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Police reform and state formation in Southern Sudan

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Since the signing of the Comprehensive Peace Agreement between the Sudanese government and the Sudan People's Liberation Army/Movement in 2005, stability has prevailed but peace remains fragile in Southern Sudan. This article explores the modernisation of security forces in the territory, focusing on challenges and opportunities for the Southern Sudan Police Service. It examines how the political ambivalence of national leaders and key international actors, linked to their goal of creating a state in the South, are shaping the new police force. The study also examines the impact that institutional factors such as a weak legal framework and structural factors such as scarce public resources are having on the development of an effective, rights-respecting police service in the South.

Depuis la signature de l'Accord de Paix Compréhensif entre le Gouvernement du Soudan et l'Armée/Mouvement populaire de libération du Soudan en 2005, la situation sécuritaire s'est stabilisée mais la paix reste fragile dans le Sud du Soudan. Cet article analyse la modernisation des forces de sécurité sur le territoire, en ciblant les défis et les possibilités au niveau du Service de Police du Soudan du Sud. Elle examine comment l'ambivalence politique des dirigeants nationaux et des acteurs internationaux clé, ancré dans leur désir de créer un État dans le Sud, affectent l'émergence de la nouvelle force policière. L'étude examine aussi l'impact des facteurs institutionnels tels que le faible cadre normatif et des facteurs structurels tels que le manque de ressources publiques sur le développement d'un service de police qui combine l'efficacité avec le respect des droits humains dans le Sud.

Keywords: Police reform; security sector; Southern Sudan

Introduction

After more than two decades of fighting, the second civil war between Sudan's North and South ended in 2005 with a Comprehensive Peace Agreement (CPA) signed between the Government of Sudan based in Khartoum and the Sudan People's Liberation Army/Movement (SPLA/M) in the South. The CPA gave the South a large degree of autonomy and established a process leading to a referendum on independence in January 2011. Since the signing of the CPA, Southern Sudan has made modest advances in establishing the rule of law by (re)establishing some key institutions, but the creation of a structured and sustainable system of democratic governance across the territory remains a work in progress.

While the CPA improved the overall sense of security, it has done little to reduce the internal conflicts of Southern Sudan. Armed attacks on civilians and child abductions are widespread, particularly in rural areas where the rule of law is weak and state presence is limited. Recent

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elections in April 2010 were marred by incidents of vote-rigging and isolated incidents of violence. Despite being well below international standards, these elections were accepted as a necessary step toward the 2011 referendum. The proliferation of illegal arms, inter-tribal conflicts over land and resources, cattle rustling and attacks from the Lord's Resistance Army rebels have significantly escalated across Southern Sudan (Brethfeld, 2010, Schomerus and Allen, 2010).

As explained in this article, against this backdrop the Government of Southern Sudan (GoSS) launched an ambitious program to transform the SPLA guerrilla fighters into a professional army. With Western support, plans are also underway to disarm, demobilise and reintegrate some 90,000 SPLA combatants, with a view to reducing military expenditures and building confidence between the North and South.

In comparison, the judiciary and the police have received less attention and investment in Southern Sudan. Four years after its establishment, the Southern Sudan Police Service (SSPS) has yet to become the primary agency that ensures civilian security in a transparent, accountable and efficient manner. In much of Southern Sudan, particularly in remote areas, police presence is limited, if it exists at all. As a result, SPLA soldiers who are not trained in civilian law enforcement and who often lack discipline have taken over the role of managing day-to-day internal security matters, including civilian disarmament. A public opinion survey in 2008 (explained in more detail below) suggests that many Southern Sudanese see the police, the SPLA and other armed groups as major sources of insecurity, and as perpetrators of crime and human rights abuses. Moreover, a majority of respondents in that survey still view the Boma chiefs (traditional leaders) as one of the main providers of security in their communities.

As such, the SSPS faces significant challenges in becoming an effective, accountable and professional organisation. The proliferation of illegal arms in many communities, combined with the lack of training and equipment for the police, means that the police are often unable to disarm civilians effectively. In many instances, civilians are better armed than the police. As a result, the SPLA often reverts to its war-time role and steps in to do what would normally be considered police work, even leading to clashes between the SPLA and the police in some instances.

The legal frameworks and jurisdictions in Southern Sudan are nascent, unclear or absent, making it difficult for institutions such as the police and the military to know how, where and when to do their jobs. Co-ordination among security institutions is weak, and the police in particular are often sidelined from contributing to key decisions. For instance, the current SPLA transformation process has led to a steady stream of ex-combatants being fed into the police service without proper consultation or training. The limited police budget is increasingly consumed by salaries, leaving inadequate funding for training, equipment and infrastructure. Moreover, close to 90 per cent of the police force is completely illiterate, making basic police tasks challenging. Most of the police are also approaching retirement age and need to be replaced by young officers. Although women contributed to the liberation war effort and many women were integrated into the police, including some in high-ranking positions, little effort has been made systematically to promote gender-sensitive police procedures, including recruitment (Small Arms Survey, 2008, Giffen, 2010, Salahub, 2011).

