

Policy Document

Police Reform *in* Southern Sudan

By Alfred Sebit Lokuji
Abraham Sewonet Abatneh
Chaplain Kenyi Wani



The North-South Institute

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Table of Contents

<i>About the Authors</i>	2
<i>Acknowledgements</i>	2
<i>Foreword</i>	3
<i>Map of Sudan</i>	4
<i>Executive Summary</i>	5
1. <i>Background and Methodology</i>	7
2. <i>The Security Situation in Southern Sudan Today</i>	9
3. <i>Current Security Sector Reform Initiatives: A broader SSR Approach?</i>	16
4. <i>The Current State of Police Reform in Southern Sudan</i>	19
5. <i>Internal Dynamics within the SSPS: Training, Budget and Capacity Issues</i>	24
6. <i>The International Community, SSR and police reform in Southern Sudan</i>	26
7. <i>Conclusions</i>	28
8. <i>Recommendations</i>	29
<i>List of Acronyms</i>	31
<i>Endnotes</i>	32

List of Tables

<i>Table 1. Security before/after the CPA</i>	11
<i>Table 2. Shifts in security since the CPA</i>	11
<i>Table 3. Major security threats</i>	12
<i>Table 4. Major security threats for women</i>	12
<i>Table 5. Institutions/Individuals responsible for security</i>	13
<i>Table 6. Mechanisms for addressing insecurity</i>	13
<i>Table 7. Effect of police on the security situation</i>	14
<i>Table 8. Capacity of the police</i>	14
<i>Table 9. Reasons for poor performance of the police</i>	14
<i>Table 10. Police performance on human rights, equitable services, and rule of Law</i>	15

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Foreword

This is the first ever locally-led policy research project on Security Sector Reform (SSR) with a focus on police reform and community security issues in Southern Sudan. It was conducted by the Centre for Peace and Development Studies (CPDS) at the University of Juba, in collaboration with The North-South Institute, and is aimed at contributing to evidence-based policy options for police reform.

Funded by Canada's Department of Foreign Affairs and International Trade (DFAIT), the SSR project involved capacity-building to strengthen the applied research and project management capacities of the CPDS; applied research, aimed at making a policy-oriented contribution to understanding the challenges and possibilities of democratic approaches to security system reform, focusing in particular on the police in Southern Sudan; and policy engagement, contributing to policy dialogue by feeding the research findings into policy processes in the Government of Southern Sudan (GoSS) and selected bilateral and multilateral forums.

The applied research component involved conducting community surveys in selected Southern Sudanese locations. An account of the state of household and personal security concerns is provided by examining ordinary citizens' perceptions of the formal and informal security safeguards in their communities. Detailed accounts are provided about those upon whom communities rely to resolve major security threats, and the effectiveness of security institutions in helping to address their concerns. Finally, recommendations on how to improve community security through formal and informal policing arrangements were derived from interviews and subsequent workshop discussions with policymakers, NGOs and other stakeholders.

The survey is complemented by a review of relevant secondary literature and extensive formal and informal dialogue with GoSS officials, bilateral and multilateral representatives, and non-governmental organizations in Southern Sudan. This provided a unique opportunity to refine preliminary research findings and feed some of these into major stakeholders' policies and programs.

I am confident that the findings and recommendations of this research will greatly contribute to sustainable security as the GoSS and international actors set out on the long road to develop a police service that is willing and able to protect civilians and vulnerable populations in Southern Sudan.

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Map No. 3707 Rev. 10 UNITED NATIONS
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Executive Summary

This Working Paper shares the findings and considers the policy implications of the first evidence-based survey of community perceptions on policing in Southern Sudan. The survey data provide a snapshot of security issues across the still fragile social and political landscape of Southern Sudan. It is also a useful baseline for policy debates on police reform and for practical efforts to promote a more community-friendly approach to policing in Southern Sudan.

The overall security situation has improved since the signing of the Comprehensive Peace Agreement (CPA) in 2005 between the Government of Sudan and the Sudan People's Liberation Army (SPLA). However, significant security challenges still remain in some parts of the South due primarily to the proliferation of illegal arms; cattle rustling; the presence of Lord's Resistance Army rebels; and persistent inter-tribal conflicts over land and other resources.

Against this background and in an effort to reform its security architecture, the Government of Southern Sudan (GoSS) recently launched an ambitious program that aims to transform the SPLA guerrilla fighters into a professional army. As well, plans are underway to carry out a massive multi-year Disarmament, Demobilization and Reintegration (DDR) program targeting some 90,000 SPLA combatants.

However, the rule of law sector – and particularly the police, a pivotal element of security sector reform – has been largely neglected. Four years after its establishment, the Southern Sudan Police Service (SSPS) has yet to become the primary agency that ensures civilian security across Southern Sudan. In much of Southern Sudan, particularly in remote areas, police presence is very limited or non-existent. As a result, SPLA soldiers who are not trained in civilian law enforcement and often lack discipline have taken over the role of managing day-to-day internal security matters. At the same time, survey data shows that many people see the security forces themselves – including the police, the SPLA, and other armed groups – as major sources of threats to their security, and as perpetrators of crime and human rights abuses. The majority of communities across Southern Sudan continue to view the Boma Chiefs (traditional leaders) as the main providers of security-related services.

The SSPS faces significant challenges in becoming an effective, accountable and professional organization. The widespread proliferation of illegal arms in much of the community, combined with the lack of training and equipment for the police, means that often the police are unable to effectively disarm civilians. In many instances, in fact, civilians are better armed than the police. As a result, the SPLA reverts to

its war-time role and steps in to do what would normally be considered police work, often leading to clashes between the SPLA and the police.

The legal frameworks and jurisdictions in Southern Sudan are unclear or absent, making it difficult for institutions such as the police to know how, where and when to do their jobs. Coordination among security institutions is weak, and the police in particular are often sidelined when it comes to contributing to key decisions. For instance, the current SPLA transformation process has led to a steady stream of SPLA members being fed into the police service without proper consultation or training. As a result, the limited police budget is increasingly consumed by salaries, leaving inadequate funding for sorely-needed training, equipment and infrastructure.

While demobilized SPLA soldiers remain the main source of recruitment for the police service, political will for better recruitment procedures such as vetting remains very low. Moreover, 90% of the police force is completely illiterate, making basic police tasks challenging. Most of the police are also approaching retirement age and need to be replaced by young officers. Meanwhile, little effort has been made to include women in the police force, despite their contribution to the liberation war effort.

Both multilateral and bilateral donors have been involved in improving the professional standards of the SPLA as well as the police and prison services, particularly through training initiatives targeting some senior personnel. However, donor investment in infrastructure and organizational development has been limited in this sector in general and for the police in particular. As well, there are critical gaps in linking bilateral support with wider SSR reform initiatives.

The establishment of an effective and professional police force is a pre-condition for the maintenance of public order and protection of civilians. Also, there are high expectations for the SSPS in delivering security at the community level. With its under-staffed, under-equipped and under-trained personnel, the SSPS leadership is finding such hopes difficult to fulfill. In this context, an effective, democratic security structure

may be a long way off, but there is significant room for national and international actors to support and sustain the political commitment for locally-led SSPS development. Only after reform is embraced at the highest levels – in terms of legislation, organizational structure and infrastructure investment – can we reasonably expect the SSPS to respond effectively to the critical security threats being identified by Southern Sudanese communities.

1. Background and Methodology

Since the signing of the Comprehensive Peace Agreement (CPA) in 2005, the Government of Southern Sudan (GoSS) and other international and national actors have been attempting to implement a program of security sector reform (SSR) in Southern Sudan.

However, there is virtually no policy-oriented research being generated on SSR by Southern Sudanese living and working in this challenging environment. As a result, the GoSS and other national stakeholders remain dependent on external participants for evidence and analysis in this critical sector.

To bridge this knowledge gap, the Centre for Peace and Development Studies (CPDS), in collaboration with The North-South Institute (NSI), established a research team to study those SSR initiatives, particularly police reform, being implemented by international and national actors. In order to understand the current status and impact of police reform, the research team conducted a survey of public perceptions of the police and the general sense of security (or lack of it) in selected states. This was driven by a desire to learn about people's security needs in order to ensure that any policy formulation would take account of their experiences and views. The survey itself was conducted by Southern Sudanese, to build local expertise into security sector research and analysis capacities.

