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Policy Brief

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Evaluation of the implementation of the Security Arrangements of the Agreement on the Resolution of Conflict in South Sudan (ARCSS): Implications for the Security Sector Reforms (SSR) in South Sudan

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Executive summary

- *Based on interviews with various informants, this paper attempts to evaluate the implementation status of the security arrangement provisions of the Agreement on the Resolution of Conflict in South Sudan (ARCSS), as well as its future implications for the Security Sector Reforms (SSR) endeavor in South Sudan.*
- *Most of the respondents, who are mostly military experts and were intimately involved in the implementation of the security arrangement provisions of ARCISS, opined that the agreement wasn't implemented in good faith and that the parties to the agreement never showed any appreciable seriousness to implement the security arrangement provisions in letter and spirit.*
- *Majority of the respondents hold the view that the Cessation of Hostilities Agreement was violated needlessly because some commanders from both sides of the divide didn't respect what their superiors agreed.*
- *The division within the rank and file of the SPLA-IO complicated the implementation of the security arrangement because since Riek Machar Teny was forced out of Juba, his loyalists had no reasons to respect the Agreement anymore; they openly resumed fighting the government in earnest. The existence of the Other Armed Groups (OAGs), who were outside the Agreement, complicated things because their leaders weren't bound by the terms of the Agreement.*
- *Lack of resources to implement the provisions of the Agreement such as the cantonment of rebel forces was also cited as a reason for the failure of the ARCISS to usher in a new security stability paradigm in South Sudan. The integration of militias into the SPLA was cited by many respondents as the reason many military commanders were reluctant to respect the Agreement. They expressed frustration over the idea that some witty military adventurers are benefiting from these endless bouts of militia integration into the SPLA because, with each successful integration, those who left with lower ranks and came back with inflated ranks were always catapulted up the ranks, leaving*

their most senior colleagues at the lower echelons of military establishment. This made for an army in which officers did not regard the chain of command.

- *The paper concludes with the following recommendations: (1) South Sudan will stand a good chance of restructuring and reforming its security sector if the security arrangements of any future peace accord (s) are implemented in letter and spirit; (2) Instead of forever going through unsuccessful bouts of militias integration, there is a need for South Sudan to institute a security sector that is reflective of all her ethnic diversities to ensure that everyone's fears are addressed; and (3) There is a need to shrink the size of South Sudan army so that the resources that are now being burnt up in its maintenance are shifted to the chronically neglected social services provision sectors such as health and education.*

1. Introduction

The dreadful civil war, which has threatened the stability of the nascent Republic of South Sudan, started in December 2013, when the ruling political elites in the Sudan People's Liberation Movement (SPLM) could not reconcile their differences, splitting asunder. The military elites, in charge of the army (Sudan People's Liberation Army, SPLA), also split along ethnic and political lines behind the political leaders. Although the initial fighting involved the bodyguards of President Salva Kiir Mayardit and those of his former deputy Dr. Riek Machar Teny, the ensuing mayhem took on an ethnic character as the Nuer and the Dinka fought one another in various towns across South Sudan¹.

As a result, thousands of civilians have been killed and close to four (4) million more have fled either to the Internally Displaced Persons' (IDPs) camps, noticeably the United Nations Mission in South Sudan (UNMISS)-administered Protection of Civilian Sites (POCs) in various parts of the country, or to the refugee camps in the neighboring countries of Ethiopia, the Sudan, Kenya and Uganda. Due to a series of tireless efforts that were brought to bear on the feuding parties by the regional bloc, the Intergovernmental Agency on Development (IGAD) and the international community, the warring parties signed the Agreement on the Resolution of Conflict in South Sudan (ARCSS) in August 2015. The peace accord brought about the formation of a unity government in which Riek Machar, the leader of Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), was inaugurated as the country's First Vice President as part of the Transitional Government of National Unity (TGoNU).¹

In July 2016, however, clashes between the forces loyal to Riek Machar and President Salva Kiir in the capital Juba forced Machar out of the country. President Kiir then appointed a former ally of Machar, Gen. Taban Deng Gai, to replace Machar, apparently in conformity with the terms of the Agreement. This marked a split within the SPLM/A-IO, as Machar's group didn't recognize the appointment of Gen. Taban, saying that Taban and those remaining with him had become part of the Kiir-led government. Machar's group called for an all-out war against the government, resuming rebellion a mere two months since TGoNU was established⁹. Ever since, the country has been experiencing skirmishes as the rebels battle government forces in the countryside⁸.

