AFRICA CENTER SPECIAL REPORT

Envisioning a Stable South Sudan

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INTRODUCTION

The internal conflict and resulting humanitarian crisis embroiling South Sudan since December 2013 have exposed the country's fragility. A weak national identity, ethnically based violence, a legacy of violent conflict resolution, personalized and patronage-based politics, weak institutional checks on the abuse of power, and the absence of encompassing leadership, among other factors, all pose obstacles to peacebuilding. Addressing these drivers of instability in South Sudan requires fundamental changes in South Sudan's governance structure, security sector institutions, state-society relationships, and accountability mechanisms.

With regional and international diplomacy rightly focused on negotiating an immediate end to hostilities, the Africa Center for Strategic Studies has asked a selection of South Sudanese and international scholars, security practitioners, and civil society leaders to share their visions of the strategic actions South Sudan must take if it is to make a transition from its current state of dissimilation to a more stable reality. These visions, taken individually and collectively, are intended to help sketch out some of the priorities and prerequisites for transforming today's highly fragmented security landscape in South Sudan to one in which its citizens are safe in their own country and are protected from external threats.

The contributors to this project include:

- Majak D'Agoôt
- Phillip Kasaija Apuuli
- Lauren Hutton
- Kuol Diem Kuol
- Luka Kuol
- Remember Miamingi
- Godfrey Musila

Joseph Siegle, Ph.D.
Director of Research
Africa Center for Strategic Studies

THREE TRAJECTORIES FACING SOUTH SUDAN

By Luka Kuol

The status quo in South Sudan is unsustainable. South Sudan must undertake fundamental reforms if it is to avoid a descent into a Hobbesian state of lawlessness and rule by the strong.

A South Sudanese soldier in Leer, South Sudan. (Photo: UNMISS)

South Sudan is arguably the most fragile state in the world. Lacking an institutional legacy at its creation in 2011, political, security, economic, and social indicators have all deteriorated with the ongoing civil conflict.[1] As state legitimacy has eroded, the number of armed factions and tribal militias has increased rapidly, now exceeding 40 such groups.

One consequence of the prolonged conflict is that South Sudan is now one of the main exporters of refugees in the world with nearly 2.5 million people seeking exodus in neighboring countries and another 1.85 million internally displaced. Nearly 7 million people (60 percent of the pre-crisis population) face famine and severe food insecurity. The economy has almost collapsed with annual inflation fluctuating between 100 to 150 percent. Conflicts within and between communities have led to social fracturing and the erosion of

> *"The erosion of the government's presence in rural South Sudan and its retreat to Juba has prompted some observers to argue that South Sudan has been reduced to a city-state."*

social cohesion, the very assets that served southerners well in their long struggle against Arab-Islamist hegemony from governments in Khartoum. The retreat into ethnic cocoons that threatens national unity is due, in part, to the dynamics of the conflict but also to the refusal by ruling elites to embrace diversity and devolution of decision-making power and resources from the center.

The fledgling state of South Sudan now faces three possible trajectories.
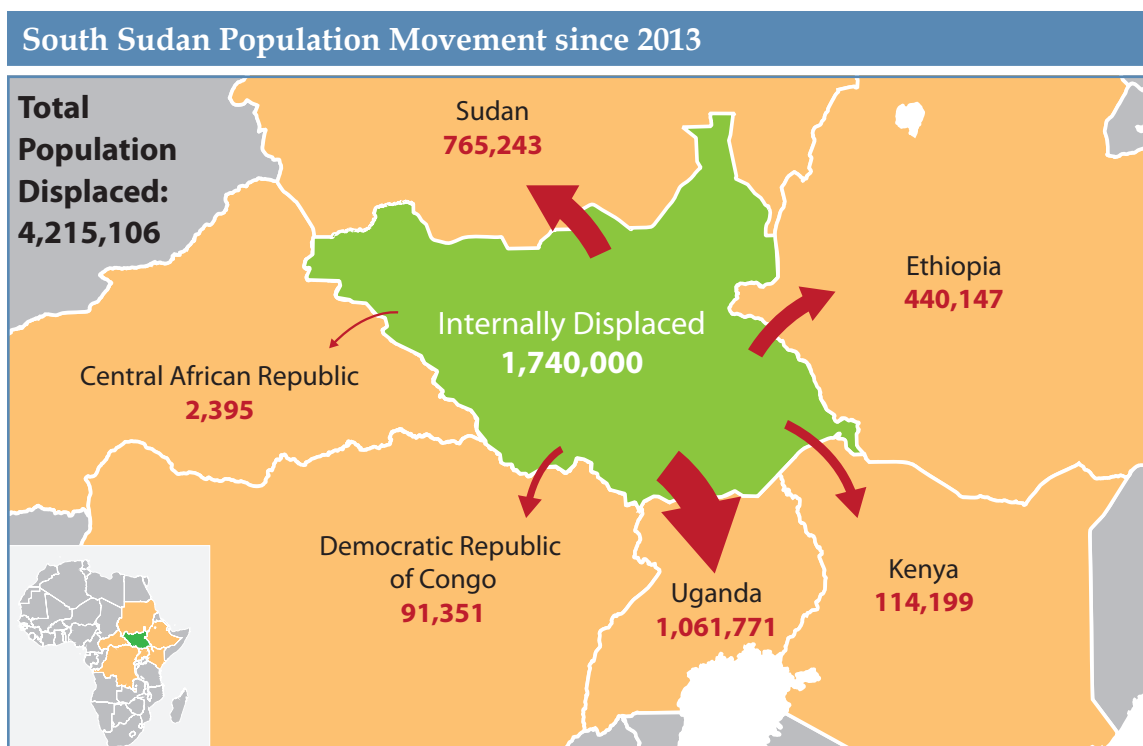
Scenario 1: Status Quo

The first scenario is characterized by the numerous and serious challenges currently creating instability:

- Continuing insurgency in which no single party to the conflict can impose its will militarily
- Ethnically motivated violence
- A man-made famine caused by the conflict and the collapse of food and economic production accompanied by mass displacement within and outside of South Sudan's borders
- Human rights violations, including war crimes and crimes against humanity
- State incapacity caused by the disintegration of state institutions with security institutions not only unable to discharge what constitutes the state's primary mandate of securing limb and property but also standing out as a key source of violence and instability

Amid the numerous challenges detailed above, the erosion of the government's presence in rural South Sudan and its retreat to Juba, the capital city, has prompted some observers to argue that South Sudan has been reduced to a city-state. This retreat has created large ungoverned spaces (that were already challenged by South Sudan's expansive geography) in which insurgents, militia, and what remains of the South Sudanese military clash repeatedly while preying on and victimizing civilians wantonly, primarily on an ethnic basis.

Yet, this "national conflict" overlays a cornucopia of preexisting conflicts within, between, and among communities over resources, including land, pasture, water, and cattle. Moreover, conflicts related to "cultural practices," such as honor killings, often result in intergenerational blood feuds that add additional layers of complexity to the conflict.

This devastating account of the challenges that confront stabilization and peace efforts paint an undoubtedly bleak and dreary picture of what the future holds for the people of South Sudan. The bad news is that it could get worse.

South Sudan Population Movement since 2013

Total Population Displaced: 4,215,106

Sudan
765,243

Ethiopia
440,147

Internally Displaced
1,740,000

Central African Republic
2,395

Democratic Republic of Congo
91,351

Uganda
1,061,771

Kenya
114,199

Data from UN High Commissioner for Refugees and the UN Office for the Coordination of Humanitarian Affairs. Updated May 2018

Scenario 2: The Hobbesian State

The second scenario represents a state of permanent anarchy in which life is nastier, shorter, and even more brutish than it has been for an overwhelming majority of South Sudanese up to the present. It would be characterized by the:

- Degeneration of the status quo into chaos, anarchy, lawlessness, or ochlocracy. This would be accompanied by the continued factionalization of political and ethnic groups. Survival would be entirely dependent on strength of arms. Weaker communities would be forced to flee or be eliminated.

- Inability to pay the salaries of state functionaries, judges, and other bodies of arbitration resulting in a total shutdown of government.

- Prospect of regional powers intervening militarily in favor of one or several factions increasing the intensity, scope, and longevity of violence. This would render war intractable.

- Disintegration of economic conditions making trade, capital transfers, and infrastructural maintenance unviable. As a result, militia and other security personnel would increase their extortionist activities.

In essence, under this scenario, the territory of what is currently South Sudan would revert to a stateless entity. There would be a period of massive death as famine and conflict ravaged the remaining population, which would exist on a much smaller scale and on a subsistence basis. The vast ungoverned space would also pose a regional security vacuum, potentially inviting proxy conflicts by regional actors seeking to exploit South Sudan's resources while creating a buffer against instability on their borders.

Internally displaced people shelter at a UN peacekeeping base in South Sudan. (Photo: European Civil Protection and Humanitarian Aid Operations)

Scenario 3: Pathways to Stability

A third scenario presents a South Sudanese society in which citizens enjoy physical security, can meet their basic material needs, and relate with others from within and outside their own communities in coexistence. Realizing this vision will entail concerted and multifaceted efforts to address the challenges detailed above.

Key among the conditions necessary for the stabilization efforts to work is a conducive environment. The Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS), signed in August 2015, provides a framework and minimum conditions for silencing the guns and working toward sustainable peace and stability. As the conditions under which the ARCSS was concluded have deteriorated considerably, the revitalization of the ARCSS is a critical initial step for renewing the commitments of the parties and creating

"A realization that the situation for nearly all communities has declined since 2015 and can degrade still further should provide an impetus to reboot these commitments."

the conditions for stabilization efforts to commence. This revitalization dialogue should be open to all political entities currently active in South Sudan. A realization that the situation for nearly all communities has declined since 2015 and can degrade still further should provide an impetus to reboot these commitments.

Given the many tragic events that have unfolded since 2013, as a confidence-building measure, the deployment of the 4,000-strong Regional Protection Force (RPF) constitutes an integral part of this effort. The size of this force may indeed need to be enlarged considering the challenges created by the expanded scope of the conflict. This temporary outsourcing of security services is one of the elements that can create a conducive security environment enabling other aspects of the stabilization process to proceed.

Stabilization efforts will also require strategic direction at the national level. Given that the Kiir-led government lacks legitimacy due to the non-implementation of the ARCSS, the installation of an encompassing, public-spirited political authority for a period of time to lead stabilization efforts and to lay the groundwork for democratic elections is critical. Various options may be contemplated here including: an international transitional administration,[2] an African Union-led transitional administration,[3] or a caretaker transitional administration led by South Sudanese technocrats.[4] These arrangements should be accompanied by a negotiated exit strategy for the current political leaders.[5] In view of capacity gaps and lack of trust in sections of the South Sudanese political class, a hybrid arrangement composed of untainted South Sudanese technocrats and African Union-United Nations nominees may be the preferred pathway for managing the transition in South Sudan.

Efforts to redesign and transform security sector institutions in South Sudan should draw on the experiences of Liberia (inviting foreign security forces to manage the security sector while local security sector institutions are built up) and Burundi (ethnic-based quotas in the security forces).

Although most reform efforts in the security sector have a political dimension, there is a tendency in Africa to regard such reforms as purely technical endeavors, and this complicates implementation. Scrupulous attention to the political aspects, including the participation of political parties and other actors in the future transformation of the security sector, is central to ensuring sustainable stability.[6]

Conclusions

The current situation in South Sudan is rapidly degenerating into a Hobbesian state of nature, and options for rescuing its sovereignty are eroding every day. To reorient the

country toward a pathway that leads to a united and peaceful South Sudan, it is proposed that stakeholders prioritize revitalizing and injecting new life into the ARCSS coupled with the completion of the deployment of the RPF. Doing so can create a more conducive security environment for stabilizing South Sudan. Parallel efforts should continue focusing on saving lives, restoring livelihoods, as well as restoring confidence and nurturing social cohesion. The establishment of effective and accountable security institutions and formation of a national army is a long-term exercise that requires a thorough and cautious approach. The measures outlined above help create the time and space to undertake this process so that it will have the opportunity to gain traction.

Dr. Luka Kuol is Professor of Practice at the Africa Center for Strategic Studies. He previously served as Minister of Presidential Affairs for the Government of Southern Sudan and as National Minister of Cabinet Affairs for the Republic of Sudan. He has also worked as a senior economist for the World Bank in Southern Sudan.

Notes

1 "State Fragility Index, 2018," Fund for Peace Web site.

2 Kate Almquist Knopf, "Ending South Sudan's Civil War," *Council Special Report* No. 77 (Washington DC: Council on Foreign Relations, 2016).

3 Mahmood Mamdani, "Who's to Blame in South Sudan?" *Boston Review*, June 28, 2016.

4 Majak D'Agoôt and Remember Miamingi, "In South Sudan, Genocide Looms," *PaanLuel Wël* (blog), November 1, 2016.

5 Knopf, 26.

6 Nicole Ball, "Lessons from Burundi's Security Sector Reform Process," *Africa Security Brief* No. 29 (Washington DC: Africa Center for Strategic Studies, 2014).

TAMING THE DOMINANT GUN CLASS IN SOUTH SUDAN

By Majak D'Agoôt

A "gun class" — the fusion of security leaders with political power, class, and ethnicity — is at the heart of the predatory governance system that has taken root in South Sudan. Changing this trajectory will require redefining the roles of political and security actors.

Fighters in Leer, South Sudan. (Photo: UNMISS)

Stunted Political Development

Like many post-independence African countries in the early stages of state formation, South Sudan's military, the Sudan People's Liberation Army (SPLA), plays a larger than normal role in the polity. Indeed, even though militaries have tended to recede into the background as democratic evolution gathered pace, there are countries where "military aristocracies" dominate public life. In their prime, these self-styled reformists are always driven by a particular penchant for social change, but there often exists a gulf between their sloganeering and practice.

Unlike previous eras marked by ideological differences, contemporary coup plotters and insurgents in Africa tend to create a close-knit governing elite whose main aim is to share rents and power. However, the type of leadership that emerges from such an agenda shapes the structure of these insurgent movements. This, in turn, influences the trajectory of any subsequent government that emerges.

