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INSIDE

Cover Photo: Salva Kiir Mayardit, President of the Government of Southern Sudan, speaks to news reporters, outside the Security Council chamber, at UN Headquarters in New York. (UN Photo/Jenny Rockett)

INTRODUCTION

Southern Sudan was in a state of civil war for two decades after the collapse of the Addis Ababa Agreement in 1983. The Comprehensive Peace Agreement (CPA), signed by the Government of Sudan and the Sudan People's Liberation Army (SPLA) on January 9, 2005, put a halt to the conflict. The CPA, the Interim National Constitution (INC), the Interim Constitution of Southern Sudan (ICSS) and related foundational documents set out several commitments and key ingredients concerning security sector reform (SSR) in Sudan and particularly in Southern Sudan. These include the integration of all armed groups into the SPLA or the Sudan Armed Forces (SAF); the transformation of the police and prison system into efficient, effective and rights-respecting services; the disarmament, demobilization and reintegration (DDR) of former combatants who, for various reasons, could not serve in the SPLA or the SAF; and the general disarmament of the civilian population.

Since the signing of the CPA, security has been a major problem in Southern Sudan. The process of political transition under the Government of Southern Sudan (GoSS) has occasionally been marred by what the UN has called "persistent, localized conflict" (Miraya FM, 2009).[1] The civil war destroyed much of Southern Sudan's public and community-based security institutions, leaving the GoSS ill-equipped to respond to emerging security problems. To ameliorate this situation, the GoSS, assisted by international actors, is engaged in the implementation of SSR, much of which has focused on the restoration of infrastructure damaged or destroyed during the civil

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1 Community-level violence is a common feature of Lakes and Jonglei States in Southern Sudan.

ABOUT THE SSR MONITOR

The *Security Sector Reform Monitor* is a quarterly publication that tracks developments and trends in the ongoing security sector reform (SSR) processes of five countries: Afghanistan, Burundi, Timor-Leste, Haiti and Southern Sudan. Every quarter, there will be separate editions for each case study country. Adopting a holistic definition of the security sector, the *Monitor* will cover a wide range of actors, topics and themes, from reforms in the rule of law institutions and armed forces to demilitarization activities and the role of non-statutory security and justice actors.

Research for the *Monitor* is field-based: a resident researcher in each case study country leads data collection and analysis, with support from desk-based analysts at The Centre for International Governance Innovation (CIGI). The same research guidelines are employed for each country. All editions of the *Monitor* are subjected to an external peer review process in addition to our internal editorial review.

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war.

Tensions between the parties to the CPA have long been high in the oil producing states of Upper Nile and Unity. The delicate military balance underlying the agreement has been challenged by the presence of militias categorized by the CPA as Other Armed Groups (OAGs). The parties to the CPA have been unable, and in some cases unwilling, to bring their OAG allies under control. The process of implementing the security provisions of the CPA has been adversely influenced by local conflicts in the transitional areas of Abyei, South Kordofan/Nuba Mountains and Blue Nile. These conflicts are aggravated by the actions of armed tribal youth groups that have either refused to disarm or are rearming after disarmament by the GoSS.[2]

SECURITY CONTEXT

The legacy of the prolonged civil war continues to mar efforts to establish a credible security sector in Southern Sudan. Despite the CPA, the security situation in Southern Sudan has steadily deteriorated at the central and community levels. As of September 2009, 140,000 people had been displaced as a result of clashes between communities in Jonglei, Upper Nile and Lakes States. Violence perpetrated by the Lord's Resistance Army (LRA) in the Equatorial States had forced a further 65,000 Sudanese to leave their homes by the summer of 2009. The number of violent tribal clashes has been increasing since January 2009. In Jonglei State alone these clashes have claimed more than 1,500 lives. The worst attack took place in Pibor County, where more than 400 people were killed; the incident was followed by revenge attacks in which large numbers of civilians were killed and displaced. On August 29, 2009, another 42 people were killed and 60 injured in a clash between communities in Twic East County, Jonglei State. The fighting led to the displacement of 24,000 from

2 The SPLM complains that elements of the National Congress Party continue to arm communities and encourage different communities to fight each other on the basis of past grievances to destabilize the GoSS.

