South Sudan’s leaders signed a renewed peace agreement in September 2018. In this policy brief, we assess the implementation progress on the agreed reforms through the first six months. We find modest, but stalled, progress on some reforms. Critical provisions such as the disarmament, demobilization and reintegration (DDR) program have not been initiated. Compared to the 2015 agreement, more progress has been made in the first six months of the 2018 agreement, however, South Sudan’s reforms remain well behind the average rate of progress when compared to 34 CPAs signed since 1989. We offer recommendations to mitigate some of the risks that could hamper the transition to a unity government, which was recently postponed until November 2019. Specifically, we suggest the signatories adopt a policy of simultaneous implementation, renegotiate missed deadlines, and allow the United Nations a more active role in the implementation process.

Brief Points

- Compared to the previous CPA negotiated in 2015 (ARCSS), more of the reforms from the new agreement (R-ARCSS) have been implemented at the six-month mark. However, implementation of the new agreement is still behind the average rate of implementation for 34 CPAs since 1989.
- Critically, there has been little to no implementation of the agreement’s DDR provisions.
- Under the agreement, the parties are required to install an interim power sharing government in May 2019; however, due to delays in the implementation, the parties recently agreed to delay the transition by six months.
- We recommend that the parties simultaneously implement the DDR, renegotiate missed deadlines, and increase UN involvement to get the agreement back on track and meet the new transition deadline.

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Introduction

Six months after signing the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), the signatories have made some progress on important issues such as maintaining the ceasefire, releasing prisoners and ratifying the agreement. However, there has been little progress on important security sector reforms, such as police and military reforms, and the disarmament, demobilization and reintegration (DDR) program.

Using the Peace Accords Matrix (PAM) methodology, we compare the implementation of R-ARCSS to the collapsed 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) and a global database of 34 CPAs since 1989. We find that R-ARCSS’s implementation is ahead of ARCSS’s in several areas after six months. However, R-ARCSS is behind most other CPAs when comparing the same provisions. Notably, the two critical objectives of completing DDR and resolving the disputed borders of South Sudan’s constituent states are behind schedule.

Table 1: R-ARCSS Provisions

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<th>Pre-transition (within 6 months)</th>
<th>Transition (after 6 months)</th>
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<td>Boundary Demarcation</td>
<td>Constitutional Reform</td>
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<td>Ceasefire</td>
<td>Cultural Protections</td>
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<td>Children’s Rights</td>
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<td>Ratification Mechanism</td>
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<td>Refugees</td>
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<td>Withdrawal of Troops</td>
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</table>

Under R-ARCSS’s original timetable, the parties were scheduled to install a transitional power sharing government by mid-May. This unity government is responsible for implementing numerous reforms in the agreement. However, given the lack of implementation of key provisions, the parties agreed last week to delay the unity government by six months. To ensure the new transition deadline can be met, we recommend the parties simultaneously undertake DDR implementation, border demarcation, and renegotiate implementation deadlines. Finally, the United Nations should lead South Sudan’s DDR programming.

Background

South Sudan has been consumed by civil war since December 2013, less than two years after it achieved independence from Sudan. An earlier drive for peace produced ARCSS in August 2015, which envisioned a unity government between the primary combatants. However, by mid-2016, a stalled DDR process coupled with an unsettled transition to a unity government led to the collapse of the agreement and renewed conflict. R-ARCSS was signed in September 2018 and builds upon many of ARCSS’s provisions, including its transitional power sharing government. R-ARCSS envisioned a longer eight-month “Pre-Transition Period” to allow the signatories to stabilize the military situation and prepare the stage for a smoother transition to the power sharing government. This Pre-Transition Period will end on 12 May.

R-ARCSS’s Implementation Status

We assess the status of R-ARCSS using the Peace Accord Matrix (PAM) methodology to identify provisions negotiated in the agreement and evaluate their levels of implementation. R-ARCSS contains a total of twenty-seven provisions of which fifteen were intended to be implemented in the first six months (table 1). Of the fifteen provisions the parties agreed to implement within the first six months, only eight have been initiated. Figure 1 graphs the implementation status of those provisions. We call attention to the dark blue line which charts the provisions that have not been initiated in the first six months.

The only provision to reach full implementation is R-ARCSS’s ratification mechanism (shown in orange in Figure 1), which was completed when the Transitional National Legislature formally approved R-ARCSS in October 2018. The verification and ceasefire provisions reach intermediate implementation early on, as R-ARCSS’s monitoring bodies were established by the end of September, and the ceasefire has largely held from the beginning between the signatories. The release of prisoners is currently in an intermediate stage of implementation (shown in yellow), with the first of these releases being observed in October. Implementation of boundary demarcation (December), children’s rights (January), internally displaced persons (October) and refugees (October) provisions have been initiated and they are currently at a minimum level of implementation (shown in light blue). Security reform provisions such as demobilization, disarmament, reintegration, military reform, police reform and troop withdrawals have not been initiated.

