

**The Voluntary Civil Society Taskforce on Implementation of the Peace Agreement and the
Center for Peace and Development Studies of the University of Juba**

PEACE IMPLEMENTATION MONITORING REPORT

Key Findings and Recommendations

Juba

August 14, 2017

ABOUT THE TASKFORCE

The Voluntary Civil Society Taskforce on Implementation of the Peace Agreement (the Taskforce) is a coalition of diverse, independent and impartial civil society organizations (CSOs), academia women's organizations, youth organizations, and faith-based groups. It was formed in February 2016 to facilitate and coordinate technical and strategic contributions of civil society towards inclusive and peaceful political processes in South Sudan through research, objective analysis and gauging of citizens' opinions. The Taskforce has undertaken Peace Implementation Monitoring Initiative (PIMI)¹ as a joint project with the Center for Peace and Development Studies (CPDS) of the University of Juba. The objective of this initiative is to provide analytical support to CSOs in monitoring and evaluation of the status of implementation of ARCSS. The Taskforce produces evidence-based periodic reports and shares these reports widely with stakeholders to the ARCSS. The Taskforce is interested in ensuring that there is genuine implementation of the peace agreement and a quick and durable solution to the suffering inflicted on innocent citizens of South Sudan by the political crisis in the country.

ABOUT THE CENTER FOR PEACE AND DEVELOPMENT STUDIES

CPDS was established in 1997 to serve as a forum for interdisciplinary study, research, teaching, training and public dialogue on conflict resolutions, peace-building and development. The increased incidents and eruption of conflict and civil wars in the former Sudan, the Horn of Africa and the Great Lakes region, the African continent and the world at large, necessitated the establishment CPDS. The core goal is to promote peace and development based on objective evidences from scientific inquiry. The CPDS has created partnership with numerous national and international organizations and has been working to empower wider civil society actors, including women's engagement in peace and political dialogue through technical support.

¹ PIMI is comprised of five institutions that are actively engaged in efforts related to peace building, advocacy, governance and democracy. These institutions include South Sudan Network for Democracy and Elections (SSuNDE), Centre for Peace and Development Studies (CPDS), South Sudan Democratic Engagement Monitoring and Observation Program (SSuDEMOP), Organization or Non-violence and Development (ONAD), and Foundation for Democratic and Accountable Governance (FODAG).

EXECUTIVE SUMMARY

This report presents evidence-based knowledge on the status of implementation of the August 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS). These findings were generated from a comprehensive analytical review of the ARCSS with consideration of the findings and recommendations of the second report of the Voluntary Civil Society Taskforce (Taskforce) covering the period November 2015 to May 2016. This report is corroborated with analysis of field data collected by the 60 trained peace monitors. The peace monitors were assigned in their respective towns and villages across the country in 2016 to 2017 to conduct guided scientific observations directly or through interviews with witnesses. The Taskforce also reviewed relevant documents and media reports on the status of implementation of ARCSS implementation. All these sources together form the basis for this report.

This report includes the following key findings:

1. The original transitional period began in November 2015 and is scheduled to end in April 2018. However, about 75 percent of the transitional period has elapsed without significant achievement in implementing the provisions of the peace agreement. It is therefore no longer possible to complete the remaining bulk of commitments of the agreement within the specified timeframe.
2. The agreement did not succeed in ending violence, restoring stability, reforming public institutions and improving the living conditions of ordinary citizens across South Sudan. To the contrary, violence increased, ambushes have made roads impassable, at least one-third of the population is displaced internally or in neighboring countries, and six million people are severely food insecure.²
3. The parties only managed to implement provisions in Chapter 1 of ACRSS, which included power-sharing in the transitional government, the reconstitution of the National Legislative Assembly as the Transitional National Legislative Assembly (TNLA), the submission of the draft amended text of the Transitional Constitution of the Republic of South Sudan (TCRSS) to the Ministry of Justice and Constitutional Affairs, the creation of the Ministry of Federal Affairs and the continuation of the amendment of legislation by the National Constitutional Amendment Committee (NCAC).
4. The parties did not practically demonstrate commitment and leadership to fully implement the peace agreement.

² Payton Knopf, Testimony before the Senate Foreign Relations Subcommittee on Africa and Global Health Policy, July 26, 2017

