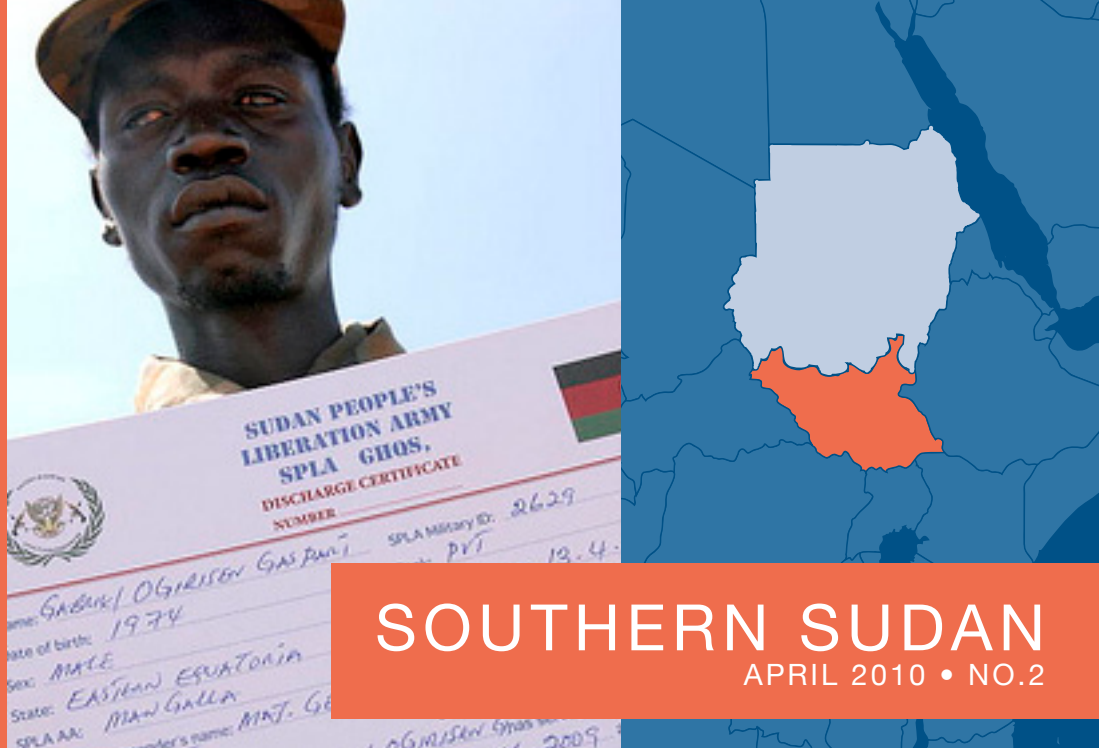


# SECURITY SECTOR REFORM MONITOR



## SOUTHERN SUDAN

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### INSIDE

Introduction	1
The Proliferation of Small Arms in Southern Sudan	2
A Legacy of Violence and Insecurity	5
Civilian Disarmament: Policy and Practice	6
A New Approach to Civilian Disarmament	7
Challenges and Prospects	11
Conclusion	12
Works Cited	13

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Cover Photo: SPLA member receives discharge certificate as part of DDR program. (UN Photo / Tim McKulka).

## INTRODUCTION

Human security has remained under threat in many parts of Southern Sudan despite the signing of the Comprehensive Peace Agreement (CPA) on January 9, 2005. The militarization of civilians during the civil war, the emergence of resource conflicts, the spillover effects of regional conflicts and the wide circulation of small arms have contributed to insecurity in Southern Sudan. In 2009 alone, more than 2,500 people were killed and 350,000 displaced due to fighting, a toll higher than the much more publicized conflict in neighbouring Darfur (Joint NGO Briefing Paper, 2010: 2). Although there are functional governments (the central Government of Southern Sudan as well as state and county administration) in the territory, economic, political and social instability dominate.

This edition of the *Security Sector Reform Monitor: Southern Sudan* will explore disarmament and security issues in Southern Sudan with an emphasis on the community level, examining how internal and external dynamics contribute to human insecurity. Civilian disarmament is an intractable problem that was not addressed explicitly in the CPA. The problems posed by small arms in Southern Sudan are enormous and current measures to contain their impact are inadequate and, in fact, undermine the credibility of the Government of Southern Sudan (GoSS).

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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.

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## THE PROLIFERATION OF SMALL ARMS IN SOUTHERN SUDAN

The availability of small arms and light weapons (SALW) among the civilian population might not be the sole cause of insecurity in Southern Sudan, but it has certainly exacerbated the violence. In light of the unstable security situation—also a result of the inefficiency of law enforcement institutions—many feel the need to rely on SALW to defend themselves and their property. In the past, pastoralist communities in Southern Sudan used traditional weapons to defend their livestock from wild animals and rival groups, with armed confrontations commonplace but causing minimal casualties compared to the present day.

The militia groups who threaten Southern Sudan's security have their roots in the civil war. Both the Government of Sudan and the Sudan People's Liberation Army (SPLA) contributed to the creation of militia groups from tribal communities, arming and supplying them to wage war by proxy (Jok, 2007: 212-218). The Sudanese government and SPLA's heavy reliance on militias was motivated by both tactical and economic factors. The militias were inexpensive to maintain because they did not receive regular wages from the Sudan Armed Forces (SAF) or the SPLA, instead sustaining themselves through looting and theft. These militia groups made fortunes from the internal social disorder that prevailed during the civil war, plundering the property and possessions of communities on the opposing side.

