

Security Sector Reform in Sudan and South Sudan: Incubating Progress

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This memo serves as a summary of a larger work which combines the insights of the political marketplace framework (PMF) with recent research findings about the political dynamics that enable or block security sector reform (SSR) progress in fragile and conflict affected states. These findings point strongly to the idea that certain types of local organisation and activism around issues of security and justice are a necessary prerequisite for reform success. The central point is that the most effective SSR strategy focuses *first* on the facilitating environment of civil and political actors, and only *second* on the technical and institutional requirements of the reform programme itself. In short, success lies in generating *political demand for SSR*, on the basis of which *supply of reform expertise* can then be provided. External efforts can signal-boost domestic efforts, but not substitute for them.

In the context of Sudan and South Sudan, this (a) suggests specific areas where donor efforts might be able to foster conditions for future SSR, (b) provides an idea of what expectations for progress are realistic, and finally (c) highlights interventions that have been counter-productive and thus should be discontinued.

This memo lays out the logic governing security and justice reform in a political marketplace context, explores the similar paths (and necessary preconditions) other states have taken to achieve reform progress, discusses the general principles of engagement these patterns suggest, and finally applies these findings to generate specific recommendations for action. These actions focus on promoting the capacity and confidence of pro-reform coalitions.

SSR on Unfriendly Terrain

The largest obstacle to reform progress in autocracies is that political leaders have every reason to oppose SSR and little reason to support it. As developed over the last 20 years, SSR is an agenda that involves ensuring that security sector actors are brought under civilian control and made accountable to democratic institutions. For authoritarian leaders, to push for reform is to alienate critical allies in the security services (thus leaving oneself vulnerable to coups, etc.), to give up useful tools such as militias and personally-controlled intelligence services, and, critically, to lose access to major sources of the political finance (arms deals, control over court decisions, etc.) they rely on to attract and keep the loyalty of their supporters.

While this basic calculation applies to all autocrats, it is a central consideration for leaders in states operating according to the logic of the political marketplace. Within a conventional security sector, leaders derive some protection from the fact that a rebellion from within the ranks is usually a risky, all-or-nothing proposition – members of security services have to

overcome both their training and institutional cultures to defy the chain of command. In the context of a political marketplace, rebellion by a given security actor may not be a last resort so much as a routine bargaining tactic. Further, such bargaining routinely takes place at multiple levels simultaneously – for example, between local militia leaders and competing provincial warlords, between those warlords and competing presidential aspirants, and between those aspirants and various external powers looking to purchase proxies, or at least local influence.

In addition, it has proven fairly easy for autocrats to extract resources from donors by pledging reform, without, through various tactics, actually having to deliver. The obvious take-away from this exploration is realism about the limits of external intervention in all transitional and conflict-affected states, and especially those operating as political-security marketplaces. Absent the kind of external intervention that completely destroys the existing political status quo, no amount of purely external pressure will persuade autocratic leaders, and especially *these* autocratic leaders, to sincerely embrace SSR.

SSR Success: Preconditions and Patterns

Fortunately, no political status quo lasts forever, and previous findings suggest that it is at moments of societal disruption that meaningful SSR progress becomes possible. When previous political arrangements become untenable and ruling coalitions break up, aspiring leaders must look for allies to form new coalitions. If the new coalition that results genuinely demands security and justice reform, the new leader will be strongly incentivised to deliver.

The formation of a pro-reform ruling coalition virtually always takes place in the context of democratisation. This is not surprising. Ordinary citizens generally have the most to gain and the least to lose from SSR, and democratisation gives their collective opinion new – and importantly, ongoing – political weight. However, SSR progress is not the inevitable result of democratisation, as demonstrated by numerous cases of security and justice stasis or actual degeneration, including Nepal, Mexico, Burundi, and Senegal.

In cases of success, pro-reform coalitions can be composed of varying combinations of actors and interests. To briefly explore a few of the most illuminating cases, in South Africa, the civilian ruling elite split from the leadership of the security services and successfully marginalised them before striking a deal with a well-organised opposition (the African National Congress) that had a broad base of support and also a sizable armed wing, giving both the reform parties reasonably balanced leverage. Further, both parties were intertwined with and politically dependent upon well-organised civil society groups with ties throughout the country, as well as a high level of technical capacity surrounding security and justice issues. These groups helped midwife a new security and justice architecture significantly shaped by popular consultations.

