PEACEWORKS

Ceasefire Monitoring in South Sudan
2014–2019: "A VERY UGLY MISSION"

By Aly Verjee

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CONFLICT ANALYSIS & PREVENTION

ABOUT THE REPORT

Drawing on more than ninety interviews and written responses from ceasefire monitors, combatants, politicians, civil society representatives, international diplomats, peacekeepers, and analysts, this report reviews internationally led ceasefire monitoring in South Sudan from January 2014 to January 2019. Supported by the Middle East and Africa Center at the United States Institute of Peace, it identifies the challenges and offers recommendations for donors supporting future monitoring processes in South Sudan and elsewhere.

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Cover photo: Rebel fighters hold their weapons in Upper Nile State in February 2014. (Photo by Goran Tomasevic/Reuters)

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Summary

South Sudan's Monitoring and Verification Mechanism was created in early 2014 to monitor combatants' compliance with a truce. Following the 2015 peace treaty, it became the Ceasefire and Transitional Security Arrangements Monitoring Mechanism, which in turn became the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism after a 2018 accord superseded the earlier agreement. Although ceasefire monitoring is but one dimension of the response to the conflict in South Sudan, it has been resource intensive. International donors have provided more than $130 million in cash and in-kind assistance to the process since 2014.

The monitoring presumes that accurate reporting of truce violations will deter future violations. The evidence for the validity of this logic in South Sudan is uncertain, however. Undermining the utility of monitoring are a general lack of commitment of the parties to their obligations and to an independent monitoring process, the limited acceptance of the parties of the monitoring outcomes, and—most critical—a lack of meaningful consequences for serious violations. Monitoring efforts in the country have also been beset by operational, organizational, and technical deficits that include poor leadership, inexperienced and unqualified monitors, and a lack of force protection. Cooperation with the United Nations and the Joint Monitoring and Evaluation Commission has often been inadequate. Further, efforts to publicly disseminate monitors' findings and communicate with South Sudanese citizens have been limited and inconsistent. A sustained public information campaign across the country, including greater efforts to solicit information from the public, would improve the quality of the monitoring process.

Supporters of ceasefire monitoring, including the United States, should reinforce monitors' findings by demonstrating that noncompliance has consequences. Direct action needs to be taken against those with both operational and command responsibility for flagrant violations.

Presidential protection guards of the government's army stand in formation at a training site in Rejaf, outside Juba, in April 2019. (Photo by Andreea Campeanu/Reuters)

Background

The hope was that a specialized, neutral, third-party monitoring mission would conduct accurate and timely investigations of alleged truce violations, help overcome the mistrust between rival factions, halt ongoing violence, and deter further incidents.

Only weeks after civil war began in South Sudan in December 2013, the Intergovernmental Authority on Development (IGAD)—the regional organization comprising Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda—began to assemble a group of monitors to assess the compliance of South Sudanese combatants with a temporary truce. Per the terms of the Cessation of Hostilities Agreement (CoHA) between the government of South Sudan and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), the Monitoring and Verification Mechanism (MVM) was to "verify and report . . . on the parties' compliance with the [January 23, 2014] Agreement, including the requirements to protect civilians. [The MVM] may use its discretion in deploying verification missions on the basis of credible information, complaints submitted by the parties, and/or direct requests from the IGAD special envoys."[1]

The hope was that a specialized, neutral, third-party monitoring mission—backed by the United States and other international donors—would conduct accurate and timely investigations of alleged truce violations, help overcome the mistrust between rival factions, halt ongoing violence, and deter further incidents. The existence of a CoHA and the effective monitoring of such an agreement were also seen as key

to allowing future political negotiations to proceed. As an internal US government paper arguing for a monitoring mechanism at the time reasoned, although "both sides assert that they have agreed 'in principle' to a [cessation of hostilities], each complains that compliance of the other cannot be assured. This is delaying the commencement of political dialogue, worsening the humanitarian situation, and deepening ethnic divisions. Rapid deployment of a mechanism to verify a cessation of hostilities and respond to complaints is essential to help create the space for, and confidence in, political dialogue."[2]

Common to the MVM and its successor institutions were expectations that, by working directly with those who had previously engaged in hostilities, monitors could independently verify compliance with the terms of the truce then in force and investigate violations of those agreements. The monitors would also oversee the implementation of security arrangements required by the agreements, such as the relocation and separation of forces previously in combat, and ultimately determine whether such security arrangements were in effect. More than five years and many agreements later, ceasefire monitors are still on the ground in South Sudan, and the latest ceasefire remains fragile.

Although by 2019 the number of serious military confrontations had dropped, in part because of the military successes of government forces since 2016, monitors continued to face numerous challenges to their work, including access limitations in areas where hostilities have occurred.[3] More broadly, the impact of monitors' presence in changing the parties' behavior is uncertain. Further, given no defined exit strategy, the mission appears set to continue indefinitely, or until donor fatigue sets in, rather than in response to parameters defining conditions for success, mission reorganization, or departure. Some argue that continuing a mission unable to demonstrate that its findings will lead to consequences for the perpetrators of violence offers only diminishing returns.

From the outset, tensions have been rife in the operation of the ceasefire monitoring mechanisms: whether to attribute blame or to focus on building confidence between the combatants and between the parties and the monitors; whether to withhold reporting on combatants' noncompliance with agreements during sensitive moments of the peace process versus consistently naming and shaming of violators; whether to rapidly investigate and report on violations rather than spend the time and deploy the resources to conduct more detailed enquiries that meet the standard for a hypothetical criminal prosecution; and whether to focus on the implementation of security arrangements and the parties' affirmative obligations rather than on investigations and violations.

This report reviews the history of ceasefire monitoring in South Sudan, drawing on more than ninety interviews conducted in 2018 and 2019 with combatants, politicians, civil society representatives and analysts, current and former regional and international diplomats, UN officials, and numerous present and previous ceasefire monitors from the MVM, the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM)—which superseded the MVM after the 2015 peace agreement, and which in turn was superseded by the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) following a 2018 accord—as well as a review of primary documentation from the monitors.

Although ceasefire monitoring is but one dimension of the response to the conflict in South Sudan, it has been resource intensive. More than $130 million has been spent by donors on ceasefire mechanisms since 2014, one of the largest external interventions in South Sudan outside emergency humanitarian relief.[4] The United States is the leading donor, contributing at least $93 million of this sum in in-kind assistance. The European Union and Germany are, overall, the second- and third-largest donors respectively.[5] More

The logic is that no party wishes to be held responsible for instigating violence, particularly when a negative outcome—such as international sanctions—to be applied against the perpetrators is a possibility. When such logic is thought to be operative, the credibility and competence of those documenting the violations—the ceasefire monitors—become central to the peace process.

than a hundred significant ceasefire violations have been documented over the past five years, and several hundred more have likely occurred.[6]

THE LOGIC OF CEASEFIRES AND MONITORING

Securing agreement to a cessation of hostilities or a ceasefire is part of the standard formula of approaches to conflict resolution.[7] As Malin Åkebo explains, "The core premise of a ceasefire agreement is that the conflicting parties agree to stop fighting, but an agreement also defines the rules and modalities for such an endeavor."[8] However, as Kristine Höglund notes, a ceasefire "is by no means a precondition to the existence of a peace process." Meanwhile, Fred Ikle observes that some combatants may not want to accept a ceasefire as a precondition to negotiations, and that others may resist entering negotiations as long as fighting continues.[9] Other scholars maintain that ceasefires may help negotiations get started because they help create trust and build confidence among the belligerents.[10] Virginia Page Fortna identifies three positive theoretical attributes to ceasefire agreements within broader peace processes: first, that such agreements "raise the cost" of future attacks; second, that they reduce uncertainty by signaling the parties' formal commitment to peaceful dispute resolution; and, third, that they mitigate the risks from unintended violations or accidents.[11]

Whether a temporary truce or a lasting ceasefire is required before more substantive political talks occur is a key question that those who seek to resolve conflict often face.[12] Åshild Kolås argues that the initial ceasefire is inherently political and that "ceasefires should be understood as a part of the dynamics of conflict, rather than a basic step to facilitate 'real' peace

negotiations," noting that ceasefires risk "creating conditions that allow actors to sustain or exacerbate conflict."[13] Further, the mere act of monitoring a ceasefire risks leading to a "freeze" in the conflict, maintaining the conflict status quo indefinitely.[14]

Still, in most active conflicts, mediators prioritize a truce as a normatively desirable objective that would minimize the chances of further conflict escalation and build confidence between the parties in future negotiations.[15] Ceasefire monitoring presumes not only that talks will not succeed as long as substantial violence continues, but that accurate and timely reporting of truce violations will deter future violence. The logic is that no party wishes to be held responsible for instigating violence, particularly when negative outcomes—such as international sanctions—to be applied against the perpetrators are a possibility. When such logic is thought to be operative, the credibility and competence of those documenting the violations—the ceasefire monitors—become central to the peace process. Consequently, independent, third-party, and therefore purportedly credible monitoring of the truce agreed to is often, but not always, a component of peace accords. Most of these theories were assumed to be valid in South Sudan.