The survey was conducted in seven locations in six of the 10 states of Southern Sudan: Juba and Yei in Central Equatoria State; Torit in Eastern Equatoria State; Bor in Jonglei State; Malakal in Upper Nile State; Rumbek in Lakes State; and Wau in Western Bahr-el-Ghazal State. The survey consisted of samples totalling 850 households. During data analysis, 82 cases had to be excluded for various reasons, leaving 768 valid interviews. That number constitutes a 90.4% success rate in the implementation of the survey. Random and purposive samplings were combined to ensure that

respondents were diverse and included youth, women, the elderly, and a variety of the ethnicities represented in the territory.

The survey locations were selected in consultation with our National Advisory Committee (NAC),¹ to ensure the widest possible representation of the various communities of Southern Sudan, both rural and urban. Although it is methodologically important to control the urban or rural characteristics of the population through purposive sampling, in the largely rural Southern Sudanese context this distinction is blurred. It is important not to attach too much significance to the urban-rural variable as populations and communities tend to mingle, and even those who might be thought of as "urban" tend to display what might be considered "rural" characteristics.

The research team strove for gender parity in the survey sample in an effort to more accurately reflect the population and their diversity of experiences. Women constituted 47.5% of the total sample. Efforts were made to include youth and the elderly, as well as the various ethnicities of Southern Sudan. In spite of this, members of the Dinka community of varying origins and locations dominated the total sample in number – a fact that is coincidental to their being found at all the sampling sites, rather than the result of a calculated bias or sampling error.

While the survey's main aim was to learn about people's views on their security and the role the police play in providing security at the community level, the research in general sought to investigate the state of police reform in the wider security sector reform context. The survey is therefore complemented by a review of relevant secondary literature and extensive policy dialogue with senior GoSS officials, SSPS leadership, NGO personnel, and bilateral and multilateral actors active in Southern Sudan.

In general, the research sought to answer the following key questions:

- ▶ What are the major current security threats in Southern Sudan?
- ▶ What are the main initiatives underway in the area of police reform, and what impacts are these reforms having on the ability of the police to enforce the law, protect all citizens and become accountable to civilian authorities?
- ▶ What are the key national factors, broader national-level political-economic dynamics, and international factors shaping the reform process?
- ▶ What could key stakeholders do to move towards more effective, inclusive, accountable and sustainable policing?

2. *The Security Situation in Southern Sudan Today*

Sudan has experienced two brutal civil wars between the North and South (1952-72; 1983-2005), which were largely the result of decades of political and economic marginalization of the South by the Northern central government.

In 2005, the Comprehensive Peace Agreement between the Government of Sudan (GoS, based in Khartoum in the North) and the Sudan Peoples' Liberation Movement (SPLM) formally ended the second North-South civil war. However, although it is called "comprehensive", the CPA does not cover the conflicts in other parts of Sudan, such as the East or Darfur. More importantly for this research, the CPA does not address the internal conflicts in Southern Sudan. As such, significant internal and external security challenges remain in Southern Sudan, which have the potential to escalate quickly into wide-scale conflicts that could undermine the entire CPA.

2.1 *Internal security threats*

Increased armed violence, mainly the result of inter-tribal fighting, is evident in many parts of Southern Sudan today. Tensions remain high among the various tribal groups such as the Nuer, the Murle and the Dinka, who traditionally compete for resources and territory. Tensions are also rising between the general population of Southern Sudan and other East Africans who are increasingly controlling the economy. Armed attacks on civilians and child abductions are widespread, particularly in rural areas where police and military presence is limited.

Tensions are high between SPLM/GoSS and the population in Eastern and Central Equatoria due to increasing frustration at the slow and uneven post-war socio-economic development, corruption and poor governance in Southern Sudan.² Indeed, there is

public concern that Eastern Equatoria state may become an arena of violent conflict as frustrated Eastern Equatorians begin to view the National Congress Party (NCP) as a viable alternative to the SPLM.³

Some of the main internal security threats include:

Cattle rustling: Cattle rustling and conflicts between pastoralist and farming communities have become a primary source of violence, resulting in displacement and civilian deaths in many parts of Southern Sudan, particularly in the Greater Equatoria region. Despite civilian disarmament efforts and inter- and intra-community reconciliation conferences, the widespread proliferation of illegal firearms in the hands of civilians has perpetuated the high rates of cattle theft, deadly clashes and banditry across much of Southern Sudan.

Land-related conflicts: Traditionally, land has been owned by communities and administered under customary law. Although the GoSS has established the Southern Sudan Land Commission, there has been no legal and regulatory framework for land ownership and land use. As a result, coercive land grabbing, illegal occupations, and evictions are common. Most of the disputes involve SPLA soldiers who occupy land that belongs to returning refugees or internally displaced persons. The Land Bill was passed in January, 2009, but some argue that the views of affected communities have not been adequately incorporated, citing a provision in the Bill that allows a foreigner to own land for 99 years. In the past, foreigners were allowed to use land for a limited period and were then required to return it to the community. Under the new Bill, the community may be alienated from the land for a long time.⁴

Security forces as sources of insecurity: Although SPLA soldiers are largely viewed as war heroes who liberated Southern Sudan, it is increasingly coming to light that many rank-and-file and senior SPLA officers have been involved in human rights violations, abuse of power and corruption.⁵ The various forms of misconduct by SPLA officers have led to resentment within the population. In addition, many SPLA soldiers who have been relieved of their military service are reportedly holding on to their guns, and using these arms to grab land and steal cattle from citizens.⁶ No reliable figure exists as to how many ex-combatants retain their weapons. However, an estimated 7,000 former Sudan Armed Forces soldiers who were based in Southern Sudan during the civil war and who refuse to redeploy to northern Sudan are residing in Juba town with their guns. Upwards of 3,600 more are believed to be in Malakal town and an unspecified number in Wau town.⁷ With few alternative livelihood options available to them, they often use their weapons to commit crimes, further contributing to the fragile security situation. In addition, armed criminal groups with unknown affiliations continue to commit human rights abuses against civilians, such as the April 2008 attack in Eastern Equatoria by a group of former SPLA that calls itself “No Unit”.⁸

Other potential security threats: Four imminent CPA-related events will potentially pose additional security risks to communities. The postponement or unfair implementation of any one or all of these could lead to a resumption of hostilities between the North and Southern Sudan.

- ▶ Firstly, although the national census was completed in April 2008, the results have not yet been made public. The announcement of the census results may become a flashpoint as both the NCP and SPLM have reserved the right to reject them if they are deemed unsatisfactory. GoSS officials have already warned that they will not accept results reflecting its population as being less than a third of the country.

- ▶ Secondly, the general election currently scheduled for July 2009, which is already behind schedule, may spark violence.
- ▶ Thirdly, the demarcation of the 1956 North-South border, particularly along the oil-rich Abyei region, remains contentious and may become a source of controversy and significant insecurity, as was the case in December 2008 when shooting between a soldier and a police officer caused civilian displacement and death.
- ▶ Finally, the referendum in 2011, which will determine whether or not Southern Sudan will secede from the North, could result in deadly violence.

2.2. *External threats*

Externally, the Khartoum government poses a significant security threat to the GoSS. Tensions between the SPLM and the NCP in Khartoum increased after the latter rejected the findings of the Abyei Boundary Commission (ABC), which awarded the area of Abyei and adjacent oil fields to the Southern Dinka Ngok.⁹ Since the ABC’s decision, clashes have erupted in the area between the Khartoum-controlled Sudan Armed Forces and the SPLA. Despite the establishment of the Joint Integrated Unit (JIU) comprising members of the SPLA and the Sudan Armed Forces, both groups have continued to build up their military forces on either side of their shared borders.

The Ugandan Lord’s Resistance Army (LRA), at times backed by Khartoum, continues to terrorize the people of Southern Sudan, particularly in Western Equatoria state. The GoSS has been trying to counter this by sponsoring peace negotiations between the Government of Uganda and the LRA, but this has not produced any lasting results. Frustrated with several failed peace negotiations, the GoSS, Uganda and the Democratic Republic of Congo, supported logistically by the US, launched an unprecedented joint military offensive, known as Operation Lightning Thunder, against the LRA in mid-December 2008. However,

since the joint operation, LRA rebels have stepped up their revenge attacks on civilians in their operation areas of Uganda, DRC, Southern Sudan and even in the Central African Republic.¹⁰ In January 2009, for instance, the LRA carried out a brutal attack in Western Equatoria state near Mboroko Payam, south of Maridi town, killing more than 40 people. They also abducted an unknown number. As a result of the recent LRA attacks, nearly 33,000 people have reportedly been displaced in Western Equatoria state, prompting Southern Sudanese parliamentarians to hold an extraordinary emergency meeting.¹¹ The situation has also prompted a joint inter-agency meeting of international aid agencies to provide emergency humanitarian aid to internally-displaced persons. The continuing LRA attacks have led to the formation of a civilian self-defence group in Western Equatoria, known as The Arrow Boys, but it is unlikely that their low-tech weapons such as arrows will defeat the well-armed and notorious LRA.