This has resulted in additional civilians being forced out of their homes to seek refuge in the refugee camps in the neighboring countries. However, the region, the international community, and the general South Sudanese public have jointly been exerting pressures on the parties to implement the Peace Agreement in letter and spirit. One of these efforts has been the “revitalization” of the Agreement to ensure that parties find new basis/incentives to implement the Agreement⁸. The IGAD-led revitalization efforts, however, became new sources of discord. Gladly, the parties have finally signed the revitalized version of the Agreement in Addis, Ethiopia, today.

This work, therefore, seeks to evaluate the ARCISS’ Security Arrangement to provide essential insights into a newly signed revitalized agreement.

2. ARCISS Security arrangements and Security Sector Reforms (SSR)

Inasmuch as the peace accord aims at ending the war by uniting the feuding parties in South Sudan, it also laid down political frameworks that were meant to restructure and reform vital sectors of the country’s governance apparatuses such as the security sector. The security arrangement provisions of the ARCISS sought a wide range of objectives that, if achieved, were hoped to reform the country’s security sector and usher in a new security stability paradigm in the country^{1,8}.

The success or failure of the security arrangement aspect of any peace deal is what makes or breaks that entire deal. Examples of many conflict-affected countries, especially in Africa, have shown that the practice of security arrangements in a peace agreement is not just to rein in the fighting forces and get them to adhere to the terms of cessation of hostilities agreements, but to also integrate these forces into a national army at the final stages of the implementation of the peace agreement. The security arrangement programs are also aimed at eventually transforming these diverse forces into a single national defense force that has a unified command, respects its structures, and falls under the direction of the country’s political leadership. Such a force is expected to become professional and has an institutional culture that all its members subscribe to. This is what the mediators, the parties to the conflict and the citizens of South Sudan, aspired to get in the wake of the signing of the ARCISS.

Under the Transitional Security Arrangements (TSA), the parties to the conflict, the SPLA-IO and the Government, agreed upon a litany of permanent ceasefire arrangements, beginning with the Cessation of Hostilities (CoHs), disentanglement of warring forces, and withdrawal of allied forces, as well as the cantonment of these forces. For the Agreement to have any remote chances of success in ending the suffering of the people of South Sudan, the implementation of these security arrangements was supposed to commence within forty-five (45) days of the inking of the Agreement.¹

One of the things that threatens cessation hostilities is mistrust between the forces, as it does not take much to trigger confrontation between fighters who have spent years locked into a conflict. In the interest of building some trust between the warring forces turned parties to an agreement, there was need for commitment to cease the use of hostile language and rhetoric against one another. Otherwise, maintaining the wartime propaganda could easily return the parties to war, as it eventually did in 2016.

It was also agreed that major cities such as Juba were going to be demilitarized. In order to complete the process of security sector reforms in South Sudan, the parties agreed to make sure that the sizes of their forces and equipment were reported to the Strategic Defense and Security Review Board (SDSRB) within three (3) months of the signing of the agreement¹. To ensure that the parties adhere to what they had negotiated and agreed upon at the negotiating table, the Temporary National Architecture for the Implementation of Permanent Ceasefire (TNAIPC) was supposed to be established within thirty (30) days of the signing of the agreement (ARCISS, 2015). This body was envisioned to oversee and monitor the implementation of the Permanent Ceasefire arrangement throughout the period of the implementation of the peace accord.

Although the implementation of the Agreement had a shaky start, as evident by the parties' lack of appreciable seriousness to implement what they had agreed upon, the people of South Sudan and the whole world were elated when Riek Machar arrived in Juba in April 2016. At that time, although many analysts expressed pessimism about the success of the Agreement, given the apparent lack of trust and transparency between the feuding parties, it was hoped that a judicious implementation of the provisions of the security arrangement would lead to the sorely needed security sector reforms in the country; and that if the security part is fixed, all other provisions of the agreement could follow suit.