No single ceasefire monitoring model exists, and a range of options have been implemented in different conflicts.[16] UN peacekeeping began on the basis of a ceasefire agreement in the 1956 Suez Crisis.[17] The United Nations, regional organizations such as the Organization for Security and Cooperation in Europe (OSCE) and the Arab League, and ad hoc third-party institutions such as the Joint Military Commission (JMC), established for the Nuba Mountains Ceasefire Agreement (NMCA) in Sudan in 2002, and the Aceh

Monitoring Mission, established in Indonesia in 2005, have all conducted ceasefire monitoring in the years since.[18] In addition, nongovernmental and civil society organizations have also conducted monitoring, often in parallel to officially recognized observers but sometimes as the lead monitoring agencies.[19] In some contexts, UN peacekeeping missions, UN commissions of inquiry, and third-party monitors (which may also be recognized under a UN Security Council mandate) may all be operating. A de facto operational overlap is entirely possible in reporting on ceasefire incidents, even if the institutional mandates are legally distinct.

Yet the mere activity of ceasefire monitoring presents a paradox: monitoring is least important where violence is unlikely to recur or escalate, and most vital when a truce is likely to break down—as in South Sudan. It is in these tenuous environments that monitoring is likely to be most difficult: the parties' political will to ensure compliance is weakest and the likelihood of obfuscation and noncooperation is highest. Consequently, the absence of political commitment may be decisive to the viability of a monitoring mission. As Antonia Potteri observes, "A handful of monitors can help maintain a ceasefire where the parties are truly willing. Legions of monitors and troops may fail where parties are not committed."[20]

CESSATION OF HOSTILITIES VERSUS CEASEFIRE: WHAT'S THE DIFFERENCE?

Although definitions vary from country to country, and some consider the terms interchangeable, in the context of South Sudan, a **cessation of hostilities** is understood to refer to a temporary cessation of violence. As Malin Åkebo quotes the *UN Peacemaker* (2009), a cessation of hostilities "type of agreement usually indicates that both humanitarian concerns and a willingness to find a negotiated settlement motivate the parties to pursue a cessation."

In contrast, a **ceasefire** is understood in South Sudan to be a definite, comprehensive end to all hostilities. The term permanent has often been prefixed to ceasefire agreements in Sudan and South Sudan—as in the 2005 Comprehensive Peace Agreement, the 2015 Agreement on the Resolution of the Conflict in South Sudan, and the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan—to indicate the ceasefire's expected duration and durability.

Source: Adapted from *United Nations Peacemaker* (2009), cited in Åkebo, *Ceasefire Agreements*, 55.

The First Months of Monitoring

Buoyed by the January 23, 2014 agreement authorizing the creation of the Monitoring and Verification Mechanism, the United States, the United Kingdom, and the IGAD states sent an advance team to South Sudan to establish the mission in late January 2014, a time when a mix of set-piece battles and atrocities against civilians had already taken place or were ongoing. The idea, as one former senior US government official explained, was to "replicate . . . the light [monitoring] footprint after the [NMCA of 2002]." The NMCA's JMC had forty unarmed observers, accompanied by thirty-four Sudanese officers from the two parties.[21] Although at the time South Sudan's civil war began, the UN Mission in South Sudan (UNMISS) peacekeeping operation was present with almost seven thousand military personnel, including 142 military liaison officers who were the most comparably qualified to act as ceasefire monitors, the decision was taken to establish a separate, parallel ceasefire monitoring mission rather than entrust the United Nations with the task.[22] This also diverged from practice during Sudan's 2005 to 2011 Comprehensive Peace Agreement, when the JMC handed over its monitoring responsibilities to the UN Mission in Sudan, which then oversaw monitoring of the Nuba truce and the broader North-South ceasefire.[23]

The IGAD and its international partners instead instituted a new, dedicated ceasefire monitoring mission in South Sudan in 2014 for at least four reasons. First, UNMISS was perceived as operationally overstretched, particularly after it began to actively protect South Sudanese civilians within its compounds. As a former senior adviser to the United Nations argued, "UNMISS could have done [ceasefire monitoring] militarily. But the UN was wary of doing more, and the mission was projecting itself elsewhere because of

its [protection of civilians] mandate." Second, even before the war began, the impartiality of UNMISS had been questioned, particularly by the government of South Sudan. Its relations with UNMISS were strained and would continue to be so for some time. Third, some countries in the IGAD region lobbied for the role, arguing that they would be the most effective monitors given their contextual understanding and desire to prevent further violent escalation. Fourth, donor countries, in particular the United States, lacked confidence in UNMISS's ability to deliver. As a US government official explained, "The UN was not agile enough. We didn't have time for the UN. This bought us time." Some also felt that a dedicated mission would allow Washington more control over the conduct of the mission. "The problem is you sacrifice control if you go to UNMISS," a former official explained. "[We] could control what happened to the [MVM] helicopters from [Washington] DC. . . . We couldn't do that if UNMISS was doing the logistics." At the same time, at least some in the US government and American advisers deployed to the mission were concerned about regional ownership, and about perceptions that "the US would be seen to take over the mission."

An unstated fifth reason for a regionally led mission was that the big three IGAD states of Ethiopia, Kenya, and Sudan felt that such a mission might advance their individual bilateral interests. Each was keenly aware that Uganda's armed forces had already interceded in favor of the South Sudan government, including in offensive operations against rebel forces. Given that other countries in the region feared that South Sudan's conflict might become a full-blown regional war, getting more military officers deployed quickly to the theater of conflict was a way to gather sensitive and up-to-date

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information for other capitals. As one of the first senior IGAD officers to work at the MVM explained, "It was an intelligence operation for everyone. A mix of intelligence gathering and risk aversion." A former Ethiopian official said, "Understanding the dynamics for Ethiopia was important. [The monitors] were doing other activities at all times." In the context of this unannounced regional military competition, it was logical to keep control of the mission within the region and avoid the nuisance of international oversight.

But, even leaving aside these ulterior motives and accepting that a regionally led monitoring approach made some positive political and practical sense—as one former adviser put it, "the MVM helped [positively] implicate the regional countries in what was going on"—understanding of the mission's formal mandate was inconsistent among its serving personnel. One former monitor noted that his colleagues disagreed about deploying beyond major towns: "To send the team deep [into the countryside] there was no consensus. [But] how do you know if there are violations if you don't go deep?"

The same officer decried the IGAD's weaknesses: "There was no strategic vision from IGAD. They were interfering in tactics and operations, asking for [certain] personnel to be placed in certain locations, asking why [their] people [were] being sent to hostile areas." He himself was unclear as to the mission's intent, noting at the outset: "I was sent without any real instructions or guidance. I was not even briefed individually [by IGAD]. It was a very ugly mission. There was noncompliance, no detailed agreement. . . . Why put ourselves in danger if there is already noncompliance?" Another monitor deployed in the same period remarked, "I don't think that the leadership of the MVM had the experience to understand the administrative and logistical

complexity of what they were taking on: of deploying an international team into a war zone. [The senior officer] vastly underestimated the task."

