



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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SPECIAL REPORT

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Police Service and Law Enforcement in South Sudan

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Summary and Context

- One of the main criticisms of the South Sudan National Police Service (SSNPS) is that the institution is run by either former combatants in the Sudan Peoples' Liberation Army (SPLA), those who have had only rudimentary training in policing or those who were trained in the cultural context of the old Sudan and have inherited ethos that does not consider the unique South Sudanese political climate and governance culture.
- The political events and security incidents of the past two years have heightened the debate among citizens over law enforcement, including the frightening increase in urban crime in Juba and other towns; highway killings and robberies, especially in 2012; reports of police and other security forces' involvement in violence and crime; and above all, the appointment of military officers into the command structures of the police, a development that professional police officers have decried as a sign of disrespect to their profession by the country's political leadership.
- The top leadership of the police service includes high-caliber professional individual officers, many of whom were graduates of the old Sudan's police academy before joining the SPLA in the 1980s and 1990s, or who were absorbed from other forces after the war. However, these cadres are not always placed according to their qualifications and in areas of policing where they may be most effective.
- The police force has tremendously improved as a professional institution, especially in the past four years, but it continues to confront a very negative public image. It is often said that many police personnel are drunk on the job; that they are involved in corrupt practices, such as extorting money from the public before they will perform their professional duties; or that being illiterate or only literate in Arabic makes them unfit for equitable service of justice. Reports of involvement of uniform police in night robberies that rocked Juba in recent weeks do not help that image at all.

- Without justifying poor police work, members of the force argue that their pay scale, abuses against recruits during training, lack of continuous professional upgrading, poor service conditions and housing problems, amid the larger developmental problems that face the nation, have made for a police service that lacks morale and motivation.
- Though their performance has improved significantly over the past year, most police personnel still exhibit the influences of traditional cultural and social structures over their professional conduct. Police tend to quickly judge cases involving women through their own moral lenses rather than legal constitutional lenses.
- New recruits into the force are hardly subjected to a set of minimum requirements for qualification, such as a certain level of literacy, criminal background checks, or aptitude tests.
- Due to the haphazard manner in which law enforcement institutions were set up, following the end of north-south war and the creation of the Government of Southern Sudan, the SSNPS operates in parallel to other systems of security and justice with which it is supposed to coordinate.
- The consensus among force members seems to be that the centralized system of the police might have led to a failure in the chain of command, and perhaps a certain level of decentralization and establishment of state and county police might lend the force the room to tailor the training of its members to specific local environments. As it stands, the police force is centralized, yet certain state authorities do not seem willing to accept forces or individual officers who come from other states, citing differences in state laws, even as they claim shortages in police personnel.
- The multiplicity of security forces, some as part of the Department of Interior, others in the Department of Defense and others with unclear institutional affiliations have made for institutions that trip over each other, competing for recognition and uncoordinated in their duties. The SPLA, the nation's defense force, the national security service, the military police and especially the elite presidential guards, have no respect for the police and are often extremely aggressive against the latter, refusing to adhere to police orders, even when off-duty and sometimes storming police detention centers to free their comrades or relatives who are in trouble with the law.
- The SSNPS lacks a unified institutional culture that promotes a police ethos among its members. There is no overarching vision or mission statement, a philosophy that defines a police officer's responsibilities. Glaring divides hamper force cohesion and service to the public, namely language issues between those who can only operate in Arabic, those using English and others who are totally illiterate. Traffic police, immigration officers, and detectives who only speak Arabic get upset and abusive to

young people who grew up speaking English in East Africa and in Western countries during the war, for not speaking Arabic.

- Many members of the SSNPS are quick to exhibit ethnic prejudice to citizens they encounter who they assume or determine to be from other ethnic groups. This has led to increased claims by members of some ethnic groups that the state is a monopoly of specific ethnic groups, the consequences of which can be detrimental to national unity and social cohesion in this most diverse country.
- The SSNPS in the northern states of Unity, Upper Nile, and Northern Bahr el-Ghazal, Western Bahr el-Ghazal state, and the Abyei area is heavily influenced by the old Sudan's practices, from the use of Arabic language to cultural prejudices such as women's dress and moral beliefs. If the police force there is to be incorporated into an overall national policing philosophy and the national legal system of South Sudan, and take cues from the local value system, police training requires a major overhaul before the police can be expected to serve the local justice and legal system.
- The National Legislative Assembly's select committee on security and public order has focused its oversight role too much on overall national security of the country and very little on the actions of security agencies like their weaknesses, abuses, and disregard for the law. The parliament must play a role in security sector reform, to ensure that law enforcement agencies understand their constitutional mandates and obligations.

Background

South Sudan has been engaged in a daunting endeavor to build institutions of security, justice and national defense. In addition to decades of cataclysmic conflict with what is now the Republic of Sudan, the new state of South Sudan has had to face tensions within itself. Some of these date from the long liberation wars and have been exacerbated by the increasingly slow pace of development, inequitable distribution of services and the weak capacity of personnel. Liberation has also left a legacy of political tensions within the top leadership that have created what seems to be a shrinking political space for ordinary citizens. Even as there is no policy to suppress expression of opinion, many of the country's citizens complain that the police frequently disregard their basic rights, often treat people unconstitutionally and this has worsened the situation with regards to citizen's ability to comment on the affairs of their country.¹

The cumulative effect of South Sudan's liberation history is widespread insecurity as well as weakness in the institutions tasked with providing protection. This report focuses on interventions aiming at security promotion, specifically looking at the South Sudan

¹ Many citizens interviewed said that they are not entirely free to criticize the government and do not feel they have any influence on what the government does or how it should serve them.

National Police Service (SSNPS). The point of departure for the research is the structure of police organization, professional conduct, police-community relations, the national police and security policy, initiatives to control firearms and the violent crime associated with them. The paper reviews the basic requirements for selecting police officers and highlights the debate about the police force's unflattering public image and force members' reactions to a barrage of accusations that it has failed in its duties. The conclusion makes a number of policy recommendations for how to improve the conditions under which the police operates, how the institutions of security and justice can be best coordinated, and above all, how the police can best manage their relations with the communities they serve and create an image that truly reflects the ethics of the institution and the struggles it confronts in ensuring the protection of life and property and upholding the law under daunting circumstances.