17 villages, mainly in Panyangor and Kongor (IRIN, 2009). Less than one month later, on September 20, attacks on another community, Duk Padiet, resulted in 80 deaths and 40,000 displaced.

The nature of the conflict is clearly different from traditional cattle raiding between different tribes in Southern Sudan. Communities have been targeted and clear efforts have been made to undermine the state. Armed youths from different tribes seem to be well organized and traditional chiefs claim to have lost control over young people. In the most recent attack in Duk Padiet, state security institutions, including the SPLA and the Southern Sudan Police Service (SSPS) were specifically targeted. Whereas it was unclear in early 2009 whether the SPLA would intervene in "tribal" clashes in order to protect civilians — an issue that created tensions between the SPLA and the civilian population as well as between the SPLA and SSPS in some areas — the SPLA now deploys preemptively with the purpose of conflict prevention.

The attacks have exacerbated a humanitarian crisis in parts of Southern Sudan as the adverse security situation has cut off needy areas from humanitarian assistance. According to a statement by Médicins Sans Frontières, which operates humanitarian assistance programs in Southern Sudan:

> the violent clashes are different [from] the traditional "cattle rustling" that normally occurs each year [...]. Women and children, usually spared in this fighting, are now deliberately targeted and the number of deaths [is] higher than the number of wounded (IRIN, 2009).

The escalating violence in Southern Sudan can be partially attributed to the presence of two armies in Sudan alongside numerous armed groups that fought on both sides. Any analysis of SSR in the region must focus on the fluid relationship between the partners of the CPA and the evolution of the SPLA from a liberation movement to a political party that leads the GoSS (Rolandsen, 2007: 9–15). The CPA progressively altered the relationship between the

various militia groups in Southern Sudan and the SPLA. The rise to power of Salva Kiir, who replaced the late John Garang, facilitated a process of reconciliation between the SPLA and the main militia groups of the Southern Sudan Defence Forces (SSDF). On January 8, 2006, the process

reached fruition with the Juba Declaration, which paved the way for the absorption of roughly 18 militia groups into the SPLA, with others joining the SAF as stipulated in the CPA. At the time of writing, 60 different militia groups had allied with either the SAF or the SPLA. The growing number can be attributed to the splintering of existing groups as a result of disagreements over the process of integrating into the SAF or SPLA (Young, 2006: 42–48). Those who opposed the Juba Declaration chose to ally themselves with the SAF or simply melted into their communities with their arms.

The many militia groups complicate the implementation of the CPA in Southern Sudan by creating insecurity and continuously switching sides between the SAF and the SPLA. The SPLA complains that the SAF is still arming militia groups to foment insecurity in parts of Southern Sudan, especially in Jonglei and the Upper Nile States. There are also claims that spoilers, some of whom were formerly linked to the SPLA, have emerged from within Southern Sudan and benefit from the instability caused by undermining the government's ability to exert control over all areas of Southern Sudan.

SECURITY SECTOR INSTITUTIONS

The security provisions of the CPA, which were translated into the Interim National Constitution and the Interim Constitution of Southern Sudan, gave precedence to military reform and DDR over issues related to the rule of law and public security. Chapter VI of the CPA illustrates this imbalance, with 30 pages devoted to the military and DDR and only two pages to issues of public security (CPA, 2005: 85–133).

The CPA outlines numerous structures (both political and military) for monitoring its security provisions. The main structure is the Ceasefire Political Commission (CPC), established on August 27, 2005, which is mandated to monitor and oversee the implementation of the CPA's military and security arrangements. The CPC acts on the reports of the Ceasefire Joint Military Committee and other military organs on the ground (UNMIS, 2009: 25–27).

SPLA officers in the civil administration have experienced difficulties recognizing the concept of separation of powers and democratic civilian control in the evolving post-war political climate. Commanders accumulated extensive power during the war, which they are now reluctant to relinquish. The reluctance of Southern Sudan's military leaders to share power with civilian institutions as defined by law represents one of the foremost challenges facing the SSR process.