It took months for the MVM to become fully operational.[24] Its first investigation report was completed in April 2014, about an incident that had occurred earlier that month.[25] But in the months since the January 2014 cessation of hostilities, some of the most serious fighting of the war had taken place when the monitors were still trying to find their feet.[26] The practical aspects of establishing the mission also left much to be addressed. As one of the first observers to arrive recalled, "The [initial] scale of operations was envisaged as three people at headquarters. This was hopelessly inadequate. We needed a minimum of twenty people." Still, as one former US government official argued, "Considering the logistics [involved] and the size of the operation, it happened pretty quickly." Yet, despite the sizable US logistical investment and the explicit separation from the United Nations, the MVM could not function without UN assistance. One former observer explained:

> It very quickly became clear that independence from UNMISS was a nonstarter. The UN's bases, logistic capacities, security, transport, accommodation, were essential. The idea that we could be independent from UNMISS was fanciful. . . . We just weren't ready logistically, organizationally, and in terms of scale—it just wasn't big enough. We weren't prepared enough to do this job properly. We deployed too quickly. It might have been different if we had [had] more people with more experience.

In retrospect, the time it took to deploy the MVM and the initial challenges it faced undercut the argument that a third-party mission would be inherently faster than a comparable UN-led effort, given that UNMISS already had logistical infrastructure in place. As one analyst noted, there was "no reason to believe the UN

Rebel fighters travel in a truck in Jonglei State in January 2014, just days before the Intergovernmental Authority on Development deployed its first ceasefire monitors. (Photo by Goran Tomasevic/Reuters)

couldn't have deployed at least as quickly as the MVM ultimately did—and perhaps even more quickly."

Questions also arose early on about the motivations of individual monitors. One of the American contractors who provided logistical support to the MVM remembers the primary motivations of monitors from the IGAD countries as pecuniary:

> There was a difference of priorities from the start. [Monitors] seemed to be there for monetary reasons—how to maximize their per diem. There was no actual concern for the mission, or much discussion about how to actually get people to different places [outside Juba]. They would tell us, "In order to do this, we need new vehicles [with] V-8 engines so that we are seen as diplomatic personnel." They were very Juba-focused, tilted in excess [to Juba]. [But] our practice was to acquiesce and give [them] what they wanted.

Another observer was even more scathing: "In the early years, there were [monitoring] teams sitting around doing nothing in a place where people are dying. They wouldn't leave the base." The warning of scholar William Zartman seemed prescient, even as South Sudan's ceasefire monitoring mission was still in its infancy: "Sending [ceasefire] monitors who cannot [and will not] engage is an exercise in risk and ineffectiveness."[27]

By June 2014, the MVM was present in eight locations across South Sudan: Bor, Akobo, Malakal, Nassir, Melut, Bentiu, Pariang, and Juba. Given the logistical constraints, this achievement was a considerable one. The MVM, though, still faced serious problems, not the least of which was the basic difficulty of maintaining its own security while visiting and reporting on areas where, by definition, insecurity was persistent and widespread, even assuming that the MVM was not prevented from

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accessing these locations by the belligerent parties. Further, the monitoring mandate overlooked the active involvement of Ugandan forces. As one former observer recounted, "We were having breakfast with [Ugandan forces] in the same [hotel in Juba]. [Yet] we were not looking at the[se] third-party violations, which was much more significant."

Adding to the mission's limitations, the SPLM/A-IO refused to fully participate in MVM work because of the location of the monitoring mission's headquarters in government-held Juba, which the movement deemed unsafe. SPLM/A-IO representatives in government-controlled areas were repeatedly harassed by government forces, and after one episode in Juba where its delegates to the monitoring mission were detained, the movement withdrew its personnel.[28] Proceeding without the SPLM/A-IO was, according to one observer, "in contradiction of the basic premise of the MVM." Another conceded, "We had no direct communications with the rebel group, although I knew [SPLM/A-IO rebel commander] Peter Gadet from before."

The SPLM/A-IO's nonparticipation would have severe consequences. In the most serious incident, in August 2014, a team of six monitors and helicopter crew of three was taken hostage by SPLM/A-IO aligned forces under the command of Peter Gadet in Mayom County, Unity State. During the team's captivity, the government of South Sudan's military liaison officer member of the monitoring team died. As the official report recounts,

> When the helicopter landed it was surrounded by armed men. . . . The MVT [monitoring and verification team] and helicopter crew were then searched for weapons and ordered to follow the armed group. . . . The MVT asked to

be released . . . [but] was then forced to march for about 8 hours over rough country. On occasions the captors fired their guns at the ground and in the air to make [the monitors] walk faster. During the march . . . Lieutenant Colonel Madut collapsed and was left at a village. Ten minutes later the MVT were taken back to the village to find that [Madut] had died. They were made to strip and photograph his body to confirm there were no gunshot or knife wounds on it.[29]

The IGAD condemned the incident and filed a formal protest with the SPLM/A-IO.[30] Within the mission, several procedural changes were made. At the time of the incident, monitors from IGAD countries were not insured against fatality, so Madut's family was not initially compensated. Steps to institute adequate insurance for personnel were taken. The MVM also lacked a robust evacuation plan, so the incident prompted one to be designed. Cooperation with other organizations was also improved: "We learned to coordinate with UNMISS a lot better after that incident," said one observer.

In the bigger picture, however, the IGAD took no substantial action either in support of its monitors or against the perpetrators. The failure to act in response to a flagrant violation was ample confirmation to the warring parties that they had little to fear from maltreating MVM observers. It may well have contributed to the culture of impunity that motivated the December 2018 incident in Luri, Central Equatoria, when three ceasefire monitors were "arbitrarily detained, robbed of their money and valuables, blind folded, handcuffed and physically assaulted by members of the [government] National Security Service"—those forces being fully aware that no one had previously been held accountable for earlier abuses.[31]

IGAD Mediation: "We Never Used the Reports"

Despite the cautionary experience of other conflicts in which mediation and monitoring roles were combined and risked compromising the mediation process, as in the Norwegian-led Sri Lanka Monitoring Mission in the 2000s, the IGAD played both roles in the South Sudan conflict.[32] From the perspective of some in the mediation, this combination was positive at the outset. A former IGAD mediation official explained, "Our objective was to get leverage from [setting up] the monitoring, to get the parties to behave differently. [The] thought was that having that mechanism would force the parties [to change]. Some might argue that the parties would only stop when they were exhausted. We thought the elites would be fearful of the potential stick."

To the disappointment of both the deployed monitors and international backers of the peace process, however, the IGAD mediation—led by special envoys Seyoum Mesfin of Ethiopia, Lazaro Sumbeiywo of Kenya, and Mohammed Ahmed el-Dabi of Sudan—quickly seemed to lose interest in the monitoring mission. As one observer lamented, "When the MVM submitted [reports] to the IGAD special envoys, we were given no feedback and saw little or no evidence of anything happening."