In South Sudan, the dominance of the SPLA, which won independence at the edge of a sword in 2011, has precluded the building of effective institutions. What caused this dismal failure? The lack of commitment to reforming the military, intelligence, and law enforcement agencies has caused stagnation and quick atrophy at an embryonic phase of state formation. Instead, the SPLA has morphed into a degenerative gun-toting aristocracy that straddles the sociocultural, political, and economic spheres like a colossus.

Historical Evolution of the Gun Class in South Sudan

South Sudan's proclivity for violence and conflict and its inability to acquire institutional depth is broad and deep. In part, this is attributed to age-old militarization of all facets of life and society stretching back to slavery and colonialism. Self-interested elites have held sway because of the utility of violence. In the past, native servicemen provided military clout to the extractive colonial enterprise and plunder. Afterward, similar arrangements were utilized by the indigenes to purge the homeland from foreign occupation—particularly from Sudanese Jalaba colonialism.[1]

"The dominance of the SPLA, which won independence at the edge of a sword in 2011, has precluded the building of effective institutions. What caused this dismal failure?"

The formation of the dominant gun class in South Sudan traces its origin to war and slavery when, in 1821, Mohammad Ali Pasha, the Viceroy of Egypt, conquered Sudan with the chief objective of capturing slaves to provide manpower for the Vice Regal Army.[2] Following decades of Anglo-Egyptian rule, Sudan gained independence on January 1, 1956. However, indifference to pleas from inhabitants of Sudan's southern regions for greater autonomy from northern dominance bred dissent. This culminated in a mutiny of the Sudanese Equatoria Corps of the military in Torit in the months leading up to independence, effectively launching the first civil war. The Anya-Nya Movement and subsequent revolts transformed this externally driven, mercenary-like service into a resistance. In 1972, a semiautonomous administration for southern Sudan was created following the signing of the Addis Ababa Agreement. However, the effendiya (the noble class of mainly ethnocentric political elites), whom the Sudan People's Liberation Movement (SPLM) later described in its 1983 manifesto as the "bourgeoisified southern elites," dominated post-1972 politics. Alongside this burgeoning political class, former rebels began to occupy senior positions in government and to control the economic levers of society. They became aware of their shared interests as another tier of privileged social class.

Eventually, the coalition of educated elites and the gun-toting insurgents displaced the traditional chiefdom class that formed part of the previous Anglo-Egyptian colonial administration. Tacit class struggle between the chiefdom class, the effendiya, and former insurgents continued. This explains why the SPLM was initially impervious to demands for legitimate political and administrative structures, and this curtailed the development of institutions outside the military and liberation movement.

With the resumption of the civil war in 1983, the nascent civilian and traditional institutions of public administration established in the semiautonomous South disintegrated or were ignored. As the war wore on and areas in the South were liberated, the military would dominate the administration, consequently paving the way for the gun class to flourish and to dominate the post-Comprehensive Peace Agreement (CPA) political order.

The reach of Muhammad Ali Pasha's Dynasty, 1805–1914.

John Garang.

Upon his ascension to power, following the death of John Garang in a helicopter crash on July 30, 2005, Salva Kiir abandoned the plan developed by Garang to decouple the SPLA from the SPLM and place the former under civilian control. Kiir's "Big Tent" policy, by which militias were granted amnesties and integrated into the SPLA, halted these plans and undermined reform efforts. All the while, the narrow ruling clique retained control. As a result, a top-heavy security sector lacking in diversity evolved.

Instrumentalization of Violence

In South Sudan, social mobility depends fundamentally on five key endowments: guns, wealth, religion, education, and tribe, which often exist in a recursive feedback loop. The rise of ethnocentric elites had much to do with the education they had acquired previously. Local prophets with certain messianic claims, such as the 19th-century Nuer prophet Ngundeng Bong, used the power of religion to mobilize. All of these elite groups have used firearms to boost their power. As such, access to firearms and wealth have been critical multipliers for enhancing privileged social status.

Warlords built parallel networks of prebendalism, by which they feel they have the right to access public revenues for their private interest. Public jobs and financial rents were allocated to supporters as a form of patronage. Political power and appropriation of public resources were strictly determined on the basis of patrimonial linkages and some allegiance to the leader. Upward social mobility depended all the while on control of the instruments of coercion. The monopoly of the means of compulsion, consequently, became the single most critical factor in acquiring power and accessing means of consumption.

The abundance of conscripts from one's tribe or clan, as well as a modicum of external support, which was linked to access to guns, gave solid assurances to any particular leader that he would prevail. Ethnicity became a formidable tool for consolidating patrimonial loyalties. Literary advantage and reliance on witchcraft and local deities gave certain warlords an edge. Under these circumstances, a new set of organizational skills, management capacities, value systems, and public ethos

> *"The sanctity of the state's monopoly of the legitimate means of violence became distorted with the emergence of the gun class in all its variants."*

emerged. Unsurprisingly, the sanctity of the state's monopoly of the legitimate means of violence became distorted with the emergence of the gun class in all its variants. While the independence of South Sudan from Sudan has severed traditional forms of foreign hegemony by the Jalaba mercantilist class in the North, the fundamental condition of domination by an ethnically mobilized military class still exists.

Even if the state remains a trophy for contestations, the artificiality of the South Sudanese state is manifest, as its judicial, legislative, and administrative capacities have been hollowed out. Space for independent voices such as civil society has shrunk considerably and a combination of corruption, violence, and ethnic mobilization have placed the country on a staircase to the abyss. In the vacuum created—but also as a deliberate effort of

warlords to shore up sectarian strength—community vigilantes have emerged to achieve a kind of collective security for designated segments of the population.[3] Furthermore, the lucrative war economy of South Sudan has encouraged new rebels and cartel networks to contest an extractive domain in the marketplace.

The lack of political will to reform the security sector and eliminate the wicked problem of the dominance of the gun class remains the main stumbling block to the state-building process in South Sudan. To date, "to think of various security institutions [in South Sudan] as subordinate appendages to the state is fundamentally to misunderstand South Sudan and South Sudanese society."[4] South Sudan is an atypical case of a military taking hostage of a country. Furthermore, it is inching toward a country without a state.[5] Therefore, mounting security sector reform initiatives in the face of a seemingly entrenched gun class that dabbles in politics organized around ethnicity is a daunting task akin to hunting a python in the mud.

Possible Exit Scenarios

New organizational norms and doctrines are generated when there is political will. Repeated social adversity early in life can program a defensive phenotype in organisms which accentuates vulnerability to disease later in life. The gun class draws from these biological and cognitive residues of a violent legacy that now asphyxiates reforms.[6] To demilitarize South Sudanese society and curb the reigning gun class, therefore, presupposes the existence of a civil space, popular rule, and restoration of the rule of law. These prescriptions must transcend the security sector if the monopoly of legitimate means of coercion is to meaningfully revert to the state.

There are multiple ways of squaring the circle, however. In Angola, Zimbabwe, Namibia, and Mozambique, colonial armies disengaged ignominiously and were replaced by a dominant insurgent group or a coalition of insurgents. In Ethiopia, Uganda, and Chad, oppressive militaries and security apparatuses were disbanded when former rebels took power. In post-Apartheid South Africa, new security sector institutions were reconstituted from among protagonists. More recently in Liberia, Sierra Leone, Côte d'Ivoire, and Somalia, new security sectors have been built from scratch with significant external support. The question remains whether any of these models can be relevant to South Sudan.

Disarming the Rebels

Giving war a chance may allow one side in the conflict to impose its will. The victory of the MPLA in Angola against UNITA led to the disbanding of the latter with a few fighters

being integrated on the victor's terms. This final outcome brought into the military not only UNITA ex-combatants but also MPLA reservists and militias. It also involved a massive disarmament, demobilization, and reintegration (DDR) process. This scenario is quite unlikely in South Sudan considering the SPLA's inadequate capacity to wage a long and effective counterinsurgency to defeat an expanding array of rebel factions. Even if possible, it would still perpetuate gun class dominance.

Disbanding the SPLA

A new security architecture for South Sudan may only be possible if guns either fall silent or violence is reduced significantly. For example, overhauling security sector institutions in Uganda in 1986, Ethiopia and Eritrea in 1991, and Rwanda in 1994, followed the overthrow of dictatorships and the radical transformation of the state. Like in the preceding scenario, there are inherent risks with this approach, which would require interim security arrangements in order to avert the possibility of the country sliding into anarchy. Since South Sudanese rebels have not demonstrated the capacity to defeat the SPLA, and the likelihood of the parties agreeing to the disbandment of their armies to allow for the formation of new security institutions is remote, this scenario is unlikely. If, through a peace settlement, the rebels opt to voluntarily disarm or disband in exchange for certain political gains—including renunciation of violence by all parties, a democratic transition, and radical reforms in the security sector—a new security sector design may take root. However, this is also unlikely given the inherent gun class mentality within the armed opposition.

Reengineering the State-Security Sector Relationship

The security arrangements detailed in the Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS) speak to the creation of inclusive and representative security institutions shared mainly among the warring parties (akin to the South African model). If there had been stronger political will in 2016 when Riek Machar rejoined the government in Juba, these arrangements may have worked because there were fewer parties to the conflict at that time. However, the slant toward zero-sum bargaining caused the collapse of the ceasefire in July 2016. Likewise, the creation of the Transitional Government of National Unity (TGoNU) under the ARCSS unlocked new scenarios for security sector transformation by creating opportunities for interparty cooperation. However, the collapse of ARCSS puts the country in a transition trap by legitimizing the permanency of the temporary.

Thus, an interim arrangement—be it a government of technocrats, a hybrid government of technocrats and respected politicians, or a coalition of political adversaries based on a stringent selection criteria—must detach the function of rebuilding the security sector to a neutral body for a period of at least 2 years. This implies complete disengagement of the current leadership in the government and opposition from control over the security sector. This understanding can be reached in a roundtable conference of all the stakeholders in which the warring parties relinquish this core function voluntarily to an independent body comprising distinguished national experts and practitioners and under the governance and oversight of the Commission for Peace and Security of the African Union (AU). In the interim, a special police task force, the United Nations Mission in South Sudan, and the Regional Protection Force can cater to urgent public security needs and maintenance of law and order. Once the institutions of a functioning and accountable security sector are established, this responsibility can revert to the South Sudanese state.

This option is the only viable scenario for creating new, accountable security sector institutions in South Sudan. Left to their own devices, leading actors in deeply divided South Sudan will fashion a loyal security sector that serves the political interests of these leaders. Moreover, genuine change requires political will, which is in even shorter supply under the current circumstances. This scenario would follow models of state revival and rebuilding elsewhere in Africa—such as in Liberia, Sierra Leone, Somalia, and Côte d'Ivoire. As in other cases, this option would have to be buttressed by significant United Nations backstopping and involvement—especially in the areas of DDR and civilian disarmament. Adequate guarantees pertaining to safeguarding the territorial integrity of South Sudan from possible external aggression and territorial ambitions of the neighbors must also be clearly spelled out.

> *"The collapse of ARCSS puts the country in a transition trap by legitimizing the permanency of the temporary."*

Conclusion

In South Sudan, Band-Aid approaches such as integration and reintegration of various armed groups without a clear political roadmap for the country and in the absence of political will have turned out to be catastrophic. A clean break is therefore needed. In order to restore the state's capacity to provide security, reconstructing the security sector so that it is accountable to a civilian democratic government and totally purged of the metastasizing cancer of political violence is necessary. This will require the expansion of the mandate and operationalization of a special body of experts—such as a Strategic

Defence and Security Board partially provided for in the ARCSS—to design and implement a new security architecture. To this end, the AU will have to be empowered by the United Nations Security Council to undertake this function for a limited number of years. However, countries that have clear and expressed geopolitical interests in South Sudan's conflict will have to be excluded from this endeavor lest their rivalries and clash of interests scuttle it.

Majak D'Agoôt is an independent analyst for the Changing Horizon Institute for Strategic Policy Analysis (CHI-SPA). He previously served in the Intelligence and Defence Departments of the governments of Sudan and of South Sudan, respectively.

Notes

1 Jalaba refers to extractive, mercantilism practiced by the Sudanese Arabs.

2 John O. Udal, *The Nile in Darkness: A Flawed Unity*, 1863–1899 (Norwich: Michael Russell (Publishing) Ltd, 2005), 208.

3 Koos Malan, *Politocracy: An Assessment of the Coercive Logic of the Territorial State and Ideas around a Response to it*, trans. Johan Scott (Pretoria: Pretoria University Law Press, 2012).

4 Jeremy Astill-Brown, "South Sudan's Slide into Conflict: Revisiting the Past and Reassessing Partnerships," Chatham House (December 2014), 9.

5 Daniel C. Bach, "Inching towards a country without a state: prebendalism, violence and state betrayal in Nigeria," in *Big African States*, eds. Christopher Clapham, Jeffrey Herbst, and Greg Mills (Johannesburg: Wits University Press, 2006), 63-96.

6 Jennifer J. Kish-Gephart and Joanna Tochman Campbell, "You Don't Forget Your Roots: The Influence of CEO Social Class Background on Strategic Risk Taking," *Academy of Management Journal* 58, No. 6 (2015), 1614-1636.

Security Sector Stabilization: A Prerequisite for Political Stability in South Sudan

By Remember Miamingi

Members of the South Sudan presidential guard. (Photo: Steve Evans)

Introduction

Decades of conflicts in South Sudan have eroded the separation of roles and mandates between the political class and security actors, leading to a deliberate and disastrous convergence. One of the results of this entanglement is that security agencies have become central to politics, as have politicians in military and security matters. As a result, the successful courting and building of patronage-based relationships with the security agencies are crucial to surviving and thriving as a politician in South Sudan.

One main outcome of these interactions between politicians and security sector actors is the politicization of the security sector and the militarization of politics. The losers, unfortunately, are not the actors, politicians, or military men and women, but rather South Sudan's citizens and the state institutions, structures, and systems that can be adjudged to be too deformed for reform. The security sector's core structures and oversight bodies are too weak to deliver on mandates.

The upshot of this unhealthy relationship between security and politics is a mutually reinforcing and perpetually political instability in the security sector. Paradoxically, while the security sector has become the main driver of insecurity and political instability, the political class thrives by nurturing and managing this insecurity and instability.

