



Clingendael

Netherlands Institute of International Relations

Dancing in the Dark

Divergent approaches to improving
security and justice in South Sudan

Casie Copeland

CRU Report



Clingendael

Netherlands Institute of International Relations

Dancing in the Dark

Divergent approaches to improving
security and justice in South Sudan

Casie Copeland

June 2015

June 2015

© Netherlands Institute of International Relations Clingendael.

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the copyright holders.

About the author

Casie Copeland, J.D. has worked in South Sudan since 2010. She is currently the International Crisis Group's analyst for South Sudan.

About CRU

The Netherlands Institute of International Relations 'Clingendael' is a think tank and diplomatic academy on international affairs. The Conflict Research Unit (CRU) is a specialized team within the Institute, conducting applied, policy-oriented research and developing practical tools that assist national and multilateral governmental and non-governmental organizations in their engagement in fragile and conflict-affected situations.

Clingendael Institute
P.O. Box 93080
2509 AB The Hague
The Netherlands

Email: info@clingendael.nl

Website: <http://www.clingendael.nl/>

Executive summary

The civil war that has consumed South Sudan since late 2013 raises uncomfortable questions about how a country that the international community helped to create and to which such substantial resources were dedicated could descend into civil war so quickly and to the surprise of so many. Violence has been a fact of life in South Sudan for decades; the long and dark history of violence and injustice illustrates the deep-rooted nature of these challenges and the hard work that will be necessary to overcome them. Improving the security and justice context is essential to a successful transition to peace and stability in South Sudan and to the realisation of the objectives of South Sudan's struggle for independence. This paper focuses on how, and to what effect, the international community supported security and justice initiatives in South Sudan from the start of the second Sudanese civil war (1983) up to the present.

During that war (1983-2005), international support for security and justice largely took the form of community-based programming, primarily due to the absence of functioning government structures. 'People-to-people peacemaking' models that sought to improve security and justice at the local level in South Sudan generated tangible results in some areas, during some periods, but had little impact on the war's overarching structural dynamics. In the years following the 2005 Comprehensive Peace Agreement (CPA), external support shifted towards nascent Southern Sudanese government structures, despite the limited reach of many civilian structures beyond the capital, as the programming context altered with the peace agreement. This type of support only increased after South Sudan's independence in 2011, despite clear signs that the statebuilding project itself was a major driver of conflict.

Following the CPA, the international community approached security and justice development with far too much of a national-level, technical focus. It consistently failed to appropriately diagnose the challenges it sought to remedy. While South Sudanese counterparts sometimes had low capacities, many gained politically or financially from insecurity and a weak justice system. Despite these realities, donors generally programmed to the assumption that these challenges were a result of low capacity, leading to a reliance on technocratic solutions for many essentially political problems – with predictably poor outcomes. Seeing capacity as the primary challenge, the international community failed to recognise the South Sudanese leadership's deliberate efforts to govern and set policy, albeit not always in ways the international community liked. Despite clear evidence, emerging over years, that hundreds of millions of dollars of national-level, technocratic programmatic funding was not producing results, donors largely failed to re-assess their framework of support. The international community now has the opportunity to do better, both during the ongoing war and following a peace agreement.

The question of how to do better can be broken down into two broad components. The first examines programming options that could mitigate some of the insecurity and injustice associated with the ongoing civil war. The second identifies critical security and justice building blocks that could be put in place now that would support a future peace. The table below summarises three starting points on each issue based on lessons learned from past international support for security and justice development in South Sudan.

Table 1. Mitigating insecurity/injustice and working towards a sustainable peace

'Improving' security and justice during the civil war by...	Laying the ground for a peace agreement by...
1) Refraining from providing support to state security actors – no one is neutral	1) Generating a deeper understanding of the wartime political and security context in South Sudan through research, assessment and analysis
2) Supporting customary leaders and civil society to counter militarisation of the public sphere	2) Conducting deeper research into how transitional justice efforts could extend beyond criminal accountability for a few top leaders in a way that is compatible with South Sudanese culture and history
3) Supporting continued access to justice/legal empowerment at local level in both government- and opposition-controlled territory	3) Considering the implications of, and the support that would be required for, security and disarmament provisions as they are negotiated – not afterwards

The second component of how to do better relates to how and what type of support the international community could provide for a peace agreement and transitional period. Analysis of international support to date suggests three recommendations that are fundamental to effective donor engagement in South Sudan, but which have been repeatedly disregarded in the past:

- An emphasis on 'political' instead of 'technical' programming is essential to help avoid conflict recurrence. This means putting an emphasis – in both policy and programming – on understanding who wields influence, what levers for change look like, whose interests are at stake with respect to particular issues, and how key players (for example, politicians, security officials and informal security providers) are connected.
- The default programming approach should not be support to state structures (that is, institutional development); rather, various forms of support should be benchmarked to the political transition. For example, the ceasefire and transitional security agreements and a potential strategic defence review should be the framework under which support to the security sector is provided – rather than under disconnected, bilateral or technical institution-building initiatives.
- Support at the centre should be undertaken with the recognition that it will take years for central governance structures to reform and to provide security and justice at local level. During this period, support to local initiatives that provide tangible improvements in justice and security should continue, and local challenges and successes should better inform national policy.

Contents

Executive summary	4
Abbreviations	7
1. Introduction	8
2. Security and justice in wartime Southern Sudan (1983-2005)	10
3. From bottom-up to top-down approaches (2005-2013)	14
Top-down approaches to security and justice sector support	17
Bottom-up approaches to security and justice development	20
Connecting top-down and bottom-up programming?	25
4. Donor approaches to the security and justice sectors in times of war (2013-2015)	27
What can be done to improve security and justice during the civil war?	28
Laying the groundwork for a sustainable peace	29
5. Securing the peace: lessons from the past for the future	32
References	33

Abbreviations

AU	African Union
CLRC	Customary Law Research Center
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Demobilisation and Reintegration
GoSS	Government of Southern Sudan
IGAD	Intergovernmental Authority on Development
NGO	non-governmental organisation
INGO	international non-governmental organisation
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/Army
SPLM/A-IO	Sudan People's Liberation Movement/Army-In Opposition
SSDF	South Sudan Defence Forces
SSDM/A-Cobra Faction	South Sudan Democratic Movement/Army-Cobra Faction
SSR	Security Sector Reform
SST	Security Sector Transformation
UNDP	United Nations Development Programme
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNPOL	United Nations Police

1. Introduction

In mid December 2013, South Sudan spiralled into civil war as a political dispute within the Sudan People's Liberation Movement (SPLM) and long-simmering divisions within the Sudan People's Liberation Army (SPLA) took on ethnic dimensions leading to fracturing across the ruling party, public service and security sector. Within three years of its independence, the South Sudanese state is being shaken to its core. Yet, the nascent state had struggled to provide security and justice to its citizens even before the war began. The security and justice sector, had, by 2013, been the focus of several transformation efforts. Security sector reform largely consisted of bilateral efforts to professionalise South Sudan's security organs and enhance service delivery with a focus on military and police reform.¹ Building a functional justice system was pursued through support to the formal and informal justice sectors through multilateral and bilateral support, including from UNMIS/S.² Since the signing of the Comprehensive Peace Agreement (CPA) in 2005, donors have dedicated hundreds of millions of dollars to security and justice programming in South Sudan.³

The outbreak of major war makes it imperative that the international community reviews the assumptions underpinning its support for the security and justice sectors and develops a better understanding of why those efforts largely failed to contribute to the creation of a stable state. The international community must critically engage with this question as it enters into what will be a long and difficult process to end a bloody civil war. If the security and justice reform components of the next peace agreement and their implementation during a transitional period are not better designed, structured and followed up than was the case during the CPA period, a relapse into yet another round of large-scale fighting – shattering what will invariably be a fragile peace agreement – is possible.

This report discusses the shortfalls in the concepts, practices and programming approaches upon which the international community based its support for the development of the

1 Richard Rands, *In Need of Review: SPLA Transformation in 2006-10 and Beyond*, Small Arms Survey (November 2010); John A. Snowden, *Work in Progress: Security Force Development in South Sudan through February 2012*, Small Arms Survey, June 2012; see also: <http://www.ssrresourcecentre.org/countries/south-sudan/>.

2 The United Nations Mission to Sudan (UNMIS) was established following the signing of the CPA in 2005 and operated until South Sudan's independence in 2011 when its successor mission, the United Nations Mission to South Sudan (UNMISS) was established.

3 UNMIS/S focused on Disarmament, Demobilisation and Reintegration (DDR). Other security sector support – to the SPLA and the police – was largely bilateral. Justice sector support was channelled through UNMIS/S and multilateral and bilateral mechanisms, such as an ineffectual United Nations Development Programme pooled funding mechanism. Richard Rands, *In Need of Review: SPLA Transformation in 2006-10 and Beyond*, Small Arms Survey, 2010; Bennett, J., S. Pantuliano, W. Fenton, A. Vaux, C. Barnett and E. Brusset, *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*, ITAD Ltd, 2010; SC/Res 1590/2005; SC/Res 1996/2001.

security and justice sector in South Sudan between 1983 and 2013.⁴ It is based on the author's work on justice- and security-related programming in South Sudan from 2010 until 2013 and research carried out in South Sudan in 2014. Evidence is drawn from hundreds of formal interviews and informal conversations with national, state and county government officials, armed opposition groups, armed community 'defence' forces, traditional authorities, community leaders, the legal community, South Sudanese civil society, donors, UNMIS/S, UN agencies and international non-governmental organisations (INGOs). The paper also relies on the author's participation in programme assessment, design and evaluation as well as in quantitative and qualitative research projects on security and justice in South Sudan. Further reference has been made to the wealth of practitioner, policy and academic research on security and justice in South Sudan that has been produced in recent years.