In both Peru and Indonesia, significant portions of the security services withdrew their cooperation from ruling autocrats and transferred their support to civil society coalitions pushing for reform. Afterward, they explained this switch as a way to protect their institutions from the corrosive effects of corruption and cronyism, the reputational impact of being mobilised against civilians, and domestic and international ostracism. In both cases, pro-reform civil society groups wielded significantly more power because they were able to act in concert around a broadly unified agenda.

In all three cases, the international community played an important role, but not through direct intervention. Rather, external actors were able to bring various pressures to bear on potential coalition members. All three states possessed business communities that wanted a return to a level of stability and regulatory environment that could attract foreign

investment. Further, all possessed militaries that had some concern for their international institutional reputation and a desire to avoid being the target of sanctions/arms embargoes.

The key lesson is that, for an SSR agenda to gain a foothold, there needs to be *both* a democratisation process *and* substantial societal disruption. However, pro-reform domestic and international actors need not, and should not, passively wait for a moment of opportunity – they must prepare to take advantage of it.

Incubating the Conditions for Reform from the Ground Up

Another critical shared trait of SSR success stories is that, in these states, the vast majority of reform progress is made within the first five years post-transition, largely because pro-reform coalitions, *when prepared*, are able to push through significant and difficult-to-reverse reforms before anti-reform forces can regroup. The greater the capacity, the wider the networks, and the greater the degree of the consensus possessed by these coalitions when a moment of opportunity arises, the greater their chances of success.

Experience has shown that, especially in political environments as complex as Sudan and South Sudan, reform agendas formulated by outsiders are unlikely to prove either popular or effective. There are too many issues – how to construct an effective and accountable policing system flexible enough to meet the needs of rural nomads and town dwellers, how to adapt existing forms of customary justice to address novel situations, etc. – that can only be worked out locally.

An optimal use of the (hopefully) pre-reform period, then, is to facilitate a wide range of domestic actors to undertake this process of working out feasible plans for future reform through ongoing discussions and negotiations. In plain language, this is a good time for traditional leaders to meet to discuss options for bringing militias back under community control while avoiding or escaping local cycles of raids and counter-raids, for traders and other businesspeople within and between towns to discuss what tax and regulatory structures would meet their collective interests, and for all groups to meet with police and other local security actors to discuss mutual interests and forge ties, as well as numerous other scalable but time-consuming consultation processes.

Given these various dynamics, a productive role for pro-reform external actors is to figure out what steps they can take to foster the creation of inclusive pro-reform coalitions that are prepared to act when a moment of opportunity presents itself. In past cases, this has included:

- Sponsoring (and protecting) security dialogues at local, regional, and national levels (and for and between multiple groups of stakeholders – women, youth, businesspeople, police, lawyers/judges, etc.);
- Developing the technical capacity (here meaning awareness of and ability to weigh different reform alternatives) of civil society groups to engage with the security and justice agenda throughout the country;
- Fostering the development of independent media and protecting the free flow of information throughout the state, especially regarding security and justice issues;
- Pushing for the inclusion of a range of interests beyond political parties and armed groups at any formal negotiations; and
- *Pushing during negotiations for inclusive discussion of, and agreements concerning, a broad range of security and justice issues.*

This last point deserves extra emphasis, especially given the role external actors have played in crafting and reinforcing the hasty and poorly-constructed peace agreements too common in the past. In short, the preferred approach taken by military leaders during negotiations, which is to put the security sector behind a red line which cannot be crossed by civilian parties and civil society organisations, is antithetical to the prospect of success. The path of least resistance (in the short term) taken by international mediators, of securing agreement by pushing the SSR agenda (in particular, judicial reform and security governance/oversight measures) out of sight or down the road, is the path to failure.

A much more productive role for externals requires them to pay close attention to the actions of domestic pro-SSR actors and, when pro-reform coalitions are in a position to act, put pressure on governments to take action around the same security and justice priorities these coalitions have identified – a double-pressure model that research suggests is more effective than pressure from either domestic or international sources alone.