Why was this? Differing expectations of what was required is a partial explanation. For special envoy Seyoum, what was most needed was an interpositional, deterrent force that could actively prevent fighting in South Sudan. An unarmed monitoring mission was a distant second choice, to which Seyoum had "an uncerta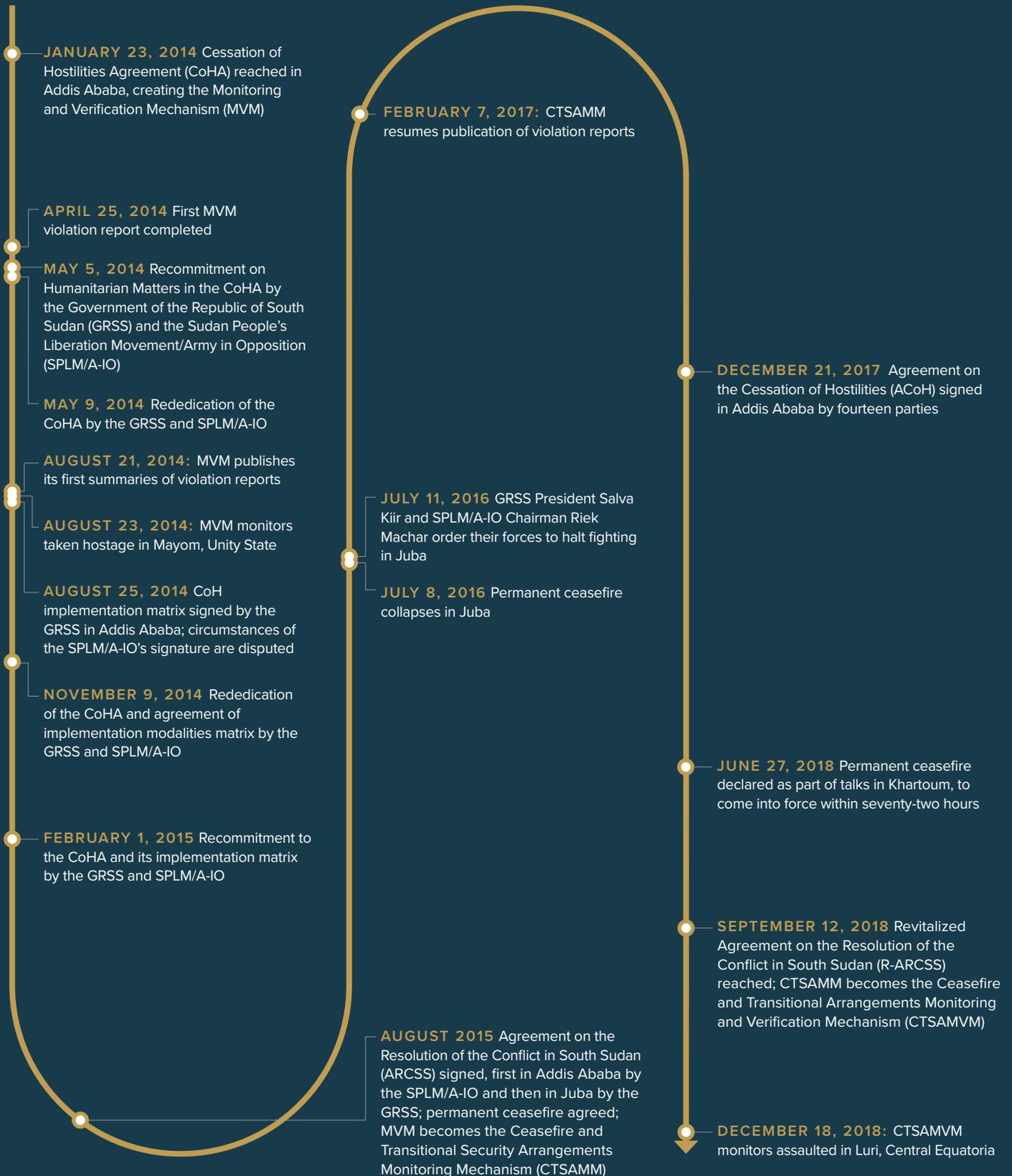in commitment," as one diplomat who met regularly with the mediator characterized Seyoum's views. Seyoum told the author in March 2019 that, in his view, the "UN Security Council denied us from deploying an effective [that is, armed] monitoring force."

Meanwhile, US and international expectations of how the monitoring process would contribute to the mediation's active work were considerably different. Zach Vertin, a former US government official who worked on the peace process, explained his thinking:

> The monitoring body would issue public reports of ceasefire violations, which could be harnessed to hold the parties accountable and even create some leverage during the second phase of talks. But once established, Seyoum confused stakeholders and peace process supporters when he decided not to release the reports. Absent a single, credible authority to establish the facts, the parties repeatedly violated the ceasefire and pointed fingers without consequence. Whatever the reasons for his reluctance, the mediator effectively took a valuable negotiation tool off the table.[33]

The first, partial conclusions of monitors' reports, containing details of incidents and attributing responsibility for violations—albeit in abbreviated summary reports—were not disclosed until August 2014, eight months after the conflict began.[34] Public disclosure of violation reports in their entirety did not begin until mid-2015 and would be interrupted when the conflict resumed a year later. The formal reports, though, were never particularly important to the mediation's decision making. As one former IGAD mediation official explained, "The mediation never used the reports, and resisted publicizing them."

Cessation of Hostilities and Ceasefire Agreements, 2014–2018

JANUARY 23, 2014 Cessation of Hostilities Agreement (CoHA) reached in Addis Ababa, creating the Monitoring and Verification Mechanism (MVM)

APRIL 25, 2014 First MVM violation report completed

MAY 5, 2014 Recommitment on Humanitarian Matters in the CoHA by the Government of the Republic of South Sudan (GRSS) and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO)

MAY 9, 2014 Rededication of the CoHA by the GRSS and SPLM/A-IO

AUGUST 21, 2014: MVM publishes its first summaries of violation reports

AUGUST 23, 2014: MVM monitors taken hostage in Mayom, Unity State

AUGUST 25, 2014 CoH implementation matrix signed by the GRSS in Addis Ababa; circumstances of the SPLM/A-IO's signature are disputed

NOVEMBER 9, 2014 Rededication of the CoHA and agreement of implementation modalities matrix by the GRSS and SPLM/A-IO

FEBRUARY 1, 2015 Recommitment to the CoHA and its implementation matrix by the GRSS and SPLM/A-IO

AUGUST 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS) signed, first in Addis Ababa by the SPLM/A-IO and then in Juba by the GRSS; permanent ceasefire agreed; MVM becomes the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM)

JULY 11, 2016 GRSS President Salva Kiir and SPLM/A-IO Chairman Riek Machar order their forces to halt fighting in Juba

JULY 8, 2016 Permanent ceasefire collapses in Juba

FEBRUARY 7, 2017: CTSAMM resumes publication of violation reports

DECEMBER 21, 2017 Agreement on the Cessation of Hostilities (ACoH) signed in Addis Ababa by fourteen parties

JUNE 27, 2018 Permanent ceasefire declared as part of talks in Khartoum, to come into force within seventy-two hours

SEPTEMBER 12, 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) reached; CTSAMM becomes the Ceasefire and Transitional Arrangements Monitoring and Verification Mechanism (CTSAMVM)

DECEMBER 18, 2018: CTSAMVM monitors assaulted in Luri, Central Equatoria

What was valued was effectively a parallel form of reporting: the "informal reporting mattered more to the behavior of the mediation than the formal reports," the official said, noting that the "formal reports eventually became routine, and sounded the same. They were monotonous. [They were] visible for a donor audience." At least some of the monitors concurred. Said one, "Reports were often journalistic in nature. A descriptive report requires no action. [Reports] should have been action orientated, advocated preventative measures, not [just] narrative reporting." Another observer felt that one of the ambiguities of the reporting process was in determining whether the standard of evidence should be "beyond reasonable doubt, or preponderance of evidence? We weren't sure." Either way, on this question, the mediators did not deign to indicate their preference.

Nor were monitors encouraged to relay nonviolation-related findings, views, and reactions from their interlocutors on the ground to the mediators, depriving the mediation of potentially vital information. If the mediation made assumptions on what was happening inside South Sudan, they were rarely couched in the prevailing reality. A lack of concern with the information produced by the MVM underlined a broader problem in the mediation: a failure to engage with South Sudanese within South Sudan, and particularly with those outside Juba.

