Report of the Peace Accords Matrix Project

on the Implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)

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About Peace Accords Matrix

The Peace Accords Matrix (PAM) is home to the largest existing collection of implementation data on intrastate peace agreements. Working at the nexus between research and practice, PAM is comprised of researchers and practitioners seeking to promote and facilitate a higher order of integration between these domains. PAM team members regularly provide research support to on-going peace processes on issues of peace agreement design and implementation. The 2016 Colombia peace agreement gives the University of Notre Dame's Kroc Institute for International Peace Studies primary responsibility for technical verification and monitoring of implementation of the accord through PAM.

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Acronyms

ARCSS	The Agreement on the Resolution of the Conflict in the Republic of South Sudan
CPAs	Comprehensive Peace Agreements
CTSAMVM	Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism
DDR	Demobilization, Disarmament and Reintegration
IBC	Independent Boundaries Committee
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
JMCC	Joint Military Ceasefire Commission
JMEC	Joint Monitoring and Evaluation Commission
NPTC	National Pre-Transitional Committee
PAM	Peace Accords Matrix
R-ARCSS	The Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan
RTGoNU	Revitalised Transitional Government of National Unity
SPLM/A	South Sudan People's Liberation Movement/Army
SPLM/A-IO	South Sudan People's Liberation Movement/Army in Opposition
SSPDF	South Sudan People's Defense Force
TBC	Technical Boundary Committee
TGoNU	Transitional Government of National Unity
TNL	Transitional National Legislature
UN	United Nations
UNMISS	United Nations Mission in South Sudan

Executive Summary

In this policy brief, we assess the status of the implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) after six months. In order to understand how much progress has been made in implementing the accord, we compare the implementation of R-ARCSS at six months with the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ACRSS), which was signed in 2015 but collapsed by 2016. We also compare the implementation of R-ARCSS to Colombia's 2016 agreement with the FARC, and to first-year implementation rates for 34 other comprehensive peace agreements (CPAs) from the PAM data.

We observed progress on important aspects of the agreement, such as the general adherence of both sides to the agreed ceasefire. However, the signatories have failed to undertake a number of reforms required by the agreement. Most importantly, little progress has been made on the demobilization, disarmament and reintegration (DDR) program, which was originally scheduled to be completed by May 2019. In general, R-ARCSS is ahead of ARCSS, but behind Colombia's 2016 agreement, and behind many other CPAs that were negotiated since 1989.

We discuss R-ARCSS's potential for long term success by examining the implementation of similar agreements over ten years and discuss the potential for difficulties in the upcoming transition to a unity government in May. Most agreements that had early implementation rates similar to R-ARCSS went on to achieve moderate to high levels of implementation. However, about half of the agreements that, like R-ARCSS, made no early progress on DDR programs either returned to fighting or remained stalled. Originally, the parties agreed to complete the DDR as well as redraw state

boundaries before this transition, but these deadlines cannot be realistically met in the next two months. Moving forward, the main options are to delay or proceed with the unity government, which both present their own risks. Delaying the transition puts the agreement further off track, with elections scheduled to be held in May 2022. Proceeding with the transition risks repeating the failures of the prior agreement (ARCSS), where neither side had demobilized before the unity government was installed and violence resumed. We suggest that the parties adopt a process of simultaneous disengagement and cantonment of their separate forces while at the same time initiating the transition. In addition, we recommend that the parties be prepared to renegotiate missed implementation deadlines, and that the United Nations take a more active role in the implementation process.

Introduction

Six months have passed since most of South Sudan's warring factions signed a revitalized peace agreement designed to end the war that has consumed the country since December 2013—less than two years after independence in July 2011. In this policy brief, we assess the implementation status of R-ARCSS as the signatories approach the agreement's deadline to transition to a powersharing government in May 2019. We find that the parties made slow, but steady, progress on the promised reforms in the fall of 2018, but that implementation has largely stalled. In some areas, the current agreement has been more successful than a similar 2015 agreement that collapsed. Most importantly, the ceasefire, while still violated, is much more stable than in the period following 2015's agreement.

We compare the implementation of R-ARCSS to other agreements in three different ways. First, we compare it to the six-month implementation of South Sudan's 2015 agreement (ACRSS). Second, we compare it to Colombia's 2016 agreement with the FARC at its six-month mark. Third, to access the long-term viability of the R-ARCSS, we examine other comprehensive peace agreements (CPAs) with similar implementation patterns. We find that South Sudan is lagging behind in a number of provisions, particularly the security sector reforms designed to smooth the transition to a unity government. Examining the potential trajectories for South Sudan's agreement, using other agreements with similar progress in their first year, we find a mixed record of improvement and stasis: many stalled agreements went on to achieve significant progress over ten years; however, a number of agreements with similar implementation patterns either collapsed or remain stalled.