Multilateral and bilateral donors have been involved in improving the professional standards of the SPLA, as well as the police and prison services, particularly through training of senior personnel. However, donor investment in infrastructure and longer-term organisational development has been quite limited, particularly for the police. There are critical gaps in linking bilateral support with wider SSR initiatives. The relatively peaceful general election in 2010 may encourage international and local stakeholders to invest more in democratic institutions and the rule of law. Yet, the perpetuation of localised conflict and slow progress with improving the accountability of government institutions will continue to deter large large-scale investment in rule of law processes (Medea Group, 2009).

These efforts have been hampered by scarce data on public perceptions of the police and the public's broader sense of insecurity. To begin filling this gap, the University of Juba's Centre for Peace and Development Studies (CPDS), in collaboration with The North–South Institute (NSI) from Canada, conducted the first locally led policy research project on police reform and community security in Southern Sudan. The survey was carried out from March to June 2008. It was based on 850 interviews in 6 of the 10 states of Southern Sudan. Specific survey locations were selected through consultations with Southern Sudanese opinion leaders and ensured the widest possible representation of the various ethnicities in both rural and urban settings. Individual and group interviews, using semi-structured questionnaires, were conducted with community members in order to learn about people's views on their security and the role of the police. Extensive key informant interviews were held with members of the police leadership, senior GoSS officials and NGO and donor personnel active in Southern Sudan. The survey was complemented by a review of relevant secondary literature.

The research for this paper was initially guided by questions about the scope of police and other security sector reforms in Southern Sudan, their impact from a democratic development angle, the factors that shaped these changes and what they suggested about options for local and international actors (Sebit Lokuji *et al.*, 2009). This article updates and reinterprets the case study through the constructivist lens presented in the lead paper for this special section (Baranyi and Salahub, 2011). That framework has enabled us to analyse more systematically how institutional and political economic factors in Southern Sudan have interacted with wider peace/conflict dynamics in the country as well with global forces (particularly Western strategies) to shape police and security system development in Southern Sudan.

Historical context

The challenges to democratic control of armed forces and respect for the rule of law date back to the 1990s and the ongoing civil war between the North and the South at that point. SPLA/M founder John Garang's autocratic leadership style and the army's abuse of civilians led to splits in the SPLA and the formation of splinter groups. Throughout this period, Khartoum supported these discontented groups, leading to some of the worst atrocities of the civil war and resulting in mass displacement of Southern Sudanese civilians and the misappropriation of food aid. Ultimately, the fracturing of the SPLA/M led to exacerbated inter-communal bitterness and mass atrocities (McEvoy and LeBrun, 2010).

Another repercussion of the SPLA's split in the second civil war was the creation of countless civilian defence groups – essentially local militias – in Southern Sudan. A major one was the Nuer self-defence group known as the White Army, which attacked Dinka territories and carried out cattle-raiding. Similar counter self-defence forces were in turn established in the area, fuelling the cycle of tribal violence (Johnson, 2003).

The CPA, which focused on the two major parties to the conflict – the Government of Sudan and its Sudan Armed Forces (SAF) and the SPLA/M – did not address the grievances or interests of smaller splinter groups. Several wartime militias which were dissatisfied by the CPA and its provisions on reintegration into the SPLA and SAF, followed their own paths, retaining their weapons and using them not only to defend themselves, but also to plunder communities through violent inter-communal banditry and cattle rustling.

Regional dynamics have also contributed to the current instability of Southern Sudan. Due to the porous nature of borders with its neighbours, weapons which made their way through Chad, the Democratic Republic of Congo and Uganda are now stockpiled in Southern Sudan. The weapons are easily accessible by communities which use them to form militia and defence groups, continuing the cycle of violence (Sedra, 2010). Despite civilian disarmament efforts

and inter- and intra-community reconciliation conferences, the widespread proliferation of illegal firearms in the hands of civilian communities, cattle rustling and conflicts between pastoralists and farmers have become a primary source of violence, resulting in civilian displacement and death in many parts of Southern Sudan, particularly the Greater Equatoria region.

Normative bases for police development in Southern Sudan

Since 2005, a number of legal frameworks have been developed to guide the establishment and development of the SSPS. The CPA made provision for the establishment of security and police forces as part of a power sharing arrangement between the North and South. The 2005 Interim Constitution of Southern Sudan stipulates the establishment of territorial security institutions, including the police, aligned with the decentralised governance system. The Government of Southern Sudan has also developed a SSPS Strategic Plan, although it falls short of being comprehensive due to the government's preoccupation with the 2010 general election and the 2011 referendum. Finally, the Police Act (2009) has also been passed and became a law, after a lengthy delay.