This mutually "beneficial" relationship creates a vested interest in the status quo, bringing into question the willingness and ability of local actors to stabilize and reform the security sector. This unwillingness to reform puts into question the viability of short-term, conventional security sector reform (SSR) initiatives to address the perennial security and political instability in South Sudan. Similarly, in light of the complex nature of the security challenges facing the country—created in part by the blurred lines between security and political sectors—a short- to medium-term focus on security sector stabilization (SSS) is warranted instead.

> *"Paradoxically, while the security sector has become the main driver of insecurity and political instability, the political class thrives by nurturing and managing this insecurity and instability."*

The Prerequisites for Security Sector Reforms

(Photo: BBC World Service)

Reforming the security sector of any society presupposes the existence of some sort of structures, institutions, and personnel responsible for providing and managing public and state security. Such a security system should entail functions of accountability and oversight, defense, intelligence, and security services, integrated border management, police, justice, private security and military companies, and civil society, constituting a holistic system.[1]

When these structures, institutions, and personnel are rendered unable or unwilling to deliver, by dint of structural or nonstructural challenges, then the need for reform is apparent. Comparing the image of a professional, affordable, and accountable security system with what exists in South Sudan leads to the unavoidable conclusion that what subsists in South

Sudan merely approximates a so-called security sector. Instead, all the country has are men and women with guns, able and willing to kill and destroy.

The weakness of institutions and the ethnoregional character of political mobilization and its attendant exclusionary impulses is such that even though bearing the tag of national forces, the Sudan People's Liberation Army (SPLA) and other security services are loosely organized into different militia and proxy forces, with mutating alliances, whose allegiances are to different ethnic militia lords and politicians. Since security is often defined narrowly to equate to regime security, the security sector exists primarily to protect and project the interests of key patrons or certain ethnic groups. Therefore, even when conditions are right and the time opportune, to speak of SSR in such a context is overly ambitious.

Security Sector Stabilization and Immediate Priorities

In an environment such as the one described above, the immediate priority for South Sudan should be to create conditions necessary for security stability to enable the peace process to take root. This, in turn, lays the foundation for SSR, reconstruction, and development. This is the focus of SSS. According to the UK Stabilisation Unit:

> *Security sector stabilisation seeks to enable essential and minimum security and justice and in doing so protect and promote a legitimate political authority and prepare the foundations for transition to longer-term security sector reform.*[2]

The main emphasis of SSS is on ending or preventing the resurgence of violent conflict, thereby creating a climate where people feel reasonably safe. It is characterized by the cultivation of nonviolent politics and the enabling of citizens to engage in basic economic activity across the country. This is what is possible in the South Sudan context for the next 3 years.

Another factor that recommends the SSS approach for South Sudan is SSS' flexibility and adaptability. To succeed, SSR must meet certain criteria:

- Political will from political and security leaders
- A comprehensive undertaking of institutional reforms
- Strong national leadership
- A process that should be nationally owned
- Space for a national dialogue
- A framework of democratic accountability

For its part, SSS dispenses with some of the elements integral to SSR. For instance, it need not be comprehensive but, rather, can be focused just on security actors—such as the armed forces and the police service—that are most critical to reducing the resurgence of violence. Furthermore, it can be led by an external actor, thereby reducing or eliminating internal rivalry between local parties. Ownership of the process could be sequenced with the eventual aim of a full transformation to a nationally led and owned SSR process.

For these reasons and considerations, it is advisable that, instead of SSR, emphasis should be on stabilization of the security situation as a short-term measure. In an environment such as the one in South Sudan—with turbulent politics, persistent political violence, and weak organizational and institutional capacity—stabilization of security is apt. In this way, the goal is to attain at least a minimum level of security, promote and protect some form of legitimate political authority, and lay a foundation for a transition to SSR in the medium to long term.

> *"The goal is to attain at least a minimum level of security, promote and protect some form of legitimate political authority, and lay a foundation for a transition to SSR in the medium to long term."*

Security Sector Reform in South Sudan: The Journey So Far

With few peaceful interludes, South Sudan has been at war since 1955. It is not surprising the economy in the south effectively became a war economy as society grew progressively militarized and the security sector became the most active and lucrative sector. Ethnic rivalries fueled ethnic factionalism and led to proliferation of armed groups, most of which were excluded from the peace talks that led to the Comprehensive Peace Agreement (CPA) between the Sudan People's Liberation Movement (SPLM) and the Government of Sudan.

Members of the Arrow Boys militia in Western Equatoria. (Photo: Guy D.)

These armed groups became a major destabilizing force in post-CPA Southern Sudan. Afraid that these militias might jeopardize the independence referendum, the Government of Southern Sudan granted amnesty to and then "integrated" into the SPLA thousands of irregular combatants from different militia groups. As a consequence, the SPLA became bloated, costly to maintain, and unprofessional. Any semblance of its character as a national army disappeared.

Even though international SSR actors knew that anything less than disbanding the SPLA and building a new national army from scratch would not amount to much, they proceeded anyway, investing resources in SSR, motivated by fears that the proliferation of militias constituted a new source of insecurity. In the end, because of factors internal and external to the SPLA, SSR failed to achieve its primary goals. For this reason, it was easy for the SPLA to splinter into factions when the political conflict within the SPLM spread to the Army. It is conceivable that a reformed, more coherent national army could have held together even as political leaders differed over Kiir's handling of South Sudan's succession.

The December 2013 civil war further fractured the SPLA along its historical fault lines—ethnoregional and patrimonial. The war stripped the SPLA of any national colors it might have maintained during the days of liberation. The brief interlude of peace in 2015 presented a second chance to reform, even disband the SPLA and to build a new national army. A combination of factors—the slow constitution of the Transitional Government of National Unity, persistent violence including the targeting of civilians in Juba in July of 2016, and uneven implementation of the Agreement on Resolution of Conflict in the Republic of South Sudan (ARCSS)—meant that little progress was made in relation to building the foundation for security sector reforms.

What Should Security Sector Stabilization Look Like?

It is no longer tenable to build a national security architecture for South Sudan on the existing security infrastructure. The history of the country, the less than impressive reputation of the current security sector, and the ethnicization of interactions between security actors and local political structures make a strong a case for building a new national security force from a clean slate. The starting point for security stabilization in South Sudan must be rebuilding, not replenishing or patching up, the security sector. To rebuild a new security sector the slate must be wiped clean.

A Multinational Security Stabilization Force (MSSF) needs to be established in its place by the African Union with the support of the United Nations and broader international community. Three-quarters of the cost of the MSSF should be borne by the South Sudan

national budget, and the remaining through multilateral facilities. The mandate of the MSSF should be focused on core security services—armed forces and police services. In the event of a serious internal or external security challenge to the performance or the mandate of the MSSF, bilateral support—akin to the intervention by Britain in Sierra Leone in 2000, or France's deployment to Mali in 2012, or the Force Intervention Brigade (from South Africa, Malawi, and Tanzania) in the Democratic Republic of the Congo in 2013—will be required. Such an offensive surge capability should be factored into the mandate of the MSSF. This mandate should not extend into rebuilding a new national security force, however.

South Sudanese policymakers, supported through bilateral arrangements, should be responsible for planning and implementing a new national security architecture. Planning, designing, recruiting, and training a new national security sector must be nationally led and owned but robustly supported through bilateral arrangements. Once established,

> *"To rebuild a new security sector the slate must be wiped clean."*

transfer of core security functions from the MSSF to the new national security services should be phased in starting with the nationalization of the overall chain of command and gradual handover of national security to the new national security services.

Key Challenges Facing Security Stabilization in South Sudan

Any effort to stabilize the security situation in South Sudan must contend with the following key challenges:

- There is an absence of legitimate political authority. In addition to serving as a driver of instability and an impediment to building an inclusive national identity, the absence of a legitimate political authority inhibits setting a strategic direction and making the difficult decisions to advance the transformation of a security sector.

- There is no distinction between the SPLA and the governing party, SPLM. The implication of these blurred roles is that every political challenge is a security challenge and every security challenge is a political one. As a result, security stabilization interventions must be both technical and political.

- There is no common and integrated concept of security risk. Without a clear and rich understanding of what constitutes a national threat, building a national security sector that is coherent, legitimate, effective, and affordable will continue to be elusive. As a result, there will be no security architecture and strategy.

- There is no effective oversight and accountability. Instead of civilian oversight of the military, there is in fact a military oversight of civilian institutions. This puts the security actors above the law and accountability. The culture of impunity presents a challenge for stabilization efforts.

- There exist multidimensional security threats. The security environment in South Sudan is complex, fluid, and fraught with internal and external risks. Internally, the proliferation of arms and the multiplication of armed actors as the war has spread has created multiple risks for stabilization efforts. The country has an overabundance of arms and ammunition in private hands. In addition, there is an engulfing lawlessness that has to be factored into these efforts.

- South Sudan is in a hostile neighborhood. Neighboring states implicated in South Sudan's conflict can further complicate the security situation by incentivizing spoilers. So far, some regional actors have not demonstrated that they are interested in and committed to security stabilization in South Sudan. Yet, the future of stabilization efforts is partly dependent on the course of action they take.

Strategies for Ensuring Security Stabilization in South Sudan

Security sector reform is untenable without a fundamental change in the sociopolitical circumstances of the country. Therefore, security sector interventions must be realistic and sequential. In South Sudan, the first step should be security stabilization, which entails reducing violence, minimizing lawlessness, and enhancing public security and safety. Once this is established, a transition to security sector reform is more viable. To address the security deficit, local and international actors should consider the following interventions.

Make a policy shift from SSR to security stabilization. There is no doubt that the aim of a security sector intervention should be reforms. However, in an environment that is politically messy, fraught with challenges, and potentially nonpermissive of SSR, basic and immediate security needs cannot wait. Security stabilization is needed to reduce violence and enhance public safety in the short term. To do this, all political actors must be neutralized by demobilizing and disarming all the armed groups, including the SPLA. Once the MSSF is operational, its immediate priority must be the demobilization of all armed groups. The MSSF will have the overall mandate for the provision of security.

Deploy the MSSF to provide interim security. The neutralization of all armed actors including the SPLA should be preceded by the deployment of the MSSF to provide and manage the country's security needs. MSSF personnel can be sourced through the transformation of the Regional Protection Force. Additional members can be drawn from components of the United Nations Mission in South Sudan.

Conduct a strategic security review and facilitate the development of a national security strategy. National actors with bilateral support should operationalize relevant provisions of the ARCSS and facilitate the development of a security architecture and national security strategy for South Sudan that provides for human security as its centerpiece. Once security threats are eliminated, reform efforts should aim to create an inclusive, professional, capable, transparent, and accountable national security sector.

Set up an inclusive national security commission. This commission will have the mandate to oversee recruitment of the new national army of South Sudan, ensure that the army is representative of the country's diversity at all levels, and continue to monitor and report on progress to the legislature.

Conclusion

Since the current security actors carry blame for the current state of affairs, stabilization must include demobilizing and dismantling the existing security infrastructure and militias. A new national armed force must be built from the ground up. This process should include a national conversation around security strategy and must ensure there is effective oversight.

Dr. Remember Miamingi is a scholar with the South Sudan Human Rights Observatory.

Notes

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BLURRING THE LINES: ETHNICITY, GOVERNANCE, AND STABILITY IN SOUTH SUDAN

By Lauren Hutton

A herd of cows on the road to Bor, South Sudan. (Photo: BBC World Service)

When South Sudan achieved independence in 2011, the Sudan People's Liberation Army/ Movement (SPLA/M) and its leader, Salva Kiir Mayardit, took control of a system of governance that transcended the lines between the formal and informal sectors, military and civilian elites, government and nongovernment actors, as well as licit and illicit sources of revenue. Instead of laws, rules, regulations, and rights, South Sudan is governed through complex personal and familial ties with an uncertain fluidity. A military aristocracy was established that maintains its strength through patrimony made possible via resource capture.[1] The SPLA/M was legitimized as liberators, and warlord-style rebel leaders were elevated to the top of a ruling class characterized by ethnicity.

The lack of legitimate political processes, combined with a monetarized and militarized system of governance, meant that any stability was always going to remain vulnerable to the competing demands of those able to use violence to project political power.[2] When the existing governance fractures opened in December 2013, they manifested and continue to manifest as ethnic violence. This review of ethnicity and governance in South Sudan explores potential intervention strategies for international actors seeking to engage in stabilization activities in this conflict-affected state.

Ethnicity and Class

Instrumentalizing ethnicity for political gain often occurs in contexts where powerful actors see more relevance and efficacy in mobilizing along ethnic lines than along social classes. This is often related to the lack of desire of the ruling class for systemic change and the preference of elites—at various levels of society—for maintaining ethnically determined systems of production and consumption. As such, ethnicity should be understood as a political identity founded in social structures and reproduced by the institutions of the state.

A Mundari fisherman in Terekeka, Central Equatoria State. (Photo: UK Department for International Development)

Under the colonial state, South Sudanese were subjects divided into chiefdoms with a fusion of legislative, executive, and judicial powers conferred from the colonial state to the ethnic fiefdoms.[3] The colonial administration used a form of ethnic federalism, aligning cultural and political boundaries, to manage native populations, not dissimilar to the approaches of Ethiopia and Nigeria today. Systems of ethnic federalism align identity and territorial divides creating options for more local autonomy while still leaving room for manipulation by the central state.

Under an independent Sudan, the dual legacy of the colonial state was reproduced in the Arab-African divide creating an ethnically diverse but unified opposition to the racialized state. However, internal tensions within the liberation movement were easily exploited, and Khartoum could deracialize the conflict and split the opposition into an ethnically fragmented array of armed actors, some of which were co-opted.

Independent South Sudan quickly began to mirror the class structure of Sudan with a small group of military elites exerting power through violence and patronage reliant on extended familial and ethnic ties. The depth of these ties is evident in the fluidity with which actors move across the state-nonstate and government-community boundaries.

Ethnicity and Rights

For actors at local levels, there is a continuous process of negotiating for rights awarded as privilege from the military elites. Since the colonial state, chiefs have played an important role as representatives of the community able to interface with the state.

Importantly, this role was based on a denial of rights within an authoritarian system of governance with limited local power choices to affect access to resources and privileges. For citizens, relying on ethnically defined leadership is often more practical than looking for nonethnic institutions, especially when considering access to justice, security, and markets. When the state institutions fail to provide equity and predictability in their administration of rights, local institutions cross the "formal" and "traditional" dialectic, and laws and governance emerge.