Lastly, we assess the signatories' readiness for the transition to a unity government in May. We argue that two critical issues, security sector reform

and state boundaries, are unlikely to be achieved prior to the transition deadline, as agreed on under the settlement. The signatories will have to decide whether to delay the new government until these reforms can be completed or push ahead with the transition to stay on the agreement's schedule. If the signatories choose to delay the transition, they will have to renegotiate the parameters of the delay as the deadline approaches, as the agreement does not contain any guidance on how to do so. The agreement also lacks dispute resolution mechanisms that other agreements use to resolve disagreements that could emerge over the delay. At worst, the delay will simply freeze the current status quo in place, with two separate armed groups that have not been through disarmament, demobilization and reintegration (DDR) and an incumbent government without opposition representation. Under the agreement, the unity government is supposed to reform national political institutions, like the constitution, in preparation for a transition to democratic elections in May 2022. Delaying the unity government risks delaying the institutional reform necessary for elections to be held on schedule. This will then significantly delay the post-war socio-economic reconstruction.

Background

On September 12, 2018, South Sudanese President Salva Kiir and Vice President turned rebel leader Riek Machar signed a renewed peace agreement to end the five-year-long civil war in South Sudan. The agreement, the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), borrowed heavily from a previous agreement signed by both leaders. It envisioned an eight-month "Pre-Transitional Period," which focused largely on stabilizing the security situation in the country. After eight months, the agreement stipulates the beginning of another eight-month "Transitional Period," where the country would be led by a unity government with Kiir as President and Machar as Vice President.

The proposed unity government structure was largely similar to the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) signed on August 17, 2015. Under that agreement, Machar was also to be appointed Vice President. However, the formation of the government was delayed until April 2016 as Machar refused to travel to the capital, Juba, out of fear for his security. Fighting between the two sides broke out in Juba in the summer of 2016. Machar fled the capital, and eventually the country, and widespread violence resumed.

March 12, 2019 marked six months since R-ARCSS was signed. In two months, the Pre-Transitional Period is scheduled to end, with the reconstituted unity government being sworn in. In preparation, we assess the status of the implementation of R-ARCSS through six months, using a comprehensive methodology discussed in the next section. Our analysis shows that, while the signatories have made progress on some reforms outlined in R-ARCSS, implementation of critical security sector reform has fallen significantly behind.

State of R-ARCSS Implementation

Methodology

To assess the implementation of R-ARCSS we followed the methodology previously laid out by the Peace Accords Matrix (PAM) project to track the implementation of all comprehensive peace agreements signed since 1989.[1] We coded the provisions outlined in R-ARCSS using the PAM classification system, which identifies fifty-one unique provision types.[2] For example, the provision "verification mechanisms" identifies internal or external bodies designed to assess the implementation status of the agreement. R-ARCSS created several of these mechanisms, including the Joint Military Ceasefire Commission (JMCC), the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) and the Joint Monitoring and Evaluation Commission (JMEC). We consider the status of each body when assessing the implementation status of this provision.

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[1] Joshi, Madhav, Jason Michael Quinn, and Patrick M. Regan. "Annualized implementation data on comprehensive intrastate peace accords, 1989–2012." *Journal of Peace Research* 52.4 (2015): 551-562.

[2] See, Joshi, Madhav, and John Darby. "Introducing the Peace Accords Matrix (PAM): A database of comprehensive peace agreements and their implementation, 1989–2007." *Peacebuilding* 1.2 (2013): 256-274.

Table 1 — R-ARCSS Provisions

Pre - transition (within 6 months)	Transition (after 6 months)
Boundary Demarcation	Constitutional Reform
Ceasefire	Cultural Protections
Children's Rights	Decentralization / Federalism
Demobilization	Development
Detailed Timeline	Electoral / Party Reform
Disarmament	Judiciary Reform
Internally Displaced Persons	Minority Rights
Military Reform	Natural Resource Management
Police Reform	Reparations
Prisoner Release	Transitional Powersharing Government
Ratification Mechanism	Truth and Reconciliation
Refugees	Women's Rights
Reintegration	
Verification	
Withdrawal of Troops	

There are a total of twenty-seven provisions contained in R-ARCSS (Table 1) whose implementation follows a strict timetable. In the first eight months or the "Pre-Transitional Period," implementation of certain provisions are designed to stabilize the country and prepare for the installment of a powersharing transitional government. Under R-ARCSS's timetable, fifteen provisions have deadlines during the Pre-Transitional Period.[3] The remaining

3 This report covers the first six-month of implementation.

twelve provisions are to be implemented during the Transitional Period. Table 1 shows the 27 provisions in the R-ARCSS whose implementation deadlines fall within the pre-transition and transition periods.