The GoSS has identified the restoration of security as its priority, and has initiated some bold measures for reforming parts of the security architecture. Since the signing of the CPA, the GoSS has been preoccupied by its efforts to transform the SPLA from a guerrilla fighting force into a professional army (Osland *et al.*, 2007). There are a few reasons for focusing on SPLA transformation. First, the current estimated size of the SPLA (approximately 230,000 members) consumes about 40 per cent of the GoSS budget, and this is unsustainable.¹ Second, there is mounting pressure on the GoSS, internally and from international partners, to establish a civilian governance structure with a leaner force size as a sign of building confidence with the North. Third, the SPLA's capability to develop effective and accountable defence management systems is limited and addressing this weakness is considered a priority (Osland *et al.*, 2007). It was in this framework that a Defence White Paper that lays out the strategic vision of the SPLA was drafted.

Following the CPA, the UN and the Government of Sudan agreed to implement a multi-year demobilisation, disarmament and reintegration (DDR) program (2009–2012), targeting 180,000 combatants associated with the SAF in the North and the SPLA in the South. In 2009, it was planned under the DDR project to undertake a 'Three Areas First' strategy by prioritising the areas of Southern Kordofan, Blue Nile and Abyei. These areas are identified as priorities mainly because the majority of troops to go through the DDR process are from these regions and there are significant security threats in these transitional areas (UN, 2009).

Civilian disarmament and weapons collection has also been a priority for the GoSS, but the effort so far has largely proven counter-productive due to the coercive nature of implementation by the SPLA. Although SPLA transformation, DDR initiatives and civilian disarmament are critical for improved delivery of security and justice in Southern Sudan, their inter-dependence with the other SSR activities – particularly police reform – cannot be overstated. For example, through the military transformation and DDR processes, demobilised SPLA soldiers are still the main source of new police recruits. However, the policing sector largely remains neglected and is not treated as part of the broader process of security sector reform. In addition, although beyond the scope of this article, the wider criminal justice sector reforms – in terms of modernising laws, training judges, making courts more effective and improving correctional facilities – must be undertaken in tandem with other security sector reform initiatives. Suffice it to say that not much progress has been made in this regard.

When 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 SAF-held towns in

Southern Sudan; SPLA combatants who were assigned as civil police in the SPLM-controlled areas; and demobilised SPLA officers. As stipulated in the Interim Constitution, the SSPS is part of the law enforcement and security services which include the Prison, Wildlife and Fire Brigade Services. The SSPS was established only at the levels of Southern Sudan and States of Southern Sudan, reflecting the devaluation of powers at the local level. The SSPS is headed by an inspector-general, who is appointed by the president of the Government of Southern Sudan on the recommendation of the minister in charge and subject to the approval of the GoSS Council of Ministers. In 2006, the SSPS came under the control of the Ministry of Interior. Although the SSPS leadership estimates the current number of police officers at 20,000–25,000,² this number is likely to continue to swell as a result of the ongoing DDR of ex-combatants.

Police reform in action

Currently, the SSPS receives much less attention from the GoSS and international actors than does the SPLA, though the recent elections did draw more attention to the police and the GoSS appears to be satisfied with its overall performance despite some worrying incidents of deadly use of force on civilians. Yet, as a result of the prioritisation of the SPLA, the SSPS has for some time lacked robust legal frameworks in which to conduct its activities and which would guide the effective organisation of its members. With the Police Act finally passed, SSPS leadership is in the process of operationalising it through the development of new regulatory frameworks, but investment remains low when compared to the resources made available to the SPLA or DDR process. For the police, even the most basic equipment and infrastructure are in short supply. At the same time, the SSPS continues to absorb a large number of SPLA personnel almost on a daily basis with very little or no training, posing significant programming challenges to SSPS leadership and international actors involved in the rule of law sector.

Personnel recruitment and training

Demobilised SPLA soldiers remain the main source of recruitment for the SSPS, but political will in government for better recruitment procedures, such as vetting, remains very low. Partly as a result of the influx, the police service faces significant training and capacity challenges. Some 90 per cent of SSPS members are completely illiterate in both Arabic and English, making it difficult for them to understand or enforce the law, conduct investigations or manage cases. Many of these police officers are heavily militarised as they have spent their entire careers as part of the SPLA forces, operating according to a different set of goals and procedures than is appropriate for a civilian police service. Existing police officers can also be difficult to retrain, as 70 per cent of them are approaching the end of their careers. It is also important to note that although large numbers of women contributed to the Sudanese war effort as active combatants and many have been integrated into the police service, the potential contributions they could make to improving the effectiveness of the SSPS as a civilian police service have not been identified as priorities, nor have the women's different needs and experiences received much attention or support.

The SSPS's Strategic Development Plan (2008–2011) indicates its goal of establishing a Central Training and Development Unit (CTDU) in Juba; a Southern Sudan Police Training Academy in Juba; 10 State Training and Development Units (STDUs) in each of the 10 states; and 10 State Training Academies, to ensure the delivery of standardised yet regionally sensitive police training in Southern Sudan. This clearly shows the SSPS's ambition to train existing police officers and recruit new and educated members³ who are more amenable to training programs that might be developed, but the plan has not been fully implemented because the SSPS's limited budget is largely consumed by the salaries of the ex-SPLA members who are integrated into the police force.