This report is based on field research in Juba, Kuajok, Bentiu, and Torit, and was undertaken intermittently between December 2012 and the time the report was concluded. Additional interviews were conducted with officials from Jonglei state, either by phone or while they were visiting Juba. As with all Sudd Institute reports, the research for this paper was guided by a series of questions about history, political climate, ethnic sensibilities, social accountability and the nature of the state, given the short history of South Sudan's independent existence. What are the security problems people face in their communities? What is the level of police presence in the communities, if they are considered the primary security actors? What resources and facilities are available to the police service? To what extent are the police personnel able and willing to deal with the unique security issues various communities face? It is from these perspectives that the research looks at South Sudan's police service as the main apparatus providing security and ensuring that justice is equitably served. The report also reviews the public image of the police, investigating what citizens think about the police contribution to or exacerbation of the security situation, as well as what the public suggests as the best way to reform and improve law enforcement, particularly the public order police, so that it more effectively upholds its duties to serve and protect.

Public expectations and perceptions of the police spread along a spectrum. At one end is a sense of complete reliance on the police among a few urban elite. At the other end are people who believe that the police contribute very little to their security, those who have surrendered totally to the reality of police absence in their areas and at the extreme, those who believe that the police are part of the problem. South Sudanese in various parts of the country have a widely varied experience with security problems and in many cases feel the police have either failed them or added to the insecurity.

The growing public frustration with police was even echoed by president Salva Kiir during the second anniversary of independence on July 9, 2013, when he said that he too was "troubled by the alarming crime rate" in the cities, stressing the need to impose more discipline among all the organized forces, especially the police. However, he also mentioned the huge efforts made to professionalize and reorganize security forces, including the Sudan Peoples' Liberation Army (SPLA), national security and police services. Frustrations were further underlined on August 21, when a crowd of Juba residents marched on

parliament carrying the dead bodies of two brothers who were gunned down the night before in a robbery by a group of armed men in police uniforms. In addressing the crowd and summoning the national ministers in charge of security to explain themselves in parliament, the former speaker of the house, Vice President James Wani Igga, spoke with apparent anger and disappointment in the security services, accusing them of having failed the public in doing such a “poor” job of securing the nation.

Law enforcement in South Sudan is fraught with challenges of rampant insecurity, corruption and weak personnel capacity. It is underequipped and contains conflicting notions of law and justice. The South Sudan National Police Service currently suffers from a negative public image, as the following quotes from interviews attest:

What is the point in having a police force that citizens cannot call upon when in danger? Many of them are often drunk, some of them demand bribes, and others think they are above the law.

One immigration officer tried to reject my application for a nationality certificate on the basis that I did not speak Arabic. He thought I must be from Kenya or Uganda.

A traffic policeman stopped me once, saying that I did not put on my hazard lights, apparently to indicate that I was proceeding ahead past a roundabout. Where did they get that law? And then he took away my license and demanded I pay him 60 pounds before he would give it back to me.

If the police unlawfully treats you and you try to point that out, you can get in really serious trouble, for they will think that you are challenging their knowledge of police work. But the thing is that they do not even tell you what mistake you have made or what law you have broken.

A police officer responded that “like any institution, of course the police service has bad elements in it, but that should not write all of us off as corrupt, incompetent, tribally biased or all the other negative characterizations that have been hurled at the police service.” Nevertheless, the service and its supporters have struggled to change or move away from such public perceptions.

The Challenge of Insecurity and the Size of South Sudan’s Police Force

Historically, the police force has had considerable issues with image maintenance, from the behavior of its members to the appeal of the profession itself. Jokes abound about the profession and the popular image of the typical individual member of the force. “Most of the night-time robberies in Juba or highway shootings are actually carried out by police personnel,” some say; others say that “the police is reserved for those who could not make it into the army,” or that the force has the highest concentration of drunken people on the job, or that they are lazy or so corrupt that a citizen in trouble prefers to run away from police than seek their assistance.

The result of the police force's public image is that the profession is not approached with enthusiasm, not even by people who enter it. It has also handicapped the police in terms of public trust, which hampers the force's ability to fight crime. Under the notion that the police do not care about women's rights or their access to justice, women who are victims of sexual assault or domestic abuse do not have hope in the police to help them find justice or arrest the culprits. That the justice system does not serve women due to police prejudice, or that medical personnel and judicial officers who examine sexual crimes often base their judgments in the moral beliefs of their ethnic communities rather than on constitutional and legal requirements, are subjects of several studies (Jok 2012 and Kircher, 2013).

The SSNPS officially has around 40,000 members. Most of them are former combatants in the SPLA, though since 2009, many have been absorbed from the old Sudan police service and new members have been recruited. The force is trained and deployed under the supervision of the Ministry of Interior, especially the Office of the Inspector General and the Directorate of Administration and Finance in Juba. The membership figures are not steady due to a number of factors, including inflation of numbers by some unscrupulous officers who try to gain from ghost names on the payroll.² The numbers also fluctuate because of new recruitments necessitated by major political events and the challenges pertaining to maintaining security and combating crime in the rapidly urbanizing areas of the country. Under the leadership of the former governor, Taban Deng Gai, Unity state attempted to increase the size of its police force in the hope that security can be transferred from the army to the police.

Some of the milestones in the country's transition, such as the 2010 general elections, the January 2011 referendum, independence on July 9, 2011, and subsequent high-profile public celebrations, have been times of both jubilation and fear. In response, the Ministry of Interior, the National Security Service, established after independence, and state governments took precautions by recruiting, training, keeping stringent head counts of, arming and charging the police with maintaining the young state's internal security. Such tight control of police movement and attendance was short lived, however. As the euphoria of independence that fired public servants' enthusiasm began to wane, so did the sense of dedication to and sacrifice in the interest of public service (Jok, 2013).