In this report, implementation is assessed only on the activities that were to unfold within the reporting period. For example, during the Transitional Period, R-ARCSS requires the government to establish "programmes for relief, protection, repatriation, resettlement, reintegration and rehabilitation of Internally Displaced Persons." To be clear, we do not examine the status of these programs to evaluate R-ARCSS's IDPs provision, as they were not intended to be established during the reporting period.[4]

For each month of the reporting period, we produced a qualitative implementation narrative that considered all of the reforms classified under each provision.[5] Consistent with the PAM, we define implementation as the extent to which the reforms outlined in each particular provision were completed.[6] Once we had monthly implementation narratives, we mapped these onto an ordinal measure ranging from zero to three, with zero representing none, one representing minimal, two representing intermediate, and three representing full implementation, respectively. We define minimal implementation, in general, as reforms that have begun but are not on track for timely completion. In contrast, intermediate implementation identifies provisions that we consider on track for completion within the next year. Finally, full implementation denotes provisions with little to no outstanding

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[4] We evaluate the IDP provision only based on whether the parties recognized the right of IDPs to return, and did not prevent humanitarian groups from assisting them, which they agreed to do during the Pre-Transitional Period.
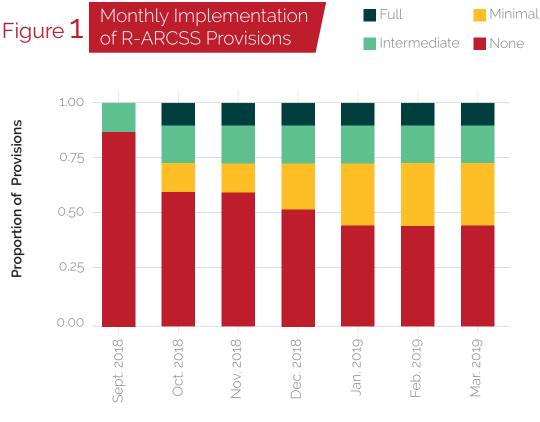
[5] These implementation narratives are based on official reports produced by various mechanisms mandated by the R-ARCSS as well as national and international actors that are closely monitoring the progress. We also utilized the news specific to the implementation of the agreement produced by the national and international media outlets.

[6] See, Joshi and Darby (2013); Joshi, Quinn and Regan (2015).

tasks where the amount of remaining work would not prevent the reforms from working as envisioned under the agreement.

Implementation

Figure 1 plots the proportion of provisions at each level of implementation for each month during the reporting period. In general, Figure 1 shows modest but concrete progress through January 2019. Notably, R-ARCSS was ratified by the Transitional National Legislature (TNL) in October, which fully implements R-ARCSS's ratification mechanism provision. Important verification bodies such as the JMEC and CTSAMVM were established and these bodies began monitoring R-ARCSS at the end of September. Additionally, the CTSAMVM reported that "in general…the ceasefire is largely holding." However, since January there has been little additional progress. In sum, roughly half of the provisions expected to be completed within the first six months have not been initiated, including important security sector reforms such as the DDR process. In the remaining nine provisions where implementation is ongoing, we see that four provisions are minimally implemented, four provisions are at intermediate levels of implementation and one provision is fully implemented.

Figure 1 — Monthly Implementation of R-ARCSS Provisions

Legend: Full, Minimal, Intermediate, None

Proportion of Provisions (y-axis), Month of Implementation (x-axis): Sept. 2018, Oct. 2018, Nov. 2018, Dec. 2018, Jan. 2019, Feb. 2019, Mar. 2019

Having assessed implementation levels across the fifteen pre-transition provisions, we can also aggregate these fifteen provisions based on how they are organized in the R-ARCSS across the eight chapters. In other words, this approach matches the agreement's own organization. To do this, we examine all provisions in their respective chapters. The provisions intended to be initiated in the first six months cover five chapters: Chapter 1 Government (boundary demarcation); Chapter 2 Security (ceasefire, disarmament, demobilization, reintegration, police reform, military reform, troop withdrawal and prisoner release); Chapter 3 Humanitarian (children's rights, refugees, internally displaced persons); Chapter 7 JMEC (verification); and Chapter 8 Supremacy of the Agreement (ratification). Figure 2 shows the number of provisions within each chapter and the level of implementation.
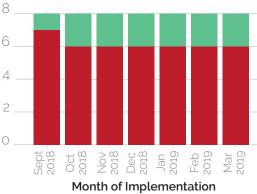
Figure 2 — Monthly Implementation by R-ARCSS Chapter

Legend: Full, Minimal, Intermediate, None

A. Goverment

B. Security

C. Humanitarian
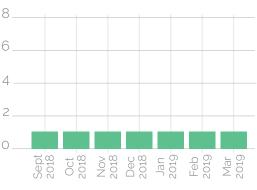
D. JMEC

E. Supremacy

Notes: The figure summarizes the implementation status of 15 provisions and excludes 12 provisions in each chapter that were not scheduled for implementation during the Pre-Transitional Period

As can be seen in Figure 2, three chapters (Government, JMEC, and Supremacy) have only one provision scheduled to be implemented during the reporting period. For the Government chapter, this is the border demarcation provision, which reaches minimal implementation with the delayed formation of the Technical Boundary Committee (TBC) in December. The Joint Monitoring and Evaluation Commission (JMEC) chapter contains the verification provision, which reached intermediate implementation in September 2018, when it issued its first report on the status of R-ARCSS. Finally, the Supremacy chapter contains the ratification mechanism provision which reaches full implementation when the TNL ratified the agreement in October 2018.