2.3. Community perception of security

Table 1 Security before/after the Comprehensive Peace Agreement		
How do you compare the security situation before and after the CPA?		
	Frequency	Percent
Improved after the CPA	593	77.2
Remains the same as before the CPA	126	16.4
Deteriorated after the CPA	24	3.1
No opinion	25	3.3
Total	768	100.0

**Table 2
Shifts in security since the
Comprehensive Peace Agreement**

Taking into consideration the past three years (since the signing of the CPA), what is your perception of security in the area? Has it:

	Frequency	Percent
Increased	448	58.3
Decreased	164	21.4
Remained the same	156	20.3
Total	768	100.0

As tables 1 and 2 illustrate, the general security situation in Southern Sudan has improved since the signing of the CPA. Table 1 suggests that 77.2% believe security is better than it was during the war. Table 2 isolates the period since the signing of the CPA, to capture the progress of the so-called peace dividend as it affects the community's sense of security. While most people reported that security has improved or stayed the same in the post-war period, it is worth noting that the number who experienced a decrease in their security (21.4%) over the previous three years is much higher than the number who felt that security is worse than it was during the conflict (3.1%). This suggests that, while security improved after the CPA, the peace dividend may not be consolidating as fully as one might have hoped. Instead some 21.4% feel that early security gains have been rolled back over the past three years. This could be due to increasing insecurity, or the fact that high expectations of the post-war period are not being fulfilled.

The survey also revealed specific sources of insecurity as identified by the community. As Table 3 shows, a majority of respondents (58.9%) identified theft among their concerns. This is followed by burglary (22.3%), abduction of girls for forced marriage (21.5%), and robbery (20.3%). Almost a quarter (23.3%) of respondents claimed that security forces – particularly the SPLA – are major sources of insecurity.

Table 3
Major security threats

Overall, what are the most common types of security-related problems in the area?

Problems	Frequency	% (out of 768) ¹²
Theft	452	58.9
House breaking (burglary)	171	22.3
Abduction of girls and women (forced marriage)	165	21.5
Robbery	156	20.3
Revenge killing	105	13.7
Murder	112	14.6
Cattle rustling	140	18.2
Child abduction	77	10.0
Land grabbing	95	12.4
Sexual assault	37	4.8

The threats perceived by community members, however, vary by gender and by region.¹³ Land grabbing, for instance, is a significant security threat in Juba, mentioned by 21% of respondents, which is higher than in most other regions. Discussions with Juba residents show that tensions are increasing in Juba city as more and more SPLA ex-combatants grab land which belonged to local residents and returnees.

Notably, women were more often concerned about theft than were men — 72.3% , compared to 46.7% of men. Women were also three times as likely to identify sexual assault as a common security threat in their area (7.4% of women, compared to 2.5% of men). This discrepancy is not surprising. Sexual assault, which disproportionately affects women, carries a significant social stigma that leads to under-reporting to family members and authorities.¹⁴

A further survey question targeted threats that affect women specifically. As Table 4 shows, a plurality of women identified verbal abuse as a security threat (40.1%). Women also identified rape (18.8%), sexual assault (14%), and kidnapping (11.8%) as security

concerns that affect women in their communities. Security forces themselves were involved in several cases of sexual assault, rape (including rape of minors), harassment, intimidation, looting and occupation of land/dwellings. In a focus group discussion in Juba, it was reported that women are raped while in police custody on the pretext that they are prostitutes.

Table 4
Major security threats for women

What specific security threats are faced by women in your area/village? (women only respondents)

Security threat	Frequency	% (out of 372)
Verbal abuse	149	40.1
Rape	70	18.8
Sexual assault	52	14.0
Kidnapping	44	11.8
Do not know	4	1.1
None	147	39.5

Not only do community members perceive a wide variety of threats, they also identified a wide variety of participants as being responsible for dealing with those threats. Table 5 reveals that a majority of respondents (57%) view traditional security arrangements, particularly the Boma Chiefs, as responsible for providing security. Table 5 also shows that less than half of those interviewed (42%) considered the Southern Sudan Police Service (SSPS) as responsible for providing security services. Similarly, the Executive Chief of the Village (37%), the Government Administrator¹⁵ (32%), and the SPLA (33%) were identified as responsible for security.

Table 5
Institutions/Individuals responsible for security

Who is responsible for providing security-related services in your area/village?		
Agent	Frequency	% (out of 372)
Boma Chief	439	57.2
Southern Sudan Police Service (SSPS)	324	42.2
The Executive Chief of the Village	286	37.2
SPLA	254	33.1
Government Administrator	246	32.0
The community	167	21.7
The Watch Group/vigilante	147	19.1
UNMIS	54	7.0
NGOs	53	6.9
Village militias/White Army	46	6.0
None	37	4.8

In spite of the dominant role of Boma Chiefs suggested by Table 5, 66.3% of respondents, when asked how they would deal with instances of insecurity, said they would go to the police (Table 6). Less than 1% suggested they would inform chiefs. This raises an interesting question: if traditional chiefs are the crucial security providers, why is it that people do not report incidents to them?

In fact, it seems that people perceive security as a shared responsibility. Boma Chiefs are likely seen as security creators. They act as mediators, promoting community reconciliation and creating a more peaceful environment in their communities. Their role is more closely tied to the political side of providing security. Police, on the other hand, provide operational interventions when security is breached. Part of this is an issue of capacity: police more often — although by no means always — have the tools and infrastructure,

such as a station to work from and weapons to work with, that permit them to act in instances of insecurity. Boma Chiefs rarely have any equipment or infrastructure at all. However, it is also an issue of the way community members perceive the role of each institution. While the question in Table 5, which highlights the role of traditional leaders, gets at the issue of peace-making, the question in Table 6, which illustrates the role of police, investigates how people react to insecurity. Thus, while there is some tension between the roles of chief and police, particularly as the former receive less attention from the international community,¹⁶ there is also reason to believe that there might be room for the two institutions to work in a complementary way. This points to a need for dialogue on how the two might collaborate.

Table 6
Mechanisms for addressing insecurity

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

The role of these security providers also varies by region. Only 30% of people in Juba, for instance, identified the Boma Chief as responsible for providing security-related services. This figure is much lower than the average rate across the sample. This is likely due to the fact that Juba is a more urban area, with more inhabitants coming from elsewhere. Connections to traditional leadership may thus be weaker. Indeed, in Juba, fewer identify the presence of the Boma Chief

at all (only 43%). This is in sharp contrast to more remote areas like Torit, where 93.1% of people identified the Boma Chief as responsible for providing security.

Although most people surveyed say they would report insecurities to the police, many remain unconvinced of the capacity and efficacy of the police. Nearly half of the population either do not know if or do not believe that the police in their community have improved the security situation. Only 31% of those interviewed would rate police performance as good (Table 8); the rest believe it is fair or poor, or declined to comment.

Table 7 Effect of police on the security situation		
Do you think the existence of police in your community has improved the security situation? ¹⁷		
	Frequency	% (out of 768)
Yes	426	55.5
No	131	17.1
Do not know	211	27.5

Table 8 Capacity of the police			
How do you rate the capacity of police in enforcing law and order or security?			
	Frequency	% out of 768	Cumulative %
Poor	194	25.3	25.3
Fair	212	27.6	52.9
No Opinion	122	15.9	68.8
Good	240	31.3	100

Some of the primary reasons for this lack of confidence in the police, as described in Table 9 below, are the perceived lack of professionalism, the lack of “means and material” (such as uniforms and equipment), and corruption. This may be because the majority of police officers are former SPLA soldiers who

joined the police service without proper training. It also likely relates to the very limited budget available for capacity building, equipment and training of the police. In addition, although the government has mandated for the establishment of “public grievance units” at all police stations to receive and investigate complaints of police conduct, this has yet to be put into practice, which likely supports corruption and other abuses of power.

Interestingly, 53.1% of the population also notes a lack of coordination among different departments as a reason for poor police performance. This reflects the rising tensions and clashes between the police and SPLA, which are largely due to unclear legal structures and jurisdictions, and a tradition of SPLA dominance over all security roles.

Table 9 Reasons for poor performance of the police		
Among those who rated police performance as poor: what are the major reasons for this?		
	Frequency	% out of 192 (those who addressed the question)
Lack professionalism	139	72.4
Lack means and material	117	60.9
Corruption	104	54.2
Lack of coordination between departments	102	53.1
Lack of general awareness of human rights	101	52.6
Lack of integration among forces	54	28.1
Community members do not care about security	21	10.9

The actual performance standards of the police, as perceived by the community and particularly by youth, seems to be dwindling in part due to arbitrary arrests and violations of human rights by some officers.