In terms of structure, the paper largely follows a timeline-based inquiry into the question of how the international community approached security and justice development in South Sudan. To this end, Section 1 briefly discusses efforts to improve security and justice during the civil war (1983-2005). Section 2 provides a more in-depth focus on the CPA interim period (2005 to 2011), distinguishing between top-down approaches focused on the state and bottom-up approaches focused on communities. Next, Section 3 examines programming options that could mitigate some of the insecurity and injustice associated with the ongoing civil war, and identifies critical security and justice building blocks that could be put in place now which would support a future peace. Finally, Section 4 makes three recommendations to help with the design and implementation of higher-quality international support for security and justice development once a peace agreement has been concluded.

4 Security and justice programming "seeks to increase the ability of partner countries to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance and the rule of law" by working with a "security system that includes armed forces, the police and gendarmerie, intelligence services and similar bodies, judicial and penal institutions, as well as the elected and duly appointed civil authorities responsible for control and oversight (e.g. Parliament, the Executive, and the Defence Ministry)." Organisation for Economic Co-Operation and Development, *Security System Reform and Governance*, Paris, 2005, p. 11.

2. Security and justice in wartime Southern Sudan (1983-2005)

This section briefly discusses the nature and effects of community-based peacebuilding processes that sought to address both security and justice concerns at the local level during Sudan's second civil war.

Sudan's second civil war (1983-2005), accompanied by widespread violence and displacement, eroded governance systems, traditional justice mechanisms and security structures, leaving militarised politics and communities in its wake. Unlike other liberation movements in the Horn of Africa, the Sudan People's Liberation Movement/Army (SPLM/A) never established functional civilian governance structures – nor did the SPLA's southern rivals.⁵ This task only began in earnest in 2005 following the signing of the CPA. During the war, the government of Sudan and southern armed groups often deliberately undermined sources of traditional and civilian authority.⁶ Following the 1991 split within the SPLA, fighting between competing southern armed groups was accompanied by sustained levels of violence against and between civilians of many ethnicities, particularly among the Dinka and Nuer, South Sudan's two largest groups. It is often stated that more southerners were killed by other southerners during the war than by the north.⁷

As territory repeatedly changed hands and armed groups formed and broke apart at a dizzying pace, communities were forced to respond to multiple and conflicting centres of power. Subject to incursions by different armed groups, forced displacements and widespread insecurity and lawlessness, communities increasingly came to rely on their own armed and organised youth to mediate relationships with the Sudanese government and southern armed actors. In large part, this was because there was no functional higher government authority. At the same time, influential individual political and military leaders often remained close to their communities. This meant they could be directly engaged and, at times, their political buy-in could be obtained to establish (temporary) peace agreements.

Following the 1991 split within the SPLA and the escalation of intra- and inter-communal conflicts, donors committed more to halting such conflict. Despite early efforts, it was not until the 1990s that what began to be called 'people-to-people' peace processes began to operate. The success of the 1998-1999 Wunlit Peace Process in improving human security

5 There were various efforts led by the churches and SPLM structures, among others, that sought to de-militarise parts of Southern Sudan but they saw only limited and temporary successes. See Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, Oxford, 2003.

6 Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, Oxford, 2003; Jok Madut Jok and Sharon Elaine Hutchinson, 'Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities', *African Studies Review*, vol. 42, no. 2, September 1999.

7 Alan Boswell, 'Deadly Clashes on South Sudan's Path to Freedom', *Time Magazine*, Feb 12, 2011.

catalysed these efforts.⁸ Such support typically sought to reduce conflict at local level through peace agreements whose provisions would usher in security and justice improvements. This type of security and justice programming operated in the absence of a state – but not in the absence of armed groups, political leaders and a customary legal system. With a few notable exceptions, this type of programming did not affect the broader north-south or south-south conflicts.⁹

Box 1: The Wunlit Peace Process

The Wunlit peace process involved a series of meetings between chiefs and elders from warring Dinka and Nuer groups on the west bank of the Nile, first in Kenya and then in southern Sudan. The meetings culminated in a peace meeting, held in Wunlit, in a village built specifically for the meeting, with hundreds of attendees. It was led by traditional authorities, rather than military or political leaders, which was critical to its success. With traditional leaders in charge of the process, most senior military and political figures in the area, while suspicious, allowed the meetings to proceed; indeed, keeping them away from the peace meeting proved most challenging.¹⁰ However, one local figure, displeased with the process, planned an attack on the conference. Commander Salva Kiir (South Sudan's current president) received word of this and arrived to protect the conference; Kiir and his soldiers provided essential security but did not lead the discussions.

The conference resolutions declared a blanket amnesty for prior violence, encouraged open borders, made provisions for the exchange of women captured in fighting, and established mechanisms to maintain security. Military commanders were consulted throughout and, when presented with a unified front from multiple Dinka and Nuer groups, largely supported the agreement. A dramatic reduction in violence followed the conference and the Wunlit Peace Process became the poster child of grassroots peacebuilding and for peace, justice and security programming in southern Sudan.¹¹

Over time, people-to-people peacebuilding came to be seen as an effective means of addressing interlinked wartime justice and security concerns. Local peace agreements contained justice and security provisions, often detailing reparations for past wrongs, security arrangements to prevent future wrongs, and penalties for violations.

8 These efforts were heavily reliant upon customary courts and traditional authorities. These institutions could fine people for violations of customary law or of peace agreements and, though heavily affected by war, remained embedded in conflict-affected communities. For more information, see Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, Oxford, 2003.

9 For more information about the series of failed high-level negotiation efforts, see John Young, *The Fate of Sudan*, London, 2012. United States Institute for Peace, *Glossary of Terms for Conflict Management and Peacebuilding: Tracks of Diplomacy*, available at: <http://glossary.usip.org/resource/tracks-diplomacy>.

10 Given Dinka and Nuer participants' many grievances against military leaders from their own communities, commanders were understandably suspicious.

11 There were over 50 people-to-people peace processes held in the 1990s and early 2000s. *Local Peace Processes in Sudan: A Baseline Study*, Rift Valley Institute, 2007, p. 15-16.

Mediators and facilitators of processes were often church leaders or ‘civil society’ actors.¹² When agreements worked, it was largely because all of the critical actors – military commanders, traditional authorities, and community leaders – were involved and made political commitments. In a context characterised by ever-increasing violence, external actors enthusiastically supported this mechanism, which was able to, at least temporarily, reduce devastating internal southern conflict.¹³ Over time, ‘people-to-people’ came to encompass diverse forms of donor-supported local-level processes that operated with varying levels of effectiveness.¹⁴

As early as 1991, many traditional leaders recognised that some conflicts could not be effectively addressed at local level and required the involvement of those “higher up”, particularly those “with guns”.¹⁵ Likewise, efforts in 1994 to resolve Jikany/Lou Nuer conflict with a peace agreement were unsuccessful because commanders failed to ‘enforce’ the peace, leaving many believing they could operate with impunity.¹⁶ People-to-people processes were unsuccessful in resolving a number of justice and security challenges, whose legacies resonated throughout the CPA period and beyond.

People-to-people peacebuilding was not the only type of wartime conflict resolution mechanism in Southern Sudan. However, it was more easily understood and palatable to international donors than military-led efforts to address security challenges that included elements of coercion, such as the integration of the Anyanya II into the SPLA.¹⁷ It must be noted that such military-led processes were not without success: some resolved local conflicts while others may have prevented further splintering of southern armed groups.

The SPLA employed a range of options to address justice and security issues during the civil war, ranging from dialogue to violence, often based on its political and military strength, the nature of its external support, and power dynamics between community and military leaders. Following wartime practice, the semi-autonomous government of Southern Sudan (GoSS) requested UN and donor support for forceful stabilisation operations in the post-CPA period, as well as less coercive efforts.

12 The structure of ‘civil society’ was often the result of externally supported funding and programming rather than indigenous development and was often deeply political. For more on the history of civil society in South Sudan see, Oystein H. Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan in the 1990s*, Nordiska Afrikainstitute, 2005.

13 USAID, Norway, DFID and DANIDA, among others, have each spent millions of dollars over many years funding people-to-people peace work.

14 *Local Peace Processes in Sudan: A Baseline Study*, Rift Valley Institute, 2007, p. 9.

15 Douglas Johnson, *The Root Causes of Sudan’s Civil Wars*, 2003, p. 172.

16 *Ibid.* p. 118.

17 Anyanya II is used to describe many of the “guerrilla bands operating in the South between 1980-3” (i.e., prior to the formation of the SPLA) that were opposed to the Sudanese government. Douglas Johnson, *The Root Causes of Sudan’s Civil Wars*, 2003, p. 60. Negotiations and fighting took place at the same time and the SPLA’s upper hand on the battlefield led the Anyanya II forces to integrate, ending a period of rising Nuer/Dinka tensions. Fighting between Anyanya II and the SPLA continued from 1983 until 1989. Modimowabarwa Kanyane, James Hoth Mai, and Kuol Deng Abot, *Liberation Struggle in South Sudan*, Reach Publishers, 2009.