Against this background, the British Council successfully supported the establishment of the CTDU in Juba and a number of mid-level police personnel have received basic police training. In 2006, the project was allocated additional funds by the Department for International Development (DFID) of the UK government, to provide more support to the SSPS in the form of training of trainers as well as middle and strategic management programs. However, the CTDU is not yet integrated into the overall framework of the SSPS, and the vast majority of rank-and-file police officers have yet to receive any training to realise the SSPS's overall organisational development agenda (British Council, n.d.).

Currently, there is no single national police training academy in Southern Sudan, although the SSPS has acquired land on which to establish one. The establishment of an academy that would provide comprehensive police training based on the principles of democratic policing would represent a crucial first step in building a professional police service. This requires increased and innovative engagement from a range of international, regional and national actors.

Budget and financial management

Budget constraints are among the greatest causes of concern for the SSPS in its reform/development venture. Forty per cent of the GoSS budget is allocated to defence, leaving the police sector to compete with other government institutions for the limited sum of money which remains. Limited resources mean that although the police leadership is aware of many of the problems facing its force, it is unable to address these challenges. In 2007, the police budget was only US \$50.3 million.⁴ Over 80 per cent of this was fed directly into paying the salaries of the ever-growing force, leaving little for training or building the capacity of the police. Moreover, the police still complain of inadequate and irregular pay with unpredictable, if any, pay raises. The meagre budget allocation for the police has also meant unmet promises. For example, at the March 2008 police leadership conference in Juba, resolutions were made to guarantee the welfare of SSPS officers through the establishment of workers' co-operatives, accommodation facilities for all officers and support packages for families of police officers who are killed in the line of duty, though some of these may be addressed – at least on paper – as the new Police Act is operationalised. All these provisions have yet to be realised. Chiefs and judges who provide related services in the criminal justice sector are also affected by poor compensation and irregular pay, leaving them vulnerable to bribery and other forms of corruption.

The lack of proper training and infrastructure investment through the regular government budget has resulted in considerable SSPS dependency on donor support for infrastructure and operational development. Basic equipment, from radios and handcuffs to police registers and incident report forms, is in short supply. In Lakes State, for example, the police station owns just two vehicles, critically limiting its rapid-response capability to attend to regular security-related incidents.

Some police leaders suggest that moving the police from the rule of law envelope into the security envelope of the budget would help the SSPS to acquire more funds from the government's core budget to secure the equipment they need to do their jobs effectively. As it stands now, however, the budget does not allow training, equipping or building the capacity of the growing force. As the GoSS generates about 95 per cent of its revenue from oil, the budgetary situation for the police may get worse as global oil prices fall or as oil stocks deplete over the long term.

Rural security and community policing

The NSI/CPDS community survey found at the time of the survey that the most common threats to personal security – which vary by gender and region – were theft, burglary, abduction (of young women and girls for forced marriages), murder, revenge killings, cattle rustling, child

abduction and land grabbing (Table 1). Women interviewed about threats listed verbal abuse as the chief complaint, followed by rape, sexual assault and kidnapping.

The actual performance of the police, as perceived by the community and particularly by youth, seems to be dwindling in part due to arbitrary arrests and violations of human rights by some police officers. Twenty-five per cent of respondents said the performance of the police is poor in terms of respect for human rights, equitable services/equal treatment and respect for the rule of law.

As Table 3 shows, a majority of respondents view traditional security arrangements, particularly the Boma chiefs, as an important group responsible for providing security, while less than half of those interviewed considered the Southern Sudan Police Service as responsible for providing security services. In spite of the dominant role of Boma chiefs, however, when asked how they would deal with instances of insecurity, the vast majority of respondents said they would go to the police, while less than 1 per cent suggested that they would inform chiefs.

This raises an interesting question: if traditional chiefs are the crucial security providers, why is it that people do not report instances of insecurity to them? In fact, it seems that people perceive a shared responsibility for security issues. Boma chiefs are likely seen as security creators. They act as mediators, promoting community reconciliation and creating a more peaceful environment in their communities. Their role is more closely tied to the political side of security provision. Police, on the other hand, provide operational interventions when security is breached. Part of this is an issue of capacity: police more often – although by no means always – have the

Table 1. Major security threats.

Overall, what are the most common types of security-related problems in the area?		
Problems	Frequency	% (out of 768)
Theft	452	58.9
House breaking (burglary)	171	22.3
Abduction of girls and women (forced marriage)	165	21.5
Robbery	156	20.3
Cattle rustling	140	18.2
Murder	112	14.6
Revenge killing	105	13.7
Land grabbing	95	12.4
Child abduction	77	10.0
Sexual assault	37	4.8

Note: Respondents identified more than one issue, so the frequency adds up more than 100 per cent.

Table 2. Police performance on human rights, equitable services, and rule of law.