Twenty-five per cent of respondents said the performance of the police is poor in terms of respect for human rights, equitable service, and respect for the rule of law (see Table 10). For example, in October 2008 and January 2009, in Juba and Bor respectively, some young women and men were arrested by the police for wearing very tight jeans and short skirts. The police claimed that the young people displayed “bad behaviour” by dressing “provocatively in a manner that exposes (them) to risk of rape”.

Because of these arrests in October, the Juba County Commissioner lost his job¹⁸ and the recent arrests have been labelled as unconstitutional by youth groups. However, the police and some members of the public continue to view young people, particularly refugees returning from neighbouring countries, commonly known as “niggers”,¹⁹ as real threats to the Southern Sudanese culture because of their “inappropriate dressing” and behaviour.

Table 10
Police performance on human rights, equitable services, and rule of Law

How do you rate the actual performance of law enforcement by the police in terms of respect for human rights, equitable services and respect for the rule of law?

	Frequency	% out of 768
Good	231	30.1
Fair	235	30.6
Poor	193	25.1
No opinion	32	4.2
Not applicable	77	10.0

3. Current Security Sector Reform Initiatives: A broader SSR Approach?

The Government of Southern Sudan has identified the restoration of security as its priority, and recently launched some bold measures for reforming parts of the security architecture. The most visible reform is the massive and ambitious program that aims to transform SPLA guerrilla fighters into a professional army. In addition, the UN and the Government of Sudan recently signed an agreement to implement a multi-year Disarmament, Demobilization and Reintegration program.

Both of these initiatives are aimed at the military (“security sector”), while the police, corrections and the judiciary (“rule of law sector”) have received relatively little attention. In 2007, an independent joint donor assessment of SSR advised that this division between the security sector and rule of law is counter-productive.²⁰ However, to date no serious attempt has been made to genuinely link the SPLA transformation, the DDR program, and programming in other rule of law sectors, particularly the police.

3.1. Transformation of the Sudan People’s Liberation Army

Since the signing of the CPA, the GoSS has been preoccupied with transforming the SPLA from a guerilla force into a professional army. As such, more than 31 pages of the CPA document deals with the issue of reconstructing the SPLA and DDR processes, while policing and domestic security issues are accorded only two pages each.²¹

There are financial and security reasons for focusing on SPLA transformation: the current estimated size of the SPLA (approximately 230,000 members) consumes about 40% of the GoSS budget. This is unsustainable.²² Because most ministers and

senior government officials in Southern Sudan are either ex-SPLA or close SPLM affiliates, establishing a civilian control mechanism and governance structure is crucial. The SPLA’s ability to develop effective and accountable defence management systems is also limited. Systems for the management of personnel, finance, logistics, procurement, military/strategic planning and decision-making are all essential to the effective functioning of the security sector. In addition, a large number of SPLA soldiers have spent most of their lives as fighters and know little other than violent conflict as a way of making a livelihood. With many going unpaid, SPLA soldiers often resort to violent crime in order to get food and shelter.²³

Given these circumstances, transforming the SPLA into a more affordable, accountable and democratic entity is a compelling priority for the GoSS.

DFID has been heavily involved in supporting a Security Sector Development and Defence Transformation program in Southern Sudan through the provision of advisory support to the SPLA. DFID’s advisory committee has supported the SPLA transformation process and has achieved some significant successes. For example, the committee has supported the production of a Defence White Paper that lays out the strategic vision of the SPLA and which was drafted and approved by the Southern Sudan Legislative Assembly in June 2008. As well, the SPLA Act was passed by the Southern Sudan Legislative Assembly in January 2009.

However, while a significant number of SPLA soldiers are being transferred to the police and other rule of law services, no serious consideration has been given to linking the SPLA transformation with the rule of law sector, particularly the police.

3.2. Disarmament, Demobilization and Reintegration (DDR)

Between 2005 and 2008, as per the CPA, the UN and other national and international actors implemented an Interim DDR Program (IDDRP) for the whole of Sudan. The IDDRP initially seemed to be a progressive project that sought to nurture a broader and integrated approach to providing post-conflict security. It articulated linkages between DDR and other security sectors and even called for the establishment of a Security Sector Transformation (SST) unit within the UN DDR section.

In reality however, IDDRP faced significant constraints and failed to achieve significant results. There were serious tensions between key DDR participants such as the UN DDR Unit and UNDP. The political environment in general was not conducive as both SPLA and SAF were not genuinely committed to downsizing their military, and the various institutions established to support DDR, such as the Southern Sudan DDR Commission, lacked the financial, human and political means to develop policy advice for government. In the end, the Security Sector Transformation unit did not materialize, and the IDDRP program in general failed to explicitly articulate the need for systematic linkages between the planned DDR and SSR initiatives such as the SPLA transformation process and rule of law sector reforms, within the police and prisons, which have absorbed a large number of demobilized SPLA personnel.²⁴

At the time of writing, DDR seemed to be entering a more advanced phase with a recent agreement between the UN and the Government of Sudan to implement a massive multi-year DDR program (2009-12), targeting 180,000 combatants associated with the Sudan Armed Force and the SPLA. In 2009, the DDR project plans to undertake a Three Areas First Approach Strategy by prioritizing Southern Kordofan, Blue Nile and Abyei areas. These areas are identified as priorities for DDR mainly because this is where the majority of troops come from and where there are significant security threats.²⁵

It is not clear whether the new DDR program will overcome the challenges ahead and take a new approach. Political commitment to downsize/demobilize a large number of soldiers is weak due to the perception that war might still break out between the North and South. However, the GoSS also wishes to mitigate the budgetary burden it carries due to falling oil revenues by removing excess SPLA soldiers from its payroll. Accordingly, the GoSS is now preparing to first demobilize “special needs groups”²⁶ consisting of the elderly, the disabled and women associated with armed forces within the SPLA.²⁷ There are still uncertainties as to how many of these special needs groups will be demobilized.²⁸ Sensitization of the target groups has not yet taken place, and livelihood packages after demobilization are not yet designed, although there is talk of rewarding some SPLA veterans with plots of land. More worrisome is that GoSS institutions such as the SSDDRC and the Southern Sudan Veterans Commission are not ready to take responsibility for the long-term reintegration of these ex-combatants.²⁹ This will have far-reaching security consequences for the GoSS as these people may resort to violence as a means to survive if they do not receive adequate support.

Furthermore, it is not clear whether the DDR and other SSR activities will be undertaken in a comprehensive manner. As it stands, the DDR project document says it will build “linkages with upcoming community security and small arms control projects, rural rehabilitation projects, etc.”³⁰ But it fails to make explicit reference to the need for a DDR program to be comprehensively linked with other SSR initiatives, particularly police reform and SPLA transformation programs.

3.3. An Integrated SSR Approach?

Although the SPLA transformation and the DDR initiatives are critical for improved delivery of security and justice in Southern Sudan, their inter-dependence with other SSR activities – particularly the police – cannot be overstated. For example, demobilized SPLA soldiers (through the SPLA transformation process and

DDR) are still the main source of new police recruits. However, the policing sector largely remains neglected and is not treated as part of the broader SSR process. In addition (although beyond the scope of this report) the wider criminal justice sector in terms of modernizing laws, training judges, making courts more effective, and improving correctional facilities must be undertaken in tandem with other SSR initiatives. Suffice to say that not much progress has been made on this aspect.

At the time of writing this report, UNMIS in Juba was preparing to establish a Security Sector Advisory and Coordination Cell (SSACC) which will provide policy guidance and coordination aimed at developing an integrated SSR activity including police reform, SPLA transformation, DDR and judicial reform. Currently, however, all the major SSR processes have proceeded independently and their impacts on one another have not been systematically assessed.

4. *The Current State of Police Reform in Southern Sudan*

In the pre-CPA period, there was no functioning police force to speak of in the South. All security-related matters were addressed by the Government of Sudan's military, based in Khartoum.

Since 2003, a number of provisions have been introduced to establish civilian security services, such as police, an intelligence service, and prison and wildlife services. Together, they will be responsible for internal security and law enforcement. Provisions for these bodies were meant to be covered by the 2004 Protocol on Power Sharing which states that "Structures and arrangements affecting all law enforcement organs, especially the Police, and National Security Organs ... shall be dealt with as part of the power sharing arrangements..."³¹ Although the protocol set out arrangements for national security organs, it failed to specify any detailed arrangement for the police. It was only after the 2005 peace agreement that new arrangements were developed for policing.