Given the underdeveloped nature of the SPLM's civil and administrative structures, its limited capacity for non-violent conflict resolution should not be surprising.¹⁸ For example, it was only in the early 2000s that the first concrete steps towards the creation of non-military judicial capacity were undertaken in areas under SPLA control. This included a greater degree of institutionalisation of the SPLM Secretariat of Legal Affairs and Constitutional Development. The 'New Sudan Judiciary' was also created in this period and gradually put in place mobile courts and justice service provision in areas that had been without a governmental judicial presence for more than 20 years. Another critical milestone was the 2003 SPLM publication of the Laws of the New Sudan.¹⁹ Such steps put in place the foundations of a civilian justice structure, in concert with traditional justice systems, and set the scene for establishing GoSS judicial structures following the CPA in 2005.

18 The SPLM's most functional civilian structure during wartime was always its relief and rehabilitation wing, which was its civilian interface with international humanitarians who preferred not to engage directly with armed actors. *SPLM Workshop on the Rehabilitation and Restructuring of Legal Institutions and Law Enforcement Agencies, Resolutions and Recommendation, 14th – 20th April 1999*, SPLM, 1999; *The Local Government Framework for Southern Sudan*, Multi-Level Government Initiative, 2006, p. 9.

19 Justice Aleu Akechak Jok, Robert A Leitch, and Carrie Vandewint, *A Study of Customary Law in Contemporary Southern Sudan*, World Vision, 2004, p. 7.

3. From bottom-up to top-down approaches (2005-2013)

This section outlines the shift towards top-down efforts to strengthen the security and justice sector (including security sector reform, disarmament, demobilisation and reintegration, justice sector development and community policing) in the period from 2005 to 2013. It closes by discussing bottom-up community security and local justice sector programming during the same period and reflecting on the interplay between top-down and bottom-up efforts.

The GoSS started to establish itself in administrative and operational terms in earnest after 2005. For example, it started to shift political control and governance from military commanders to national ministries, civilian governors and county commissioners. It also established civilian judicial services and separated the police, wildlife, prisons and the fire brigade from the SPLA (as well as other armed groups). These decisions, along with others relating to the structure of the SPLA, were taken in the years immediately following the CPA with limited international support. By the time the international community had mobilised greater support for the security sector, certain structural elements that were later to prove problematic were already a *fait accompli*.

Box 2: Juba Declaration

The 2006 Juba Declaration, negotiated by Salva Kiir and Paulino Matiep (the commander of the large anti-SPLA South Sudan Defence Forces) is an example of an early decision that fundamentally altered the nature of the SPLA and which was taken with little international guidance as to its long-term implications. Matiep's forces joined the SPLA and Matiep was given the (extra-constitutional) position of SPLA Deputy Commander in Chief. Following the Juba Declaration, groups continued to defect, accept amnesty and (re-)integrate. The 'revolving door' policy continues to some extent; in 2014 Kiir gave amnesty (and a number of political concessions) to the largely Murle South Sudan Democratic Army-Cobra Faction (SSDA-CF) and offered amnesty to Machar's SPLA-In-Opposition.

Members of the international community, particularly those working with the security sector, frequently lamented the amnesty policy's perceived incentivisation of rebellion and the impact of integrating less-disciplined soldiers and commanders at 'inflated' ranks for the sake of peace. Yet, the international community did little to address the underlying causes and enablers of armed rebellion, focusing instead on supporting a state whose practices were contributing to the prevalence of armed rebellion.

A legal framework for the security sector was created, as were the Ministry of Defence (overseeing the SPLA) and Ministry of Interior (overseeing police, prisons, wildlife and the national security service).²⁰ In addition, the GoSS began to pay salaries to those serving in its security forces – the first time many civil war combatants ever received a salary. This had the effect of distributing hard currency, setting expectations and creating vested interests in membership of the security services for very poor rural people and communities in South Sudan. In turn, this reified the perception of the security sector as the route to power and wealth and the willingness to fight for representation within these structures.

At a more strategic level, the SPLM/A believed they were likely to need to fight to defend their newly won recognition and freedom from Sudan – despite the CPA's guarantees.²¹ Even if war did not break out, it felt that a strong military would put it in a better negotiating position with Sudan. The consequences of these political realities were at least twofold:

- The composition of the security services was and remained a product of a political compromise. Parts of the SPLA had always been in active conflict with other southern armed groups and integration, whether forceful or voluntary, together with the distribution of command posts were tools to resolve such conflicts.
- The SPLA command understood 'fit for purpose' to mean maintaining a large SPLA ready to fight opponents, internal and external.²² In addition to the SPLA, the large police, prisons, wildlife and fire brigade services served as de facto reserves.

At the same time, after 2005, GoSS began to establish civilian justice services with great enthusiasm. This was widely welcomed by Southern Sudanese following the wartime imposition of *sharia* law on non-Muslims and the breakdown of justice systems during the war. Southern Sudanese academics from within the SPLM and others trained in Sudan and the diaspora were brought together to establish the Judiciary and the Ministry of Legal Affairs and Constitutional Development.²³ The Judiciary was quickly established and ministerial functions slowly began to operate. By independence, there were judges, prosecutors, and legal advisers in almost every state and in many counties. However, both the Judiciary and Ministry of Justice developed a very top-heavy structure with a concentration of staff in Juba,²⁴ a reputation for corruption and incompetence; and, with nearly all of their budgets dedicated to salaries, they were also operationally encumbered.²⁵

20 The SPLA remained centralised in Juba while the police and prison services were decentralised. The legal framework for the National Security Service has not been established and the sweeping and unconstitutional powers accorded to it in the National Security Bill passed by parliament (currently returned to parliament for review by President Kiir) have generated considerable controversy.

21 For many senior government officials, their view that they would need to defend the country through war was confirmed by the 2012 Heglig crisis (a short border war between Sudan and South Sudan over the contested oil-producing territory of Heglig). See for example: Erwin van Veen and Ann Fitz-Gerald, 'Pride and Prejudice in Heglig', *Open Democracy*, 17 April 2012: [online](#).

22 Due to this, few senior political and military officials felt they could rely on the SPLA and continued to recruit based on ethnicity into specific SPLA units and the Presidential Guard.

23 Government of Southern Sudan, *Interim Constitution of Southern Sudan*, 2005.

24 At independence there were legal personnel in 32 of South Sudan's 79 counties. *South Sudan Development Plan*, p. xv, 2011.

25 See: Alec Garang, *The Question of Big Government, and Financial Viability: The Case of South Sudan*, Sudd Institute, 1 February 2013; *Challenges of Accountability*, South Sudan Law Society, May 2013.

In this context, internationals began supporting security and justice sector development programmes to professionalise the SPLA and build the GoSS' rule-of-law capabilities.²⁶ At the same time, the international community left contentious questions about the nature of the new state and the extension of its particular form of state authority largely unasked and unanswered. This proved problematic, as the statebuilding process in South Sudan was – and remains – a major driver of conflict.²⁷ Few donors or organisations accurately assessed these dynamics and programmatic failure grew from these flawed assessments. Instead, donors shifted resources from grassroots justice and security programming to boilerplate support for the foundational security and rule of law institutions in Juba. Overall, donors failed to appreciate their role in enabling the extension of a form of state authority that led to conflict and insecurity while at the same time failing to demonstrate their programming's positive impacts on security and justice in South Sudan.²⁸

This problematic approach was compounded by the almost universal belief within the donor community that lack of capacity was the primary obstacle to improved security and justice governance and service delivery. However, this obfuscated how GoSS actually functioned as it deliberately, over years, established how it would govern Southern Sudan.²⁹ The international community was ultimately guilty of underestimating the ability of GoSS to identify and take concerted action on the basis of its own political, security and justice priorities.

Following these flawed assessments, security and justice sector programming came to encompass a confusing array of objectives, terminologies and methodologies, including: the extension of state authority, statebuilding, institution building, security-sector reform, defence transformation, improving access to various forms of justice, conflict prevention and resolution and building state-society relationships. Most donors supported a top-down model of support to the central government with a continuation of grassroots processes focusing on 'communities' and 'dialogue'. The UN and donors often assumed that supporting a top-down, technical approach to institution and capacity building while working at the community level to enhance the legitimacy and accessibility of security and justice services was an effective model, and that working at both levels would multiply the benefits of each endeavour. In reality, top-down and bottom-up programming (each flawed in its own way) rarely interacted, resulting in lost opportunities for shared learning and deeper impact.

26 Richard Rands, *In Need of Review: SPLA Transformation in 2006-10 and Beyond*, Small Arms Survey, November 2010; John A. Snowden, "Work in Progress: Security Force Development in South Sudan through February 2012", Small Arms Survey, June 2012; see also: <http://www.ssrresourcecentre.org/countries/south-sudan/>. The 2006 Juba Declaration was a watershed moment integrating the largely Nuer South Sudan Defence Forces into the SPLA, the South Sudan National Police Service (SSNPS), Prison Service and Wildlife Service and opening the door to the integration of other armed groups. It followed the integration of Riek Machar into the SPLA (2002) (he would eventually become Vice-President and today leads the SPLA-IO in rebellion against the government), the integration of the majority of the Equatoria Defence Forces (2003), and the subsequent integration of other smaller groups.