The increase in the size of police, as well as calls from states and counties for more police, has been largely due to the unique security challenges of policing rural areas, where civilians are armed and ethnic conflicts are triggered by resource disputes and historical events dating from the liberation wars. Policing rural areas, small towns, and particularly the border areas between states and warring ethnic groups has hardly been a matter of police numbers alone. However, heavy police presence could make a big difference in monitoring the deeply rooted rivalries between Dinka communities of Lakes state; patrolling the highways between states; watching the borders between Unity and Warrap states, especially along Dinka-Nuer borders; and reigning in the deadly cattle rustling in Eastern Equatoria - to say nothing of the astonishingly destructive ethnic wars in Jonglei

² See a recent report quoting the new Minister of Interior and reported by Al Jazeera Television and published in several other news outlets on August 27th.

state between Dinka or Lou Nuer and Murle. Heavy police presence could be more effective than the use of the military in recent years.

The state must assert itself over individuals, ethnic groups, and communities to gain its monopoly of the use of force. But beyond numbers, other perhaps more important requirements for the assertion of state power must happen and be done constitutionally. The public perception is that some of these important elements of law enforcement and security provision do not exist. These include public respect for the police; the ability of police to actually catch criminals and put them through the justice system; quick and timely response to calls about impending or occurring insecurity; reasonably good working conditions for the men and women in the police force, such that they can actually be enthusiastic about their assignments; and above all, police ability to maintain good relations with the people they are supposed to protect. Without public cooperation, the police cannot deter, prevent, or punish crime. In urban centers, police rely on the public in crime investigation, control of banned substances such as narcotics, and knowledge and monitoring of organized criminal activity, especially as there are no home addresses, limited registration data to uniquely identify individuals and no road signs to direct the police. Crime control in urban centers is further complicated by rapid rural-urban mobility and by the presence of large populations of immigrant workers from neighboring countries.³

Apart from conditions outside the police force, however, are issues of discipline within the force, respect for the hierarchy of command and knowledge of the laws of the land among force members, including knowledge of human rights, civil liberties and rights pertaining to women and children. With a level of illiteracy as high as 70 percent among police members, especially in English, the language in which the laws are communicated, there is little evidence that the laws of South Sudan can be upheld to ensure respect for inalienable rights of individual citizen and equitable service of justice.

Security Institutions and the Disconnect between Leadership and Rank and File

At the level of state and central government policy, the size of the police force, normally assumed to be huge due to the figures on paper, has been quite misleading. It may appear that there is a system in place, but without regular inspections, head counts, or normal drilling or parades, the figures may not match the reality in the field. The disconnect between the assumed high level of police presence and citizens' everyday experiences has already exposed too many communities to neglect, as assumptions about police coverage have resulted in non-deployment, even when a community has called for help. The swelling of police ranks, at least on paper, has also been a serious drain on resources that could have been used differently within the security system.

³ Attempts to deal and control foreign migrant workers, indeed and very important policy issue, have been haphazard at best and totally unprofessional at worst. Instead of issuing radical orders for a blanket expulsion of all foreigners has licensed the police to abuse these migrants, a practice that has serious diplomatic implications for the country.

There have been many reports that the police service in South Sudan has failed in some of its most basic functions, to provide everyday security, act as an arm of the justice system, deter and fight crime, and enforce the law.⁴ It is said that police personnel beat people up instead of arresting them, and that traffic police do not issue fines for traffic infractions and instead assault motorists or let them get away with crime (Government of the Netherlands, 2013). Traffic police also are said to focus on harassing foreign truck drivers and extorting money from citizens. The image of the police force as corrupt is ubiquitous throughout the country, especially in large urban centers. When asked about poor police performance, even individual officers say that where there is no security and justice, the justice and law enforcement that they provide are often carried out in totally unconstitutional manners. “Following and protecting the law is only possible where all the institutions know what that law says,” remarked a junior police officer from Jonglei, “but in a country where we all seem to be fighting each other, police against military and national security against the police, and in a place where we do not possess the tools for doing our job, each one of us has found himself breaking the law in order to enforce the law, a very ironic situation indeed.”

Part of the police force’s negative image is born of the multiplicity of agencies governing it, with duties and boundaries among them that are quite blurry to ordinary people. The most obvious manifestations of the force are uniformed police. But citizens also encounter members of other forces that are greatly feared for clandestine activities or in some cases sheer brutality and unlawful behavior. Among these are the national security service, military intelligence, the crime investigation division (plainclothes police), and auxiliary forces, most if not all of which have roots in the liberation efforts and armed struggles. Then there is the military proper, the national defense force of South Sudan, which is supposedly tasked with defending the country against its enemies, internal and external, but has frequently found itself mired in issues related to everyday security. It is often deployed to intervene in ethnic disputes, a role which citizens have deemed it totally unfit for. The SPLA has proven itself completely incapable of everyday security, even though the political military leadership keeps thinking otherwise. It has used the army to deal with ethnic conflicts, with disastrous consequences for the public and for the image of the state in citizens’ eyes. In law enforcement and security provision, the lines separating the responsibilities and jurisdictions of the various organized forces are mixed up, making them more dangerous, rather than the safeguards they were meant to be.

In one *payam* in Gogrial East County of Warrap State, we interviewed residents in several villages about their experience with the police. It was evident that the police are poorly staffed, poorly equipped, plagued by fraud and discipline problems. The consensus was that the officer who ran the police station was a violent man who had taken into his own hands the duties of police, judge, prison warden and cattle chief. Even the local traditional chiefs seemed to have surrendered to his authority. Many people appreciated his efforts to keep a semblance of justice in a place where there was close to none. But he did this in unconstitutional and illegal ways. He beat people up, detained them without legal recourse, issued orders to confiscate cattle to settle debts, ruled on cases of murder and even

⁴ See South Sudan Fragility Assessment. Juba, Office of the President.

executed a notorious criminal in the area who had stolen and raped. He also refused to arrest a man who had killed his own son on the grounds that the son was stealing, committing all manner of crimes and bringing shame to his entire family.