In Southern Sudan the strengthening of rule of law institutions is a key to establishing a secure, stable society where fundamental human rights are respected. The ICSS contains provisions for the rule of law in sections devoted to the judiciary, the public attorney and law enforcement agencies such as the police, prisons, wildlife and security services (GoSS, 2005).[3] Although established in late 2005 and 2006, leadership over these civilian bodies continues to be entrusted to current and former SPLA officers. The domination of civilian institutions by current and former military officers has stalled their development.

The Southern Sudan Legislative Assembly

The Transitional Southern Sudan Legislative Assembly (TSSLA) was appointed by a GoSS presidential decree on September 20, 2005. After the adoption of the ICSS six days later, the TSSLA became the Southern Sudan Legislative Assembly (SSLA). It is composed of 161 appointed members

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3 Part Seven contains provisions concerning the judiciary and public attorneys (Pp. 46–52) while Part Ten covers the police and security agencies in Southern Sudan (Pp. 162–66).

representing eight political parties. Since the GoSS was formed in a legal vacuum, the SSLA played a vital role in establishing the legal architecture for the state to function in the public and private spheres. In the security sphere, the SSLA has passed 12 security-related laws (senior clerk, SSLA, 2009; director of Legislation, SSLA, 2009):[4]

1. The Evidence Act, 2006
2. The Investigation Committee Act, 2006
3. The Judiciary Act, 2007
4. The Code of Civil Procedure Act, 2007
5. The Judiciary Services Council Act, 2007
6. The Penal Code Act, 2008
7. The Code of Criminal Acts, 2008
8. The Child Act, assented to by the president on October 13, 2008
9. The Southern Sudan Human Rights Commission Act, 2009
10. The Southern Sudan Anti-Corruption Act, 2009
11. The Local Government Act, 2009
12. The SPLA Act, 2009

As of early 2009, a police law was in draft form and the subject of consultations prior to its submission to the assembly for approval. Institutions such as the army, the judiciary and the police commissions were established before the laws constituting them were enacted by the Parliament. The development of a legal framework for Southern Sudan has been a slow process because of capacity and resource deficits in the SSLA and government departments responsible for legal drafting. According to a senior official in the Ministry of Legal Affairs and Constitutional Development, such inexperience has dictated that most legal drafting be done by external consultants (2009).[5] The period between the passing of legislation and its application in practice can be lengthy. Since many institutions were established prior to the creation of legal frameworks to guide their behaviour,

those nascent institutions and their incumbent managers have tended to resist statutes that would delimit their authority.

The Judicial System

The Judiciary of Southern Sudan and the Ministry of Legal Affairs and Constitutional Development complement one another. These institutions were established in accordance with the CPA, the INC and the ICSS. The Judiciary is organized into four levels: the Supreme Court; the Courts of Appeal, situated in Juba, Malakal and Wau; the High Courts in each of Southern Sudan's ten states; and the County Courts. This is the first time Southern Sudan has had a judiciary of its own. The initial wave of judicial appointments brought in 115 judges, of which 18 were women. The Ministry of Legal Affairs and Constitutional Development has similarly made 223 appointments ranging from Counsel Generals down to Counsels (Madut, 2007: 57–68).[6] Despite the deployment of judges and prosecutors in the capital and at the state level, these institutions suffer from major deficits of resources and expertise. Many judicial appointments have been made for political reasons without due regard for professional standards. For this reason, a legal training course for Southern Sudanese legal staff was established at the Ugandan Law Training Centre. Moreover, judicial personnel have been dispatched to Kenya for English language training (Madut, 2007: 68–69).

The lack of human capacity in the judicial system is compounded by the dearth of adequate physical infrastructure, particularly in remote counties. In the past, courts were confined to the three provincial capital cities of Juba, Malakal and Wau. The expansion of the judicial system after the CPA has presented a new challenge to the administration of justice. It is not easy to find buildings to convert into offices because the few suitable facilities that existed prior to the civil war were rendered unusable by

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4 These officials provided the author with a duly signed list of legislation adopted until the second quarter of 2009.