27 Tim Allen and Mareike Schomerus, *South Sudan at Odds with Itself*, London School of Economics, 2010.

28 Programming in areas that had not been SPLA-allied during the second Sudanese civil war often sought to improve relationships between the security forces and community to mitigate mistreatment of civilians by the SPLA (which some communities viewed as a hostile or even occupying force), *Local Peace Processes in Sudan*; Bennett, J., S. Pantuliano, W. Fenton, A. Vaux, C. Barnett, and E. Brusset, *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*, ITAD Ltd, UK, 2010.

29 Greg Larson, Peter Biar Ajak, Lant Pritchett, *South Sudan's Capability Trap: Building a State with Disruptive Innovation*, CID Working Paper No. 268, Center for International Development, Harvard University, October 2013.

Top-down approaches to security and justice sector support

The focus on national-level state and institution building put justice and security into distinct programming silos, a significant shift from the wartime years when justice and security work fell under the umbrella of peace and conflict-related programming.³⁰ This shift separated ‘political’ conversations about conflict, instability and injustice from major technically focused donor programmes. For example, as independence approached there were fewer conversations about how security sector reform (SSR) was related to the role of the security services in reducing and/or instigating conflict, political instability within the security services or the government’s development of more sophisticated and worrying strategies for managing internal dissent. Within the justice sector silo, support came to rely on the logic that better resourcing, both in terms of ‘capacity building’ and provision of materials, would lead directly to improvements in justice.³¹

Security Sector Reform

Unsurprisingly, the security sector’s size did not decrease, integration of armed groups continued and there remained a reluctance to de-militarise the police, prisons and wildlife services. Additionally, there continued to be multiple lines of command and control within and between different branches of the security services.³² There was no agreed-upon vision for security sector transformation, such as could have been provided by a strategic defence review, leading to disconnected, duplicative and, at times, ineffective bilateral efforts. Hundreds of millions of dollars were spent on security sector reform but it often seemed as though the SPLA and international partners were speaking different languages.³³ Much of the support focused on the symptoms of a non-functional political system on the security sector rather than the source.³⁴

Following the CPA, the SPLA undertook its own efforts to reorganise the army, including the integration of other armed groups. One aspect of this effort was the recognition of the need for training to effectively integrate other armed groups, create a national ‘*esprit de corps*’, and shore up security in Southern Sudan during the contentious interim period.³⁵ The SPLA, with its background as a guerrilla movement, lacked internal capacities for training. In order to overcome this lack of capacity, the SPLA hired international support to train trainers and training officers as well as to develop a training curricula with the ultimate

30 There were efforts to correct this. For example, the South Sudan Development Plan’s ‘Justice and Security’ pillar was indicative of global good practice in linking justice and security. However, there was little buy-in from either the government or donors into the plan, and, in reality, security and justice sector support were not linked.

31 Bennett, J., S. Pantuliano, W. Fenton, A. Vaux, C. Barnett, and E. Brusset, *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*, ITAD Ltd, UK, 2010.

32 Richard Rands, *In Need of Review: SPLA Transformation in 2006-10 and Beyond*, Small Arms Survey, 2010.

33 Southern leaders needed the international community’s pressure on the government of Sudan to ensure its compliance with the CPA. To keep Western governments’ support, the government approved and signed up to programmes they never intended to implement. Richard Rands, *In Need of Review: SPLA Transformation in 2006-10 and Beyond*, Small Arms Survey, 2010.

34 This was, in many respects, due to the broader set of flawed assumptions that underpinned the international project in South Sudan.

35 Richard Rands, (2010), *op.cit.*

objective of (re-)training every formation of soldiers and building the SPLA's internal capacity for training.³⁶

These trainers formed the nucleus of what is still the training staff within the SPLA. Many of these were young, educated individuals from different South Sudanese ethnic groups and included members of other armed groups. However, there were only ever around 100 adequately trained instructors, an insufficient number to achieve its objective of (re-)training every formation. If it had been developed further it could have created a more cohesive and professional organisation. This bottom-up capacity-building approach – identified by the SPLA as a critical priority – was largely overlooked by the international community in favour of a top-down approach.³⁷

Disarmament, Demobilisation and Reintegration

Against the wishes of both parties, the international community insisted on Disarmament, Demobilisation and Reintegration (DDR) as a provision in the CPA.³⁸ Despite indications that the SPLA was growing rather decreasing in size, and despite the public scandal over the management and effectiveness of the UN-sponsored programme, DDR continued to be funded. At independence, donors had spent US\$117 million on disarmament, demobilising approximately 12,000 out of 90,000 South Sudanese combatants.³⁹ In addition to mismanagement, DDR failed because the SPLA did not wish to demobilise tens of thousands combatants – each of whom represented different political constituencies. While donors saw DDR as a binding CPA obligation and objectively necessary, to leading figures in the SPLM/A there was nothing objective about a programme that challenged South Sudan's greatest internal political compromise and threatened to weaken the SPLA vis-à-vis the Sudan Armed Forces.

Despite the 2006 Juba Declaration's political impact on the security sector, DDR was not linked to internal political processes in order to extend the Declaration's political agreement to broader political representation and power sharing. Southern leaders deliberately avoided such possibly explosive processes so as not to derail the quest for independence. As the Sudanese government stalled and obstructed CPA implementation, the prospect of a return to war remained throughout the period. A realistic assessment of the prospects for DDR should have indicated that a southern political transition was an integral part of DDR, that demobilisation in the midst of a fragile peace process was unlikely and that the de-prioritisation of internal southern political development in comparison with security sector support was an error.

36 *Ibid.*, p. 38.

37 While the international community spent tens of millions of dollars on construction projects, including building a 4th Division headquarters Duar (in Unity state) which has almost never been used, funding for training designed to create a cohesive army that operated with a greater degree of command and control out of the multiple armed groups that then comprised the SPLA was not made available. Richard Rands, *In Need of Review: SPLA Transformation in 2006-10 and Beyond*, Small Arms Survey, 2010, p. 33.

38 Donors also pushed DDR when it became clear that the majority of the GoSS budget was spent on maintaining the security forces. *Failures and Opportunities: Rethinking DDR in South Sudan*, Small Arms Survey, May 2011, pp. 1.

39 *Failures and Opportunities: Rethinking DDR in South Sudan*, Small Arms Survey, May 2011; *DDR in South Sudan*, Small Arms Survey, July 2013; 'Analysis: Rethinking DDR in Post-Independence South Sudan', *IRIN*, 8 July 2011; 'Peace Hovers in Sudan but Most Soldiers Stay Armed', *New York Times*, 30 December 2010.

Justice sector development

South Sudan's hybrid legal system – a combination of government and traditional or chiefs' courts – reflects the desire of the South Sudanese to manage their affairs according to their own cultural beliefs rather than those of Sudan or the west as well as the difficulties of establishing state judicial presence among widely dispersed pastoral populations.⁴⁰ The relationship between the government and traditional courts has not always been smooth and differs substantially throughout South Sudan. In some areas government officials meddle in the selection of traditional authorities or in the operations of traditional courts; in some communities it is so problematic that they have 'government' chiefs and a second set of chiefs selected by the community but not recognised by the government.⁴¹

Failing to appreciate the complex and varied nature of this legal and political system, donors often focused their support on technical questions about the role, and occasionally overlapping powers, allocated to customary courts, local government boards, county commissioners and the judiciary; they also had concerns about the consistency of customary law with the human rights guarantees in South Sudan's constitution.⁴² A clear indicator of the shortcomings of this approach can be seen in the Customary Law Research Center (CLRC). The CLRC was intended to take the lead in customary law research and policy; it took years to be established, was not adequately staffed and never drove policy formation.

At the same time, and with the international community largely unaware, state and local governments took initiative with respect to the role of customary law in different and, at times, contradictory ways.⁴³ Donors were spending millions on conferences, exposure visits and training for officials in Juba with little understanding of how these matters were being addressed in states, counties and *payams* – and with little to show for their efforts. Moreover, justice service delivery was limited by the view (by both military and judicial authorities) that the civilian justice sector had no place in politically sensitive areas, specifically in cases involving senior figures or locations plagued by armed conflict. Even when the Judiciary was willing to provide judicial services in politically complex situations, they were often prevented from doing so. In 2012, local government officials and community members in Akobo in Northern Jonglei requested the deployment of a judge to adjudicate a series of revenge killings between Lou Nuer clans. In response, senior politicians in Juba, including the Minister of Justice, who was viewed to have benefited from the conflict, intervened to prevent the deployment. Where the need for justice was highest, state-provided justice was often deliberately absent.

40 Cherry Leonardi, Leben Nelson Moro, Martina Santschi, and Deborah H. Isser, *Local Justice in Southern Sudan*, US Institute for Peace, 2010. The role of customary law, the powers granted to traditional authorities and recognition of established customary courts is enshrined in South Sudanese law. There are over 60 ethnic groups in South Sudan and customary law differs between and within ethnic groups.

41 Cherry Leonardi, Leben Nelson Moro, Martina Santschi, Deborah H. Isser, *Local Justice in Southern Sudan*, US Institute for Peace, 2010; *Challenges of Accountability*, South Sudan Law Society, May 2013.