How do you rate the actual performance of law enforcement by the police in terms of respect for human rights, equitable services and respect for the rule of law?		
	Frequency	% (out of 768)
Good	231	30.1
Fair	235	30.6
Poor	193	25.1
No opinion	32	4.2
Not applicable	77	10.0

Note: Respondents identified more than one issue, so the frequency adds up more than 100 per cent.

Table 3. Institutions/individuals responsible for security.

Who is responsible for providing security-related services in your area/village?		
Agent	Frequency	% (out of 768)
Boma Chief	439	57.2
Southern Sudan Police Service (SSPS)	324	42.2
The Executive Chief of the Village	286	37.2
SPLA	254	33.1
Government Administrator	246	32.0
The community	167	21.7
The Watch Group/vigilante	147	19.1
UNMIS	54	7.0
NGOs	53	6.9
Village militias/White Army	46	6.0
None	37	4.8

Note: Respondents identified more than one issue, so the frequency adds up more than 100 per cent.

tools and infrastructure, such as a station to work from and weapons to work with, that permit them to act on instances of insecurity. Boma chiefs rarely have any equipment or infrastructure at all. Thus, while there is some tension between the roles of chief and police, particularly as the former receive less attention from the international community,⁵ there is also reason to believe that there might be room for the two institutions to work in a complementary way. This points to a need for dialogue on how these two institutions might work collaboratively.

The role of these security providers also varies by region. Only few respondents in Juba, for instance, identified the Boma chief as responsible for providing security related services. This figure is much lower than the average rate across the sample. This is probably due to the fact that Juba is a more urban area, with more inhabitants coming from elsewhere. Connections to traditional leadership may thus be weaker. Indeed, in Juba, fewer identify the presence of the Boma chief at all. This is in sharp contrast to more remote areas like Torit, where the vast majority of people identified the Boma chief as responsible for providing security. Interestingly, although most people surveyed say they would report insecurities to the police, as Table 4 shows, many remain unconvinced of the capacity and efficacy of the police.

Some of the primary reasons that account for this lack of confidence in the police are the perceived lack of police professionalism, their lack of means and material (such as uniforms and equipment) and corruption. This is may be because the majority of police officers are

Table 4. Mechanisms for addressing insecurity.

How does the community deal with insecurities?		
Action	Frequency	% (out of 768)
Inform the Police	509	66.3
Inform the SPLA	288	37.5
Organizs own area/village defense	165	21.5
Inform militia group	53	6.9
Inform Chiefs	7	0.9
Do nothing	46	6.0
Not applicable	89	11.6
No opinion	51	6.6

Note: Respondents identified more than one issue, so the frequency adds up more than 100 per cent.

Table 5. Reasons for poor performance of the police.

Among those who rated police performance as poor: what are the major reasons for this?		
	Frequency	% (out of 192 –those who addressed the question)
Lack professionalism	139	72.4
Lack means and material	117	60.9
Corruption	104	54.2
Lack of coordination between departments	102	53.1
Lack of general awareness of human rights	101	52.6
Lack of integration among forces	54	28.1
Community members do not care about security	21	10.9

Note: Respondents identified more than one issue, so the frequency adds up more than 100 per cent.

former SPLA soldiers who joined the police service without proper civilian police training. It also relates to the very limited budget available for capacity building, equipment and training of the police. In addition, although the government has mandated the establishment of public grievance units at all police stations to receive and investigate complaints of police conduct, this has yet to be implemented in practice, which probably means that corruption and other abuses of power continue unabated. Moreover, nearly half of those interviewed also noted a lack of co-ordination among different departments as a reason for poor police performance. This reflects the rising tensions and clashes between the police and the SPLA, which are largely due to the continuing lack of clarity of legal structures and jurisdictions, and a tradition of SPLA dominance over all security roles.

Public opinion on police performance in terms of respect for human rights further declines, as reflected in Table 2, particularly among youth. This is in part due to arbitrary arrests and violations of basic rights by some police officers. For example, in October 2008 and in January 2009, in Juba and Bor respectively, some young women and men were arrested by the police because they were wearing very tight jeans and short skirts. The police claimed that the young women were dressed inappropriately, which made them vulnerable to rape (Sudan Tribune, 2009).

Explaining uneven performance

As noted earlier, the SSPS is still in the early stages of its development. Key matters relating to the legal framework, its organisational structure and its operational guidelines are still being formulated. The police service also lacks the resources needed to be the lead public security provider across Southern Sudan. These capacity limitations and the slow development of a legal framework are related to the enduring power of the SPLA and the importance of territorial defence for state formation in Southern Sudan. Let us examine these dynamics in greater detail.

The slow emergence of a clear legal framework

The CPA stipulates that the SPLA's primary responsibility is to safeguard Southern Sudan against possible external threats (defence) while the police are primarily responsible for preventing and fighting crime and maintaining public safety (that is, security). According to the CPA provisions, the SPLA may provide support to the police when domestic security threats prove to be beyond the capacity of the police. In 2008, the Government of Southern Sudan passed the Sudan People's Liberation Army Bill, spelling out the Army's mission, structures and exercise of power.