Chapter 3 contains three humanitarian provisions regarding the rights of children, refugees and IDPs (panel C). The IDP and refugee provisions reach minimal implementation in October, when the UN notes a decrease in access incidents that prevented them from aiding civilians, including refugees and IDPs. October also saw the first substantial return of refugees (5,500) and the first returns of displaced persons, according to the UN. Despite this, the UN noted that the conditions were not safe for refugees to return and noted more civilians had been displaced from fighting in certain parts of the country. Finally, R-ARCSS's children's rights provision calls for the release of all child soldiers from all armed groups. This provision reaches minimal implementation in January 2019, when the JMEC reports the first confirmed instance of the release of child soldiers by the South Sudan People's Defense Force (SSPDF).

The Security chapter contains eight provisions that were scheduled to be implemented in the pre-transition period. Only two of those security provisions—ceasefire and prisoner release—have ongoing implementation processes. During the ceasefire, the government clashed with non-signatory rebel groups, and rebel groups occasionally fought each other, but the overall

number of clashes between the signatories was minimal. For this reason, the ceasefire provision is coded as intermediate. The remaining six security provisions related to security reforms have not been initiated. According to the R-ARCSS, both sides were supposed to disengage and canton their forces within thirty days. While this deadline may have been unreasonably short, the first disengagement of forces did not occur until January 2019 and was limited to SSPDF and Sudan People's Liberation Army/Movement in Opposition (SPLM/A-IO) forces in Bentiu. The parties did not agree on cantonment sites until early February 2019. In summary, the cantonment process was not initiated, thus combatants could not be evaluated for potential referral to the unified military or police force. As a result, military and police reforms could not be initiated, as they are contingent upon successful demobilization.

Monthly Comparison of R-ARCSS to Previous CPAs

In this section, we use the PAM data to compare the implementation of R-ARCSS through comparisons to previous agreements in different ways. First, we compare R-ARCSS to ARCSS. We find that R-ARCSS is ahead on some important security and rights provisions. Like its predecessor (the ARCSS), the revitalized agreement (R-ARCSS) has made little progress on provisions related to security provisions (DDR, military reform, police reform). Second, we use data gathered over the six-month period to compare R-ARCSS to Colombia's 2016 agreement, which we aggregate up to eleven provision level averages that match provisions in R-ARCSS. In general, we find that the implementation progress of R-ARCSS is behind the Colombia agreement at the six-month mark. Finally, we compare R-ARCSS to the 34 cases in the PAM Comprehensive Peace Agreement (CPA) data. We find that R-ARCSS lags behind most previous CPAs on the majority of its provisions.

Figure 3 shows a high-level comparison between the R-ARCSS, the ARCSS, and the Colombian 2016 agreements. This comparison is based on a

measure from PAM called the *Aggregate Implementation Rate*. This variable assesses the overall implementation of a CPA by taking the sum of the ordinal implementation scores for all the provisions in an agreement and dividing this sum by the total possible score for the CPA and multiplying by one hundred to create an implementation rate. Figure 3 shows the Aggregate Implementation Rate for each of the three agreements in the first six months of implementation. As seen in the figure, R-ARCSS has a higher implementation rate than its predecessor over the same span of time, while the Colombian accord has achieved significantly higher implementation rates over the same span of time.
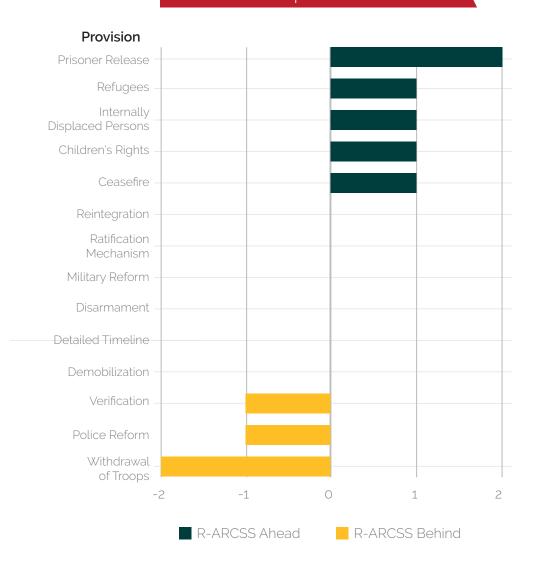
Figure 3 | Six Month Implementation Rates

Provision by Provision Comparison with ARCSS

To gain a better sense of the implementation status of particular provisions within R-ARCSS, we compare the implementation of each provision in both accords after six months. Fourteen of the fifteen R-ARCSS provisions assessed in this report were also in ARCSS. To compare the provisions, we took the difference between R-ARCSS's implementation and the implementation level of ARCSS. This data is shown in Figure 4.