42 Reflective of the broader evolution of government structures, national-level law and policy relating to customary law and local government is not fully-formed and there remain some contradictions within the laws.

43 Cherry Leonardi, Leben Nelson Moro, Martina Santschi, Deborah H. Isser, *Local Justice in Southern Sudan*, US Institute for Peace, 2010; *Challenges of Accountability*, South Sudan Law Society, May 2013.

Against this backdrop, donors often appeared content to subsidise the Ministry of Justice and Judiciary's decision to focus the bulk of their resources on national-level staff or processes that, while well intentioned, did not mirror the government's institutional priorities and thus failed to achieve their objectives.⁴⁴

Community policing

It was only in 2012 that police programming started focusing more intensively on policing outside of Juba and a few state capitals, including by building model police stations. Police capacity development at local level was largely the work of UN Police Officers (UNPOLs), stationed in selected counties and states, who provided daily training and mentoring on a range of topics. However, a Clingendael study on the United Nations Mission in South Sudan (UNMISS) found that the themes, such as forensic investigation and the development of fingerprint databases, were often out of sync with the policing realities of a largely illiterate police force in rural South Sudan.⁴⁵

Donors, through private contractors and UNMISS, promoted community policing, which South Sudanese often confused with local, community-based protection forces (many of whom are currently involved in the civil war) or chiefs' police. Community-police dialogues were often implemented by INGOs or national NGOs funded by INGOs and rarely coordinated or linked with national programming. Coordination did not happen naturally because of: independent, and often competing, donors and funding timelines; differences in organisational culture among the private contractors, the UN and NGOs; lack of donor demand for coordination; and a focus on operations at different levels and locations. When coordination did occur, it was often due to the personalities involved. One key difference in culture and mandate was that the UN and many private contractors were engaged under the auspices of direct 'state support' or 'extension of state authority', while many INGOs focused on mitigating the negative impacts of the state on communities.⁴⁶ At times, INGOs seeking to work with UNPOLs found them unwilling to coordinate.⁴⁷ In the absence of a realistic political framework for engagement or donor demands for coordination, there were programming islands at all levels.

Bottom-up approaches to security and justice development

People-to-people peacebuilding and 'peace conferences' were slowly replaced by 'community security' programming in the CPA period. During this time, many influential political and military leaders moved to Juba, meaning they were less present to lend their support to

44 Donors themselves concentrated funding, including capacity support, in Juba. Outside of Juba, they committed to infrastructure development at state and county level, but often did so without a commitment from the Ministry to allocate adequate staff and operational budgets to these locations. Moreover, donors rarely coordinated among themselves and often failed to monitor implementing agencies' performance and coordination.

45 Lauren Hutton, *Prolonging the agony of UNMISS: The implementation challenges of a new mandate during a civil war*, Clingendael Conflict Research Unit Report, The Hague, 2014.

46 Some donors, such as the British, funded UNMISS, private contractors and INGOs at the same time.

47 In one instance in Northern Bahr el Ghazal, the Danish Demining Group (DDG) ran an effective community policing dialogue programme. When DDG was unable to secure funding to continue, they sought to 'hand over' to UNMISS. By this point the dialogues were running themselves and participants only needed transport twice a month to continue the beneficial programme. UNPOL was uninterested in taking over a programme their headquarters had not directly ordered them to run and refused to support the dialogues. Recent challenges with the police in Northern Bahr el Ghazal indicate the value of such programmes.

sensitive political processes or to be pressured by their communities to accept processes. The gradual establishment of government also introduced a stronger focus on the role of officials in local justice and security initiatives and processes, even if those officials had little influence over events or were acting as ‘spoilers’.

Community security

As government institutions were beginning to be established and function, community security programming began to address such diverse issues as: illegal police detention and torture, women’s issues (ranging from sexual violence to the appropriate and legal attire for women), how to improve police security provision and so on. Anything that contributed to the broader goal of improved ‘community security’ could and did fall under the rubric of community security programming. However, community security programming rarely addressed systemic issues within the security services or political dysfunction at national, state or local levels. It did, though, at times, provide small but tangible improvements in people’s lives and enabled a more open dialogue and less hostile relationships between security forces and communities.⁴⁸

One branch of community security programming was heavily ‘process’ or ‘relationship’ oriented and designed with the recognition that the fundamentals of a positive state-society relationship were lacking.⁴⁹ While the assessment of the deeply problematic state-society relationship was accurate, the cause of the problematic relationship was often misunderstood. Many believed this was part of a natural process of establishing governance structures after so many years of war and that opening channels of communication would have a positive, and perhaps definitive, impact on the relationship. Yet even when, in 2013, 58% of citizens said it was not acceptable to criticise the government in public, it is questionable whether the freedom of expression necessary to begin such a public and dialogue-based process existed.⁵⁰

Programming was rarely driven by the unique contexts in each area, but rather by a series of ‘logical’ steps that could be taken, with little political risk, by agencies to achieve the desired state-society relationship.⁵¹ In a country where wartime experiences were so deeply localised, few asked how local relations with the South Sudan government, SPLA and other armed groups were related to the post-war security and governance contexts or who had vested interests in the status quo. Thus, the assumption that effective bottom-up programming would reverberate through the system proved to be flawed.⁵²

48 For example, communities often requested that commanders issue orders for soldiers to leave their weapons in the barracks when moving around town to prevent intimidation and accidental violence due to fighting or drunken soldiers shooting at civilians.

49 One of the largest programmes, the United Nations Development Programme’s Community Security and Arms Control Initiative (UNDP CSAC) supported the Bureau for Community Security and Small Arms Control (BCSSAC) and the South Sudan Peace Commission (SSPC). The programme focused on a ‘community consultation’ that would typically identify ‘hardware’ intended to improve security.

50 *Survey of South Sudan Public Opinion: April 24 to May 22, 2013*, International Republican Institute, 2013.

51 Programming was often reduced to ‘activities’ that could fit into a logframe despite the complex nature of these relationships.

52 Some programmes failed to achieve even local-level improvement due to flawed conceptual frameworks or operational and staffing challenges.

Box 3: Ending arbitrary detention: a successful community initiative

In 2013 in Nasir, a civil society organisation working with the police and prisons established a community oversight board to address egregious cases of prolonged and arbitrary detention. Over a period of months, most of the wrongfully detained were released and the board met and visited the prison regularly to ensure detentions were consistent with the law. This programme was successful first because the board, comprised of chiefs and elders, capitalised on its relationships with the SPLA Commander, County Commissioner and the heads of police and prisons, and second because the organisation had a strong track record at local level and inspired confidence from officials and the community. This is an example of an effective, context-driven effort that could go no further than the tangible improvements in Nasir. The unique circumstances of the county do not exist in other locations. In many locations, key officials are not from the community or they have financial or clan interests that motivate illegal detention, and civil society organisations are not held in such esteem.

Further distorting understanding of the nature of the emergent Southern Sudanese state, donors and international partners often selected programming locations that were more ethnically homogenous, less conflict prone and easier to access physically, and which had stronger relationships to the SPLM/A than areas where community security challenges were the greatest.⁵³ This was justified by the often unspoken belief that a necessary degree of stability and freedom from conflict was necessary for programming and by the need to complete activities in a timely manner to meet programme objectives. This meant that access difficulties due to poor roads, rains or conflict often automatically rendered substantial areas 'unsuitable' for community-based programming.⁵⁴ Thus, some of the most insecure areas were deliberately avoided to achieve internationally identified benchmarks for improving security at community level. Government-identified benchmarks were often no less problematic. Officials often sought to divert projects to their home areas, deter organisations from working in rival communities and otherwise manipulate programming to achieve alternative goals.⁵⁵

53 There were other oddities in programme site selection: various programmes focused on one county per state, allowed government actors to select programme locations (often their home areas) or other methodologies that failed to target programming to areas of greatest need. Another approach was programming in previously conflict-prone areas that had become relatively stable over time.

54 There are a tiny minority of organisations such as AECOM (a USAID contractor), Non-Violent Peaceforce, Norwegian Peoples Aid, Pact, and others, who sought to work in more conflict-prone and difficult-to-reach areas. They were often pressured by donors and sometimes even their own headquarters to emphasise programming where they could achieve easily definable 'success', even if it was not needs based and lacked solidarity with communities facing extreme difficulties. South Sudanese civil society organisations also found it difficult to secure funding, especially medium- or long-term funding, to work in more conflict-prone and difficult-to-reach locations.

55 Laudati describes the case of the Murle in Jonglei, discriminated against both in terms of government and INGO service provision because the government identified the Murle as the source of insecurity in the state. The international community had bought into this narrative to such an extent that during Laudati's research in 2008, she was warned not to travel to Murle areas. Ann Laudati, 'Victims of Discourse: Mobilizing Narratives of Fear and Insecurity in Post Conflict South Sudan – The Case of Jonglei State', *African Geographical Review*, 30.1, 2011.

As part of community security programming, communities across South Sudan have been engaged in time-intensive consultation processes that have largely failed to deliver tangible benefits. ‘Community security consultations’ are treated as a panacea, masking programming designed without a solid grounding in context and undertaken with little consideration of the time asked of South Sudanese respondents.⁵⁶ The underlying assumption is that by expressing their needs and challenges to external actors, communities are being empowered as change agents. Yet these processes are often divorced from local, state and national power dynamics, fail to engage across communities and are done once (often by an external consultant in-country for a few weeks) and never repeated.