Various ethnic and tribal militia groups in Southern Sudan were recruited, trained and armed by the Government of Sudan (GoS) to engage in proxy wars against the Southern rebels and communities supporting rebel movements. Sources show that the government encouraged the establishment of militias within a number of tribes

including the Mundari, Murle, Toposa, Nuer and Fertit (Johnson, 2003: 67-69). The Sudanese government was not, however, solely responsible for the establishment of militias in Southern Sudan. Other events played notable roles in militia formation. A critical event was the split in the ranks of the SPLA in 1991 that sparked factional fighting in which scores of civilians lost their lives. The Khartoum Peace Agreement between the GoS and the Nasir faction of the SPLA in 1997 contributed to the legitimization of pro-government militias in the south under the framework of the Popular Defence Forces (PDF). The Southern Sudan Defence Force (SSDF) was subsequently created, bringing together all the disparate anti-government tribal militia groups under one unified command.

In the context of the second civil war the territorial boundaries of Southern Sudan's armed groups were never demarcated and the loyalties of individual group members was typically temporal and transitional (Young, 2006: 19). The turnover of both territory and group affiliation—including “side switching” between the GoS and SPLA—was high among militia groups. The SPLA split led Nuer communities to create self-defence forces known as the White Army. Incursions of the White Army into Dinka territories on cattle-raiding expeditions resulted in the formation of similar forces in Greater Bahr el Ghazal. The SPLA established and armed cattle guards known as *Gelweng* in Lakes State (O'Brien, 2009: 25-26). When the CPA put an end to these wartime armed groups, they retained their weapons. Since that time, they have gradually expanded their arsenals, ostensibly to defend themselves against rising insecurity but also to engage in predatory activities such as cattle rustling.

The CPA progressively changed the relationship between militia groups and the SPLA. Initially militia groups were angered by their exclusion from the negotiation process in Kenya. The process of reconciliation was, however, sealed by the Juba Declaration of January 8, 2006. This

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arrangement paved the way for the absorption of about 18 militia groups under a number of warlords into the SPLA, while others joined the SAF as stipulated in the CPA.<sup>1</sup>

<sup>1</sup> Young (2006: 42-48) has compiled an exhaustive list of 60 different militia groups allied with the SAF or SPLA.

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- Access to CIGI's SSR research, including the quarterly *SSR Monitor*.

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Many wartime militias splintered due to disagreements over their integration into the SPLA or SAF. The huge number of militia groups complicates the implementation of the CPA in Southern Sudan because the unabsorbed groups tend to create insecurity and continuously switch sides between the SAF and the SPLA. Many militia groups and demobilised SPLA soldiers dissatisfied with the post-CPA security arrangements have melded into their communities with their

weapons. They engage in different forms of inter-communal violence such as banditry and cattle rustling.

The proximity of Southern Sudan to conflicts in the Horn of Africa and the Great Lakes Region has adversely affected its social, political and security environment. Most of the conflicts have their roots in economic underdevelopment, environmental issues, repressive political systems, and competition for natural resources. Patterns and trends of conflict differ in nature across the region: the Horn has experienced both inter- and intra-state conflicts. The end of the superpower rivalry left a power vacuum that regional powers have sought to fill. Such political interference and competition for influence created a fertile ground for dissident movements with cross-border connections.

Stockpiles of weapons are abundant in the conflict-affected countries neighbouring Southern Sudan. Studies (Lewis, 2009: 47-49) show that there is an abundance of SALW in Uganda, the Democratic Republic of the Congo (DRC) and Chad that find their way into Southern Sudan. Many communities take advantage of the wide availability of small arms to establish community military formations with the aim of forcefully acquiring property from neighbouring communities. The result is a cycle of communal violence and militarization.

Cross-border ethnic relationships play an important role in the flow of weapons in the region. Present state boundaries cut across several ethnic groups. The control of trans-border peripheries was agonizingly difficult for the GoS, but is becoming even more problematic for the GoSS after taking the reins of authority in Southern Sudan in 2005. For example, the Acholi, Anuak, Nuer and Toposa ethnic groups straddle the borders between Southern Sudan and Ethiopia, Kenya and Uganda. Regional conflicts involving states in the Horn of Africa have led to the instrumentalisation of such communities for political and strategic interests (De Waal, 2007: 9-15).



## A LEGACY OF VIOLENCE AND INSECURITY

The threat of small arms to human security did not capture the attention of the mediators during the negotiations that led to the signing of the CPA. This is obvious when viewing the security-related provisions of the Agreement. Annex I, concerning the implementation of ceasefire and security arrangements, identified the Sudan Armed Forces (SAF), the Sudan People's Liberation Army (SPLA) and foreign insurgency groups as the only armed groups to be addressed (CPA, 2005: 96-102). Civilian self-defence groups began to grow in strength as frustration with government-backed militias and the excesses of the SPLA mounted, especially after the rift in its ranks. The signatories of the peace agreement underestimated the military strength of these groups. They were marginalised by the negotiating parties and the mediators. The latter did not anticipate the possibility of disgruntled elements of the SPLA joining tribal self-defence groups. The absence of provisions in the CPA addressing civilian disarmament and reintegration were felt immediately after the inception of the GoSS. The CPA's focus on the SAF, SPLA and foreign insurgency groups to the exclusion of informal community-based units was a major oversight that has had serious, ongoing repercussions for the security situation.

