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Transition and Transformation of the South Sudan National Defence and Security Services

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*Transition and Transformation
of the South Sudan National
Defence and Security*

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Foreword

This publication is one of IPSTC's contributions to understanding the conflict situation in South Sudan. The role of the International Peace Support Training Center (IPSTC) as a regional center of excellence is to contribute to the preparedness of the Eastern Africa region in addressing peace and security challenges. This demanding and extensive task comprises two essential aspects; namely the ability to raise awareness about problems that may affect the region, and the identification of possible ways to address them.

The complex conflict situation in the Great Lakes region and the Horn of Africa calls for knowledge based policy making on pertinent issues of peace and security. Specifically the post conflict situation in South Sudan calls for profound research and analysis of the current conflict dynamics. Given the fragility of the new nation and the immense challenges of providing security and basic services to the entire country and initiating development amidst scarce resources; South Sudan requires reliable knowledge of conflict prevention, management and resolution.

Transition and Transformation of the South Sudan National Defence and Security Services; presents the nature and extent of development and transformation of the defence sector in post-war South Sudan. The paper examines the creation, reform and/or transformation of institutions, norms and doctrines that are within the defence and security prerogatives of the State. It has a keen analysis of how the State of internal economic and social development also impacts on the unifying effect of a national professional security system and process on the ground.

The International Peace Support Training Center has made considerable contribution in research and training on peace support issues in the Great Lakes region and the Horn of Africa. The research products inform the design of our training modules.

I would like to thank the Government of Japan and the United Nations Development Programme (UNDP) for supporting the research and publication of this booklet.

IPSTC will continue to collaborate with development partners to publish high quality research products on topical issues of peace and security in the region.

Brigadier R. G. Kabage

Director
IPSTC

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Abbreviations

ACCORD	African Centre for the Constructive Resolution of Disputes
AIC	African Inland Church
C3	Command, Control and Communication structures
CBOs	Community-Based Organizations
CEPO	Community Empowerment for Progress Organization
CIFP	Country Indicators for Foreign Policy
COGS	Chief of General Staff
CPA	Comprehensive Peace Agreement
CSAC	Bureau of Community Safety and Arms Control
DDR	Disarmament, Demobilization and Reintegration
DIGP	Deputy Inspector General of Police
EALA	East African Legislative Assembly
EES	Eastern Equatoria State
GOSS	Government of South Sudan
HSBA	Human Security Baseline Assessment
ICG	International Crisis Group
IGAD	Inter-Governmental Authority on Development
IGP	Inspector General of Police
IRIN	Integrated Regional Information Network
JDB	Joint Defence Board
JIU	Joint Integrated Unit
JOC	Joint Operations Centre
LRA	Lord's Resistance Army
NGOs	Non-Governmental Organizations
OAGs	Other Armed Groups
OCHA	Office for the Coordination of Humanitarian Affairs
RECSA	Regional Centre on Small Arms and Light Weapons
RSS	Republic of South Sudan
SALW	Small Arms and Light Weapons
SAS	Small Arms Survey
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement

SSAF	South Sudan Armed Forces
SSANSA	South Sudan Action Network on Small Arms
SSDC	South Sudan Defence Council
SSDP	South Sudan Development Plan
SSPS	South Sudan Police Service
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNSC	United Nations Security Council
USA	United States of America

1. Introduction

State and governance in Africa have undergone many developments since the colonial times. The notion of the “state” in its Westphalian definition is relatively young on the African continent. South Sudan, the newest state in the international community, is facing different challenges that combine the complexities of post-conflict reconstruction and state-building. After independence, creation of a new state faces the challenges of establishing sound institutions consistent with the principles of good governance and the rule of law. In South Sudan, the state will have to cope with age-old traditions and cultures most of which are not consistent with international standards and practices of the modern state and subsequently face the challenge of not being accepted by all levels of the population. The various structures of governance namely the police, defence, and general public administration need to be strengthened and equipped with modern state paraphernalia while at the same time forging a sense of nationhood. The society and its peoples are still in the recovery stage. A society whose youth have grown in a conflict environment, faces a significant challenge in returning to normalcy. The survival mechanisms that prevailed over several decades must now be remodelled into modern livelihood activities in building a sustainable and stable future. Departing from local interests to address national goals requires more than will. In a society that is divided by local interests, political aspirations, resource contestations, ethnic diversity, historical rivalries, and lack of communication infrastructure, generating the idea of a nation sharing the same objectives and aspirations is a big challenge.

Security is one of the main “common denominators” that unite the various components of a society. The establishment of a security sector supported by effective governance seems to be one of the greatest tests for an emerging state. Yet, the preoccupation of the international community to engage the “aspiration for peace” as a unification factor tends to pose an additional challenge to this young nation. The CPA itself was signed with only one group (SPLM/A) representing a complex societal reality. This has tended to mask the societal and ethnic diversity of the country. Looking ahead, the

challenge is not only to create a state beyond the dominance of the liberation group but also to create a nation. Lack of confidence in the new state apparatus and absence of effective security has led to the persistence of armed groups in parts of the country thus creating additional barriers to nation-building.

1.1 Statement of the Problem

The SPLA still remains a “faction” in the minds of the people. Even the constitutional transformation of SPLA to South Sudan Armed Forces (SSAF) was not made visible by the new uniforms or insignia, which portrays the change as merely cosmetic. The planned reduction of forces requested by the international community and budgetary constraints tend to work adversely against more diversity within the military. In other words, the missed opportunity to use security and Security Sector Reconstruction as a starting point for national consensus is jeopardized and still feeds resentment and mistrust among the population. The question of how representative, transparent and transformative the SPLA is on the ground is essential as a building bloc towards a national reach and delivery of security. This study therefore focuses on the transformation of the South Sudan defence and security sectors. It examines the creation, reform and/or transformation of institutions and norms/ doctrines that are primarily within the defence and security systems. It analyses the social and economic factors that impinge on transition and transformation of South Sudan’s defence and security services.

1.2 Objective of the Study

The main objective of the study is to investigate the nature and extent of the transformation of the SPLA-based South Sudan Armed Forces into a professional army. This is with a view to understanding the dynamics, challenges and opportunities of developing national security and defence forces in the post-conflict period.

1.3 Scope of the Study

This study seeks to investigate the nature and extent of national security and defence transformation in its multi-dimensional components. It attempts to explain, and understand how the national security and defence system in Southern Sudan has developed over time, including a critical analysis of the security concept that determines the current state of affairs. Towards this end, current policy and practice are investigated against: the SPLM/A's ideological and strategic orientation; South-Sudan's domestic and regional security system; an investigation of the dilemma between the 'party' and the 'movement', and how this duality affects the national security and defence system, its transformation and growth; the early transformative processes of the SPLA into a professional army and defence entity; SPLA's transformation under the peace agreement implementation phase; a critical analysis of policy, legal, structural and political dilemmas connected to defence sector management in Southern Sudan (post -referendum); and an analysis of the 'relics of the war', reintegration and implications for transforming the army and security system.

1.4 Research Methodology

The methodology was mainly qualitative. Qualitative research seeks to understand and explain phenomena from the actors' own frames of reference. People and institutions are studied in terms of their own definitions of the world, also termed as the 'insider perspective'. The justification for this is that insider information was sought and that the target respondents were largely official actors or entities engaged in the defence and security management in South Sudan. These are mainly decision makers in the political, defence and public administrative structures in the SPLM/A rank-and-file. Other respondents and institutions targeted are those involved in security sector reforms and governance in South Sudan, for example, non-governmental entities. The qualitative approach is also 'multipurpose' since it utilises different qualitative techniques and data collection methods relating to social interaction, describing, making sense of, interpreting or reconstructing this interaction in terms of meanings. A variety of methods was used to gather data: interviews, desk-top review of policy and other

relevant documents. In general, the design was a case study targeting the national security and defence institutions in South Sudan.

1.4.1 Target Institutions

The target institutions were categorised into 4 priority areas:

- a) Ministries/ portfolios which develop, manage and implement defence and security policy (typically the Internal Security Ministry, the SPLA representation);
- b) Bodies charged with oversight of these Ministries and their subsidiary units (notably the South Sudan Human Rights Commission);
- c) Operational actors charged with guaranteeing South Sudan's national security: and
- d) Actors outside the "official-government or track one" capacity. These included among others the office of the Director of Political Affairs at the UN Mission in South Sudan (UNMISS); members of NGOs and CBOs involved in security sector reform programmes in South Sudan. Another important segment of this category was the citizens notably community leaders/ elders, and FBO leaders.