The rhetoric made by the warring parties regarding their desire to implement the provision of the security arrangements notwithstanding, the implementation of the security arrangements hasn't been a very smooth affair as there have been violations of agreed cessation of hostilities (CoHs) throughout the country. There have also been reports of violence committed by Other Armed Groups (OAGs) against the civilians on different parts of the country.¹

The implementation of the security arrangement has also been complicated by the divisions within the rank and file of the SPLA-IO, essentially forming two antagonistic factions. This has been making it difficult for the Joint Monitoring and Evaluation Commission (JMEC) to investigate who has been doing what on the side of the SPLA-IO in the field. The split made it perfectly easy for the two factions to trade accusations of violations and for the violating parties to deny their actions. This complicated JMEC's Ceasefire and Transitional Security Arrangement Monitoring Mechanism (CSTSAMM) mandate⁸.

In light of the above elucidated difficulties with the implementation of the provisions of the security arrangements clause of the Agreement on the Resolution of the Conflict in South Sudan (ARCISS), it is imperative to assess how the actors who were involved in the implementation of this chapter of the Agreement conceptualize those challenges and how they think those impediments could be avoided or remedied in the context of the ongoing ARCISS revitalization exercise under the auspices of Intergovernmental Authority on Development (IGAD). As South Sudan is soon to embark on the implementation of yet another security and governance agreement, a review of the previous agreements on security would be useful in understanding what went wrong the last time and how the future could be charted in the new deal.

To do this, this research gauges how the actors who were intimately involved in the security arrangements implementation such as the SPLA, SPLA-IO, and JMEC conceptualize the challenges faced by the implementation of the security arrangement clauses of the ARCISS.

3. Materials and methods

This study employs a qualitative method of opinion gathering by interviewing key security informants who were intimately involved in the implementation of the security arrangement protocols of the Agreement for Resolution of Conflict in South Sudan (ARCISS). Key security personnel in both the Sudan People's Liberation Army (SPLA) and Sudan People's Liberation Army-In-Opposition (SPLA-I-O) were interviewed to gauge their informed opinions on the implementation status of the security arrangement protocols of the ARCISS. Some interviewees were also selected from the relevant ARCISS implementation institutions such as Joint Monitoring and Evaluation Commission (JMEC) and Joint Border Verification and Monitoring Mission (JBVMM), as well as some informed individuals within the South Sudan Transitional Government of National Unity (TGoNU).

In particular, the interviews focused on the following: (1) Cessation of Hostilities Agreement (CoHA), (2) Adherence to permanent ceasefire provision (3) declaration of the sizes of forces and equipment of the warring forces to Strategic Defense and Security Review Board (SDSRB), (4) Integration of forces, (5) withdrawal of allied forces, and (6) demilitarization of the population centers such as Juba and other major cities across South Sudan.

The respondents were also asked to express their informed opinions on how best the Security Sector Reforms (SSR) agenda could be approached in South Sudan, and to propose how best the challenges that are inherent in the realization of Security Sector Reforms in South Sudan could be addressed within the context of the ongoing ARCISS revitalization and overall realization of peace and stability in South Sudan.

The selected interviewees have an appreciable knowledge about the implementation of the Agreement. In total, forty-eight (48) respondents were interviewed during the period of one month. The summarized results reported below come from these interviews.

4. Results

4.1. Views of the actors who were involved with the implementation of the security arrangement clauses of the ARCISS

Under Permanent Ceasefire provision, the Agreement on the Resolution of Conflict in South Sudan stipulates that within Seventy-Two (72) hours of the signing of the agreement, the parties (Government of South Sudan and SPLM/A-IO) and their allied forces should respect the Cessation of Hostilities Agreement (CoHA)¹. To assess whether or not this provision of the security arrangement was implemented as stipulated in the agreement, respondents were asked to express their informed opinions on the matter. The majority of the respondents categorically stated that the

ceasefire never held regardless of what was being said by the official spokespersons of the warring parties.