Finally, perhaps the most necessary role for pro-reform external actors, especially in states operating within a political market system, is to consider carefully whether and how they, and other externals, are acting to incentivise or disincentivise violence as a political tactic and take corrective action accordingly. This role is particularly vital because it is one where externals have a strong comparative advantage – they are more able to negotiate with and put pressure on one another than virtually all domestic actors. In cases where the fundamental interests of major external actors align, they can be much more effective by acting collectively – for example, by jointly pressuring less powerful externals to cease funding those actors most apt to use violence as a tactic, setting joint terms for the resumption of arms sales, etc.

Prospect and Opportunities in Sudan

Of the two cases, Sudan is clearly closer to a window of opportunity similar to that which has precipitated reform in other states. Specifically, the political/economic/security status quo has been recently disrupted, and the political economy of Sudan has shifted so that the previous ruling coalition cannot be reconstructed along previous lines – a new one must be patched together. At the same time, pro-reform civil society actors are as united and politically powerful - and thus valuable as a constituency - as they have been for thirty years. The security forces, on the other hand, are divided and deeply resentful of one another, lessening their collective bargaining power. Provincial armed groups (and, importantly, the communities on Sudan's peripheries that support them) are, given the decrease in funds available to directly purchase their loyalty, potentially open to differently-structured bargains. There is likely to be a race to see whether pro-reform actors can build a coalition across geographic, class, ethnic, and other deep divisions before the anti-reform forces and can reconstruct a stable non-democratic coalition.

In order to support the formation of a pro-reform coalition, donors should prioritise working with and providing resources to civil society groups that are at least somewhat internally democratic, as well as those that continuously engage in public outreach, coalition-building activities, and dialogues with other groups. They can encourage (and provide logistical funds for) these groups to meet and negotiate joint agreements and shared agendas. In past cases, the existence of these joint agendas and pre-existing agreements have allowed pro-reform groups to take advantage of political moments of opportunity to push through significant reforms, rather than allowing momentum to be lost to prolonged intra-movement negotiations. A good option for external actors working with these groups is to give substance to their arguments about what a post-reform political/economic landscape could look like – for example, by promising assistance to economic development projects

contingent on the implementation of judicial reforms and anti-corruption measures prioritised by domestic activists.

Additionally, donors can provide aid to build civil society's knowledge and technical capacity around security and justice issues, which tends to increase the specificity and plausibility of pro-reform demands. Accepting the premise that such capacity building is empowering, donors have a responsibility to focus a good portion of these efforts on the those otherwise most likely to be excluded – women, the less educated, and those from peripheral areas. Working only with internationally-networked groups does not give the necessary breadth of actors the tools they need to negotiate reform priorities with one another and thus build durable coalitions.

Sudan's periphery is a microcosm of the national situation, wherein the leverage of community leaders over armed groups will depend on; 1) their ability to paint a picture of a more a prosperous future enabled by decreased violence, and 2) their ability to pool their leverage, coordinate, and set a collective agenda within each region. External actors should act to subsidise the transaction costs of coordination, providing facilitation, funds, and logistical support to encourage groups within each region (and between each region and the capital) to meet, specifically discuss security and justice priorities, and develop mutually acceptable options for future arrangements. Externals should condition this assistance in various ways to push back against the norm of political dominance via arms, such as mandating that all groups present at various meetings be represented by non-combatants, sponsoring meetings solely for women, various types of businesspeople, traditional leaders, etc.

One of the primary topics of these dialogues will likely be options for increasing access to security and justice services in peripheral areas, where conventional policing is and will remain cost-prohibitive. In a number of similar past cases, the solution to this issue has been for community leaders such as chiefs to formally assume responsibility for certain aspects of policing and justice – mediating and ruling on disputes below a certain value, organising locals to conduct patrols, and imposing limited punishments for minor offenses. This is a strong option for Sudan, given that many citizens already rely on chiefs or other customary authorities for these services informally. However, any formalised system will need to ensure that chiefs (or other selected leaders) are accountable to (and removable by) their own constituents, rather than the central government. It will also need to make sure that the division of responsibility between chiefs and formal police is clear, and that police are also incentivised (in past cases, through local discretion over some amount of police funding) to work with communities rather than dictating to them.