After the initial violence of December 2013 in Juba, most of the war occurred in places distant from the capital. Although the trajectory of the mediation was inseparable from the fortunes of the parties in the war and their support on the ground, little attempt was made to think about how support for peace could be mobilized from within South Sudan and beyond the combatants. The mediation was content to allow information to pass in only one direction. It squandered the opportunity to use the findings of monitors to inform the South Sudanese public who was responsible for continuing the conflict. As a 2015 advisory memo to the mediators argued, "there should be no assumption that [online ceasefire monitoring] information is easily obtained or understood

by domestic media or other South Sudanese, including . . . [those in] the military commands at headquarters and operational levels. Such information, once released, should be actively disseminated. Those who contribute evidence to investigations should also be offered feedback on the result of these investigations."[35]

Neither the mediators nor the monitors acted on this advice. Nor was the MVM directed to systematically obtain information from noncombatants, including from civil society, on possible violations, even though its own standard operating procedures stated that "the initiation of a possible violation investigation can arise from the conduct of monitoring operations or from a complaint initiated by the parties or by noncombatants and other stakeholders."[36]

The Ceasefire and Transitional Security Arrangements Monitoring Mechanism was somewhat better in elaborating the possibility of engagement with noncombatants, noting that it "can initiate investigations based on its own findings. Allegations of violations can also be submitted to the CTSAMM by the conflict parties, by members of the public and communities, or third parties such as non-governmental and multilateral organizations."[37] But no steps were ever taken by either the MVM nor the CTSAMM to allow for nonpartisan reporting to be coherently solicited or welcomed.[38] And the missions' weaknesses extended more broadly into public communications, so that for most of the conflict, most South Sudanese knew little about what these missions were doing. Observers recognized this as well. Beyond reporting, said one former observer, "there is a lot more we could be doing. For example, we could be on radio every week, [both] national and local. [But] we don't have people to do that."

Perhaps more damning were the explicit instructions from the mediation to interfere in the monitors' theoretically impartial reporting. As one monitor explained, "[I recall an occasion when] we were told not to report this violation." When asked why, the monitor responded,

South Sudan's President Salva Kiir (right) speaks with rebel leader Riek Machar at the signing of a ceasefire and power-sharing agreement in Khartoum, Sudan, on August 5, 2018. (Photo by Mohamed Nureldin Abdallah/Reuters)

> [The MVM chairman looked] at me with this smirk on his face [and said], "I know, but I am being told not to report this, because [IGAD officials] want to do it a different way." I said, "Sir, that's just wrong. We should report it, so that we can give feedback to the guys in the field, so they know that they are doing something useful."

Instructions from mediation in Addis to the monitors in Juba were often inconsistent or incoherent. As one former senior observer recounted, "When [the IGAD envoys] were [together] in the room, they spoke the same [message]. When they were out of the room, they spoke different[ly]." He went on, "My greatest frustration was IGAD. There was no coordination, no response, no directives. [The senior IGAD official] was totally incompetent."

Three years after the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), the IGAD launched an effort to salvage the 2015 agreement, the so-called High Level Revitalization Forum (HLRF).[39] During the HLRF, publication of CTSAMM's findings was again suspended, now pending the approval of the IGAD council of foreign ministers, who oversaw this new round of talks. As one former observer questioned, "What happens when a foreign minister and CTSAMM do not align [in views]? They will not always." CTSAMM, like the MVM before it, was at the mercy of the whims of the mediators and their political calculations and was far from an independent, impartial, and trusted entity.

Reflecting on the overall experience, a former senior IGAD mediation official argued that, in retrospect, "monitoring should not have been led by the region. It should have been the UN." This may not have been realistic, given the reasons cited earlier, but does suggest just how dissatisfied many regional officials ultimately became with the mission. Another former advisor said, "There was a certain unreality to it all: all these things were done with the knowledge they would be violated. . . . There were no real red lines. [What would result from a negative monitoring report] was a rap on the knuckles, if that."

Organizational and Operational Challenges: "Three Years to Get Out of the Mud"

Technical, organizational, and operational challenges were encountered in numerous areas: the mission's personnel, including the quality of its leadership and that of field monitors; how the mission was comprised and how human resources were managed; force protection and mobility; and financial management.

MISSION LEADERSHIP

General officers from Ethiopia have led the MVM and CTSAMM from the outset. Their quality has varied considerably, and none has had experience working in a monitoring or peacekeeping mission. As an observer recalled, "The first three [chairmen] were very top down. [They had the attitude that] the commander is god. He does not want to listen to anything, rather than leading [the staff]." Another felt that "in terms of my advice given to [the mission leadership], they ignored it." A former Ethiopian official conceded that with respect to these commanding officers "in practice there was no vetting. Collectively, they may not have been the best officers available. Contrary to perceptions of international [assignments carrying] prestige, [former Ethiopian National Defense Forces chief of staff General] Samora wanted to keep the best officers close at hand [in Addis Ababa]." He explained further: "Some had experience of South Sudan. Others had no experience of South Sudan. [Some] were pissed off to be sent to South Sudan and had their own prejudices about the place." One former mission commander himself conceded that "the situation was very complicated. The government

[of South Sudan] was aggressive. It was terrible for me. [I had to be] a diplomat . . . a job [for which] it was my first time." Notably, many respondents noted that the two Sudanese generals who have served as deputy chairmen of the monitoring mechanisms were consistently more capable than their chairmen.

The mission's senior leadership rarely ventured outside Juba, leaving high-level relationships with the senior operational commanders of the combatant parties undeveloped, which was particularly acute with respect to opposition forces, who lacked representation in the capital. For those doing the fighting, the mission leadership lacked visibility. A further consequence of staying in Juba was that the mission leadership often did not fully appreciate what deployed monitors were doing, where morale was weak, or how teams could be strengthened. In the eyes of their subordinates, several mission commanders were preoccupied with operational and logistical concerns, rather than what was strategically important, and often micromanaged their staff.

One observer recalled a violent incident for which he provided a lengthy assessment of the parties' international humanitarian law obligations. He noted the inadequacy of the reaction he received: "The response from the commander was, 'international humanitarian law (IHL) was not part of [our] mandate.' He didn't understand IHL was part of [what we were supposed to monitor]! He did

Commanders of the MVM, CTSAMM, and CTSAMVM

Name	Nationality	Dates of Appointment	Professional Background
Major General Gebre Egziabher Mabrahtu	Ethiopian	January 2014–October 2014	Military intelligence; currently responsible for security at the African Union headquarters
Major General Negash Dagnew Ayele	Ethiopian	November 2014–November 2015	Military logistician; formerly joint chief of staff, Eastern Africa Standby Force Planning Element (EASF PLANELM)
Major General Molla Hailemariam	Ethiopian	November 2015–November 2017	Formerly commander, Ethiopian Air Force; subsequently promoted to lieutenant general to head Ethiopia's Special Operations Command
Major General Ibrahim Abdeljelill	Ethiopian	November 2017–November 2018	Military logistician
Major General Desta Abiche Ageno	Ethiopian	November 2018–present	Formerly director-general for international relations, ministry of defense, Ethiopia; staff officer, Eastern Africa Standby Force (EASF)

not appreciate that this was essentially a legal mission [to determine compliance], not a military mission."

Leadership deficits affected the credibility of the mission's outputs, too. Whether directed by his superiors in Addis Ababa or on his own initiative, one former observer closely involved in the preparation of monitoring reports estimated that, during their assignment, "30 percent of the [draft] reports were rejected [by the chairman], and most of those blamed the government." One commander saw things differently: "I did not agree on the production and publication of reports with [my staff]. There were too many reports. [My staff] insisted on me being on the website, giving media interviews. I didn't want to do that. I am technical, not political." Concerning the publication of reports, another former observer noted that "everything changes with new leadership. The last chair ordered publication. Now [with a new chair] it has stopped."

FIELD MONITORS

The majority of field-based monitors were former or active military personnel from Ethiopia, Kenya, and Sudan. Officers from Uganda, Djibouti, Somalia, and some non-IGAD states, such as Egypt, participated in smaller numbers. Field teams also included several Americans, Chinese, and Norwegians, although most personnel from non-IGAD member states were based at the Juba headquarters. The quality of the IGAD's seconded officers varied considerably. One senior officer noted that "retired officers were one of the diseases of CTSAMM. They have no loyalty to any issues, or what is going on in South Sudan." Another monitor noted that, although there were some very good officers in the organization, "poor quality observers don't carry the load. Worse, they are overburdening the capable." As a result, "Violations are overlooked. We are missing things . . . when people are not interested in the mission." For another, the assignment was "a prize, a reward at the end of your career."