When the police officer was interviewed about these reports and his flagrant violations of the law under the tree in front of his station, before a crowd of people who had gathered for the occasion, he shrugged, laughed and wondered why we would even bring up such questions. Some people, too afraid to speak up to his face, grunted at what they thought were inconsiderate remarks about human life by a government agent gone rogue. But he said that

this place has got no magistrate judge, my detention cell in the station fills up with law breakers in a single day, I have no money to send the detainees to the state capital for arraignment and trials, the criminals are challenging me everyday by disturbing the law-abiding citizens, the disputes are not being settled by anyone, and you expect me to do what?... What about the innocent citizens whose property gets stolen and their peace gets disturbed everyday by thugs, they do not deserve protection?

He added that

a lawless place requires extreme measures and if I go overboard occasionally to rein in a few difficult individuals for the welfare of the majority, do not expect me to apologize for my actions.... Let the big lawyers in Juba or human rights activists show me how I can maintain law in this remote place.

This study reveals many such stories from different parts of the country. They show a split opinion about the police, between those who think the few available police should not be blamed for providing protection as best they can, with the limited tools in their possession and those who think that laws should not be broken in the name of service to law. These disagreements reveal the problems of national institutions left barren by long and taxing liberation wars, rapid social reconfiguration, deprivation of the vast young population and the absence of a coherent legal framework and efficient justice system. The South Sudanese security apparatus is decrepit. The rights of the citizen that the transitional constitution speaks of are hardly understood by all and the state has no capacity to enforce its own rule of law. This weakness reinforces the belief among some law enforcement agents that the only way to uphold the law and protect life and property is to improvise, finding out which approaches work best in the unique circumstances in which they work.

The reports and public indictments of the SSNPS have been the subjects of heated discussions in policy quarters and civil society, as well as among ordinary citizens who have been victims of police brutality. Many citizens believe that police failure to protect people is as bad as criminal activity. Many international actors have tried to help the government of South Sudan to build a strong professional security sector, including the U.S. Agency for International Development (USAID), the European Union and United Kingdom's Department for International Development (DFID) and non-governmental organizations

(NGOs) such as the British Council, South Sudan Law Society and Pact. These agencies have reported on the shortcomings of law enforcement in the country. The debate has also centered on the trading of accusations and disclaimers between members of the service and citizens. Citizens have accused the police of negligence and violence. The police have admitted to brutality but justify it on the basis that the criminals are sometimes better armed than the police and law enforcement has become a very risky affair. The police have responded to accusations of negligence by blaming the circumstances under which they operate, from a lack of communication equipment and vehicles to poor road conditions, all of which frustrate the police's ability to react to citizens' calls for help in a speedy manner.⁵

In the past year, especially since the appointment of a military general, Pieng Deng Kuol, as Inspector General of Police (IGP), the service has attempted to combat its public image through programs of reform, promotion of professionalism and restructuring of command. Tremendous support from UN police in training, along with funding from USAID, DFID, the European Union, Norway Agency for Development Cooperation (Norad) and NGO efforts to assist the force in understanding the constitution, human rights instruments, professional ethics and the importance of community-police relations have all aimed at developing the security sector to protect citizens and provide equitable justice as well as improve the image of law enforcement. However, none of these programs has been independently evaluated to demonstrate its successes or the problems it faced.

The Interconnected Drivers of and Solutions to Insecurity

Public perceptions and experiences of police effectiveness or involvement in citizen suffering can be categorized and correlated to the types of security challenges different sectors of the population face. The privileged urban elite, poor urban slum dwellers and remote rural villagers, from farming to cattle herding to fishing and trading, all have unique security problems that allow them their own view of the police.

Furthermore, though security issues prioritized in various levels of government differ greatly among regions, the security regimes do not correlate with the types of insecurity prevailing in a given region or locality. Security systems are not tailored to each setting's unique needs. A blanket security-training program that assumes a uniformity of problems has left many communities without protection, as the police planning and mindset do not cover them. In rural areas and small towns in Jonglei and Eastern Equatoria, the most stressing problems are related to inter-communal cattle raids, child abduction and armed groups that defected from the SPLA. In large urban centers, robberies, murders, and other types of urban crime are most menacing.

⁵ "Pay Raise to Save South Sudan Police," says Inspector General of Police, Achuil Tito Madut on Radio Miraya, February 12, 2013.

In Wau town, ethnic tensions rooted in the history of liberation were reignited in December 2012 by local government politics. In Unity state, the main security problems are related to rebellions against the government, aggression by Sudan's armed forces or militias and unresolved communal disputes, such as unpaid bride wealth, pregnancies out of wedlock, and cattle rustling. In Warrap and Lakes states, especially in the Tonj counties of Warrap, cattle raiding remains a major destabilizing factor, along with the avenging of past murders unresolved by the justice system as well as sectional competitions over grazing areas. The structures of national security organs are conceived, at least in theory, to reflect the nature of these sources of insecurity and variations by state. The question is how well these structures are disseminated to all levels of the security apparatus and how well they are understood and translated into programs that protect the public and uphold the law. Perhaps training modules could be reevaluated and periodic training courses offered to keep forces abreast of new developments. Remote police stations in *bomas*, *payams*, and counties are usually cut off from such information and their members are often uninformed about new policies and programs in Juba. This results in many remote personnel improvising their own law enforcement techniques.

Some sources of insecurity, such as cattle raiding, have always existed among pastoralist communities. A number of recent issues have exacerbated the problem, however, and combating them requires new approaches. The proliferation of small arms and light weapons (SALW) has made clashes deadlier and raiding has at times also become linked to involvement of security personnel. The civil war that ended in 2005 created large numbers of disenfranchised youth with few productive skills. These youth were forcibly displaced during the north-south war and have returned after independence. In rural areas, many youth raid cattle because there are no alternatives for more secure livelihoods and achieving a sense of worthiness within the community. In urban areas, youth disenfranchisement leads to antisocial and criminal behavior. Again, the availability of firearms complicates the issue: As young men use new weapons and develop new attitudes to authority, traditional leaders, parents and government forces may be overpowered. Establishing an effective security system against this backdrop must go beyond commonly known policing techniques. The assumption that public fear of the state deters crime is no longer reliable. The physical presence of the state at all times is a requirement for stability in South Sudan.