5 At the time of the interview, the senior official had just been transferred to this ministry from the Southern Sudan Anti-Corruption Commission.

6 The author is Deputy Chief Justice of the Supreme Court of Southern Sudan.

the conflict.

Another problem is that the majority of Southern Sudan's rural population is not acquainted with settling disputes in formal courts. Many people in Southern Sudan revert to traditional leaders and structures when seeking to resolve a dispute. Traditional justice mechanisms involve customary mediation that provides some form of compensation and restitution. As Human Rights Watch stated in a 2009 report:

> Judicial and traditional authorities acknowledge the need for harmonizing customary law with Sudan's laws and constitutions, and ultimately with international standards. However, the task of harmonization invites difficult decisions including whether to codify oral customary law traditions. As of December 2008, the process had barely started (Human Rights Watch, 2009: 37).

In many areas traditional structures were themselves rendered dysfunctional by the conflict, leading some individuals and groups to take the law into their own hands and rely on the use of force to settle grievances. The rise in violent conflict since the end of the civil war can be partially attributed to this phenomenon, along with the ready availability of small arms (Wassara, 2007). Armed criminal groups, renegade soldiers and the many militia groups not affiliated with either the SAF or the SPLA commit various abuses against civilians. There are no mechanisms to bring these groups to justice. The lack of accountability for perpetrators of mass murder can be a huge threat for long-term sustainable peace.

The Police and Penitentiary Services

The police and penitentiary services in Southern Sudan have been influenced by one of the dominant legacies of the civil war, the militarization of society. During the civil war the SAF and SPLA assumed responsibility for all security issues, including law enforcement and prisons. In the government-controlled towns of Southern Sudan, the

police, prisons, customs agency, wildlife service and the fire brigade were fused into one administration known as the integrated police (*al-shurta al-muwahada*). The Government of Sudan deployed these forces in counter-insurgency operations. In the SPLA-controlled areas, civilians were armed and employed in the management of community security. Autonomous militant groups, separate from both the SAF and SPLA, also emerged. In Jonglei and the Upper Nile States these militant groups were referred to as the "White Army" (see below). All of these actors left a mark on the current police and prison services in Southern Sudan.

Article 162 of the ICSS established the police, defining its mandate as: preventing, combating and investigating crime; maintaining law and order; protecting the people of Southern Sudan and their property; and upholding and enforcing the law within the limits of the Constitution. Article 163 similarly outlines the mission of the prison services to be correctional, reformative and rehabilitative. The ICSS calls for the humane treatment of prisoners and not only prohibits cruelty in detention facilities, but also makes it punishable by law. The crosscutting principles in the mandates of the two institutions are respect for the rule of law, democracy and fundamental human rights (GoSS, 2005: 61–62). The question that arises is whether these normative values have been implemented effectively since the GoSS took power in Southern Sudan in 2005.

There are insufficient regulations and guidelines articulating the mandates and responsibilities of key security sector institutions and how they should cooperate. The ICSS provides for the decentralization of these institutions to the state level. There are, however, no clear protocols outlining the relationship and division of labour between the centre in Juba and the state capitals. One of the main challenges is communications, which is problematic due to inadequate equipment and training as well as the absence of standard operating procedures on how and what to report on a regular basis. In theory, security sector structures are

in place at the central, state, county and payam (county subdivision) levels, but in practice the county and payam levels are often isolated from the rest of the government. They are understaffed and lack basic equipment to fulfil their basic responsibilities, including uniforms in some areas. In addition, frequently delayed salary payments to both the SSPS and SPLA have eroded morale.

There are quite a few examples of conflict between the SSPS and SPLA, as well as between SPLA and the civilian population. Consultations with senior officials in the state administrations show that there is no common understanding of the role of the Ministry of Interior and state authorities in security sector management (Cook, 2008: 79–81). This is one of several grey areas in the SSR process that needs to be resolved through new legislation and rules of procedure at both the GoSS and state levels. It is advisable that each state develop its own security strategy, identifying threats and needs; the UN is trying to support this effort. This process should be coordinated by the Ministry of Interior and undertaken in consultation with all relevant actors, such as the SPLA and the judiciary.