Consultations often focus on developing ‘community action plans’ as the basis for further interventions. These interventions often fall somewhere between development work, conflict resolution and security and justice reform and, all too often, organisations lack the technical and financial resources to adequately address any of these effectively. Few actors have sufficient funds to implement such plans, which include drilling boreholes, building roads and establishing police posts; or where they do, they are ill equipped to determine the types of programming that would improve security (as opposed to those which might serve alternative purposes or have no impact whatsoever).⁵⁷ To avoid upsetting government partners, who were often themselves drivers of insecurity, organisations such as UNDP accepted de-politicised rationales for violence and often failed to understand, engage and programme towards the more politically sensitive, but critically important, drivers of conflict.⁵⁸

56 For example, the UNDP CSAC programme is founded on ‘community consultations’ using a Participatory Rural Appraisal methodology. In Unity state, UNDP could not travel due to insecurity and allowed the governor and commissioners (appointed by the governor) to select participants to be ‘consulted’ in the state capital. In other states, governors and county commissioners colluded to ensure that their priorities were implemented by UNDP, undermining the objective of “priorities set by county residents”. This led to curious results, such as providing tractors to the Jonglei government to combat insecurity. The debate is heated as to whether economic development might reduce insecurity in South Sudan but certainly most would agree that agricultural programming should be done by specialists to ensure quality programming and consistency with ‘do no harm’ principles. Many consultations regurgitated the same recommendations, such as police posts, raising concerns that communities recommended only projects they had seen funded previously, despite their lack of relevance or effectiveness. Police posts were largely unsuccessful because they required police to live in remote and insecure locations, often with limited access to food and water, and most posts built were almost immediately abandoned. Interviews with local and state government officials and UNDP CSAC staff, 2012 and 2013; UNDP Southern Sudan Annual Report 2010, p. 21; examples can be found at:

http://www.ss.undp.org/content/south_sudan/en/home/library/county_consultations/summaries/; see also: http://www.ss.undp.org/content/south_sudan/en/home/operations/projects/crisis_prevention_and_recovery/community_securityandarmscontrol.html.

57 While UNDP via its various funding mechanisms, including the South Sudan Recovery Fund, was often able to support ‘hardware’ and other infrastructure development, most NGOs were only able to support ‘soft’ programming because they lacked funding and expertise to support infrastructure development in such a costly and difficult operating environment. Programming was not coordinated so that UNDP, which struggled with ‘soft’ programming, could link up with NGOs who could take up these activities. This was also difficult due to an attitude of ‘competition’ that UNDP often exhibited towards NGOs that were funded by the same donors.

58 This includes both the CSAC programme and the South Sudan Recovery Fund. The results of the Warrap consultation identified “community elders”, including “chiefs inciting”, as responsible for supporting cattle raiding and efforts to stop raiding across state lines as inhibited by “lack of leadership support and commitment from the concerned leaders”. Projects proposed to address this included building police posts and boreholes, programmatic responses that fail to engage with the more difficult and politically contentious matter of elders, chiefs and politicians supporting violent cattle raiding. *Community Consultation Report: Warrap State*, South Sudan Bureau for Community Security and Small Arms Control, South Sudan Peace and Reconciliation Commission, and the United Nations Development Programme, 2012.

Although programming continued to evolve, the model for community-level security work (as well as justice – see below) struggled to reconcile programming needs with the contentious process of extending state authority in rural South Sudan.

Local justice sector development

While providing significant support to rule of law structures at national level, donors were slow to support the justice sector at state, county and *payam* levels. With limited external support, the government did impressive work in establishing rudimentary government justice service provision at state level and in many counties. In many locations, officials lacked offices and had no operational budget; much of the success at the state and local level was due to support from state or county governments rather than the national government, one reason why justice service provision differed from state to state. Donors supported some basic infrastructure and limited programming, but UNMIS/S provided most of the support to justice sector actors through their Human Rights, Rule of Law, Civil Affairs and UNPOL divisions, although only in the few areas where they had permanent bases.⁵⁹ In areas without international presence, considerable efforts were made by county and traditional authorities to establish rule-of-law structures, many using the colonial administration as a model. Due to lack of strong national guidance and donor support, these structures were varied, as were the justice challenges.

The SPLM's original motto, 'Take the Towns to the People', reflected its largely rural and underdeveloped constituency's desire to receive services in their communities as well as its effort to contrast itself with the Sudanese government's concentration of wealth and power in Khartoum. Nascent efforts to establish civil judicial functions in rural SPLM-controlled areas were consistent with this ideology and focused on services in rural areas. As early as 1999, the SPLM Secretariat for Legal Affairs and Constitutional Development sought to establish rural paralegal networks, and one of the Wunlit conference's resolutions called for paralegal training to support border courts.⁶⁰ Despite this, until 2011, donors provided very limited funding for rural paralegal networks and available funding typically came from peacebuilding rather than justice sector funding.⁶¹ The Judiciary encountered a similar situation when it sought to re-start mobile court programming and became embroiled in years of back and

59 This division of labour was indicative of agencies' challenges operating at state and county levels. Most projects were only partially implemented and chronically understaffed yet donors continued funding such programmes. This is one of the reasons UNMISS *de facto* took the lead in justice and security programming at state level. However, the Department for Peacekeeping Operations was operating well beyond its areas of core strength, without a budget for programme 'activities' and at an astronomical cost. Peacekeeping missions are less well suited to this type of long-term programming, as their work is dependent upon frequently amended Security Council mandates.

60 SPLM Workshop on the Rehabilitation and Restructuring of Legal Institutions and Law Enforcement Agencies, Resolutions and Recommendation, 14th – 20th April 1999, SPLM, 1999.

61 Peacebuilding funding cycles are often short-term and associated with a specific set of activities. Justice interventions require a commitment to stable and sustained funding cycles and recurrent costs to achieve longer-term improvements in justice service delivery. For example, a legal aid clinic is not a specific 'activity' in that it is open daily to accept cases, some of which may take years to resolve. The lack of funding for paralegal and legal aid services in rural areas – either via peacebuilding or justice sector funding streams – was surprising. An exception to this was the US State Department Bureau of International Narcotics and Law Enforcement's multi-year Rural Access to Justice programme that began in 2011. It worked in only six of 79 counties, although it had planned to expand prior the outset of the civil war.

forth negotiations between the UN and donors.⁶² Judicial innovation at local level, most notably in the form of special courts, was undertaken almost entirely without donor support.

Connecting top-down and bottom-up programming?

As much as security- and justice-focused programming operated in their own silos, national and grassroots programming faced similar challenges. Such programming often operated in isolation from wider national debates, compounding what was often an already inadequate contextual underpinning at all levels. Even more troubling, understanding and lessons learned at state or county level were rarely incorporated into national debates and policy frameworks. The challenges in linking community-level experiences with national processes meant that the government and donors lost a critical opportunity to infuse the technical institution-building process with the more complex realities of South Sudan. Donors often brought in short-term consultants who may not have understood this diversity during programme design, as time was usually only allocated for limited field visits, and implementing organisations, seeking to demonstrate value for money, rarely insisted on ensuring funding for staff to work on these more policy-related matters.⁶³

Box 4: The 2012 government stabilisation programme in Jonglei: the disconnect between top-down and bottom-up efforts

Jonglei state's multiple and overlapping conflicts are rooted in civil war divisions, militarised populations and resource and governance disputes, among other factors. Following an August 2011 attack on Pieri Payam and a December 2011 attack on Pibor County, which killed at least 2,000, the government instituted a three-pronged approach to stabilisation. This included an All-Jonglei Peace Conference, a Presidential Investigation Committee into atrocities and civilian disarmament. Challenges in conception and implementation of the stabilisation plan meant it would achieve limited results and fuel even more violent conflict. Donors and the UN vacillated in their support for civilian disarmament and failed to provide leadership; some INGOs took vocal stances against the abusive process and others supported it – the decisions seemingly made at random.⁶⁴

62 In the early 2000s the New Sudan Judiciary set up mobile courts; the lead judge working on the mobile court project is now the Deputy Chief Justice. Based on his experiences, he believes the model can be refined to enable greater justice service provision in rural areas.

63 Implementing programming in South Sudan is logistically difficult and programme or project managers and directors often found themselves unable to dedicate the time to these types of efforts that, while important, were not donor priorities and were difficult to include in log frames. Some organisations had technical advisers with specific log-framed activities to bridge these gaps.

64 *Disarmament Déjà-Vu*, Danish Demining Group, Pact and Saferworld, January 2012; *Perpetuating Cycles of Violence*, Community Empowerment for Progress, Standard Action Liaison Focus, Serving and Learning Together and the South Sudan Law Society, March 2012.

Originally, only the Murle were to be disarmed. Eventually agreeing to disarm the entire state, the SPLA began a rather half-hearted disarmament of most of the state's heavily armed population while continuing with the original plan to more seriously target the Murle. This was marred by human rights abuses and effectively amounted to a forced disarmament campaign of one ethnic group. Within a few months, the government was facing an armed rebellion due to the abusive and discriminatory disarmament campaign.