The lack of development, the poor infrastructure, high level of poverty, and insecurity are major concerns among the South Sudanese we interviewed. Insecurity hampers development projects. Lack of roads limits economic activities and hinders state security providers to respond to an incident, especially in the rainy season, when most of the roads outside towns are impassable. In the dry season, pastoralists clash with each other over scarce resources, or with agriculturalists when animals looking for pastures and water destroy crops. Poverty makes raiding cattle or joining a militia a viable alternative to cattle keeping, agriculture or business. Firearms thus play a large role in security issues, but are part of interconnected security problems. Security and law enforcement should be addressed in an interconnected and coordinated fashion. Insecurity must be considered in connection to youth unemployment and deprivation. Police capacity for timely response must be seen in connection to infrastructure, especially roads and telecommunication.

More broadly, police training has to go beyond calisthenics and weapons operation to encompass law, ethics, police mission and codes of conduct. That the SPLA remains the primary state security actor in South Sudan is problematic in itself. Relegating everyday maintenance of safety and security of property to the nation's military has three immediate and long-term consequences that severely limit the state's capacity to develop a sustainable security system. First, the military has proved excessive in its use of force to fight crime and suppress rebellion. It has been reported that many South Sudanese have died over the last eight years of civilian disarmament campaigns and operations aimed at breaking up ethnic clashes.⁶ This is currently demonstrated in the conflicts in Jonglei State and in civilian disarmament efforts all over the country in the past few years.⁷ Second, deploying the national army to tackle everyday security issues undermines the efforts to build the police, as the national resources that should be invested in developing police professionalism are channeled away from the Ministry of Interior and Wildlife Conservation and into the Ministry of Defense and Veteran Affairs, which already consumes about forty percent of the national budget. Third, favoring the military with resources and sending them where the police should be more active demoralizes the police, making members of the force feel that the political leadership of the nation does not respect their profession. Whether to use police or military forces to fight insecurity is also an area of heated discussions.⁸

Many communities desire professional police for security, as police officers are thought or expected to be closer to everyday people. But due to poor police performance in recent years, a development not entirely the fault of the police and due to the negative image that police have garnered, more and more people are saying that the police are “unhelpful,” especially in situations of large-scale violence such as ethnic wars. Some community members prefer the army because it is quick to respond and effective in tackling criminals because of superior weaponry, massive numbers and tactical training. But the military is top-heavy with commanding officers, consists of a large variety of groups with different backgrounds and affiliations and the professionalism of several elements within the SPLA is questionable. It is also evident that frequently involving the military in everyday security and law enforcement contributes to the remilitarization of communities, not only because of heavy military presence, in itself a terrifying phenomenon, but also because the SPLA is

⁶ A recent decision to arrest senior officers in connection to SPLA alleged abuses in Jonglei was a response to national and international pressures on the government to stop and punish human rights abuses that occur in the context of disarmament and tribal clashes. See *Sudan Tribune*, August 22, 2013.

⁷ South Sudan is already experiencing an escalation of rebellion in Jonglei, partly due to the excesses of the SPLA. The country now faces global condemnation over human rights abuses there, including from the U.S. Congress, the strongest ally of this young country. Congressmen recently wrote to President Salva Kiir regarding Jonglei.

⁸ Part of the research for this paper involved group interviews in Warrap and Western Bahr el-Ghazal, and this topic was debated with passion between those calling for more direct military intervention in tribal conflicts and those saying that it belongs to the police.

notorious for losing arms through theft or sale. These arms often end up in the hands of civilians, creating a vicious cycle of spread of guns, subsequent disarmament efforts and deployment of military.

That said, the police force lacks not only proper training and equipment for transportation, but also the motivation to react promptly to reports of insecurity - say, a robbery or accusation of domestic violence, especially at night and in unmarked urban neighborhoods. As the main security provider at state, county, *payam*, and *boma* levels, the SSNPS is acutely confronted by many such problems. Most of the police consist of former SPLA, and with aged senior personnel retired from the SPLA and in the command of the SSNPS, junior recruits with training are restricted in their work. Poorly trained and underequipped, most police can be found at headquarters rather than in the *payam* or *boma*.

As the police and other formal state security actors are unlikely to be able to provide community-level security, chiefs and communities themselves also remain important security actors, within the limited resources available to them. Other actors, such as military personnel on leave, wildlife guards, prison wardens and members of other organized forces who happen to be in a community when security intervention is required, often step in to fill the security vacuum, and often do so without adhering to the law. This is especially true in many remote areas of South Sudan. The Sudd Institute has witnessed incidents and received many anecdotal reports about a wildlife officer in Kapoeta county of Eastern Equatoria, who has taken it upon himself to maintain law and order by arresting cattle thieves and dragging them to the chiefs' courts or to the police station in Kapoeta town for detention. In the process, excessive force and near deadly brutality is exercised.

The ordinary citizen is quite happy with individual interventions done on their behalf. Such positive reactions to these actions, most of which are essentially illegal, are testament to the absence of police forces or their utter failure to provide security as the law mandates. It is out of frustration that citizens applaud interventions that they know are unconstitutional; they have limited alternatives for their safety. Many people reported individual initiatives to deter, prevent, or punish crime more as an indictment of the police than a critique of the armed individuals who find themselves engulfed by responsibilities outside their legal duties, but obliged to intervene on their communities' behalf.

With the state lacking the capacity to provide formal security, communities are often exposed to violence and crime. This exposure is made more glaring by changing social norms that functioned in the past to deter antisocial or criminal behavior through social ostracization or loss of face. The power of chiefs has deteriorated in the nation's constitutional quagmire, causing traditional systems of security, justice and communal protection to wane. Communities thus find themselves in a security vacuum. In response, some communities have initiated their own security mechanisms, which adhere neither to the state formal system nor to any traditional structures that enforce social cohesion. In assuming responsibility for protection themselves, many communities or sections of them have acquired firearms unlawfully, creating greater potential for escalating militarization and lawlessness. Feeding these developments are the ease of civilian access to weapons, absence of police, problems with justice and limited prospects that the state will ever grow

into the protector that people have been expecting it to be since the end of the liberation war in 2005. The more distant the prospects of the state taking control of security, the more likely that communities and individuals will feel the need for self-protection initiatives.