One of the legacies of armed conflict is the militarization of the police and penitentiary services. Excessive force is often employed in the maintenance of law and order, and in rural areas the police tend to operate with a military mentality. This can be attributed to the absorption of large numbers of SPLA military personnel and OAGs into the police and prison services. These former soldiers lack basic education and have little knowledge or expertise in the fundamentals of the rule of law and tactics to protect unarmed civilian populations. According to the director of the Southern Sudan Bureau for Community Security and Small Arms Control (CSSAC), police personnel regularly disregard the rule of law, human rights and human security.[7] There are documented reports of

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[7] The CSSAC director and his team reported at a meeting in Juba on May 7, 2009 that it was apparent that ex-SPLA military officers in the police and prison services did not have a sense of human security or familiarity with the law, bureaucracy or institutions they were appointed to lead in the states and counties. The director experienced this situation in his capacity as the former commissioner of Tonj County in Warrap State.

"crimes by southern security forces against civilians, including beatings, robbery, intimidation, land-grabbing, and sexual violence" (Gagnon, 2009). The police lack adequate equipment, including radios, vehicles and weapons; their infrastructure is in poor condition; and force numbers are far below capacity. For instance, there are only 700 police officers for all of Lakes State, an area approximately the size of Switzerland (Human Rights Watch, 2009: 21).

Most of the prisons in Southern Sudan were constructed during the colonial era. They are few, old and dilapidated. Health, sanitation and recreation facilities are lacking. The most serious problem, however, is the lack of management capacity in the prison system. A report by the UN Special Rapporteur on the human rights situation in Sudan indicates that prolonged pre-trial detentions are common in Southern Sudanese prisons. For instance, a former SPLA soldier accused of murder spent two years in Akobo prison. The shackled detainee was unable to walk at his first court appearance in Bor in November 2008 (UN Human Rights Council, 2009: 17–18). This case is typical of prisons in Southern Sudan.

The international community is investing significant resources to develop the police and prison systems in Southern Sudan. The Multi-Donor Trust Fund has approved a three-year project to reform the police and prison service (Quaker Council for European Affairs, 2008: 20). With support from donors, the Interior Ministry of Southern Sudan has begun construction on a modern prison with better facilities in Bor (UNDP senior official, 2009). In addition, through the UNDP Community Security and Arms Control project, prison renovations will take place at the county level, alongside equipment support to police and local government. Poor infrastructure remains a problem in Southern Sudan for both the police and penitentiary services. This was demonstrated by a recent incident in which police officers that received training in Bor, the capital of Jonglei State, had to wait six months to deploy to

their duty stations due to adverse road conditions.

UNMIS included police reform in Southern Sudan as a priority area for Quick Impact Projects. Some of the projects undertaken to date include the renovation of various police stations, the registration of police and the provision of training. The Quaker Council quotes UNMIS police reform and restructuring guidelines in identifying the goal of Quick Impact Projects:

> to help create a modern, effective and efficient Sudanese police service which operates fairly and impartially and in observance of the rule of law, with respect for human rights and in accordance with internationally accepted standards of conduct (Quaker Council for European Affairs, 2008: 20).

The UN Police in Southern Sudan has assisted the SSPS with capacity building and standard police operations. These include registration of police personnel, monitoring and follow-up on reports of human rights violations and community policing. By June 20, 2009, 25,515 SSPS personnel across Southern Sudan had been registered.

The UN Police has conducted 15 courses to train 850 SSPS officers, including 146 women. The training curriculum includes crisis response/SWAT, community policing, gender and child protection, criminal investigation, the rule of law and human rights (UNMIS, 2009: 29–30). It remains to be seen whether police officers who have completed the training programs have assimilated the imparted knowledge and to what extent it is being applied.