1.4.2 Sampling Procedure

The study adopted a purposive sampling procedure. This form of sampling is important since it utilised a selection of information-rich sources for in depth study. It utilized the above 'informative and targeted participants and institutions'. The respondents were therefore divided into 4 categories:

- a) Category 1: involved structured interviews targeting the Ministries that develop, manage and implement defence and security policy. The category 1 participants were therefore sourced from; the Ministry of Internal Affairs, and the South Sudan Disarmament, Demobilization and Reintegration Commission.
- b) Category 2: involved structured interviews targeting bodies charged with oversight of category 1 participants and their implementation bodies. These

participants were therefore sourced from the South Sudan Human Rights Commission.

c) Category 3: involved structured interviews targeting operational actors charged with guaranteeing South Sudan's national security. These participants were therefore sourced from officials from security training institutes, and selected security representatives in Juba and in selected states (Eastern Equatorial State).

d) Category 4: actors outside official government or track one capacity. Structured interviews involved: political officers of the UNMISS; members of NGOs mandated to conduct and involved in SSR programmes in South Sudan; members of CBOs involved in reintegration processes of ex-combatants, alternative dispute resolution, and general involvement in security sector transformation in South Sudan, for example, the AIC church in Eastern Equatoria State (EES); and officials representing the social cultural dimension (community elders, church elders etc) involved in security/ dispute management processes on the ground.

2.0 Theoretical Framework

Transition and transformation of the defence and national security services in South Sudan do not exist in a vacuum and the paper attempts to link these two processes from conceptual and practical perspectives. History and the current objective realities provide the raw materials for transition and transformation.

2.1 Ideological and Strategic Orientation of SPLM/A

It is important to understand that the name “Sudan People’s Liberation Movement/Army” reflects the vision and ideology of its leader, John Garang, which envisioned the overthrow of the Khartoum regime, not merely to “free” the South. Perhaps, this is why the movement was not named “South Sudan People’s Liberation Movement/Army”. Its initial Marxist stance can be identified through the pre-eminence of its political dimension (SPLM) that eventually constituted the platform of the political dialogue that led to the Naivasha peace process in Kenya. The active support, in particular the supply of arms by the SPLM/A to other like-minded movements such as the Sudan Liberation Movement/Army (SLM/A) in Darfur or the Beja movement in the Red Sea region, underlines the national extent of the struggle envisioned by John Garang. Since the beginning of the movement in July 1983, the SPLM was torn between two main visions: the first (represented by John Garang and Salva Kiir Mayardit) considered that a “New Sudan” should have a secular socialist government whose rule would minimize marginalisation of the various areas of Sudan (not just the South) and therefore, the Khartoum government should be toppled; and the second (represented by Samuel Gai Tut and Akot Atem de Mayan) advocated for the liberation of the South as a continuation of Anya Nya One and Two. In that period, internal cohesion was maintained more often by force than by consent.¹ This internal ideological struggle led to its split in August 1991 thus prolonging the birth of a new Sudan.

¹ See Douglas Johnson. *The Root causes of Sudan’s civil wars* (Bloomington, 2003) p. 91

In 1996, John Garang created the “New Sudan Brigade” which was deployed in Ethiopia along its northern border with Sudan, with the idea of creating a northern wing of the SPLM. However, this northern front never really materialized beyond the political and material support provided to some insurgent groups in the Red Sea and Kassala States. With the abandonment of the idea of a new Sudan, which was the basis for John Garang’s professed notions of a common struggle with Northerners, contradictions surfaced as to how to consider SPLM wings in South Kordofan or Kassala in the framework of a liberation struggle for the South. These problems have not been solved and still plague North-South relationships and affect populations of the Blue Nile and Nuba Mountains Areas. Because of the presence of a strong political wing (SPLM), the SPLM/A provided a platform for negotiation, and thus became the primary actor in the peace process that would lead to Naivasha. The SPLM/A, due to its political component (SPLM), the charisma of its leader and its ethnic representation, were instrumental to make SPLM/A the only Southern Sudanese signatory to the CPA. At that time, SPLM/A composition (mainly members of the Dinka communities) represented the main ethnic group in South Sudan. However, the main ethnic group was not the majority of the population. The Dinka represent a ratio of 10-18% of total population² and experts agree that it is the largest ethnic group in South Sudan. Though they (Dinka) do not constitute the majority of the South Sudanese population, the signature to the CPA gave that community a leading role in managing the balance of existing forces in South Sudan. After February 2006, with the integration of “Other Armed Groups” (OAG), the SPLA became slightly more diverse. It is important to recall that the Addis Ababa Agreement of 1972³ failed not only because the Northerners reneged on their commitments, but also because of power struggles between the southern ethnic communities and Equatorians’

² Deng, Francis Mading. 1972. *The Dinka of the Sudan*. Prospect Heights: Waveland Press.

³ The *Addis Ababa Agreement*, also known as the *Addis Ababa Accord*, was a set of compromises within a 1972 treaty that ended the first Sudanese civil war (1955-1972). It was only a decade of relative peace that followed, ultimately the Agreement failed to dispel tensions that had originally caused the war. For further insights, see, <http://www.splmilitary.net/documents/THE%20ADDIS%20ABABA%20AGREEMENTS.pdf> as accessed on 2nd April 2012.

fear about Dinka domination. The concern on the part of the small tribes about political marginalization and the unilateral security decision-making by larger tribes is an important factor to consider in post-war reconstruction.

2.2 The SPLM: From Movement to Political Party

The SPLM constituted the political wing of the rebel organisation. Patterned after the traditional Marxist structure of revolutionary movements, the political wing was not only to drive the struggle according to a political vision, but also to create the basis for a post-war or post-revolution establishment. The SPLA was merely the armed wing of the movement and was supposed to implement decisions of the political wing. However, the SPLM/A never managed to have a monolithic ideology and, over time, factionalism developed within the “M” and “A” lines. Although Garang spearheaded the “New Sudan” line, Salva Kiir, who was the Chief of Staff of the SPLA, tended to follow the tradition of the Anya Nya movement towards secession of the South. Just after the signing of the Comprehensive Peace Agreement (CPA) in 2005, the SPLM initiated its transformation into a political party, establishing an interim structure comprising the Interim Political Bureau, the Interim Executive Committee, and the Interim Secretariat. The independence process was the trigger for a new evolution of the SPLM into a full-fledged party, in conformity with the new Constitutional order.

In its new political role, the SPLM was no longer the political wing of one movement, but was to become one party among a plurality of other parties. The political problem of being a member of an institution meant that the party required a strong commitment for effective nation-building and intellectual discipline. This challenge was well understood by SPLM elites and drove the process from 2005 to 2011 that led to the establishment of the Interim Constitution of South Sudan. However, the SPLM/A internal ideological struggle did not stop with the signature of the CPA. In fact, the death of Garang in July 2005 provided an opportunity to reconcile to some extent the two main currents of the SPLM/A through the nomination of Salva Kiir. Although, some suggested that the death of Garang benefited the

Government of Sudan, further analysis tends to indicate that it benefited more the unity of the SPLM/A in light of the 2011 referendum.

It seems that president Kiir has succeeded in accommodating some former adversaries and has been an arbiter between rivals. On the other hand, it is often cited that his vice president, Riek Machar, is the most influential representative of the second largest ethnic group, the Nuer. Whereas other ethnic groups have always regarded the government, party and army of South Sudan as Dinka-dominated, Machar represents other groups who compete over the control of the oil-rich Unity state. He is also a senior representative of former militia leaders who sometimes fought for Khartoum against the SPLA⁴. All these dilemmas of the party and the movement ultimately have an effect on the orientation of the armed forces in the South. The selection of Salva Kiir as Chairman of the SPLM/A was not simply based on ethnic considerations, but was more of an attempt to reconcile various visions under the same banner. As the SPLM was more New Sudan-oriented and the SPLA more separatist, the selection of Salva Kiir despite his lack of experience in the political context, was a clear message to the South Sudanese community. From that point, the newly gained ideological consistency within the SPLM/A opened the door to SPLA leaders for more presence on the political scene. Other factors were at play. During the war, South Sudanese intellectual and political elites migrated to Europe or North America to study or engage in military activities for their home country. Thus, during the two decades, this “elite vacuum” in South Sudan was quickly filled by military leaders and commanders who became the “local elites” and partners in bi- and multi-lateral discussions. After the peace agreement, the return of the exiled elites was not always understood by the local population who tended to trust those leaders who risked their life in combat.