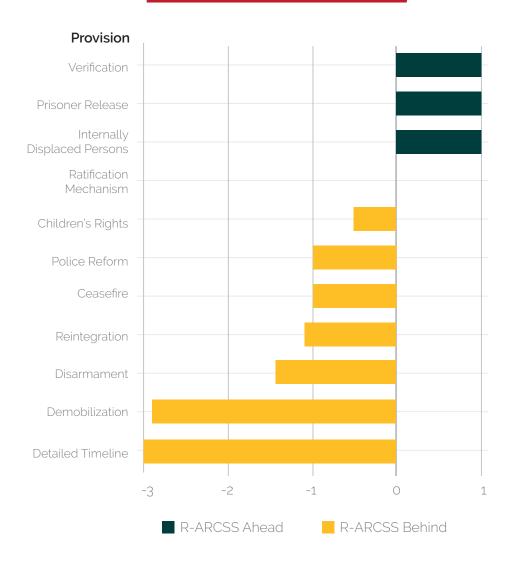Figure 4 — Difference between R-ARCSS and ARCSS Implementation

As the figure shows, R-ARCSS's implementation is ahead of ARCSS's on five provisions, even on six provisions and behind on three. Like ARCSS, R-ARCSS's DDR provisions were not initiated within six months. However, R-ARCSS's ceasefire and prisoner release provisions have reached intermediate implementation. In contrast, ARCSS's ceasefire provision was classified as minimally implemented due to frequent, but small scale, clashes between the SPLM/A-IO and the SPLM/A. After ARCSS, neither the SPLM/A or SPLM/A-IO released any prisoners. Under R-ARCSS both began releasing prisoners in October. These releases were carried out under the supervision of the International Committee of the Red Cross (ICRC), as provided in the agreement. Additionally, while there has been minimal implementation of R-ARCSS provisions regarding refugees, IDPs and children's rights, none of these provisions were implemented in 2015.

Provision by Provision Comparison with Colombia

Additionally, we can compare the six-month implementation of R-ARCSS to the detailed PAM implementation data on Colombia's 2016 peace agreement with the FARC at the PAM provision level. Colombia's agreement shares eleven provision types with R-ARCSS, which were also assessed after six months by the PAM Barometer Initiative.[7] Figure 5 shows the difference in implementation levels between R-ARCSS and the Colombia agreement with respect to these 11 provisions. As seen in the figure, R-ARCSS is behind the Colombian implementation process. While South Sudan's process is slightly ahead on verification, prisoner release and IDP provisions, it is significantly behind in seven out of the eleven provisions. In Colombia's process, demobilization and ceasefire provisions were fully implemented within the first six months.

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[7] PAM Barometer Initiative reports can be found here: https://kroc.nd.edu/research/peace-processes-accords/pam-colombia/ .

Figure 5 **Difference in R-ARCSS and Colombia Implementation**

Provision

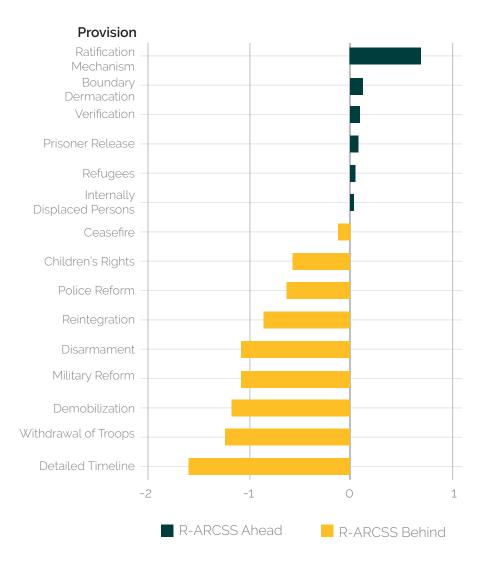| Provision	Value
Verification	(R-ARCSS Ahead)
Prisoner Release	(R-ARCSS Ahead)
Internally Displaced Persons	(R-ARCSS Ahead)
Ratification Mechanism	
Children's Rights	(R-ARCSS Behind)
Police Reform	(R-ARCSS Behind)
Ceasefire	(R-ARCSS Behind)
Reintegration	(R-ARCSS Behind)
Disarmament	(R-ARCSS Behind)
Demobilization	(R-ARCSS Behind)
Detailed Timeline	(R-ARCSS Behind)