The SPLA and Other Armed Groups

The main security apparatus of Southern Sudan is the SPLA, the former guerrilla army that, since the signing of the CPA, has become the recognized armed force of Southern Sudan. The SPLA is currently facing the major challenge of transformation into a professional army. The roadmap for this transformation is provided by the SPLA White Paper on Defence, which was adopted in June 2008,

paving the way for the Sudan People's Liberation Army Act adopted by the SSLA in February 2009. The SPLA Act identifies the SPLA as the national army of Southern Sudan, entrusted with the defence of Southern Sudan's territorial integrity; the protection of the people, CPA and Interim Constitution from internal and external threats; and assistance in disaster relief operations.

The professionalization of the SPLA has been slow and has encountered some setbacks. For instance, the UN has confirmed that the SPLA continues to employ child soldiers in contravention of international conventions (UN Secretary-General, 2009: 21). There are numerous reports of SPLA personnel using excessive force and committing human rights violations when dealing with the civilian population, particularly during disarmament operations (Gagnon, 2009). In addition, SPLA soldiers are reportedly displaying greater loyalty to their own tribes or clans than to the SPLA, creating significant security problems. In particular, there are allegations that SPLA soldiers have provided their clans with weapons and even joined them in attacks on rivals.

The CPA stipulates that the two Sudanese armies — the SAF and the SPLA — are to redeploy to specified areas during the interim period. It also calls for the creation of Joint Integrated Units (JIUs), composed of personnel from both forces, to uphold the agreement. However, the JIUs have been far from effective. Relations have been shaky between the SPLA and the JIUs in Southern Sudan. Several minor skirmishes and two major violations of the ceasefire were reported in Malakal Town from 2006 to 2009. The SAF mainly recruited personnel from its allied militias in the South for the JIUs, which provoked tension in the units. In one ceasefire violation the SAF and SPLA components of a JIU fought each other, and in another the JIU virtually imploded (Thomas, 2009: 18).

Meanwhile, the SSDF and other militia groups excluded

from the negotiations of the CPA remain a serious threat to sustaining the agreement. Armed militias and proxy forces that existed during the war were expected, under the CPA, to integrate into the SAF or SPLA or demobilize. The problem was that the SPLA under John Garang was reluctant to open negotiations with the SSDF.[8] John Garang's successor, GoSS President Salva Kiir, shifted direction and made a concerted effort to reconcile with Paulino Matip, leader of the SSDF, to ensure the integration of the SSDF into the SPLA. The Juba Declaration on Unity and Integration between the SPLA and the SSDF, signed in January 2006, averted a potential crisis that could have unravelled the CPA. The declaration elevated Paulino Matip to Deputy Commander-in-Chief of the SPLA (Young, 2006: 13–24). The amalgamation of the two forces, however, has not been completed as certain factions have chosen to resist integration and tensions still persist between the groups. It is also important to note that several SSDF splinter groups that chose to ally with the SAF are still located in Southern Sudan.

Militia groups also participated in the civil war but were neither allied to the SAF nor the SPLA. One such group is the *Geish Mabor* ("White Army" in the Nuer language). It comprises groups of armed civilians, mostly youth, organized by community leaders into village-level formations to defend local interests (Osland, Thompson and Vogt, 2007: 26). They are predominantly found in Jonglei State, which is now a scene of frequent inter-communal violence in Southern Sudan.

DEMILITARIZATION

Ownership of small arms is widespread in Southern Sudan. Estimates indicate that two million firearms are in the hands of civilians in Southern Sudan, with large numbers of pastoralists possessing weapons to protect their cattle.