However, while Article 162 of the CPA provided for the establishment of a police service, the GoSS did not address the peacetime role, training, equipment or activities of the police service

until late 2009 with the passing of the Police Act. Before the Police Act was passed, the SSPS operated under Presidential Decree with no law or operating procedures governing their activities or structures. In the meantime, the specific jurisdictions of the police at the national, Southern Sudan and state levels remained undetermined. While the passing of the Police Act was a significant advance, the process of turning legislation into clear rules, regulations and procedures and then implementing them is a work in progress. It will take time before demonstrable change is achieved at the highest levels and before it filters down to rank-and-file officers. Moreover, it will take time as well for the SSPS and the SPLA to renegotiate their areas of responsibility in light of this new legislation.

The SSPS is still struggling to define and clarify 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 co-ordination challenges within the SSPS itself and, most importantly to challenges in co-ordinating with other security and defence organs. Except for rare instances where the SPLA and the police reportedly undertook joint patrols, internal security responsibilities often fell to the SPLA (UN, 2009). This is mainly because of the tendency of the government and citizens – who spent most of the long war years relying on the SPLA for security concerns – to call on the SPLA rather than the police when security issues arise.⁶ However, clashes between the SPLA and the police often occur when they engage in joint security operations due to perceived overlap of their mandates and a lack of genuine co-operation. For example, on 4 November 2007, five SPLA/Joint Integrated Unit (JIU) soldiers killed three police officers at the local police station inside Yambio in Western Equatoria. Incidents in Rumbek, where police officers and some civilians were forcibly disarmed by the SPLA, further illustrate the scope of the challenges facing the two institutions in working together effectively.

There are additional institutional challenges to SPLA–SSPS relations. According to a senior police officer, SPLA soldiers are being demobilised into the police force and prison service, but this influx of military personnel to the police sector has not been accompanied by a reallocation of resources to cover their costs. As a result of this constant military influx into the police and poor record keeping, 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.

Moreover, co-ordination challenges also exist at much higher levels, including the central state security machinery, the Southern Sudan Security Committee and the Defence Council. A Police Development Committee designed to improve co-ordination was established in 2006, but appears to be dormant at the moment.⁷ However, according to the police leadership, reinstating this committee with a robust mandate might help resolve these issues if it were imbued with enough authority and co-ordinated appropriately with both international and local actors.

The politics of disarmament

Due to the legacy of more than 20 years of civil war, there is a vast surplus of firearms and ammunition across Southern Sudan. In 2007, 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 (Muggah *et al.*, 2008).

To deal with the problem of weapons proliferation among civilians, a number of mechanisms have been created by national and international actors. In January 2007, the GoSS established a Bureau of Community Security and Arms Control (CSAC), with a mandate to lead and co-ordinate government action on community security and arms control issues. UNDP has provided support to CSAC programming. Despite the establishment of the CSAC and other mechanisms,

the concept of civilian disarmament is beset by confusion and the overlapping mandates of different GOSS institutions coupled with weak institutional arrangements. While some believe that the CSAC is meant to deal with civilian arms control, others believe that it should address the disarmament, demobilisation and reintegration of former combatants.

The GoSS is convinced that civilian disarmament is outside the DDR framework, and has mandated the SPLA to carry out coercive civilian disarmament. However, this coercive disarmament approach has proven to be largely ineffective and sometimes counterproductive as the soldiers often employ military tactics (such as surrounding villages and using heavy weaponry and otherwise intimidating civilians) to achieve their objective. This was the case in 2006 and 2008, when the SPLA undertook coercive civilian disarmament in Rumbek, Jonglei and other states. The campaign resulted in the death of hundreds of innocent civilians. Additionally, on 4 June 2008, in Hiyala, Torit, following cattle-raiding-related tensions between two local villages, SPLA forces were sent to the area to disarm the community. During this incident, a firefight broke out, killing several civilians and soldiers. In cases where weapons were successfully collected, reports show that the weapons were not stored securely and were redistributed by the SPLA to civilians. These incidents illustrate a more general concern regarding the role SPLA military forces play in civilian law enforcement.

There have been some encouraging efforts by UNDP and UNMIS, through CSAC programming, to disarm civilians voluntarily in Akobo country in Jonglei State, but the actual number of weapons collected was reportedly negligible and thus unable to significantly improve the security situation. It is unlikely that the population will be convinced to lay down their guns voluntarily in an environment characterised by an essentially nonexistent police service, a perceived need on the part of civilians for self-protection in case the CPA falls apart, and a conviction – as our survey suggests – that security forces are also a source of insecurity. Fortunately, the GoSS has recently realised that simultaneous disarmament targeting not just one place but all areas of Southern Sudan is necessary for effective disarmament. This way, the disarmament does not leave one community vulnerable to attacks from its neighbours.