Ethnicity and Identity

In African societies, identity is often created through both ethnic and market-based systems, with deep linkages between the two due to the nature of patronage.[4] When looking at ethnicity as well as wealth transfers, one can understand the central roles that property and the ability to bestow "gifts," particularly through bride wealth and dowry, play in maintaining the current governance system. While displacement and forced asset-stripping cause the seemingly never-ending humanitarian crises, these tactics provide visible evidence of the ways in which wealth is being continually consumed and transferred.

By independence, the SPLA had already become the primary space for resource accumulation, and wealth spread from the SPLA commanders through their kinship networks, most often through cattle and marriage. Instead of being a genuine national liberation movement, the SPLA turned into an agent of plunder, pillage, and destructive conquest. Operating more as an occupying force than a liberation movement or national army, the SPLA traditionally relied on local commanders—"business men of war"—able to coerce and co-opt local institutions for administration, taxation, and recruitment.[5]

Ethnicity and Governance: Emerging Recommendations

There are four main recommendations that emerge from situating ethnicity within a resource governance lens.

Human rights are central to state-citizen interaction. A core issue for any stabilization agenda is how to orient interventions to strengthen the human rights framework at local and national levels. The protection and advancement of human rights provide a bulwark against state excesses while also providing a means for citizens to claim social goods through lobbying, advocacy, and litigation. However, the current power dynamics require more than just adherence to rule of law or an independent judiciary. Meaningful change must come from fundamental changes in how the state and citizens interact. Technocratic institution and capacity-building approaches will need to interface with very complicated power dynamics at local and national levels.

Resources are important in order to delink ethnicity from governance. Thinking of South Sudan through ethnic and market-based identities opens avenues for delinking ethnicity from governance, as the military elites are created and sustained through productive relations and not merely through social identity. With this lens, there is the opportunity to explore linkages between production and ethnicity and the institutions that reinforce and/or resist the replication of those identities.

The functionality of local institutions is essential. For many parts of South Sudan today, the state has not just penetrated the rural frontier but has through forced displacement and asset-stripping, tried to lay waste to the relative power of those home spaces. It is a war of domination run by a core inside the SPLA and the ruling party who enforce politicized ethnicity through violence and weaken law and order.[6] While the state is pursuing a strategy of militarized and ethnic dominance, there is a need to focus on the resilience, resistance, and innovation happening at the level of local institutions.[7] The focus should not be on ethnicity or ethnic representation, but rather on the functionality of local institutions to protect rights and resources and, importantly, how these institutions operate across and within the state-nonstate boundary.

> *"There is a need to focus on the resilience, resistance, and innovation happening at the level of local institutions."*

The functionality of decentralization of access cannot be overemphasized. Ethnic dominance is enabled by a lack of functional decentralization tied to the territorial organization of the state and its administrative units. No matter the number of states, the division of South Sudan into administrative state units is a product of power and diversity. However, the essential geography and livelihoods of South Sudan mean that there can never be containment of diversity in ethnic fiefdoms, but rather that internal organization should seek ways to optimize interactions between peoples while also maintaining and harnessing local autonomy needs. This is what could be called a focus not on the lines on the map, but rather on physical decentralization and functional intercommunal linkages. Douglas Johnson notes that federalism will only thrive under hospitable conditions because it is a system of governance and not a political system.[8] With the current political system based on militarization, monetarization, and turbulence, a federal system could just mean the difference between being ruled by one tyrant or by several petty tyrants.

The focus should not be on how many states or where the lines are, but rather on how to make economically and politically viable communities that able to operate across ethnic boundaries. National identity and new cooperative norms will emerge from functional

interactions between people and meaningful platforms for engagement. Centralization and the dominance of elite ethnic networks are enabled by the limited options that people have for most of their interactions. Even before the 2013 crisis, not all state capitals had banks, so people could not save money or access credit through the formal system. In the current conflict, market access has been extremely restricted to select groups.

Decentralization must physically expand the range of choices people have on the ground to step back from the patronage-based economic networks that operate within ethnically defined units. Indeed, many South Sudanese assert that the most obvious impediment to national cohesion is exclusion from the national platform, especially exclusion along ethnic lines.[9] Formalizing terms of trade, regulating market behavior, and expanding access to credit, particularly in the form of cattle banks, could begin to dilute the importance of patrimony and ethnicity for access. In illicit and informal economies profit is generated and contained in closed networks that are often ethnically determined.

A cattle auction in Lankien, South Sudan (Photo: Aimee Brown/Oxfam)

Conclusion

Stabilization may require delinking politics from ethnicity, but the foundation of the relationship between politics and ethnicity lies in the way in which the dominant ruling class has used the awarding of resources and rights to shape these dynamics. This is partly due to the closing of delineating spaces between the institutions of the home and state, but also due to the way in which resource accumulation limits nonviolent and de-ethnicized politics. The relevance of ethnicity in this conflict cannot be minimized without addressing the material systems that have enabled a form of ethnic extremism to take root. The state

project is in crisis in South Sudan. Either the violent ethnic extremism that has become symbolic of the ruling regime continues its path of domination and destruction, or the frustrations of the excluded can find harmony with moderates on the other side to build a country based on mutual respect, rights, and regulations. Such platforms of cooperation could prove critical.

Lauren Hutton is an independent political analyst and strategic communications consultant.

Notes

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Durable Stability in South Sudan: What Are the Prerequisites?

By Phillip Kasaija Apuuli

Generals of South Sudan's army celebrate during official Independence Day ceremonies. (Photo: Steve Evans)

The 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) identifies security sector reform (SSR) as one of the most crucial issues that need to be addressed if South Sudan is to attain peace. The prioritization given to SSR in the ARCSS is illustrated by the fact that it comes immediately after the provisions relating to the establishment of the Transitional Government of National Unity (TGoNU). As a building block to SSR, the ARCSS mandates a Strategic Defence and Security Review (SDSR) to be undertaken by a multistakeholder Strategic Defence and Security Review Board (SDSRB).[1] The SDSR process should generate a comprehensive SSR framework, which when implemented, will radically transform the security sector in South Sudan.

Due to the instability in the TGoNU, including the resumption of armed conflict in July 2016 and repeated breaches of ceasefire agreements, the actors mandated to lead the process of developing a reform blueprint have not made meaningful progress. The questions that arise, therefore, are: What will it take to realize substantive reforms that result in stability? How should challenges that bedeviled past reform efforts inform the SDSR and SSR in general?

To institute a process through which an able, effective, and accountable security sector can be built to engender lasting stability in South Sudan, one must grapple with a range of challenges associated with the political environment in which the proposed SDSR

"What will it take to realize substantive reforms that result in stability?"

would unfold. SSR refers to the provision of state and human security within a framework of democratic governance.[2] It institutionalizes the purpose, roles, and responsibilities of security sector actors vis-à-vis civilian authorities and citizens within a sovereign democratic state. Put simply, SSR is a process that aims to structure a state's security services in a way that best meets the security needs of citizens and the state.

The end of the Cold War resulted in a critical shift in the thinking about the military's role in developing countries. In many of the post-Cold War intrastate conflicts, the security forces have been the main source of insecurity. Thus, the thinking holds, if the security forces are "managed, monitored, and held accountable," they will cease to be a source of insecurity.[3] This conclusion is particularly relevant in South Sudan, where previous failures to reform the security sector are at the heart of the most recent chaos.[4]

Lessons from Past Proposals and Initiatives to Reform the Security Sector

(Photo: Al Jazeera English)

Under the terms of the 2005 Comprehensive Peace Agreement (CPA), the South Sudan security forces—consisting of the military, police, wildlife services, prisons, and intelligence—were supposed to be restructured, while the numerous militias that existed during the civil war in Sudan would be demobilized.[5] However, the restructuring and demobilization did not happen. This was, in part, because President Salva Kiir adopted a "Big Tent" policy that integrated political

opponents into the Sudan People's Liberation Army (SPLA). At the core of this policy was the notion that facilitating access of key belligerents to social status and material benefits in exchange for political acquiescence would create greater stability.[6]

While this policy bought the country a modicum of peace and political stability in the interwar period (2005-2013), it came at a high price. It squandered an opportunity for reform and weakened force cohesion and professionalism. The continuing divisions between the different elements of the security sector subsequently contributed to the outbreak of civil war following the political crisis within the Sudan People's Liberation Movement (SPLM) party in December 2013. Rewarding rebel leaders created an endless cycle of rebellion by incentivizing the spoilers of peace. It was often the case that, when inadequately catered to by amnesty deals, groups would splinter, creating a new pool of armed actors to be accommodated.

At the time of attaining independence in 2011, South Sudan's security sector was bloated. The integration of the different militias (also called the Other Armed Groups or OAGs) into the SPLA ballooned force numbers to an estimated 207,000 combatants.[7] This measure distorted the SPLA's force structure, with a large number of generals. It also ballooned the defense budget, with estimates placing the proportion of the defense budget at 50 percent of national revenues. Military expenditures left the new government unable to invest in social and development programs, which further complicated the security situation. The 2008 White Paper on Defence, which aimed to restructure the SPLA into a professional force subordinate to civilian authority, was derailed by successive outbreaks of violence, notably in Jonglei in 2012 and the civil war in 2013.

Under the CPA's Disarmament, Demobilization, and Reintegration program (CPA-DDR), both the Sudan Armed Forces (SAF) and SPLA were to be downsized by 90,000 personnel each.[8] However, by the time the United Nations-sponsored CPA-DDR closed in December 2011, "not much had been achieved."[9] The CPA-DDR fell far short of its targets because neither party was prepared to reduce force numbers when conflict still loomed large.

"OEstimates place the proportion of the defense budget at 50 percent of national revenues."

Another DDR initiative was launched by the National DDR Council, following the January 2011 independence referendum. This program aimed at increasing livelihood opportunities for ex-combatants in communities of return and facilitating the release, return, and reintegration of children associated with belligerents (usually as fighters,

porters, and cleaners). Overall, 150,000 persons (80,000 from SPLA and 70,000 from OAGs) were earmarked to undergo DDR. However, by March 2013, when the initiative was halted, it was estimated that only 12,525 soldiers had been demobilized, with 5,000 of these being reintegrated.[10]

The projected cost of the National DDR Council initiative was $1.2 billion and the government had committed to cover 64 percent.[11] By the time the initiative was stopped, it was not clear how much the government had actually contributed. Donors had spent $50 million on the process.[12] The African Union Commission of Inquiry found that the initiative failed to gain traction mainly because "the government was not committed to it."[13] The government's lack of enthusiasm was for two reasons, namely: the deterioration of the security environment on the border with Sudan, and the austerity measures owing to the oil production shutdown in 2012.[14]

Related initiatives contemplated at the time but which were affected by the outbreak of violence in 2013, included the:

◆ National Military Pension Fund (under which all members of the SPLA would receive a pension based on their contribution since January 9, 2005)

◆ National Freedom Gratuity Fund (providing army generals who were not processed through the DDR program to receive a one-off "golden handshake" in recognition of their contribution)

◆ Transformation Strategy and Programme 2012-2017 (developed with technical support from the UK's Security Sector Development and Defence Transformation (SSDDT) project, which aimed to transform the SPLA's officer corps. It developed job descriptions for senior SPLA officers and commenced work on sectoral command structures)[15]

The Strategic Defence and Security Review

The SDSR envisioned in the ARCSS was supposed to lay the groundwork for reform of the security sector in South Sudan through the establishment of a security sector transformation framework. The SDSR was to be conducted by multistakeholder entities grouped under the SDSRB consisting of: four persons each from the warring parties—SPLM-In Government (SPLM-IG) and SPLM-In Opposition (SPLM-IO); two from former detainees; two from opposition political parties; and one each from faith-based leaders, the opposition in the National Legislative Assembly (NLA), independents in the NLA, eminent personalities, academia, women, youth, and civil society organizations.

The wide spectrum of representation in the SDSRB was aimed at ensuring local ownership of the process. The main outcome of the SDSR would be a Security Sector Transformation

Framework that would result in the unification of command of the different armed groups in South Sudan into the National Defence Forces of South Sudan (NDFSS). In terms of timelines, the ARCSS stipulated that the SDSR should be completed within 280 days. Activities to be undertaken during this period included:

◆ Comprehensive needs assessment of the military to inform the formulation of the security and defense policies of the country

◆ Assessment of the military and nonmilitary security challenges (internal and external) facing the country

◆ Clarification of the responsibilities of different security sector bodies and agencies including the management and oversight of the security sector

◆ Identification of the mission, vision, and specific role of the national army

◆ Outline of the program and doctrine for NDFSS unification and modernization

Taken together, these activities constituted the security sector transformation framework. The timelines for the conduct of SDSR were not respected because of the delayed return to Juba of SPLM-IO leadership after the signing of the ARCSS and the resumption of fighting in Juba in July 2016 which saw the expulsion of SPLM-IO, the main cosigner to the ARCSS.

Challenges to Reforming the Security Sector

Beyond the ongoing conflict, there are several challenges that SSR efforts would need to overcome in order to gain traction. First, the near total absence of the rule of law and the resultant lack of confidence in security institutions poses multiple challenges for disarmament efforts. The failure of past SSR efforts is due, in part, to cyclical violence that make it difficult for armed elements to believe they can be safe without their guns. Due to the militarization of public life, bearing arms in South Sudan

Festus Mogae (Photo: UNMISS)

secures goods and gives voice. Arms are a pathway to assert local influence and garner access to wealth and prestige.[16] It is telling that the Chairman of the Joint Monitoring and Evaluation Commission (JMEC), Festus Mogae, has decried the prevailing view among armed parties that SSR is "a threat to be resisted."[17] Under the prevailing conditions, it is extremely difficult to expect belligerents to trust any action that denies them what they see

as a source of security and livelihood. Thus, winning the confidence and trust of armed groups that all will be well when they hand over their guns—a prerequisite for effective SSR—must be addressed by the SDSR process.

Second, reform of the security sector requires military structures to be accountable to civilians. In South Sudan, to say that the security forces are under civilian authority is an aberration. The distinction between civilian and military authority has never existed. Most political elites with any influence on security policy have a background in the military. The ruling SPLM has not been so much a political party with a military wing as the SPLA has been a military force with a political party. Long term stability in South Sudan is dependent on decoupling politics and the military.

