

UNIVERSITY OF PRETORIA

SECURITY SECTOR REFORM: SOUTH SUDAN AS A CASE STUDY

by

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TABLE OF CONTENTS

	<u>Page</u>
1 CHAPTER 1: INTRODUCTION	1
1.1 General introduction and research theme	1
1.2 Literature overview	2
1.2.1 The nature of Security Sector Reform	2
1.2.2 Status of security in South Sudan	4
1.3 Formulation and demarcation of research problem	8
1.4 Methodological aspects	9
1.5 Structure of the study	10
2 CHAPTER 2: A THEORETICAL FRAMEWORK FOR AN ANALYSIS OF SECURITY SECTOR REFORM	11
2.1 Introduction	11
2.2 Defining a security sector	12
2.3 Demarcating security sector reform	13
2.4 The nature of security sector reform	15
2.4.1 The importance of foreign role players	16
2.4.2 The importance of foreign donors	18
2.4.3 Foreign military involvement	18
2.4.4 The importance of formal peace agreements	19
2.4.5 Disarmament, demobilisation and reintegration	20
2.4.6 Transformation of the judicial system	21
2.4.7 The security sector and civil oversight	21
2.5 A framework for analysis	22

3	CHAPTER 3: CIVIL WARS, MILITARY INTERVENTIONS AND THE COMPREHENSIVE PEACE AGREEMENT	24
3.1	Introduction	24
3.2	The civil wars in Sudan and military interventions	24
3.2.1	Colonial Sudan and independence in 1956	24
3.2.2	The first military intervention: 1958	26
3.2.3	The first civil war (1964 – 1972) and the second military intervention: 1969	27
3.2.4	The second civil war (1983 – 2005) and military interventions (1985 and 1989)	29
3.3	Peace negotiations	30
3.3.1	Pre IGAD attempts	30
3.3.2	Failed IGAD attempts: 1994 – 1998	31
3.3.3	Renewed IGAD attempts: 2002 – 2005	32
3.4	The Comprehensive Peace Agreement	33
4	CHAPTER 4: AN ANALYSIS OF SSR IN SOUTH SUDAN	35
4.1	Introduction	35
4.2	A formalised peace agreement	35
4.2.1	Power sharing	36
4.2.2	Wealth sharing and the resolution of the Abeyi conflict	37
4.2.3	The resolution of the conflicts in the Southern Kordofan, and the Blue Nile states	40
4.2.4	Security arrangements	41
4.2.5	<u>The CPA</u> : A futile attempt from the outset?	42

4.3	Disarmament, demobilisation and reintegration	43
4.3.1	The DDR provisions of the CPA	43
4.3.2	Instituting the DDR process	45
4.3.2.1	Disarmament and demobilisation	45
4.3.2.2	Reintegration	48
4.3.3	<u>DDR</u> : A case of non-commitment?	49
4.4	Foreign involvement	53
4.4.1	The UN and UNMISS	54
4.4.2	Involvement of the USA and Europe	58
4.4.3	African involvement	60
4.4.4	NGOs and foreign donors	62
4.4.5	The success of foreign involvement: An inconclusive debate	63
4.5	Security sector structures and civil control	65
4.5.1	Security sector structures before the CPA	65
4.5.2	The stipulations of the CPA	66
4.5.3	Implementation after independence	67
4.5.4	Civil control	67
4.5.5	Civil control over the security sector structures: A continuous debate	71
4.6	Conclusion	72
5	CHAPTER 5: FINDINGS AND RECOMMENDATIONS	73
5.1	Concluding summary	73
5.2	Findings	76

5.3	Recommendations	77
5.4	Future research	79
BIBLIOGRAPHY		80
SUMMARY		90

ACRONYMS AND ABBREVIATIONS

AMIS	African Union Mission in Sudan
AMIS II	African Union Mission in Darfur
ANAF	Anya-Nya National Armed Forces
AU	African Union
AUC	AU Commission
AU PSC	African Union Peace and Security Council
CBTF	Capacity Building Trust Fund
CPA	Comprehensive peace agreement
CSDP	Common Security and Defence Policy
CSSO	Civil service support officers
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DD	Disarmament and demobilisation
DDR	Disarmament, demobilisation and reconstruction
DFID	Department for International Development
DOP	Declaration of Principles
DUP	Democratic Unionist Party
EU	European Union
GNU	Government of National Unity
GOSS	Government of South Sudan
GORSS	Government of the Republic of South Sudan
ICG	International Crises Group

ICJ	International Court of Justice
IDDRP	Interim DDR programme
IDDRS	Integrated, Disarmament, Demobilisation and Reintegration Standards
IGAD	Inter-governmental Authority on Development
IGADD	Inter-Governmental Authority on Drought and Development
ICJ	International Court of Justice
IP	Integration partners
IR	International relations
JDT	Joint Donor Team
JIU	Joint Integrated Units
MDTF	Multi-donor Trust Fund
MYDDRP	Multi-year DDR Programme
NDDRCC	National DDR Coordination Council
NDDRSP	National DDR Strategic Plan
NGO	Non-governmental organisations
NIF	National Islamic Front
NSDDRC	Northern Sudan DDR Commission
NUP	National Unionist Party
OAG	Other armed groups
OED	Operations Evaluation Department
PKO	Peace keeping operations
RCEI	Regional Capacity Enhancement Initiative

SALW	Small arms and light weapons
SAF	Sudanese Armed Forces
SANU	Sudan African National Union
SDDRC	Southern Sudan DDR Commission
SNG	Special needs groups
SPLA	Sudan People's Liberation Army
SPLA-N	Sudan People's Liberation Army-North
SPLM	Sudan People's Liberation Movement
SPLM	Sudan People's Liberation Movement/Army
SSA	sub-Saharan Africa
SSDDT	Security Sector Development and Defence Transformation Programme in South Sudan
SSDP	Southern Sudan Development Plan
SSLM	South Sudan Liberation Movement
SSNGOF	South Sudan NGO Forum
SSR	Security sector reform
UKAid	United Kingdom Aid
UN	United Nations
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan

UNPC	United Nations Peace keeping Commission
UNSG	United Nations Secretary General
UNSC	United Nations Security Council
USAID	United States Aid
WFP	World Food Programme

CHAPTER 1

INTRODUCTION

1.1 General introduction and research theme

The Republic of South Sudan achieved independence on 9 July 2011. Following its independence was admission of the Republic of South Sudan to the United Nations (UN) as a new member state of the organisation. The independence struggle between southern Sudan and northern Sudan commenced in 1972 not long after Sudan had gained independence from Britain and Egypt. Apart from a brief period during the 1970s, southern Sudan and northern Sudan had been engaged in an armed conflict until 2005 when a peace agreement was signed that paved the way for an interim government, the Government of National Unity (GNU) in Sudan. After five years, in 2010, the people of southern Sudan could, by way of a referendum, opt for either independence or a united Sudan. An overwhelming majority opted for independence (Curless & Peen Rodt 2013: 104-106).

An independent South Sudan was met with great expectations by its citizens. Before independence southern Sudan was ethnically and religiously polarised from northern Sudan, and independence gave South Sudan political and economic freedom that was strengthened by international economic and financial support for the development of the new state. After the independence of South Sudan, northern Sudan became Sudan.

South Sudan is, however, confronted with major developmental and security challenges that are compounded by the absence of an economic infrastructure, poverty and low literacy levels; all aspects that negatively influence the security situation in the country. Another huge security threat is internal ethnic and political rivalry which has been historically embedded in the country. Events in the country during December 2013, when large numbers of people were displaced and killed as a result of confrontations between political factions, bear witness to its ethnic and political polarisation.

Certain conditions of the 2005 Comprehensive Peace Agreement (CPA) between southern Sudan and northern Sudan, which set the parameters for the secession of

southern Sudan, also remain unresolved. The most important impact on potential insecurity and tension between the two countries is the distribution of oil revenue from the oil fields which are mainly situated in South Sudan. The fact that the pipelines from South Sudan go through Sudan to the export harbours combined with the unresolved border demarcations between the two countries simply aggravates the situation. The possibility of renewed armed conflict remains likely as both states threaten to mobilise against the other due to these unresolved issues. South Sudan is therefore in a double bind: continuing and continuous internal violent conflict, and the threat of war with Sudan.

This study aims to determine the deficiencies of the peace process that led to the present unstable security situation, focussing specifically on Security Sector Reform (SSR). It will be executed by evaluating the peace process followed in South Sudan against existing theoretical models to implement and manage peace processes, especially by a state emerging from a major conflict.

1.2 Literature overview

As the approach of the study is to evaluate the status of SSR in South Sudan, an overview of available literature on the theoretical frameworks and models on SSR within the field of international security studies and the status of security in South Sudan is necessary. Literature on SSR provides the theoretical basis to evaluate the nature and the status of the implementation of security agreements in South Sudan. SSR includes various concepts such as Disarmament, Demobilisation and Reconstruction (DDR), and post-conflict reconstruction and development. It is important to demarcate these aspects before addressing security in post-independent South Sudan.

1.2.1 The nature of Security Sector Reform

The nature and scope of SSR is addressed by various authors and institutions.

A core source related to SSR is the 2008 report entitled, "Securing peace and development: the role of the United Nations in supporting security sector reform" by the UN Secretary General (UNSG), Ban Ki-moon (Ban 2008). The report demarcates

a security sector as the structures, institutions and personnel who are responsible for the management and provision of security in a country. It includes prescribed criteria and guidelines for effective SSR such as legal and constitutional frameworks, the involvement of national and international actors, mechanisms and capacity, strategy, and timelines. In addition, the report states the UN plays a normative role by providing international principles and standards as well as implementation plans for SSR. The report thus provides a framework for the analysis of effective SSR.

SSR is also addressed in the report by Lakhdar Brahimi, Chairman of the Panel on United Nations Peace Operations, to the UNSG in 2000 (Brahimi 2000). Entitled “Report of the Panel on United Nations Peace Operations”, it is referred to as the Brahimi report. The Brahimi report specifically states in a post-conflict context SSR transcends political and military aspects and includes judicial rights, penal rights, human rights, and policing activities. It emphasises the critical importance of DDR in the transitional phase after the end of a conflict.

In their scholarship on SSR, Bryden and Hänggi (2005a) describe the core elements of SSR firstly as measures to restructure the “security apparatus” and, secondly, as measures “aimed at strengthening civilian management and democratic accountability of the security apparatus”. These authors state several SSR models can be distinguished and no preference exists for a specific model. They note a specific SSR model will differ from state to state depending on the developmental issues to be addressed in the country. An example will be whether the country is undergoing drastic political reform such as transforming from authoritarianism to democracy, or whether a state needs to rebuild after emerging from a (major) conflict. South Sudan adheres to nearly all of the criteria of wartime military and security forces posing a threat to internal security in post-conflict societies: enlarged armies; insufficient civilian control; irregular forces; a proliferation of small arms; weak internal security forces, and little or no internal cohesion (Schnabel & Ehrhart 2005: 1).

Beswick and Jackson (2011: 130) developed the following four core activities in SSR: security and justice institutions; civilian management and oversight; post-

conflict SSR activities, and cross-cutting activities. Although agreeing with Beswick and Jackson's (2011) four developed key activities, Schnabel and Ehrhart (2005: 3, 7) add SSR as an integral part of post-conflict peace building and should also include the following:

- Capacitating peacetime military and police forces.
- Maintaining a civilian controlled security sector policy.
- Prioritising demobilisation and reintegration of military forces (read 'former liberation or rebel forces') into a statutory force.
- Control of small arms.
- Integration of security sector reform in national development schemes and programmes.

Bryden and Hänggi (2005b) refer to the importance of foreign involvement, the acceptance of local ownership, and the sequencing of reforms as important prerequisites for SSR. Bryden and Scherrer (2012) suggest an SSR-DDR nexus model based on the Integrated, Disarmament, Demobilisation and Reintegration Standards (IDDRS) of the UN. The IDDRS came into being as an initiative of the UN as well as a broadening of the 'Agenda for Peace' initiative of Boutros-Ghali of the UN in 1992. The IDDRS provides guidelines for cooperation between the UN, its agencies and states where DDR takes place (Knight 2008: 25-26). These guidelines have been included in the DDR programme in South Sudan. The UN framework for DDR thus also exists as a measuring tool for the analysis of DDR in South Sudan.

1.2.2 Status of security in South Sudan

Comprehensive literature exists on the historical background of Sudan after independence in 1956, the civil wars between southern Sudan and northern Sudan, the nature of the independence struggle of southern Sudan, and the eventual attainment of independence. More recent scholarships focus particularly on the post-independent period, but more in the context of the historical relationship between southern Sudan and northern Sudan in the pre-independent period.

Wolff (2012: 46-48) refers to the historical, ethnic, religious, and developmental issues which, in his opinion, will endure well beyond independence in South Sudan. He argues that specific embedded factors, inherent to the security and socio-economic conditions in South Sudan, threaten the political, socioeconomic and security stability in South Sudan. He specifically refers to factors that economically and ideologically marginalised the former southern Sudan from northern Sudan and increasingly polarised the Christian south and mainly Muslim Arab north. Wolff elaborates on the nature of the civil war in the period up to the signing of the CPA between southern Sudan and northern Sudan on 9 January 2005.

Although on the surface the signing of the CPA appeared to have provided for a secure run-up to independence and a peaceful post-independent South Sudan, various commentators harbour serious reservations about the extent to which the 2005 CPA will be able to ensure a secure South Sudan in the longer term.

According to Belloni (2011: 412-413) the provisions of the 2005 CPA consists of six separate documents; three are relevant to the context of this study, namely, the Agreement on Security Issues; the Protocol on the Resolution of Conflict in the South Kordofan and Blue Nile states, and the Protocol on the Resolution of Conflict in the Abeyi region. Dagne (2011: 1-2) views the following as the most important issues to be addressed within the CPA:

- The Abeyi protocol stipulates a referendum must be conducted at the same time as the referendum on the cessation of southern Sudan.
- The distribution of oil revenue.
- The demarcation of the South Kordofan and Blue Nile states.
- Post-conflict security arrangements with specific reference to DDR.

Munive (2013: 31-35) deals directly with the post-independence period and portrays an unsatisfactory picture of the envisaged DDR programme after the signing of the CPA in 2005. He points out although the second phase of the DDR programme was to be approved by 2013, not even the first phase of the 2005 target of demobilising 180 000 combatants had been met. In fact, the Government of South Sudan (GOSS)

commenced with the recruitment of new members for its armed forces, and the reintegration of women and children associated with the Sudan People's Liberation Army (SPLA) has not progressed satisfactorily. In addition to the slow implementation of the DDR programme of 2005, South Sudan has moved away from the envisaged DDR programme. In this regard, a statement made by its Vice-president, Mr Rick Machar, reflected the country "needed to generate new ideas to move away from classical DDR which only provides a one-time package of assistance to ex-combatants, to a more productive and sustainable programme which will continue to benefit the ex-combatants in their new life outside the organised forces" (Munive 2013: 7).

Belloni (2011: 414) refers to the CPA as a "Cold Peace" and highlights the following as inhibiting factors for a secure South Sudan:

- A popular loss of confidence in the government of South Sudan.
- The integration of units of the Sudanese Armed Forces (SAF) of Sudan and the SPLA of South Sudan was not implemented.
- Ineffective oil revenue distribution between South Sudan and Sudan.

Wolff (2012: 51) confirms Saeed's (2010: 7) earlier observation surmising that even before South Sudan would achieve independence in 2011, the shortcoming in the CPA to reach consensus on especially the demarcation of the border between southern Sudan and northern Sudan and the status of the Abeyi region was a critical security issue. Wolff (2012: 51) observes after independence the two issues between South Sudan and Sudan raised by Saeed remains a vital security concern. Saeed (2010:7) refers to the north-south border as the "Dragon Space" and emphasises the critical importance of the demarcation of the Abeyi region. Drawing attention to the significance of demarcation to finalise the mandate of the SAF and the SPLA in this area, Saeed predicted in 2010 that indecision on this issue may have a direct effect on the security situation between an independent South Sudan and Sudan. Wolff (2012: 49-50) reiterates this prediction in 2012 by positing that the unresolved Abeyi issue will lead not only to confrontation between South Sudan and Sudan, but also impact on state building in South Sudan.

The controversy surrounding the Abeyi region, accentuated by the invasion of the area by forces of the SAF during May 2011 that led to the displacement of approximately 100 000 people, is another issue emphasised by several authors. The invasion prompted the UN to declare the unresolved demarcation issue in the area, and the insecurity caused by the military activities, could evolve in ethnic cleansing should displaced members of the ethnic Ngok Dinka group not be returned (Dagne 2011: 4).

Post-independence challenges with the potential to affect intra- and inter-state tension were foreseen by Warner in 2011 (2011: 193). This author identified critical aspects that needed to be addressed by southern Sudan and northern Sudan before independence by South Sudan in 2011 to avert “renewed conflict for years to come”. These aspects included:

- Demarcation of the north-south border.
- Land, water, grazing and migratory rights on the north-south border.
- Wealth sharing agreements on oil producing revenue.
- Security arrangements and the issue of citizenship.

The post-independence conflict, predicted by many, materialised in April 2012. Forces of the SPLA occupied the Heglig oil fields on the border between South Sudan and Sudan in reaction to attacks by the SAF on South Sudan citizens in the area (Johnson 2012: 561).