Communal self-protection initiatives differ greatly in shape and form. Some communities beat on drums for warning. Others call on their youth to act as home guards. Some news spreads through word of mouth to warn people about a particular threat, such as the presence of individuals who are well known for violent or antisocial behavior. Upon receiving this news, many community members no longer rush to the police to call for help. Instead, they organize themselves, find out who among them has a firearm, how many youth are present and which authority figure might be prevailed upon to seek reconciliation with the source of threat. Talking to sources of insecurity as well as preparing to confront them with force is an approach that is now gaining momentum throughout the country, especially in rural areas and it is often led by churches. Formal security agencies might be encouraged to take a leaf from it.

As acquiring a firearm is the most common form of self-protection, armed cattle guards are more common in the cattle-herding communities of South Sudan, from Eastern Equatoria to the Greater Upper Nile and Greater Bahr el-Ghazal regions and cattle protection is often a domain for young men, who are already considered warriors anyway. This means that violent responses to threats of insecurity are inherently built into how youth are socialized, and the attitude is amplified by increasing insecurity and access to weapons. Moreover, easy access to assault rifles has produced a different attitude to violence among young men. Whereas traditional weapons, such as spears and clubs, were taken up with trepidation and fear as a test of male power, light assault rifles inject a different sense of prowess and invincibility into the young men who use them, making the confrontations more deadly and young men more willing to employ violence, assuming that they can kill from afar and without a trace. An approach that prioritizes dialogue ahead of preparation for violent defense thus should perhaps be tried with young cattle guards and their communities

Another example of self-protection is the Arrow Boys in Western Equatoria State, who were organized in defense against Uganda's Lord's Resistance Army (LRA). Despite limited means, the Arrow Boys have been relatively successful in providing security. These organized youth are known by various names (e.g., community policing) depending on the ethnic community, but could be considered as home guards. Their strategy is highly commendable, but despite their success, they are problematic in that they are not regulated or overseen by state authorities. Their efforts can sometimes get out of hand, especially when communities turn the weapons against one another in inter-ethnic conflicts. If communities are allowed to organize their own security provision, to prevent such initiatives from spiraling out of control, the state could support, coordinate and oversee their efforts. Such a state initiative could make local security provision like that of the Arrow Boys sustainable and strengthen the social contract between the state and citizens.

South Sudan is dealing with a multitude of interconnected security issues: rising crime due to deprivation and exclusion of a large swath of rural residents and the urban poor from

state services, ethnic conflicts rooted in the long history of liberation efforts and in resource competition, easy access to firearms, law enforcement and justice vacuums in remote areas, and above all, the involvement of security forces and other armed groups in illegal and violent activities. To build a successful security and law enforcement system that can address these problems requires a long-term multipronged process, dealing directly with security but also development, reconciliation between communities, and the shifting political and cultural landscape. A strategy to deal with small arms and light weapons in civilian hands in Jonglei, for example, must consider the question of how the SPLA has managed the disarmament of several communities there, the ethnic composition, the level of infrastructure, development issues, and the effects of the last thirty years on the state. Disarming some groups but not others, for instance, has caused insecurity in communities that were disarmed and has frequently led to rearmament. Without concurrent civilian disarmament, communal skepticism and resistance will always remain a challenge to security. The disarmament programs that did assure the communities that the state would protect them once disarmed or not build community confidence to trust that disarmament was even-handed have so far proved useless.

Acquiring firearms is naturally a clandestine affair, at least away from the eyes of the state. But the proliferation of small arms persists due to mistakes made by the very institutions that should prevent the spread of firearms. In Eastern Equatoria State, communities outgun the security forces present and vigorously resist disarmament because they are not confident about putting their security in the hands of the state. This has caused a vicious cycle of violence, as communities fear each other and acquire more arms, and the presence of so many guns means that they are easily used to commit crimes and settle even minor scores. Cattle keepers remain heavily armed and carry firearms openly in rural areas because of the fear that the state will not be able to help them if rival groups attack their villages.

In both Jonglei and Eastern Equatoria small arms proliferation is exacerbated by the influx of weapons from over the borders, mainly from Ethiopia, Uganda, and Kenya. In Western Equatoria the presence of the LRA causes both communities and the state government to resist disarmament, as state security forces are deemed incapable of sufficiently addressing the LRA threat. With such different backgrounds and contexts for disarmament, a decentralized and flexible policy is required. However, this should not translate into unintended and uneven implementation driven by ad hoc responses to insecurity. Instead, the entire country needs a coordinated law enforcement, justice and security policy that clarifies the responsibilities and lines of jurisdiction between the central government and the states. This would allow local government security agencies to provide input on security issues, devise locally relevant approaches to disarmament, and conceive conflict-mitigating development projects. Local differences in security experiences could be better coordinated at the level of the state, which could relay an assessment of police capacities to Juba. Enabling such capacities in each state would empower Juba's security and law enforcement authorities to assist in state efforts at policing across the country and in coordination with other actors, such as the SPLA.

A Day in the Life of a Police Officer

Public concerns about the inefficiency, negligence or corruption of the police are founded in genuine experience and their validity is hard to question. However, the situation in South Sudan would be worse without the police. The SSNPS is a huge institution; its employees have a wide variety of characters, backgrounds and different levels of commitment to the ethics of their profession. It would be unfair, even dangerous to write off the entire SSNPS as many in South Sudan have done. We thus have interviewed many members of the police force in different regions of the country to give them a platform to explain themselves and respond to public accusations. This allows for an appreciation for how police personnel go about their jobs on a daily basis, what commitments they bring to work, what challenges they face and how they think of their profession. It also demonstrates that not every police officer is doing badly. The police personnel profiled below were serving in Juba, Torit and Wau. The names used here are pseudonyms. Their stories are meant to give the public and police leadership a sense of what goes on in the lives of police agents as they do their jobs under the prevailing circumstances throughout South Sudan.