The GoSS inherited a litany of complex problems upon assuming power. Large quantities of SALW were in the hands of organized non-state armed groups and bandits. The Geneva-based Small Arms Survey estimated that in 2007, between 1.9 and 3.2 million firearms were in circulation in Southern Sudan, two-thirds of which were in civilian hands (IRIN, 2008). Local leaders admit that too many guns are in the possession of civilians, especially pastoralists. The GoS and the SPLA contributed at different times to the arming of militia groups who routinely spent their time looting cattle in pastoralist communities rather than fighting the

opposing side. Civilians reacted by acquiring firearms and organizing militia-like formations to defend and protect their property. According to researchers (Lewis, 2009: 54-56) the number of illicit small arms in Southern Sudan continues to grow. Stockpiles in neighbouring countries and the sale of small arms by demobilised SPLA soldiers continue to bolster community-based arsenals.

Many factors nurtured the resurgence of violence and insecurity in Southern Sudan in the post-CPA period. The most obvious is the breakdown of law and order that undermined traditional mechanisms of conflict resolution and justice at the community level. Formal security and justice institutions have not been able to fully fill the void created by the erosion of these informal structures.

The rise of civilian defence forces supplanted the power and authority of tribal chiefs, community leaders and faith-based institutions. The GoSS, as well as the state and county administrations, have been unable to rein in the country's warlords. Post-CPA security institutions have been unable to protect citizens and their property from the threat of armed groups both within and outside their communities. The incidence of cattle rustling has risen dramatically in pastoralist communities. Unemployed youth who were not taught traditional skills of animal husbandry, as well as former SPLA soldiers or militia operatives not integrated in either the SAF or the SPLA, have organized into militia-like criminal groups that engage in banditry.

Another challenge is that even when "judicial proceedings" take place, whether in the informal or formal justice system, there is often little capacity to implement the decisions taken—to monitor, for instance, whether compensation is actually paid as directed, or whether offenders serve out prison sentences in appropriate facilities.

Another factor that has contributed to the destabilization of the security environment is the erratic nature of socio-

economic policies in Southern Sudan and the government's irregular payment of security force personnel. The establishment of the GoSS raised public expectations over the availability of jobs and economic growth to unreasonable levels. The Southern Sudanese who did get government jobs have much higher salaries than the national average. Traders from neighbouring countries have dominated local commerce. The resentment and marginalization felt by many Southern Sudanese over these conditions contributed to the rise in armed banditry. Crimes against foreign traders and international NGOs, such as extortion and armed robbery, have increased considerably in Central Equatoria, particularly in Juba Town. It has been reported that unpaid military personnel were involved in armed extortion in several towns.

## CIVILIAN DISARMAMENT: POLICY AND PRACTICE

Efforts to collect weapons from civilians in Southern Sudan have proven disastrous, in part because the CPA did not contain provisions clearly defining principles of civilian disarmament. The ambiguity of the CPA regarding civilian disarmament is reflected in the Interim Constitution of Southern Sudan (ICSS). Article 153, which created the DDR Commission, does not specify the duties of the commission concerning civilian disarmament as, for instance, Article 158 (2) does in regard to the duties of the SPLA (GoSS, 2005: 57-60). The problems encountered in advancing civilian disarmament in many parts of Southern Sudan result from the absence of carefully considered principles, policies and programs accepted by all levels of government, as well as a lack of actual capacity to operationalize them.

Militaristic approaches to civilian disarmament in Southern Sudan have taken precedence over security policy formulation. Although SPLA-conducted civilian disarmament in Jonglei State in 2006 collected

approximately 3,000 weapons, it also led to the loss of over 1,600 lives in subsequent fighting (Garfield, 2007: 17). The focus of the disarmament on one section of the Nuer tribe in a society awash with weapons did not consider community-level security dynamics. The Lou Nuer, which was disarmed, soon became vulnerable to Murle cattle rustlers and child abductors. Following the disarmament exercise, the Murle stole the Lou Nuer's cattle and abducted their children, prompting the Lou Nuer to rearm. The Lou Nuer lost confidence in the ability of the GoSS and SPLA to guarantee their security.<sup>2</sup> In a similar fashion, a 2007 agreement between traditional leaders of the Lou and Murle paved the way for a voluntary disarmament process. Though some weapons were collected peacefully on both sides, large numbers were also retained, leaving a security gap and a crisis of confidence that the government was unable to address. Consequently, the process collapsed, triggering a loss of trust in the government and general scepticism about disarmament initiatives. On the whole, disarmament campaigns in Southern Sudan have been poorly planned and implemented, lacking coherent broad-based policies and a sound legal framework (O'Brien, 2008; Garfield, 2007).