■ R-ARCSS Ahead   ■ R-ARCSS Behind

Provision by Provision Comparison with all PAM CPAs

R-ARCSS can also be compared to contemporary comprehensive peace agreements using existing implementation data. Using the Peace Accords Matrix Implementation Dataset, we compare the implementation of R-ARCSS, provision by provision, to 34 comprehensive peace agreements negotiated since 1989.[8] As previously described, PAM data contains yearly implementation data on 51 provisions most commonly found in contemporary CPAs. For comparison, we use the first year of the implementation period from PAM. Figure 6 shows the implementation difference between R-ARCSS and other CPAs that contain the same provision. We find that R-ARCSS's implementation is lower than the average level of implementation across the majority of provisions shared with other CPAs. As seen in Figure 6, five provisions have a similar level of implementation (implementation difference of 0.15 or less). In the R-ARCSS process, the ratification mechanism was implemented in a shorter time than in other CPAs that had a ratification mechanism, having been completed within two months. For nine provisions, R-ARCSS implementation is lower than the PAM average. For eight of these, the implementation difference is greater than half a point (on a 3-point scale). The lowest levels of implementation are found in the security related provisions (ceasefire, police reform, military reform, demobilization, disarmament, reintegration, troop withdrawal).

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[8] Joshi, Quinn and Regan (2015).

Figure 6 Difference in R-ARCSS and 1 Year Average CPA Implementation

Provision

Horizontal bar chart showing difference in R-ARCSS and 1 Year Average CPA Implementation by provision:

- Ratification Mechanism: ~+0.7 (R-ARCSS Ahead)
- Boundary Dermacation: ~+0.1 (R-ARCSS Ahead)
- Verification: ~+0.1 (R-ARCSS Ahead)
- Prisoner Release: ~+0.1 (R-ARCSS Ahead)
- Refugees: ~+0.05 (R-ARCSS Ahead)
- Internally Displaced Persons: ~+0.05 (R-ARCSS Ahead)
- Ceasefire: ~-0.1 (R-ARCSS Behind)
- Children's Rights: ~-0.55 (R-ARCSS Behind)
- Police Reform: ~-0.6 (R-ARCSS Behind)
- Reintegration: ~-0.85 (R-ARCSS Behind)
- Disarmament: ~-1.05 (R-ARCSS Behind)
- Military Reform: ~-1.05 (R-ARCSS Behind)
- Demobilization: ~-1.15 (R-ARCSS Behind)
- Withdrawal of Troops: ~-1.2 (R-ARCSS Behind)
- Detailed Timeline: ~-1.6 (R-ARCSS Behind)

X-axis: -2 to 1

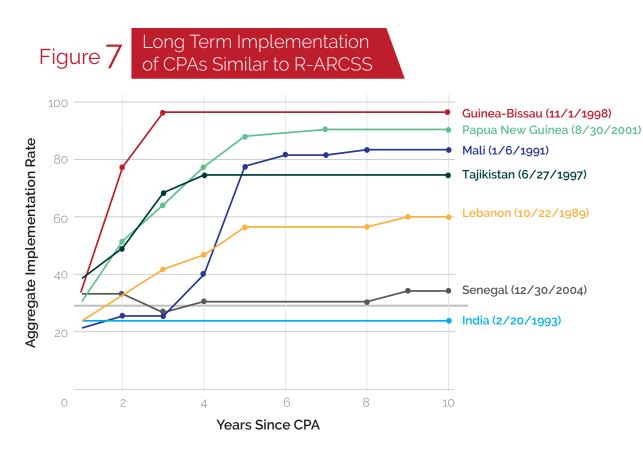Legend: ■ R-ARCSS Ahead ■ R-ARCSS Behind

Future Prospects for R-ARCSS

We now consider the long term probable success of R-ARCSS by comparing it to previous CPAs with similar levels of implementation in the first year using PAM data. First, we compare R-ARCSS to CPAs with similar aggregate implementation rates in their first year. Across all CPAs, the average amount of implementation achieved in the first year is 42% (with a standard deviation of about 20%). By contrast, R-ARCSS's implementation at mid-March 2019 is 29%. Using this metric, we identified seven CPAs implementation rates within half a standard deviation of R-ARCSS's aggregate implementation rate. These agreements are from Guinea-Bissau, India, Lebanon, Mali, Papua New Guinea, Senegal and Tajikistan.

Next, we examined the annual implementation rates for these seven agreements for ten years. These results are shown in Figure 7, which plots these seven agreements according to their aggregate implementation rates per year. The 29% implementation rate for R-ARCSS is indicated by a horizontal line in the figure. As can be seen in the figure, three agreements, India's 1993 Bodo Accord, Mali's 1991 National Pact, and Lebanon's 1989 Taif Accord, had implementation rates lower than 29% at the end of year one.[9] The remaining four agreements, Guinea-Bissau's 1998 Abuja Agreement, Papua New Guinea's 2001 Bougainville Agreement, Tajikistan's 1997 General Agreement and Senegal's 2004 General Agreement, had implementation rates above 29%.

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[9] The ARCSS's one-year implementation rate was about 12%, putting it outside the standard deviation range of the comparison.