According to Wolff (2012: 48), various factors challenge the security equilibrium in South Sudan such as the heterogeneous nature of the country which polarises it along tribal, linguistic and religious lines. He highlights the following critical security challenges facing an independent South Sudan:

- Various militia groups will continue to challenge the Sudan People’s Liberation Movement’s (SPLM) central political and military status, especially the centralisation by the SPLM of state institutions.

- Inter-communal conflict over scarce resources may lead to prolonged internal conflict.
- The un-demarcated Abeyi region between South Sudan and Sudan.

Belloni (2011: 415) concurs with Wolff and describes the January 2011 referendum as only “a step” in the process of South Sudan’s path towards a new state. Belloni expands on the border issue by referring to the north-south border problem (specifically the Blue Nile and Kordofan regions) and the potential for tension due to the area being an oil producing region. He also mentions the animosities between pastoralists and settled communities due to water and grazing resources (Belloni 2011: 419).

Information obtained from an overview of literature done on theoretical frameworks on SSR and the security situation in South Sudan reveals the following: It is clear that, firstly, various SSR models exist that can be applied in the study of the post-independent peace and reconciliation process in South Sudan. Secondly, despite measures to attain peace and security in South Sudan, insecurity and political disparity continue and, thirdly, it seems as if the SSR model which emanated from the CPA was poorly considered and/or ineffectively implemented. Finally, certain scholars pay attention to issues of non-compliance and the effectiveness of the CPA as well as the execution of a SSR programme in South Sudan.

1.3 Formulation and demarcation of the research problem

The fundamental cause of insecurity is that SSR in South Sudan has not been executed effectively. This resulted in a protracted poor security situation which can be expected to last into the foreseeable future. The question that this study seeks to address is the extent to which the continued conflict within South Sudan and between South Sudan and Sudan can be ascribed to the failure of SSR provisions in the CPA of 2005. The question may be posed whether the intra-state problems in South Sudan and inter-state problems with Sudan could have been averted by an effective SSR and execution of the provisions of the 2005 CPA.

Regarding its conceptual design, the study demarcates SSR as an approach for conflict management within the sub-discipline of Security. Apart from a brief reference of the period up to 2005 and the civil wars between southern Sudan and northern Sudan, the temporal parameter used concentrates on the period after the signing of the CPA in 2005 until the end of 2013. A historical perspective is given as this not only forms the basis of the independence aspirations of the southern Sudanese, but also of the continuing conflict in South Sudan.

1.4 Methodological aspects

In this case study a SSR model is used as the theoretical framework against which the execution of SSR in South Sudan is analysed. It may provide an answer to the research question, namely, whether the current poor security situation in South Sudan was caused by the ineffective execution of the SSR plan and a failure to implement the provisions of the CPA.

No specific SSR model exists. In the available literature reference is made to the various conceptual approaches to SSR and the applicability of each depending on the security and political challenges in a specific country or its reasons for conducting SSR. Various SSR concepts were assessed. Since the security and political situation in South Sudan presents its own unique challenges and reasons for conducting SSR in the country, a specific SSR model, considered as the most applicable to the security and political situation in specifically South Sudan, will be developed and used as the theoretical framework against which the execution of SSR in South Sudan is analysed.

Based on the theoretical and analytical nature of the study, primary and secondary sources in the public domain are used. As primary sources documents, statements and communiques such as official documents released by the UN, resolutions on peace keeping operations, statements by the UNSG on the failures of PKOs, and the Comprehensive Peace Agreement of 2005 are used. Additional primary sources include personal interviews to determine what the relation is between the present situation in South Sudan and the envisaged peace process. The interviews augment published research sources and provide additional approaches of analysis for the

current security situation in South Sudan against the theoretical framework. Interviewees include independent political analysts, consultants from Saferworld (an international non-governmental organisation [NGO]), as well as analysts from the Institute for Security Studies in South Africa. All interviewees are at present or were involved with post-conflict reconstruction in South Sudan. Secondary sources include books on SSR and conflict management to develop a theoretical framework for this study while information on the current political and security situation in South Sudan and the developments in the run up to the present poor security situation in the country are explicated in published journal articles.

1.5 Structure of the study

Chapter 1 introduces the study and provides an overview of the literature consulted. It contextualises the study and explains the aim and focus as well as the methodology followed.

Chapter 2 addresses the theoretical framework of the study. The aim of this chapter is to explain existing SSR models, the characteristics and application of each and to identify a specific model applicable to the specific situation in South Sudan.

Chapter 3 provides a brief historical overview of the Sudanese conflict and the peace negotiations which led to the eventual peace agreement between southern Sudan and northern Sudan paving the way for independence for South Sudan.

In Chapter 4 the nature and status of SSR in South Sudan is analysed by making use of the framework developed in Chapter 2. Special attention is paid to the CPA, DDR, international involvement, and civilian control over the security sector structures.

Chapter 5 concludes the study by summarising the findings and providing a critique of the SSR provisions and processes. Recommendations, including a view to further research, are made.

CHAPTER 2

A THEORETICAL FRAMEWORK FOR AN ANALYSIS OF SECURITY SECTOR REFORM

2.1 Introduction

By the end of 2013, two years after independence, South Sudan remained a country confronted with internal security unrest, political rivalry, and in a state of tension with Sudan. Security and political issues which had to be resolved before independence continue to fuel this situation. The extent of destabilisation or structural insecurity faced by South Sudan as a state emerging from a conflict, or wishing to institute SSR, can be equated to how Schnabel and Ehrhart (2005: 5) describe such a society: “In most post-conflict societies political institutions are absent or greatly weakened; there is little or no civilian control over the military and the police; mistrust and economic scarcity determine political and social relations; there is an overabundance of war ordnance and weaponry; both external and domestic actors are expected to cooperate in an effort to change this delicate and fragile environment into sustainable peace.” Mesfin (in Hentz 2014: 128) agrees with the description of Schnabel and Ehrhart and states South Sudan is facing a “difficult if not impossible task” in its SSR while van Nieuwkerk (2014: 126) rates South Sudan as virtually unmanageable for the effective execution of SSR.

The effectiveness of SSR as a method to address post-conflict scenarios as well as its true motive is not confirmed or generally accepted among the academic scholarship. Van Nieuwkerk (2014: 135) states SSR is often interpreted as Western attempts to manipulate the recipient country to the benefit of Western foreign policy agendas. Beswick and Jackson (2011: 22) argues SSR models, often effectively applied in the West, cannot be “exported to developing states” because these states lack the ability to execute SSR due to rivalry and political intolerance between political parties. Also, according to these authors, ethnic and social polarisation in a country prevents social cohesiveness and economic underdevelopment. However, despite the academic debate surrounding the effectiveness of SSR on post-conflict involvement and/or states emerging from a major conflict, SSR remains the principle

tool to address security reforms, inter alia, within a state emerging from a major conflict (Bryden & Hänggi 2005c). The aim of this chapter is therefore to identify a SSR model which can be applied as a theoretical framework to analyse the effectiveness of SSR in South Sudan.

To determine a specific model to analyse SSR in South Sudan, four aspects will be addressed in this chapter. Firstly, defining a security sector; Secondly, the scope of security sector reform, Thirdly, a discussion on demarcating various factors to be addressed within SSR; Lastly, a specific model for analysing the application of SSR in South Sudan. The discussion first relates to defining a security sector.

2.2 Defining a security sector

Before addressing SSR, it is necessary to demarcate or explain what constitutes a security sector in order to contextualise it within the ambit of SSR. Various institutional guidelines by international organisations as well as theories within the academic scholarship exist on the nature of a security sector.

According to the UN (2014a), a "security sector" is a general term applied to refer to structures, institutions, and personnel who are responsible for managing, providing, and overseeing security within a state. In general it refers to the armed forces, law enforcement agencies, national intelligence agencies, border control agencies, and civil protection entities.

Ban (2008: 6) indicates although a security sector will differ from state to state and be determined by historical, cultural and national requirements, certain common characteristics define a security sector: It should be a legal and constitutional framework for the legitimate use of force within universally accepted human rights and norms and must be carried out within legitimate governmental institutions, and civil oversight over security structures must be implemented. The security sector structures should be effectively capacitated to provide national security. An impartial culture of unity and respect for human rights among and between security actors must be institutionalised.

The African Union (AU) defines a security sector collectively as those institutions, groups, and people who provide, manage, and oversee security for the citizens and the state which incorporates basic security structures such as intelligence, civilian oversight, judicial bodies, civil emergency structures, and non-governmental security institutions (AU 2011: 5,6).

A security sector is defined by Bryden and Hänggi (2005d) as the sector of government responsible for providing domestic and external security. It comprises the government's institutionalised structures or forces and the civilian political entities to oversee these elements. The same authors observe although this definition implies a "traditional governmental" approach there is scope for a "broadened" security approach to include non-military elements.

These definitions provide guidelines for the identification of an institutionalised security sector in South Sudan. Although different definitions of a security sector exist, there are some common factors characterising a security sector which will be considered when analysing security sectors in South Sudan. These common characteristics reflect a security sector consisting of legitimate governmental structures institutionalised within a national constitution. It includes the armed forces; it is responsible for the protection of the state and also for the security of its citizens. Civilian and parliamentary control should be exercised over the security sector structures.

The nature, reasons for, and scope of reform of these security structures will be subsequently addressed.

2.3 Demarcating Security Sector Reform

The various approaches, theoretical models, and definitions encountered within the academic scholarship whereby SSR is described and quantified can be applied in an analysis of SSR in South Sudan.

As stated by Bryden and Hänggi (2005e) SSR is applied for various reasons, for example, in countries emerging from a liberation and/or secessionist struggle. The application of SSR is viewed by Curtis (2013: 206) as a process to attain liberal governance. The author refers to the World Development Report which describes the attainment of liberal governance as “strengthening legitimate institutions and governance to provide citizens security, justice, and jobs is crucial to break the cycle of violence” (Curtis 2013: 206).

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) (2009: 2, 3) demarcates SSR by identifying specific activities that should be addressed. In the first place, de-mining to protect the population and rendering assistance to victims of mining incidents. Secondly, programmes to control the proliferation of small arms and light weapons (SALW) which may continue to threaten post-conflict environments and, lastly, gender mainstreaming to their pre-conflict roles or integration into the security sector structures to attain gender representation.

Security Sector Reform, however, not only applies to aspects directly related to the military domain. Van Nieuwkerk (2014: 123) states SSR can be conceptualised within the enlarged definition of security which includes human security. This emphasises the approach that SSR is not only restricted to defence and the role of law and order, but also included in wider political, economic, and social issues. It thus also falls within Buzan’s (1991: 116-134) theory of the broadening of the security agenda to encompass the military, political, societal, economic, and ecological spheres.

Schnabel and Ehrhart (2005: 2-6) emphasise the complex role of post-conflict peace building (of which SSR is a part) by describing it as a “multi-dimensional, genuinely political process of transformation from a state of war and violent conflict, to one of stability and peace”. The authors point out that a framework to implement the security, political, economic, and psychosocial dimensions of SSR must consist of the following four elements:

- The compilation of a security structure to consist of the armed forces, police, intelligence services, and/or local security units. In this regard, Schnabel and Ehrhart (2005: 2-6) identify further actions which are imperative for the successful execution or implementation of SSR, albeit by internal or external actors:
 - the security forces and the police must be separated in order for the police to act as public law enforcer and its force levels must be adapted to fulfil this responsibility.
 - the security forces must be transformed into an entity for the provision of social safety and security for the state and the population in contrast to being a threat to civil society as during an armed struggle.
- The security framework must address the status and inclusion of former non-statutory security forces such as liberation armies, guerrilla armies, private security companies, and political party militias.
- The attainment of regional confidence must be sought by the support of, and participation in, regional organisations.
- SSR must be aligned within the broader national reconciliation and reform processes.

According to Beswick and Jackson (2011: 21), SSR may take on a variety of broad activities or be implemented in various categories. The authors argue that SSR must be based on certain principles. The first they describe as the execution of an SSR plan within a democratic system of institutionalised political, economic, social, and security structures in a holistic manner. The second principle calls for the process to be accountable and transparent.

2.4 The nature of Security Sector Reform

In the previous section attention was paid to the broad concept of SSR and certain guiding principles to be considered within SSR. The scholarship is, however, very clear on specific actions and pre-conditions which are essential for effective SSR. These aspects, including criteria by which its effectiveness in support of SSR can be quantified, will be focussed on next.

2.4.1 The importance of foreign role players

A vast number of international agencies and multilateral organisations contribute to SSR through post-conflict reconstruction and peace building.

In his report, “Agenda for Peace”, Boutros-Ghali (Boutros Ghali 1992) conceptualises peace keeping as “the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well”. The UNSG, Ban Ki-moon, stresses the central role of the UN in supporting peace and security in his 2008 report to the General Assembly of the UN regarding the role of the UN in SSR by stating “a holistic and coherent United Nations approach to Security Sector Reform is vital” (Ban 2008: 1-2). He points out that despite the UN’s frequent and continuous advice on the establishment of national security, what lacks is comprehensive UN assistance to states emerging from a major conflict or instability and in which the capacity, resources, and mechanisms to attain national security are underdeveloped.

The UN makes specific provision for its involvement in SSR. During 2006 the UN established the UN Peace keeping Commission (UNPC) with the aim of “bring together all relevant actors to advice on and propose integrated strategies for post-conflict peace building and recovery” (United Nations Security Council [UNSC] 2006: 432-435). The UNPC identified specific functions which can be applied in the analysis in this study to determine the level and success of foreign involvement in SSR. These functions include the mobilisation of resources for national priorities over the short to long term; the compilation of a country specific strategy for peace building and recovery by a country-specific commission who are to meet regularly and comprise of representatives of the specific country; regional and international role players involved in the post-conflict reconstruction process; the principle donor countries; military and police contributing countries; the senior UN representative in the region, and other relevant regional and international actors.

The AU is not clear on a specific implementation strategy for SSR, but follows a broad principle-based approach in a policy which is at present in draft proposal according to Van Nieuwkerk (2014: 133, 134). The draft policy addresses key aspects in its framework for SSR, namely, “rationale, aim and scope; principles; prohibitions; key elements of SSR programming; gender mainstreaming; vulnerable groups and the rehabilitation of ex-combatants, veterans, refugees and internally displaced persons; continental implementation strategies; the role of the African civil society in SSR; relations with cooperating partners; AU Commission implementation mechanisms and development of guiding tools”. The four objectives of the draft policy are to provide:

- a structure for participating countries to execute SSR.
- training and capacity building.
- guidance for foreign donors, the AU, and the recipient country.
- African support to international SSR development.

The importance of foreign involvement is further accentuated by the DCAF (2009: 4) which states SSR can be overseen by various non-national or external role players such as the UN as the lead agency whereby it assumes the leading role to advise the government to restructure the national police force, the execution of DDR, and demining and SALW reduction. The DCAF (2009) further states that restructuring of the armed forces must be delegated to external structures such as the North Atlantic Treaty Organisation, the European Union (EU) or other states. Also, regional organisations must perform specific SSR activities such as restructuring the armed forces and the police services and execute other delegated responsibilities from international organisations. Finally, states may execute their own SSR plan but in conjunction with guidelines and prescripts of the UN.

The scholarship emphasises ways in which international and regional organisations should become involved in the execution of SSR, individually or collectively, in cooperation with domestic role players. According to Bryden and Hänggi (2005d:), international intervention in SSR is not the exception but the rule. They indicate that a transitional administration should be carried out under the auspices of the UN or

any other international institution. According to Schnabel and Ehrhart (2005: 9), external actors have to ensure that SSR is “on the right path” during the period of external or foreign presence by training and capacitating local actors to execute the provisions of the SSR plan.

The role of non-governmental organisations (NGOs) as a form of foreign involvement is described by Yasutomi and Carmans (2007: 121) as the evaluation of the protection of human rights, the monitoring of the application of child soldiers and of the proliferation of small arms, the provision of aid, and the reintegration of ex-combatants.

2.4.2 The importance of foreign donors

Literature on the topic is very clear on the importance of foreign financial assistance in SSR. According to van Houten (2007: 643), under its framework for “World Bank involvement in Post-conflict Reconstruction” in 1997, the World Bank availed funds to countries afflicted by conflict through its post-conflict fund. The same author mentions further initiatives by the World Bank after it re-evaluated its policies concerning support to civil conflict through its Operations Evaluation Department (OED). The OED concluded that the World Bank should continue to intensify its support to countries emerging from a major conflict that has specific needs and also coordinate support by donors. The DCAF (2009: 4) refers to the importance of donor countries as one of the principle actors in SSR.

2.4.3 Foreign military involvement

The Human Security Report of 2009/10 highlights the positive role foreign military involvement fulfils in conflict resolution in Africa (Curtis 2013: 202). According to the report, conflicts in Africa declined in the first decade of 2000 mainly as a result of international peace keeping and peace building policies. Bryden and Hänggi (2005e), allude to the important role that foreign troops may perform. In fact, they refer to the involvement of these foreign troops, which can include international

peace support operations or the deployment of allied forces or occupying forces, as playing “a crucial role in the provision of security”.

Schnabel and Ehrhard (2005: 3-5) describe the role of external military forces as essential in the maintenance and institution of order, for the provision of support to the armed forces, for support and participation in the disarmament of armed forces, bolstering SSR, the safeguarding of all participants in and during elections, human rights oversight, and the protection of refugees. According to these authors, it is only possible to effectively execute these functions if external armed forces are part of the SSR process undertaken in a particular country.