David Mundu joined the new police training facility in Rajaf, across the Nile from Juba town in 2010. The UN police supervised his training, which was conducted by veteran police officers and former SPLA officers. During the training, he witnessed many abuses that went well beyond the requirements for rigor, discipline and physical fitness. He was punched in the abdomen, thrown down and kicked by the trainers. He saw the trainers doing worse things to other recruits, including verbal abuse of women and sexual assaults at night time. Trainers and officers sometimes called women out of their sleeping quarters in the middle of the night, took them to dark corners, molested and raped them and then threatened them with expulsion if they spoke about it to anyone. “By the time I graduated from the training,” Mundu said, “I had become so doubtful that I ever wanted to work in such an institution, but I had to continue because I had to start earning an income, as my wife was expecting a child and I had nowhere else to go for work.... Having decided that I must be a policeman, I promised myself that I will never become anything like those trainers ... they had brought shame to the police and I vowed that I will do my share to show a different face of the police, a side that puts others ahead of one’s desires. When we were deployed, I worked as a guard at the house of one of the senior people in government. This assignment was both a blessing to me as well as a setback. It was a blessing because it meant that I did not have to work on the streets or at the headquarters or some remote place far away from my new child ... it was good that I did not have to be exposed to the challenges that turn so many good men into bad police agents. But it was a setback because it meant that I could not really learn the work of a policeman, fighting crime, learning leadership skills and demonstrating to my colleagues that we are actually responsible for the lives of so many of our fellow citizens.”

Charles Aguer is a police officer in Bentiu at the rank of first lieutenant. Before joining the police force in Unity state, he was a junior officer in the SPLA. His level of education is very low and he can hardly read in any language, but he is a true charismatic leader. He believes that policing and what one learns in training should

not be seen as separate from everything else that one does. For Aguer, they are connected to his responsibilities as a parent, a brother and a member of a community that has certain social values and expectations: respect for the elderly and for women, responsibility for all children, fear of God and fear of losing his sense of integrity. “If you think of police work as something that is different from the rest of your life,” he said, “that alone should disqualify you from joining the police. You should just simply persuade yourself to not join. I see so many men in police who talk with passion about their lives, but do not apply the same to their job. You see there is everything to hate about the police as a profession, but one has to persevere. My pay is 900 South Sudanese pounds (200 USD) per month. I have five children, my family is back home in Bor and I have to send them my entire salary and I am left with nothing. Life as a police officer is extremely tough and if one is not strong, with a sense of dedication and with a degree of moral integrity, one could easily become a bad police officer. Most of my colleagues are in the same situation and we get so many complaints about so many of them who walk through the market looking for any pretext to make trouble so that they can be bribed. Here in Bentiu they especially go after Northern shopkeepers from Darfur or Kordofan and the whole police force is now disrespected, hated and cannot be effective as an agency.”

Peter Ochalla serves as a police sergeant in one of the police stations in Wau town. Most of his work revolves around taking reports of crime, opening cases, filing cases in the magistrate court and sometimes taking part in crime scene and accident investigations. “I was never trained to do any of the things that I do here,” he said. “I do not even know what a police law book looks like, what the constitution of my country says, and yet, I get asked to be the backbone of a case that I will have registered or filed against someone on behalf of another citizen.... My work is very hard and I do not have any support that I think would enable me or anyone else in my position to actually do the job. For example, I come in here every morning on my bicycle and depending on my shift I do not leave until past 8 or 9 P.M., and I will not have eaten anything all day on most of the days. If I have to go to a restaurant right here behind the police station to eat breakfast there everyday, I could consume about 8 to 10 SSP, meaning close to 300 SSP a month for meals for myself alone, which is the amount my entire family eats for the whole month. So instead of eating breakfast, I decide to suffer on the job so that my family can survive. And occasionally, we get an offer of a meal from one trader or another, which is a dangerous thing to do in terms of our integrity at work. If you accept too many meals from the traders, they will expect you to come to their aid when they are in trouble or when they are on the wrong side of the law. Too many of my colleagues have compromised their professionalism through accepting these petty gifts and the result is that the police fall into disrepute.”

In their examples of unprofessional conduct, these individuals have talked only about their “colleagues” who misbehave, not about themselves in terms of their involvement in these examples of unprofessional conduct by police.

Administrative Federalism versus Justice and Security

The SSNPS is one of a very few national institutions that are centralized in South Sudan's currently decentralized system of government. Would decentralization make the police more able to provide equitable security and justice? Should the police be governed by uniform national policies or subject to unique state or regional circumstances? Is training and deploying police from the Ministry of Interior and Wildlife Conservation the best way to coordinate the force? Or is it an administrative nightmare, contributing to making the police an unwieldy institution that cannot conduct itself in any coordinated manner? Each of the ten states of South Sudan receives a police force, the size of which is determined by the size of each state, geographically and in terms of population. The deployment to the state is also subject to other considerations, such as the complexity of its security situation, history of conflict and the available number of personnel who hail from that state.

At present, people who originate from within that state staff approximately 60 percent of each state's police force. This composition is not entirely accidental, as most police personnel prefer to work in their native states and are constantly maneuvering and pleading to be deployed at home. It has its merits as a system of security, but it also has shortcomings. On the positive side, deploying police in their native areas solves problems related to the difficulty of moving families - not a small concern, as some officers have up to five wives and dozens of children who are monumentally difficult to support on a meager police salary.

Staying home allows police to maintain a combination of sources of livelihood on top of that salary, such as cattle keeping, farming and petty trading, which may not be so easily accessible in an unfamiliar climate. Serving in one's own home also aids law enforcement, as a police officer who knows his community is more likely to forge alliances that help him to fight crime. Ease of communication in a native language is another added value to serving locally. Also tipping the balance toward deploying officers in the states or towns of origin are the downsides to deployment elsewhere. It has proven difficult for police officers serving in non-native areas to assert themselves over local people without being accused of tribalism. Often the judgment of an "outsider" police officer is viewed as ethnically motivated. Also, serving away from home might cause distressed police officers to mentally check out, as the problems they confront are affecting a community that is not their own. Police officers in such a situation may not put themselves in harm's way to protect people. This is a clear problem that has been raised prominently during group discussions pertaining to the question of deployment at home versus outside.