Today, there is some lingering sense of entitlement among those who engaged in direct combat during the struggle. Many senior party and Government of South Sudan (GOSS) positions are occupied by military

⁴ See Fick Maggie. 2010. *Southern Sudan's Post-Election Flashpoints*. 29 April, in <http://www.enoughproject.org/publications/southern-suadn's-post-election-flashpoints> as accessed on 21st April 2012.

personnel, some of who maintain the military rank. For example, currently, 8 out of the 10 state governors elected in April 2010 have a military background, as do many ministers and parliamentarians. The reason for this is that the ruling elite feel that former rebels have a right to play a leading role in the new state or are entitled to a well remunerated retirement as legislators. It is however important to note that some have survived the transition by embracing the new democratic values while others still steeped in war time authoritarianism. The demilitarization of the party is something that can only be driven from within and depends on many variables including the domestic security context, the tone set by the leadership, the party's organisational structure, and the extent of legitimate political competition.⁵ Another factor behind the accommodation of the army in the business of the state is the individual's military rank and war record. Absorption of the army into politics and government structures is also determined by the capacity of the individuals to cause instability, either by continuing to maintain their own militias or through their ability to mobilise armed civilians from their own cohort or elements of their former SPLA units.⁶

2.3 The SPLA: From Guerrilla Movement to National Armed Forces

The military wing of the SPLM/A, the Sudan People's Liberation Army (SPLA), was designed as a guerrilla force. Although it was patterned according to the "traditional" model of Marxist revolutionary movements, with a strong core command structure, the field structure was largely autonomous. Lack of command, control and communications (C3) structures led to reliance on the initiatives of local commanders. Dispersed units were dependent on support from the local population or had to resort to self-

⁵ See Curtis, Devon and Jeroen de Zeeuw, "Rebel movement and political party development in post-conflict societies-A short literature review," Ralph Bunche Institute for International Studies-accessible through http://statesandsecurity.org/_pdfs/CurtisZeeuw.pdf

⁶ See McEvoy Claire and LeBrun Emile. 2010. *Uncertain future: armed violence in Southern Sudan*, In SAS (Small Arms Survey) HSBA Working Paper 20. Geneva: SAS. P.32.

reliance methods to survive. This rather loose command system provided operational and tactical flexibility but undermined strategic cohesiveness. During the interim period that followed the signing of the CPA, the focus on the re-deployment of troops and the establishment of Joint Integrated Units (JIU) that were seen by the international community as key factors in stabilization of the future Sudan, hampered the qualitative development of the SPLA. The command structure remained loose and salaries were not regularly paid, thus pushing some units into illegal activities such as timber trafficking in the southern border areas. The integration of an estimated 50,000 OAG members between 2005 and 2006, especially after the Juba Declaration, complicated the SPLA's internal structures as the integration of former adversaries into the hierarchy triggered tensions over the distribution of ranks⁷. In order to attract OAGs into the SPLA, militia leaders were given the rank of general (usually brigadier-general) even if on some cases their original group was not larger than company-size.

Although efforts were undertaken to break up former command structures by dispersing members, one cannot rule out some of these structures persisting to this day. Since the April 2010 elections, insurgent activities have been numerous and have intensified after the referendum. This might point further to the cracks in the SPLA. There has been a breakaway wave of senior officials like former Deputy Chief-of-Staff George Athor⁸, as well as former militia leaders with a history of frequently changing alliances such as Peter Gadet⁹. It is such manifold internal divisions and rapidly changing loyalties that make it a herculean task for the SPLA to assume legitimacy nationally and to operate as an institutional force, making it in turn harder for actual defence transformation to materialize.

⁷ See Small Arms Survey, *Allies and Defectors*, Small Arms Survey Issue Brief 11, 2008, Geneva: SAS.

⁸ See BBC., 'South Sudan rebel George Athor killed', in BBC News 20 December 2011.

⁹ See Mayank Bubna., *South Sudan Militias*, 2011, March, in <http://www.enoughproject.org/files/SouthSudanReport.pdf> as accessed on 27th April 2012.

3.0 The SPLA: Between Domestic and External Threats

It is important to understand the situation and environment within which the SPLA has been operating and which to some extent has been hindering its effective transformation into a national defence force. One of the major forces hindering effective transformation has to do with the new forms of conflict dynamics in the South. In South Sudan, the notion of a linear progression from war to peace is challenged by the manifestation of new forms of violence which are often mutually reinforcing and have threatened conventional approaches to stabilizing the South. Hierarchical patronage and ethnicity-driven systems of security and government persist. The process of political, security and institutional transition under the GOSS has been interrupted by ‘persistent localised conflict’¹⁰.

The legitimacy of the South Sudan state and especially security and law enforcement is challenged in the remote rural areas where the notion of a ‘peace dividend’ is far from realized. For instance, 2008 and 2009 were particularly violent years, a bleak reminder that the initial euphoria in the first 3 years of relative peace was misplaced. Many of these conflicts were predictable and cyclical with deep historical roots. Clan fighting and cattle rustling caused more displacement than any other factor. According to the South Sudan Relief and Rehabilitation Commission and the Office for the Coordination of Humanitarian Affairs (OCHA), more than 350,000 people were displaced and 2,500 people killed by the conflict from January to December 2009, double that of the previous year¹¹. Over 80% were displaced by inter-tribal and related clashes. The other 20% were displaced by the Lord’s Resistance Army (LRA) rebels, mainly in Western Equatoria State

¹⁰ See News item on Miraya 101 FM.. ‘UN Security Council extends UNMIS Mandate for a year’, 2 May 2009, accessible through, http://www.miraya.org/htmlarchive/index.php?option=com_content

¹¹ More insights on the phenomenon can be accessed in the following information fact file: ‘Multi-donor evaluation of support to conflict prevention and peace-building activity in Southern Sudan since 2005’, accessible through, http://www.noradno/en/tools-and-publications/publications/publication/_attachment/315312?_ts=12f462a129f as accessed on 28th April 2012.

and to a lesser extent, Central Equatoria State¹². Such conflagrations may ultimately trace their roots to a historically unequal distribution of resources between North and South Sudan, but these disputes have much more immediate causes. As an example, a dispute over county boundaries was at the root of the clash between 2 Dinka clans over grazing lands in Warrap State in 2008, and between Shilluk and Dinka communities near Malakal in January 2009. Likewise, in a violent incident on August 29, 2009, 42 people were killed and 60 injured in a clash between communities in Twic East County, Jonglei state that led to the displacement of 24,000 from 17 villages¹³.

All these local and regional security dilemmas ultimately have affect how the major dominant security organ, the SPLA, orients itself. In the absence of an effective police force (the public order and law enforcement element), GOSS officials, who are almost all former military officers themselves, turn to SPLA soldiers to manage these compound security threats. The SPLA has been a dominant policing and order force considering the fact that the Southern Sudan Police Service lacks resources and training to effectively provide security and reverse the effects of the mentioned security threats and situations. Yet, the SPLA is itself untrained in civilian law enforcement and often cited as undisciplined. One example was a policing operation carried out by SPLA soldiers in Eastern Equatoria in June 2008 that spiralled out of control, leading to the deaths of at least 12 civilians, arbitrary arrests, torture and displacement of 4,000 people¹⁴.

¹² See also, UN-OCHA.. *Humanitarian Action in Southern Sudan Bulletin*, Issue 39, Year End edition. December 2009.

¹³ See Integrated Regional Information Network (IRIN). *Sudan: women, children increasingly targeted in Southern clashes*, 4 September 2009.