8 The SSDF also had a political wing known as the United Democratic Salvation Front.

The CPA is ambiguous about civilian disarmament. Its stipulation to "monitor and verify the disarmament of all Sudanese civilians who are illegally armed" does not clearly define what constitutes a civilian in such a heavily militarized society (IRIN, 2008). The president of Southern Sudan directed the southern states to disarm their populations by the end of 2008 without proper government policy guidelines. Attempts by the government of Jonglei State to disarm the *Geish Mabor* led to the death of more than 1,000 people (Garfield, 2007: 16–19). In 2008, soldiers fought with civilians in Rumbek Town during a civilian disarmament effort. Seven people were reportedly killed by the SPLA, who also manhandled the deputy speaker of Lakes State Legislative Assembly (IRIN, 2008). Civilians reported that their properties were looted during disarmament campaigns. These uncoordinated disarmament programs in Jonglei and Lakes States revealed that dialogue and community participation are necessary to deal with non-state armed groups. That lesson is confirmed by previous experience as well: past attempts by the SPLA to forcibly disarm such groups in the two states also resulted in the loss of life.

The effects of weapons proliferation in communities of Southern Sudan began to be felt right after the signature of the CPA in 2005. Inter-communal violence began to surface as early as 2005 in Western Equatoria between farmers and internally displaced cattle herders. The use of small arms for cattle rustling became commonplace in a number of states, including Lakes, Jonglei, Upper Nile and Warrap. This situation prompted the second SPLA National Convention in May 2008 to endorse concerted civilian disarmament in all states of Southern Sudan. The GoSS Council of Ministers, in response to concerns expressed during the second SPLM National Convention on January 2, 2009, issued an order to continue with civilian disarmament but exclude the SPLA from the process. A presidential decree consolidated the policy by calling for peaceful disarmament of all civilians.

Another important policy step was the establishment of the CSSAC Bureau in the Ministry of Interior in 2008. This institution was empowered to enhance coordination of weapons and civilian disarmament activities in conjunction with the SSPS. The creation of the CSSAC was also considered a reaction to public outcry about the coercive SPLA approach to civilian disarmament in Jonglei and Lakes States. The president of Southern Sudan announced to the SSLA in June 2009 that he ordered the commands of all organized forces, including the SPLA, to deploy to Lakes State to engage in civilian disarmament activities. The first practical example of CSSAC-overseen demilitarization is the disarmament of the civilian population in Juba Town, conducted on September 9, 2009. The CSSAC submitted a strategy for civilian disarmament, already approved by the GoSS Council of Ministers, in August 2009.

CONCLUSIONS

With the destruction of much of Southern Sudan's formal and informal security architecture during the prolonged civil war, a military culture came to pervade society; the use of force become a norm for claiming rights and settling disputes. As a result, restoring security and advancing SSR in Southern Sudan requires a change in security culture.

A number of important hurdles must be overcome to implement SSR in Southern Sudan. Paramount among them is the general security environment, which threatens the survival of the CPA. Inter-tribal armed violence and incursions by the LRA have been difficult to contain. Reports indicate that in 2009 alone more than 1,000 civilians died in armed clashes. Southern Sudanese civilians are gradually losing confidence in the ability of the GoSS and SPLA to protect them. As a result, many communities have taken up arms to protect themselves, magnifying the potential for conflicts to escalate.

If SSR is to succeed in Southern Sudan a number of steps must be taken simultaneously, the most important of which is the construction of institutions and normative instruments to support development and governance with a human security focus. The GoSS is striving to establish a legal framework by promulgating laws to guide and anchor the institutions that have already been established. In all these processes, participatory approaches should be promoted to involve a wide range of actors, including legal professionals, civil society, community-based organizations, youth and women. Basic equipment and infrastructural challenges must be addressed in order to achieve any of the above at all different levels.

The SPLA's transformation into a conventional army has yet to be fully based in law and reflect professional standards. The legal status of the SPLA was established by the ICSS and Defence White Paper passed into law by the SSLA in January 2009. The SPLA must be seen to be protecting the population of Southern Sudan. The priority of transforming the SPLA must focus on strengthening training programs, military doctrine and human rights awareness. The SPLA should also play the role of honest broker in the DDR process. Small arms and light weapons fell into the hands of many communities in Southern Sudan during the war. The GoSS, the SPLA and the SSPS need closer coordination and engagement with communities to devise effective methods of civilian disarmament. In the absence of clear provisions in the CPA regarding civilian disarmament, the establishment of the CSSAC must be seen as an important vehicle to address the problem.