Sudan's formal police service is likely to resist such changes. However, the police currently find themselves in a precarious position. Their institutional reputation, already poor, has been further damaged by their attacks on protestors, the government is unstable enough as to make bargains struck with it unreliable, and any change in regime could easily be accompanied by a police purge. This raises the possibility that the police, or at least factions within the force, might be persuaded to back a reform agenda that attempts to insulate the institution from politics and creates an impartial process for determining postings and career advancement while protecting officers from exploitation by superiors, having to purchase promotions, etc. However, these attitude shifts are unlikely to happen without political effort - external actors should facilitate police inclusion in local and national dialogues.

Similarly, regarding the military, the present division among the main military actors presents opportunities – many parts of the force lost out when the current faction took power, and some percentage of these may be eventually willing to accept a new bargain in which the military steps away from politics in exchange for some protection of their economic interests, the rehabilitation of their institutional reputation both domestically and internationally (with

accompanying opportunities for arms, training, and peacekeeping deployments), and protection from corruption and political influence in promotions, etc. The key to striking this bargain is dialogue among the other actors discussed in this piece and as many different stakeholders as possible. In particular, it is critical to strengthen ties as much as possible between the military and business elite, as these are the types of connections that constrained military action against civilians in previous periods.

Beyond these supporting roles, the pro-reform external actors have a final, important avenue for direct action. As mentioned, Sudan's authoritarians are highly dependent on external funds, whether they be payment for resources, mercenaries, or various types of aid, which makes them generally less responsive to the demands of their populations. To the extent that external actors are able to work together to control access to a meaningful percentage of these funding flows and then develop and consistently apply financial incentives and disincentives for certain behaviours, they may be able to disincentivise violence as a bargaining tactic among leaders who fear loss of access to the finance they need.

It must be noted that the current broad and inflexible sanctions the United States maintains against Sudan are not a positive example of this type of action. To work, such sanctions must give cooperative actors a comparative advantage over their non-cooperative competitors in a fast-changing political environment, which requires that they be adjustable in the short-to-medium term and target specific actors, rather than the government as an entity.

For example, an intervener coalition willing to coordinate investigations and individually-targeted sanctions could considerably raise the transaction costs for specific Sudanese leaders attempting to access, add to, or draw from funds stashed off-shore when said leaders fail to rein in their subcontractors' use of violence. Those leaders who instead rely on negotiation and dialogue to achieve their political ends could be further incentivised through medium-to-long term development investments, targeted educational opportunities for clients, and in general benefits that lose their value should widespread conflict recur.

Prospect and Opportunities in South Sudan

Significant SSR progress in South Sudan is very unlikely in the near future. The government is only now reconsolidating into a shaky centralised kleptocracy on the basis of renewed oil rents and a strong National Security Service. The primary domestic political pressure it faces is pressure to buy off former rebels through military integration and DDR packages. Worryingly, current elite discussions around integration options are being conducted in much the same manner as the short-lived deals of the past and involve neither meaningful input from the general population nor inclusive discussion of South Sudan's actual security needs. This, of course, sets the stage for the next round of conflict to begin whenever a shock interrupts the government's cashflow or another disruption occurs.

However, during the current peace process, pro-reform external actors can change their own approaches so as to undermine, or at least not actively reinforce, this cycle. They also, as in Sudan, have the opportunity to facilitate and protect local efforts at reforming security and justice services and restoring the local accountability of service providers. It is from these ground-up efforts that the components of a potent pro-reform coalition could eventually grow and cohere.

Prospects for such growth are enhanced by the fact that South Sudan's descent into civil war had few winners and many losers. Elites tired of personal/familial insecurity and the constant risk of expropriation and loss of relative status may be willing to embrace a political program that dismantles governmental structures that channel all control over government rents through the centre (notably including recent government moves to create new centrally-controlled patronage networks through the creation of new states), fostering endlessly

competitive “winner-take-all” politics instead of incentivising actors to focus on protecting and developing local sources of revenue.

Externals can further incentivise elites to commit to peace by worsening their ability to hedge against future conflict. They can accomplish this by jointly implementing policies that make it more difficult and expensive to engage in embezzlement/corrupt deals and shelter the resultant assets abroad. Further, the larger external actors can regulate the destabilising behaviour of the other external actors over which they have sufficient leverage – specifically, predatory investors.