Disconnects between statutory and traditional institutions

International aid agencies and members of civil society organisations suggest that civilian disarmament can be achieved by working with traditional leaders, the Boma chiefs. Our survey also shows that in the absence of a functioning state-run police service, the Boma chiefs are considered among those responsible for providing security in their communities and could be helpful in activities like disarmament. For example, chiefs often have detailed knowledge of who owns guns and where they are stored. They are also effective in convincing people to register their weapons (Arnold and Alden, 2007). In recent times, however, the capacity of the chiefs effectively to complement the work of the state's law enforcement agency has been greatly undermined by the long war. As communication between the chiefs and the people broke down, younger generations have assumed responsibility for providing security.

Although the GoSS promises to strengthen their traditional roles, the chiefs accuse the government of seeking to undermine them by introducing alternative modern administrative mechanisms while providing no clear guidance as to how the traditional and modern initiatives should work co-operatively on various issues, including the disarmament efforts. In the meantime, the traditional chiefs continue to work in challenging conditions. With no basic facilities such as office space, furniture or equipment, they generally conduct their work in the shade of a local tree.

It is also important to recognise the limitations of traditional chiefs. Sometimes traditional chiefs may represent certain constituencies of their communities 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. It is therefore essential to clarify the roles of traditional leaders, and 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 work with traditional chiefs and the police in a collaborative manner. In the meantime, these grassroots agents could play a crucial role in a variety of activities, such as civilian disarmament and local reconciliation efforts.

Effective peace-building in Southern Sudan depends on how existing and new conflicts are dealt with through well-defined and well-articulated governance structures. The GoSS has a governance structure based on subsidiarity – a decentralised and federal system with devolved governance structures. According to Article 39 of the Interim Constitution of Southern Sudan, governance ‘shall promote democratic principles and political pluralism, and shall be guided by the principles of decentralisation and devolution of power to the people through the appropriate levels of government where they can best manage and direct their affairs’. Important steps are being taken to decentralise much administrative authority to state levels, but this has proven to be challenging in the security sector.

The fundamental question of North–South relations

Within the larger Sudanese context, the SSPS is also still working to define its place in the governance structures of the Government of National Unity (GNU). The jurisdiction of the police and other security institutions remains unclear. For example, a Memorandum of Understanding (MoU) between the National Police Forces in Khartoum and the SSPS states that the two forces will work collaboratively to enhance the capacity of the different levels of police through the creation of an Administrative Committee to streamline all police forces. Yet, the National Congress Party and the SPLM have not established concrete and clear provisions regarding policing, hierarchy and training. Despite the reference in the CPA and the Interim Constitution of Southern Sudan to the establishment of a quasi-federalist style of police service and jurisdictions in Southern Sudan, the present structure reflects a single-jurisdiction style containing the three levels (GNU, GoSS and State). That same memorandum stated that ‘the National Police Headquarters shall be notified with any training of the South Sudan Police in order to ensure the application of national standards of training’. But the kind of training that is provided in the North may not be applicable in the Southern context as training institutions in the North tend to focus on applying sharia law, a system which would be inappropriate in the dominantly Christian and animist South.

Moreover, despite international norms prohibiting military authorities from interfering with criminal justice administration and Southern Sudanese legislation which is in line with those practices, it is clear that the SPLA continues to interfere in the administration of civilian justice. In many instances, even though judicial authorities request the police to enforce the law against SPLA offenders, the police feel powerless to act. For example, Human Rights Watch (2009) reported a case where an SPLA soldier who encroached on the land of a sub-chief and cut down some trees refused to pay compensation saying he ‘was part of the liberation of Yei’. In another instance, when a soldier tried to occupy land owned by the Southern Sudan Human Rights Commissioner, she challenged him to show his legal title to the land. He replied ‘we don’t need law because we liberated this land’.

Moreover, the Southern Sudan legal structure is characterised by overlapping legal frameworks and lacunae in legislation, which make it difficult for the existing police to know which laws to enforce, when and where. All laws that existed when the CPA was signed must continue to apply until they are amended, repealed or replaced by new laws. Practically, this means that some aspects of *sharia* law are still in place where no new legislation has been passed; and it is often unclear which set of laws should be enforced. For example, although the Southern

Sudan Legislative Assembly adopted new criminal laws in 2008, the police leadership in many states has yet to receive copies of the documents, and continues to operate on the basis of the laws passed by the SPLA in 2003 and the 1991 Criminal Procedure Act passed in Khartoum. A majority of the judges and lawyers practicing in Southern Sudan are Khartoum-trained and have expertise in sharia law (US Government, 2007).

Conclusions

The Southern Sudan Police Service has made considerable progress since its creation in 2005. Yet, it is still far from being a functional civilian force that can respect and protect the rights of all Southern Sudanese with due accountability. Reforming the police service should be a priority for the Government of Southern Sudan, but this will not be easy given the convergence of historic institutional weaknesses and broader contextual obstacles.