Additionally, a great number of respondents cited lack of cooperation among the commanding officers from both sides of the divide as a reason for the apparent lack of adherence by the parties to the Cessation of Hostilities Agreement. Another issue stressed strongly by most respondents was lack of resources, which created an internal frictions within the forces of the warring parties, thus creating a situation in which some commanders willingly and wantonly violated the cessation of hostilities agreement as a way of expressing their dissatisfaction. Particularly, on the oppositions' side, some commanders who didn't extract enough concessions from the Agreement, in terms of rank allotment, simply went rogue and continued to attack government forces, obviously disregarding what has been signed by their superiors.

The respondents also stressed that most of the problems in the field were caused by the Other Armed Groups (OAGs), who were outside the Agreement and therefore were not bound by what was agreed by the government and the opposition. Furthermore, the opposition and the government forces as well as the OAGs wear the same SPLA uniforms, and this makes it hard to tell them apart and identifying who was creating violations as all sides were accustomed to trading blames whenever the CoHs were violated.

The peace accord also unequivocally stipulates that all the military actors, who were allied to the parties to the conflict, should withdraw their forces from South Sudan territory to create a conducive atmosphere for peace implementation¹. When asked if the parties to the conflict judiciously adhered to this provision, most respondents confirmed that the allied forces never withdrew from South Sudan due to the fact that the parties to the conflict never intended with any measured sense of seriousness to implement this provision of the Agreement in the first place. Some respondents pointed out that most foreign forces that were in South Sudan, such as the Uganda People's Defense Forces (UPDF), weren't in South Sudan to take side per se, but were in South Sudan to hunt down the LRA fugitive leader who has been operating from the jungles of South Sudan since the days of the South Sudanese war of liberation. The exception was the UPDF contingent stationed at Bor, which was directly invited by the government to guard public facilities and halt the advance of the IO forces. But this force was not mobile and was only able to engage when under attack. Some respondents stressed that other forces such as the Justice and Equity Movement (JEM) were in South Sudan not from anybody's invitation but from the fact that South Sudan borders are often porous such that armed actors freely shuttle in and out of South Sudan.

Under forces cantonment and separation provision, all the warring parties' forces were supposed to be separated and cantoned¹. When pressed as to whether or not this clause of the security arrangement was ever adhered to by the feuding parties, many respondents stated that this clause was never implemented as intended due to a myriad of reasons, chief among which were (1) lack of finance to establish the cantonment bases for the SPLA-IO forces, (2) the parties never agreed on the mechanisms governing how this exercise was going to be carried out, (3) lack of clear and unequivocal directives from the Central Commands of the warring parties to commence the exercise, and most importantly, (4) some respondents expressed

displeasure with the fact that the SPLA was being treated like a militia that needed to be cantoned.

The (ARCISS) stipulated that within three (3) months of the inking of the Agreement, the parties to the conflict were supposed to report to the Strategic Defense Security Review (SDSR) Board the size of their forces, personnel, and equipment. The framers of the agreement rightly thought that a reformed security sector of South Sudan was going to be molded from the existing security structures, and that knowing the sizes of the forces of the warring parties was a vital starting point^{1,8}. To assess whether or not this clause of the agreement was ever judiciously implemented as agreed upon, military leaders from both camps and other security apparatuses, that were intimately involved in the implementation of this vital clause of the Agreement, were pressed to express their informed opinions on the matter.

Majority of respondents stated categorically that the parties to the conflict were never transparent with the size of their forces, the equipment they had, as well as general lack of willingness to even discuss the issue. The respondents also lamented of the fact that no appreciable resources were availed to complete this exercise. Although there were some limited attempts by the government to demilitarize major population centers, such as Juba as stipulated in the agreement, this clause of the Agreement was never implemented in good faith as evident by the clashes that happened at the State House in July 2016. In the days leading to the State House shoot-out, which indicated at least a partial collapse of the peace agreement, there were also many indications that the security arrangement was not working out at all. For example, the tensions between government and IO forces were all too visible for anyone to ignore the fragility of this arrangement. The two forces had spent two years locked into vicious conflict, and to station them within the limits of a single town and expect them to become civil to one another so soon after the war had ended was only wishful thinking on the part of the mediators and guarantors.