Accordingly, the Southern Sudan Police Service was established in 2005. Its members included three distinct groups: former police of the Government of Sudan previously based in GoS-held towns in Southern Sudan; SPLA combatants who were assigned as civil police in the SPLM-controlled areas; and demobilized SPLA officers. In 2006, these groups were integrated within the SSPS and came under the control of the Ministry of Interior of the Government of Southern Sudan.

Currently, the SSPS receives little attention from the GoSS and international SSR actors. As a result, it lacks the appropriate legal frameworks for its activities, an effective organizational structure, and even the most basic equipment and infrastructure. At the same time, the SSPS continues to absorb a large number of SPLA personnel almost on a daily basis with little or no

training, posing significant programming challenges to SSPS leadership and international actors involved in the rule of law sector.

4.1. *Coordination between the police and other security institutions: Challenges from the system*

The SSPS is still struggling to define and clarify its place in the wider security architecture of Southern Sudan. The lack of a clearly defined space for the police within the structure of the GoSS has led to serious coordination challenges within the SSPS itself and, most importantly, to challenges in coordinating with other security and defence organs. For example, there are currently two separate security sector budgetary working groups within the GoSS's SSR strategy – one for rule of law institutions (in which the police are represented), and one for security institutions (in which the police are *not* represented). The police leadership insists that SSR should be broadly defined and SSPS should be represented in both working groups. This would greatly contribute to mitigating the current coordination challenges of the two working groups. So far, there has been little effort to promote the integration of these two working groups.

This coordination challenge among key government security institutions has also led to a lack of clarity even among senior security and defence officials as to how the central state security machinery – the Southern Sudan Security Committee and the Defence Council – works. A coordination group involving international partners has been formed, chaired by UNDP, and has been asked by the Vice President of the GoSS to present options on addressing the development of a coordinated response to security challenges. However,

senior SPLA and police officers are not clear about who brings together the outcomes of any discussions or implements decisions.³²

To mitigate this coordination challenge and to help the SSPS draft a policy framework and action plan for capacity-building, UNMIS and UNDP supported the establishment in 2006 of a Police Development Committee, consisting of high-level representatives from the SSPS, the GNU and international actors. This committee now seems to be replaced by the Police Working Group, consisting of SSPS focal point and representatives of UN agencies and donor organizations.³³ However, according to the police leadership, re-instating a more robust police working group is essential. In order to make the working group more effective, it should be chaired by a representative of a high-level government body, preferably by the SSPS's Inspector-General. In addition to playing a coordination role, it should be mandated to examine the present state of the SSPS and review previous efforts on the reorganization, restructuring and repositioning of the service. The working group should also be mandated to recommend definitive, measurable and practical actions for the enhancement of police service, including possible areas of assistance from international actors. It is important to remember that when it comes to tactical-level coordination, state police officials must be included.

4.2. SSPS-SPLA Relations: *An uneasy partnership*

Clearly articulated and defined roles and missions as well as the relationship between the SSPS and the SPLA will largely determine how effectively the GoSS provides security to its citizens.

The CPA broadly stipulates that the SPLA's primary responsibility is to safeguard Southern Sudan against possible external threats (i.e. defence) while the police are primarily responsible for preventing and fighting crime and maintaining public safety (i.e. security).

According to the CPA provision, the SPLA may provide support to the police when domestic security threats prove to be beyond the capacity of the police.

The relationship between the SPLA and the police has proved to be very challenging. Except for rare instances where the SPLA and the police reportedly undertook joint patrols, as was witnessed at the Nazareth police post, internal security responsibilities often fall to the SPLA.³⁴ This is mainly because of the tendency of the government and citizens – who spent most of the war years relying on the SPLA to provide local security – to continue to call on the SPLA rather than the police.³⁵ However, clashes between the SPLA and the police often occur when they engage in joint security operations due to perceived overlap of their mandates and a lack of genuine cooperation. For example, on November 4, 2007, five SPLA/Joint Integrated Unit (JIU) soldiers killed three police officers at the local police station inside Yambio town, Western Equatoria State. Recent incidents in Rumbek, where police officers and some civilians were forcibly disarmed by the SPLA, further illustrate the scope of the challenges facing the two institutions in working together.

There are also additional structural challenges to SPLA-SSPS relations. According to a senior police officer, SPLA soldiers are being demobilized into security sector institutions, particularly the police force and prison service, on a regular basis, but this influx of military personnel into the police sector has not been accompanied by a reallocation of resources to cover the costs. Most of these demobilized SPLA soldiers join the police service with very little, if any, formal training. As a result of this constant military influx into the police and poor record-keeping, the SSPS leadership has a difficult time determining the actual size of the force. This means it is impossible to make informed decisions about resource allocation or to track police equipment and training records. Although the SSPS leadership estimates the current number of police officers at 20,000,³⁶ it is likely to continue to swell as a result of the planned disarmament, demobilization and reintegration program targeting about 90,000 SPLA members.

4.3. *Civilian disarmament: Whose responsibility and how should it be done?*

Due to the legacy of more than 20 years of civil war, there is a vast surplus of firearms and ammunition across Southern Sudan. In 2007, a Small Arms Survey estimated that there were between 1.9 and 3.2 million arms in circulation, of which two thirds were in civilian possession. The proliferation of these arms is exacerbated by the porous nature of the territory's borders with Ethiopia, Kenya and Uganda, and by the limited capacity of law enforcement organs.³⁷

To deal with the problem of weapons proliferation among civilians, a number of devices have been created by national and international bodies. In January 2007, the GoSS established a Bureau of Community Security and Arms Control (CSAC). Initially under the jurisdiction of the Office of Vice-President of Southern Sudan, and now under the jurisdiction of the Ministry of Internal Affairs, the CSAC has a mandate to lead and coordinate government action on community security and arms control issues. UNDP has provided support to the GoSS through CSAC programming.

Despite the establishment of the CSAC and other mechanisms, the concept of civilian disarmament is besieged by confusion and the overlapping mandates of different GoSS institutions coupled with weak institutional arrangements. While some believe that the CSAC is meant to deal with civilian arms control, others argue that it should address the disarmament, demobilization and reintegration of former combatants.

The GoSS is convinced that civilian disarmament is outside the DDR framework, and has mandated the SPLA to carry out the task with coercion. However, this approach has proved to be largely ineffective and sometimes counter-productive as soldiers often employ military tactics (such as surrounding villages and using heavy weaponry and other intimidating strategies). This was the case in 2006 and 2008 when the SPLA undertook coercive civilian disarmament in

Rumbek, Jonglei and other states. The campaign resulted in the death of hundreds of innocent civilians. On June 4, 2008, in Hiyala, Torit, amidst tensions between two local villages related to cattle raiding, SPLA forces were sent to the area to disarm the community. A fire-fight broke out, killing several civilians and soldiers. In cases where weapons were confiscated, reports show that they were not stored securely and were redistributed by the SPLA to civilians.³⁸ These incidents illustrate a more general concern regarding the role SPLA military forces play, or should play, in civilian law enforcement.

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

International aid agencies and members of civil society organizations suggest that effective civilian disarmament can be achieved by working with the Boma Chiefs. Our survey also shows that in the absence of a functioning state-run police service, the Boma Chiefs are seen as responsible for providing security in their communities. For example, the chiefs often have detailed knowledge of who owns guns and where they are stored. They are also effective in persuading people to register their weapons.³⁹

In recent times, however, the capacity of the chiefs to complement the work of the state's law enforcement agency has been greatly undermined by the long war.

As communication between the chiefs and the people broke down, the younger generation of men assumed responsibility for providing security.

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

It is also important to recognize the limitations of the chiefs. Sometimes they represent certain constituencies better than others. Further, traditional leaders may not be familiar or compliant with international human rights standards, such as those relating to violence against women.

It is therefore important to clarify the roles of traditional leaders, and to find more effective ways in which they can complement, but not replace, the formal police and legal system. One way of accomplishing this could be to establish formal mechanisms for local NGOs and other civil society members to collaborate with the chiefs and the police. In the meantime, these grassroot agents could play a crucial role in civilian disarmament and local reconciliation efforts.

4.4. *Emerging but unclear legal frameworks undermine the police*

Effective peacebuilding in Southern Sudan depends on how existing and new conflicts are dealt with through well-defined and well-articulated governance structures. The GoSS has a governance structure based on “subsidiarity” – a decentralized and federal system with devolved governance structures. According to Article 39 of the Interim Constitution of Southern Sudan, governance “shall promote democratic

principles and political pluralism, and shall be guided by the principles of decentralization and devolution of power to the people through the appropriate levels of government where they can best manage and direct their affairs.” Important steps are being taken to decentralize much administrative authority to state levels, but this has proved to be challenging in the security sector.