Peace consolidation as well as conflict prevention, mitigation, and resolution are identified by O’Dell (2012: 482) as the principle areas of assistance by foreign or peace keeping forces. The DCAF (2009: 4) lays stress on the importance of foreign military involvement and includes private military and security companies within their definition of military assistance.

2.4.4 The importance of formal peace agreements

The scholarship is very clear on the importance of a peace agreement for the successful implementation of peace building and SSR and numerous commentators provide specific guidelines on its central role. Stedman *et al.* (2002: 1-3) acknowledges the significance of peace agreements by stating “peace implementation is the process of carrying out a specific peace agreement”. The implication of his statement is that peace building cannot commence in the absence of a peace agreement.

Various authors provide criteria against which the successful implementation of SSR, based on a peace agreement, can be analysed. Hampson (in Stedman 2002: 4) argues the outcome of a peace agreement is directly related to the level of support by third parties involved in the agreement, specifically during the implementation phase. Walter (in Stedman 2002: 5) observes the inability to implement disarmament and demobilisation as the major obstacle in implementing a peace agreement.

Rothchild (in Stedman 2002: 5) identifies four recurrent problems hampering the successful execution of peace agreements: vague and expedient peace agreements; a lack of coordination between mediators, implementers, and agencies; the incomplete fulfilment of mandated tasks, and, lastly, the presence of spoilers (leaders who use violence to undermine implementation). Most importantly, Reiter (2011: 85) specifically addresses comprehensive peace agreements (as in the case of South Sudan) where the exclusive inclusion of signatories leads to implementation problems due to the exclusion of other role players to the conflict.

2.4.5 Disarmament, Demobilisation and Reintegration

Beswick and Jackson (2011: 121) view DDR as a generally accepted and popular method of external intervention in a post-conflict environment and stipulate the specific actions that should be carried out under DDR. They quantify disarmament as the collection, record keeping, and disposal of arms and ammunition of former combatants. Demobilisation is described as the formalised discharge of members of formal and non-state armed groups. Reintegration refers to the incorporation of former combatants into civilian life in a civilian capacity. The authors maintain reintegration should include financial, logistic, and medical support; make provision for psychological and substance abuse, and for the resettlement of the ex-combatants to their regions of origin.

The DCAF (2009: 2, 3) emphasises the importance of DDR within SSR by identifying specific activities that should be addressed. The stance of the DCAF (2009) is, firstly, that DDR, which they quantify as the integration of former combatants into private life, is the most important. Secondly, the disbandment of units and collecting of weapons according to a pre-determined plan and, thirdly, DDR must have as its aim the reduction of force strengths in the security forces to curb state expenditure. Beswick and Jackson (2011: 21) agree with the DCAF's (2009) stance by confirming that post-conflict SSR activities must include DDR with specific emphasis on the proliferation of SALW and the execution of the conditions of peace agreements.

2.4.6 Transformation of the judicial system

The DCAF (2009: 2-4) refers to the role of transitional justice as being institutions or structures to address crimes committed during the armed conflict and the culture of impunity, and accentuates the importance of transitional justice in an environment where justice institutions are new or ineffective. It also states SSR can be overseen by various non-national or external role players such as the UN as the lead agency whereby it assumes the leading role in advising the government on the re-structuring of the justice systems.

Schnabel and Ehrhard (2005: 7) are very specific on the seriousness of transforming the justice institutions and mention specifically the judiciary, justice ministries, prisons, human rights commissions, and transitional justice systems. Beswick and Jackson (2011: 21) concur by prioritising security and justice institutions as bodies which must address reform in the intelligence, border security, police, criminal justice, defence, and prison domains.

2.4.7 The security sector and civil oversight

Very specific comment on the importance of civil control over the security forces during SSR and post-conflict resolution is provided by the scholarship.

The importance of civil oversight is accentuated by Liebenberg *et al.* (2000: 77) who state “the institutionalisation of civilian oversight of security institutions” is one of the minimum requirements within a state in the process of democratising, whether in a multi-party system or not. Liebenberg’s (2000) approach is supported by the DCAF (2009: 2-3) which states civilian control and democratic oversight must preside over the security sector institutions. In her study conducted on civil control over African militaries, Ferreira (2005: 79-81) depicts civilian control as parliamentary control over the military through democratically elected civilians. Furthermore, the role of the military is to advise on defence policy and its primary task is the implementation and execution thereof. The military is accountable to parliament and the military acts on

orders from parliament. These guidelines will be applied when analysing SSR in South Sudan.

Wulf (2004: 5) delineates security sector oversight bodies as specifically consisting of the following government structures: legislatures and legislative committees; ministries of defence, internal affairs, justice, and foreign affairs; the office of the president, and financial management bodies (ministries of finance, budget offices, auditor general's offices). According to Yasutomi and Carmans (2007: 111), training must be provided to the members of these government structures to address military spending, defence policy, and armament procurement. Beswick and Jackson (2011: 21) indicate SSR should be internally driven (by government structures and mandated by the population) and be subject to civilian management, parliamentary oversight, and judicial overview of the security services.

Literature does not reveal clear guidelines by the UN on civilian oversight during SSR or post-conflict reconstruction. The African Union (AU 2011: 6) refers to civil oversight in its broad definition of SSR as “the process by which countries formulate or re-orient the policies, structures, and capacities of institutions and groups engaged in the security sector, in order to make them more effective, efficient, and responsible to democratic control, and to the security and justice needs of the people”.

2.5 A framework for analysis

Based on the preceding in-depth discussion of theories and approaches to SSR, it is clear that scholars agree that successful SSR encompasses, at the very least, the following noted key activities and processes:

Firstly, a formalised peace agreement is critical. Such a peace agreement will form the basis for the peace building and post-conflict reconstruction plan as well as for guidelines for SSR. Secondly, and arguably the most important, is the process of DDR. Specific attention needs to be paid to the collection and disposal of arms and ammunition of former combatants, the formalised discharge of members of formal

and non-state armed groups, and the incorporation of former combatants into civilian life with specific attention given to financial, logistic, medical, and psychological support. In the third place the involvement of regional and international states and organisations is critical. These actors provide guidelines and prescripts to ensure the effective implementation and management of SSR. Foreign involvement also includes external military involvement and the involvement of foreign donors who provide financial, logistic, and technical assistance for the implementation of SSR. Finally, the institutionalisation of security sector institutions and the de-militarisation of political structures. Of importance is the election of civilian members to parliament and civil control over the military. These aspects are discussed and analysed with reference to South Sudan in Chapter 4.

However, before applying this framework in order to analyse SSR in South Sudan, a brief historical overview of the nature of colonial Sudan and independence in 1956 until the signing of the CPA in 2005 is presented in Chapter 3. The overview will indicate why South Sudan entered independence with conflicting political, economic and, most importantly, security issues which almost immediately after independence gave rise to conflict between South Sudan and Sudan.

CHAPTER 3

CIVIL WARS, MILITARY INTERVENTIONS AND THE COMPREHENSIVE PEACE AGREEMENT

3.1 Introduction

In order to understand the nature of and underlying reasons for the conflict between southern Sudan and northern Sudan, a brief overview of colonial rule prior to independence in 1956 and the economic and political polarisation of southern Sudan thereafter is necessary. The aim of this chapter is to address the political, security, and socioeconomic factors in Sudan prior to the adoption of a Security Sector Reform plan in 2005.

3.2 The civil wars in Sudan and military interventions

The following section addresses the run-up to the civil wars, the military interventions, and the peace negotiations which led to the peace agreement between southern Sudan and northern Sudan.

3.2.1 Colonial Sudan and independence in 1956

Regional polarisation between southern Sudan and northern Sudan already commenced before independence in 1956. Anticipating central political control after independence, three provinces in southern Sudan insisted on more autonomous control after independence. Although independence was pledged by the central government in Khartoum in northern Sudan, it never materialised due to the inability of the post-independent government to formalise a national constitution which would have addressed the independence aspirations of these three provinces.

In northern Sudan before independence, the political arena was dominated by various political parties. The Umma party originated from the 19th century Islamic revivalism movement of Muhammad Ahmad al-Mahdi. The party was pro-British and their support base was in western and central Sudan. The Ashigga, with pro-

Egyptian loyalties and which later transformed into the National Unionist Party (NUP), had its support base in the northern, eastern and urban centres throughout the country. Small insignificant parties in the north, including the Sudan Communist Party – although it failed to exert any influence – further fragmented the political arena. In addition, religious considerations dominated political affairs. The heads of the Umma party and the NUP were spiritual leaders who prioritised religious principles above party political and national affairs.

The British colonial policy in terms of development was concentrated in northern Sudan where especially the regions and ethnic groups to the north of Khartoum along the Nile River enjoyed political support and economic aid from Britain. According to Young (2012: 3), Britain followed a “closed district” policy towards southern Sudan which excluded commerce with southern Sudan as Britain envisaged it to become part of the British colonies in East Africa. A limited educational system by Britain neglected education in southern Sudan which prevented it to actively participate in national issues. Southern Sudan was furthermore characterised by an absence of influential political parties and having almost no role in national Sudanese politics.

Sudan achieved independence on 1 January 1956 after having governed itself since 1953 under the “Self-Government Statute” of the Anglo-Egyptian Agreement of 1953 (Holt *et al.* 1988: 160). As opposed to the majority of African states gaining independence, Sudan received independence from two states, Britain and Egypt, which ruled Sudan as a condominium. The implication of this was the provision of independence to Sudan based on the different aims and agendas by Britain and Egypt – each of these two countries differed on the status of an independent Sudan. The British approach included significant control over Sudanese affairs after independence while Egypt envisaged the incorporation of Sudan with Egypt (Ryle *et al.* 2011: 85). The process and negotiations for independence was thus characterised more by the post-independent aspirations of Britain and Egypt towards Sudan than by the constitutional status of an independent Sudan or the political expectations of Sudan itself. Sudan entered independence with an interim

constitution which was to be confirmed after independence and largely according to the interests of both Britain and Egypt.

Various African countries were upon independence politically and economically exceptionally weak as to affairs of government due to the legacies of colonial rule. Sudan was no exception. Sudan was furthermore faced with challenges such as the absence of a national political vision, political polarisation between southern Sudan and northern Sudan, the institutionalised economic and educational deprivation of southern Sudan as well as the political and commercial favouring of the political and economic elite in northern Sudan, especially along northern riverine states (along the Nile river). Young (2012: 3) states by the time of independence Sudan was characterised by a small wealthy elite and competition for resources which was controlled by the state. This situation was to become what he refers to as “the enduring focus for conflict” (Young 2012: 3).

Political tension surfaced almost immediately after independence. Within the same year of receiving independence in 1956, the NUP split due to the inclusion by its leader, Ismael al-Azhari, of representatives of southern Sudan into a coalition he formed between the NUP and the Umma Party. By 1958, two years after independence, political stability was threatened by the continued inability to formalise the interim constitution, disunity in parliament, and a discourse on US foreign aid for Sudan. The situation led to the first in a series of military interventions.

3.2.2 The first military intervention: 1958

During November 1958, General Ibrahim Abboud carried out the first military coup in Sudan. Declaring “the army had no alternative but to save the country from the chaotic regime of the politicians” he instituted a military government (Holt *et al.* 1988: 171). The coup led to further alienation between southern Sudan and northern Sudan and served as a stimulus for eventual civil war.

Wai (1973: 20) states the military government of Abboud had a disastrous effect on the relations between southern Sudan and northern Sudan. He ascribes this

deterioration in relations to various actions undertaken by the military government. Arabic was instituted as medium of instruction in schools which negatively affected the already low literacy levels due to the linguistic inability of teachers and students in Arabic. Also, recruitment for the national police force as well as military cadets from southern Sudan almost ceased. Holt (1988: 178-179) describes the administrative policy of the military regime towards southern Sudan as “tactless to the point of provocation”. He verifies this statement by pointing out the following aspects. Firstly, the transfer of southern Sudan government officials to northern Sudan decreased as well as the bypassing of others for promotion. Secondly, the military regime instituted a policy of Arabisation and Islamisation on the mainly Christian southern Sudan by establishing Islamic institutes and constructing mosques while foreign religious institutions were prohibited of opening new mission schools and weekends were adapted according to the Muslim custom. Additionally, during 1964, in accordance with the Missionary Societies Act, the government expelled all foreign missionaries from southern Sudan.

The first signs of armed rebellion occurred in early 1964 when southern Sudan, realising that its situation remained unchanged from the civilian regime after independence, resorted to armed protests and violence.

3.2.3 The first civil war (1964 – 1972) and the second military intervention: 1969

No specific date exists for the commencement of the first civil war but rather a series of incidents which by 1964 evolved into a civil war between southern Sudan and northern Sudan. During 1963, south Sudanese politicians founded the Sudan African National Union (SANU) from Kampala, Uganda where they resided in exile. During the same time armed resistance emerged through the Anya-Nya, a guerrilla group who numbered approximately 5 000 members. No organised command structure existed and they operated independently from the SANU with whom they maintained poor relations. In Chapter 4 of the study the military and political polarisation of the southern Sudanese liberation movements are elaborated on. The inability of the Anya-Nya and the SANU to cooperate may be viewed as the origin of the future

polarisation between the Sudanese People's Liberation Movement (SPLM) and the Sudanese People's Liberation Army (SPLA).

During October 1964 General Abboud, due to popular dissatisfaction, handed over political control to a transitional government under Muhammad Ahmad Mahjub. The latter intensified Abboud's Arabisation and Islamisation policies by ordering the harassment of the southern elite; what was referred to as the "Southern problem" (Collins 2007: 1781). Curless *et al.* (2013: 104) describe southern Sudan at the time as an "ethnically diverse periphery" and "among the most underdeveloped regions in the world". Following large scale atrocities against the southern Sudanese population, thousands of southern Sudanese fled to neighbouring Uganda and the Congo. Members of the police, prisons, and army defected from northern Sudan and joined the Anya-Nya whose relations with the SANU polarised even further due to the latter's incapacity to develop a political consciousness among the southern Sudanese and to create a political structure. The Anya-Nya engaged in guerrilla type operations for the next five years as it was unable to organise itself into a cohesive force due to internal ethnic rivalry.

On 25 May 1969 Colonel Ja'afar Numayri staged the second military intervention by removing Pres. Mahjub from power, declaring himself president, and establishing a Revolutionary Command Council consisting mainly of northern Sudanese officers who served in southern Sudan (Woodward in Ryle *et al.* 2011: 89).

During the same period, a member of the SAF of northern Sudan, Lt Joseph Lagu, defected to southern Sudan. He was appointed chief of staff of the Anya-Nya which he renamed the Anya-Nya National Armed Forces (ANAF). After consolidating his overall command of the ANAF, Lagu renamed it the South Sudan Liberation Movement (SSLM). Supported by military equipment, training, and advice solicited from Israel, the SSLM gained massive military successes against the SAF in the following four years. This forced Pres. Numayri into political dialogue with the SSLM resulting in the Addis Ababa Agreement on 27 February 1972 which ended the first civil war. The Addis Ababa Agreement provided for an autonomous regional government in southern Sudan with English as the main language, Juba as the

capital, and the integration of the SSLM into the SAF (Johnson in Ryle *et al.* 2011: 125-126).

3.2.4 The second civil war (1983 – 2005) and military interventions (1985 and 1989)

The implementation of the Addis Ababa Agreement proved difficult and soon led to what Woodward *et al.* (1994: 89) refer to as the “re-opening of the Civil War”. The integration of 6 000 members of the SSLM into the SAF was cumbersome and the SSLM were perceived as ill-disciplined as well as inferior soldiers who received special treatment. Political discontent was expressed by Muslim Arab Nationalists who were dissatisfied with the termination of the Arabisation and Islamisation of southern Sudan. On 5 June 1983 Numayri unexpectedly suspended the Addis Ababa Agreement. The suspension of the agreement, contrary to Numayri’s expectation of limited political opposition from southern Sudan should he suspend the agreement, in fact led to large-scale defections of south Sudanese members of the SAF and the police. These members were led into exile in Ethiopia by Dr John Garang de Mabior who formed the Sudan People’s Liberation Movement/Army under a manifesto of “building a new Sudan” and “a federation with a central government committed to fight against racism and federalism” (Collins 2007: 1784).

From 1983, which is seen as the start of the second civil war, the SPLM/A, despite leadership tension between Garang and Machar, consolidated into an effective armed movement and achieved military successes against the SAF. The Political Military High Command in southern Sudan convened for the first time in eight years which strengthened military and political cohesiveness in southern Sudan.

On 6 April 1985, Major General Abd al-Rahman Muhammad Siwar al-Dhahab, the Chief of the Army of the SAF and Minister of Defence of northern Sudan, overthrew the government of Numayri, instituted an interim government, and scheduled national elections for the following year which was won by Sadiq al-Mahdi. The military intervention had no effect on the civil war.

The fourth and last military intervention took place on 30 June 1989 when Brigadier Umar Hasan Ahmad al-Bashir overthrew the government of Pres. al-Mahdi. Pres. al-Bashir, who had as aim a homogeneous Arab culture as well as the Salafist version of Islam in both southern Sudan and northern Sudan, continued the civil war with the SPLM/A. However, by 2002 the SAF, although well-equipped due to oil revenue, was weakened by poor leadership and its force strength consisted mainly of conscripts. The SAF, although not militarily defeated, were no longer capable of effectively containing the military threat posed by the SPLM/A, especially due to the counter-insurgency tactics of the SPLM/A. This led to an environment for the commencement of peace initiatives which culminated in the CPA of 2005.