Civilian disarmament in Southern Sudan is a complex undertaking that requires a thorough understanding of inter-communal relationships and cross-border dynamics. Southern Sudan is a segmented tribal society where traditional authority was terribly eroded during the civil war. As discussed previously, the civil war contributed to the proliferation of an excessive number of SALW, and led to a pattern of community militarization and livestock-related violence in Southern Sudan. The movement of cattle from villages to the lowlands along the White Nile and its main tributaries has led to dry season violence between communities over grazing and fishing rights. Also, deliberate cattle raiding expeditions have taken place

<sup>2</sup> There are unconfirmed reports that the Lou Nuer sought assistance from the SAF in the form of weapons and that SPLA Nuer soldiers supplied weapons to their kinsmen in the series of violent confrontations with the Murle in 2009.

in the Nuer, Dinka, Murle, Toposa and Boya communities, among others in Southern Sudan. The movement of armed Baggara tribes across the North-South border into Southern Sudan signals to the Dinka tribes in the borderlands that they have to protect themselves and their property (cattle) from predatory nomads. In addition, there are also regional patterns of livestock violence involving pastoralists in Ethiopia, Kenya and Uganda (Wassara, 2002: 51-53). Pastoralists in these countries are armed and regularly conduct raids to steal livestock from communities in Southern Sudan.

A factor that should not be underestimated is the traditional concept of masculinity—still very prevalent in most of these pastoralist communities—which holds that possessing a weapon, defending one’s family and killing for cattle defines status in the community. In some cases specifically designed scars on the body reflect the number of people killed, and are a matter of pride.

Another regional dimension of civilian disarmament that must be taken into consideration is the impact of conflicts in neighbouring countries. A typical example is the case of the Ugandan Lord’s Resistance Army (LRA), which operates in Southern Sudan (Schomerus, 2008; Marks, 2007). LRA activity in Southern Sudan has displaced approximately 70,000 Southern Sudanese in Western and Central Equatoria states (Joint NGO Briefing Paper, 2010: 11). The LRA focuses on soft, civilian targets, intending to foster instability. Disarmament campaigns have not been launched in Western Equatoria State because the state authorities were concerned that such a campaign would weaken community self-defence structures and leave communities vulnerable to LRA attacks.<sup>3</sup>

Understanding these internal and cross-border patterns of violence is crucial in order to formulate an effective civilian

<sup>3</sup> Interviews with a senior police officer, a County Executive Director, an MP, and the leader of the “Arrow Boys” (a self-defence group fighting the LRA in Western Equatoria State), October-November 2009, Southern Sudan.

disarmament policy in Southern Sudan. Tribal communities are heavily armed. One cannot contemplate disarming the Dinka, Murle and Nuer, for example, without establishing mechanisms to provide protection from rival tribes or communities. At the regional level, it is hard for the Toposa to voluntarily disarm without security guarantees from Kenya and Uganda to prevent the Turkana and Karamojong tribes from launching cross-border cattle raids (McEvoy and Murray, 2008: 22-24). Livestock-related conflict involving the Toposa in 2009 spurred the deployment of the Kenyan military, resulting in a border dispute between Southern Sudan and Kenya. Hence, the search for a gun-free community in Southern Sudan requires well-planned policies to allay the fears of affected communities and satisfy their legitimate demands for protection. The failure of militaristic approaches to civilian disarmament in 2006 created opportunities for the GoSS to search for alternative approaches and policies.

## A NEW APPROACH TO CIVILIAN DISARMAMENT

It took nearly two years for the GoSS to devise a new approach to the problem of civilian disarmament. Policy development and planning on disarmament has been guided by Operational Order No. 1/2008, issued by the President of the GoSS (O’Brien, 2009: 16). While Section B of the order envisages peaceful disarmament of civilians, the use of force is invoked in Section D. The order authorises state governors and SPLA commanders to plan and implement civilian disarmament.

Legislative backing of civilian disarmament in Lakes State enabled the SPLA to forcefully collect more than 4,000 weapons, but at a considerable human cost. Civilian disarmament has also taken place in Central Equatoria, Eastern Equatoria, Northern Bahr el Ghazal, Jonglei and Warrap. Forces engaged in civilian disarmament tended