In addition, civil society and the media, which would normally provide oversight of the security sector, are weak, hamstrung by the application of laws that restrict their activities. The sense of entitlement among certain SPLM members—the idea that those who fought for liberation are entitled to rule undisturbed or "deserve the first bite of the cherry"—serves to delegitimize voices of accountability and to silence citizens.

> *"The continuation of the armed conflict and the proliferation of armed groups deepens the DDR challenge to be surmounted post-conflict."*

Lastly, the continuation of the armed conflict and the proliferation of armed groups not only makes it difficult to conduct a comprehensive strategic security review but also deepens the DDR challenge to be surmounted post-conflict. In addition to the SPLA-IO, there are now at least two dozen armed formations active in South Sudan as the conflict has spread from the original theaters to other parts of the country post-July 2016.

The resignation and declaration of rebellion against the government of several high ranking military officers such as the SPLA Deputy Chief of General Staff for Logistics, the SPLA Head of Military Courts, the SPLA Director of Military Justice, the SPLA Logistics Support Brigade Commander, as well as former Chief of General Staff Paul Malong, signal further factionalization that will need to be overcome.

Priorities for Moving Forward

It is understood that a cessation of hostilities and some measure of political will is required before genuine reform of the security sector can be initiated in South Sudan. Recognizing this, the government of South Sudan and its opponents, with the help of all well-meaning

people and entities, should prioritize building on some of the promising elements for reforming the security sector captured in the ARCSS.

Review the previous DDR and SSR initiatives to identify the reasons why they were ineffective. This will inform the current SDSR initiative so that it can be a success.

Rejuvenate the SDSRB that is tasked with conducting the SDSR. This will require revisiting the selection of board members so that it is seen as legitimate, capable, and representative of the diversity of stakeholders whose interests must be considered. Similarly, a new timeframe and clear budgetary support must be identified so that the SDSRB can launch into its review as soon as the opportunity arises.

Phillip Kasaija Apuuli *is an Associate Professor of Political Science at Makerere University in Kampala, Uganda.*

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Confronting the Challenges of South Sudan's Security Sector: A Practitioner's Perspective

By Kuol Deim Kuol

South Sudanese police recruits at training academy. (Photo: UN/Paul Banks)

Countries emerging from conflict confront numerous challenges relating to the reform of their security sectors. Some countries succeed in addressing those challenges, are able to reform their security sector gradually, and achieve peace and stability for their people as a consequence. Other countries fail to do so, at times contributing to the recurrence of conflict. South Sudan falls into the second category of countries. Following the signing of the Comprehensive Peace Agreement (CPA) in 2005, the parties failed to live up to their commitments, which included reducing the size of their militaries. It was not surprising, therefore, that the failure to carry out meaningful reforms of the Sudan People's Liberation Army (SPLA) in the post-CPA period had some bearing on the eruption of the crisis in December 2013.

It is reassuring that there is continuing recognition among South Sudanese and the international community that reforming the security sector is essential for peace and stability. It is for this reason that special attention was paid to the issue of the security sector in the 2015 Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS) between the Government of the Republic of South Sudan (GOSS), the SPLM/A-In Opposition (SPLA/M-IO), and other actors.

The State of the Security Sector and the Imperative for Reform

In South Sudan, the components of the uniformed security sector include the:

◆ Sudan People's Liberation Army (SPLA) (the military of South Sudan)

◆ National Security Service (NSS) (the intelligence organization)

◆ South Sudan National Police Service (SSNPS)

◆ National Prisons Service of South Sudan (NPSSS)

◆ South Sudan National Wildlife Service (SSNWS)

◆ South Sudan National Civil Defence Service (SSCDS) or fire brigade (all of which are armed)

All the components of the security sector, SPLA-affiliated militia, and rebels have been accused by both local and international human rights groups of committing crimes and serious human rights violations during the conflict. Violations and crimes committed include the use of rape as a weapon of war, the killing of innocent people on the basis of ethnicity, the recruitment of children, the forced displacement of populations, and looting. Political leaders and senior military leaders in the SPLA—which has acquired the reputation of a tribal army dominated by ethnic Dinka—also stand accused of land grabbing and ethnic cleansing.

One of the enduring characteristics of the SPLA is its close relationship with the Sudan People's Liberation Movement (SPLM), of which it was the armed wing during the war of liberation. Today, it is commanded by some of the officers that dabble as politicians while politicians tend to maintain militia loyal to them. The relationship between the SPLA and the SPLM party is deep and structural, in part because the President of South Sudan is both the commander in chief of the military and the chair of the SPLM party. Moreover, many officers are politically active. Politicians tend to have their own militias or command loyalty from sections of the Army. This has resulted in the militarization of public and political life in South Sudan, with deadly results.

The other uniformed forces—police, wildlife, fire brigade, as well as the NSS—have over the years drawn heavily from the SPLA or become, according to some, its "dumping ground." For this reason, they suffer from the same structural, administrative, and managerial problems as the SPLA. As the current conflict illustrates, the separation between the SPLA and the other uniformed forces is in name only. Personnel from wildlife and fire brigade have fought alongside the SPLA.

> *"The rampant unprofessional behavior of uniformed personnel is partly responsible for the drive within many communities in South Sudan to acquire small arms and light machine guns for their protection."*

While the SSNPS is accused of serious human rights violations, including the detention of innocent people, looting, and corruption, the NSS has a reputation of being the "political police" of the President. It has been linked to the persecution of the media, civil society, and academics, as well as to arbitrary detentions and enforced disappearances. In addition, the NSS is alleged to have participated in illegal renditions of regime opponents from neighboring states. The intelligence organization has also become "a parallel army" equipped with tanks, heavy artillery pieces, and multiple rocket launchers. The remaining three security sector organizations are also accused of various unprofessional acts in the areas of their mandate.

The rampant unprofessional behavior of uniformed personnel is partly responsible for the drive within many communities in South Sudan to acquire small arms and light machine guns for their protection. Some of these arms are reportedly acquired from members of the security forces. These arms fuel intercommunity conflicts, including cattle rustling and revenge killing of innocent people. In short, reforming the security sector will be starting from a very low baseline and demands immediate attention in order to restore normalcy and stability in South Sudan.

Recommendations

Conduct a comprehensive strategic review of the security sector. None of the six security organizations has ever conducted this kind of review. The Strategic Defence Sector Review (SDSR) mandated by the ARCSS relates only to the defense component of national security. At the start of the armed conflict in December 2013, estimates placed the SPLA budget at 50 percent of national expenditures, of which 80 percent was reportedly allocated to salaries. One of the primary objectives of a strategic review is to determine force strength and to align this with the resources and security threats for which each

entity is responsible. Rightsizing the SPLA would free up resources for allocation to other security components or social services.

The review of all players in the security sector should take place simultaneously. However, there is scope to combine the SPLA review with that of the fire brigade and wildlife because these services are ill-developed and their members are often called up into combat roles within the SPLA. To ensure a high caliber and even-handed review, international technical and financial support for this process is critical. Moreover, attention must be given to implementing the recommendations generated from the review. This may seem obvious, however, in the past,

> *"A disciplined and highly professional security officer corps must stand ready to carry out the wishes of any civilian group which secures legitimate authority within the state."*

reform measures agreed upon at the highest level have often gone unimplemented. A good example is the Objective Force 2017 and the Transformation Programme 2012-2017, which sought to transform and develop the SPLA in a 5-year time frame.

Convene a national conference for the professionalization of the six security sector organizations. The proposed national conference should be attended by, but not limited to, the representatives of the political parties and civil society groups. One of the primary objectives of the conference is to generate consensus among political and military leaders as well as the public to professionalize all the security organizations. Professionalization will entail severing ties that exist between sections of the political class and the components of the security sector. This should facilitate the demilitarization of public life and the establishment of effective mechanisms for civilian control and accountability. Those programs will aim at making the security organizations independent from the ruling class. The institution of effective civilian oversight over the security forces is essential for their professionalism.

A disciplined and highly professional security officer corps must stand ready to carry out the wishes of any civilian group which secures legitimate authority within the state. The organizations must be politically neutral and recognized by all social groups of the society. The government and the political class as a whole must promote professionalism of all six security organizations so that they operate independently and cultivate an apolitical posture. In turn, the government and political players must commit to forbear—backed by criminal and other sanctions—from interfering in the security sector with the aim of serving partisan interests. Norms should be established to achieve these ends.

Reintegrate belligerents into the security organizations. It is recognized that the civil war in South Sudan has reduced the national security organizations into ethnically based forces. For their part, rebel groups have also largely recruited on ethnic lines. Disarmament, demobilization, and reintegration (DDR) of surplus fighters should be conducted as part of a jointly agreed DDR program that implements SDSR objectives. Policymakers should draw from failed DDR programs of the past—the post-CPA and 2012 DDR programs—which failed due to lack of political will. The reluctance to disarm and demobilize during the immediate post-CPA period was in part informed by fear of an attack from Sudan to reverse or stall the transition.

In terms of benchmarks, these reforms must:

- Lead to the creation of a truly national army, police, and intelligence organization
- Provide for the requirement that all security agencies recruit from all ethnic groups on an equitable basis, including consideration of ethnic quotas
- Establish training as one of the top priorities of the reform agenda

Focus on the institutional development of security sector organizations. This includes continuous training of the personnel in uniform and human resource development of the civilian component. The SPLA should focus on the preparation of defense capability and the effective conduct of military operations. Preparing defense capability includes: recruitment of suitable people, training of both individuals and collective units; ordering, receiving, operating and maintaining military equipment; establishing information and communication channels; and generation and application of operational doctrine. Executing military operations means building on this range of tasks.

> *"The Ministry of Cabinet Affairs should take the lead in the development of the national security strategy of South Sudan in order to ensure it encompasses all of the country's security challenges."*

The central function of a defense ministry should be to make, monitor, and review defense policy.[1] Through the generation and implementation of defense policy, the defense ministry can be the central enabling institution for providing policy direction on defense matters. Currently, there is no national security strategy for South Sudan, making it difficult for any security organization to work out clear policy. The SPLA White Paper on Defence of June 2008, which was never made public, set out broad objectives to be

achieved by the Southern Sudan Ministry of Defence during the transitional period (2005-2011). The Ministry of Cabinet Affairs should take the lead in the development of the national security strategy of South Sudan in order to ensure it encompasses all of the country's security challenges. In addition to a national security strategy, sectoral policies setting out the ways and means for achieving set objectives will also need to be developed.

Strengthen the oversight of the security organizations. Oversight is needed in order to reduce abuses of security offices. Mechanisms of oversight are allegedly established in the Constitution of South Sudan and sectoral laws pertaining to each organization. Broadly, there are two types of oversight systems. Internal oversight systems of the security sector, for example, comprise the Army Inspector General and the Internal Auditing Section. External oversight mechanisms include parliament and the judiciary.

Parliamentary committees should be empowered to scrutinize budgets, policies, and operations. In the performance of their duties, they should be able to access classified information that is otherwise unavailable to the public. Civil society should be empowered to hold the security sector to account. Civilian involvement may lend credibility to the process, make decisions more legitimate politically and socially, and generate a sense of ownership among stakeholders. Currently, some of the existing oversight mechanisms listed are very weak and will require review and strengthening.

Conclusion

In the past, reforms of the security sector have been doomed by a lack of political will. One of the consequences of this failure is that the sector remains one of the main destabilizing forces in the country. The proposals made in this review could contribute to the creation of a capable, accountable, and effective security sector. However, reforms are unlikely to take root in the prevailing political, economic, social, and institutional environment. Broader institutional reforms are necessary to build the foundation for and foster the deepening of the rule of law while strengthening democratic institutions. Additional reforms to circumscribe and limit the powers of the political branches (executive and legislative), empower the periphery, expand human rights protection, and facilitate democratic expression are imperative as is the need to combat the entrenched culture of impunity.

Lt. Gen. (Ret.) Kuol Deim Kuol was an active lieutenant general in the Sudan People's Liberation Army until 2013. He led the Jonglei disarmament campaign launched by President Kiir in 2012.

Notes

1 Laura R. Cleary and Teri McConville, eds., *Managing Defence in a Democracy* (Oxford: Routledge, 2000).

The Rule of Law and the Role of Customary Courts in Stabilizing South Sudan

By Godfrey Musila

A traditional court in Warrap, South Sudan. (Photo: UNDP South Sudan/Brian Sokol)

South Sudan's descent into civil war in 2013, 2 years after independence, has devastated families, communities, and institutions—including judicial institutions. Already fragile following decades of war against Khartoum, state institutions had yet to penetrate throughout the territory, and many were still in the process of formation. Areas that lay beyond the reach of the state were nevertheless not ungoverned. Traditional chiefs and the rich tapestry of tribal norms and rules they applied to resolve disputes have played an invaluable role in holding communities together, much as they had during the decades of North-South fighting in the Sudanese Civil War, despite the multiple challenges they faced.

The new state of South Sudan has struggled with the militarization of private and public life, impunity, and personalized rule. As a consequence, constitutionalism and the rule of law—twin pillars of a state governed by law—have suffered. How, then, can the rule of law help establish stability in South Sudan? In particular, what role does the judiciary, including customary courts that constitute the lower rungs of the formal justice system, contribute to this enterprise?

Of Gun Culture and Absence of Rule of Law

Commentators have lamented the larger-than-normal role of the military in an ostensibly democratic, civilian-governed South Sudan. This state of affairs characterizes the low level of rule of law that persists in South Sudan. Rule of law connotes a state in which all, without exception, are subject to the law, the law and other institutions are allowed to function, and conflicts are mediated in terms of established rules and procedure. South Sudan has had a rule of law problem since its birth. This has been characterized by personalization of power, weak institutions including the judiciary which is subservient to the executive, a culture of violence, a lack of trust in institutions, and a pervasive military influence on public life, including on the administration of justice and resolution of disputes.

In its seminal 2013 report on the South Sudanese judiciary, the International Commission of Jurists decried the apparent weakness of the rule of law in South Sudan. It illustrated this finding with the case of an SPLA general who, faced with a lawsuit at the High Court in Juba, "paid the judge a visit" in the company of armed men and demanded to know when the judgment would be ready. While this constitutes an extreme case of intimidation of a judicial officer, it is symptomatic of other actions that compromise the independence of the judiciary. Equally, the capacity limitations of the formal judiciary—insufficient number of judges, limited number of courts over a vast territory, and poor working conditions for judicial officers—restrict the reach of legal institutions in the new state.