3.3 Peace negotiations

It is important to note that several initiatives, prior to the eventual involvement of the regional organisation, the Inter-governmental Authority on Development (IGAD), were launched to reach peace agreements between southern Sudan and northern Sudan.

3.3.1 Pre-IGAD attempts

There were other peace initiative attempts before IGAD to negotiate peace between southern Sudan and northern Sudan (Young 2012: 80-82). The previous attempts noted by Young (2012) are briefly addressed:

- Attempts by the transitional military council of Numayri for southern Sudan to join the national government which were not accepted by the latter as their conditions for the suspension of the Sharia law, political restructuring of Sudan, convening of a constitutional conference, and the cessation of defence agreements with the Arab countries, were rejected.
- During 1986, the National Salvation Alliance and the SPLM/A reached an agreement which was rejected by the National Islamic Front (NIF) and the Democratic Unionist Party (DUP) of northern Sudan.

- In November 1988, the leader of the DUP, Osman al-Mirghani, signed an agreement with the SPLM only to be rejected by the ruling coalition between the Umma party and the NIF.

Between May – June 1992, Pres. Ibrahim Babangida of Nigeria initiated peace talks during which the NIF proposed a reduced imposition of Sharia law in southern Sudan. Southern Sudan, for the first time, pressed for a more secular democratic system and a referendum for self-determination. Southern Sudan's proposals were rejected and the talks collapsed. A second attempt by Babangida during 1993 to revive talks again failed when southern Sudan and northern Sudan could not agree on aspects such as the Sharia law, Islam as the state religion, power-sharing, and secession.

3.3.2 Failed IGAD attempts: 1994 – 1998

In 1994, IGAD became involved in the Sudan conflict. This involvement would span a period of more than a decade and would culminate in the Comprehensive Peace Agreement of 2005.

The first peace attempts by IGAD were carried out by its predecessor, the Inter-Governmental Authority on Drought and Development (IGADD), largely due to international aid agencies and donors who called for increased regional involvement in conflict management. Under the auspices of IGADD, negotiations commenced during March 1994 under the chairmanship of Kenya. IGADD proposed a Declaration of Principles (DOP) which acknowledged self-determination for southern Sudan and acknowledgement by northern Sudan of the national, social, and political equality of southern Sudan. The proposal was rejected by northern Sudan and in southern Sudan political leaders could not agree on all the proposals of the DOP which led to the discontinuation of the negotiations (Young 2012: 84-85).

During 1997, northern Sudan signed the Khartoum Peace Agreement with a number of liberation groups in southern Sudan, notably the South Sudan Independence Movement of Machar, as well as the Fashoda Agreement with the SPLM/A-United of

Dr Lam Akol. The two agreements provided for self-determination for southern Sudan and also led to a resumption of the IGAD talks in 1998 which included the DOP proposals of 1994 as a basis for renewed negotiations. The outbreak of the Eritrean-Ethiopian war in May 1998, however, detracted commitment from the IGAD mediators and no further progress was made by IGAD as regional attention shifted to the Eritrean-Ethiopian war. Peace negotiations again reached a stalemate until 2002 (Young 2012: 87-88).

3.3.3 Renewed IGAD attempts: 2002 – 2005

Various arguments exist for the reasons of the resumption of the IGAD peace talks. Young (2012: 88-91) suggests three possible reasons, namely, pressure by the USA due to their increased African agenda; US support of Garang and, lastly, Bashir's approach of "compelled to fight but did not want to fight" and his "strategic decision" to resume talks.

Curless (2013: 105) similarly maintains the civil war reached a "military deadlock" despite northern Sudan's superior military power attained through oil experts. He also suggests that the "convergence of domestic, regional and international interests" revived peace talks. According to Curless (2013), a change in the attitude of Vice-president Ali Osman Taha who identified the mutual benefit of oil exploration for northern and southern interest as well as the importance of international cooperation at a time when Sudan was increasingly regarded as a "Pariah State", contributed to renewed negotiations for peace.

Peace talks by IGAD resumed in 2002. During October 2002 the Sudan Peace Act was approved which provided for punitive measures against northern Sudan should they act contrary to the spirit of negotiations. Between 2002 and 2004 various protocols on a range of security issues were concluded. These protocols were confirmed by the signing of the Comprehensive Peace Agreement in 2005 which is addressed next.

3.4 The Comprehensive Peace Agreement

At the outset it is essential to clarify that the purpose of the CPA was not only to pave the way for independence for southern Sudan, but also through its various protocols to:

- end hostilities and armed conflict between southern Sudan and northern Sudan.
- provide for the autonomous status of southern Sudan, either the choice of independence through a referendum or self-governing status in a united Sudan.
- address border-demarcation between southern Sudan and northern Sudan.
- address issues of preferred citizenship in border regions between southern Sudan and northern Sudan.
- address the sharing of resources between the two countries after independence of southern Sudan.

All the protocols of the CPA were to be concluded within the post-interim period after the signing of the CPA in 2005 and before the referendum on independence for southern Sudan, whether southern Sudan opted for independence or unification with Sudan. South Sudan was thus to become independent or part of a unified Sudan with all the protocols of the CPA successfully institutionalised.

The CPA was signed on 9 January 2005 between the Government of the Republic of Sudan and the SPLM/A as the signatories to the agreement. The CPA consists of protocols which had at its aim to address the major security, political, and economic conflict drivers between southern Sudan and northern Sudan. The CPA protocols are presented below (CPA 2005):

- The Machanos Protocol was signed on 20 July 2002 in Machanos, Kenya. It confirms the decisions reached between May 2002 and December 2004 on security arrangements, wealth sharing and power sharing between southern Sudan and northern Sudan, resolutions on the conflicts in the Southern

Kordofan and Blue Nile states, and the demarcation of the contested Abeyi region on the border between southern Sudan and northern Sudan.

- The Power-sharing Protocol was signed on 26 May 2004 in Naivasha, Kenya. It was designed to make Sudanese unity an attractive option for all citizens, but agreed on the principle that the citizens of southern Sudan could, by means of a referendum, exercise the choice of independence or a self-governing status under a unified Sudan.
- The Wealth-sharing Protocol was signed on 7 January 2004 in Naivasha, Kenya. The protocol provided for the sharing of natural resources between southern Sudan and northern Sudan with specific reference to oil.
- The Abeyi Protocol was signed on 26 May 2004 in Naivasha, Kenya. The protocol provided for a referendum by the citizens of the Abeyi region who, simultaneously with the referendum on independence for southern Sudan, could cast a separate ballot on their preferred citizenship of either South Sudan or Sudan after independence.
- The Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States was signed on 26 May 2004 in Naivasha, Kenya. The protocol provided for the application of all the protocols of the CPA to address and solve the conflicts in the Southern Kordofan and Blue Nile states.
- The Security Arrangements Protocol was signed on 25 September 2003 in Naivasha, Kenya. The protocol provided for the institution of a ceasefire between southern Sudan and northern Sudan, the incorporation of elements of the SAF and the SPLA in a unified Sudanese armed force, and the implementation and execution of a DDR programme.

The implementation of the protocols and provisions of the CPA is crucial to this study and is discussed in detail in the following chapter as part of the analysis of the SSR plan applied in South Sudan.

CHAPTER 4

AN ANALYSIS OF SECURITY SECTOR REFORM IN SOUTH SUDAN

4.1 Introduction

As discussed in Chapter 1, South Sudan is at present subjected to internal political instability as well as tension between itself and Sudan despite the institution of an SSR plan. The instable situation gives rise to the question as to the effectiveness of the peace building process and plan. The aim of this chapter is to analyse the effectiveness of the specific SSR model applied in post-independent South Sudan.

Although SSR can be applied by various means, this chapter addresses the model as suggested in section 2.5. The chosen SSR model comprises: the necessity and implementation of a formalised peace agreement; execution of a DDR programme; the importance of international involvement including military support; the importance of the institutionalisation of security sector structures, and civil oversight. This chapter will determine whether this model was applied, the extent to which it was executed, and whether it contributed to effective SSR in South Sudan.

4.2 A formalised peace agreement

As discussed in section 3.4, the CPA of 2005 consists of various protocols. In analysing the CPA, emphasis is placed on the provisions of the different protocols comprising the CPA. Although the provisions are significant, it is, however, also important to recognise that the parties committed themselves not only to the stipulations of the CPA, but also the “spirit of the CPA so as to guarantee lasting peace, security for all as well as justice and equality in the Sudan” (CPA 2005: xii). Whether the parties to the agreement also acted within the spirit of the CPA will thus also be considered throughout this analysis, especially when addressing DDR in section 4.3 of this chapter.

The different protocols of the CPA and their contributions to SSR are addressed next.

4.2.1 Power-sharing

It is indicated in Chapter 3 that one of the reasons for the two civil wars between southern Sudan and northern Sudan was southern Sudan's desire for independence or a self-governing status within Sudan.

The power-sharing protocol of the CPA provided for, firstly, the right of southern Sudan to control and govern affairs in their region through the Government of South Sudan (GOSS) while participating with northern Sudan in a Government of National Unity (GNU). The GNU would govern for an interim period of six-and-a-half years until 2011 when, secondly, southern Sudan could vote for secession or unity with Sudan through a national referendum. Yet, one of the guiding principles of the power-sharing agreement was to make unity an attractive option (CPA 2005: xi, 2-4). The period of the GNU up to independence in 2011 is not addressed in this section, except to state the stipulations of the GNU were to a large extent adhered to.

During January 2011, an overwhelming 98 per cent of the southern Sudan population voted in favour of independence, thereby rejecting the option of a unified Sudan. Southern Sudan received independence on 9 July 2011 as the Republic of South Sudan and the Government of the Republic of South Sudan (GORSS) replaced the GOSS. It will be argued that this result is meaningless and irrelevant to evaluate its contribution to SSR.

After two civil wars which both had independence as aim, and a peace agreement that provided for this option, it is suggested the choice of unification with northern Sudan was never a possibility. In the view of Jok (2011: 2-10), the improbability of unification between South Sudan and Sudan can be ascribed to various factors. Firstly, the population of the former southern Sudan consolidated around one single purpose, namely, their desire for independence despite various unresolved aspects of the CPA at the time of the referendum in January 2011. Next, he emphasises the desire for independence before and during the peace negotiations that resulted in the CPA, was so great that it became the "single issue on which every southerner was unwilling to compromise". Lastly, Jok (2011: 3) states after the referendum and

despite dissatisfaction with the SPLM regarding alleged poor service delivery and basic services, corruption, nepotism, and the domination of business by certain ethnic groups, the population still opted for independence. It is therefore argued although the vote for independence was overwhelming, it does not necessarily imply the successful execution of SSR as far as the Power-sharing Protocol is concerned as a ‘Yes’ vote could have been a given under any peace arrangement.

The irrelevancy of both the outcome of the referendum, as well as the successful execution of the protocol in terms of its contribution to SSR can perhaps best be illustrated by remarks from Sudanese officials before the referendum: “You westerners will be sorry. You are so supportive of South Sudan’s right to self-determination. But you will see that South Sudan will not be governable. It will be torn apart by ethnic divisions and the SPLM will prove incapable of governing. What you will get is a failed state” (in Lyman 2013: 335).

4.2.2 Wealth-sharing and the resolution of the Abeyi conflict

It must be highlighted from the outset that Sudan harboured serious reservations on oil production, specifically the distribution of oil revenue, after the independence of South Sudan. Its reservations were mainly based on the fact that the vast majority of the oil fields are not situated only in southern Sudan, but also in the conflict border states of Southern Kordofan and the Blue Nile as well as in the Abeyi region (the latter aspect is more thoroughly discussed in section 4.2.3 of this chapter).

From an economic viewpoint, oil is also a critical component of both states’ economies. According to the International Monetary Fund, 57 per cent of Sudan’s total government revenue derives from oil; in the case of South Sudan it is 98 per cent (US Energy Information Administration 2013). An effective peace agreement concerning the management of oil assets was thus critical to ensure a prevention of conflict between Southern Sudan and Sudan.

The CPA makes provision for separate agreements on wealth-sharing as well as the resolution of the Abeyi conflict. These two aspects are discussed simultaneously in

this section for the purpose of highlighting the complex and intertwined nature of the security issues within South Sudan and between South Sudan and Sudan.

The Wealth-sharing Protocol of the CPA provides for the management of land and natural resources in the whole of Sudan. For the aim of this study, this section only focusses on oil exploration and the distribution of oil revenue between South Sudan and Sudan as the oil issue poses one of the major security issues between South Sudan and Sudan. Time frames for oil exploration and the sharing of oil revenue was stipulated for implementation immediately after the signing of the CPA in 2005. The primary stipulations in this regard were the establishment of a system to determine the quantity and demand for oil production, the establishment of a system to monitor the Oil Revenue Stabilization Account, and the distribution of oil revenue to the applicable stakeholders, namely, South Sudan and Sudan (CPA 2005: 176-186).

As mentioned earlier in the previous section, reservations by Sudan on the successful execution of the oil-sharing stipulations after the independence of South Sudan materialised immediately after the country's independence. On two occasions tension occurred pertaining to both the incorrect payment of oil revenue to South Sudan and the discrepancies regarding production figures. During November 2011, Sudan accused South Sudan of owing them US\$ 727 million in transit fees for the period July to October 2011. South Sudan disputed this claim upon which Sudan prevented a tanker carrying South Sudanese oil of leaving Port Sudan in Sudan (Curless *et al.* 2013: 109). Nearly two years after independence, towards the end of 2013, the mechanisms for the export of oil from South Sudan to and through Sudan had still not been addressed.

It can be argued that the above incidents were operational or developmental problems. However, two events had major effects on the economies of South Sudan and Sudan and also led to an escalation of tension between the two countries which exposed the inability of the Wealth-sharing Protocol of the CPA to resolve or address a major security concern. It consequently failed to contribute to effective SSR. According to Lyman (2013: 336), the first occurred during April 2012 when the economy of South Sudan became insolvent after South Sudan ceased all oil

production due to a dispute with Sudan about the use of Sudanese infrastructures upon which Sudan halted South Sudanese oil exports. The second event happened later in the same month when the SPLA occupied the Heglig oil fields in the Abeyi region, 25 km within Sudanese territory, and an area both South Sudan and Sudan lay claim to (Check *et al.* 2012: 3). These events illustrate the detrimental effect of non-compliance with the CPA stipulations regarding the management of oil revenue between the two states. The further significance of the cessation of oil production by South Sudan and the occupation of the Heglig oil fields becomes clearer in the analysis of the execution of the Abeyi stipulations of the CPA which follows.

The Abeyi Protocol of the CPA provided for a referendum, simultaneously with the referendum on independence for southern Sudan, for the citizens of the Abeyi region to cast a separate ballot on their preferred position as part of either South Sudan or Sudan. Of importance, however, is no referendum had been conducted simultaneously with that of the southern Sudan referendum. It can thus be argued that the occupation of the Heglig oil fields and the halting of oil production in the Heglig area could have been averted, had the Abeyi issue been settled by the independence of southern Sudan within the time frame of the CPA.

The consequences of non-adherence to the Abeyi Protocol, in addition to the arguably illegal occupation of the Heglig oil fields by South Sudan, are continued armed confrontations between the SAF and the SPLA. It influences the security situation in the region and causes tension between South Sudan and Sudan. Between 2010 and 2012 the SAF launched attacks in the region which destroyed towns in the Abeyi region, forcing the local Ngok Dinka tribe to flee the area. In retaliation, South Sudan prevented the annual migration of the Messeriya (traditional pastoralists) from Sudan to their traditional grazing areas in South Sudan. The security situation deteriorated to the extent that the UN deployed the UN Interim Security Force for Abyei to the region (International Crises Group [ICG] 2014: 18). Towards the end of 2013, three years after the time scale prescribed by the CPA, the status of the preferred citizenship of the Abeyi region had not been addressed. Lyman (2013: 337) notes no attempts by external mediation or pressure from the AU paid any results to solve the impasse. According to the African Union Peace and

Security Council (AU PSC) Annual Report for 2013/14, there is little prospect for a solution to the outstanding Abeyi issue over the short term (AU PSC 2014).

Various analysts, according to (Curless 2013: 108), have viewed the distribution of oil revenue between South Sudan and Sudan within the CPA stipulation of wealth-sharing as “an obstacle and an opportunity to achieving peace”. In appropriating blame, both South Sudan and Sudan could be singled out for exercising military aggression and manipulating oil production. However, failure by the CPA to exercise the stipulations of the Abeyi referendum and the oil-sharing modalities, contributes to the failure of SSR in South Sudan as conflict in the Abeyi region continues and oil production by the end of 2013 remained a contentious issue. The distribution of oil revenue is clearly an ongoing dilemma which undeniably contributes to inter-state tension between South Sudan and Sudan.

4.2.3 The resolution of the conflicts in the Southern Kordofan and the Blue Nile states

The basis of, and potential for, continuous conflict in the Southern Kordofan and Blue Nile states are twofold. The first problem is the geographical area: the two states are situated along the disputed north-south border between South Sudan and Sudan which leads to ongoing conflicts between the SPLA and the SAF concerning the geographical position of the respective areas. Secondly, inter-tribal and ethnic tensions are rife in the area (Young 2012: 228-229).