**TABLE 1: SECURITY INCIDENTS IN SOUTHERN SUDAN**

October, 2009	<ul style="list-style-type: none"> <li>• 42 people were killed and 20 injured in conflict in Gemmaiza, east of the Nile River. Several thousand Mundari people were displaced westward into Terekeka County, forced across the 200m wide Nile River embedded in a six kilometer wide swampy area, October 1-14, 2009 (OCHA, 2009).</li> <li>• Nine were killed and eight wounded when one Mundari tribal group attacked fellow Mundari people in cattle raids in Loret and Tijor, Ndolo Payam, Juba County. Over 1,694 people were displaced and 1,852 heads of cattle were stolen, on October 10, 2009 (OCHA, 2009).</li> <li>• 100 cattle raiders attacked the village of Mularatiga in Lafon County, Eastern Equatoria State and stole almost 1,000 heads of cattle on October 12, 2009 (OCHA, 2009).</li> </ul>
November, 2009	<ul style="list-style-type: none"> <li>• There was a clash within the Mundari tribe, in the Kuda area along the Juba-Terekeka Road (OCHA, 2009).</li> <li>• 11 people were killed in a conflict between the Shilluk and Dinka ethnic groups in Canal County of Jonglei State, November 8-11 (OCHA, 2009).</li> <li>• 41 people were killed, 18 wounded and over 10,000 displaced in an attack on Kalthok village, Puluk Payam, Awerial County, Lakes State. Attack carried out by Mundari people from Terekeka County, Central Equatoria State (OCHA, 2009).</li> <li>• The LRA has attacked Nzara region of Southern Sudan at least 3 times in November (IRIN, 2009).</li> </ul>
December, 2009	<ul style="list-style-type: none"> <li>• Two LRA attacks in Western Bahr el Ghazal, suggesting that some LRA groups have moved further north (OCHA, 2009).</li> <li>• Nyangatom ethnic group members, located in Lotimore in East Kapoeta in the Eastern Equatoria State report being attacked by Turkana from Kenya. Four people were killed and 250 heads of cattle stolen (UN, 2010).</li> <li>• 216 were killed in inter- and intra-tribal violence or clashes between civilians and security forces in the last two weeks of December, 2009 (OCHA, 2010a).</li> <li>• Attack in Atar payam in Canal County saw four people killed and 150 tukuls burnt to the ground on December 31 (OCHA, 2010b).</li> <li>• Seventeen people were killed when armed civilians ambushed soldiers trying to disarm tribes after heavy fighting on December 31 (Reuters, 2010a).</li> <li>• Five people were killed in a clash between troops and armed civilians when a young man refused to give up his gun and was shot dead in late December 2009 (Wheeler, 2010b).</li> </ul>
January 1-15, 2010	<ul style="list-style-type: none"> <li>• Murle and Dinka tribes in Bor County continue fighting with several cattle-raids occurring—reportedly displacing 6,000 people (OCHA, 2010b).</li> <li>• Nuer attacked Dinka in Tonj East. At least 139 people were killed, 54 wounded and 5,000 heads of cattle were seized on January 2 (Reuters, 2010a).</li> <li>• On January 8, at least 140 people killed in clash after a Nuer group attacked Dinka in a cattle-raid in Warrap state. As well, 90 people were wounded and 30,000 head of cattle stolen. Most of the violence occurred in remote areas over the weekend (Martell, 2010).</li> <li>• Murle tribespeople launched attacks on several areas in the county during the week of January 13 causing instability. Seven people were killed in Bor County, Jonglei State (Miraya FM, 2010).</li> <li>• Three people were killed in a clash between the Lou Nuer and Jikan in the village of Kotmathiek located on the west bank of the Sobat River near Torkecj in the Upper Nile State related to cattle raiding (UN, 2010).</li> </ul>
January 16-31, 2010	<ul style="list-style-type: none"> <li>• Dinka and Nuer tribes in Kolanyang, between Canal and Fangak counties in northern Jonglei, have had several clashes following a cattle-raiding incident and have caused an estimated 15,000 people to flee their homes (OCHA, 2010b).</li> <li>• At least 15 Nuer Thiang tribespeople were killed and 16 were wounded when a Dinka group attacked their settlement (BBC, 2010).</li> </ul>
February, 2010	<ul style="list-style-type: none"> <li>• In Bahr Gel area of Lakes State, members of the Rek Dinka attacked a camp occupied by Gok Dinka (Wheeler, 2010a).</li> <li>• Seven civilians were killed in a crossfire when cattle-herding tribesmen of the Gok Dinka attacked a weapons store to arm in retaliation against a rival clan who had previously attacked them (Wheeler, 2010a).</li> <li>• Gok Dinka then attacked an SPLA base in Cueibert on Saturday afternoon and Sunday morning, resulting in an unknown number of casualties (Wheeler, 2010a).</li> </ul>
March, 2010	<ul style="list-style-type: none"> <li>• 30 people were killed in cattle-raids and revenge attacks between the Atuot and Ciek clans of the Dinka tribe in a remote area of the Lakes State over the weekend (Reuters, 2010b).</li> </ul>



to employ excessive force in these operations, causing considerable civilian casualties. Some communities, especially in Jonglei State, perceived the process of civilian disarmament as an ethnic vendetta perpetrated against them by the Bor Dinka (Joint NGO Briefing Paper, 2010: 10). When the Murle attacked the Nuer, knowing that they no longer possessed sufficient weapons for the defence of livestock, the Nuer portrayed the GoSS as incapable of providing adequate protection to communities. The Nuer and other communities maintained their weapons and even sought to acquire more.<sup>4</sup>

However, the GoSS has continued to prioritize civilian disarmament despite the difficulties involved. On January 2, 2009 an order was launched through the GoSS Council of Ministers to continue the civilian disarmament process under the auspices of the Ministry of Internal Affairs. This implied a role for the Southern Sudan Police Service (SSPS) to implement civilian disarmament together with local authorities, while the SPLA could be called upon to provide protection when needed. The President of Southern Sudan reiterated the call for civilian disarmament during the opening of the 24th session of the SSLA in June of the same year. The President announced that he had ordered the commander of the organized forces to launch disarmament in Lakes State. In December 2009 disarmament process commenced in Jonglei State, but has encountered difficulties, including an increase in cattle raiding, that has discouraged people from relinquishing their arms.