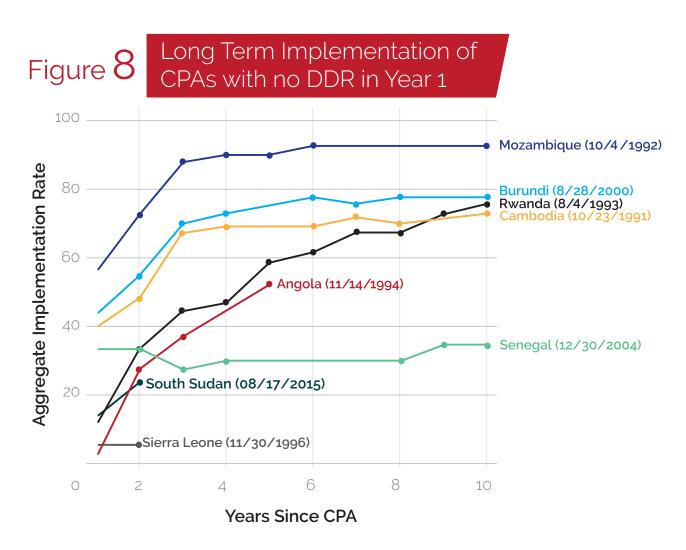Figure 7 — Long Term Implementation of CPAs Similar to R-ARCSS

Although two agreements, India's Bodo Accord and Senegal's General Agreement, never significantly improved after their first year implementation, the remaining five saw significant improvements in implementation over ten years, with four of the agreements reaching implementation rates above 75%. The agreements in Papua New Guinea, Tajikistan and Guinea-Bissau saw significant improvements between the first and second years. Lebanon's Taif Accord steadily improved for five years before stalling, while Mali's National Pact achieved little success for three years before jumping above 75% implementation by year five. This suggests that CPAs with early implementation rates similar to R-ARCSS's can go on to achieve relatively high levels of overall implementation, although obviously this is not guaranteed.

One of the defining characteristics of the implementation process in South Sudan is the lack of progress on DDR provisions. In PAM, there are seven

CPAs in which the implementation of disarmament, demobilization and reintegration was not initiated by the end of the first year. These agreements are Angola's 1994 Lusaka Protocol, Burundi's 2000 Arusha Agreement, Cambodia's 1991 Framework Agreement, Mozambique's 1992 General Agreement, Rwanda's 1993 Arusha Accord, Sierra Leone's 1996 Abidjan Agreement, and Senegal's 2004 General Agreement. [10]

Figure 8 shows the long term implementation of these agreements. As shown, Senegal's agreement stalled and never recovered. The agreements in Sierra Leone (1996) and Angola (1994), as well as ARCSS, were deemed non-viable implementation processes by the PAM project due to a resumption of war-level violence, and coding was stopped. The remaining four CPAs achieved overall implementation rates over 70%.

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[10] Figure 8 also shows the unreleased data for ARCSS, as the signatories failed to initiate its DDR provisions.

Figure 8 — **Long Term Implementation of CPAs with no DDR in Year 1**

Preparing R-ARCSS for the Transitional Period

Under the R-ARCSS timeline, the Transitional Period is to begin in mid-May 2019 with the appointment of the Revitalised Transitional Government of National Unity (RTGoNU). The current government, nominally referred to as the Transitional Government of National Unity (TGoNU), was established under ARCSS and does not include SPLM/A-IO leader Riek Machar, who fled the country in 2016. Under R-ARCSS, Machar is to be appointed as Vice President under President Kiir until new elections can be held at the end of the Transitional Period in May 2022.

Recently, members of the SPLM/A-IO have remarked that they do not believe the RTGoNU can be put in place by the May deadline, due to delays in the implementation of Pre-Transitional Period reforms. SPLM/A-IO members of the National Pre-Transitional Committee (NPTC) have suggested that the formation of the RTGoNU be delayed until the completion of police and military reform (the unification of the armed forces) and the establishment of state boundaries.

The parties agreed on the location of cantonment sites for DDR in February 2019, but it is unlikely that the DDR process could be completed by the deadline. The original DDR implementation timetable, truth be told, was entirely unrealistic. DDR and the creation of a unified armed force were slated to be fully completed within 30 days, which was never feasible. In PAM implementation data, CPAs do not reach full implementation on disarmament, demobilization, and reintegration provisions until 4 to 5 years on average. Only one CPA, Bangladesh's 1997 Chittagong Hill Tracts Accord, reached full implementation on all three provisions within a year due to the extremely small size of the rebel force.