The Protocol for the Resolution of the Conflicts in the Southern Kordofan and the Blue Nile states provided for the establishment of an assessment and evaluation commission as well as public hearings in each state to consider the implementation of the CPA as a mechanism to end the conflict in their respective states. The time frame for the execution of the Protocol was within four years after the signing of the CPA. Thus, the Protocol’s aim was the resolution of the conflict, irrespective of whether South Sudan opted for unity or independence, before the referendum scheduled for 2011.

By independence in July 2011, the Southern Kordofan and Blue Nile stipulations of the CPA had not been carried out. In both cases, state elections had not been conducted which prevented the establishment of the envisaged assessment commissions and the public hearings (Young 2012: 226-244). On 5 June 2011 armed conflict erupted in the Southern Kordofan state between the SAF and the SPLA because of disagreement about security arrangements and by September 2011, the conflict had spread to the Blue Nile state (Human Rights Watch 2012: 12). Despite peace attempts, the AU High Implementation Panel stated in April 2013 “deemed divergences between the negotiating parties irreconcilable” (Gramizzi 2013b: 58). By the end of 2013, the stipulations of the CPA remained unresolved and the conflict in the Southern Kordofan and Blue Nile states continues in what the AU PSC labels “a civil war” (AU PSC 2014).

The failure of the peace agreement is not restricted to the continuation of the conflict between South Sudan and Sudan, but it also has wider regional implications. Gramizzi (2013: 57-68) describes the conflict in the Blue Nile state also as a regional crisis as it affects or involves other regional states. He firstly draws attention to perceptions implying the Sudan People’s Liberation Army-North (SPLA-N), operating in Southern Kordofan, receives military support from Uganda. He next refers to the strategic position of the Blue Nile state to both the Blue Nile river and Ethiopia, a regional role player.

4.2.4 Security arrangements

The Protocol for Security Arrangements had as its main aim the cessation of hostilities between the SAF and the SPLA. The main stipulations of this Protocol pertained to a ceasefire to come into effect immediately after the signing of the CPA; a demarcation of the areas for the cessation of military activities which included the Southern Kordofan and Blue Nile regions; the deployment of a UN peace support mission to monitor the demobilisation areas and support a DDR programme; the compilation of Joint Integrated Units (JIUs) comprising elements of the SAF and the SPLA to form a united armed force for Sudan, and the implementation of a comprehensive DDR programme (CPA 2005: 87-121).

Analysed against the CPA, the security arrangements can be regarded as successful as most stipulations were adhered to. Directly after the signing of the CPA the ceasefire was implemented; JIUs were instituted; a UN peace support mission was deployed, and a DDR programme was launched. Unfortunately, a ceasefire and the institution of JIUs alone did not guarantee a total cessation of hostilities as the continuing conflict in the Southern Kordofan and Blue Nile states (as discussed in section 4.2.3) clearly illustrates. In addition, the next section will indicate the institution of a DDR programme also did not contribute to effective SSR.

4.2.5 The CPA: A futile attempt from the outset?

In section 2.4.4, the importance of peace agreements is discussed and confirmed. In the same section it is indicated the scholarship makes little mention of the role of peace agreements in post-conflict management.

Certain observations can, however, be made on the execution of the CPA and its role in the execution of SSR in South Sudan. The CPA contributed to successful SSR only as far as it succeeded initially in ending the conflict, paved the way for independence by southern Sudan – although it can be argued that it set South Sudan up for failure – and partially executed certain aspects of the Power-sharing Protocol. Conversely, the CPA largely failed to accomplish effective SSR. Most of the stipulations were poorly executed, or not executed at all, such as the continuing conflict in the Southern Kordofan and Blue Nile states, the failure to execute the referendum in the Abeyi region as well as non-execution of most of the provisions concerning oil production and the distribution of oil revenue.

The peace agreement should, nevertheless, not be categorically labelled as a failure but be analysed concomitant with other aspects of the SSR plan to determine the success of SSR. The CPA was confronted by unique security, developmental, and socioeconomic problems which would indeed complicate any SSR attempt. This aspect is discussed in section 4.5 of this chapter.

4.3 Disarmament, Demobilisation and Reintegration

Addressed next are the aspects of DDR as provided for in the Protocol for Security Arrangements of the CPA. Firstly, the stipulations in the CPA on how DDR should be carried out and, secondly, the specific DDR plan compiled by southern Sudan and northern Sudan according to the CPA. Finally, a critique on whether DDR was carried out according to the formalised DDR plan and in accordance with the spirit of the CPA.

Although southern Sudan compiled and commenced with a DDR programme in accordance with the provisions of the CPA, a clear distinction can be drawn between the execution of the DDR plan before and after independence in 2011. After the signing of the CPA in 2005, southern Sudan commenced with DDR in accordance with the agreed upon plan which is discussed hereafter. Because initial implementation problems such as logistic and financial constraints as well as the determination of demobilisation figures slowed down the process, DDR only commenced in 2009 which was four years after the signing of the CPA. Moreover, after having attained independence in 2011, South Sudan deviated totally from the DDR plan to the extent that it not only rendered DDR in South Sudan ineffectively, but also questioned South Sudan's commitment to both the spirit of CPA and the intentions of DDR by expanding and capacitating the SPLA rather than reducing its force strength. In the following section these two periods will be contrasted and some reasons be suggested as to why South Sudan deviated from the DDR plan and the effects thereof on SSR.

4.3.1 The DDR provisions of the CPA

The provisions for DDR are contained in Chapter 6 of the CPA which deals with the Security Arrangements Protocol. The provisions for a DDR programme is stated as a programme of "reduction, demobilising and downsizing of the forces" with the assistance of the international community (CPA 2005: 88). The Protocol prescribes the two main objectives of DDR as to contribute to the creation of an environment that enables human security and support of social stabilisation in Sudan, especially

in war affected areas. The second objective of DDR is it must be executed in a process of reconciliation across Sudan by forming part of the peace and confidence building measures. To achieve these two primary objectives, the CPA prescribes various principles to guide the DDR process. The most vital guiding principles are:

- only recognised state institutions must be established to lead the process,
- the role of foreign institutions must be restricted to a supportive role to the national institutions in the form of financial and logistical support,
- although the DDR process should be civilian driven, disarmament and demobilisation will mainly be a military process and all child soldiers shall be demobilised within six months of having signed the CPA,
- the DDR programme is to be carried out in conjunction with the execution and progress of the Ceasefire Agreement.

Concerning the compilation of a specific DDR plan, the CPA provided for the execution of DDR in Sudan through the establishment of three institutions, namely, the National DDR Coordination Council (NDDRCC), the southern Sudan DDR Commission (SDDRC), and the northern Sudan DDR Commission (NSDDRC).

The SDDRC and the NSDDRC were mandated by the CPA to design, implement, and manage the DDR process in their respective regions at state and local level but in accordance with the National DDR Strategic Plan (NDDRSP) of the NDDRCC. The NDDRCC was responsible to formulate oversight and review mechanisms to evaluate the execution of DDR as determined by the SDDRC and the NSDDRC. The SDDRC and the NSDDRC were supported by the international community comprised of the UN Mission in Sudan (UNMIS), the United Nations Development Programme (UNDP), the UN's Children Fund, and the World Food Programme (WFP). The two commissions were mandated by the CPA to institute joint DDR commissions, consisting of members of the NSDDRC and the SDDRC, to address DDR in the Southern Kordofan and Blue Nile states and also in the Abeyi region. In preparation for the establishment of the NDDRCC and the SDDRC, the parties were to liaise with international role players on DDR practises and models, draft operational DDR proposals, initiate capacity building to execute DDR, facilitate DDR

training through seminars and workshops, and commence with socioeconomic surveys in areas where DDR programmes will take place (CPA 2005: 118-119).

4.3.2 Instituting the DDR process

Towards the end of 2005, and in accordance with the provisions of the CPA, an Interim DDR Programme (IDDRP) was created to enable the NSDDRC and the SDDRC to commence with the demobilisation of the “Special Needs Groups” (SNG) before the commencement of the official DDR programme. The SNG was made up of older and disabled combatants, women and children. According to Nichols (2011: 10), the IDDRP was the initial phase of the Multi-year DDR Programme (MYDDRP) compiled between the GNU, international donors, and the GOSS. The IDDRP was approved under the NDDRSP during November 2007. The NDDRSP provided for the transformation of the IDDRP into Phase 1 of the DDR process which targeted all ex-combatants wishing to demobilise as well as the remaining caseloads of the SNG of the IDDRP phase. The NDDRSP set the caseload for DDR in southern Sudan at 90 000 combatants and determined June 2012 as the date for completion (Nichols 2011: 11).

4.3.2.1 Disarmament and Demobilisation

DDR must be seen as two separate processes and is therefore discussed in this section accordingly. The first process is disarmament and demobilisation (DD). Ex-combatants reported at an assembly area where they were disarmed before being transported to a nearby demobilisation area to be registered on the demobilisation list and officially discharged as civilians. The literature does not make much mention of disarmament statistics for reasons addressed later in the section. Available literature mainly addresses the handling of SALW under international conventional arms control legislation as well as the disarmament of civilians. The second process, reintegration, commenced after the ex-combatants had completed DD and consisted of support to the demobilised members for a “sustainable livelihood” and to be “successfully reintegrated into their communities” Nichols (2011: 32).

In the period between the signing of the CPA in 2005 and independence in 2011, the DD phase did not proceed according to the time scales of the NDDRSP. Although Phase 1 of the DDR process was agreed upon by the signing of the NDDRSP in November 2007, DD only commenced in February 2009, nearly four years after the signing of the CPA. By February 2011, shortly before the independence of southern Sudan, only 43 per cent of the targeted caseload of 90 000 combatants had been disarmed and demobilised (Nichols 2011: 26).

Upon independence in July 2011, South Sudan was still subjected to Phase I of the NDDRSP which was stipulated for completion by June 2012. Under this first phase, 57 per cent of ex-combatants still awaited DD and reintegration. But after independence, South Sudan seemingly reneged on all previous DDR approaches by deviating from the provisions of the NDDRSP and adopting its own DDR objectives, targets, and caseloads. DDR targets and planning are unfortunately vague as the literature primarily mentions various target dates and caseloads decided upon by die GORSS after independence. Munive (2013: 8), however, refers to a second phase of DDR where 150 000 combatants were envisaged for DDR in a combined programme between the SSDDRC, the United Mission in South Sudan (UNMISS), and the UNDP, scheduled to have commenced during 2012. The specific objectives were to reduce the size of the SPLA; support ex-combatants in their reintegration into civilian life; support ex-combatants to obtain livelihoods through non-military means, and to release persons under the age of 18 from service in the SPLA (Munive 2013: 30).

Phase 2 was repeatedly postponed and by April 2013 only 500 ex-combatants had completed the process. The literature is unclear on the further execution of Phase 2. According to the Small Arms Survey (cited in Munive 2013: 14), the force strength of the SPLA had grown from 160 000 as reflected in the 2009 SPLA White Paper on Defence figures to 210 000 by 2012. Hence, it appears as if the SPLA's force strength was to be increased rather than decreased. The increase in force strength may be allotted to deficiencies in the CPA that excluded other armed groups (OAGs). Munive (2013: 12) explains the OAGs consisted of 18 armed groups who were not signatories to the CPA but, after independence, had been integrated into the SPLA to garner support for the GORSS and minimise the insurgency threat they

may have posed to the SPLA. In addition, Snowden (2012: 22) mentions the “Objective Force 2017” by which the SPLA was to be reduced to a force strength of 120 000 by 2017. According to the Bonn International Centre for Conversion (BICC) (2013), a further reduction of personnel was envisaged which would reduce the force strength from 80 000 to 40 000 by 2020. The BICC indicates this new strategy was developed through the NDDRC and a pilot programme had already been launched earlier in 2013 with the support of Germany and the World Bank.

In an interview, De Caris (2014) explained the complexity of disarmament in South Sudan of both the SPLA and the civilian population. It is a complex issue because being armed is part of the psyche of the population due to tradition and perceived threats against their livelihood. In addition, a large part of the civilian population is armed due to the civil war, tribal conflicts, cattle rustling, and external threats arising from conflicts in neighbouring countries. De Caris argues the discrepancies in DDR planning and numbers should, in fact, be viewed against this background.

According to De Caris (2014), a large part of the civilian population is furthermore armed as they were urged to arm themselves against the perceived threat from Sudan after independence. No record or inventory exists of weapons as the population are fragmented according to tribal and ethnic lines and no central arms inventory existed due to the fragmented and unstructured command system of the SPLA. De Caris, who has been involved with SALW policy and legislation in South Sudan since 2009, says South Sudan entered independence with no official record of its arms inventory. No basis thus existed for disarmament even if it would have been attempted. He states where disarmament never effectively commenced before independence, for all practical purposes, it ceased after independence. In addition, the different armed groups were reluctant to disarm themselves because, according to them, it was their perceptions that there were threats against them which did not abate with independence. The interview with De Caris supports the argument in this study that disarmament had been reneged on by the GORSS and the SPLA after independence. De Caris also concurs that the non-disarmament of AOG contributes to the proliferation of small arms as these groups firstly refuse to disarm due to their

right for self-protection, and, secondly, as they were excluded as signatories of the CPA which exempt them from compulsory or expected disarmament.

4.3.2.2 Reintegration

A well-designed reintegration system was structured by the UNDP, through the MYDDRP, which provided for a comprehensive programme to support ex-combatants to successfully reintegrate into their communities and develop a sustainable livelihood according to their choice (Nichols 2011: 32-36). Under the MYDDRP, ex-combatants received an amount of US\$ 345 and were provided with free medical assistance. The SDDRC gave the former combatants a choice regarding their reintegration activities as well as their preferred region for integration or resettlement. Ex-combatants were to report to the commissioner of their preferred reintegration region three months after demobilisation to commence with their reintegration programme which was the responsibility of the state structures of the region where they integrated and not the SDDRC (Munive 2013: 23). The reintegration process was supported by the UNDP who appointed Integration Partners (IPs) as service providers. The IPs received an amount of US\$ 1 750 to facilitate the training of demobilised combatants in aspects of animal husbandry, vocational skills, small business ownership, literacy training, and numeracy courses. The IPs was made up of an array of local and foreign organisations and NGOs who could provide skills training according to the requirements of the reintegration programme.

Available sources differ on the progress of the reintegration process. According to Munive (2013: 23), reintegration numbers were low and by April 2012 only 9,3 per cent had completed reintegration training and a further 12,1 per cent registered but awaited training. The low reintegration numbers are confirmed by the Small Arms Survey (cited in Nichols 2011: 34) which indicates apart from the 9,1 per cent of ex-combatants who had by April 2012 completed reintegration training, 16 000 had registered but still awaited training.

Various factors delayed the commencement and progress of the reintegration process. Funding for the reintegration activities was only provided at the beginning of 2009 and the UNDP experienced difficulties in recruiting and providing personnel to manage the programme. As DD was the first step in the DDR process, reintegration could only commence late in 2009 as the first DD only started in August 2009. Reintegration procedures and benefits were not always, especially in the initial stages of the process, effectively communicated to former or potential DDR combatants (Nichols 2011: 33).

4.3.3 DDR: A case of non-commitment?

In analysing the DDR process, it is clear that significant differences exist on the execution of DDR plans before and after independence as well as the approach of DDR by the GORSS against the spirit of the CPA. In the period after the signing of the CPA in 2005 and independence in 2011, DDR was poorly executed. It will therefore be argued that the unsatisfactory execution can be ascribed to the following factors: poor or inadequate guidelines in the CPA; discrepancies in the force strengths of the SPLA; non-commitment to disarmament by the SPLA; inadequate administrative capacity, and financial constraints.

South Sudan was not effectively bound by clear provisions for the execution of DDR. The CPA did not stipulate or describe any specific DDR process to be followed, but only the broad objectives to be reached and principles to be followed throughout the process. Nichols (2011: 10) states the parties, by signing the CPA, merely agreed “to the principles of proportional downsizing of the forces on both sides”. A disregard for DDR by South Sudan is furthermore exposed by the absence of external or independent monitoring mechanisms. Nichols (2011: 26-28) draws attention to the fact that the CPA does not provide for UN monitoring or international oversight, thereby excluding any form of monitoring or verification. South Sudan could thus not be held accountable to a formalised DDR plan, externally compiled and monitored.

A major criticism against the protracted commencement of the DDR process was the continued discrepancies in the force strength of the SPLA as a basis to determine

demobilisation figures. According to Nichols (2011: 12), the initial number of caseloads for DDR by the SPLA was obviously inflated. Caseload figures of 90 000 submitted after the CPA is described by Nichols (2011: 15) as “guesswork” or “relatively arbitrarily”. Consultations to address demobilisation already commenced in August 2004 before the signing of the CPA. During these consultations, elaborate caseload figures of 300 000 by the SPLA were submitted. As a result of these questionable figures submitted by the SPLA, during 2005 the UN proposed consultations to address DDR, particularly the demobilisation figures. The proposals were rejected as it was feared that it would delay the CPA process. The consequence of this was a CPA without any clear guidelines on disarmament, oversight of combatants, caseload figures, and the disarmament of civilians. This raises the question whether the SPLA was ever serious about DDR and whether inflated numbers, already before the CPA, was a strategy for an expanded SPLA during the post-independence period; this possible scenario will be argued later in this section.

