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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
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To: Delegations
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Subject: South Sudan
- Council Conclusions (23 May 2016)

Delegations will find in the annex the Council conclusions on Somalia, as adopted by the Council at its 3466th meeting held on 23 May 2016.

Council conclusions on South Sudan

1. The formation of the Transitional Government of National Unity in South Sudan on 29 April 2016 constitutes an important step forward in the implementation of the August 2015 Agreement on the Resolution of the Conflict in South Sudan (the Agreement). The European Union (EU) commends the messages of peace and reconciliation delivered by President Salva Kiir and First Vice President Riek Machar at the inauguration of the Transitional Government.

2. It is important that these words are transformed into deeds. The political, economic and humanitarian challenges facing South Sudan are enormous. As a priority, the Transitional Government must take swift and decisive steps to restore peace and stability by ensuring that all parties honour their commitment to a permanent ceasefire.

3. The EU calls on the Transitional Government to move forward promptly with implementation of all aspects of the Agreement, including the establishment of the institutions foreseen in it and the holding of elections within the Transitional Period. All parties must refrain from any unilateral acts that might undermine the Agreement. In that respect, the EU supports the Intergovernmental Authority on Development (IGAD) communiqué urging the suspension of any action on implementing the Presidential Decree dividing the country into twenty eight states until a Boundary Commission comprising all parties to the Agreement had proposed states and their boundaries.

4. The EU is very concerned by the worsening humanitarian situation and the suffering of the people of South Sudan, in particular as the country is facing its worst food crisis since its independence and as exactions continue. Persistent violence and restrictions on the access of humanitarian and civil society organisations to populations in need continue to impede humanitarian operations; these restrictions cannot be accepted. The EU calls on the Transitional Government to allow and facilitate, in accordance with the relevant provisions of international law and United Nations guiding principles for humanitarian assistance, the full, safe and unhindered provision of humanitarian assistance to all those in need. The situation of the millions of Internally Displaced Persons and refugees must also be urgently addressed. The EU urges the Transitional Government to uphold in word and in deed its responsibility for the protection of all civilians.

5. The EU reiterates its call to ensure that the resources of South Sudan are used responsibly for the reconstruction and recovery of the country and for the benefit of the South Sudanese people as a whole. The economic crisis facing South Sudan must be addressed immediately through comprehensive economic reforms, including measures to eliminate mismanagement and corruption, which establish realistic targets for government expenditure and a mechanism for the transparent management of public funds. The EU encourages the Transitional Government to work closely with the international financial institutions to this end and to accede to relevant international and regional instruments, notably the Extractive Industries Transparency Initiative.

6. The EU, working in close co-operation with South Sudan's neighbours and all international partners, stands ready to support the efforts of the Transitional Government of National Unity, as it works to implement the Agreement. For its part, the Transitional Government must act to overcome the divisions of the recent past and work in a spirit of tolerance and inclusivity towards national reconciliation in the interest of all South Sudanese. The EU urges South Sudan to accede to the Cotonou Partnership Agreement at the earliest possible opportunity. A vibrant, pluralist and independent civil society is indispensable to peace and democracy in South Sudan; the EU urges the Transitional Government to ensure that the legislative framework regulating the activities of non-governmental organisations does not impede their legitimate activities.

7. In the light of the report of the assessment mission of the UN High Commissioner for Human Rights of 10 March 2016 and UN Human Rights Council Resolution 31/20 on the situation of human rights in South Sudan, the EU reiterates its grave concern that gross violations of international human rights law and international humanitarian law, including killings of civilians, rape and other sexual violence, and recruitment of child soldiers, have been perpetrated in South Sudan by all parties in total impunity. All acts of violence, as well as human rights violations and abuses, must cease immediately, while those responsible must be held accountable and brought to justice. In this regard, the EU calls for the rapid implementation of the justice and reconciliation aspects of the Agreement and urges the African Union to move forward rapidly with the establishment of the Hybrid Court for South Sudan. The EU calls on all parties in South Sudan to co-operate with the Commission on Human Rights in South Sudan, established by the UN Human Rights Council.

8. The EU supports the vital and impartial work of the Joint Monitoring and Evaluation Committee (JMEC) and its Chair President Festus Mogae, of the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) and of Ellen Margrethe Løj, the Special Representative of the UN Secretary-General to South Sudan (UN SRSG) and the UN Mission in South Sudan (UNMISS). The EU commends UNMISS's role in the protection of civilians in South Sudan and in supporting implementation of the Agreement. The EU expects the Transitional Government to provide full and unfettered co-operation to JMEC, CTSAMM, the UN SRSG and UNMISS.

9. The security and stability of South Sudan is also important for the security and stability of the region. The EU commends the efforts of the African Union and IGAD and urges the countries of the region to continue to support the work of JMEC. The EU calls on the Transitional Government to fulfil the agreements concluded with neighbouring states with a view to resolving outstanding security, border and economic issues.

10. The EU underlines the need for effective implementation of the EU arms embargo on South Sudan, in particular by countries that have aligned with the embargo. The EU remains ready to consider further sanctions against any individual who obstructs the peace process in South Sudan.