¹⁴ See Human Rights Watch.. *“There is no protection”; insecurity and human rights in Southern Sudan* (New York: Human Rights Watch) 2009, p. 3. The report can be accessed in http://www.hrw.org/sites/default/files/reports/southsudan0209_webwcover.pdf as accessed on 2 May 2012.

3.1 DDR and Post-war Livelihoods

A further cause of instability is the few benefits that former soldiers have enjoyed from the DDR programmes. The DDR process is highly sensitive and requires strategic measures and support for reintegration and alternative livelihoods, the latter having an economic and social development component. Yet, without a workable plan for restructuring the SPLA based on a clear understanding of its roles, it cannot engage fully in post-conflict reconstruction and development. An important stabilizing factor in post-war and vulnerable societies has to do with infrastructure and sustainable livelihoods. State building and development have are time-bound as compared to parallel processes like security sector development or transformation. Without effective and adequate penetration of the security apparatus into the far flung remote areas, the idea of a nation-wide security system is challenged too. As long as security sector transformation is working in a vacuum without parallel infrastructural, communication and geographical penetration, a national security system might be difficult to come by. The RSS is almost the size of Kenya, Uganda, Tanzania, Rwanda and Burundi combined and it should be appreciated the country is coming into existence after a long war of liberation, inheriting poor infrastructure, weak state institutions, a financial crisis, and an uncertain regional and international political environment. As such, transition of security and defence systems is easy, transformation is not.

3.2 The Post-CPA Interim Phase

The Comprehensive Peace Agreement (CPA) signified a new phase in the history of South Sudan that opened up the polity to the intricacies of state-building. Amongst the main political and security factors and considerations that the agreement sought to streamline was the transformation into a new security system. Closely related to security sector transformation is CPA's security protocol. The protocol outlined a collaborative approach to security issues by giving proviso for 2 armed forces (SAF and SPLA) and Joint Integrated Units (JIUs) that would become the basis of a future national

security/ defence force¹⁵. It is however important to note that the ceasefire and security arrangements of the CPA contained a number of issues that fell outside the post-war UN framework. These were to be the responsibility of the respective CPA signatories. They included the reorganization of the defence apparatus, proportionate downsizing of the respective forces of North and South Sudan, and the formation and training of JIUs. In recognizing that the full deployment and functioning of the JIUs was central to the CPA, the UN Security Council issued a resolution on 31 October 2007 instructing the UN Mission in Sudan (UNMIS) to assume a much greater role in funding and training the units¹⁶.

A JIU support group was established in November 2007 to coordinate international support. It was chaired by the UNMIS Force Commander and comprised the JIU commander, and representatives from UNMIS and donor countries including the UK, USA, Egypt, Norway and the Netherlands. The JIUs did not develop as planned partly because of the looming reality of Southern secession, and also because of a stark contrast between the rhetoric of post-war unity and peace and the realities of heightened tensions on the ground. The GOSS security planning was largely based on the perception that the North did at the time actively work to undermine the CPA and that a future war was likely¹⁷. To this day, the SPLA continues to see SAF as the biggest threat to its security as it did during the civil war¹⁸. The SPLA's concerns were reinforced by the SAF strategy of deploying former SAF-aligned Southern militias to the JIUs. Tensions rose to an all time high when SAF and SPLA components of the JIUs fought each other in Malakal in

¹⁵ See United Nations (UN) Security Council. 2010. S/2010/168. *Report of the Secretary General on the United Nations Mission in Sudan*. 5 April-This report did state that joint integration of the SPLA and SAF stood at approximately 83% of the mandated strength of 39,639. Accessible through; UN Security Council. Secretary-General's Reports in, <http://www.un.org/Docs/sc/sgrep10.htm>

¹⁶ See UN Security Council. *UNSC Resolution 1784. S/RES/1784*. 31 October 2007.

¹⁷ See for example Small Arms Survey (SAS). *Conflicting priorities: GOSS security challenges and recent responses*. (In, Human Security Baseline Assessment, Sudan Issue Brief No. 14. Geneva: Small Arms Survey), May 2009.

¹⁸ See Young, J. *Emerging North-South tensions and prospects for a return to war*. (In Human Security Baseline Assessment Working Paper No. 7. Geneva: Small Arms Survey. July 2007

February 2009. At this early stage, the politics and dynamics of redeployment were the most contentious of all the post-CPA issues. By January 2008, SAF had claimed to have withdrawn 92% of its forces from the South, which was verified by UNMIS. This increased to 100% by December 2009. By contrast, SPLA had withdrawn from the North only 35% of its stated strength of 59, 168¹⁹.

3.3 South Sudan Security Architecture

Most ministers and senior government officials in South Sudan are ex-SPLA or close affiliates²⁰. One of the challenges to the political legitimacy of the GOSS is building an effective governance structure that brings the SPLA under civil control and with respect for human security with a national outlook. This to some extent brings to focus certain empirical points of concern. One is the professionalization of the SPLA as a standing army and an improvement in the capacity and procedural policies of related government bodies. The SPLA is yet to decentralize operational structures and down-size an estimated 210,000 soldiers who currently use 40% of the GOSS's national budget²¹. It is with such unconfirmed numbers of the armed forces and the politics connected to it that re-armament in South Sudan has continued unchecked. Transparency and accountability in the trading of arms in South Sudan has been called into question. Under the CPA, arms transfers to Sudan's 'ceasefire zone', which also included South Sudan, were prohibited, without the express authorisation of the Joint Defence Board (JDB) that comprised equal membership from SAF and SPLA. To avoid a veto, it is argued that GOSS never sought JDB approval for its arms imports,

¹⁹ See UN Security Council 2010, op. cit.

²⁰ See the official website of the Government of the Republic of South Sudan for insights on the state portfolios, though, <http://www.goss.org> as accessed on 18, May, 2012.

²¹ It was on the 3rd of February 2010, that the South Sudan Legislative Assembly passed the third and final reading of the GOSS budget for the 2010 fiscal year. From a budget of 4.5 billion Sudanese pounds, 1.1 billion Sudanese pounds were actually allocated to the SPLA. See UNMIS Briefing 28 June 2010

in effect violating the terms of the CPA²². It is also important to note that the GOSS does not as yet have an elaborate and transparent structure of reporting arms imports²³ but has a legitimate right to obtain military equipment and material as part of its outgoing professionalization towards a modern army capable of defending its sovereignty.

3.4 Security Sector Management in South Sudan

In 2012, the integration of civil administrative players in the defence sector in South Sudan is still at its nascent stages. The civilian-military security interface in defence management is quite limited. In the South, there have also been budgetary prioritization concerns and policy realignments to reflect the demands of constructing/ reconstructing a nation.²⁴ The management of government portfolios is not accompanied by structures for checks and balances such as parliamentary committees notably the Committee on Security and Legal Affairs. A national accountability ethic and agenda in public administration, government allocations and spending is lacking and needs to be installed.²⁵ The inability to pay public sector salaries, including payment of soldiers, increases the risk of defection by former militia away from the SPLA. In a post-conflict environment like South Sudan, transition towards a transformed economy is important for long-term fiscal and governance stability. Effective public sector management of a large defence

²² In practice, the Sudanese government, through its participation in the JDB enjoyed veto power over the resupply of the SPLA.

²³ See Lewis Mike. 2009. *Skirting the law: Sudan's post-CPA arms flows* (Geneva: Small Arms Survey (SAS) Graduate Institute of International Studies), pp. 20-44.

²⁴ See De Waal, A., Sudan: the turbulent state, in. De Waal, A (ed.). *War in Darfur and the Search for peace*. (Cambridge MA: Harvard University Press). 2007

²⁵ 'Rentierism' is a condition or syndrome of rent accumulation and rent dependency. In many low income extractive economies, rentierism produces predatory hegemonic elite (the rentier elite) and a convoluted culture of accumulation and politics. For more insights on the phenomenon see Omeje Kenneth. 2010. Dangers of splitting a fragile rentier state: getting it right in Southern Sudan. ACCORD Occasional paper series (Durban: African Centre for the Constructive Resolution of Disputes, ACCORD), pp. 8-9 and also Collier P. 2008. *The bottom billion: why the poorest countries are failing and what can be done about it*. (Oxford: Oxford University Press) p. 39.

industry and one that is yet to be fully integrated into a fully functioning system should be connected to economic sustenance, livelihood realities and rationality. Ultimately, inability to sustain salaries opens the opportunities for this section of society to seek the services of parallel livelihood economies like organized crime. There are examples from Lakes, Upper Nile and elsewhere of SPLA soldiers commandeering food and other goods from local communities. As asserted earlier, firearms are also highly prevalent in South Sudan courtesy of an inefficient military record system and multiple militia groups created by various warring factions. The army has also been implicated in the illegal sale of wood and resort to environmental crimes for personal aggrandizement.

