



# THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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## Weekly Review

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### **A Brave Decision or Security and Constitutional Quagmire?**

The President's Recent Military and State Reform Orders

*The Sudd Institute Team*

In a recent presidential decree read on the state-owned South Sudan television, president Salva Kiir Mayar relieved a large number of army generals, on top of whom were all the six deputies of the Chief of General Staff and replaced them with newly promoted officers. The decree assertively restructured the SPLA, Police, and the government of Lakes State's leaderships. The decree also removed twenty-nine other generals from active duty and consigned them to the list of reserves, pending eventual retirement. These generals, along with numerous others who retired or have been put on reserve, were among the best known for their gallantry during the north-south war, but have been subject of negative commentary in recent years. Their removal may have been surprising to some among the relieved generals themselves and the public at large, but was received with cautious excitement throughout South Sudan and in the Diaspora. So many people have described it as a "long overdue decision." Others have called it a "wise act," a "sign of hope in our leadership," etc.

Since the news of military reshuffling broke, a great deal of the population has expressed delight regarding the president's decision. The reaction of the public seems to suggest that lack of progress in the country, especially in the area of security and stability, is related to stalled leadership across the government, particularly in the SPLA and the Cabinet. They want fresh blood being instituted and the old one honorably discharged, which presumably means introducing a new style of governance. The public response—as the Sudd Institute has observed—overwhelmingly supports the president's decision, especially that which concerns the SPLA's restructuring. However, the removal of Lakes State's governor has instead generated mixed reactions, with a massive public protest organized on 22<sup>nd</sup> January by the youth and women in Rumbek, Lakes State's headquarters, interestingly dubbing the president's decision as "unlawful" and in apparent disapproval of it (Gurtong, 2013). On the same date, some members of parliament from Lakes State termed the decision of President Kiir as constitutional and rightly deserved (Citizen TV, 2013).

The Sudd Institute this week reviews these decrees, assessing public sentiment and highlighting the policy consequences of the president's decisions. The decisions

ultimately impact on the country's fiscal crises, oversight and accountability, security sector reforms, and the leadership succession aspects. The removal of the army generals has raised hopes among South Sudanese that the president will continue with his timely shake-up and make good of his promises by reshuffling and downsizing the entire cabinet.

At the time of the announcement, as was observed, large crowds gathered in front of television sets, shouting and clapping with apparent support for the decision. It seems that this decision was indeed both desirable and anticipated, perhaps due to a number of issues that have been subject of serious discussions at different levels of society in the past few years. Chief among such discussions is the question of corruption, increasing violence by security forces, and the age of some of the generals. Moreover, South Sudan has more generals than the size of its army calls for, becoming a serious burden on the country's treasury. But the more deserving question is, if indeed the generals have been underperforming, expensive, aging, and have failed to reform the security force, why did it take so long for the president to institute this anticipated intervention?

These generals have of course paid their dues and many of them have reached retirement age, and had it not been the fact that we live in South Sudan, a country with no history of pension systems, they would have left the army on their own volition, opting for opportunities to do other things with their lives after many years of public service. After all, top-ranking officers "have a certain life span," in the words of the Minister of Information, and such changes seem necessary for a "young nation trying to transform its army." But given these circumstances, most of the generals, if not all, will be leaving the army displeased, which is presumably part of the reason underlying delays for such decision, often resulting in fear that mandatory retirement of uniformed workers could lead to rebellions.

President Kiir has been calling for reform in the security organs since taking office and it looks like his requests have been falling on deaf ears, placing his government's reputation in popular doubts. As well, the security sector in South Sudan receives nearly fifty per cent share of the national budget and with that type of financing, one would expect the organ to be more efficient and effective. The Sudan People's Liberation Army (SPLA), in all fairness, has demonstrated excellence in the battlefields during and after the liberation war. Still, and despite the huge resources being channeled to it, the army appears to be under-resourced and faces systemic and structural challenges. And in order to put matters right, perhaps the President seems justified in shaking up the top echelons of the military by sending 35 generals to the reserve list, equally promoting and appointing younger and hopefully more seasoned ones to replace their outgoing colleagues. The consequences of the decision to retire these generals will be anticipated in light of the many questions among the public as to why the SPLA was not able to control the rampant armed cattle raiding in Warrap, Unity and Lakes States triangle. It also responds to why the Murle, Nuer and Dinka tribes in Jonglei appear allowed to kill

each other using sophisticated automatic rifles over the past several years, weapons that are often found in a professional, conventional army.