"Records suggest that an overwhelming number of cases that reach the courts ... are decided by the underrated yet critical customary courts staffed by chiefs."

The jurisdiction of customary courts, established under the Local Government Act of 2009, are limited in law to "customary disputes." In practice, however, they hear and determine a wide range of cases that include theft, assault, rape, and homicide primarily because the customary courts are often "the only game in town" or litigants prefer them to formal statutory courts. Records suggest that an overwhelming number of cases that reach the

courts—between 55 and 90 percent—are decided by the underrated yet critical customary courts staffed by chiefs. These courts, thus, fill a major gap in the provision of arbitral services left by formal justice, and are critical to security in rural areas and towns in South Sudan.

The Challenges and Resilience of Customary Courts

In spite of the role customary courts play in the delivery of justice and provision of security for citizens, this vital institution has faced strains due to the extended periods of war. This has included intimidation by the military that controlled liberated areas as well as the weakening of the authority of community leaders in the eyes of returning exiles whose views of tradition have been transformed by their lived experiences.

Customary courts in South Sudan are also constrained by being placed within the local government bureaucracy, which is widely recognized as ineffective and provides little support. Chiefs sometimes find it difficult to enforce their decisions and have, on occasion, been threatened with physical violence.1 Traditional leaders are also hamstrung in terms of larger conflicts between communities relating to access to pastures and water.

The proliferation of arms within the general population in South Sudan adds another layer of difficulty.2 In the absence of a reliable police presence in rural areas, customary courts headed by chiefs must at times rely on the SPLA to step into law-and-order roles to provide security and to enforce customary court decisions. Too often, however, the SPLA does not fill this role but instead acts with impunity, leaving citizens without recourse when they suffer violations. This undermines respect for the law, further complicating the work of chiefs and compounding the insecurity prevailing in rural areas.

"The customary courts have made important contributions to initiatives strengthening stability in South Sudan."

While customary courts remain inadequate in many ways, in their absence, lawlessness would reign in large swaths of the territory. In fact, the critical role that traditional institutions play in the delivery of arbitral services during the current conflict has been recognized by the United Nations, which has set up elected "conflict resolution committees" in camps for internally displaced people.

Despite these challenges, the customary courts have made important contributions to initiatives strengthening stability in South Sudan. For example, during the last years of the civil war with Khartoum, the convening of a peace conference by community leaders at Wunliet between communities of the western bank of the Nile and their eastern bank

counterparts—with the participation of armed actors and facilitation of the Council of Churches—pacified the feuding communities. It simultaneously united southern antagonists, thereby accelerating the peace process between the Khartoum regime and southern Sudan. Moreover, violence that engulfed Jonglei State in 2012 was quelled through a mix of co-option (the "Big Tent" policy) and the convening of a Wunliet-like peace process involving several communities. As preference for traditional forums by large sections of the population is, in part, due to the reverence with which elders and customs are still viewed, empowering them would reap dividends for the rule of law at the national level as well.

State Building and Rule of Law Interventions

Other than training for the small number of judges, magistrates, and prosecutors who were in place during the post-Comprehensive Peace Agreement period, the justice sector suffers from an acute shortage of judicial officers and prosecutors. Moreover, the first major hire of new judges in 2013 came too close to the start of this civil war and has not significantly improved service delivery. The justice sector also lacks infrastructure, with the few facilities that exist concentrated in Juba.

In the post-independence era, support directed at customary courts took the form of training by the United Nations Mission in South Sudan and other partners. Anecdotal evidence suggests that these interventions may not have had a discernible impact due to a multitude of structural factors including low levels of literacy, customary practices that may discriminate against women and youth, heterogeneity in terms of customary norms practiced by different communities in a diverse South Sudan, and chronic insecurity.

The United Nations Development Programme's effort to document and harmonize customary laws has proceeded at a slow pace, is of narrow scope, and was interrupted by the 2013 conflict.3 The link and referral of cases between customary courts and the limited number of magistrate courts (in each county) that should exercise a supervisory role over the former is problematic. Circuit courts (High Court) introduced on a trial basis by the Chief Justice in two regions ameliorated the delivery of judicial services but were not funded adequately.

The inadequate support for customary courts mirrors the neglect of local and state governments in relation to national government institutions. This has had multiple effects, including increasing the potency of local conflicts, missed opportunities to build a culture of the rule of law from the grassroots, and leaving the periphery mostly ungoverned by law. This has also entrenched the use of force and insecurity as citizens resort to violence to "resolve" their disputes.

Recommendations

The rule of law is integral to the future stability of South Sudan. While the rule of law will be shaped by the broader political context in South Sudan, spreading the reach of informal courts into the country's ungoverned spaces will be a vital component of any stability scenario. Priorities in this regard include the following.

Expand access to a month-long basic legal training for 1,500 paralegals to advise and guide the customary court chiefs on legal matters. In addition to strengthening the legal grounding of these courts, expanding the use of paralegals would create more opportunities for the participation of women and youth, making them more representative of the communities that they serve.

Develop a national framework (harmonization law) based on the constitution, human rights, and criminal laws. This would create uniformity in terms of how customary courts operate and provide opportunities for the sharing of experiences among customary law panels from different parts of the country.

The national framework must delink customary courts from the underfunded third tier of government—local government—and bring them within the fold of the national judiciary. This would respond to the marginalization of customary courts, affirm their critical role in the delivery of justice and security for citizens, enhance oversight over them by judges and magistrates, and build their capacity by providing resources, including token remuneration for adjudicators.

As part of a broader judicial reform effort, customary courts must be strengthened with greater support from local police who can enforce compliance with decisions. This will require recruiting, training, and deploying more police to provide security to customary law panels and to facilitate the implementation of their decisions.

Improve coordination and referral procedures between formal courts and customary courts. This calls for the expansion of registries in formal courts to make provision for filing, documentation, and transfer of cases between courts upon a review of the facts by a magistrate, judge, or registrar. The registration of community leaders involved with customary courts would facilitate regulation, training, remuneration, record-keeping, and sanctioning as required.

Dr. Godfrey Musila is an expert on international law and justice. He has served as a research fellow at the Africa Center for Strategic Studies and commissioner on the United Nations Commission on Human Rights in South Sudan.

Notes

1 David K. Deng, "Challenge of Accountability: An Assessment of Dispute Resolution Processes in Rural South Sudan" (Juba: South Sudan Law Society, 2012), 32-33.

2 Ibid.

3 Tiernan Mennen, "Study on the Harmonization of Customary Laws and the National Legal System in South Sudan" (Juba: United Nations Development Programme, 2016).

Navigating the Competing Interests of Regional Actors in South Sudan

By Luka Kuol

South Sudanese President Salva Kiir and Ugandan President Yoweri Museveni at the signing of the Agreement on the Resolution of Conflict in the Republic of South Sudan (ARCSS), August 26, 2015. (Photo: UN/Isaac Gideon)

Regional considerations have always played a prominent role in South Sudan's security landscape. Indeed, the country was born from a regional fissure between what are today Sudan and South Sudan. This schism has been subsequently shaped and influenced to varying degrees by all of South Sudan's neighbors. These dynamics have continued with the country's descent into civil conflict in December 2013. These influences have had both exacerbating and stabilizing effects, adding another layer of complexity to the political calculations of any peacebuilding efforts in the region. Understanding and navigating these regional dynamics, on both a bilateral and multilateral level, is part and parcel of achieving durable stability in South Sudan.

The Politics of IGAD

The Intergovernmental Authority on Development's (IGAD) role in South Sudan dates back to the Comprehensive Peace Agreement (CPA), which was negotiated under its auspices. IGAD also played a critical mediation role in the negotiation of the Agreement

on the Resolution of Conflict in the Republic of South Sudan (ARCSS), the blueprint for the resolution of the crisis in South Sudan that carries international support. IGAD was also mandated by the African Union (AU), with the support of the Troika countries (Britain, Norway, and the United States) and the broader international community, to lead the implementation of the ARCSS through the Joint Monitoring and Evaluation Commission.

Despite this ongoing engagement, IGAD has so far been unable to elicit required conduct from the warring parties in South Sudan. Moreover, competing regional interests have exacerbated the current crisis, adding to its complexity. The predicaments of violent conflict, social fracturing, and economic turmoil faced by South Sudan since the signing of the ARCSS in 2015 could have been ameliorated if the region and international community acted in greater unison.

Indeed, the ARCSS provides the necessary basis for addressing the root causes of the crisis. However, IGAD and the international community's failure to develop a common approach for ensuring compliance with the provisions of the Agreement, inhibited a robust response when many initial violations of the Agreement were not undone. The absence of a commonly agreed carrot-and-stick approach by the region and international community have allowed the violators, particularly the Government of South Sudan (GOSS) to get away with breaches that undermine the ARCSS. Lack of a credible response means that repetitive and ineffective threats are ignored by the GOSS. Inaction in the face of these breaches as well as unabated violations of human rights seem to have convinced the parties to the Agreement that regional organizations are ineffectual, impotent, and mere "paper tigers." Part of the problem are regional actors' conflicting economic, political, and security interests in South Sudan.

Economic Interests

The economic interests of South Sudan's neighbors constitute a key prism through which to view not only these neighbors' evolving roles in South Sudan but also the jockeying for alliances by parties to the conflict. South Sudan attracted both small and big investors into various sectors of its economy from Kenya, Uganda, Ethiopia, Eritrea, and Egypt. The subsequent engagements by these countries were generally informed by their desire to protect their investing nationals, although the intensity of such interests has varied from country to country.

In relation to oil, South Sudan's ability to continue exporting a commodity that constitutes 98 percent of national revenues has depended on maintaining good relations with Sudan, which presents Sudan a key lever in its relations with its southern neighbor. The secession of South Sudan from Sudan resulted in the loss of more than 70 percent of oil revenue for

Khartoum. In an effort to compensate for the loss in oil revenue, the Government of Sudan levies exorbitant oil transportation tariffs, processing, and transit fees for exporting South Sudan's crude through its pipeline to Port Sudan on the Red Sea coast. Sudan draws roughly $24 per barrel exported. This has amounted to approximately half of South Sudan's total oil revenue for the period since 2015.

"During the negotiations of the ARCSS, the GOSS effectively used the choice of the alternative pipeline to influence the positions of some IGAD states."

The high cost of transport of its crude had necessitated South Sudan to search for solutions in the immediate post-independence period. The options included building a new pipeline, either through Kenya to the Indian Ocean, or through Ethiopia to Djibouti's or Eritrea's Red Sea ports. However, during the negotiations of the ARCSS, the GOSS effectively used the choice of the alternative pipeline to influence the positions of some IGAD states. Although the feasibility study indicated that the pipeline to the Red Sea through Ethiopia and Djibouti would be the best option, the GOSS reportedly indicated instead its preference for the Kenyan option.

Given Sudan's dependence on revenue from its pipeline, it necessarily benefits from situations in which instability renders South Sudan unable to pursue building an alternative pipeline, and it is likely that its posture toward the parties to the conflict in the South has been influenced by such calculations.

Besides oil politics, the politics around the construction of the Grand Ethiopian Renaissance Dam (GERD) became another important factor as South Sudan's civil war progressed. To contextualize these dynamics, it is important to note that the Nile Waters Agreement signed in 1929 between Egypt and Britain granted Egypt an unprecedented monopoly in the management and use of the water of the Nile River, despite the fact that 97 percent of the water flowing into the Nile originates outside Egypt's territory. The Blue Nile, which originates in the Ethiopian highlands, contributes 85 percent of the overall flow of the Nile. The rest originates from rivers and lakes in the riparian states that fall south of South Sudan (Burundi, Tanzania, Rwanda, Uganda, and Kenya).

In 1956, Egypt concluded a bilateral treaty with Sudan to "cede" 18.5 billion cubic meters per annum, which allowed Sudan to develop hydro energy and an irrigation scheme in Gezira State for growing cotton and other crops. Since then, Egypt has opposed claims by the other riparian states, asserting "historical rights" over the Nile waters on which it depends for all its domestic, agricultural, and industrial use. With population pressure mounting, however,

these riparian states have increasingly sought ways to exploit the Nile's upstream as well as other water bodies in its catchment area for electricity and irrigation.

When Ethiopia and the other riparian states adopted the Agreement on the Nile River Basin Cooperative Framework (CFA) in 2010, Egypt and Sudan were the only holdouts.[1] The CFA establishes the framework for use and conservation of the Nile waters and has been signed by Burundi, Ethiopia, Kenya, Rwanda, Tanzania, and Uganda. The construction of Ethiopia's GERD, which will hold 62 billion cubic meters of water, angered Egypt. It reportedly threatened Ethiopia with war if Nile flows are disrupted, and has lobbied the other CFA signatories not to ratify the treaty.

As the dispute over the GERD continued, the GOSS, with alleged facilitation from Uganda, strengthened its diplomatic relations with Egypt with the aim of weakening Sudan and Ethiopia's influence in South Sudan. In 2017, it was alleged that Egypt, which cooperates with the GOSS on water projects in South Sudan, not only provided funding but also supplied military goods and services to the GOSS through Uganda. Although Egypt and South Sudan do not share a border, the former's concern over sustainable access to Nile waters informs its interest in South Sudan, which occupies 45 percent of the Nile Basin.
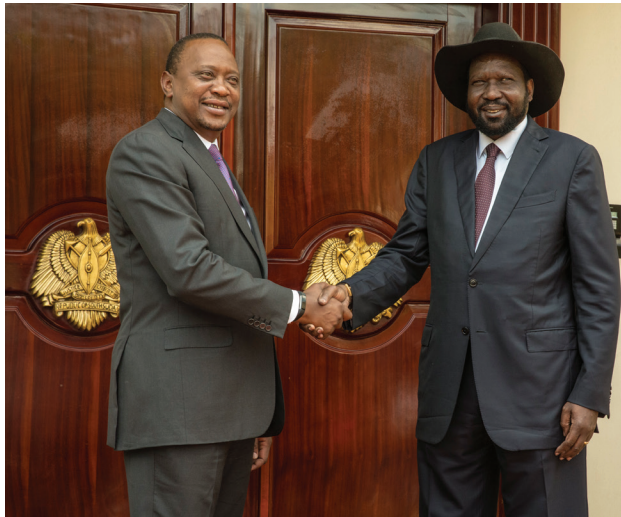
> *"Although Egypt and South Sudan do not share a border, the former's concern over sustainable access to Nile waters informs its interest in South Sudan, which occupies 45 percent of the Nile Basin."*

Egypt was said to be keen to revive discussion of the Jonglei Canal with South Sudan in the post-CPA period. Originally designed to increase water flow into the Nile by diverting water from the expansive Sudd wetlands through which the White Nile flows, the Canal financed by Cairo had been left incomplete in 1983 when civil war broke out between Sudan and its southern semiautonomous region. In addition to Egypt's reported acquisition of rights in South Sudan's Sudd, the cultivation of closer ties with and support for President Kiir's military campaign alarmed Addis Ababa.