In a 2010 disarmament exercise in Juba, the SPLA and police retrieved thousands of rocket-propelled grenades, PKM and Kalashnikov machine guns, pistols and even anti-aircraft weapons illegally and privately owned by individuals²⁶. A Human Rights Watch report in 2009²⁷ asserted that the SPLA itself has lacked professional management and has in some instances been an ill-disciplined, sometimes predatory force. Another observation is that where soldiers are unpaid, stories abound of theft of food and other items from the local populations²⁸. Moreover, given the security complexes of South Sudan and the ineffectively trained civilian policing component, the mandate of the armed services is usually illegally extended. The ability of the local forces to respond to cattle raids and rustling depends on their supply lines otherwise they are simply grounded. The ascendancy of Salva Kiir, replacing the late John Garang as president of Southern Sudan facilitated a process of reconciliation between the SPLA and the main militia groups of the Southern Sudan Defence Forces. The process actually reached its fruition with the Juba Declaration on 8 January 2006, which paved way for absorption of roughly 18 militia groups into the SPLA and resolution of a potential internal civil war within the South. The price of this is that the SPLA payroll

²⁶ See 'Army retrieves illegal firearms in South Sudan's Juba. *The Sudan Tribune*, accessed through <http://www.sudantribune.com/spip.php?article32406> as accessed on 3rd June 2012.

²⁷ See Human Rights Watch.. "*There is no protection*"; *insecurity and human rights in Southern Sudan* (New York: Human Rights Watch) February 2009.

²⁸ Ibid, Human Rights Watch 2009.

expanded enormously (although its exact strength is not known) mainly to keep communities and commanders loyal. This happened when GOSS revenues were sharply rising and there was need of parity in sectoral budgetary allocations. Within three years of the Juba Agreement, there were revenue strains in the South and cracks were already appearing²⁹.

3.4.1 Institutional Transformation

The establishment of a rational and coherent defence and security policy for the GOSS took some time to be developed. Two institutions are key in this respect: the South Sudan Security Committee *and the* Southern Sudan Defence Council. The *South Sudan Security Committee* also referred to as the RSS Security Council is a policy-driven system that meets weekly to review the internal national security situation in RSS. The internal security situation is initially addressed by security institutions or organs in Juba, and then passed on to the State Security Committees, or given directly to the SPLA. In practice, the Vice-President chairs the security meetings that may include the Inspector General of Police (IGP) or Deputy Inspector General of Police (DIGP), the Governor of Central Equatoria State, the SPLA Chief of General Staff (COGS), representatives from the Ministries of Defence and National Security, and Military Intelligence personnel³⁰.

The *Southern Sudan Defence Council (SSDC)* is the defence security management machinery responsible for the development of strategic security plans. However, attempts to trace any strategic security policy plans developed by this system proved futile. Its membership includes the Ministers in charge of different line portfolios: Defence, Interior, Foreign Affairs and International Cooperation, Finance, National Security and Legal Affairs. The SSDC is mandated to meet at least on a quarterly basis. It can

²⁹ See Omeje Kenneth, op. cit. and Heinrich Boll Foundation (eds). 2010. Sudan-No Easy ways ahead, vol 18. (Berlin: Heinrich Boll Foundation)

³⁰ See UNMIS (United Nations Mission in Sudan), Southern Sudan Justice and Security Sectors Interim Review. January 2011.

however also meet on an ad-hoc basis at any instance such as at the request of the President. Structurally, there is a technical committee or secretariat that supports the Council but it lacks the capability to assist in decision-making or coordinating the implementation of plans³¹. At the state level, Governors chair security committee meetings whose membership comprises the heads of local security institutions and state security advisers. Similar committees are in place at county level and where there are no obvious threats or on-going security operations, county committees are often less structured and less formal. Depending on the size of forces deployed, brigade, division or battalion commanders represent the SPLA at state and county levels. These SPLA deployments do not, however, respect state and county boundaries which are often poorly delineated³². In analyzing the transformation of the South Sudan defence and security services, it is difficult to separate the SPLA's 'defence management' from policing and internal security roles.

3.4.2 The 2011 White Paper on South Sudan's National Security System

This paper underscores the President's foresight in balancing diverse interests and installing a professional team to oversee the SPLA's transition and transformation. It is apparent that leadership transformation has taken centre stage in RSS especially following the period after August 2011. These changes have seen the initiation of important policy reforms and especially the development of a White Paper on South Sudan's National Security Architecture which was submitted by the Ministry of National Security to Parliament for legislative processes with the aim of having a more coherent

³¹ According to consolidated interview analysis, it does seem that ad hoc security committees at the current focus period, in support by South Sudan Council of Ministers (equivalent to Cabinet decision making processes in other polities), have taken a responsibility in major security decision-making.

³² This was broken down by the Advocate General of the Eastern Equatoria State during an interview with the author in Torit on August 2012.

security system in place by the end of the second half of 2012³³. Another important policy event was the design and ratification of the South Sudan Development plan (SSDP) 2011-2013.

3.4.3 The South Sudan Development Plan 2011-2013

The plan aims to provide a more elaborate and coherent strategic vision for RSS's security horizon. It addresses human security concerns beyond the national boundaries. Important livelihood, economic and social transformation considerations are outlined in the plan and most importantly beyond what the CPA sought to do. This was actually the new government's first strategic plan. The plan proposes a three-year transition period towards a fully-fledged constitution and improved research and analysis across different pillars or sectors of society³⁴. Whereas the SSDP was an ambitious and all-encompassing national development plan, it is actually not taken as a major policy document with equivalent weight to the White Paper on Defence and National Security. However, the document has important provisions which are still being effected especially in the security sector.

The national security and development pillar recognizes the need for an improved, coordinated security policy and decision-making setting at national, state and county levels. This, the Plan stipulates, should be based on appropriate intelligence and analysis; early warning and response; regular review and an agreed on national security strategy which would reflect the local, national, regional and global contexts. In line with this pillar, the plan stipulates that as part of the transformative processes and activities to be undertaken, there is need to establish operational dimensions with the national security and defence portfolios. In the first year of implementation,

³³ Source: these were sentiments that were noted in an interview between the author and the South Sudan Disarmament, Demobilization and Reintegration Commission Chairperson and his Deputy Vice Chair. This was also corroborated by the RSS Inspector General of Police (IGP), in August 2012.

³⁴ See the South Sudan Development Plan (SSDP) as presented in-<http://www.jdt-juba.org/wp-content/uploads/2012/02/South-Sudan-Development-Plan-2011-13.pdf> [accessed on 24th June 2012].

the Plan stipulates the need to establish the post of National Security Advisor. Another recommendation is the establishment of a National Security Committee Secretariat, and a three-year period within which to establish institutional frameworks and infrastructures in support to State and County Security Committees. This would include the establishment of a coherent and workable decision making process in the system. The Plan also provides for policy recommendations touching on information sharing on security, crime analysis and intelligence. Another important component of the Plan and which has a major security transformative effect is the recommendation for the establishment of a National Intelligence Service (NIS) both in law and practice³⁵.

³⁵ Ibid.

4.0 Transformation of National Security: A Developmental Perspective

The transformation of the SPLA into a modern and effective national security and defence force goes beyond the creation of state structures and its success will to a large extent depend on the level of nationhood. Having a national defence force is itself a symbol of nationhood. What follows is the consolidation of a national mind-set that traverses ethno-geographic borders. However, the process will have to contend with a host of constraints: legacies of a long war of liberation; poor infrastructure; volatile political climate; limited capacity for governance; weak state institutions; financial crises; ethnic divisions; and an uncertain regional and international political environment, among others. All these militate against a smooth transition of the SPLA into a conventional national defence and security system. It is still not possible to know the actual numerical strength of post-war SPLA. Between 2010 and 2012, the figures released for serving soldiers has ranged from 150,000 to 207,000 thus making it difficult for planning purposes.