The practical implications of the quality of these personnel were clear. Many observers had "no experience of conducting an investigation, interviewing a witness, gathering evidence, or evaluating evidence," one monitor said. Another noted that "most [initial] CTSAMM reports sent [to headquarters] were not reliable" and needed to be revised multiple times. Overall, the quality of monitors seems to have improved over time, standards for observer appointment—physical fitness, English fluency, and computer literacy—being more closely adhered to by participating countries in later years. Overall, many respondents felt that the Sudanese contingent of officers was perhaps the best—their Arabic fluency and knowledge of the areas of responsibility to which they were posted—being particular assets. The irony that the latter quality, however, was largely gained because of the Sudan Armed Forces' lengthy battle experience in South Sudan raises questions about their credibility with some South Sudanese interlocutors.

However, most observers from the IGAD states had neither prior monitoring mission experience nor time spent in South Sudan. This inexperience showed. As one former monitor observed, such monitors were often "getting fundamental facts wrong. [They were] not able to demonstrate that [they] have any credibility [with their interlocutors]. They were immediately deceived because [the South Sudanese] know you don't know anything." Some faulted a lack of training for the observers before deployment. As a former diplomat observed, the "only reason any monitors had training was prior peacekeeping experience—and this was totally incidental. . . . Monitors are not trained to the standard of monitoring organizations in other missions."

As another recalled, what preparation was done was largely personal initiative: "After reporting to the mission, there was no formal training. I spent the first two months in country familiarizing myself with CTSAMM and with the [ARCSS]." Some training has since been introduced by the mission, but most observers still receive little pre-departure preparation in their home countries.

MISSION COMPOSITION, SIZE, AND HUMAN RESOURCE MANAGEMENT

Most of the monitors—whether from IGAD countries or elsewhere—were military or former military officers. Although many respondents felt that this background was appropriate to the mission context, others pointed out that the lack of staff diversity had implications. As one ex-observer argued, it would have helped the mission's effectiveness had there been more civilians, particularly on the field teams: "Many of our military personnel don't look at the other side of the thing. When you join the military, you are trained to think a certain way. As a civilian, [you] look at both sides, interact with civilian[s]." The respondent continued, "Being a colonel or a brigadier-general is not [in itself] a qualification" to participate in a monitoring mission. A former military officer pointed out that given the numbers of civilians in the mission, including more with expertise on South Sudan, better, and more, contextual questions could have been asked of South Sudanese interlocutors. But, as a former US government official argued, "We had to take who we could get, and many of the experienced South Sudan hands wanted to move on."

The mission's largely male, mostly military and ex-military composition had direct implications for the mechanism's ability to investigate sexual and gender-based violence (SGBV) violations of the ceasefire. A former observer explained:

> There were only five women within the mission [at one stage]. That directly translates into a limited focus on SGBV, not to say that every woman is a gender expert. It is a real boys' club. . . . There is a large advantage to having a military background with the parties. But less with the civil society, women, and at the end of the day, if [the military counterpart] does not want to let you know [about an incident], the rapport you have doesn't matter.

Said another, there were "male observers interviewing rape victims . . . [and] the ladies refused to speak to them." Those few women present were concentrated in Juba, not in the frontline, field-based monitoring teams. Given the apparent prevalence and underreporting of sexual

violence in the conflict in South Sudan, the mission's composition seems to have only exacerbated the lack of attention to these forms of violations. Barely a handful of the more than a hundred violation reports explicitly documented sexual and gender-based violence, of which only several included even a brief reference to such offenses.[40]

Some respondents felt that the mission was too small given the vastness of South Sudan. Invoking the seven-hundred-plus observers in the OSCE monitoring mission in Ukraine, a country roughly comparable in geographic size to South Sudan, some argued that CTSAMM's roughly one hundred fifty personnel was just not enough. Others felt that though size did matter, and the mission should have been bigger, "it was not a primary factor. The primary factor [in CTSAMM's performance] is leadership jealously guarding their [positions]."

But beyond the total number of personnel, how staff were managed also weakened the mission's effectiveness. Teams were often not at full strength because monitors were on leave. As a donor assessment found, leave requirements had not been factored into human resource management.[41] The consequence was that monitoring teams would often reduce their activities while awaiting the return of colleagues. Further, the frequent rotation of staff was problematic. As several observers pointed out, personal relations with South Sudanese counterparts are crucial. Given the regular turnover of personnel, monitors would continually need to renew efforts to develop rapport and trust with their interlocutors.

FORCE PROTECTION AND MOBILITY

As discussed, the role of UNMISS in supporting the ceasefire monitors was an ongoing debate and particularly relevant after the first few months of the war, when violence increasingly occurred outside easily accessible urban areas. In practice, operational conflicts between the priorities of the ceasefire monitors and the operational capacity of UNMISS were frequent. Perhaps the area of greatest discussion was the security of monitoring personnel. The protection of the ceasefire monitors, as an

unarmed operation, depends politically on the goodwill of the parties, and practically on the armed forces of UNMISS, as mandated by the UN Security Council.[42] As a 2017 CTSAMM report plainly stated, a "lack of sufficient UNMISS force protection . . . resources is proving a significant impediment to the operations of [monitors]."[43]

Even though the Security Council in 2014 had authorized an additional battalion of UN troops explicitly to provide increased force protection capacity to ceasefire monitors, these troops were not always available and were sometimes used for other UN priorities.[44] Without adequate armed escort, monitors' missions were frequently delayed, and their mobility constrained, even if monitors did have their own dedicated vehicles and aircraft. Beyond force protection, one independent donor assessment of the mission found that when requests to the UN were made for air transportation, UNMISS did not prioritize CTSAMM's flight bookings, leading to further delays, with "the CTSAMM agenda . . . ruled by UNMISS."[45] Even when UNMISS did offer seats to ceasefire monitors, the risk was that the government of South Sudan would fail to grant the necessary flight clearance, which, in contravention of its obligations to the UN mission, would effectively if indirectly impede monitors' movements.

A former US diplomat argued that the monitoring mechanism "never received the level of support needed to turn it into a viable tool to conduct useful investigations," noting that US support to provide the mission with two more helicopters came only in late 2018, and that it took the mission "three years to get out of the mud." Other diplomats and monitors rejected the characterization that the United States was stingy. As a former US government official who was involved in the logistics asserted, "They could have always asked for more. . . . I would repeatedly ask, 'What do [they] need, what do [they] need?' And there was never a request that [they] needed another helicopter, or that [they] needed this, or needed that." But even with aircraft, as an observer pointed out, this is "not a mission conducive to a credible investigation. You can't have a firefight, fly a team to

Locations of Ceasefire Monitoring Teams, 2014–19
Source information provided by CTSAMM. Map adapted from artwork by Peter Hermes Furian/Shutterstock

a place for one day, and investigate conclusively." For others, complaining about a lack of mobility was convenient: it was an excuse for inaction.

FINANCIAL MANAGEMENT

Accounting and procurement practices in the mission were weak. One monitor noted that "the same guy [who was] doing the tender process was also running the procurement, award[ing the contract], and [making] the payment." Another pointed out that until late 2018 the accounting system was a rudimentary spreadsheet system without any safeguards. Further, as one observer noted, "the direct [reporting] line was always from the finance [officer] to the chairman," which allowed other management staff to be bypassed and financial controls to be ignored. "That was a big freaking flaw [because it allowed for the] . . . skimming of money . . . lots of f—g money."

A conclusive forensic audit of the mission is beyond the scope of this report. However, several respondents did share credible allegations of corruption: misdirection of a portion of monitors' salaries, nontransparent selection of preferred vendors, inflated costs for the provisions of goods such as monitors' accommodations, and procurement fraud, most tangibly in the supply of fuel for vehicles and electricity generators. In a vivid illustration, multiple sources recounted an incident where a supplier to CTSAMM arrived at its Juba offices with a check for $47,000 made payable to a former senior staff officer, in what appeared to be a kickback on the contract. As another observer noted, "I knew there was money in war, [but] I didn't know there was also money in peace. Some people want the mission to last forever [to profit further]." At the same time, weaknesses in management of CTSAMM's financial resources meant observers from the IGAD countries were often paid months behind schedule.