The Government of Southern Sudan’s cabinet recently passed *The Sudan People’s Liberation Army Bill, 2008*, which spells out the constitution, mission, structures, exercise of power, functions and duties of the army. However, neither the CPA nor subsequent legislation has addressed the peacetime role, training, equipment, or activities of the police. Article 162 of the CPA provided for the establishment of a police service, but made little reference to how the service would operate.

The foundation of Southern Sudan’s criminal justice system, including the Penal Code, the Code of Criminal Procedure, the Judiciary Act, and the Police Act have still not been passed. As a result, the police continue to operate under Presidential Decree with no law or operating procedures governing their activities or structures. The specific jurisdictions of the police at the national, Southern Sudan and state levels remain undetermined. For example, the relationship between the Ministry of Interior and the state police forces is unclear. There are no definite answers as to where the ministry’s powers begin and, more importantly, end in the states. While some GoSS officials in Juba argue that the Ministry of Interior has full control over all law enforcement in all Southern Sudan states, others, particularly the state authorities, say the police are under the direct control of the state governments, not the GoSS.

The SSPS is still working to define its place in the wider governance structures of the GNU, GoSS and state levels. As such, the jurisdiction of the police and other security institutions is unclear. For example, a Memorandum of Understanding (MoU) between the National Police Forces in Khartoum and the SSPS states that the two forces will collaborate to enhance the

capacity of the different levels of police through the creation of an Administrative Committee to streamline all police forces. Yet, the National Congress Party and the SPLM have not established concrete and clear provisions regarding policing, hierarchy and training. Despite the reference in the CPA and the Interim Constitution of Southern Sudan to the establishment of a quasi-federalist style of police service and jurisdictions in Southern Sudan, the present structure reflects a single-jurisdiction style containing the three levels (GNU, GoSS and State). The same memorandum mentioned above stated that “the National Police Headquarters shall be notified with any training of the South Sudan Police in order to ensure the application of national standards of training.” But the kind of training that is provided in the North may not be applicable in the Southern context as training institutions in the North tend to focus on applying *sharia* law, a system that would be inappropriate in the predominantly Christian and animist South.

4.5. Which law to enforce?

Under international law and with some exceptions, military authorities typically are not supposed to interfere with criminal justice administration. The Southern Sudan laws are consistent with this, giving the civilian police the primary authority for law enforcement. In practice, however, the SPLA continues to interfere in the administration of civilian justice. In many instances, even though judicial authorities ask the police to enforce the law against SPLA offenders, the police feel powerless to act. For example, Human Rights Watch reported a case where an SPLA soldier who encroached on the land of a sub-chief and cut down some trees refused to pay compensation, saying he “was part of the liberation of Yei.” In another instance, when a soldier tried to occupy land owned by the Southern Sudan Human Rights Commissioner, she challenged him to show his legal title to the land. He replied, “We don’t need law because we liberated this land.”⁴⁰

Moreover, the Southern Sudan legal structure is characterized by overlapping legal frameworks and gaps in legislation, which makes it difficult for the police to know which laws to enforce, when and where. All laws that existed when the CPA was signed must continue to apply until they are amended, repealed or replaced by new laws. Practically, this means that some aspects of *sharia* law may still be in place in the South as no new legislation has been passed, and it is often unclear which set of laws should be enforced. For example, although the Southern Sudan Legislative Assembly adopted new criminal laws in 2008, police in many states have yet to receive copies of the documents, and continue to operate on the basis of the 2003 laws passed by the SPLA and the 1991 criminal procedure act passed in Khartoum. At the same time, a majority of the judges and lawyers practicing in Southern Sudan are Khartoum-trained, speak Arabic, and have expertise in *sharia* law.⁴¹

One legal institution, known as *Wakil Niaba* (public prosecutor), emerged as a clear demonstration of the legal confusion and a major concern for the police leadership. The *Wakil Niaba* was instituted by Khartoum in 1983 partially as a check on arbitrary arrests, but it has continued to exist as part of the criminal justice process across Southern Sudan. Our discussions with local communities and government officials revealed that in many communities, the *Wakil Niaba* acts in a way that undermines the work of the police in fighting crime. Numerous cases were reported where police arrested known criminals who were then prematurely returned to the street by order of the *Wakil Niaba*. This triggers unnecessary temptations for plaintiffs to take the law into their own hands, given the inability of police to hold suspects.

5. *Internal Dynamics within the SSPS: Training, Budget and Capacity Issues*

As noted earlier, the SSPS is in its early stages of development. Key issues relating to the legal framework for organizational structure and operational guidelines for policing are still being developed. The SSPS critically lacks the capacity, equipment and infrastructure needed to be an effective rule-of-law institution.

5.1. *Lack of Training*

Demobilized SPLA soldiers remain the main source of recruitment for the SSPS, but political will in government for better recruitment procedures, such as vetting, remains very low. Partially as a result of the influx, the police service faces significant training and capacity challenges. Some 90% of SSPS members are completely illiterate in both Arabic and English, making it difficult for them to enforce the law, conduct investigations, or manage cases. Many of these police officers are heavily militarized, having spent their entire careers as part of the SPLA forces, operating according to a different set of goals and procedures than is appropriate for a civilian police service. Existing police officers can also be difficult to retrain, as 70% of them are approaching the end of their careers. It is also important to note that although large numbers of women contributed to the Sudanese war effort as active combatants, and they could make an important contribution to an effective civilian police service, little effort has been made to include them in the police force.

SSPS's Strategic Development Plan (2008-11) indicates its goal of establishing a Central Training and Development Unit (CTDU) in Juba; a Southern Sudan Police Training Academy in Juba; 10 State Training and Development Units (STDUs) in each of the 10 states; and 10 State Training Academies, to ensure the delivery of standardized yet regionally-sensitive police training in Southern Sudan. This clearly shows the

SSPS's ambition to train existing police officers and recruit new and educated members who are more amenable to training programs that might be developed, but the plan is unfulfilled because the SSPS's limited budget is largely consumed by the salaries of the ex-SPLA members who are integrated into the police force.

Against this background, the British Council has been implementing a project to support the establishment of a Central Training & Development Unit (CTDU) in Southern Sudan. In 2006, the project was allocated additional funds by DFID to provide more support to SSPS in the form of training of trainers as well as middle and strategic management programs.

The project successfully supported the establishment of the CTDU in Juba and some mid-level police personnel have received basic police training. However, the CTDU is not yet integrated into the overall framework of the SSPS, and the vast majority of rank-and-file police officers have yet to receive any training to effect the SSPS's overall organizational development agenda.⁴²

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

5.2. *Inadequate budget and capacity constraints*

Budget constraints are among the greatest cause of concern for the SSPS in its reform/development venture.

Forty percent of the GoSS budget is allocated to defence, leaving the police sector to compete with other government institutions for the remaining finite sum. Limited resources mean that although police are aware of many of the problems facing them, they are unable to address these challenges. In 2007, the police budget was only US \$50.3 million.⁴³ More than 80% of this went directly to paying salaries of the steadily growing force, leaving little for training or building capacity. Moreover, the police still complain of inadequate and irregular pay with unpredictable, if any, pay raises. The meager budget allocation for the police has also meant unfulfilled promises. For example, at the March 2008 police leadership conference in Juba, resolutions were made to guarantee the welfare of SSPS officers through the establishment of workers cooperatives, accommodation facilities for all officers, and support packages for families of police officers killed in the line of duty. None of these provisions has yet been realized. Chiefs and judges who provide related services in the criminal justice sector also are affected by poor compensation and irregular pay, leaving them vulnerable to bribery and other forms of corruption.

The lack of proper training and infrastructure investment through the regular government budget has resulted in considerable SSPS dependency on donor support for infrastructure and operational development. Basic equipment, from radios and handcuffs to police registers and incident report forms, is in short supply. In Lakes state, for example, the police station owns only two vehicles, critically limiting its ability to respond rapidly to incidents.

Some police leaders suggest that moving the police from the rule of law into the security envelope of the budget would help the SSPS to acquire more funds from the government's core budget to buy the equipment they need. As it stands now, however, the budget does not allow for training, equipping or expanding the capacity of the growing force. As the GoSS generates about 95% of its revenue from oil, the budgetary situation for the police may get worse if global oil prices continue to fall.

6. *The International Community, SSR and police reform in Southern Sudan*

Both multilateral and bilateral donors have been involved in SSR processes in Southern Sudan, particularly in transforming the professional standards of the SPLA and DDR. However, the police component – especially infrastructure and organizational development – largely remains neglected.