Donors, aid organisations and the UN struggled with how to engage with these processes. UNMISS, originally supportive of the campaign, was forced to step back from its support following public and private pressure from INGOs.⁶⁵ At the same time, other organisations became more directly involved. PAX⁶⁶ supported a dialogue process about disarmament, security and governance between church leaders, civil society and government officials that was largely supportive of the disarmament campaign. Many believed organisations like PAX were politically naïve and were being used to provide a veneer of legitimacy to a violent and abusive process. Others, including at local level where PAX worked, saw value in maintaining open dialogue with government actors about how to improve policy decisions and prevent further abuses, however restricted the dialogue. For PAX, its operations made good sense at a local level and were part of a broader, process-oriented set of activities to build state-society relationships over the long term. Neither the government nor the donor community presented a coherent and credible plan for engagement in Jonglei, putting the international community at odds with itself, with little leverage over the process, and leaving individual organisations to take what often appeared to be ad hoc decisions about engagement in the controversial process.

65 Some INGOs accused UNMISS of deliberately covering up abuses. UNMISS only went public about the abusive nature of the campaign after Human Rights Watch announced it would be publishing its findings, six months into the campaign. Ibid; 'Civilian disarmament in Jonglei peaceful and orderly, but UNMISS urges restraint and respect for human rights', Press statement, UNMISS, 6 April 2012; *South Sudan: End Abuses by Disarmament Forces in Jonglei*, Human Rights Watch, 23 August 2012; 'UNMISS Calls for Action to Safeguard Peace Process in Jonglei State', Press statement, UNMISS, 24 August 2012.

66 Formerly IKV Pax Christi.

4. Donor approaches to the security and justice sectors in times of war (2013-2015)

This section examines programming options that could mitigate some of the insecurity and injustice associated with the ongoing civil war and identifies critical security and justice building blocks that could be put in place now which would support a future peace.

The civil war that began on December 15, 2013 has its roots in wartime splits and alliances, the very nature of the SPLM/A, and local grievances. It has a number of important similarities with the second Sudanese civil war: substantial areas are no longer under government control, ethnic militias have been re-established or are increasing their activities and foreign armed groups are actively engaged in the conflict, meaning that lessons from the past have much to offer contemporary practitioners.

The 2006 Juba Declaration's political compromise fell apart with a speed that evidenced its incomplete and fragile nature.⁶⁷ At its outset, the war was fought between soldiers but the targeted violence against the Nuer in Juba was the first indicator of a conflict that was increasingly ethnic in nature and which would be characterised by violence against civilians. Security services, including police, were implicated in systematic violence against Nuer civilians in Juba that drove nearly 40,000 Nuer civilians into UNMISS for protection and largely emptied the city of Nuer civilians.⁶⁸ The majority of the Nuer within the security services have joined the SPLM/A-In Opposition (SPLM/A-IO), some out of support for the movement's political aims, others for revenge, and many because they no longer felt safe in government areas. Ethnic violence accompanied subsequent SPLA-IO and allied-White Army offensives, including the killing of hundreds in hospitals, mosques and churches. The conflict has gone beyond Dinka-Nuer animosity and now encompasses local as well as national grievances. The fighting has been intense and may well be prolonged. The majority of government security personnel are now Dinka and the majority of the opposition Nuer, resembling the SPLA's 1991 split.⁶⁹

In the absence of a peace agreement, there is no credible foundation for donors to resume statebuilding endeavours.⁷⁰ This does not mean, however, that nothing can be done. To the contrary, the international community should support South Sudan's path from war towards becoming a legitimate, credible and democratic state during the war. This long

67 The Juba Declaration was between the SPLA and the South Sudan Defence Forces and set out a pathway for joining and integrating their respective military forces.

68 This includes members of the SPLA, National Security, SSNPS and Wildlife. They are also reported to have engaged in rape, including penetration with objects, forced abortion and sexual harassment. *UNMISS Interim Human Rights Report*, UNMISS, 2014, p. 11, 13.

69 Some Nuer remain with the government and some Dinka have joined the SPLA-IO. Members of South Sudan's more than 60 other ethnic groups find themselves on both sides of the divide.

70 Some see such support as legitimising and strengthening the government, providing a shield from criticism and, through this, inadvertently undermining an already flailing peace process.

and resource-intensive process must be part and parcel of an overall political response to resolving the conflict; investments must be made during wartime to ensure donors are prepared to support the critical work needed translate a peace agreement into peace on the ground.

More specifically, there are a number of considerations donors should keep in mind when shaping, implementing and monitoring their policies and programming in South Sudan during the civil war, as well as necessary actions to prepare the ground for a peace agreement. These issues are summarised in the table below and discussed in more detail.

Table 2. Mitigating insecurity/injustice and working towards a sustainable peace

'Improving' security & justice during the civil war by...	Laying the ground for a peace agreement by...
1) Refraining from providing support to state security actors – no one is neutral	1) Generating a deeper understanding of the wartime political and security context in South Sudan through research, assessment and analysis
2) Supporting customary leaders and civil society to counter militarisation of the public sphere	2) Conducting deeper research into how transitional justice efforts can extend beyond criminal accountability for a few top leaders in a way that is compatible with South Sudanese culture and history
3) Supporting continued access to justice/legal empowerment at local level in both government- and opposition-controlled territory	3) Considering the implication of and the support that would be required for security and disarmament provisions as they are negotiated – not afterwards

What can be done to improve security and justice during the civil war?

To start with, the international community should refrain from providing support, beyond engagement on international humanitarian law principles, to security actors including the SPLA, SSNPS and National Security. The SPLM/A and SPLM/A-IO's supporters in the police, prisons, wildlife and fire brigade services were called to war, making good on their role as a 'reserve' force. There are no 'neutral' or 'uninvolved' security forces. The Inspector General of Police was instrumental in planning joint SPLA and Ugandan People's Defence Force operations in Jonglei and the then-Minister of the Interior committed the Central Reserve Unit police to the war effort. Mass mobilisation of civilians is ongoing alongside child recruitment, creating a fluid mixture of forces, which poses significant risks for donor engagement.

Moreover, supporting customary leaders and civil society can help counter militarisation of the public sphere. Acknowledging that there are few 'neutral' actors in times of war, donors can seek to counterbalance this by consciously engaging with traditional authorities and civil society. The value of such programming was only belatedly recognised during the last war. South Sudanese civil society organisations, which have retained a presence in war-affected communities, should be a focus of this effort. Wartime support should seek to improve people's lives – even if only in a temporary and local manner – and to improve the prospects for a future transition by working with non-military actors across the frontlines.

As during the last war, customary law continues to be the primary means through which South Sudanese people access justice, regardless of which warring faction controls their area. Ensuring that access to justice/legal empowerment programming continues in both government and opposition-controlled territory will help mitigate rights violations at local level and help lay the groundwork for more sustained support to the justice sector post-war. One example is paralegal networks, which primarily engage with traditional authorities rather than government officials, and are a form of relatively low-risk programming which may have a positive impact in both the short and long term.⁷¹

Finally, the international community would do well to maintain its impartial stance toward the warring parties, recognising that their ability to support and serve as guarantors of a peace agreement will be necessary to its success. Donors must consider the implications of being seen to ‘take a side’ in the war by programming only on one side of the conflict. Often even ‘apolitical’ programming is perceived to support one faction or community. This means that conflict-sensitive analysis of all programming decisions is critical to maintaining impartiality.

Laying the groundwork for a sustainable peace

There is a significant gap between the high-level political approach of the Intergovernmental Authority on Development (IGAD) and the wartime realities of South Sudan. An agreement following an IGAD or IGAD Plus peace process will not be rooted in local wartime dynamics and there will be a substantial amount of work to be done to understand the gaps between the contents of an agreement and the interests of armed groups (particularly those beyond the SPLA and SPLA-IO) and communities on the ground. A future agreement’s lack of grounding in-country will require significant support from the international community to be successfully implemented. To bridge these gaps, the international community should make efforts to gain a deeper understanding of the wartime political and security context in South Sudan. This is critical both to informing the peace process and also to preparing – politically and programmatically – to address elements of the war that are not part of a peace agreement.

In addition, transitional justice will require far more than criminal accountability for a few top leaders.⁷² Donors should carry out in-depth analysis of how transitional justice mechanisms can be applied, altered and created to be relevant to South Sudanese culture and history, giving particular consideration to questions of truth telling and reparations. Given the scale of atrocities, most view accountability as a necessary component of a sustainable peace agreement. Ensuring accountability will be a political process as well a technical justice exercise and must be part and parcel of the political roadmap and justice sector support from the outset. Few believe South Sudan’s judiciary is able or willing to guarantee accountability; past and ongoing SPLA Commissions of Inquiry and police inquiries have not led to

71 Even in the midst of war there are disputes over property, marriage, children and other matters that are almost always dealt with beyond the remit of state authority. Paralegals work at this level.

72 The warring parties have agreed to a hybrid tribunal to provide for criminal accountability.

accountability.⁷³ The Supreme Court's impartiality has been called into question, as has its capacity to oversee many complex and political trials.⁷⁴

An African Union (AU) Commission of Inquiry was tasked with documenting the scale of atrocities, identifying those responsible and presenting recommendations for transitional justice. The report's release date remains uncertain while documents purporting to be leaked drafts are widely available. The high hopes many had that the AU would take the lead on accountability have been dashed as controversy swirls around the report. The report, if and when it is released, alongside the results of the IGAD-sponsored peace process and UN Security Council action, will determine what, if any, accountability mechanisms are employed. Peace talks have largely ignored transitional justice beyond the question of criminal accountability. Much more coherency of approach and vision is needed from the international community to ensure that the transitional justice component of an agreement is not deeply flawed.