Monitoring after the 2015 Agreement: "Did We Make a Difference?"

Following the 2015 ARCSS, CTSAMM replaced the MVM. The number of locations in which monitoring teams were present was expanded and the core of the MVM's staff and procedures were initially retained. The entity—and the individuals—to whom the monitors reported also changed. No longer were the reports sent to the IGAD's special envoys, who had effectively stepped down. Instead, CTSAMM now reported to the new oversight mechanism created by the 2015 agreement, the Juba-based Joint Monitoring and Evaluation Commission (JMEC), led by Festus Mogae, the respected former president of Botswana.

The relationship between the JMEC and CTSAMM was often troubled. Although they were headquartered in the same place, CTSAMM chairs did not feel accountable to the JMEC chair, instead remaining most responsive to those they saw as their ultimate masters—the Ethiopian military chain of command. One former observer was critical of the leadership of both the CTSAMM and the JMEC. "[The CTSAMM chair] did not take advice," he noted. What was expected of JMEC chair Mogae was to "provide positive reinforcement. Instead he put [the CTSAMM chair] down in public." Although the relationship between the leaders did improve over time, according to advisers to Mogae, the former president's part-time presence in Juba did not help, and relations between the JMEC's deputy chair and CTSAMM leadership were consistently poor. Nor

were relations at the operational level between institutions ultimately constructive. Many CTSAMM personnel bemoaned what they saw as the JMEC's lack of understanding of their function, a lack of action in response to CTSAMM's findings, and inadequate political support. JMEC staffers, for their part, felt that CTSAMM's monitoring was often reactive, and that many of the reports they received from CTSAMM were unduly late or short of content, lacked specific recommendations, and were sometimes in need of significant editing.

For the year between August 2015 and July 2016, serious violence between the parties to the ARCSS declined significantly, but numerous incidents still occurred. Although the final responsibility for any violence lies with the belligerents, how CTSAMM interacted with the combatants at the time may have been counterproductive to a certain extent. As a former observer argued, "The people we [had] in the room [were] not the people doing the fighting. It [was] a waste of time." A lack of creativity in monitors' activity may have exacerbated the inability of the mission to be transformative. One observer pointed out that the focus on patrolling—that is, moving from one location to another along a fixed route—was excessive. He argued that despite a role for patrolling, it was "the least important thing we do," and that monitoring should be "about engagement" with the parties instead.

South Sudanese policemen and soldiers stand guard along a street following renewed fighting in South Sudan's capital Juba on July 10, 2016. (Photo by Samir Bol/Reuters)

The "permanent" ARCSS ceasefire failed in July 2016. The catastrophic collapse began with the failure of security arrangements in Juba, overseen by CTSAMM and JMEC. Monitors were required to determine compliance with both the requirement to demilitarize Juba and a little-known secondary agreement that prescribed caps on the number of government and opposition forces permitted in the city.[46] CTSAMM was unable to conclusively verify the number of government forces present. Ultimately, government forces exceeded the cap and vastly outnumbered and outgunned SPLM/A-IO troops, which perhaps emboldened the government to embark on the offensive that led to the proliferation of conflict throughout the country over the next year and a half. And after the collapse of the ARCSS, CTSAMM effectively stalled. As one senior observer remarked, "In 2017, we did nothing. We had

to wait for the HLRF [to start]." While this comment is, to an extent, hyperbole, the broader point remains of questioning the utility of monitors when even the pretense of a ceasefire has evaporated.

Even before the collapse of the ARCSS, the time it took to report monitors' findings had increased significantly relative to 2014.[47] One former observer rebutted the claim of slowness: "[Although] we received a lot of criticism for our response time, investigations were usually done in a timely manner, with many conducted within seventy-two hours." Others pointed out that the speed of reporting was not the most useful metric, and that judging the pace of reporting should depend on the purpose for which the information was to be used. As a former US diplomat argued,

> If we are merely interested in a quick perspective on a violation that provides sufficient information to allow an informed reaction by capitals, then we should continue to press for speed. If we want reports that would be sufficient for future legal processes, then [monitors] require not only time, but personnel with training and experience in conducting investigations and writing reports that would meet the standards of, say, the International Criminal Court."

Several lawyers consulted for this report and a number of observers agreed that the monitors' reports would be inadequate for any judicial process. One monitor bemoaned that "very little that we have produced will be useful down the line." But he also argued that "despite all its failings and inefficiencies [the mission] does actually get the job done. It provides reports to JMEC and the IGAD Council of Ministers 'for remedial action and accountability.'"[48]

In the absence of a lasting settlement in the five years from 2014 to 2019, perhaps the most crucial question is whether any of the ceasefire monitoring mechanisms helped deter or mitigate future episodes of violence. On this question, views are decidedly mixed, with respondents falling along a spectrum, from those that saw no deterrent effect whatsoever to those that felt there had been a partial effect. As one former diplomat put it, "CTSAMM didn't deter the attack on [SPLM/A-IO leader] Riek Machar [in Juba in July 2016]," which led to the collapse of the ARCSS.

A more common, qualified, and diplomatic assessment is exemplified in the words of a former diplomat: "The mission did help deter violence and escalation, though to a limited degree." For another former diplomat, expectations of the mission in changing behavior "have always been unrealistic," and the mission's value should always have been considered incremental. Many observers, both past and present, questioned their contributions over the years. One asked, "Did we make a difference? I'm not sure." Said another, "I don't think [we] were a deterrent. [The South Sudanese] never changed. They kept on violating the peace agreement."

The views of South Sudanese interviewees were also mixed as to whether monitors deterred future violations. One civil society figure argued that "the parties don't care, they didn't change their attitudes. The model is inadequate." Another felt that there had been a useful contribution from monitors, which was in part psychological: that believing that peace existed was important and depended in part on the signaling function conveyed by the presence of ceasefire observers, and that even some restraint from the parties was better than nothing.

It is difficult to determine what the combatants truly think about the ceasefire monitoring efforts, but it is important to remember that their views are not monolithic. It can be partially inferred that the denial of monitors' findings—which all parties to the conflict did at some point during the war—is a form of tacit recognition that the outcome of monitors' work did, and does, matter to the parties. As one South Sudanese political leader said, "While we expected more from [the monitors], nobody wants to be blamed for fighting."

Reports on high-profile incidents, such as the mass killing of civilians suffocated in a container in Unity State in October 2015 and the mass rape of women and girls in November 2018, have been angrily denied, and accountability for atrocities has never been forthcoming.[49] And there are examples where specific, focused recommendations from monitors, particularly on the withdrawal of forces in areas of repeated clashes, did get the attention of the parties. Whether such recommendations had a decisive impact on the parties' future behavior is, however, speculative. In the final analysis, the conflict in South Sudan did not end with, nor was it dramatically altered by, the establishment of the MVM in early 2014, as was first anticipated.

Conclusion and Policy Recommendations

The September 2018 the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) mandated further reforms to the ceasefire monitoring mechanism, now known as Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism. Understandably, today's monitors are focused on implementing what is required by that agreement, and its many urgent difficulties, rather than on past failings. Some argue that today's context of implementation, and a shifting focus toward, for example, the verification of forces, and compliance with the parties' affirmative obligations, makes comparisons to earlier iterations of the mission moot. Other respondents were more fatalistic. As one analyst put it, "What is the alternative? If we didn't have CTSAMM we'd have to invent something similar. How much better could it be?"