Security experts argue that these figures might not be accurate given the sensitive nature of the subject. Another concern is the marking and tracing of official weapons in the force and those collected from disarmament exercises.³⁶ It is known that some of the arms collected from disarmament are never destroyed. However, there are regional efforts especially by the Kenyan-based Regional Centre on Small Arms and Light Weapons in the Great Lakes and Horn of Africa (RECSEA) to supply the South Sudan Police Service with one marking and tracing machine and plans are underway to train the armed services on how to safely and effectively destroy collected illegal arsenal. While lauding such efforts, Interior Ministry and military top brass admit that these are not enough to address the problem of marking and tracing of SALWs and destruction of illegal weapons. A dangerous precedent has already been set in the sense that old but working weapons are ‘recycled’ and distributed to soldiers without tracing and effective identification mechanisms in place.

³⁶ Views from interviews conducted by the author with officials from the South Sudan Bureau for Community Safety and Small Arms

4.1 Managing Transition and Transformation

On 28th October 2010, the SPLA put into effect a military personnel deployment plan for senior officers. This plan might be the most recent of the policies implemented for providing some changes at the different levels of the military hierarchy and especially so at strategic levels³⁷. Since the Juba Declaration of 2006, there has been promotion euphoria in the SPLA military hierarchy. Promotions are fiercely sought for and this has also taken a non-transparent mode in the military in that the right and standard channels are not actually followed. Qualified officers with good credentials have not necessarily been promoted. For example, there are more than sixty officers with the rank of Major General, a quarter of whom are lined for promotion to Lieutenant General, a level with only six slots.³⁸ This has not only created rivalry in the military establishment but also raises serious questions of integrity. The 2010 personnel deployment plan for the senior officers was meant to minimize the influence of former SSDF high ranking officers. For example, former SSDF commanders who yielded a lot of power and influence in different operational and geographic commands were deployed to less strategic posts and locations. As an example, Major General Peter Gadet, a former SPLA commander of air defences was strategically moved away from this post and appointed deputy divisional head/ commander in a location that was nowhere near his former forces³⁹. It could be argued that this is one of the main reasons he defected from the mainstream SPLA and set up the SSLA militia.⁴⁰

All these developments have had an economic impact on defence reforms. The current financial situation in South Sudan actually calls for austerity measures partly due to the oil impasse between Republic of South Sudan and the Republic of Sudan. Over 90% of the South Sudan's revenues come from

³⁷ See Rands, Richard.. In need of review; SPLA transformation in 2006 – 10 and beyond. HSBA Working Paper No. 23. Geneva: Small Arms Survey. November 2010. P 9-21.

³⁸ Snowden A John. 2012. , op. cit.. 18-19

³⁹ LeBrun Emile (ed). Fighting for spoils: Armed insurgencies in Greater Upper Nile. Geneva: Sudan Human Security Baseline Assessment, Small Arms Survey. November 2011. P 4.

⁴⁰ Ibid, pp. 1-10.

oil and it is risky for the government to be dependent on a single source of revenue⁴¹. Oil prices have been volatile, and the South Sudan economy has not developed non-oil sources of revenue. It is worrying that a large proportion of the RSS budget is allocated to SPLA and salaries. Defence spending has remained a priority. With defence reforms underway, the military bill is proving unsustainable.⁴² During the first quarter of 2011, SPLA personnel received salary increases. A soldier was previously paid 300 South Sudanese pounds at different intervals. Since then, the salaries of soldiers have more than doubled and have been aligned with those of the civil service. As it is now, salaries account for over 80% of defence budgetary allocation of 2 billion South Sudanese pounds⁴³. One of the cross-cutting concerns of any standard defence reform is the establishment of a lean, neat force with implications on cost cutting. The current defence reform processes need to take into account the internal and external challenges that an army would face in a new political and institutional context.⁴⁴.

4.2 Rationalizing Numbers and Efficiency

Adjusting the level of forces and having in mind the financial and economic constraints in South Sudan is the next challenge for the Juba authorities.

⁴¹ See Sabuni Tisa Aggrey, then Acting Under Secretary, Ministry of Finance and Economic Policy, RSS, 2007, in, http://www.siteresources.worldbank.org/SUDANNEXTN/GoSS_Future_Needs.pps. Accessed on 21 June 2012.

⁴² House of Commons (UK). 2012. *The International Development Committee's 15th Report: South Sudan-prospects for peace and development*. London: House of Commons 27 March. Accessible through, <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmintdev/1570/157002.htm>. Accessed on 16 August 2012.

⁴³ IRIN (Integrated Regional Information Network). 2012. *South Sudan: briefing-life without oil*. 14 February. Accessible, In, <http://www.irinnews.org/report/94858/SOUTH-SUDAN-Briefing-life-without-oil>, as accessed on 28 July 2012.

⁴⁴ These are estimates from Small Arms Survey. See LeBrun Emile (ed). *Reaching for the gun: arms flows and holdings in South Sudan*. Geneva: Sudan Human Security Baseline Assessment, Small Arms Survey. April 2012. P 4. Accessible through, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SIB-19-Arms-flows-and-holdings-South-Sudan.pdf> as accessed on 26 July 2012.

Based on different events, namely, the development and implementation of the 2008 SPLA White Paper on Defence, the formal establishment of the South Sudan Armed Forces (SSAF) following the entry into force of the Transitional Constitution, the armed forces have been institutionalized within a constitutional framework. The SPLA Objective Force 2017 is under development with the objective of reducing the total armed force strength to 119,000. Initiated in mid-2011 and approved by the end of 2011, the SPLA with the assistance of the international community developed this vision. This will involve the reduction of “*the South Sudan Armed Forces (SSAF) and the other national organised forces by 150,000 individuals*”.⁴⁵ In terms of nation-building, the challenge faced by the SSAF is to reduce its strength while increasing the number of non-Dinka personnel – in order to improve legitimacy of the new SSAF. After the independence, SPLA morphed into SSAF, retaining most of its existing structures and personnel. Although integration of OAG in 2005-2006 reduced the ration of Dinka personnel in the SPLA, it remained largely dominated by this ethnic group, thus generating suspicion among other communities. Even after the establishment of the SSAF, official documents and uniforms still retain SPLA logos and attributes, making the transformation cosmetic and avoiding internalization of the change among the population.

4.3 Managing the Defence and Security Interface

The success or failure of the SPLA’s reform and transformation efforts will have implications for the consolidated security system in South Sudan”⁴⁶. The most visible reform is the ambitious program that aims to transform the SPLA into a professional army. In addition, the United Nations (UN) is assisting the Government of South Sudan to implement the disarmament, demobilization and reintegration (DDR) programme. While this is aimed at the defence sector, the police, judiciary and corrections sub-sectors have

⁴⁵<http://www.goss-online.org/magnoliaPublic/en/Independant-Commissions-and-Chambers/Demobilization--Disarmament-and-Reintegration.html>, as accessed on 15 October 2012.

⁴⁶ This was argued by a senior official in the Ministry of Internal Affairs, Republic of South Sudan, in an interview with the author in August 2012, in Juba, South Sudan.

received little attention.⁴⁷ Since the signing of the CPA, the GOSS has been active in the transforming the SPLA from a guerrilla movement to a professional army. Indeed, a large component of the CPA actually addresses issues related to the reconstruction of SPLA and implementation of DDR while policing and internal security appear to be assigned less weight. Another area of concern is installing effective governance especially oversight systems and introducing a civilian control mentality in the defence sector. The other critical area is establishing and managing the interface between the SPLA and the SSPS which has occurred with the transfer of a number of SPLA soldiers to the police and other rule of law agencies.⁴⁸

The CPA broadly stipulated that the SPLA's primary responsibility was/is to safeguard Southern Sudanese against possible external threats (the defence component) while the police are primarily responsible for preventing and fighting crime and maintaining public safety (the internal and general security component). According to one CPA provision, the SPLA may provide support to the police when domestic security threats appear to go beyond the capacity of the police. Since 2003, several civilian security services have been established i.e. police, intelligence, prisons and wildlife services. Together, they are responsible for internal security and law enforcement. This is contained in the 2004 Protocol on Power Sharing which states that "Structures and arrangements affecting all law enforcement organs, especially the Police, and National Security Organs ... shall be dealt with as part of the power sharing arrangements..."⁴⁹ Although the protocol set out arrangements for national security organs, it failed to give specifications for the police.