Effective disarmament did not commence after the CPA. Munive (2013: 21) draws attention to the fact that the disarmament process, as determined by the SDDRC, did not include a stipulation on the handling of returned weapons. This is contrary to what Nichols (2011: 28) describes as a process that should be characterised by a visible programme of disarmament to illustrate conflicting belligerents’ commitment to peace building and the cessation of hostilities. This did not take place with the disarmament phase in South Sudan. Weapons handed in were not destroyed but kept by the SPLA. Nichols (2011: 25) further exposes the deficiency in the disarmament process by stating that disarmament was carried out by the SPLA even before the combatants had arrived at disarmament areas. Weapons thus remained within the SPLA. It can thus only be concluded that the SPLA were never really committed to DDR.

Effective DDR was also influenced by an ineffective administrative system and financial constraints. The budget allocation was not sufficient to meet operational requirements and funds had been channelled from the UNDP directly into the reintegration funds instead of the demobilisation process. Insufficient and

inexperienced staff members also characterised the SDDRC which compounded their effectiveness (Nichols 2011: 19-20).

While it can be argued that southern Sudan before independence was reluctant to carry out DDR and the process was compounded by administrative and financial problems, it is important to discuss how South Sudan after independence totally reneged from the DDR plan. The following aspects are addressed as the principle reasons for the failure of the DDR process in South Sudan after independence: non-adherence of the agreed upon DDR caseloads and the increased force strength of the SPLA; the re-structuring of the SPLA based on the national security threat perception by the GORSS; a disregard of the spirit of the CPA; a change in the national socioeconomic requirements, and challenges faced by the new independent state.

After independence South Sudan continued to adjust its demobilisation figures. This was contrary to Phase 1 of the NDDRSP which at independence was still the mandated DDR plan as June 2012 was the date for completion, irrespective of the independence or self-determination status of South Sudan. Although the SPLA indicated their strength as between 150 000 and 160 000 before independence, they budgeted for a force strength for the first year after independence of 180 000 (Snowden 2012: 18). The author states “recruitment and subsequent expansion outpaced DDR, or any other process meant to downsize the SPLA”. Nichols (2011: 7-8) comments the SPLA has been displaying disinterest in the DDR process because by 2011 it began with the re-integration of already demobilised combatants back into the SPLA while, in fact, Phase 1 of the NDDRSP was still in process. Munive (2013: 7) also states the SPLA was “reluctant to reduce its ranks due to a perception that the CPA was merely a ceasefire rather than a peace agreement”. During his interview, Cornwell (2014) agreed with Munive’s (2013) statement and said the re-deployment of “older” (not combat-ready) members of the SPLA, amounts to a re-deployment of SPLA members.

National security considerations appear to be the main consideration of the GORSS to increase the force strength of the SPLA. Snowden’s (2012: 9-11) interpretation of

a possible reason for adjusting the DDR process is the external threats perceived by South Sudan. These threats concern the outstanding issues of the transfer of oil through Sudan from the oil fields in South Sudan, and the unresolved border demarcations of the Southern Kordofan and Blue Nile states. Other perceived threats include the outstanding Abeyi referendum and the insurrection of the Sudan People's Liberation Movement-North in the Southern Kordofan and Blue Nile states. Munive (2013: 8) also justifies South Sudan's deviation from the DDR programme by stating "in light of the continued internal armed insurrection, ethnic violence, widespread insecurity and border tension with Sudan". Snowden further argues the security structures in post-conflict environments view internal security as an immediate priority and not a long-term transformation. External and internal challenges "preclude the possibility of robust, thorough security sector reform" including DDR (2012: 7, 12).

Referring to South Sudan, Snowden (2012: 11-12) views the internal threat in South Sudan as a contributing factor to the slow or uncommitted DDR process. Snowden's view is supported by Nichols (2011: 13) who underlines an increased national security threat as a reason for slow DDR in South Sudan. It can thus be argued that South Sudan may have had the right and responsibility to revise its security strategy and military capabilities as various militant insurgent groups emerged after independence which the SPLA had difficulty to suppress militarily.

Munive (2013: 33) also suggests the socioeconomic conditions confronting South Sudan after independence forced the country to view the integration of ex-combatants different to the traditional approach of a single reintegration support to an ex-combatant. According to Vice-president Rick Machar, "the country needed to generate new ideas to move away from the classical DDR which only provides a one-time package of assistance to ex-combatants, to a more productive and sustainable programme which will continue to benefit the ex-combatants in their new life outside the organised forces" (Munive 2013: 33). The question can thus rightly be posed whether it can be expected of South Sudan to continue with DDR in light of an increased security threat and force strength requirement.

Not justified, to whatever extent, is the resumption of the recruitment of youths into the SPLA. According to Munive (2013: 14), the SPLA contributed to an increase in force strength by recruiting youths to counter the recruitment of youths by the OAGs. The question may be posed whether this is in the spirit of the CPA as indicated in section 4.2 and also in light of the demobilisation of youths under the SNG as discussed in section 4.3.2.

In analysing the DDR process in South Sudan both before and after independence, it is clear that the process was not effective according to the criteria set out in section 2.5. The DDR process in South Sudan can consequently be regarded as a failure. The literature and interviews conducted indicate almost no disarmament took place and SALW remained in possession of the SPLA who proved to be incapable of managing its armament in a controlled manner. Concerning demobilisation, envisaged demobilisation targets were not met by independence and were thereafter abolished. Although reintegration was executed and financial and logistic support as well as training was provided, reintegration figures were inevitably low due to the low demobilisation figures; after independence it was adjusted to a continuous social economic integration programme. Although South Sudan executed the DDR plan without apparent commitment and against the spirit of the CPA by expanding its force strengths and re-recruiting youths, its right to adjust its force capabilities and force strengths amidst an escalating national security threat as a new independent nation, while not justifying the misappropriation of its force, should be acknowledged. It is furthermore doubtful whether the effective execution of DDR could have averted the present conflict in South Sudan and between South Sudan and Sudan. Even if the DDR was executed effectively, South Sudan would still be confronted with internal and external security problems.

4.4 Foreign involvement

Although the USA played a major role in initiating the peace negotiations in the run-up to the CPA (Toh *et al.* 2012: 202), IGAD as well as Egypt, Italy, the Netherlands, Norway, the UK, the AU, the EU, League of Arab States, and the UN were witnesses to the signing of the CPA. Also involved in post-conflict reconstruction in South

Sudan are a myriad of NGOs and international organisations. It is not possible to address all and the nature of their activities. This section will confine itself to analysing the involvement of IGAD, international organisations, the UK, the USA, and the most prominent NGOs. IGAD has an interest in the successful execution of the CPA as the regional organisation and its role as the facilitator of the peace negotiations that resulted in the CPA. NGOs play an important role in development and financial support. The role of the USA in the run-up to the negotiations as mentioned is important and the UK as the former colonial power as well as its military involvement in South Sudan after independence.

The provisions for foreign involvement are stipulated in Chapters 1 and 2 of the CPA which deals with security arrangements. The CPA (2005: xiii) provides for the involvement of foreign role players by stating the CPA “appeal to the regional and international community and call on the organisations and states which have been requested to witness the signing of this Agreement to provide and affirm their unwavering support to the implementation of the CPA, and further appeal to them to avail resources for the necessary and urgent programmes and activities of the transition to peace as contemplated and agreed herein”. The CPA then calls for the participation of certain countries in the implementation of specific modalities of the CPA. Member states of IGAD (Djibouti, Eritrea, Ethiopia, Kenya, and Uganda) as well as Italy, Norway, the UK, and the USA were requested to serve on the Assessment and Evaluation committees of the CPA. Foreign military assistance as well as the deployment of foreign troops in support of the ceasefire and DDR programme were requested (CPA 2005: 2, 3, 94, 118-119).

4.4.1 The United Nations and UNMIS

Following the signing of the CPA in 2005, a United Nations Country Team (UNCT) was established in southern Sudan with the aim of providing humanitarian aid and recovery and development programmes. The UNCT consists of 22 different agencies and is led by a UN Resident and Humanitarian Aid Coordinator. The UNCT manages all UN assistance to South Sudan (UN 2014b).

One of the main objectives of the UNCT is support to South Sudan in the execution of the latter's South Sudan Development Plan (SSDP) through the United Nations Development Assistance Framework (UNDAF) which has the following defined outcomes: firstly, core governance and civil service functions are established; secondly, chronic food insecurity is reduced and livelihood opportunities increased; thirdly, key basic service delivery systems are in place and laying the groundwork for increased demand, and, fourthly, access to justice and the rule of law improves. Of importance, and in the context of peace building and SSR which is the focus of this study, is the fifth outcome of the UNDAF, namely, conflict prevention and security of communities. This outcome is defined as cooperation between the UNCT and the United Nations Mission in South Sudan (UNMISS) to design and implement a new DDR process for South Sudan. Despite the intent of the UNDAF of close cooperation between the UNCT and UNMISS to address DDR, literature does not mention any attempt to resume or improve disarmament and demobilisation as part of the DDR process. Mention is indeed made of the development of host communities and infrastructure to support the economic and social well-being of former combatants as well as the improvement of community security and peace building by addressing the proliferation of SALW (UN 2014c).

Provision for the deployment of foreign forces after the signing of the CPA in 2005 is stipulated under Chapter VI of the CPA which deals with security arrangements (CPA 2005: 94-98). UNMIS was deployed to southern Sudan in accordance with United Nations Resolution 1590 authorising the deployment of UNMIS in support of the provisions of the CPA (UN 2005: 1-4). Following independence in July 2011, UNMIS was, according to Resolution 1996 (2011) replaced by the United Mission in South Sudan (UNMISS) (UN 2011). The personnel component of UNMISS was mandated at 7 000 military personnel and 900 civilian police members. On 24 December 2013, following the security crisis in South Sudan, the UN, through Resolution 2132, mandated an increased troop strength of 12 500 personnel and the police component to 1 323 (UN 2013). UNMISS is mandated for protecting civilians; the monitoring and investigation of human rights transgressions; the creation of conditions for the delivery of humanitarian assistance; support the implementation of the Cessation of Hostilities Agreement; support to the GORSS to consolidate peace

in order to lay the foundation for state building and economic development; giving assistance to the GORSS to execute conflict prevention, mitigation, and the protection of civilians; provide support to the GORSS in security capacity development; establishing the rule of law, and strengthening the security and justice sectors of South Sudan.

The Protection of Civilians warrants further discussion as it will be argued later in this section that the mandate of UNMISS was in certain instances ambiguous in nature which inadvertently may have influenced, at least initially, its effectiveness. During May 2011, the UNSG qualified in a speech delivered to the UN what the response from UNMISS should be when under attack by stating “the protection of civilians is first and foremost the sovereign responsibility of the Government [of South Sudan]” and “external support to the Government in building its capacity to protect civilians is, at its very core, a civilian activity using political, human rights, humanitarian, police, justice, correction and military tools” (UN 2014d).

As discussed in section 4.3.3 when addressing the inadequate execution of DDR due to the poor stipulations in the CPA, it is suggested that UNMISS for the same argument cannot be judged for being poorly executed due to the restrictive stipulations of its mandate. Although mandated to protect civilians, it is executed within the concept of supporting the GORSS on the establishment of government structures on national and local level, the monitoring of human rights issues, to provide early warning of possible uprisings, and providing support to UN personnel. Although this approach of the UNMISS may be deemed as passive, especially its failure to intervene in the violent uprisings in the Jonglei State in 2012 (Hemmer 2013: 2) where more than 2 000 people died in inter-ethnic violence, it was not mandated to do so. It is thus suggested that the mandate of the UNMISS failed to contribute to effective SSR and not the failing of the UNMISS of its tasks per se. This opinion is based specifically on Articles 4 and 3b (iv) of the UNMISS mandate which stipulates “the use of all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate” which is specifically stated as “advising and assisting the Government of the Republic of South Sudan, including military and police at national and local levels” (UN 2011).

Roux (2014) is of the opinion that military intervention is not the main responsibility of UNMISS. Firstly, he emphasises the role of UNMISS to be the training of the South Sudan Police in the rule of law and emphasises that the protection of civilians is not prioritised as one of its main responsibilities. He also stresses that members of the police force are mainly former SPLA members whom the SPLM chose to keep occupied by re-deploying them to the police force. This does not contribute to the envisaged culture of community-based policing as the military culture of the SPLA is transferred to the police. Roux emphasises that the reform of the military, a priority during DDR, does not effectively take place due to the prioritising of the police services and installing the principle of the rule of law. The following two important aspects are also highlighted by Roux: Firstly, due to prioritising the training of the police force, the UNMISS is not structured and staffed to effectively deal with the protection of civilian activities. Secondly, what underlines the ineffectiveness of the UNMISS is its poor relations and communication with the GORSS, and mistrust by the GORSS towards the motives and intentions of the UNMISS.

In defence of the UNMISS, Hemmer (2013: 4) mentions that UNMISS contributed extensively to the resolve of local conflicts and received praise for its involvement in civil affairs and reconciliation processes elsewhere in South Sudan. The same author (2013: 3) also defends the complicated task of the UNMISS which had to support the GORSS but at the same time had to fulfil the role of “watchdog” and report any human rights violations of the same government. Roux also points to the negative effect of the relations between the Special Representative of the UNSG (at the time Hilde Johnson) and the GORSS which prevented the UNMISS to address and report transgressions due to her reluctance to take up such issues with the GORSS.

A point of criticism against the UNMISS by admission of the UN itself, is the failure to pay “particular attention to the special needs of women and child combatants” (UN 2011: 4). The literature provides little further evidence to this point; although at least on one occasion no action was taken by the UNMISS to protect women and children as described in the Jonglei incident referred to earlier in this section. Roux elaborates on the dilemma surrounding the use and demobilising of child soldiers

and comments military commanders of SPLA units released and sent youths back to their supposedly home regions due to fear of prosecution by the International Court of Justice. As these child soldiers were, however, homeless and socialised into the military culture, they were recruited by AOG or re-recruited by the SPLA as a counter to recruitment by OAGs.

4.4.2 Involvement of the USA and Europe

A review of the literature does not reveal any specific collective EU security strategy and approach to South Sudan but it does mention the Common Security and Defence Policy (CSDP) as the guiding document for security involvement in Africa (Whitman & Haastrup 2013: 57). The authors describe this document not specifically as a security approach, but as a new emerging strategic culture of the EU approach to sub-Saharan Africa (SSA). The authors categorise CSDP operations in SSA in the following five categories: reform-focussed operations; logistical assistance; military developments; police support; border assistance, and monitoring. The only mention of any EU involvement in Sudan was the support rendered to the African Union Mission in Sudan (AMIS) which fell under CSDP logistical assistance and AMIS II (AU mission in Darfur) consisting of the provision of military equipment and planning advice to the AU mission. The EU support to AMISS II ended on 31 December 2007 (Whitman & Haastrup 2013: 70). The non-involvement of the EU as an organisation in South Sudan is confirmed by Saferworld (2012) which argues that the EU should become involved in civil-military relations programmes and in consultations in the defence transformation process, and should facilitate dialogue between conflicting clans.

The UK provides support under UKAid through the Department for International Development (DFID) (DFID 2013a). Apart from humanitarian and developmental assistance, the DFID's operational plan stipulates its support for peace building in South Sudan as "supporting reform of the national army and police force, the legal sector, as well as reconciliation and community security reform. Our work includes helping the move to a smaller, more disciplined and more accountable army under civilian control, a police force that provides security for citizens and improved access

to justice” (DFID 2013b). The DFID conducted a Security Sector Development and Defence Transformation Programme in South Sudan (SSDDT) until 2012 when UKAid advertised for a tender to take over Phase 2 of the project with the withdrawal of BurtonRands (UK) as facilitator of the project. The aim of SSDDT II is formulated as follows: “To assist the Government of South Sudan to ensure that the military are held accountable to stronger civilian oversight contributing to the improved safety and security for the citizens of South Sudan.” The most important goals and outcomes identified by SSDDT II are: “The establishment of a National Security Council with a clear structure and mandate and increasing evidence of better decision making within the security sector; ministerial mandate to oversee and scrutinise SPLA progress on transformation; capacitating parliament to play an effective oversight role in the development and implementation of National Security Policy; the performance of security sector actors” (SSDDT 2014). SSDDT II is scheduled for the period 25 February 2013 to 31 December 2015 at a budgeted expenditure of £4,369,000 (SSDDT 2014).

The USA is involved in South Sudan as part of its external USAID programme and includes developmental aid in the following areas: agriculture and food security; democracy, human rights and governance; economic growth and trade; education (USAID 2014). The USA, through USAID, had donated US\$ 394,6 million between 2011 and 2012 of which US\$ 284 million was applied for peace and security (USAID 2014).

Although not specifically requested in the CPA for assistance, the EU, UK and the USA did not contribute effectively in support of the provisions of the CPA. Based on the literature it is deduced that the USA was not specifically involved in any military-related SSR programmes but that all assistance was executed within their structured foreign support programmes. The UK was not successful in advising or instituting civilian and parliamentary control over the military although it was the stated aim of the DFID and later the SSDDT. Neither were the two programmes effectively involved in support of the DDR plan, despite their stated focus of support in restructuring the SPLA.

4.4.3 African involvement

The significance of African involvement in peace building in South Sudan is twofold. Firstly, as discussed in section 4.4, IGAD was the major role player in facilitating the peace negotiations which culminated in the CPA of 2005. It can therefore be expected that it had a major interest in and obligation to support South Sudan in its SSR efforts. Secondly, African involvement is imperative for regional stability which would imply continental support to SSR.