A number of states in Southern Sudan did not even consider implementing Operational Order 1/2008 for a variety of reasons. Western Equatoria State (WES) authorities made it clear that civilian disarmament is out of the question because civilians need the few weapons they possess to

defend themselves against foreign-armed groups such as the LRA and Ambororo (Ensign, 2009). After all, civilians in WES are the least armed in Southern Sudan.<sup>5</sup> The governor of Upper Nile would not countenance civilian disarmament due to tensions between the SAF and SPLA units of the Joint Integrated Units (JIUs) that have been simmering since the Malakal incident of 2006, which killed 150 people. More violence took place in Malakal in 2009 starting with a deadly confrontation between the Shilluk and Dinka tribes that killed 33 during the second SAF-SPLA confrontation of February 24–25, 2009. These incidents appeared to remove any hope for civilian disarmament in the area, as tensions have continued to result in clashes with relatively high numbers of casualties.

Each tribal community monitors the status of disarmament in neighbouring communities. Without synchronised, symmetrical disarmament, communities will insist on retaining their weapons for self-defence. Moreover, the GoSS and the SPLA need to demonstrate that they are able to protect citizens and their property.

The realization that coercive disarmament has proved counter-productive, coupled with the failed early experiments with civilian disarmament, have led the GoSS to seek alternative approaches to dealing with the problem. The most important measure was to design a new security policy. The Southern Sudan Security Strategy is encapsulated in legislation passed by the Southern Sudan Legislative Assembly (SSLA) such as the Defence White Paper (2008); the Penal Code and Criminal Procedure Acts (2008); the SPLA Act (2009), the Southern Sudan Police Bill (2009), and the Local Government Act (2009). The latter addresses inter-communal conflicts, which could be exploited by external actors to the detriment of the GoSS.<sup>6</sup>

<sup>4</sup> It should also be noted that the violence, which took place as early as 2009 between the Nuer, Dinka and Murle, was not directly caused by the disarmament efforts launched after the operational order. There are certainly links, but the results of the operational order in Jonglei were marginal; ethnic vendettas and mistrust of the government (and violence in Jonglei that took place in 2009) were the primary triggers.

<sup>5</sup> The electronic news bulletin of the WES Ministry of Information reports that the governor's key policy is expelling the LRA and the Ambororo from the state. Accordingly, civilian disarmament is not compatible with her policy directives.

<sup>6</sup> The actors in question are the SAF, and the National Security and Intelligence Services of the National Congress Party (NCP). The SPLA/M always attributes civilian re-armament to their partner in the CPA.

These laws led to the creation of institutions to deal with arms-related criminality. The most relevant such body is the Bureau for Community Security and Arms Control (CSAC).<sup>7</sup> It is mandated to coordinate information sharing and facilitate collaboration between law enforcement institutions on civilian disarmament issues. First based in the Office of the Vice President, the bureau was later transferred to the Ministry of Internal Affairs, which is the appropriate institution given its presence at the state level. The bureau has representatives in all ten states of Southern Sudan. The CSAC is intended to work closely with the Southern Sudan Peace Commission (SSPC), a body that has underperformed due to the failure of the GoSS to prioritize it as a mechanism to encourage south-south dialogue and reconciliation. The CSAC is also intended to assume a coordination role at the state level (they have two staff members in each of the ten states) and to work closely with communities.

These laws and institutions are still embryonic, but it is hoped that the new focus on community involvement in civilian disarmament may change people's perception of the process. Communities and civil society organizations have been targets of CSAC activity. In a March 2008 communiqué, prominent civil society organizations welcomed the creation of the CSAC, but raised concerns about the whereabouts of weapons collected in earlier campaigns, which they claimed had fallen back into civilian hands. The groups called for civil society to be represented in security decision-making.

The GoSS hosted a conference in May 2009 in Unity State, assembling traditional leaders from Southern Sudan's ten states to discuss insecurity (Ensign, 2009). At the meeting the GoSS called on the chiefs to become active participants in civilian disarmament. Despite these attempts, disarmament is still treated by the GoSS as a military function. Senior

officials in the GoSS and the SSLA plainly stated that state governors do not have a sufficient number of police officers or adequate weapons to confront the heavily armed tribes and militias in Southern Sudan.<sup>8</sup> While the creation of the CSAC has been heralded by most as a step forward, it has yet to make a major impact on the ground. The CSAC Bureau now has a draft policy on civilian disarmament, endorsed by the Council of Ministers, which it is promoting at the state level.

While not involved directly in civilian disarmament in Southern Sudan, the international community is helping to build the capacity of the institutions and law enforcement structures engaged in it. The CPA clearly lays out the role of international actors in the implementation of DDR for ex-combatants of the SAF, SPLA and allied militia groups. The international community has nonetheless expressed an interest in supporting civilian disarmament. For example, international NGOs have created space for dialogue about best practices for civilian disarmament (Saferworld, 2008). A range of stakeholders, including representatives of the GoSS, the UN, civil society, faith-based groups, and community and traditional leaders participated in talks held in Juba in March 2008. The UN Mission in Sudan (UNMIS) and the UNDP provided technical advice, monitoring and critical supplies to the CSAC Bureau and state governments in support of civilian disarmament. A memorandum of understanding between UNMIS and the SPLA, signed in September 2008, outlined a role for UN agencies in supporting non-coercive civilian disarmament in Lakes, Unity, Warrap and Jonglei states (O'Brien, 2009: 20-22). UNMIS supplied containers for the storage of weapons on the condition that the collection process was peaceful and voluntary. However, UNMIS distanced itself from the GoSS disarmament initiative when it became clear that the threat and use of force was an integral part of the process.