Comparison of R-ARCSS to ARCSS

Since R-ARCSS contains many reforms that were originally proposed under ARCSS, we compare the implementation of similar provisions over the first six months of each agreement (Figure 2). After six months, R-ARCSS is ahead of ARCSS with respect to the implementation of provisions focusing on the ceasefire, prisoner’s release, children’s rights, refugees, and internally displaced persons (IDPs). With regard to conflict, the ceasefire for ARCSS was only minimally implemented prior to the agreement’s collapse. By comparison, R-ARCSS has seen little violence between signatories, although attacks by signatories against non-signatories have been reported. Under ARCSS, none of the rights-related provisions on children, refugees, and IDPs were implemented whereas the implementation of all three of these provisions has at least begun in the R-ARCSS process.

Overall, R-ARCSS’s average level of implementation is ahead of ARCSS at the six-month mark. Both agreements have five provisions that were never initiated within the first six
months, and both agreements achieved full implementation with respect to the ratification mechanism provision.

There are three provisions in which R-ARCSS lags behind ARCSS: verification, troop withdrawal, and police reform. On verification, the required monitoring bodies were set up more quickly under R-ARCSS but did not reach full implementation (as they did under ARCSS) due to a lack of permanent leadership and delays in securing funding for on-site monitors. Police reform was minimally implemented under ARCSS whereas the same provision has not yet been initiated under R-ARCSS due to DDR delays. Finally, under ARCSS the provision for troop withdrawals reached intermediate levels when foreign fighters left the country.

**Comparison to all CPAs**

We also compare the implementation of the provisions in R-ARCSS to the first-year implementation of those same provisions as they are found in agreements from other civil conflicts since 1989. For example, R-ARCSS contains a provision for police reform and we can compare its first-year implementation to 24 other instances where police reform was listed in a CPA. Figure 3 shows the difference in average implementation between R-ARCSS and other CPAs across 15 provisions. R-ARCSS is ahead on six provisions, although on five of these provisions the difference is less than a half point on the four-point implementation scale. The ratification mechanism was fully implemented within six months under R-ARCSS, which is ahead of the average CPA. In contrast, R-ARCSS trails the average CPA on nine provisions, with eight of the nine having a difference greater than a half point. Again, the majority of these provisions are security sector reforms.

**Recommendations and Conclusion**

The “Pre-Transitional Period” is scheduled to end this month as the Revitalised Transitional Government of National Unity in South Sudan has been scripted to start at that time. Under the new unity government, Salva Kiir, the current President, will remain in office while opposition leader Riek Machar reassumes the role of Vice President. The establishment of this power sharing arrangement represents the core feature of R-ARCSS, as most of the long-term reforms (e.g., new constitution, establishing a truth and reconciliation commission) are the responsibility of the unity government.

However, the programs designed to facilitate the transition to the unity government have not been completed. Little progress has been made on R-ARCSS’s DDR program. While this provision faced an unrealistic 30-day deadline from the outset, the first disengagement of forces did not occur until February 2019, and cantonment sites were not chosen until March.

As well, only minor progress has been made in resolving the boundaries of South Sudan’s states, which was to be completed before the unity government takes office. President Kiir unilaterally redrew these borders after the 2015 agreement, which increased tensions between the signatories. Under R-ARCSS, two bodies were established to produce a consensus border plan before the transition: The Technical Boundary Committee (TBC) to map historical state boundaries and the Independent Boundaries Committee (IBC) to propose solutions. The TBC did not issue their report until the end of March 2019, well behind schedule, and, because of this delay, the IBC did not have sufficient time to make a recommendation before the transition.

Given the lack of progress on key reforms designed to facilitate the transition, the parties agreed last week to a six-month delay in the inauguration of the unity government. This decision is reasonable given that incomplete DDR derailed the previous agreement in 2016, followed by a resumption of war. However, delaying the unity government also carries a large risk. The two sides must come to a new agreement on the specifics of when and how to install a unity government. If this negotiation fails, the incumbent government would remain in power and oversee implementation without opposition representation. This possibility would undermine the legitimacy of both the government and its implementation of negotiated reforms. In addition, the parties must take steps to ensure the necessary reforms are completed in the next six months to avoid further delays to the transition.
The Peace Accord Matrix (PAM) project is the largest existing collection of implementation data on intrastate peace agreements. Working at the nexus between research and practice, the PAM project is comprised of researchers and practitioners seeking to promote and facilitate a higher order of integration between these domains.

2. Parties should undertake simultaneous implementation of the major stalled reforms. This approach can prevent implementation from breaking down when one party insists that certain reforms can be completed only after others are completed. In Nepal, the Constituent Assembly failed to draft a new constitution and DDR was subsequently halted. Both sides claimed that the other had to complete their DDR process first. After several years of impasse, the parties decided on a policy of simultaneity: DDR and the constitution drafting process would proceed simultaneously after the new Constituent Assembly elections. Within a year, DDR was completed and the constitution drafting process restarted, resulting in a new constitution in 2015.

3. Given the present challenges, international authorities (i.e., United Nations) should be given more significant roles and influence in the CPA process. Currently, the UNMISS mandate covers civilian security and protection, and separation and cantonment can be expedited with the technical capacity of the UN. In Colombia, the DDR process began in December 2016 under the United Nations Mission. Within three months, over 7,000 FARC-EP combatants were residing in the camps. By September 2017, the activities related to FARC-EP weapon cantonment had been completed.

These recommendations can help the parties overcome stalled implementation and avoid a collapse of the agreement.

Note

The PAM project and the Kroc Institute for International Peace Studies do not monitor the implementation of R-ARCSS in any official capacity.

Further Reading


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THE PROJECT

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