The Southern Sudan Police Service was established in 2005. Its members included three distinct groups: former police of the Government of Sudan previously based in Government-held towns; SPLA combatants who were

⁴⁷ See Lokuji Sebit Alfred, Abatneh Sewonet Abraham & Wani Kenyi Chaplain. 2009. *Police Reform in Southern Sudan*. Ontario, Canada & Khartoum: The North-South Institute & University of Juba. June, pp. 16-19.

⁴⁸ Lokuji, et al., op. cit., p. 20.

⁴⁹ See 'National Security Organs and Police Forces', CPA Agreement on Security Arrangements, Paragraph 8.

assigned as civil police in the SPLM-controlled areas; and demobilized SPLA officers. In 2006, these groups were integrated within the SSPS and came under the control of the Ministry of Interior of the Government of Southern Sudan. Currently, there is a feeling in the police establishment that the SSPS receives little attention from the GoSS and international actors. Interviews with senior police officials including the Inspector General of Police (IGP) revealed that as a result of this situation, it lacks the appropriate legal frameworks for its activities, an effective organizational structure, and even the most basic equipment and infrastructure. According to the Deputy Inspector General of Police in charge of the Prisons docket, it is noted that at the same time, the SSPS continues to absorb a large number of SPLA personnel almost on a daily basis with little or no training, posing significant programming challenges to SSPS leadership and international actors involved in the rule of law sector.

The SSPS is still struggling to define its place in the wider security architecture of Southern Sudan. The lack of a clearly defined space for the police within the structure of the GOSS has led to serious coordination challenges within the SSPS itself and most importantly, to challenges in coordinating with other security and defence organs. There are two separate security sector budgetary working groups within the GOSS's SSR strategy. One is for rule of law institutions (in which the police are represented), and the other is for security institutions (in which the police are not represented). The police leadership thinks that SSR should be broadly defined and SSPS should be represented in both working groups. This would greatly contribute to mitigating the current coordination challenges of the two working groups. So far, there has been little effort to promote the integration of these two working groups. In addition, few government security functionaries appeared to understand how the central state security machinery (the Southern Sudan Security Committee and the Defence Council) work. Towards addressing this impasse, a coordination group of international partners was formed, chaired by UNDP, to develop options for a coordinated response to security challenges⁵⁰. However, senior SPLA and police officers did not appear clear

⁵⁰ See Lokuji Sebit Alfred, Abatneh Sewonet Abraham & Wani Kenyi Chaplain. 2009. *Police reform in Southern Sudan*. Policy Document, Ontario, Canada & Juba, South Sudan:

on who should follow up the outcomes of any discussions or implements decisions⁵¹.

To help the SSPS draft a policy framework and action plan for capacity building, UNMIS and UNDP supported the establishment in 2006 of a Police Development Committee, consisting of high-level representatives from the SSPS, the then Government of National Unity (GNU), and international actors. This committee seems to have been replaced by the Police Working Group, consisting of SSPS and representatives of UN agencies and donor organizations.⁵² However, according to the police leadership, re-instating a more robust police-working group is essential. In order to make the working group more effective, it should be chaired by a representative of a high-level government body, preferably the SSPS's Inspector-General. In addition to playing a coordination role, it should be mandated to examine the present state of the SSPS and review previous efforts on the reorganization, restructuring and repositioning of the service. This would also include the important aspect of transforming the SSPS into a professional service with a direct link with the SPLA defence mechanism. The working group should also be mandated to recommend definitive, measurable and practical actions for enhancement of the police service including possible areas of assistance from international actors. It is important to remember that when it comes to tactical-level coordination, state police officials must be included⁵³.

There are also additional structural challenges to SPLA-SSPS relations. According to a senior police officer⁵⁴, SPLA soldiers are being redeployed into security sector institutions, particularly the police force and prisons service, on a regular basis, but this influx of military personnel into the

The North-South Institute & Centre for Peace and Development Studies, University of Juba, pp. 19-20.

⁵¹ Interview with officials from the South Sudan Bureau on Community Safety and Small arms and with senior SSPS Police officials, August 2012.

⁵² Interview with the Director of Political Affairs (UNMISS), August 2012.

⁵³ Interview views and responses from the RSS Inspector General of Police (IGP), August 2012.

⁵⁴ Interview views from the Inspector General of police and the Director General in charge of correctional services in RSS, August 2012.

police sector has not been accompanied by a corresponding reallocation of resources to cover the additional costs. Most of these demobilized SPLA soldiers join the police service with little if any, formal training. As a result of this constant military influx into the police and poor management and bureaucratic hangovers, the SSPS leadership has a difficult time determining the actual size of the force. This means it is impossible to make informed decisions about resource allocation or to track police equipment and training records. Although the SSPS leadership has an estimate of the current number of police officers, it is likely to continue to swell as a result of the planned disarmament, demobilization and reintegration program targeting about 90,000 SPLA members⁵⁵.

4.4 Small Arms Control Challenges

Several reasons could be advanced to explain why the transformation process should target the law enforcement institutions (SSPS) and the defence sector (SPLA). As explained above, the SPLA has been made to take up law enforcement tasks. This is a task that the military is not supposed to be engaged in. Due to a legacy of more than 20 years of civil war, there is a vast surplus of firearms and ammunition across Southern Sudan. A Small Arms Survey estimated that there were between 1.9 and 3.2 million arms in circulation, of which two thirds were in civilian possession. The proliferation of these arms is exacerbated by the porous nature of the territory's borders with Ethiopia, Kenya and Uganda, and by the limited capacity of law enforcement organs in this case the police.⁵⁶

To deal with the problem of weapons proliferation among civilians, a number of portfolios have been created. In January 2007, the GOSS established a Bureau of Community Security and Arms Control (CSAC). Initially under the jurisdiction of the Office of the Vice- President and now

⁵⁵ Interview with the Deputy Chairperson of the South Sudan Disarmament, Demobilization and Reintegration Commission, August 2012.

⁵⁶ See Murray, R, Garfield, R. and Muggah Richard, *Surveying armed violence, arms and victimization in Southern Sudan: findings and challenges*. Geneva: Small Arms Survey, Graduate Institute of International Studies. 2007

under the jurisdiction of the Ministry of Internal Affairs, the CSAC has a mandate to lead and coordinate government action on community security and arms control issues⁵⁷. The UNDP has provided support to the GOSS through CSAC programmes. Despite the establishment of the CSAC and other mechanisms, the concept of civilian disarmament appears confused by overlapping mandates of different government institutions coupled with weak institutional arrangements. While some believe that the CSAC is meant to deal with civilian arms control, others including officials of CSAC⁵⁸ argue that it should address the disarmament, demobilization and reintegration of former combatants. From the responses of officials in the Ministry of Interior, SSDDRC and non-governmental entities in particular the South Sudan Action Network on Small Arms (SSANSA), it is apparent that civilian disarmament is viewed as falling outside the DDR framework and it seems the SPLA has been left to carry out the task. This is the first law enforcement dilemma that SPLA has found itself in since this task conventionally has a large civilian-police interface. In South Sudan, precedent has shown that SPLA based civilian disarmament has been coercive in nature and this is largely due to the SPLA's nature of training, one not based on civilian control and relations. As a result, this approach has proved to be largely ineffective and sometimes counter-productive as soldiers often employ military tactics (such as surrounding villages and using heavy weaponry and other intimidating strategies).⁵⁹ This was the case in 2006 and 2008 when the SPLA undertook coercive civilian disarmament in Rumbek, Jonglei and other areas. The campaign resulted in the death of hundreds of innocent civilians. In Hiyala and Torit, amidst tensions between two local villages related to cattle raiding, SPLA forces were sent to the area on June 4, 2008 to disarm the community. A fire-fight broke out killing several civilians and soldiers. In cases where weapons were confiscated, reports show that they

⁵⁷ Interview with the Director of CSAC, August 2012.

⁵⁸ Ibid.