<sup>7</sup> CSAC was originally part of the Southern Disarmament, Demobilisation and Reintegration Commission.

<sup>8</sup> Interview with a parliamentarian and member of the Security Commission of the SSLA, who stated that the involvement of the SPLA in civilian disarmament campaigns would continue until states have a sufficient number of adequately equipped police officers (November 2, Juba, Southern Sudan).

UNMIS has, in accordance with its mandate, monitored the disarmament process in Southern Sudan, in close coordination with the UN Police and its military and civilian sections. For example, UNMIS Civil Affairs and other stakeholders such as the Jonglei State government played an important role in facilitating the creation of the Murle-Lou Nuer joint ceasefire committee, intended to maintain a fragile peace until the convening of a reconciliation conference in September 2009 (UNMIS, 2010: 22). UNMIS is a Chapter VI mission with a mandate to maintain the ceasefire and assist in the implementation of the CPA. The mission is also authorized under Chapter VII of the UN Charter to take necessary action to protect civilians under imminent threat of physical violence (Stimson Center, 2008: 2). Given the complexity of inter-communal conflicts in Southern Sudan, UNMIS has avoided its role under Chapter VII lest it be entangled in complicated local disputes. As a result, the mission has faced backlash from communities, local governments and human rights groups for failing to adequately protect civilians.

## CHALLENGES AND PROSPECTS

Civilian disarmament in Southern Sudan continues to be advanced in a context of fear. At the macro-level, the GoSS and the SPLA fear the possibility of a military confrontation with the North. The CPA has largely failed to build trust between the parties to the agreement. Human security is seen as secondary to the priority of ensuring preparedness for a future war. Military movements in the proximity of the North-South border and the drive by the North and South to rearm reinforce this fear. The SAF increased its military presence in South Kordofan in 2008 under the pretext that there was a spillover of violence from Darfur. The SPLA for its part moved a unit of tanks from Ethiopia to the Sudan through Blue Nile State. The absence of trust between the two actors is also demonstrated by the reluctance of the SPLA and SAF to implement DDR as agreed upon in the CPA.

At the micro-level, civilians fear surrendering weapons because of the fragmentation of communities along tribal lines in Southern Sudan. Civilians are afraid to abandon their arms due to perceived and real threats to their livelihoods by hostile neighbours. Over the past year, inter-tribal violence has been commonplace in Lakes, Warrap, Upper Nile, Unity, Jonglei and Central and Eastern Equatoria states. Exacerbating this problem, there are reports that some SPLA commanders have sold or redistributed weapons collected during civilian disarmament to their clansmen.<sup>9</sup>

Fear of cross-border incursions by armed groups remains a real challenge to the process of civilian disarmament in Southern Sudan. The North-South border is particularly sensitive. Communities inhabiting the strip of territory in the transitional areas, as laid out by the CPA, are very suspicious of one another. Border communities in Southern Sudan generally believe that the SAF continues to re-arm Baggara nomads to prepare for the eventuality of a resumption of the North-South war. Similar attitudes prevail in communities inhabiting international border regions in Southern Sudan. The Toposa, for example, are not comfortable with the initiative of civilian disarmament while the Turkana, the Karamonjong and other pastoralist communities in neighbouring countries are well armed. Micro-level armed incidents along the Sudan-Kenya and Sudan-Uganda borders are a distinct threat to the well being of Southern Sudanese communities. LRA armed violence in the Eastern and Western Equatoria states have similarly contributed to the reluctance to disarm in those areas.

Another challenge to civilian disarmament is the international community's unwillingness to support disarmament in Southern Sudan given their disapproval of the government's coercive approach. Opposition to forced disarmament figured prominently in the MoU signed by the

<sup>9</sup> Interview with a university professor from Yirol County of Lakes State, October, 2009.

SPLA and UNMIS prior to the 2008 civilian disarmament campaign. The GoSS rarely consulted the UN on its civilian disarmament program, despite the fact that, as stated in the CPA, the UN is a major stakeholder in the demilitarization process. As long as the GoSS retains its coercive approach to disarmament, the UN will be reluctant to provide crucial material support.

Ultimately, successful civilian disarmament will depend on the ability of the government to allay the fears of communities and signal a change to the existing approach. First, the parties to the CPA should demonstrate to communities that they are collaborating to address critical issues such as the demarcation of the North-South border. Such collaboration would eliminate the widely held perception in the South that the Baggara nomads are a threat. Second, the GoSS must accelerate the pace of SPLA transformation from a rebel movement into a credible government defence structure. The SPLA must be seen as capable of protecting the citizens of Southern Sudan from both internal and external threats. Many communities accuse the GoSS of indifference to the protection of civilians when communal violence occurs or when foreign rebels such as the LRA attack villages. Third, confidence in the civilian disarmament initiative could be restored if appropriate mechanisms of community involvement and engagement were established.