The considerably large number of generals in the SPLA, as previously emphasized, presents serious challenges, including fiscal burdens and difficulty in keeping the discipline in the chain of command. And since the austerity measures demand financial prudence across all public institutions, including the army, efforts to reduce expenditure could necessitate decisions such as this presidential decree. Perhaps the SPLA may be surfacing as one of the institutions needing restructuring both to curb the nation's fiscal crises and to streamline its chains of authority. Thus, the removal of some of the generals makes fiscal sense in that savings accrued can be reallocated or appropriated to other more deserving programs within the military, such as operations and training.

The question of what the decision to remove the generals will mean in the immediate future is not a trivial one. There have been rumors of coups being planned within the army and that the decision to reorganize the army may have been connected to them, but there is little evidence to this effect. Although the Minister of Information, Dr. Marial Benjamin, the government's spokesperson, has dismissed such rumors, lack of discipline among top SPLA officers has also been regularly cited, an issue that might have challenged the effectiveness of the civil authority. This animates public fears over a possibility of backlash, especially in light of a history of rebellions within the SPLA since its inception. But by removing these senior officers from office, perhaps the President is re-asserting himself and reconsidering his responsibilities, one of which is to address official-related crude behaviors and indiscipline accordingly.

However, the euphoria soon got deflated when the president appointed one of the dismissed generals, Pieng Deng Kuol, as the next Inspector General of Police (IGP), replacing Achuil Tito Madut. This was the decision many people have described as puzzling and somewhat unwise, as the president has taken out the top two career police officers, the IGP and his deputy, and replaced them with an army general. To be sure, the replacement of professional police officers with a mere army general does not seem to reflect carefully on the need to improve security through professional policing. This decision begs the question as to why Pieng Deng was removed from the army to begin with, and commissioned where he is considered inexperienced.

Another decision that was received with mixed sentiment and which will be a test to the nation's perspective on the constitution and security was the dismissal of the governor of Lakes State. The sacking of an elected governor by the president warrants serious constitutional concerns. The decision of the president derives from the interim constitution, which grants president sweeping-powers to dismiss state governors in the event of crises that threaten national security. Yet, it remains unclear as to what exactly necessitated the decision of the president. However, it is reported that Lakes State has been under intense security troubles in recent periods.

Rampant killings of innocent persons are said to be regularly occurring there, even in Rumbek, the state's headquarters of the government. We suspect such insecurity events in the state might have caused the governor his hard-earned job. Though enshrined in the constitution, the stipulation that grants president these kinds of powers ultimately vexes the *decentralization* aspect of governance in the country, an interest the same constitution seems to advance quite adequately. The stipulation also hampers the fledgling democracy, devaluing the legitimacy of electorates and definitely setting a very poor precedence toward building people-centered governance. It equally undermines the authority of state assemblies, which represent the people. Now that the interim constitution is under review, the clause needs to be scrutinized and subjected to wider consultations and debate, with an eye to possibly transfer some of the presidential powers to the state assemblies.

The president has taken a decision that seems to have renewed popular trust and confidence in his leadership, a decision aimed at enforcing discipline in the ranks of the nation's army and security organs, indeed a critical and a right thing for the president to undertake. Also, by this decision, the president has also raised hopes that this decisive leadership style will be exercised in relation to all other institutions of government, whether it is the anticipated reduction in the size of the government, reshuffling of the cabinet, and enforcement of anti-graft rules or more stern responses to security problems in the country. While the removal of the generals is in line with the popular expectation to reform the security sectors and surely a sign of decisiveness that was expected of the current leadership, simply reshuffling some of these generals from their army positions into other institutions, as the case of the police indicates, doesn't lead to a meaningful reform. The removal of the army generals and their possible accommodation in other institutions are within the constitutional powers of the president who is also the commander in chief of the armed forces. However, the dismissal of the governor of Lakes State has revealed the backwardness of the transitional constitution and its clauses that grant the president the power to fire elected officials, invoking real concerns and need for an open and participatory debate and reconsideration.

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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.