The GoSS has promulgated the Police Act after lengthy delay and the police leadership is currently operationalising the law. As police leaders do so, they should focus on establishing an enforceable code of conduct for police officers, clarifying their roles and responsibilities and providing a basis for more transparent accountability. The government should also set up a police training centre that emphasises basic literacy, democratic policing principles and modern policing techniques. In the interim, the government should introduce a program on human rights for all officers and gender sensitivity training based on international standards.

The SSPS should explore ways to collaborate with the Boma chiefs to take advantage of their local knowledge and legitimacy among constituents. In addition to undertaking a census that includes registering all police personnel, screening officers, issuing SSPS identity cards and certifying those fit to continue duty, the SSPS should establish a fair vetting process, regardless of political sensitivity, through which officers accused of human rights violations may be held accountable.

Both multilateral and bilateral donors have been involved in improving the professional standards of the SPLA as well as the police and prison services, particularly through training senior personnel. However, donor investment in infrastructure and organisational development has been limited. Also, there are critical gaps in linking bilateral support with wider security reforms.

Initiatives such as the establishment of the Joint Donor Team⁸ based in Juba are steps in the right direction toward improving donor co-ordination in security sector reform, but more could be done. While the United Kingdom through DFID is contributing funds for a Southern-relevant police training academy in Juba, support for decentralised training centres in the 10 states is still needed. Donors should reach out to local civil society organisations and involve them in the design and implementation of security sector and police reform projects in particular. For example, local research institutions such as the University of Juba's Centre for Peace and Development Studies could help establish training courses for the police on human rights. An effective and democratic security structure may be a long way off, but national and international actors can support and sustain the political commitment for locally led police reform. Only after reform is embraced at the highest levels – in legislation, organisational structure and infrastructure investment – can the SSPS reasonably be expected to respond effectively to critical human security challenges.

What should happen and what is likely to happen are not always the same thing, particularly in fragile states/societies such as in Southern Sudan. Given our analysis of key actors and structures in this article, how likely does it seem that a genuinely democratic approach to police and wider security system development will take root in the territory? The vote in favour of independence in the January 2011 referendum and the signals from Khartoum that it would peacefully negotiate the terms of separation may open the door to a new dispensation in Southern Sudan. If separation goes smoothly, the GoSS might allow the development of a stronger police service and a more independent judiciary. Yet, if separation is accompanied by considerable organised violence,

even if only in Abyei and other border states, this could further reduce the space for an effective, civilian-controlled, rights-respecting police service.

Under that scenario, the weak legal frameworks and democratic institutions in the territory, the political-military preponderance of the SPLA/M and Western powers' strategic support for its conflict with Khartoum, could converge to keep the SSPS weak for a long time. They could even converge to make the SSPS an instrument of elite control, as happened in so many other post-colonial African contexts. A constructivist analysis that situates key actors' strategies in broader institutional, structural and governance contexts might help stakeholders address such scenarios over the coming years.

Biographical notes

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Note: The initial stage of this work was carried out by **Dr Paul Wani Gore** of the University of Khartoum, who tragically passed away while conducting the survey. **Dr Alfred Sebit Lokuji**, a Southern Sudanese consultant, completed the work. An earlier version of this work has been published (Sebit Lokuji *et al.*, 2009).

Notes

1. The 2008 GoSS budget for SPLA Affairs alone was 1 billion Sudanese Pounds, representing nearly a third of the total 3.428 billion Sudanese Pounds budget. Close to half the SPLA budget went to salaries. By June 2008, the SPLA had consumed the 1 billion Sudanese Pounds and had to be rescued by another 2.1 billion Sudanese Pounds. In January 2009, the GoSS passed a 3.6 billion Sudanese Pounds budget, but due to falling oil revenues, no salaries had been paid out to some GoSS employees and SPLA soldiers for January and February 2009 (Human Rights Watch, 2009; Kisanga, 2009).
2. UNMIS, which undertook police registration, puts the number of police officers at 10,464 as of April 2008. At the second SSPS Leadership Council Conference, the GoSS proposed recruiting a total of 33,000 police officers by 2011. A senior ranking officer indicated that they had reached the cap of 33,000 in a May 2010 interview in Juba, though this has not been confirmed.
3. Recently, 5,000 new police officers were recruited in a merit-based campaign targeting educated personnel (interview with senior police officer, Juba, May 2010).
4. In 2008, the police budget went up to \$250 million, but the vast majority of this went to paying salaries.
5. One notable exception to this trend is UNDP-supported community level peace conferences, which bring together traditional leadership. These conferences – where chiefs act as peacebuilders and agents of community reconciliation – underscore the potentially different roles that chiefs and police might have in promoting better security outcomes.
6. Group discussion with senior police and SPLA officers at the National Advisory Committee members meeting, October 2008, Juba.
7. Interview with DPKO official in New York, December 2008.
8. The Joint Donor Team brings together the aid efforts of the Netherlands, Norway, Sweden, the United Kingdom, Denmark and Canada.

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