IGAD is involved in South Sudan through its Regional Capacity Enhancement Initiative (RCEI), a triangular initiative between the GORSS, Ethiopia, Kenya, and Uganda as members of IGAD, and Norway. Norway provides the financial support for the management of the RCEI which for the period 2011 to 2013 amounts to US\$ 18 million (da Costa *et al.* 2013a: 1).

The tasks of the RCEI are to develop central and local South Sudanese government structures by “twinning” IGAD officials, referred to as civil service support officers (CSSOs), with counterpart South Sudanese structures on a peer to peer training approach (Rosén *et al.* 2011: 1). The RCEI consists of programmes to reform and/or strengthen government functions and structures in the following areas: records management; the drafting of strategic plans; establishment of operating procedures; policy formulation systems; processes for policy approval, and support for work plan development and implementation (da Costa 2013b: 2). According to the programme, 200 civil servants (80 from Kenya and 60 each from Ethiopia and Uganda) have been deployed since 2011 to serve on a 2-year rotational basis. Da Costa (2013b: 4) states 199 IGAD civil servants had by April 2013 completed the programme’s first 2-year cycle although the programme was initially hampered by implementation problems such as a failure to identify counterparts in the South Sudanese government structures, South Sudanese supervisors were ill-informed on the project, and a reluctance of cooperation by South Sudanese officials who were afraid of losing their positions. However, the UNDP (in da Costa 2013b: 2) reports the initial implementation problems were addressed and by July 2012 eighty-three per cent of CSSOs had paired up with “twins” and were operational.

Although it is difficult to analyse the success of the RCEI in influencing and developing structures in South Sudan in quantifiable terms, it appears as if at least the RCEI is a change in foreign development approaches that may be to the advantage of SSR in South Sudan. Various authors are of the opinion that the concept of the RCEI programme provides the most effective approach to governmental capacity development as it is in accordance with most recent approaches of post-conflict management by foreign role players which represents a change from the more traditional approach to foreign support in what Toh and Kasturi (2012: 204) refer to as the “relief to development continuum”. According to this approach, international support to the reform of government structures is the last phase of international involvement after providing humanitarian assistance, executing DDR, and giving physical assistance. According to the USAID, the RCEI abandoned this “relief to development continuum” concept and adopted a more direct approach with “an overlapping sequence of categories of assistance” where foreign assistance is not a separate and last phase of assistance, but an integral part of the domestic and foreign assistance programme from the start of the peace building process (Toh & Kasturi 2012: 204). Da Costa (2013b: 2) supports the approach of the RCEI programme in South Sudan due to the cultural and linguistic similarity of the region, corresponding administrative systems, and knowledge of local and regional conditions. Rosén *et al.* (2011: 4) endorse the advantages of this regional-based approach to capacity building in South Sudan based on the sociocultural similarities. The authors view short-term missions by international consultants as “helicopter in and out classroom sessions”.

According to Murithi (2006: 7), the New Partnership for Africa’s Development (NEPAD) secretariat in Midrand, South Africa, is responsible for the support of post-conflict reconstruction through the mobilisation of resources for the AU Peace Fund. This assertion is, however, corrected in correspondence with Adeoye (2014) who indicates NEPAD’s responsibility as not managing the AU Peace Fund but being responsible for social development and transformation issues whilst the AU Commission (AUC) is responsible for peace and security issues. A review of sources

and liaison with the AUC does not reveal any insight on the AUC's involvement in South Sudan.

According to Hendricks and Lucey (2013: 2-3), South Africa engaged in various training programmes in South Sudan after the signing of the CPA. Firstly, the South African government initiated various training programmes in leadership, diplomacy, public service administration, public finance management, legal affairs, policing, intergovernmental relations, government communication, and the management of government information. Secondly, to support the GORSS in institution building, the University of South Africa (Unisa) had trained more than 1 000 government officials by 2010. Lastly, ACCORD, a KwaZulu-Natal based NGO, was appointed to provide capacity building training in peace building and reconciliation, community security, and governance. Directly after the independence of South Sudan in 2011, South Africa established diplomatic relations with South Sudan and entered cooperation with a Memoranda of Understanding in the fields of trade and economic cooperation, transport, agriculture, and defence.

4.4.4 Non-governmental organisations and foreign donors

Later in the study, when addressing security sector structures in section 4.5, mention is made of the poor socioeconomic status of South Sudan upon independence. Governmental institutions were weak and almost no infrastructure existed. Support by NGOs for developmental and financial assistance was thus imperative for SSR.

Various international and national NGOs are involved in South Sudan of which the majority are affiliated to the South Sudan NGO Forum (SSNGOF). Development and humanitarian aid by all NGOs, the GORSS, UN donors and other external stakeholders coordinate their activities through the SSNGOF. The purpose of the SSNGOF is to facilitate and coordinate the work of its affiliated members in support of their humanitarian and development projects in South Sudan through its membership or observer status of most national developmental structures, including the UNCT. It also serves as member of most steering and oversight committees of pooled funds by foreign donors. According to the annual report of the SSNGOF for

2012/13, its membership in 2013 was 134 members from 23 countries with a committed funding of US\$ 510 million and an estimated funding of US\$ 1 billion by 2017 (SSNGOF 2014). Of importance is that the SSNGOF does not participate in any military activities (SSNGOF 2014). This was confirmed in an interview with Groenewald (2014) who indicates 90 per cent of NGO activities are aimed at humanitarian and development aid, and their involvement in security issues are restricted to the identification of potential areas of conflict for the preparation of humanitarian aid or any applicable preventive measure.

A large number of international organisations and countries contribute funds for development in South Sudan. Funds are channelled to South Sudan directly to projects or through multilateral pooled funds. According to the GORSS (2014a), the most important of the pooled funds is the following: the Joint Donor Team (JDT) which operated in South Sudan between 2006 and September 2013. The aim of the JDT was the application of donor funds in partnership with the GOSS/GORSS in support of sustainable peace, poverty reduction, and the attainment of the Millennium Development Goals (JDT 2014). Available literature is not clear whether the JDT was replaced. Secondly, the Capacity Building Trust Fund (CBTF) was launched in 2004 and is scheduled for closure in 2014. The CBTF administers funds for public administration, financial management services, and technical capacity building (CBTF 2014). The most significant donor to the pooled fund was the role of the World Bank's Multi-donor Trust Fund (MDTF) from 2005 to 2013. Between 2005 and its closure on 28 May 2013 the MDTF had committed US\$ 718 million for socioeconomic development (MDTF 2014).

4.4.5 The success of foreign involvement: An inconclusive debate

The effectiveness of foreign involvement in SSR in South Sudan is not easily answered and can be addressed within recent debates on peace building and post-conflict reconstruction. According to O'Dell (2012: 477), the influence of international involvement in peace building remains a debate within international relations. He argues that the following questions remain unanswered: "How should international organisations become involved in peace building and state building and when and

how does the recipient state relinquish this responsibility to international organisations?”

O'Dell (2012: 477) also views the UN, whether through military involvement or state building, ineffective in addressing conflict and post-conflict situations and suggests it should consider its future approach in responding to threats.

Based on the viewpoint of O'Dell (2012) and the guidelines for foreign involvement as discussed in sections 2.4.1 and 2.4.2, it can be stated foreign institutions and countries were indeed involved in SSR in South Sudan. International involvement was required and requested through the provisions and stipulations of the CPA and South Sudan was, apart from the provisions of the CPA, in need for such assistance due to the absence of any noteworthy governmental and socioeconomic structure in the country. The scope, successes, and commitment of these role players can, however, be debated and this study concludes that foreign involvement can be described as varying in effective contribution to SSR.

The UN adheres to its own guidelines through a country-specific strategy for South Sudan and a country-specific team which, through various UN and other agencies, closely assists South Sudan with humanitarian and developmental programmes. Various other international donors provide financial support through independent financial management structures to ensure the effective application of these funds. Regional support, through IGAD, plays an effective role in developing administrative and managerial capacity in governmental structures. Based on literature and scrutinising the activities of these organisations, it is clear foreign involvement plays a considerable role in humanitarian and developmental assistance in South Sudan.

Concerning military involvement, the effectiveness of the UNMISS is arguable. To its credit, is its involvement in civil affairs and recognition should be given to the difficult task of supporting developmental programmes while at the same time reporting on transgressions on the same matter. On the other hand, three aspects characterises what can be described as failures by the UNMISS. Its negligence to act against the recruitment of youths, – which the SPLA continued after independence against the

spirit of the CPA; the ineffective protection of women and children, and its failure to assist the UNCT in the DDR process.

4.5 The security sector structures and civil control

In addressing security sector structures and civil control in South Sudan, brief reference will be made to security sector structures in the period before independence in 2011. The main emphasis will, however, be on the period after independence in 2011 with special attention to civil control over security sector structures as well as addressing polarisation within the military. It will be argued that any SSR attempt will be thwarted by the absence of a political nature of the SPLM, a continuation of the dominance of the GORSS by the SPLA as well as the polarised nature of the military.

4.5.1 Security sector structures before the CPA

It is important to consider the status of governmental and security sector structures in southern Sudan before the signing of the CPA in 2005 as this section will argue that SSR may be unfairly judged due to the situation in South Sudan where a traditional and institutionalised government does not exist.

Curless and Peen Rodt (2013: 102) state not even a basic infrastructure existed in southern Sudan at the time of the signing of the CPA in 2005. The central and regional government structures were weak and administrative and political control was exercised through the Southern Coordination Council of northern Sudan which, in effect, only had influence over Juba, the Capital of South Sudan. On regional level, control was exercised by SPLM/A structures either in conjunction with civilian structures or according to traditional forms of authority. Haslie and Borchgrevink (2007: 24) describe southern Sudan after the signing of the CPA as “post-conflict South Sudan is not only in a state of re-construction, but even more so in a state of construction, where the state is being built almost from the scratch”. This raises the question of whether a traditional or theoretical model of SSR as applied in this paper can be applied in South Sudan.

4.5.2 The stipulations of the CPA

The provisions for a southern Sudan security sector and civil control over the military are contained in Chapter 2 of the CPA which deals with power-sharing. As discussed in section 4.2.1, the GOSS could exercise authority over southern Sudan but under auspices of the GNU. The GOSS had decentralised political powers enshrined within a southern Sudan constitution. The SPLA and the SAF were put under command of a Joint Defence Board that reported to the president. The CPA does not clearly state how civilian control over the military should be exercised, except that it states the armed forces of southern Sudan and northern Sudan should “respect the rule of law and civilian government, democracy, basic human rights, and the will of the people” (CPA 2006: 108). Southern Sudan was thus not mandated to execute its own defence and security affairs and as such had no ministries of defence or national security. According to the CPA (2005: 24-28), the GNU was mandated for the promotion of defence and national sovereignty and a national security council was mandated to compile the national security strategy.

Although no formalised defence and national security structures existed by independence in July 2011, there had been certain governing bodies addressing security and defence aspects within southern Sudan. The South Sudan Security Committee reported security matters to different state security committees or directly to the SPLA on a weekly basis. A South Sudan Defence Council developed strategic security plans and consisted of the ministers of presidential affairs, foreign affairs, national security, information, defence, interior, finance, and legal affairs. These institutions were, however, not formalised in legislation or legislative documents (Snowden 2012: 14).

The implication is therefore that the GOSS entered independence without formalised security sector structures and limited experience and knowledge to manage such structures.

4.5.3 Implementation after independence

Following independence in 2011, the GORSS was organised in 21 ministries of which at least four can be regarded as security structures, namely defence, national security, justice, and the interior (GORSS 2014b). Various commissions exist to support the ministries in the execution of their tasks. The only commissions which might have relevance to civil control over the military are the Fiscal Allocation Commission and the National Audit Chamber. However, the former deals with the allocation of state funds to provinces and states and the latter audits government institutions and agencies.

It was suggested in section 4.5 that the SPLA continues to play a dominating role in politics. This is evident in the structure of the defence ministry which provides for the reporting of information to the president through the SPLA and not the minister of defence. The disregard of governmental security planning and guidelines by the SPLA is further apparent by the indifference of the SPLA towards the SSDP shortly after independence. According to Snowden (2012: 16), the SSDP for 2011-2013 – which was adopted by parliament shortly after independence in July 2011 – was ignored by the security institutions despite the intention of the SSDP to establish the following structures and processes: a national security advisor; a security committee secretariat; a security policy decision-making process, and a national strategic communication network.

4.5.4 Civil control

As the literature consulted and enquiries directed to institutions within South Sudan concerning civilian control over security sector institutions bore no results, this section will argue that it can be assumed that civil control over security structures was ineffective or even non-existent. The argument is based on the following factors: Firstly, the inability of the SPLM to assume a political posture; secondly, the authoritarian style of Pres. Salva Kiir and the continued military dominance of the SPLM by the SPLA and, lastly, the polarisation within the SPLA which led to a further deterioration of political stability.

It was mentioned in section 4.5.1 that no institutional government structure existed at the time of the signing of the CPA in 2005. It should be borne in mind that the SPLM never was a traditional political organisation or party. The inability of the SPLM to act as a political party is aptly described by Dr Peter Nyaba, former Minister of Higher Education and Scientific Research in South Sudan, who stated: “The ‘M’ (for movement) in the SPLM/A was always nominal. It did not have a life of its own...The militarists rigidly identified and dedicated the liberation process to armed struggle and made their political fate totally dependent on it, thereby producing the militarist elite whose existence and survival became linked with the continuation of war ... The ‘A’ was the dominant and the strategic factor in decision making.” (Nyaba in Zambakari 2014). Nyaba further observes the SPLM failed to organise itself into functional institutions and develop a political ideology which resulted in the ethnicisation of SPLM power politics, and was unable to institutionalise power relations within the SPLM which resulted in authoritarian rule (Zambakari 2014). The political inability of the SPLM is also highlighted by the International Crises Group (ICG 2014: 3) which comments although the period after the signing of the CPA in 2005 up to independence in 2011 was intended for the SPLM to transform into a cohesive political entity with the ability to govern, progress was limited.

It is suggested that the failure of the SPLM to transform into a political party is further brought about by the continuous militarised posture of the SPLM and the increasing authoritarian approach by Kiir. Three events are suggested to support this.

The first event was the death of Dr John Garang in a helicopter accident a few weeks after the signing of the CPA in 2005. Garang had been sworn in as president of South Sudan, as well as the first Vice-president of Sudan under the GNU in accordance with the power-sharing agreement of the CPA (addressed in section 4.2.1). During the civil wars, Garang aspired for a unified Sudan with self-governing status for southern Sudan under a government of national unity. He viewed an independent South Sudan as an option only if it became apparent that a unified Sudan would, after the transitional period up to 2011, not be deemed viable and the popular vote in the referendum opted for independence (Johnson 2014: 302). After Garang’s death his political ideology ceased with the election of his

successor, Salva Kiir, a career soldier, as president and the leader of the SPLM. Pres. Kiir immediately abolished Garang's vision of a unified Sudan with self-governing status for South Sudan and, on what will consequently be focussed on, his perceived centralisation of military and political power. As is later argued in this section, Kiir's vision for centralising military and political power ruled out any realistic attempt for effective civil control or parliamentary oversight on security sector institutions. After his appointment, Kiir replaced Garang loyalists with his own supporters of whom some were not part of the SPLM. It is noteworthy that already during this period complaints arose as to the inaccessibility of Kiir who isolated himself with close advisors. The period also saw the beginning of the rivalry between Kiir and Machar that would characterise their future hostile relationship and the eventual inability of the SPLM to function as a political organisation. This will be addressed later in this section.

Secondly, after the signing of the CPA in 2005, and despite being appointed as Vice-president by Kiir after the death of Garang, Machar's political ambitions continued. Zambakari (2014) states the crises between Kiir and Machar as a "conflict between two men" which "reduced the political conflict to a tribal conflict". Tension rose further between Kiir and Machar during the SPLM national convention in 2008 during which Machar challenged Kiir for the party leadership. Conflict between them emerged again during 2011 related to disagreements on the transitional constitution and accusations by Kiir that Machar was running a "parallel government" (Awolich 2014: 2).

Thirdly, on 8 January 2006, Kiir signed the Juba Declaration by which the SPLA, the Southern Sudan Armed Forces, and the OAG incorporated to create a unified southern Sudan in the run-up to the referendum for independence in 2011 (Arnold 2007: 492). De Kock (2014) commented in an interview the Juba Declaration can also be interpreted as an early attempt by Kiir to centralise political and military power. According to the ICG (2014: 5), in the period after the Juba Declaration, Kiir continued to co-opt armed groups into the SPLA by granting senior ranks to its leaders. Lastly, Kiir's authoritarian rule was also apparent during December 2013 when he cancelled a Political Bureau meeting and circumvented the National

Liberation Council when it became apparent that his re-election during 2015 would be discussed during these meetings (Johnson 2014: 307).