Although the context in which CTSAMVM operates today is indeed different from that in which the MVM was established in 2014, lessons can nonetheless be learned for improving the practice and conduct of ceasefire monitoring, which are both applicable to South Sudan and to other contexts where ceasefire monitoring may be needed. These are both technical to the process of monitoring and conceptual in the design of peace processes and mission mandates. Among the most important lessons is the need for a clear-eyed mission analysis of what is possible for monitors to achieve, particularly in a nonpermissive environment. As a former diplomat argued about the MVM, our "starting premise was flawed . . . to replicate [the NMCA] when the conditions were not the same." Obviously, the NMCA covered a smaller geographic area, operated without any support

from a UN peacekeeping mission, and enjoyed good cooperation with the parties and with the Nuba civilian population. Most important, both mechanisms hoped to serve as confidence-building measures for future peace talks. On this point, the MVM and its successor entities never found their strategic purpose, and their connections with the ongoing peace process were confusing, if not contradictory.

Yet, even if the political and tactical conditions had been different, the decision to deploy a ceasefire mission—in support of the most tenuous of initial truces—was probably the right call. That said, in almost every respect the execution of the mission could have been better, and ample opportunities were missed to improve the slim chances of success.

Ensuring that monitoring is credible requires a clear separation of authority between political mediators and ceasefire monitors in contexts where the risk is high that the findings of monitors may be sacrificed for political expediency. Mandates should be unambiguous, particularly in terms of the reporting and release of monitors' findings. Such missions need competent leadership and personnel of diverse backgrounds, including more women and civilians. Much as is true of peacekeeping, ceasefire monitoring requires qualified, motivated, and trained personnel who are ready to hit the ground running. Given that several African subregions, including the IGAD and the Economic Community of West African States, are likely to take on ceasefire monitoring missions in the future, a pre-departure training program or academy, akin to those to

which prospective UN peacekeepers are sent, should be considered so that a standing pool of qualified regional monitors is available for deployment.

In highly complex, fragmented conflicts, institutional rivalries—particularly between entities created by the same peace agreement—are self-defeating. And although UN peacekeeping missions may not always be present in a conflict environment, or best placed for a variety of reasons to take on ceasefire monitoring where peacekeeping operations and third-party monitoring missions overlap, the UN secretariat could develop a standing policy on cooperation and assistance with such entities. This would ensure that the requisite policies are in place before a third-party monitoring mission is deployed, and avoid bureaucratic wrangling in the theater when implementation and the deterrence of violence, rather than institutional legalities, are of paramount importance.

Although the political will of belligerent parties is fundamental to the success of monitoring efforts, in its absence monitors in South Sudan and elsewhere are unlikely to improve their odds if they do not engage the public on behalf of whom monitoring is conducted and for whom peace is pursued. Leaving the airwaves to the warring parties is a mistake, particularly in an environment where hostile propaganda is common. Further, relying on ceasefire monitoring practices from the 1990s and 2000s that predate the internet, social media, and mobile phones ignores the great potential to mobilize citizens to provide information about agreement compliance and violations to monitors,

understand how combatants may be mobilizing or agitating, including through hate speech, and disseminate monitors' findings.

The parties to ceasefire agreements need to know that, where appropriate, monitors are prepared to make specific, measured recommendations for substantive corrective action that pertain directly to their findings, rather than punt the formulation of such actions to political institutions that will be much slower to act.

Most important, combatants need to know that such agreements have teeth. Defenders of these pacts, whether direct guarantors or international supporters such as the United States, should reinforce monitors' findings by demonstrating that noncompliance entails consequences, and use ceasefire monitoring reports as the basis for any action to be taken against those with both operational and command responsibility for flagrant ceasefire violations, so that it is clear that consequences to ceasefire violations are meaningful.

Finally, at a broader geopolitical level, the ceasefire monitoring mechanism in South Sudan is an institution in which the United States, its allies, and China participate. Chinese officers serve alongside US civilian personnel, most of whom happen to be retired US military officers, cordially and collaboratively. Such relationships, although limited, do demonstrate that common objectives and cooperation are possible in critical areas of conflict resolution, and perhaps even a foundation for further partnership.

Notes

1. Intergovernmental Authority on Development (IGAD), "Agreement on Cessation of Hostilities," January 23, 2014, https://peace-maker.un.org/sites/peacemaker.un.org/files/SS_140123_CessationHostilitiesGov-SPLMAOpposition.pdf.

2. "Cessation of Hostilities Verification Team Concept Note," unpublished US government paper, January 2014.

3. "CTSAMVM continues to be denied access for the verification of forces and assessment of cantonment sites" (Desta Abiche Ageno, "Opening Statement at the 10th CTSAMVM Technical Committee Meeting," April 25, 2019, www.ctsamm.org/wp-content/uploads/2019/04/Opening-Remarks20190425.pdf). "Denial of access is still an ongoing issue" (Desta Abiche Ageno, "Opening Statement at the 9th CTSAMVM Meeting of the Technical Committee," March 20, 2019, www.ctsamm.org/opening-statement-at-the-9th-ctsamvm-meeting-of-the-technical-committee).

4. Calculations by the author based on donor data.

5. From 2014 to 2019, $80.7 million was spent by the United States on in-kind assistance to the MVM, CTSAMM, and CTSAMVM; a further $13 million was planned to be spent in 2019 (US Department of State, communication with the author, 2019). Other major contributions included over €24 million from the European Union and €10 million from Germany. China, Denmark, Ireland, Japan, the Netherlands, Norway, Sweden, and Britain all contributed funds at various points over the last five years.

6. For selected reports, see CTSAMM, "MVM Violation Reports: 2014–2015," www.ctsamm.org/reports-documents/mvm-violation-reports; "Violation Reports: 2016–2018," www.ctsamm.org/reports-documents/ctsamm-violation-reports; and Reconstituted Joint Monitoring and Evaluation Commission, "CTSAMM Violation Reports," December 2015 to August 2018, www.jmecsouthsudan.org/index.php/reports/ctsamm-violation-reports?limit=20&limitstart=60. In September 2018, CTSAMVM changed the method by which it reported violations and ceased issuing reports describing individual incidents.

7. Patricia Daley, "Challenges to Peace: Conflict Resolution in the Great Lakes Region of Africa," *Third World Quarterly* 27, no. 2 (2006).

8. Malin Åkebo, *Ceasefire Agreements and Peace Processes: A Comparative Study* (Abingdon, UK: Routledge, 2016), 3; and "The Politics of Ceasefires: On Ceasefire Agreements and Peace Processes in Aceh and Sri Lanka" (PhD diss, Umeå University, 2013), www.diva-portal.org/smash/record.jsf?pid=diva2%3A640450&dswid=-5379.

9. Kristine Höglund, "Violence—Catalyst Or Obstacle to Conflict Resolution?" (seminar paper, Department of Peace and Conflict Research, Uppsala University, Uppsala, Sweden, September 26, 2001, www.pcr.uu.se/digitalAssets/654/c_654444-l_1-k_uprp_no_3.pdf); and Fred Ikle, *Every War Must End* (New York: Columbia University Press, 1991).

10. John Darby, *The Effects of Violence on Peace Processes* (Washington, DC: US Institute of Peace, 2001); and James D. D. Smith, *Stopping Wars: Defining The Obstacles to Cease-Fire,* (Boulder, CO: Westview, 1995).

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of sexual and gender-based violence in the conflict (MVM Violation Report V053, November 25, 2015). CTSAMM concluded
that an attempted rape of two women did occur in Digala, Central Equatoria, in March 2016, but that the perpetrators could not
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the area of Yei, Central Equatoria, in July 2017 (CTSAMM Report 051, November 3, 2017). A year later, another CTSAMM report
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PEACEWORKS

More than five years after the first ceasefire agreement, ceasefire monitors are still on the ground in South Sudan, and the latest truce remains fragile. The hope was that a specialized, neutral, third-party mission—backed by international donors—would conduct accurate and timely investigations of alleged truce violations, help overcome the mistrust between rival factions, halt ongoing violence, and deter further incidents. This report reviews the history of ceasefire monitoring in the country and finds that ample opportunities were missed to improve the slim chances of success of the mission. Although ceasefire monitoring in South Sudan remains necessary, this report argues that greater innovation in monitoring is required, including greater institutional coherence, better public engagement, and consequences for ceasefire violations.

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