⁵⁹ Interview views of Senior Programme Officers at the South Sudan Human Rights Commission (SSHRC), August 2012.

were not stored securely and were redistributed by the SPLA to civilians.⁶⁰ It was clear from interviews in Juba that some of these weapons and in essence those that still work effectively from civilian disarmament exercises have been re-distributed to the ever growing SPLA.⁶¹

These incidents illustrate a more general concern regarding the role SPLA military forces ought not to play in civilian law enforcement. There have been some encouraging efforts by UNDP through CSAC to disarm civilians voluntarily in Akobo County in Jonglei State, but the actual number of weapons collected was reportedly negligible, and thus did not significantly improve the security situation.⁶² It is unlikely that the population will be persuaded to voluntarily lay down its guns in an environment characterized by an essentially non-existent police service, and a perceived need on the part of civilians for self-protection because of ever growing communal conflicts and contestation over resources.⁶³ Fortunately, the GOSS recently realized that simultaneous disarmament targeting all areas of Southern Sudan is necessary for effective and strategic disarmament. This way, the disarmament does not leave one community vulnerable to attacks by others. Many civil society and grassroots bodies suggested that effective civilian disarmament can be achieved by working with the local administrative and indigenous bodies like Boma Chiefs and elders' organizations⁶⁴. Research findings showed that in the absence of a functioning state-run police service, the Boma Chiefs are seen as responsible for providing security in their communities. For example, the chiefs often have detailed knowledge of who

⁶⁰ See Schomerus M., *Violent legacies in Sudan's Central and Eastern Equatoria*, Small Arms Survey, Graduate Institute of International Studies, Geneva, 2008

⁶¹ Interview responses from the Director and Deputy Director of the South Sudan Bureau on Community Safety and Arms Control, corroborated by views from a Program Officer-South Sudan Action Network on Small Arms (SSANSA), August 2012.

⁶² Interview with the Deputy Director of the South Sudan Bureau on Community Safety and Arms Control, August 2012.

⁶³ Interview with Senior Program Officer-South Sudan Human Rights Commission, in Juba, August 2012.

⁶⁴ Interviews with a Chief under the local authority and secretary, Council of Traditional Authority, Torit, Eastern Equatoria State, August 2012.

owns guns and where they are stored. They are also effective in persuading the people to register their weapons.⁶⁵

However, the capacity of the chiefs to complement the work of the state's law enforcement agencies has been greatly undermined by the long war⁶⁶. As communication between the chiefs and the people broke down, the younger generation of men assumed responsibility for providing security. Although the GOSS promises to strengthen their traditional roles, the elders (from chiefs to church affiliated elders) accuse the government of seeking to undermine them by introducing alternative modern administrative methods while providing no clear guidance as to how the traditional and modern initiatives should work together on various issues including disarmament. In the meantime, the chiefs continue to work in challenging conditions. With no basic facilities such as office space, furniture or equipment, they generally work under unofficial premises like their homes⁶⁷. Sometimes, they represent certain constituencies better than others. Further, traditional leaders may not be familiar or compliant with international human rights standards, such as those relating to violence against women and child protection.⁶⁸ It is therefore important to clarify the roles of traditional leaders, and to find more effective ways in which they can complement, but not replace, the formal police and legal system. One way of accomplishing this could be to establish formal mechanisms for local NGOs and other civil society members to collaborate with the chiefs and the police. In the meantime, the grassroots agents could play a crucial role in civilian disarmament and local reconciliation efforts. A positive avenue and initiative is seen by the coordinative forum started by a South Sudan civil society player, the Community Empowerment for Progress Organization (CEPO). Officials

⁶⁵ Ibid.

⁶⁶ Interview views from a Reverend and church elder-African inland Church and Assistant Bishop-Eastern Equatoria State and Upper Nile state. Information also corroborated by Reverend Mark Aketch Chien, Acting General Secretary, South Sudan Council of Churches, August 2012.

⁶⁷ Interview with a Chief, Torit, op. cit., August 2012.

⁶⁸ Interview with the Secretary General of the Women Association of Eastern Equatoria State, the Deputy Secretary-General of the association, and a-Member of the association, August 2012, Torit.

from CEPO revealed that efforts have been positive in bringing all the different players (elders, church groups, civil society, and government institutions) together to debate security and security reform measures under a monthly civil society-security sector reform forum. Deliberations and decisions from these meetings are normally presented to parliamentary committees on Security and also ministries dealing with security aspects. This is an avenue that could go a long way in providing credibility to new actors in security reform and transformation initiatives⁶⁹.

⁶⁹ Interviews with officials from CEPO (Community Empowerment for Progress Organization), August 2012, Juba.

5.0 Conclusion and Recommendations

After decades of war, there is a shared feeling that a “new born” society should drop weapons and get back to work, and that “demilitarization” of the society is a prerequisite for nation-building and development. The reality, however, is more complex. Among the various deliverables of governance a state can provide, the most consensual one is most probably security. Regardless of origin or social position, security belongs to the basic requirements the citizen will ask of the State. In that regard, security can be the common denominator of the expectations of the society. In this respect, the role of the armed forces goes beyond their institutional role: they can be a factor of unity and symbolize the national dimension of security. Yet, over the years, the SPLA emerged as a Dinka phenomenon even after the Juba Declaration in January 2006 by which several Other Armed Groups joined the SPLA thereby increasing ethnic diversity within the movement. Regardless of its real ethnic composition, the SPLA is still regarded in South Sudan as a dominant power with a strong Dinka component.

As early as 2005, the transformation of SPLA was considered as a key factor in national unity, provided the SPLA would change its identity and abandon what had been the image of one ethnic group during the war. This perception of the unification factor is an important step in the nation-building process. The defence of the nation must be a process that transcends ethnic diversity and political parties. In many countries, military personnel are not allowed to engage in politics or be part of a political party. In France, for instance, the Army is nicknamed “La Grande Muette” (literally, “the Great Mute One”), thus underlining the fact that Armed Forces have to stand above factions and partisan politics. The interaction between state-building and nation-building in South Sudan is exemplified by the transformation of the SPLA into the South Sudan Armed Forces (SSAF). As the largest and most obvious institution of the state, the armed forces have an intrinsic stabilizing role not only by protecting the nation, but also (through its diversity) symbolizing the equal burden shared by the various components of the nation in that “national defence”. The psychological and institutional importance of the

armed forces as a component of peace and stability must be acknowledged not only within the country, but also among the international community.

Governance is a key factor in the transition and transformation. Keeping the armed forces above local, ethnic, and political divergences requires a strong, dedicated, and accountable command and control. Internal discipline and education are the key factors of professionalism. Of course, “professional” can be understood in two ways: the fact that military personnel are in the military establishment as a profession, and more importantly, as individuals behaving as professionals. In other words, the military personnel can overcome personal (or tribal) considerations and act as a disciplined servant of the state as a whole. Since the armed forces are usually designed to protect the nation as a whole against external threats, there is little concern about their non-partisan character. The problem gains importance when they are used for internal security duties, thus sometimes putting personnel at odds with their own community. The soldier then may face the dilemma of being loyal to the state (which may be perceived as an abstract entity) or loyal to his/her community. These questions may seem trivial in a “normal” country, but are vital in a country engaged in institution and nation-building because they affect the legitimacy of the institutions. This is the main challenge that SSAF is facing and other countries may face in the near future, such as Somalia. It will require understanding security not only as a component of peace, but also and more importantly, as effectiveness and efficiency of the armed forces. There is an underlying perception that peace is a function of the number of weapons, which explains the emphasis on disarmament even if reintegration options can obviously not absorb demobilized individuals. The problem is not the number of weapons, but the management framework within which they are used. Much was done in South Sudan to train the SPLA/SSAF for International Humanitarian Law (IHL) but little was done and achieved in establishing and consolidating the command and control structures and processes.

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The Paper

This paper examines the nature and extent of the transformation or development of institutions and norms or doctrines that are primarily within the defence and security narratives of the State in the new Republic of South Sudan. It also seeks to address how the internal economic and social development state of affairs in this post war economy also impacts on the unifying effect of a national professional security system and process on the ground. It is within the narratives of good governance that the paper argues that treating and placing the armed forces above local, ethnic or political divergences does require a transparent, accountable and professional command and control.

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