Rumors that circulated around this time to the effect that Juba had agreed, at the urging of Cairo, to host Eritrea-based Ethiopian rebels were never confirmed. However, Addis' move to jointly commit with Juba to cooperate on security, including a pledge not to host actors hostile to their respective governments, lends credence to these rumors. In early 2018, it emerged that Egypt had signed an agreement to establish a military base in Eritrea.

There are various ways, therefore, that Nile politics have been injected into the conflict in South Sudan as Juba seeks to fund its war effort. The effect is to prolong the war by giving the GOSS a lifeline and rendering Juba less willing to compromise on implementation of the ARCSS.[2]

For its part, Kenya's economic interests lie largely in the banking sector and air transport industries. Kenyan nationals also constituted a key part of the budding hospitality industry in addition to running small businesses. With the sharp economic contraction in South Sudan following

Presidents Kenyatta of Kenya and Kiir of South Sudan. (Photo: UNMISS)

the onset of the conflict in 2013, Kenyan economic interests were badly affected. Some banks closed while Jetlink Express, one of three Kenyan airlines originally operating in South Sudan, had to fold because of its reported inability to move $2 million out of South Sudan following the oil export freeze in 2012.[3] Some Kenyan traders left the country at the onset of the war following a spate of killings that targeted foreigners.

While it initially played an active role in the negotiation of the ARCSS and the release of key SPLM leaders detained in December 2013, Kenya subsequently aligned itself with President Kiir and lost its leverage as an honest broker, which it had gained as the host of many South Sudanese leaders and their families. In 2016, Kenya lent $60 million to cash-strapped South Sudan.[4] It subsequently arrested and handed over several SPLM-IO leaders to Juba in 2017 following the dismissal of the Kenyan former commander of the United Nations Mission in South Sudan.

Political Interests

South Sudan's independence was granted reluctantly by Khartoum. This is wholly understandable considering that South Sudan's secession occasioned the loss of a quarter of Sudan's territory and three-quarters of its export earnings amounting to approximately $13 billion at the time of independence.[5] Soon after the partition, Sudan was forced to issue a new currency as the economy struggled with the permanent loss of more than a third of its revenue.

The fear that Khartoum could attempt to reverse southern independence would frame relations not only between the two erstwhile enemies but also between the West and both neighbors. Sudan was also thought to have infiltrated the first post-independence government in South Sudan with the aim of keeping tabs on developments there if not also to weaken the newly independent state. In 2012, relations worsened, prompting South Sudan's military to invade disputed oil fields located in Heglig.[6] Khartoum's courting of key opposition figures after the civil war broke out in 2013 attests to its desire to influence events in Juba. Paradoxically, despite these events, Khartoum had strong economic incentives to desire peaceful relations with Juba. During the civil war in South Sudan, Khartoum has carefully calibrated its dealings with southern leaders, separately hosting President Kiir, Machar, and other southern leaders.

As a longstanding political ally of President Kiir, Uganda threw its weight behind Kiir and continues to support the status quo in Juba. Over the course of the conflict, President Museveni has invested considerable financial and human resources in keeping President

> *"No regional leader holds greater sway over Juba than Museveni."*

Kiir in power following the military intervention that stopped the advance of rebels on Juba in 2014. President Museveni has attempted to bring disaffected SPLA/M members back into the fold, and to rally them behind Kiir and the GOSS' national dialogue initiative. Museveni's presence at the launch of Kiir's national dialogue initiative and call for early elections in South Sudan reinforced his clear preference for Kiir in his contest with Machar.

Given Museveni's standing in the region, his support for Kiir has clothed the increasingly beleaguered regime with a measure of regional legitimacy in addition to providing a vital resupply line for the SPLA. No regional leader holds greater sway over Juba than Museveni, who appears keen to maintain his influence. The unprecedented influx of over 1 million refugees into Uganda does not appear to change the dynamics of this "special" relationship between Kampala and Juba. It is still unclear whether voices from within the Ugandan government and civil society could cause President Museveni to alter his stance and to adopt a more people-centered approach to the conflict in South Sudan.

Justice and Accountability

Another defining issue that frames how regional actors approach the South Sudan conflict is justice and accountability for the atrocities committed since 2013. The United Nations Commission on Human Rights in South Sudan has identified 40 South Sudanese officials as complicit in war crimes and crimes against humanity. Nonetheless, in a regional context of animosity against international justice, the conflict in South Sudan reignites controversial

debates around peace and justice. In fact, the geography of international justice in Africa now seems to overlap neatly with the physical map of the Greater Horn of Africa.

While Ethiopia mounted genocide trials against members of the former socialist Derg regime in the 1990s, Burundi, the Democratic Republic of the Congo (DRC), the Central African Republic, Kenya, Rwanda, Sudan, and Uganda have been or are currently the subject of attention by international tribunals. The solidarity of African leaders generated by the indictments by the International Criminal Court of President al Bashir and President Kenyatta whipped up anti-accountability emotions and galvanized leaders to oppose the Court. These sentiments appear to have seeped into the accountability debate on South Sudan as some regional delegations are said to have expressed decidedly anti-justice views during the negotiation of the ARCSS.

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The unprecedented decision by the AU to establish the Commission of Inquiry on South Sudan in 2013 to probe human rights violations and crimes committed during the civil war is the second attempt by the continental body to pursue justice for victims of war crimes in Africa after the trial of former Chadian President Hissène Habré in the Extraordinary African Chambers in Senegal. Subsequently, the ARCSS adopted the AU's recommendation on the establishment of a hybrid court to prosecute perpetrators of international crimes. In line with its mandated role, the AU presented a Memorandum of Understanding to the GOSS for the establishment of the hybrid court in 2017, though the GOSS has yet to sign it. While it is too early to predict its fate, a regional posture that privileges peace over justice, favors immunity for senior government officials before international tribunals, and shields indicted leaders, does not augur well for justice in South Sudan.

Security and Territorial Interests

Security and territorial interests of IGAD member states have played a critical role in exacerbating the conflict in South Sudan. For the most part, Ethiopia, unlike other IGAD members has provided objective and neutral stewardship of the peace talks that produced the ARCSS. However, the rapprochement between Cairo and Juba and particularly the alleged Egyptian funding and provision of military supplies to Juba in exchange for support of Cairo's opposition to the construction of the GERD by Ethiopia complicated

relations between Addis and Juba. In response to reported Egyptian démarches toward South Sudan and in an attempt to improve its relations with the latter, Ethiopia signed a security agreement in which both countries committed not to host rebels or groups opposed to their respective governments. It was rumored that potential support through South Sudan for Eritrea-based Ethiopian rebels informed Ethiopia's move, although a follow-up agreement on the same subject made no reference to hosting opposition groups.

Addis plays host to many South Sudanese leaders who fled the country. This constitutes political leverage that Addis could use to influence the political direction in Juba. While this is unlikely in the short term, Ethiopia might pursue regime change in South Sudan if it feels that Juba's ties with Cairo undermine Ethiopia's security and economic interests.

Unlike South Sudan, Sudan elected to side with Ethiopia on the GERD, a development that led to improved diplomatic relations between the two countries. The agreement between Addis and Khartoum to form joint security forces for the protection of the dam will not only strengthen the Ethiopian position against its historical rival Eritrea but may also be responsible for the deterioration of relations between Sudan and Egypt. In late 2017, Sudan concluded an agreement with Turkey to rebuild an Ottoman-era port and military base, even as Egypt moved to conclude a similar agreement with Eritrea, which fought an acrimonious war with Ethiopia over disputed territory.

"The conflict in South Sudan is festering because of the narrow interests of regional players and the international community's inability to take firm action."

Egypt, which has close ties to both the United States and Russia, may feel emboldened in its efforts to stop any changes to its water flow from the Nile, as well as in its stance with regard to its disputed territory with Sudan. Egypt's membership of the United Nations Security Council (UNSC) during this period could also be significant, not only for its own national interests but also for Juba. It is possible that Juba could expect to count on Cairo's vote and support in the UNSC before which the South Sudan situation remains a live issue.

For its part, Sudan has strategic security interests in South Sudan and is the IGAD member with the most leverage over South Sudan. Among these interests are the disputed territory of Abyei and the hosting of refugees from South Sudan. In addition to Juba's alleged support for SPLM-North, a rebel movement opposed to Sudanese rule in the Blue Nile and South Khordofan States, the rapprochement between Cairo and Juba angered Khartoum.

President al Bashir, in an unprecedented move, announced publicly that Sudan could intervene militarily in South Sudan to stop the humanitarian crisis and end civil war. It also airlifted Riek Machar from the Ngaramba Forest in the DRC following the July 2016 hostilities in Juba, and may have toyed with the idea of supporting militarily both Riek Machar and Dr. Lam Akol Ajawin, who is said to spend time in Khartoum following his resignation from the TGoNU and formation of a rebel movement.

Sudan is the only neighboring country that may be pursuing an agenda of regime change in Juba by supporting or threatening to support military activities of the various South Sudanese rebels. Although Sudan may have calculated that keeping the South Sudanese parties to the ARCSS on tenterhooks is a smart thing to do, it faces a real dilemma: support the collapse and disintegration of South Sudan or play a more positive role by using its leverage over the South Sudanese rebels to embrace and revive the ARCSS. South Sudan's lack of an alternative conduit for its oil means that Sudan's pipeline revenues are unlikely to be threatened either way.

Sudan has succeeded in exerting efforts to normalize relations with all IGAD states with the exception of Uganda, which lent support to the SPLA during the civil war. Khartoum, in turn, threw its weight behind Joseph Kony's Lord's Resistance Army. Importantly, Sudan has improved its relations with the European Union after having been identified as one of three countries that could help stem the wave of African migrants traveling illegally to Europe. Further, following a period of cautious rapprochement marked by a relaxation of sanctions, the United States lifted sanctions in late 2017, though others, including Sudan's listing as a state sponsor of terrorism, remain in place. For the United States, Sudan is a recognized strategic partner in the fight against terrorism in North Africa.

Sudan shares the longest border with South Sudan with most parts remaining disputed or unsettled. The final status of Abyei, in particular, remains a dagger in Sudan-South Sudan relations. A weak and embattled South Sudan allows Khartoum to reinforce and take advantage of the status quo in Abyei. It also allows Khartoum to extract commitments cheaply from Juba in terms of discontinuing military support for rebels in Sudan's Blue Nile and South Khordofan States.

Prospects for Peace in South Sudan

The national interests of regional actors have complicated the conflict in South Sudan through the provision of financial, military, and unwavering diplomatic support to belligerents or indifference in the face of a worsening humanitarian situation. Regional support also comes in the form of the sidelining of Riek Machar as well as the arrest and rendition to South Sudan of opposition leaders. The conflict in South Sudan is festering because of the narrow

interests of regional players and the international community's inability to take firm action on a range of issues including an arms embargo and targeted sanctions.

The United States has called for the UNSC to impose further sanctions and an arms embargo on South Sudan. This comes in the wake of a worsening situation marked by mounting numbers of those displaced currently standing at 4 million (including 2 million refugees), restrictions on the delivery of humanitarian assistance, and unabated gross human rights abuses. Although the UNSC may continue to be divided over South Sudan, the early signs of a shift in U.S. policy toward South Sudan may provide opportunity for building a unified and common position within IGAD on the peace agreement and the fate of the TGoNU.

If the current status of negative peace continues, South Sudan risks becoming a theater of regional proxy wars as most of its neighbors favor the status quo that advances their national interests. As the ARCSS has failed to deliver peace and stability since its conclusion in 2015, the efficacy of IGAD's role in the resolution of the conflict is increasingly being called into question. Within this context, revitalizing the ARCSS will require:

- IGAD and the AU to unreservedly condemn the unacceptable status quo in South Sudan.
- IGAD and the AU to demand the immediate incorporation of the ARCSS into the transitional constitution once an agreement to renew the ARCSS is reached.
- IGAD, the AU, and the international community to denounce Juba's plan to hold elections in 2018. Under current conditions, elections are unlikely to produce a legitimate government and can only perpetuate instability.
- IGAD and the AU to ensure that Juba abides by the agreed timelines on the establishment of the hybrid court. The Chairperson of the AU Secretariat should commence the process of recruiting judges and the prosecutor of the hybrid court.

Finally, if the parties to the ARCSS fail to agree on the revitalization of the ARCSS or are unable to implement the revitalized ARCSS, IGAD and the AU should commit to act speedily to find modalities for generating a legitimate government for South Sudan at the end of the TGoNU. This could include an AU/UN-supported government of technocrats to lay the foundations for free and fair elections within an agreed timeframe. Elections must be preceded by the creation of necessary conditions for the return of refugees and internally displaced people.

Dr. Luka Kuol is Professor of Practice at the Africa Center for Strategic Studies. He previously served as Minister of Presidential Affairs for the Government of Southern Sudan and as National Minister of Cabinet Affairs for the Republic of Sudan. He has also worked as a senior economist for the World Bank in Southern Sudan.

Notes

1 "Egypt in Charm Offensive – Seeks Revision of Nile Treaty to Safeguard Water Source," *East African*, August 21, 2017.