5. Some Intergovernmental Authority on Development (IGAD) member countries demonstrated a double standard in enforcement of the provisions of the agreement. In addition, some member countries contributed directly to destabilization by facilitating the flow of arms to the parties of the conflict.
6. The continued violence exacerbated the humanitarian situation, increased displacement and hindered the ability of aid agencies to reach people in need. This violence included direct attacks on aid agencies and forced recruitment of South Sudanese employees of organizations.
7. The Transitional Government of National Unity (TGoNU) failed to draft legislation for the establishment of the transitional justice institutions. The government has undermined the transitional justice process by failing to allocate money for the Commission of Truth, Reconciliation and Healing (CTRH) process and instead allocated and pledged a significant budget for the National Dialogue.
8. There are restrictions on the work of civil society and the media. Activities of civil society are restricted through security checks and approvals while journalists have been arrested and media outlets closed.
9. The Joint Monitoring and Evaluation Commission (JMEC) was flexible in undertaking its oversight role, and this allowed the parties to violate provisions of the agreement. This included the failure to incorporate the provisions of the peace agreement into the TCRSS, selection of ministerial portfolios, blocking humanitarian aid, and failure to respect the ceasefire.
10. The agreement was not disseminated to the armed forces in the conflict as provided for in the transitional security arrangement. This left the forces ignorant of the permanent ceasefire arrangement and reflected negatively on the compliance with the provisions. In addition, the general public doubted the legitimacy of the agreement because the parties did not publicly declare their support for the peace process.
11. IGAD and the international community issued many statements in support of the peace process without sufficiently using their political leverage to force the parties to adhere to the agreement. These statements no longer have an impact on the attitudes and behavior of the parties to the conflict.
12. There was limited donor support to the implementation of the peace agreement. For example, facilities in cantonment areas and civil society advocacy initiatives were not adequately funded. Instead, donors prioritized the humanitarian response.

Hence, this report includes the following key recommendations:

1. The High-Level Revitalization Forum (HLRF) process should be inclusive and participation of all South Sudanese stakeholders should be on equal footing. These stakeholders should include civil society, faith-based groups, women's groups, youth groups, academics, TGoNU, all political forces within and outside South Sudan and all Sudan People's Liberation Movement-In Opposition (SPLM-IO) factions and other armed groups.
2. The stakeholders should all agree to the agenda prior to the commencement of the forum.
3. Stakeholders should be specific in identifying pragmatic provisions for ARCSS revitalization with realistic interval of strict implementation timelines and conditions.
4. Implementation of the revitalized peace agreement should start with the incorporation of the provisions of the peace agreement into the transitional constitution within 30 days of the renewed transitional timeline. The current draft that has been presented to the Ministry of Justice and Constitutional Affairs should be kept on hold pending the new realities that will emerge from the revitalization provisions.
5. The renewed timeline should be flexible in permitting a very limited extension of transitional period to June 2020 to allow for full implementation of the revitalized ARCSS and should be strict in presenting consequences for any party or guarantor that willfully violates the provisions of the revitalized ARCSS. This should include the complete resignation of the entire transitional government and their replacement with a technocratic government that will lead South Sudan to democratic elections and end this long endless cycle of transition.
6. The renewed timeline should reconstitute the National Constitutional Review Commission (NCRC) within 30 days of the signing of the revitalization commitment and ensure that it is headed by a competent, non-partisan South Sudanese national. The permanent constitution should adopt a federal system of government and be completed within eight months of the revitalization of the ARCSS.
7. The National Elections Commission (NEC) should be reconstituted within 60 days of the promulgation of the permanent constitution of South Sudan. The NEC should be given resources to conduct general elections within 26 months of the commencement of the revitalized ARCSS.
8. The transitional government should prioritize reforms of core government institutions in accordance with the reviewed and enacted legislation and run other necessary activities

like the resettlement of Internally Displaced Persons (IDPs) and returnees and the restoration of the necessary livelihood amenities concurrently. These reforms should include employment of competent South Sudanese personnel based on merit rather than nepotism or political accommodation.

9. The transitional government and South Sudanese stakeholders should encourage and support dialogue that aims to reconcile communities and armed forces and groups. This should focus on restoring the fragmented social fabric of the South Sudanese society and guarantee stability across the country. The transitional government and the African Union (AU) should expedite the enactment of legislation for the establishment of institutions of transitional justice, including the Hybrid Court of South Sudan (HCSS), the CTRH and the Compensation and Reparation Authority (CRA).
10. The institutions of the ARCSS should include qualified South Sudanese nationals, particularly in the Secretariat of JMEC and the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM).
11. The transitional government should empower and restructure the Judiciary of South Sudan to include a constitutional court and give the judiciary the mandate to adjudicate on petitions related to the ARCSS and the constitution.
12. IGAD and JMEC should demonstrate impartiality and leadership in ensuring that the parties implement the agreement. Should they fail again to play the required assertive oversight role and hold the parties accountable to their commitments to fully implement this agreement within the agreed timeframe, then the AU and the United Nations (UN) should directly take over the mediation and oversight role.
13. The verbal commitment of the international community to the implementation of the peace agreement should be backed with the commitment of resources to support specific aspects of the peace agreement and political leverage to hold the parties accountable.
14. JMEC should continually monitor and evaluate implementation, issue progress reports tied to the timeframe and make specific recommendations to the parties. JMEC should avoid acknowledging progress in the implementation of the agreement if the situation is getting worse with no substantial improvement in the lives of the ordinary citizens.
15. TGoNU should lift restrictions on civil society and the media to enable them to carry out their normal activities and contribute constructively to the search for peace and stability in South Sudan.

16. All parties to the conflict should guarantee and facilitate free access and passage to humanitarian organizations providing life-saving assistance to those in need.
17. The Taskforce calls on all authorities to guarantee freedom of participation of all stakeholders, particularly civil society, faith-based groups, women's groups, youth groups and the media. In the interest of peace and stability in South Sudan, participants in this process should not be harassed, intimidated, arrested, detained or obstructed from consulting their constituencies and freely expressing their views.