According to the Sudd Institute (2014: 2), the internal crisis in the SPLM/A is not new and disagreements in the organisation already occurred in 1983 due to conflicting views on independence or autonomous rule for southern Sudan. Furthermore, in 1991 Machar split from the SPLA in an attempt to raise anti-SPLA sentiments and remove Garang from his central position within the SPLA (Awolich 2014: 1). In interviews with Roux (2014) and Cornwell (2014), both commentators emphasised the power struggle between the Nuer tribe of Machar and the Dinka tribe of Kiir which affects cohesiveness within the SPLM. Mention has earlier in this section been made of Kiir's attempts to consolidate power by the appointees of loyalists. Although not the main reason, but a contributing factor, it nonetheless might have played a role in the challenge to the leadership of Kiir by Machar, whom Roux (2014) refers to as being marginalised and excluded from power. Upon Machar's indication in April 2013 that he would stand for presidency in 2015, Kiir dismissed him, the Secretary General of the SPLM, and the entire cabinet. The Sudd Institute commented at the time this "had created a near paralysis both within the party and the government structures" (Sudd Institute 2014: 5).

It is argued that any parliamentary control or civil oversight over security sector structures amidst such political rivalry and authoritarian control by Kiir, is highly unlikely. Cornwell (2014) supported this argument during an interview by emphasising the fatality of the envisaged principle of civilian control over the security sector structures, specifically the military. He confirms the unlikely scenario of civil control due to the overwhelming militarised nature of the SPLM which basically consist of former SPLA members who, being from the Dinka tribe, are loyal to Kiir. Cornwell also supports the argument that civil control in South Sudan is a case of "being accountable to oneself". Finally, he points to the deployment of the SPLA on regional level where they support the SPLM in government matters. It is suggested that this integrated role of the SPLA with the SPLM can be labelled a parallel political mechanism which further illustrates the inability of the GORSS to separate politics and the military and effectively rules out civil oversight.

4.5.5 Civil control over the security sector structures: A continuous debate

Despite a shortage of literature, certain observations can be made on security sector structures and civil oversight as discussed in section 2.4.7. The importance of civil oversight over security institutions is accepted as one of the minimum requirements in the process of democratising. After independence a ministry of defence and certain auditing and financial committees were instituted and training was provided to government structures.

It is, however, suggested most of the prerequisites for effective security structures and the civil control thereof (based on the conditions as set out in section 2.4.7) are not being met. Considering the SPLA/M's emergence from a liberation struggle in combination with the political weakness of the SPLM, it is suggested a culture of democratisation and political control, in whatever form, has not been and is still not institutionalised in the psyche of the SPLM. Civilians are not democratically elected to parliament and loyalists are appointed by Kiir to whom the SPLA also reports. Although security structures such as a defence ministry exists, its role is restricted due to SPLA dominance of the GORSS and the authoritarian leadership of Kiir and SPLA/SPLM members aligned to him.

Given the incapability of the SPLM to transform into a political organisation, Kiir's centralisation of power will further inhibit the development of a democratic style of government. It is unlikely that Kiir, in his quest to consolidate power and his antagonism against Machar, would allow for interference by way of parliamentary and civil control. Even if oversight structures do exist, its effectiveness should be doubted due to the inexperience of parliamentarians to deal with military and defence issues. It can be stated the security sector has not succeeded in the formation of structures and policies which are effective in attaining security and justice for the population of South Sudan subject to effective democratic control. SSR to institute effective security sector structures, subject to civil control, has thus failed.

4.6 Conclusion

Although certain aspects of the SSR plan contributed to peace building and post-conflict reconstruction, the continued conflict in South Sudan and between South Sudan and Sudan can be ascribed to the poor execution of the provisions of the CPA.

With the exception of the execution of a referendum for independence and the implementation of a ceasefire, almost none of the provisions of the CPA which include the resolutions of the conflicts in the Southern Kordofan and Blue Nile states, the referendum in the Abeyi region as well as the provisions of oil exploration and distribution of oil revenue, have yet been met. The failure to implement these provisions remains the cause for continued tension between South Sudan and Sudan and within South Sudan.

The DDR process was a complete failure. The process only commenced four years after the signing of the CPA and was flawed by conflicting demobilisation numbers. South Sudan, even before independence, was never committed to the process and after independence reneged on the plan agreed upon. International involvement, including foreign donors and NGOs, concentrated on developmental issues and failed to institute any specific measures or plans to specifically address SSR. UNMISS did not contribute to conflict management as it was restricted by their mandate of only supporting the GORSS in conflict management. Where certain provisions of the CPA pertaining to international involvement as part of the SSR plan were to a lesser extent successfully implemented, the institution of security sector structures and civilian control was a complete failure. Security structures within the GORSS are derived from any executive power through the authoritarian rule of Kiir and the continued manipulation of the SPLM by the SPLA which prevents any possibility of civil control and parliamentary oversight.

CHAPTER 5

FINDINGS AND RECOMMENDATIONS

5.1 Concluding summary

The aim of the study was to determine the effectiveness of SSR in South Sudan. Based on the absence of an institutionalised security sector before independence as well as the continuing conflict in the country after independence, especially towards the end of December 2013 when political unrest brought South Sudan to the brink of a civil war, it was assumed SSR would be imperative. The necessity to analyse SSR in South Sudan was further highlighted by reservations on the prospects for effective SSR due to unresolved security issues before independence as prescribed by the CPA, a continuation of tension between South Sudan and Sudan, and a failure to address the most important aspect of the peace agreement.

It was stated the fundamental problem appeared to be the fact that SSR was not effectively executed in South Sudan. This led to a protracted poor security situation which is expected to last into the foreseeable future. The question the study needed to answer was the extent to which the continued conflict within South Sudan and between South Sudan and Sudan could have been averted by an effective SSR plan and execution of the provisions of the 2005 CPA.

Chapter 2 indicated that SSR is not a prerequisite for post-conflict reconstruction, neither is it enforced by any legislation. It is only a concept within IR to address peace building. For this reason it was chosen to analyse SSR in South Sudan as South Sudan adhered to two of the criteria for this concept. Firstly, being a state gaining independence and being a state emerging from a major conflict (its secessionist struggle with northern Sudan). The chapter indicated various approaches to SSR exist, but it could be conceptualised as any method or approach to strengthen the security apparatus in a country to accomplish the effective safeguarding of the population and the state. In addition, various initiatives on how to execute SSR were explained. These include aspects such as judicial reform, DDR,

reform of the police force and intelligence services, control of small arms, and civil control over the military. For the purpose of this study, the four prerequisites listed below were identified as the most relevant to apply in an analysis of effective SSR in South Sudan.

- A formalised peace agreement. Peace agreements are deemed as the guiding document for the implementation of a peace process or post-conflict reconstruction. It provides for the involvement of the former belligerents, international and regional actors, and organisations to implement the peace agreement.
- Disarmament, Demobilisation and Reintegration. The role of DDR is generally accepted as a minimum requirement in the execution of SSR as it provides for the cessation of hostilities, the demobilisation of the belligerent forces, and the control over the proliferation of SALW.
- International involvement. International involvement, including foreign military deployment such as peace keeping forces, ensures the protection of civilians, provides support in reconstructing the socioeconomic infrastructure, and provides for oversight of the DDR process. Most importantly, advice and support on the reconstruction of security sector structures are provided.
- Civil control over security sector structures. As with peace agreements, civil control over security structures is deemed one of the minimum requirements of SSR. The military must be de-politicised to be accountable to parliament which constitutes democratically elected civilians.

Before SSR in South Sudan was analysed against the above mentioned criteria for an SSR model, Chapter 3 provided a historical overview of the independence of Sudan in 1956, the subsequent political and economic marginalisation of southern Sudan, the two civil wars between southern Sudan and northern Sudan, and the eventual peace process that resulted in the CPA of 2005. The overview was essential as it highlighted embedded discrepancies in the evolution of relations between southern Sudan and northern Sudan which were to have a major impact on SSR and the eventual peace agreement between the two countries. It explained the inability of South Sudan to organise itself into a cohesive political entity, elaborated

on ethnic diversity that led to political polarisation, and the political dominance of the SPLA as the driver of political agendas in South Sudan.

In Chapter 4, SSR in South Sudan was analysed against the criteria as determined in the theoretical framework developed in Chapter 2. The analysis led to the following conclusions. Firstly, a peace agreement in the form of the CPA was reached and instituted but was mostly not successful. The only protocols of the agreement that were adhered to were the execution of a referendum for independence, the ceasefire arrangements, the incorporation of the SPLA into a unified Sudanese armed force as part of the JIUs, and the deployment of a peace keeping force. The critical aspects of the peace agreement which had not been adhered to are presented in the next four paragraphs.

In the first place, the resolution of the conflict in the Southern Kordofan and Blue Nile states as well as the demarcation of the Abeyi region which continue to lead to conflict within South Sudan and between South Sudan and Sudan. Wealth-sharing, with specific reference to the distribution of oil revenue which remained the cause of tension between South Sudan and Sudan, was not upheld.

Secondly, DDR did take place, albeit reluctantly, before independence. But, after independence South Sudan engaged in a new DDR plan and approach. Disarmament never took place and reintegration was in-effective due to the slow demobilisation rate.

Thirdly, the analysis found that foreign role players and international organisations were actively involved in South Sudan directly after independence. International involvement and foreign donors, however, failed to make any specific contribution to SSR, such as support to DDR and UNMISS. Its involvement was mainly concentrated on governmental and socioeconomic programmes. UNMISS was not successful as it failed to effectively carry out its mandate of the protection of civilians and the recruitment of child soldiers.

Lastly, civil control over an SPLA-dominated security sector structure, specifically the ministry of defence, did not materialise due to the inability of the SPLM to transform into an effective political party, the centralisation of power by Pres. Kiir, and the dominance of the GORSS by the SPLA.

5.2 Findings

Based on the four criteria of the theoretical model developed in this study, it was found that SSR has failed in South Sudan.

Conversely, the study unquestionably suggests SSR can be considered as a workable concept for post-conflict reconstruction, specifically within a state acquiring independence such as South Sudan. Equally important, SSR is an effective model to address peace building or post-conflict reconstruction as it provides for a wide spectrum of measures to address security, political, and economic disparities within a state emerging from a conflict and aspiring to democratise as a new state.

The SSR plan for South Sudan consisted of all the elements to address the political and economic discrepancies in South Sudan brought about by its historical marginalisation from northern Sudan. These elements include measures to solve the most critical sources of conflict within South Sudan as well as between South Sudan and Sudan, and measures for the provision of wealth-sharing for future conflict prevention and the economic benefit of both states. Nevertheless, the finding was that the SSR plan failed. It raises the question, “Why?” This study maintains the opinion the failure of the specific SSR plan was not due to its inherent weakness or being an ineffective concept, but because of the reasons outlined below:

- The failure by international organisations and foreign role players to become effectively involved in security aspects such as DDR and support to UNMISS but to rather concentrate on socioeconomic and governmental development issues.
- A failure by the signatories of the CPA to adhere to the time scales of the CPA to address the critical security issues before the independence of southern

Sudan by July 2011. Were these Protocols adhered to, the conflict in the Southern Kordofan and Blue Nile states and the Abeyi region could have been prevented.

- The non-commitment of the government of South Sudan, before and after independence, to institute an effective DDR plan and execute it (particularly with reference to effective disarmament) immediately after the signing of the CPA.
- The inherent ethnic and cultural polarisation and political rivalry within South Sudan that complicate the institution of any envisaged peace agreement or SSR plan.
- The historical absence and inexperience of institutionalised governmental and security sector structures and the inability of the SPLM to function as a political entity.
- The reluctance by the SPLA to forfeit political control and adhere to democratic principles of government.
- The commitment by southern Sudan to opt for independence despite overwhelming indications that it did not have the ability to function as a state in terms of political, economic, and security structures. This aspect set up an independent South Sudan for failure.

In conclusion, it is thus suggested that the present security situation in South Sudan was brought about by a reluctance or non-commitment to SSR rather than a poorly formulated or inadequate SSR concept.

5.3 Recommendations

In the findings (section 5.2), it was noted SSR is an effective concept for peace building or post-conflict reconstruction and the reasons motivating this notion was given. It is, however, paramount for the effectiveness of SSR that it be instituted according to certain principles. Based on the analysis of SSR in South Sudan, the following prerequisites are recommended when considering SSR to address peace building or post-conflict reconstruction in general.

- The cessation of hostilities in any armed conflict is imperative. A peace agreement should therefore stipulate clear DDR provisions to include quantifiable disarmament, the enforcement of demobilisation and specific timelines. In the case of South Sudan, inadequate DDR stipulations resulted in a continuation of the proliferation of SALW, armed conflict between elements of the SAF and the SPLA, and a disregard of the DDR plan by South Sudan after independence.
- Although similar cases in the rest of Africa were not explored in this study, border demarcation as a cause of conflict and tension is a tendency elsewhere in Africa. Peace agreements must include measures, even including international arbitration by the International Court of Justice (ICJ), to address border and demarcation issues. An example is the case of the Bekasi peninsula between Nigeria and Cameroon in October 2002 when the ICJ ruled in favour of Cameroon. In the current study, the non-adherence to the protocols to address the conflict in the Southern Kordofan and the Blue Nile states as well as the referendum on the Abeyi region, resulted in a continuation of conflict in South Sudan and between South Sudan and Sudan.
- Peace agreements should include provisions for proportional ethnic representation in post-conflict governments where ethnicity was a cause of the conflict and to prevent the domination of political affairs by one group. A failure to include provisions to ensure fair ethnic representation in the CPA led to political manipulation in post-independent South Sudan resulting in the political disintegration of the GORSS and its inability to govern.
- It is imperative to include all belligerents in the peace process and agreement to promote inclusiveness and prevent the resumption of armed conflict. The exclusion of AOG in the peace process and in the signing of the CPA between southern Sudan and northern Sudan gave rise to the continuation of the recruitment of child soldiers in South Sudan by the SPLA and the OAG as well as an ongoing armed conflict between the SPLA and the AOGs.

5.4 Future research

In this study, an analysis of SSR in South Sudan revealed certain aspects of SSR in South Sudan which require further research.

The first is the influence of historic ethnic polarisation on political stability referring to the traditional political rivalry and ambitions of John Garang and Rick Machar, and later between Machar and Salva Kiir, as discussed in Chapters 3 and 4. A question to analyse would be what the long term probability of political stability will be in light of the entrenched ethnic polarisation in South Sudan.

Secondly, the determination of an effective DDR plan to enforce demobilisation and especially, disarmament. Such a system will effectively contribute to the minimising of a resumption of conflict between belligerents or armed ethnic groups after independence.

In the third place, in light of the self-declared inability of the UN to enforce peace building, the possibility of more international involvement by the UN and other international organisations to enforce peace building in South Sudan should be explored.

Lastly, the majority of the protocols of the CPA remains outstanding and continues to cause internal conflict in South Sudan and between South Sudan and Sudan. Future studies should be conducted to examine the possibility of and approach to a new peace agreement between these two countries to address the continuing conflict between them. The specific issues to be addressed may include methods or options to solve the continued un-demarcated border regions of the Southern Kordofan and Blue Nile states, the Abeyi region, and the continuing conflict regarding oil production and the distribution of oil revenue.

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SUMMARY

SECURITY SECTOR REFORM: SOUTH SUDAN AS A CASE STUDY

by

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This study explores Security Sector Reform as a concept to address peace building or post-conflict reconstruction in a country attaining independence or emerging from a major conflict as in the case of South Sudan. Although various descriptions for a security sector exist, it is a common term applied to refer to structures, institutions, and personnel who are responsible for managing, providing, and overseeing security within a state. In general it refers to the armed forces, law enforcement agencies, national intelligence agencies, border control agencies, and civil protection entities. SSR refers to actions aimed at strengthening legitimate institutions and governance to provide citizens security, justice, and jobs which is crucial to break the cycle of violence. SSR is also conceptualised within the enlarged definition of security which includes human security. This emphasises the approach that SSR is not only restricted to defence and the role of law and order, but is also included in wider political, economic, and social issues.

Within the concept of SSR, various prerequisites are stated for the effective execution of SSR within a state. For an analysis of effective SSR in South Sudan, the following aspects were identified to apply as a theoretical model to analyse the execution of SSR in South Sudan. These aspects were the necessity of a formalised peace agreement; the execution of a clear and effective DDR programme; the importance of foreign involvement and international military involvement; the importance of the institutionalisation of security sector structures, and civil oversight.

The study concludes that certain aspects of the SSR plan contributed to peace building and post-conflict reconstruction such as certain provisions of the peace agreement, the involvement of the international community, and financial support. However, SSR in South Sudan mainly failed due to a failure of the DDR process, the inability of the international involvement to address outstanding security issues, a failure to address border demarcations, and a total failure to install effective security sectors and civil oversight mechanisms over the military.

The study on the other hand suggests SSR as a concept for post-conflict reconstruction, specifically within a state acquiring independence such as South Sudan, should be viewed as a workable concept. As a model to address peace building or post-conflict reconstruction, SSR can indeed be effective. It provides for a wide spectrum of measures to address security, political, and economic disparities within a state emerging from a conflict and aspiring to democratise as a new state such as in the case of South Sudan. The failure of the SSR concept in South Sudan is not ascribed to an insufficient SSR process or plan, but due to the non-adherence of the provisions of the plan by the signatories of the plan and the socioeconomic, ethnic, and security challenges in independent South Sudan that would have complicated any SSR attempt.

SSR as a concept can be applied for peacebuilding if certain conditions such as enforced DDR, commitment by international role players, the enforcement of provisions of the peace agreement, and effective measures to institute the de-politisation of the military are provided.

Key words: Child soldiers, civil oversight, civil wars, control of small arms, DDR, ethnic rivalry, foreign donors, human rights, judicial reform, military intervention,

peace agreements, post-conflict reconstruction, protection of civilians, security sector reform.