2 See "South Sudan war gives impetus to Egypt's Nile Basin policy," Messenger Africa, January 16, 2017.

3 Paul Wafula, "Budget airline Jetlink stops operations citing money scarcity," *Daily Monitor*, November 16, 2012.

4 Joe Baraka, "Kenya to lend billions of shillings to struggling South Sudan," ZIPO, September 17, 2016.

5 Ian Timberlake, "Lost oil billions leave Sudan's economy reeling," Agence France-Presse, February 26, 2012.

6 Nicasius Achu Check and Thabani Mdlongwa, "The Heglig Oli Conflict: An Exercise of Sovereignty or an Act of Aggression?" AISA Policy Brief No. 78 (Pretoria: Africa Institute of South Africa, 2012).

Context and the Limits of International Engagement in Realizing Durable Stability in South Sudan

By Lauren Hutton

International actors should actively work toward resetting the levers of structural power within the political economy so that a less violent South Sudan is possible.

Plenary meeting of the Joint Monitoring and Evaluation Commission (JMEC) on March 15, 2017. (Photo: UNMISS/ Isaac Billy)

With more than 4 million South Sudanese people displaced since December 2013, recovery from the current war requires a significant reset of the systems and structures through which safety and security are provided. The government security apparatus and opposition forces have used collective punishment, forced displacement, and asset-stripping as part of the war effort. Large-scale recruitment efforts (including of children), the mobilization of ethnic militias, a multiplicity of conflict actors, and easy access to weapons transfers have characterized a conflict in which ceasefires have been meaningless. The legitimacy of the government and its security services rest on overcoming the extreme levels of violence that have been enacted against the population and establishing substantive controls on the use of force. However, there are significant reasons why international support of a large-scale reform of the security sector is unlikely to achieve this.

There are two impediments to reforming the security sector: the nature of South Sudan's political economy, which produces violence, and the limits of international interventions to devise a coherent, long-term approach and commitment to implement a holistic security sector reform (SSR) process. These two challenges, combined with the continued state of war, mean that, in the short term, any approach to reform can, at best, only lay the foundations for future programming while enabling a decrease in the daily use of violence. Interventions should therefore prioritize functional changes in the structure of the political economy to create an enabling environment for a sustainable reform agenda.

On Change

Before addressing the obstacles to reform, some consideration should be given to the notion of reform. The downward trajectory that South Sudan has been on is the product of reinforcing layers of political, social, and economic pressures embedded within deeply contested regional politics. Strategic shocks that could have reversed this trajectory have been largely insignificant and have not generated the positive change that was assumed possible. Independence provided an opportunity for a nationally unified security service and governance agenda. Yet, not even the significant change of creating a new country was sufficient to bind the divergent interests and alter the hardened core of a liberation movement that struggles to be more than an ethnic militia. The 2012 oil shutdown and consequent austerity did little to slow the pillaging of the state.

The 2013 constitutional crises that preceded the outbreak of civil war merely shored up the strength of the executive and ended lip service to legislative and judicial authority. The ruling regime has been adept at using challenges to its power to reinforce its overall strategic goals of ethnic-based domination. The inability of international actors to appreciate the

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resilience of these power structures resulted in the production of rather underwhelming approaches to changing the situation on the ground. To call the regime in Juba weak is a misnomer. There is an alarming degree of resilience in the Kiir-led state despite the depth of crisis in the state formation process and the fundamental imbalances that lie at its core.

There is a lack of imagination in terms of how to significantly alter the overall strategic decline, and international intervention is perhaps ill-suited to the task in any case. Overall, there is seemingly a lack of convergence of energies to create a structural disruption

significant enough to produce an incentive for change on the part of the government. International actors may best help, then, by focusing on laying the tracks that will, one day, steer the security forces and their political taskmasters in a different direction.

This is a call for practical programming that takes a realistic approach as to what is achievable in South Sudan with the level of effort the international community is willing to expend. International actors should do more than just develop alternative ideas that could, one day, become politically possible. They should actively work toward resetting the levers of structural power within the political economy so that a less violent South Sudan is not only politically possible but inevitable.

Understanding the Context

The international approach to SSR before 2013 used an idealized conception of state and society as the basis for policy priorities. As part of the state building project, prepackaged interventions were rolled out, with the aim of building the state's capacity to perform core functions with little understanding of the political economy of South Sudan.

The current environment and changed donor context means that efforts to reform the security sector in the short term must be based on more realistic assessments of what is possible before engaging with ambitious intervention-driven agendas. This means placing political engagement ahead of technical solutions and looking for more creative programming solutions while accepting that the security sector is a core component of an ethnically biased, predatory state whose legitimacy rests on coercion.

"Efforts to reform the security sector in the short term must be based on more realistic assessments of what is possible before engaging with ambitious intervention-driven agendas."

The South Sudanese state represents a convergence of patronage, ethnicity, and criminality. Resetting these relationships is a multigenerational endeavor. Until this patronage-based governance model is reformed, it would be naïve to assume that increased access to and diversity in governance will result in manifestly different governance. Additionally, the "Big Tent" approach to governance works only so far as the kleptocracy can afford it.

For many in South Sudan, violence is a realistic livelihood option, and the security sector—both in state and nonstate form—exists as an extension of, and probably the core viable part of, their political economy. Before there was the Sudan People's Liberation

Movement/Army (SPLM/A), an oil economy, or an independent state, there were self-defense, cattle-raiding, and mutually exclusive ethnic hierarchies. The organizational unit of an independent state has been laid upon a history of fear and violence which sits atop a sprawling geography that is as illogical for a nation-state as it is harsh.

State-building and nationhood will always be weak panaceas for the challenges of geography, history, and culture that South Sudan presents. Institutional presence, territorial reach, and increased capacity of the state apparatus cannot overcome the limited track record of state-provided security and the state-aligned forces. Both pre- and post-independence, these forces have operated more as invading and occupying forces than as security providers for citizens. The civil war has further shattered the illusion of state-provided security, and any medium-term strategy needs to recognize that local communities will continue to seek security through their own means.

"The lack of functional political institutions outside militarized and ethnic hierarchies prevents the emergence of a political class that manifests its power in nonviolent, nonethnic ways."

One should be careful not to define the state and community in South Sudan in opposing terms. There is a spectrum of state-society relations in South Sudan mostly due to the ethnic, historical, and geographic fault lines that define the nature of the state. Dealing with patterns of state formation and the challenges being produced by these cleavages requires a reconsideration of local power relations and processes of institutionalization. Local power relations establish who gets what in terms of rights and resources. Institutions emerge as power relations manifest in the systems and processes of governance.

Trying to build institutions without significantly engaging the local power relations will always be a flawed approach. Yet, dealing with local power relations requires a nuance, presence, and patience that few in the international community would be able to entertain. Instead of solely focusing on national institutional support, there is room to consider more carefully how local leadership can be supported to negotiate deals with the state that lead to the realization of rights and protections.

Similarly, within the political realm, the need for reform within the ruling SPLM remains a core issue. However, the success of this reform, particularly dealing with succession tensions, relies on the existence of a nonmilitarized political institution at local levels. There is a high degree of political consciousness among South Sudanese, but this is not

being translated into institutions able to govern in line with the aspirations of a rights-respecting, decentralized, service-delivering, and economic-growth-driven agenda. The lack of functional political institutions outside militarized and ethnic hierarchies prevents the emergence of a political class that manifests its power in nonviolent, nonethnic ways and articulates a governance agenda.

Accepting the Limitations of International Actors

Creating long-term change means resetting the interaction between the state and society. This requires international actors to engage not only with national-level processes, but also to consider what building safety from the bottom-up looks like and what external engagement with building resilience in social capital is. International actors also need to consider how international support often constrains local leaders rather than allowing them the space to develop their own agendas and to use resources embedded in local relationships to enhance institutional resilience. There are many points at which international actors influence local power relations, and yet, these varied interventions are not linked in any meaningful way. To generate meaningful change, the international community should adopt a holistic and comprehensive strategy for the effort in South Sudan. In an ideal world, the donor community, United Nations agencies, and myriad of profit and nonprofit external actors would create a common platform around which their efforts would coalesce. As this is unlikely to occur, programming will remain piecemeal and fail to maximize effectiveness.

"International actors need to adopt a more systemic understanding of South Sudan to be able to see their overall violence reduction goals not simply in terms of formal, technocratic, national-level processes."

The international community does not always have the ability, interest, or incentives to functionally cooperate and coordinate toward a widely agreed-upon goal. In South Sudan, international actors have also had difficulty attracting and retaining quality expatriate staff for South Sudan, and any intervention planning should consider the impact of short-term rotations and lack of experienced staff. Intervention objectives need to be balanced against the realities of global politics where levels of funding for South Sudan are unlikely to ever again reach into the billions of dollars, and assistance fatigue accompanies a deep sense of failure to achieve meaningful results.

This reality forces international actors to carefully consider, with less money and attracting fewer experienced staff, what alternative paths toward a more peaceful future will look

like. South Sudan is a confounding intervention context, and the impact of the civil war has been so extreme that any considerations of stability need to be cognizant of the extreme levels of need and the level of effort (in personnel and money) that will be required just to meet and maintain minimum humanitarian standards. Reforming the security sector and other efforts aimed at stabilizing the country must be embedded in these realities.

International actors need to adopt a more systemic understanding of South Sudan to be able to see their overall violence reduction goals not simply in terms of formal, technocratic, national-level processes. While there is undoubtedly a need for the national-level interventions, such as through the Strategic Defence and Security Review (SDSR) proposed in the Agreement on the Resolution of the Conflict in the Republic of South Sudan, such efforts need to be complemented by a range of local-level initiatives on security as well as other issues. By tying progress and funding to donor-driven benchmarks, national programming is ill-suited to the realities of environments where improvements may be slow and uneven. Such benchmarks also fail to engage with the complexity of a context in which militarization is often the only chance of survival for citizens. A singular focus on national and formal institutional interventions means that external actors are failing to change the risk-benefit calculation of violence at the subnational level for individuals and communities.

Looking for Alternative Approaches

A truly bottom-up approach to address security needs to be holistic in its design and long term in its intentions. Avoiding the single-track focus of either national- or local-level support can only happen with some form of strategic coherence. There is a need

"We need to throw away the handbooks on SSR."

for multitrack approaches that work at both the national and local levels with a unifying theory of change set within a generational time frame. The challenge for international actors is to program in a unified manner at national and local levels simultaneously so that the fundamental long-term drivers of conflict are addressed.

Given that the above is unlikely to happen, we need to throw away the handbooks on SSR and begin to look at what spaces exist in the current context to be able to work toward some form of political economy that is less likely to produce violence. The SDSR will develop good documents and plans that may have buy-in from some elites (and will also create some spoilers), but even the best laid plans at the national level need to be supported by functional changes in the lived experiences of individuals who turn too easily toward violence. We need to work toward changing the decision-making

parameters of individuals and communities and toward programming that does not overstate the capacity of international partners to generate change. Interventions should internalize the dualities of South Sudan—urban-rural, state-nonstate, traditional-formal, etc.—and begin to rework the complex relations that have resulted in an ethnically biased and deeply militarized core ruling structure. Some features of such an approach would be the following.

Begin working on area-specific reconstruction plans that integrate conflict mitigation with livelihood support. There are too many differences between geographic areas to have a national or regional reconstruction agenda. International actors can start working with local reformers in selected areas to deal with the impact of the war and to lay the foundations for civilians to return. No national or community disarmament, demobilization, or reintegration (DDR) initiative can be successful without alternative livelihood strategies. Local assets—especially cattle and livestock ownership—have been dramatically affected, and all aspects of the market system have been disrupted, access restricted, and ethnically biased. Functional relationships need to be rebuilt and functional decentralization—to overcome marginalization—can only occur through changing the patterns of production and wealth accumulation. With transformation in mind, actors should adopt systemic approaches to communities with programing focused on changing the functional components of the political economy—security, production, wealth, and knowledge.

Engage with other armed groups to understand their grievances and interests. Such engagement could lead to the development of local solutions to some of the conflicts but, importantly, could also increase accountability for future integration or demobilization plans. As the opposition has become a fragmented and disjointed set of actors, any national initiatives will not be able to address unique grievances. Without international engagement on resolving local conflicts, elites can strike deals that are primarily concerned with integration into the state apparatus—as was the case for the "Big Tent" policy—and not with enhancing the quality of governance.

Re-evaluate how to provide human rights training and mentoring. Despite the fact that the international community has provided many different streams of human rights training to the security forces, there has been little reflection on which courses are most effective, what the impact of human rights training has been on individual behavior, and how best to start institutionalizing a culture within the Army and every individual that rejects the uncontrolled and inhumane use of force. Education should include a significant focus on providing psychosocial support to current soldiers and fighters so that, one day, when demobilization becomes an option, people will be more accepting of a civilian life and move beyond the extremes of violence that they have perpetrated and witnessed.

Revisit support to rule of law with a focus on prisons and courts. These institutions have been stripped of their budgetary support and have lost staff, leadership, and relevance in the national discourse. In 2017, judges and magistrates went on strike over poor working conditions. Moreover, detention facilities around the country have witnessed the starvation of detainees. The mere provision of food and medication to prisoners would be a big win for basic human rights in South Sudan. To enhance access to justice and, by extension, reducing violence, future justice efforts have to be embedded in local institutions—be they state or traditional.

Re-imagine support to local actors in relation to local power relations and the potential for the institutionalization of nonmilitarized governance practices. From trader associations, market regulators, cattle keepers, and women's groups to churches, traditional courts, and chiefs, there are so many avenues for support to institutions that predate the state and continue to fulfill political purposes. International support to these actors has come in a variety of forms with little reflection of who, what, and why—never mind linking support to the volumes of academic research on these topics.

Conclusion

While reforming the security sector is essential to overall violence reduction efforts, South Sudan's political environment favors militarization over governance. External interventions should not make the same mistake and should seek to promote an improved governance strategy that, at its core, is concerned with the basic welfare and rights of all South Sudanese. This requires international actors to be acutely aware of the spaces in which traction can be gained to explore future reform opportunities. The focus should be on enacting change in the baseline of extreme vulnerability to begin to alter the overall conflict dynamics. This means engaging with how structural power is manifesting in the political economy and resetting the relations and practices that enable that power to continually manifest as violence. While there are significant impediments to reforming the security sector, there are many spaces and opportunities for international actors to work toward those goals.

Lauren Hutton is an independent political analyst and strategic communications consultant.

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