Beyond commitments to accountability, almost no consideration has been given to the practicalities of transitional justice. Given the difficulty of the operating environment and competing objectives of a transitional period, donors should do more to ensure that transitional justice mechanisms are appropriately designed and sequenced. Political and military leaders as well as ordinary South Sudanese should be involved in shaping specific mechanisms and particular consideration should be given to reparations or compensation as culturally valued forms of justice. At the same time, realistic budgets and timeframes for different mechanisms should be prepared and appropriately sequenced to ensure that transitional justice supports peace efforts.

Finally, there are a number of mechanisms under discussion as part of the IGAD process, such as the Joint Monitoring and Evaluation Committee and other aspects of the Ceasefire and Transitional Security Arrangements. Donors should be following the development of these concepts to understand how they can contribute following an agreement, particularly in bridging gaps on the ground. Donors should not wait until a peace agreement is signed to invest in understanding the discussions surrounding security sector transformation (SST) and DDR and their implications. Despite efforts to improve the approach to SST, many of the issues that bedeviled the international community during the inter-war period are likely to re-emerge. As with the post-CPA settlement, both the government and SPLM/A-IO will try to ensure that their forces and the armed youth who supported them are provided for, accommodated and preferably left intact following an agreement. This will challenge the international community's (continued) widespread belief in the need to downsize the SPLA and put a heavy burden on the already drained South Sudanese treasury.⁷⁵ Moreover, it means that warring parties will closely assess and monitor the political and ethnic dimensions

73 The SPLA launched a Commission of Inquiry into ethnic violence in Juba in the days following 15 December 2013 and the SSNPS launched a similar inquiry into police involvement. The SPLA reports arresting 20 to 100 individuals; some allegedly escaped custody a few months later. The SPLA frequently announces investigations although rarely holds General Courts Martial for atrocities against civilians; it is believed that no more than a handful of SPLA officers and enlisted men have been convicted in a court martial since independence.

74 *Assessment of Justice, Accountability, and Reconciliation Measures in South Sudan*, American Bar Association, June 2014.

75 This is especially critical with respect to budgeting for an interim period, given the government's level of indebtedness.

and implications of SST and DDR, and will support or undermine the processes based on the transitional period's overall political trajectory. In consequence, donors must recognise the political steps required for successful SST and DDR and must approach the processes with far greater sophistication than they did during the CPA.

5. Securing the peace: lessons from the past for the future

The preceding analysis has demonstrated that past international support to the security and justice sectors was often based on incorrect assumptions and rarely critically reflected on its own hypotheses and performance. This led to reflexive support for state structures and the failure to acknowledge a deteriorating political context or to consider the role of state formation as a conflict driver. Avoiding a similar mode of engagement after the present civil war requires a fundamentally different approach – especially in view of the need ‘to do no harm’. Future efforts should be based on three foundational points:

First, an emphasis on ‘political’ instead of ‘technical’ programming is essential to help avoid conflict recurrence. Technical support cannot fix the political problems that are almost certain to arise during a transition to peace. However, increased investment in understanding political blockages may enable donors to provide the right combination of political and financial support to keep the transitional process on track. This time around, the roadmap must be clear and when targets are not met, donors should adjust their programming and engagement accordingly. Overall, this requires funding to be more effectively targeted, coordinated and monitored than was typical between 2005 and 2013.

Second, the default programming approach should not be to support state structures. Instead, support should be benchmarked to the political transition. For example, the ceasefire and transitional security agreements and the potential strategic defence review should be the framework under which support to the security sector is provided rather than through disconnected, bilateral, technical or institution-building initiatives. Donors must engage far more critically with their South Sudanese counterparts during the transitional period. Blind state support failed during the inter-war period and such an approach should not be repeated. A focus on process-oriented support and more coordinated support towards mutually agreed upon ends will be a far more effective approach to securing the peace.

Third, support for central government and the organs of state should be undertaken with the recognition that central governance structures will take years to both reform and provide security and justice at local level. During this period, support to local initiatives that provide tangible improvements in justice and security should continue and local challenges and successes should better inform national policy.

References

Books

- Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, Oxford, 2003
- Modimowabarwa Kanyane, James Hoth Mai and Kuol Deng Abot, *Liberation Struggle in South Sudan*, Reach Publishers, 2009
- John Young, *The Fate of Sudan*, London, 2012

Articles and reports

- Akechak Jok, Justice Aleu, Leitch, Robert A. and Vandewint, Carrie (2004), *A Study of Customary Law in Contemporary Southern Sudan*, World Vision
- Allen, Tim and Schomerus, Mareike, *South Sudan at Odds with Itself*, London School of Economics, 2010
- American Bar Association, *Assessment of Justice, Accountability, and Reconciliation Measures in South Sudan*, 2014
- Bennett, J., S. Pantuliano, W. Fenton, A. Vaux, C. Barnett and E. Brusset), *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*, ITAD Ltd, 2010
- Boswell, Alan, 'Deadly Clashes on South Sudan's Path to Freedom', *Time Magazine*, 2011
- Community Empowerment for Progress, Standard Action Liaison Focus, Serving and Learning Together, and South Sudan Law Society, *Perpetuating Cycles of Violence*, 2012
- Danish Demining Group, Pact and Saferworld, *Disarmament Déjà-Vu*, 2012
- Garang, Alec, *The Question of Big Government, and Financial Viability: The Case of South Sudan*, Sudd Institute, 2013
- Government of Southern Sudan, *Interim Constitution of Southern Sudan*, 2005
- Government of Southern Sudan, *South Sudan Development Plan*, 2011
- Human Rights Watch, *South Sudan: End Abuses by Disarmament Forces in Jonglei*, 2012
- Hutton, Lauren, *Prolonging the agony of UNMISS: The implementation challenges of a new mandate during a civil war*, Clingendael Conflict Research Unit Report, The Hague, 2013
- International Republican Institute, *Survey of South Sudan Public Opinion: April 24 to May 22, 2013*, 2013
- IRIN, *Analysis: Rethinking DDR in Post-Independence South Sudan*, 2011
- Larson, Greg, Ajak, Peter Biar, Pritchett, Lant, *South Sudan's Capability Trap: Building a State with Disruptive Innovation*, CID Working Paper No. 268, Center for International Development, Harvard University, 2013
- Laudati, Ann, 'Victims of Discourse: Mobilizing Narratives of Fear and Insecurity in Post Conflict South Sudan – The Case of Jonglei State', *African Geographical Review*, 30.1, 2011
- Leonardi, Cherry, Moro, Leben Nelson, Santschi, Martina and H. Isser, Deborah, *Local Justice in Southern Sudan*, US Institute for Peace, 2010
- Madut Jok, Jok and Hutchinson, Sharon Elaine, 'Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities', *African Studies Review*, vol. 42, no. 2, 1999
- Multi-Level Government Initiative, *The Local Government Framework for Southern Sudan*, 2006
- New York Times, *Peace Hovers in Sudan but Most Soldiers Stay Armed*, 2010
- Organisation for Economic Co-Operation and Development, *Security System Reform and Governance*, Paris, 2005
- Rands, Richard, *In Need of Review: SPLA Transformation in 2006-10 and Beyond*, Small Arms Survey, 2010
- Rift Valley Institute, *Local Peace Processes in Sudan: A Baseline Study*, 2007
- Rolandsen, Oystein H., *Guerrilla Government: Political Changes in the Southern Sudan in the 1990s*, Nordiska Afrika-institute, 2005
- Small Arms Survey, *Failures and Opportunities: Rethinking DDR in South Sudan*, 2011
- Small Arms Survey, *DDR in South Sudan*, 2013

- Snowden, John A., *Work in Progress: Security Force Development in South Sudan through February 2012*, Small Arms Survey, 2012
- South Sudan Bureau for Community Security and Small Arms Control, South Sudan Peace and Reconciliation Commission, and the United Nations Development Program, *Community Consultation Report: Warrap State*, 2012
- South Sudan Law Society, *Challenges of Accountability*, 2013
- SPLM, *SPLM Workshop on the Rehabilitation and Restructuring of Legal Institutions and Law Enforcement Agencies, Resolutions and Recommendation, 14th – 20th April 1999*, 1999
- United Nations Development Programme, *Southern Sudan Annual Report 2010*, 2010
- United Nations Mission In South Sudan, *Civilian disarmament in Jonglei peaceful and orderly, but UNMISS urges restraint and respect for human rights*, 2012a
- United Nations Mission In South Sudan, *UNMISS Calls for Action to Safeguard Peace Process in Jonglei State*, 2012b
- United Nations Mission In South Sudan, *UNMISS Interim Human Rights Report*, 2014
- United Nations Security Council, *SC/Res 1996/2001*, 2001
- United Nations Security Council, *SC/Res 1590/2005*, 2005
- United States Institute for Peace, *Glossary of Terms for Conflict Management and Peacebuilding: Tracks of Diplomacy*, available at: <http://glossary.usip.org/resource/tracks-diplomacy> (accessed 2015)
- van Veen, Erwin and Fitz-Gerald, Ann, *Pride and Prejudice in Heglig*, Open Democracy, 2012