22 U.S.C. 2656 note);

3 (7) that the Secretary of the Treasury should
4 use best efforts to prevent, detect, investigate, and
5 mitigate money laundering activities; and

6 (8) that the United States Government should
7 support implementation and subsequent renewal of
8 the United Nations Security Council arms embargo
9 in South Sudan to prevent continued illicit acquisi-
10 tion of arms and military equipment by all parties
11 and the proliferation of weapons throughout the
12 country, and that the lifting of a United Nations
13 arms embargo should be contingent upon—

14 (A) sustained adherence to the permanent
15 ceasefire, tangible efforts to end impunity for
16 violence against civilians, and consistent,
17 unimpeded humanitarian access in accordance
18 with international humanitarian principles of
19 humanity, neutrality, impartiality, and inde-
20 pendence;

21 (B) holding free, fair, and peaceful demo-
22 cratic elections; and

23 (C) cessation of widespread abuses and
24 violations by armed actors against civilians.

25 *That the Senate—*

1 (1) *supports a sustainable peace and democracy*
2 *in South Sudan;*

3 (2) *calls on the incumbent government and all*
4 *other signatories of the R-ARCSS to—*

5 (A) *take concrete and meaningful steps to*
6 *create an enabling environment, to include secu-*
7 *rity arrangements for Juba and the unification*
8 *of forces, for all relevant stakeholders to partici-*
9 *pate actively in the formation of the RTGoNU*
10 *and South Sudan’s democratic development and*
11 *post-conflict stabilization;*

12 (B) *take immediate action to resolve peace-*
13 *fully the remaining political issues for negotia-*
14 *tion during the Pre-Transitional Period, includ-*
15 *ing agreement on the number and boundaries of*
16 *states;*

17 (C) *adhere to the cessation of hostilities and*
18 *ensure humanitarian access;*

19 (D) *immediately release all political pris-*
20 *oners and fulfill their responsibility to protect ci-*
21 *vilians;*

22 (E) *ensure respect for the right to freedom*
23 *of expression, association, and peaceful assembly;*
24 *and*

1 (F) cease recruitment and immediately re-
2 lease all child soldiers under the command or in-
3 fluence of the South Sudan People's Defense
4 Forces (SSPDF) and its associated militias;

5 (3) calls on heads of state of member countries
6 of the Intergovernmental Authority on Development
7 in East Africa to engage South Sudanese leaders and
8 parties to uphold their commitments to the peace
9 agreement, including maintaining the cease-fire, to
10 make good-faith progress toward peacefully forming
11 the RTGoNU, and to resolve other key issues;

12 (4) calls on the Secretary of State and the Ad-
13 ministrator of the United States Agency for Inter-
14 national Development (USAID) to—

15 (A) intensify bilateral and multilateral dip-
16 lomatic efforts to demonstrate the commitment of
17 the United States to helping achieve a perma-
18 nent and sustainable peace in South Sudan on
19 par with its commitment to ameliorate the suf-
20 fering of the South Sudanese people;

21 (B) elevate and consult additional voices in
22 South Sudan to broaden the constituency and
23 shared responsibility for maintaining peace and
24 fulfilling the commitments of the Pre-Transi-
25 tional and Transitional periods; and

1 (C) continue to support civilians, particu-
2 larly women and children, who have been ad-
3 versely affected by the civil war, and provide as-
4 sistance to meet humanitarian needs and sup-
5 port peacebuilding, conflict prevention, transi-
6 tional justice, and reconciliation efforts led by
7 local civil society;

8 (5) urges the Secretary of State and the United
9 States Permanent Representative to the United Na-
10 tions to monitor implementation of the UNMISS
11 mandate authorized by United Nations Security
12 Council Resolution 2459 (2019) and ensure that any
13 return or relocation of IDPs from United Nations
14 Protection of Civilian sites are safe, informed, vol-
15 untary, dignified, and conducted in coordination with
16 humanitarian actors;

17 (6) urges the Secretary of State, in conjunction
18 with the Secretary of the Treasury to continue to
19 monitor human rights abuses and corruption in
20 South Sudan and take decisive action using authori-
21 ties granted under the Global Magnitsky Human
22 Rights Accountability Act (subtitle F of title XII of
23 Public Law 114–328; 22 U.S.C. 2656 note);

1 (7) *urges the Secretary of the Treasury to exer-*
2 *cise all options to prevent, detect, investigate, and*
3 *mitigate money laundering activities; and*

4 (8) *supports implementation and subsequent re-*
5 *newal of the United Nations Security Council arms*
6 *embargo in South Sudan to prevent continued illicit*
7 *acquisition of arms and military equipment by all*
8 *parties and the proliferation of weapons throughout*
9 *the country.*

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