Despite the many challenges to SSR in Southern Sudan, with two critical political events on the horizon — the 2010 elections and the 2011 referendum — it has never been more important. SSR remains a critical mechanism to consolidate the fragile peace in the South.

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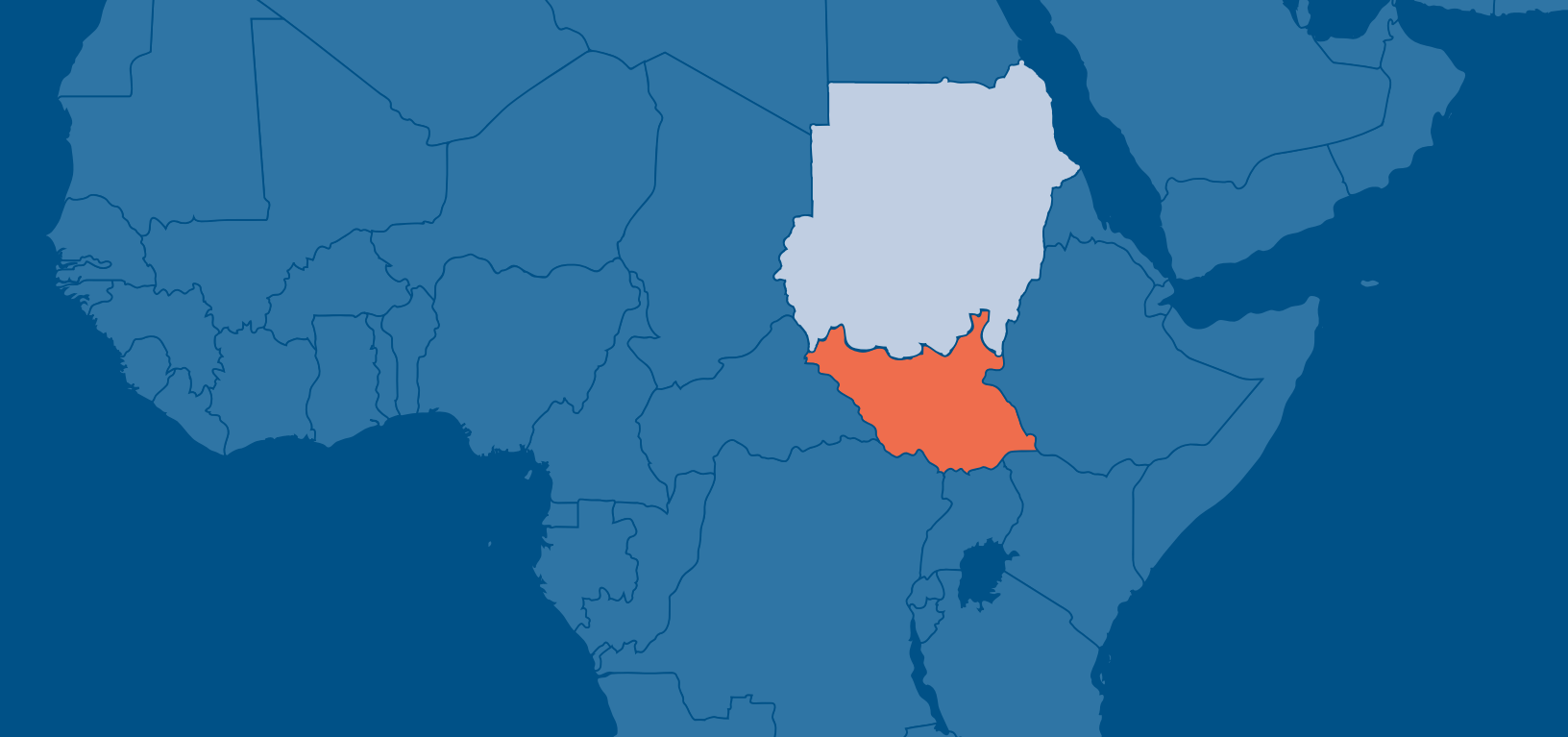
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