Until recently, there has been an exclusive focus among members of the international community who are involved in police reform on training and equipment while less attention is given to establishing management structures, fiscal oversight, accountability and planning — all essential to the sustainability of the SSPS in the long-term.

Further, the international community has largely declined to seek the advice of relevant academic experts in their SSR efforts. Research organizations, academic centres and think-tanks that have experts in criminology, anthropology and related disciplines could participate in designing and delivering police training. These local academic and research institutions, though few in number in Southern Sudan, are best positioned to profoundly contribute to the understanding of local factors and the context and history of crime, violence, discrimination, favouritism, repression and abuse before any rule of law initiative is started. The international community in Southern Sudan now has the opportunity to seek consultation and help build the capacity of local research institutions such as the CPDS to conduct research, gather, analyze and assess data, and to serve as constructive watchdogs on performance long after the last UN police, judicial monitor, prison inspector or human rights officer has left the country. In this way, international assistance could be directed at institutional reform that is not limited to the short-term technical

aspects of police service but is grounded in the broader set of political relations that constitute the terrain of police-building.

The following section outlines the major SSR undertakings by various actors, and how they are (or should be) engaged in providing system-wide security sector reform – including that of police.

6.1. *UK's Department for International Development (DFID)*

Within the Joint Donor Team in Juba,⁴⁴ the UK's DFID has been the key player in SSR issues in Southern Sudan. DFID has been supporting projects ranging from community security to civilian disarmament — through PACT Sudan's programs, for example. However, DFID's main focus has been SPLA transformation, through the Security Sector Development and Defence Transformation project. The aim of this project is to transform the SPLA from a loose guerilla force into an affordable, professional, disciplined armed force under emerging democratic civil control, and to support development of broader GoSS security decision-making structures.

The British Council, through DFID funding, has also been involved in providing management skills and training of trainers to some senior and mid-level police and corrections officers, but the training sessions are short-term and the majority of rank-and-file police officers remain under-trained.

6.2. United Nations Development Program (UNDP)

UNDP in Southern Sudan has been heavily involved in establishing police, judiciary and prison services through infrastructure development and modest training. Recently, through the Multi-Donor Trust Fund, UNDP launched a US\$45 million project for large-scale rehabilitation and construction of police stations and correctional facilities. UNDP's Rule of Law Unit has also provided significant institutional capacity building to the Ministry of Legal Affairs and supported the establishment of the Southern Sudan Human Rights Commission and the Southern Sudan Anti-Corruption Commission.

Considerable challenges remain in linking this rule of law initiative to the SPLA transformation and DDR program. In addition, due to the lack of existing overall strategy within the GoSS for selection, recruitment and appointment of personnel, the success of UNDP's rule of law project has been limited.⁴⁵

6.3. The UN Mission in Sudan (UNMIS)

UNMIS, through the UN police, plays important roles within the security sector in Southern Sudan, particularly with regard to police training and disarmament, demobilization and reintegration. UNMIS has been involved in community sensitization on human rights, and has been offering some mentoring, mainly through co-location at local police stations, on such issues as crowd management and VIP protection. However, due to its own capacity limitations and the very high illiteracy rate among SSPS officers, the vast majority of local police have not received any training. There have been some attempts by UNMIS to develop a code of conduct for the police, but the research team was unable to verify its current status or obtain a copy of it in Juba.

6.4. Kenya and Uganda: Emerging but neglected regional players

Increasingly, Uganda and Kenya are becoming important players in the training of Southern Sudanese law enforcement and justice officials. The Ugandan government has been training Southern Sudanese police officers for a variety of reasons, including an attack on Ugandan traders in Bor town by Southern Sudanese security forces;⁴⁶ the desire to benefit from secured trade routes from Southern Sudan; and the need to address the LRA. Kenya, too, has been training many civil servants.

While the involvement of multiple international actors in providing assistance to the law enforcement sector is encouraging, in many cases these programs are not firmly and systematically connected to the general framework of a police reform process. Rather, SSPS has been bombarded with a host of disparate and uncoordinated training and capacity-building programs without reference to sustainability through structural and staffing changes. In isolation, these capacity-building initiatives lack significance and impact in the movement from SSPS's current state to the desired state. For example, Uganda and Kenya's assistance is undertaken without significant coordination or consultation with other donors who are providing assistance. These regional powers, which have a direct stake in border security with Southern Sudan, must now be integrated into the larger donor community, or into the Joint Donor Team in Juba. At the same time, however, the standard and doctrine of the police training offered by these countries should be scrutinized. Some experts question, for example, if it is even appropriate for Kenyan police officers, who have been accused of corruption and serious human rights violations during the flawed election in Kenya, to train Southern Sudan police. One way of overcoming this challenge could be for UNMIS/UN police to establish an international training doctrine and share these standards with the Ugandans and Kenyans.

7. Conclusions

Our research indicates that the Southern Sudan Police Service has made progress since its creation in 2005. But it is still far from being a fully functional civilian force that can protect and respect the basic rights of all Southern Sudanese in a transparent and accountable manner. Reforming the police service is not going to be a quick fix as the process is starting almost from scratch in a complex, sensitive and difficult context.

This research suggests that communities across Southern Sudan have high expectations of the police. But for the service to deliver effective law enforcement and maintain the rule of law, the reform itself must start at the highest levels. These include meeting the challenges of institution-building by putting in place appropriate legal frameworks and acquiring an adequate budget for training and equipment. These steps are essential to the creation of a modern, accountable and democratic police service.

There is significant political commitment by the police leadership to develop the SSPS. To engender effective change, however, this political will must be shared by all concerned, including the GoSS, the Minister of the Interior, international organizations and donor states.

8. Recommendations

To the Government of Southern Sudan (The Vice President of Southern Sudan, The Ministry of Interior, The Southern Sudan Legislative Assembly, The Ministry of SPLA Affairs, The Ministry of Legal Affairs and Constitutional Development, The Human Rights Commission):

1. Pass the draft Police Bill without delay, and promulgate an enforceable code of conduct. The Police Bill should clarify the roles and responsibilities of police and provide a basis for more transparent accountability.
2. Clarify and define the legal frameworks and jurisdictions of the various security organs.
3. Coordinate police reform with the wider criminal justice sector reform as well as DDR and SPLA transformation initiatives by establishing the Security Sector Advisory and Coordination Cell.
4. Review the current division between the security sector budgetary working group and the rule of law sector working group with a view to including the police in both working groups.
5. Increase the SSPS budget with training, equipment and infrastructure development as priorities.
6. Establish an adequately funded and Southern-relevant police training academy and training centre for the SSPS with a curriculum that emphasizes basic literacy, democratic policing principles, and modern policing techniques. In the interim, quickly establish a program for all officers on human rights and gender-sensitivity training based on international standards. Make that training program a key part of police induction when officers join the SSPS. Draw on civil society resources in this effort.
7. Build on the encouraging establishment of the Southern Sudan Human Rights Commission and the Anti-Corruption Commission. As important

independent oversight bodies, these civilian institutions should be reinforced by the GoSS and the international community so that they may more effectively address human rights concerns involving law enforcement agents, as well as others, and bring them to the attention of the relevant authorities.

To the Southern Sudan Police Service (SSPS):

1. Develop a mechanism to encourage effective collaboration between the traditional chiefs and modern law enforcement in order to take advantage of the chiefs' key roles within communities, their knowledge of local needs, and their legitimacy among constituents. This could be achieved through the establishment of a committee for police-community relations comprising 12-15 members drawn from local communities, educational/research establishments (such as CPDS), civil society, SSPS officers and SPLA members. Furthermore, harmonization of traditional chiefs and statutory institutions is important particularly with regard to standards for international human rights, women's rights and children's rights.
2. Deploy more civilian police in remote locations across Southern Sudan and ensure they have been appropriately trained for this work.
3. Publicize reform achievements and successes in order to generate more international and national support for police reform in Southern Sudan.
4. Conduct a census of the police service. This should include registering all police personnel, screening officers, issuing SSPS identity cards, and certifying those fit to continue duty.

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5. Establish a fair vetting process, regardless of its political sensitivity, through which SSPS members accused of human rights violations, such as arbitrary arrest and detentions, are held accountable. This process could involve entities such as the Human Rights Commission of Southern Sudan. The process must protect police officers from false allegations while at the same time holding guilty parties accountable for their crimes and demonstrating to the public the SSPS's commitment to the service of all citizens. The police should conduct a public information campaign telling citizens how to lodge complaints about police misconduct.