As J.R. Mailey expresses of South Sudan, “If the country was hijacked by military officials and politicians, it’s these international companies and banks that are driving the getaway car.”¹ Gramer describes numerous corrupt deals between senior South Sudanese politicians and multi-national companies seeking mining permits, bloated arms contracts, etc. Particularly if major external players act in concert, coordinated, flexible sanctions against investors and banks doing dubious business in Sudan, as well as against Sudanese leaders trying to stash assets abroad, could be an effective way to increase their leverage over these leaders. In the longer term, the prospect of renewed international investment could be used as a powerful tool to encourage justice reform in Sudan.

Another way to enhance elite commitment to peace is to weaken their hold over the constellation of the security actors, in particular local militias, that they have relied on. During the war, leaders of both sides acted to weaken the hold of South Sudan’s chiefs over these militias, in part so that they could be deployed away from the home communities that their primary role had previously been to defend. While the chiefs of these communities were often complicit in the larger conflict, they resented the loss of authority over “their” boys.

Working to re-establish that authority does not guarantee less violent outcome – however, it is also critical to recognise that, to an even greater degree than Sudan, utilising local/traditional authorities (rather than formal authorities) to provide security and justice services is not only one workable solution, but likely the only one possible. As in Sudan, a possible solution based on the lessons of similar cases would be to formally grant local leaders the authority to choose and oversee local security providers and adjudicate certain types of crimes and disputes. Codifying this arrangement would allow for the possible introduction of mechanisms to make chiefs more locally accountable as well as clarifying the boundaries of their authority.

Further, the chiefs’ best long-term strategy for preserving their independence and negotiating clear boundaries with the central government is to, at least around a few key issues, lobby as a more unified block. Given the divisions deepened by the war, achieving such a coalition will be difficult. However, the best route to this goal, extensive external support to negotiations and consultations between chiefs (within the same region, between regions, etc.) potentially has other strong positive effects, including giving these leaders the opportunity to negotiate regional peace agreements, share with one another lessons learned from their roles as local judges and security providers, and generally discuss their ideas for what type of future security and justice reforms in South Sudan would best address their key interests. Finally, it is important to note that South Sudan’s chiefs may be particularly receptive to these efforts at present, since government proposals currently being floated for military integration/unification are structured to strip them of any control of local militias.

Externals should also support consultations within and between communities involving other types of stakeholders (religious leaders, judges/magistrates, businesspeople, women, youth)

¹ Robbie Gramer. “Foreign Investors Fueled Violence and Corruption in South Sudan, Report Finds.” *Foreign Policy*. September 19, 2019.

to similarly build ties and strengthen their ability to advocate for shared priorities. In the long term, a functioning system arising out of this process might be able to absorb (while constraining) some of the many soldiers that will eventually need to be cut from South Sudan's oversized military/paramilitary organisations.

However, work toward such a system does not address the problems with South Sudan's formal (notoriously corrupt and ineffective) police and justice system. For donors looking to improve policing in the near term, there are some clear action items that do not enable or incentivise violence or corruption, and which build the kind of broad-based technical capacity and awareness that will be needed for more dramatic progress in future. These include:

- Training for police explicitly focused on literacy (reportedly, the vast majority of the force is illiterate), basic procedure, understanding of the law, etc.;
- Distribution of (and training regarding) South Sudan's criminal laws for police, lawyers, and judges, many of whom lack access to updated versions of South Sudan's criminal code; and
- Training for members of civil society on the same topics.

Further, external actors looking to support judicial reform (a necessity for anchoring other forms of SSR progress) should give support to domestic ground-up efforts, including:

- Support the training of many more paralegals (and lawyers where feasible) throughout the country, and in particular the training of women and others from marginalised groups; and
- Apply strong pressure to the government of South Sudan to stop its targeting of civil society activists organising around issues of justice reform at both local and national levels.

Beyond this protection, pro-reform external actors must invest in developing the capacity of South Sudanese civil society (particularly the press) to discuss and explore a range of alternatives regarding security and justice reform. They must also invest in fostering connections and dialogue between different types of civil society actors in different regions – such capacity and networks of connections will be indispensable to any future successful pro-reform coalition.

Finally, in the context of current peace processes, coordinated external actors have the ability to greatly influence who will be included in negotiations, pushing for more broad-ranging consultations than political leaders would likely prefer. It is clear, based on the fact that the SSR proposals currently being generated by a limited elite-based negotiation amount to a familiar division of spoils, that some such fundamental transformation of the process is essential if South Sudan has any hope of replacing its particularly violent political marketplace with a different political logic.

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