Although the CSAC Bureau was formed with the mandate of promoting community responses to the problem of small arms proliferation, the embedding of the body in the Ministry of Interior has detached it from the population. It should be devolved to the state-level and its composition expanded to include civil society, faith-based groups, and traditional leaders, among others. Finally, the international community should engage meaningfully with the GoSS to improve the effectiveness of the disarmament process. Donors, the UNDP and civil society actors are doing their best to build the capacity of the CSAC Bureau and other

related law enforcement institutions, but could impose some pressure on the government to improve security policy planning and development. This requires the participation of a wider spectrum of actors at the state, county and payam levels of administration.

## CONCLUSION

The GoSS inherited a society fragmented by the prolonged civil war. The proliferation of small arms has hurt the nascent GoSS, which is regarded by many Southern Sudanese as incapable of protecting the population. The inability of the government to control former government militias, the White Army, the *Gelweng* and other groups has complicated the process of civilian disarmament. While most of these groups have not traditionally regarded each other as enemies, their marginalization from peace negotiations has allowed distrust and mutual hostility to grow despite the Juba Declaration of January 8, 2006.

Between 2006 and 2008 there was a lack of consultation with communities, little coordination with stakeholders and no legal framework anchoring disarmament, as the SPLA Act and the Local Government Act only came into effect in 2009. The GoSS, UNMIS and other interested stakeholders must work collaboratively to create new, more effective approaches to civilian disarmament in Southern Sudan. They should consider decentralizing security structures and establishing mechanisms to synchronize disarmament operations. Such an approach would enable the restoration of trust through dialogue, reinforced by effective protection of communities from predatory actors inside and outside Southern Sudan.

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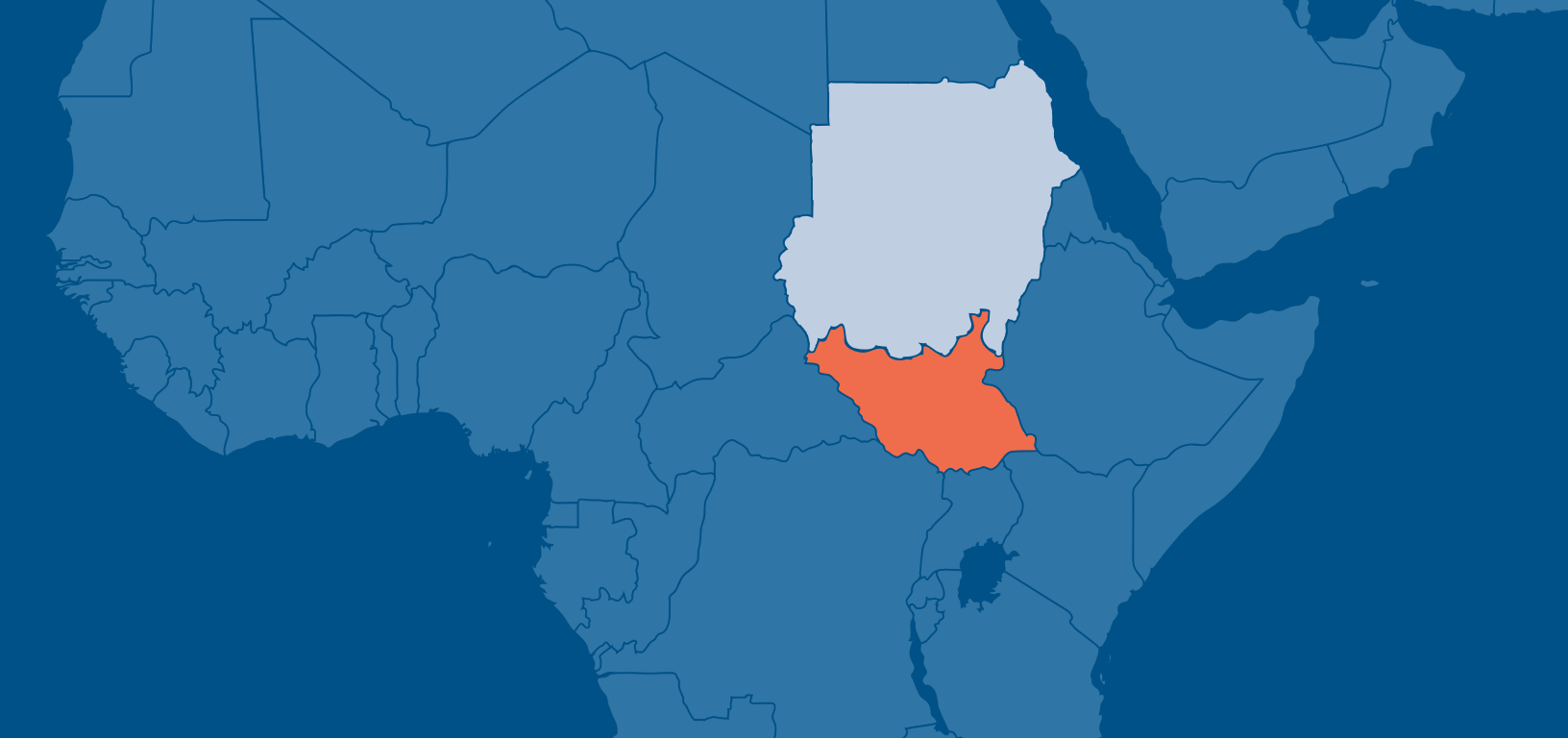
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