To the international community:

1. Proactively work towards better donor coordination in the security sector.
2. Support the GoSS in establishing an effective accountability and logistics management system for the SSPS in order to track donor assistance.
3. Provide assistance in support of the SSPS Strategic Plan, particularly in support of a census to determine the exact number of police officers and to issue identity cards to all police officers.
4. Extend existing donor coordination mechanisms to include all multilateral and bilateral donors, particularly Uganda and Kenya.
5. Support the establishment of an adequately funded and Southern-relevant police training academy and training centre in Juba, and then decentralize these training centres in the 10 states.
6. Reach out to local participants and involve them in the design and implementation of SSR programming and police reform projects in particular. For example, local research institutions such as the University of Juba's Centre for Peace and Development Studies could help establish training courses for the police on human rights issues.

List of Acronyms

ABC	Abyei Border Commission
CPA	Comprehensive Peace Agreement
CPDS	Centre for Peace & Development Studies
CSAC	Community Security and Arms Control
CTDU	Central Training & Development Unit
DDR	Disarmament, Demobilization and Reintegration
DFAIT	Department of Foreign Affairs and International Trade (Canada)
DFID	Department for International Development (UK)
GNU	Government of National Unity
GoS	Government of Sudan
GoSS	Government of Southern Sudan
IDDRP	Interim DDR Program
JDT	Joint Donors Team
JIU	Joint Integrated Unit
LRA	Lord's Resistance Army
MOU	Memorandum of Understanding
NAC	National Advisory Committee
NCP	National Congress Party
NGOs	Non-Governmental Organizations
NSI	The North-South Institute
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SSACC	Security Sector Advisory and Coordination Cell
SSDDRC	Southern Sudan Demobilization, Disarmament & Reintegration Commission
SSHRC	Southern Sudan Human Rights Commission
SSPS	Southern Sudan Police Service
SSR	Security Sector Reform
SST	Security Sector Transformation
STDU	State Training and Development Units
UNDP	United Nations Development Program
UNMIS	United Nations Mission in Sudan

Endnotes

- ¹ NAC members are renowned Sudanese figures who have provided strategic advice to the research team throughout the project implementation period.
- ² John Young, *“Emerging North-South Tensions and Prospects for a Return to War”* Small Arms Survey, 2007, Geneva.
- ³ M. Schomerus., *“Violent legacies: Insecurity, in Sudan’s Central and Eastern Equatoria”*, Small Arms Survey, 2008
- ⁴ Sudan Watch, *“South Sudan’s proposed land bill will deny Sudanese ownership of their own land by granting foreigners 99 year leases”*, January 14, 2009.
- ⁵ In March 2008, a UN Human Rights Council of the General Assembly reported that in Wau, a 14-year-old girl was allegedly raped by two SPLA soldiers. (Human Rights Council, 7th Session, 3 March 2008).
- ⁶ Schomerus, *loc.cit.*
- ⁷ Sudan Tribune, *“South Sudan cabinet passes a number of resolutions on insecurity”*, 9 January 2009.
- ⁸ Human Rights Watch, *“There is no protection: insecurity and human rights in Southern Sudan”*, New York, USA, February 2009.
- ⁹ M. Ashkenazi, J. Farah, E. Isikozlu, H. Radeke and P. Rush, *“Services, Return, and Security in Four Counties in Southern Sudan.”* A survey commissioned by AAH-I and IPICS.
- ¹⁰ Some believe that due to the joint military offense, the LRA is running short of ammunition, hence they have resorted to indiscriminately chopping off the limbs and other body parts of people who cross their path. (Sudan Tribune, January 14 edition, *“Ugandan Rebels Continue to Terrorize Sudan’s W. Equatoria”*).
- ¹¹ Sudan Tribune, *Ugandan Rebels Continue to Terrorize Sudan’s W. Equatoria*, January 14 edition.
- ¹² Respondents identified more than one issue, so the frequency adds up more than 100%.
- ¹³ Full tables are available from the authors by request.
- ¹⁴ The same concern may also lead to under-reporting in this survey.
- ¹⁵ “Government Administrators” are modern local government authorities, whereas the “Executive Chief of the Village” and “Boma Chiefs” are traditional administrative arrangements.
- ¹⁶ One notable exception to this trend is UNDP-supported community level peace conferences, which bring together traditional leadership. These conferences—where Chiefs act as peacebuilders and agents of community reconciliation—underscores the potential different roles that Chiefs and police might have in promoting better security outcomes.
- ¹⁷ Note that due to rounding, numbers may not add to 100.
- ¹⁸ Sudan Tribune, *“Jonglei police make arrest for ‘unfit dressing’*, 21 January 2009 edition.
- ¹⁹ The term “niggers” is used by many Southern Sudanese to refer to youth returnees with different life style. According to group discussions and interviews with members of SSPS, the term does not imply the slave trade as understood in the West.
- ²⁰ Kari M. Osland, Graham Thompson and Andreas Vogt, *“Joint donor security sector needs assessment: An independent assessment of the future involvement of the Joint Donor Team in security sector reform in Southern Sudan.”* NUPI, 2007.
- ²¹ Osland, Thompson and Vogt, *op.cit.*
- ²² The 2008 GoSS budget for SPLA Affairs alone was one billion Sudanese Pounds, representing nearly a third of the total 3.428 billion Sudanese Pounds budgeted for the GoSS. Close to half the budget went to salaries. By June 2008, the SPLA had consumed one billion Sudanese Pounds and had to be rescued by another 2.1 billion Sudanese Pounds. In January 2009, the GoSS passed a 3.6 billion Sudanese Pounds budget, but due to falling oil revenue, no salaries had been paid out to some GoSS employees and SPLA soldiers for January and February 2009 (Source: Human Rights Watch report, February 2009 and Sudan Tribune 21 February edition.)
- ²³ Osland, Thompson and Vogt, *loc.cit.*
- ²⁴ Saferworld, *‘Developing Integrated approaches to post-conflict security and recovery: A case study of integrated DDR in Sudan.’* July 2008.
- ²⁵ Sudan DDR Program: Three Areas First Approach Strategy, February 2009. *Undated UN internal document.*
- ²⁶ “Special Needs Group” is the term used in an internal Joint Donors Team’s document to emphasize the specific and tailored reintegration needs of the elderly, the disabled and women who are associated with armed groups.
- ²⁷ Some see the priority given to demobilize the Special Groups as a commitment to the special needs of women, the elderly and the disabled members of the army. Some, however, see it as a sign of a strategic military decision emanating from the reluctance to downsize active members in the midst of a possible return to war and the need to keep active soldiers for future deployment.
- ²⁸ Estimates range between 32,000 and 35,500.
- ²⁹ Interviews with JDT staff members, February 2009.
- ³⁰ ‘Disarmament, Demobilization and Reintegration project document: (January 2009 – June 2012’). Page 13
- ³¹ National security organs and police forces, CPA Agreement on Security Arrangements, paragraph 8
- ³² This lack of clarity was apparent during a high-level workshop in October 2008, organized by NSI and CPDS which brought together senior SPLA and police leadership.
- ³³ Interview with DPKO official in New York, December 2008.
- ³⁴ UN Bulletin South Sudan, 30 November 2006 Issue.
- ³⁵ Group discussion with senior police and SPLA officers at the National Advisory Committee members meeting, October 2008, Juba.
- ³⁶ UNMIS, which undertook police registration, puts the number of police officers at 10,464 as of April 2008. At the 2nd SSPS Leadership Council Conference, the GoSS proposed recruiting a total of 33,000 police officers by 2011.
- ³⁷ Murray, R., Garfield, R., and R. Muggah, *“Surveying armed violence, arms and victimization in Southern Sudan: findings and challenges.”* No date.
- ³⁸ Schomerus, *loc.cit.*

³⁹ Matthew B. Arnold & Chris Alden, *"This gun is our food: Demilitarizing the White Army militias in South Sudan"*, Working paper, Norsk Utenrikspolitisk Institutt (NUI), 2007

⁴⁰ Human Rights Watch, *loc.cit.*

⁴¹ "Criminal Justice in Sudan, A United States Inter-Agency Government Report on the Capacity of the Criminal Justice Sector in Sudan", August 2007, Unclassified.

⁴² *"Sudan Police Training and Development Program: Impact report"*, British Council, unpublished report.

⁴³ In 2008, the police budget went up to \$250 million, but the vast majority of this went to paying salaries

⁴⁴ The Joint Donor Team consists of Canada, Denmark, Norway, Sweden, the Netherlands and the United Kingdom.

⁴⁵ Osland, Thompson and Vogt, *loc.cit.*

⁴⁶ On 26 June 2008, four Ugandan women who are traders in Bor town were reportedly gang raped by officers of the Southern Sudan Police Service (Source: UNMIS Human Rights Bulletin, Issued on 21 August 2008).



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