Under R-ARCSS, two committees were assigned to solve issues involving the number and border demarcation of states in the federal system. The Technical Boundary Committee (TBC) was made up of experts nominated from the Intergovernmental Authority on Development (IGAD), an East African intergovernmental association that mediated the agreement, as well as the UK, US and Norway. The TBC was scheduled to produce a report within 60 days. Based on this completed report, the second committee, the Independent Boundaries Committee (IBC) would make recommendations on state boundaries within 90 days of receiving the report. The TBC issued its report on March 27, 2019. However, it is unlikely that the IBC will be able to propose a solution to the boundary issue before May. R-ARCSS has stopgap language stipulating that, if the IBC cannot fulfill its mandate, the number of

states will be determined by referendum. However, the opposition members of the NPTC have already suggested that they would see such a referendum as illegitimate, given that it would be supervised by the incumbent TGoNU.[11]

Therefore, how the signatories deal with the complications of moving to the Transitional Period will determine the long term trajectory of R-ARCSS. Under ARCSS, the transitional government was put in place in April 2016 without significant progress on security sector reform and under heightened tensions resulting from Kiir's unilateral decision on how to divide South Sudan's existing states. This situation proved unsustainable and the peace collapsed by August 2016. The fact that this has happened before certainly highlights the risks associated with another unilateral move to define state boundaries before the unity government is established.

The alternative, delaying the formation of the RTGoNU, as SPLM/A-IO officials have suggested, poses its own risks. R-ARCSS provides no framework for such a delay, meaning the signatories would have to work out such an agreement in the next two months. A delay would also leave the current government under Kiir in place without an agreed upon transition. In addition, R-ARCSS lacks dispute resolution mechanisms as found in other peace agreements, which would be critical in resolving disagreements that arise in planning for a transition. Previous research has shown that dispute resolution bodies are needed to advance implementation.[12] These provisions feature concrete procedures for resolving disagreements over implementation between the signatories, sometimes empowering a body with membership drawn from both sides to make recommendations on how to break the impasse.

[11] Solomon, Onen Walter. "South Sudan's new government likely won't be formed by deadline." *Voice of America*, March 7, 2019. https://www.voanews.com/a/south-sudan-new-government-likely-miss-deadline/4817877.html

[12] Joshi, Madhav, SungYong Lee, and Roger Mac Ginty. "Built-in safeguards and the implementation of civil war peace accords." *International Interactions* 43.6 (2017): 994-1018.

At worst, the delay would freeze the current status quo, with government and opposition military forces controlling different parts of the country. A similar situation emerged during Ivory Coast's civil war after the Linas-Marcoussis Agreement was signed in 2003. Under the agreement, the country was temporarily divided between the rebels in the north and the government in the south pending the establishment of a unity government. However, the inability of the parties to agree on the composition and powers of the unity government, coupled with delays in the implementation of DDR, led to the collapse of the agreement and renewed war.

Conclusion and Policy Recommendations

At the six-month mark, R-ARCSS has seen slow implementation progress. In some respects, the agreement's implementation is in better shape than its predecessor at the same point in time. The ceasefire has largely held, although there are concerning reports regarding attacks by the government forces against non-signatory rebel groups. However, compared to other agreements, hardly any progress has been observed in the implementation of security sector reforms in R-ARCSS. Data on the implementation of previous CPAs suggest a much higher risk of renewed war given a lack of implementation of DDR provisions.

Stalled programs and delays in peace agreement implementation are extremely common, but many agreements are able to recover and get back on track. Previous CPA processes suggest three commonalities. First, where we see impasses being successfully overcome, the signatories renegotiated contested terms in the agreement and corresponding new implementation deadlines. In Northern Ireland, the decommission of weapons stalled for several years and had to be renegotiated, resulting in the St. Andrews Agreement in 2006. In Nepal, contentious issues arising during the CPA implementation process led to the negotiation of over a dozen subsequent agreements.

Second, when implementation processes that were originally intended to be sequential are stalled, one strategy that has been used is simultaneity. This is exactly what transpired in the Nepal peace process. In Nepal, it was negotiated that DDR would be initiated, cantonment would begin and elections would choose representatives to participate in the drafting of a

new constitution. However, the DDR process was delayed, the Constituent Assembly failed to draft a new constitution, and DDR was halted. Both sides claimed the other process had to be completed before their process would resume. 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 of resuming both processes, DDR was completed in 2013 and the constitution drafting process continued for another two years and successfully produced a new constitution in 2015.

Third, given the present difficulties, the South Sudan process is in need of much higher levels of international implementation accompaniment. Separation and cantonment can be expedited with the technical capacity of the expanded UN mandate. Currently, the mandate of the UNMISS mission only involves civilian security and protection. The UN has significant institutional experience with DDR programs and has been successful in facilitating DDR processes under other agreements. In Colombia, the DDR process began in December 2016 and with the oversight and programming of the United Nations Mission in Colombia, over 7,000 FARC-EP combatants were in the camps by the end of February 2017. By September 2017, the activities related to the laying down of weapons from the FARC-EP members in cantonment were completed.

These three recommendations offer options for the parties in South Sudan to navigate R-ARCSS's immediate and mid-term implementation challenges.

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