On the negative side, deploying police into their natal regions defeats the purpose of trying to use national institutions to build a cohesive society in which national identity will, in time, be stronger than tribal identity. Also, the neutrality of law enforcement personnel in local disputes may be compromised if the officers come from that very community, since they are more likely to be seen as partisans in a conflict.

A middle ground is possible: to go back, full circle, to creating an ethnically mixed force, trained in the ethics of policing and committed to a code of conduct, with a sense of

citizenship in the nation rather than the tribe. Such a force could flourish under supervision, monitoring and regular visits from the top leadership to assure the force that they matter, by thanking officers for their service, awarding prizes and improving the conditions of service, so that no officer wishes he was serving at home.

Conclusion and Recommendations

The SSNPS structure and programs for securing the internal stability of the country and protecting its people's lives and property have all received much criticism since the SSNPS's establishment in 2005. In theory, the police force is a tool for building not only security and justice, but also a sense of nationhood, with a composition that reflects the country's diversity. In South Sudan's postwar period, people feel ever more insecure, and they have turned to the police as a potential panacea for the country's security and justice problems even as they criticize it. All the security programs including the efforts to disarm, demobilize and reintegrate (DDR) former combatants from the liberation armies, recruit new people and centralize the police force have been expected to become cornerstones of security sector development.

Unfortunately, the government and the SPLA have used the security programs to remove the weaker elements from the new national army and dump them into the police force, including the officer corps. The training and support that would have enhanced the capacities of these former army soldiers turned police were not effectively pursued. Former liberation fighters cannot be thrown out of the military without pension and any kind of alternative livelihoods. The program to modernize the national army by distributing some of its personnel to other organized forces like the police, prisons, fire brigade and wildlife may be aimed at giving these individuals a kind of lifetime support. But transferring old senior, mid-level and disabled officers to the police could hardly contribute to security and justice without adequately preparing these officers for police work. The expectation that they could carry out the tasks of security and law enforcement was not well thought out.

There is now an ongoing discussion among donors, the United Nations, the government of South Sudan and the SPLA to come to a clear understanding about police policy, security sector reform and equitable service of justice in South Sudan. The service must be clear on the goals it intends to achieve and the best approaches to achieving them. At the moment, such goals, plans, and approaches may exist, but the different actors involved are not aware of each other's programs or they are not clearly communicated. There are also communication and coordination gaps regarding potential recruits, citizens' activist groups that are critical of the police and other government institutions that contribute to the success of police. Communication is key: Each police command, whether in the central government or at state and local levels, must make plain what it intends to do, so that the ordinary citizens can see that they have a stake in the success of this institution.

The SSNPS also must establish stringent or improved selection criteria and a vetting process for training participants, through creating oversight committees and institutional structures, training modules and other important elements of transparency. Creating a police force can no longer be solely in the hands of individual officers without supervision. A successful police service maintains the dignity of its personnel, builds confidence in public-police relations, teaches the laws of the country, bases its training on a vision, has a sense of mission - a guiding formula of ethics, code of conduct, and philosophy.

At the moment, the senior police command is quick to dismiss calls for reform. Police leaders counter that such changes cannot be expected to have come about within the short period of the country's existence. There is obvious truth in this, especially if the argument is that such delicate policies in such fragile circumstances cannot translate overnight into changing officers' behaviors. But in creating a vision and mission, designing programs and tough selection criteria for new recruits, rethinking centralized versus a decentralized system, improving work conditions for force members and other planning initiatives will go a long way in transforming the institution. Using the country's young age as an explanation for the miserable state of affairs cannot really hold water.

The leadership in the Ministry of Interior and Wildlife Conservation and the Ministry of Defense and Veteran Affairs must jointly explore more inventive and alternative ways to deal with the large number of former combatants than using other armed forces as the dumping ground for those who are unfit for or no longer want to be in the army. Police work is a profession with its own ethics and code of conduct, all of which have to be taught and learned. Not treating it as such undermines the security of all citizens and weakens South Sudan's justice system.

To improve policing, for members of the force and for citizens generally, the following recommendations are offered:

- Security provision is highly centralized, mainly in Juba and state capitals. To adequately deal with local security dynamics, decentralization in geography and responsibility is direly needed.
- The role, mandate, and function of security actors like the SSNPS, CID, auxiliary police, national security and military intelligence, must be clarified, developed, communicated, evaluated and monitored for efficiency.
- The specific background and context for gun control varies greatly by region in South Sudan. Disarmament thus requires a decentralized policy that allows for flexibility. The police need to be involved in this endeavor, conduct investigations in communities to find and register civilians who possess firearms. Disarmament then can be done family by family. Such a decentralized and individualized approach prevents disarmament initiatives from creating unintended consequences that have enflamed the already fragile security situation across the country.

- While poorly equipped to deal with disarmament at the moment, the police force is the only institution that can ensure a more sustainable and long-term plan for gun control. Persuading the public to give up guns is a function of trust in the power of the state to protect; as the police are in direct contact with civilians, unless the police are visible and conducting themselves in a manner that people respect, individuals and communities will always consider self-protection a more viable option. The police also need to engage in sensitization as well as a cultural debate with the public about the need to see security as being more than overt weapons collection.
- Underdevelopment is directly linked to insecurity and problems with cattle raiding and ethnic violence. Security promotion should align with development in conflict-related issues, such as road development, water management, agricultural development, provision of education and health services. Such development initiatives should focus on youth.
- Clear criteria for eligibility for police recruitment must be set and followed. Such criteria must be based on a shared understanding among the various stakeholders, the government, SSNPS, SPLA and international community about the goals of a police service.
- Raised expectations of the benefits of joining the police force have to be addressed. The conditions under which police personnel do their work have to be an important concern for leadership.
- Creative and relevant indicators should be developed that can adequately measure the effect of security programs. These measures should then inform further planning, allowing the police force to adjust to changes in local circumstances.

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About Sudd Institute

The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.