Most respondents also opined that for the government of South Sudan to be successful in reforming the security sector of the country, there was a need for a major shift away from the “big tent” policy, which has created a great deal of problem as militias are cropping up all over the place only to find themselves integrated into the army with inflated ranks and limited security professional background. To most respondents, this is the proximate cause of security problems in South Sudan. The essence of this problem is that no one is anymore loyal to the system, since those who rebel against the system often find themselves catapulted to the top, leaving their colleagues, who are less inclined to cut corners, in lower ranks without any possibility of being promoted. The “big tent” policy is, according to most respondents, making it difficult to have a discipline army since most militiamen, who are integrated into the SPLA, are often loyal to their former rebel commanders instead of the overall command structure of the SPLA.

5. Discussion and conclusion

Security Sector Reform (SSR) as a concept has gone through a great deal of transformation since it was first conceived in the late 1990s^{2,3,5}. However, consensus is emerging among various scholars that the main aim of a security sector reform is to provide human security in a manner that is efficient and effective^{2,3}. A security sector is deemed efficient when there is an appreciable match between the achieved

results, that is the provision of security, and the mean (s) in which those results were achieved^{2, 3}. For a security sector to be deemed effective, there has to be a clear harmonization between the aims and the achieved outcomes^{2, 3, 4 & 5}. Another element of a security sector reform exercise that has to be borne in mind is the element of human security, which is characterized by freedom from fear and strict adherence to, and protection of, human rights².

In South Sudan, it is obvious that the security sector needs urgent reforms because it spectacularly fails in all aspects cited above when viewed through the prisms of this internationally accepted concept of Security Sector Reforms (SSR). The security sector in South Sudan isn't providing human security in a manner that is efficient and effective. Despite the apparent generous investment in the security sector by the government of South Sudan, amounting to about 35% of the overall national budget⁶, the country continues to slide into anarchy as evident by a plethora of security problems that permeate the entire country. This shows that the security sector of South Sudan is neither effective nor efficient in ensuring the security of the people of South Sudan.

It is also obvious that any reform in the security sector of South Sudan will come in form of a peace agreement, either through the one being negotiated, or through another one in an event that the one being negotiated fails again like the last one. Therefore, what is needed from the leaders of South Sudan is to (1) show political will by implementing the security arrangement provisions of the peace agreement in letter and spirit, (2) trim the military so that it is lean and effective, and more importantly institute a security sector that is reflective of all the major diversities of South Sudan, addressing majority's fears.

5.1. Recommendations

- It is obvious that in South Sudan, Security Sector Reforms (SSR) agenda will always remain a futile exercise unless the leaders garner some courage to demonstrate political will; to see to it that these endless bouts of peace agreements do not ensure anybody's security and that all the provisions of the security arrangement in any peace accord they sign need to be implemented in good faith.
- Endless integration of ethnic militias must stop so that a security sector that is reflective of all the diversities of South Sudan could be instituted; this recruitment into the security sector equally ought to be merit-based.
- Resources need to be availed so that those who are unfit to remain in the army are demobilized and pensioned. The DDR program lies in the heart of professionalizing the national security sector.
- There is a need to shrink the size of the South Sudan army so that the resources that are now being burnt up in all these futile security operations in the country are shifted to where they are needed the most, such as health, education, infrastructure, and trade.
- In the ongoing ARCISS revitalization exercise under the auspices of IGAD, cantonment of the warring forces is being discussed; it is obvious that the revitalized agreement will contain forces cantonment clause. To avoid the past scenarios in which the SPLA-IO troops weren't properly cantoned, which resulted in uncertainty as to where they really

were, the guarantors of the agreement ought to see to it that enough resources are availed to ensure that the opposition forces are cantoned. This equally enables an easy monitoring of violations of the ceasefire commitments.

- Finally, the new agreement ought to be inclusive enough so that no one is left outside to cause troubles during the transitional period and beyond. An inclusive agreement means that which brings onboard all violent groups.

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