

South Sudan: Strengthening security and rule of Law

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January 25, 2013 - The Republic of South Sudan fought for independence from rest of the Sudan and dearly paid the price for freedom, self-governance and recognition as an independent state after resolution of recurring wars and conflicts that come to an end in the famous Comprehensive Peace Agreement signed in Nairobi, Kenya on 9, January, 2005, between the then Sudan Government and the revolutionary SPLM/A. In summary, series among causes of political unrest in the former united Sudan for decades were struggles for political identity as we were distinct African people with Christian and animist customs, cultures and values that deserves conventional form of governance and not under monolithic Arabs Islamic state in Khartoum.

Historically, our struggle for freedom was not an easy task but faced with numerous challenges and together we made the difference on 9 July, 2011 when the international community witnessed the birth of our new nation as an outcome of self-determination protocol in the said peace agreement. A promising developmental state constitutionally agrees to be built on the basis of justice, equality, respect for human dignity and advancement of human rights and fundamental freedoms.

A nation that its government promises to protect citizens, territorial integrity and properties and deliver fundamental services. A nation that promises to commits to its constitutional principle provided under Article 48 (1) (d) which says: pursuit of good governance through democracy, separation of powers, transparency, accountability and respect for the rule of law to enhance peace, socio-economic development and political stability'. To the contrary, where is the Republic of South Sudan we joyously celebrate on 9 July, 2011 to that effect? Are we implementing the constitutional principle or the opposite and why? The only satisfactory way is for the political leadership to digest and answer these questions by doing what is up to the aspirations of the citizens and the law.

This historical achievement of a new nation was not individuals or circle-based design. The people of South Sudan are all stakeholders in the birth of this State when the overwhelmingly voted 99.83 %. Therefore, the country should have not been managed in the current way where our physical security and the rule of law are measured at face value. Remember our hard-won independence was after massive bloodshed and death tolls, leaving others vulnerable like our courageous wounded heroes and heroines.

In a complete rest assurance of our security stability, Article 36 (3) of the Transitional Constitution of the Republic of South Sudan says "the security and welfare of the people of South Sudan shall be the primary duty of all levels of government". And then a second phrase of questions follows: Where is this protection duty now when our life and properties are exposing to the danger of robbery, killings and theft every day by unknown gangs, sometimes identified to be in uniform? Where is the security stability even when SPLM-led government officials, SPLA Officers and NCOs in uniform, together with organised forces are not secure in their own country they liberate? Who in fact is in charge of security of our country? If they very security officials are also facing risk of intimidation and contract killings, what would be the fate of unarmed ordinary citizen in South Sudan?

This scenario correctly fit the Jesus parable in Luke 23: 31 when he was crucified and said: Daughters of Jerusalem do not weep for me but weep for yourself, your children and grandchildren. For if they do these things to the green wood, what will be done in the dry ones". One example of a green wood but insecure and exposed to a ravage of killings in Juba is the current SPLA Deputy Chief of general Staff Lt-General Malek Ruben Riak, who was attacked by unknown assailant (s) and killed his two body guards in three separate attacks in the national capital, Juba dated 15 July, 2012, 29 July, 2012 and 21 November, 2012 respectively. Yet he does not know his enemy to either intensify his defense position or initiate dialogue in the interest peace.

Surprisingly, the culprits of the first attack are released without due process of law and there is no any suspect of the subsequent attacks. What is the role of law enforcement agencies and the independence of judicial system in such situation? If it was not a professional, well-trained freedom fighter like General Malek, compared to other unqualified militia Officers and NCOs in South Sudan, the reactions would have been different. Similar attacks happened in South Sudan and Juba in particular.

According to a research data released by my senior colleague Mr. Zachariah Diing Akol , a Ph.D student of political science at the London School of Economics and a Director of Training at the Sudd Institute under his article entitled Juba's Insecurity: A Challenge to state authority and credibility, he said the violent crimes in Juba are organised into three categories: "organized crimes that target individuals for commercial reasons, organized political assassinations and random killings both directed to South Sudan nationals and foreigners".

2. Causes of insecurity in South Sudan

The rampant insecurity in South Sudan and Juba in particular is seen a product of manifolds. First, the disorganisation of the SPLA fighting forces. It may be absurd at least to say some SPLA officers and NCOs are not organise into their respective ranks and files for effective delivery of service. They are not disarmed and since a soldier is going empty-stomach; such a soldier may be forced to rob for survival. Who is mistaken here between a poor soldier and the SPLA administration that fails to organise army? The later must be blamed and urge them to correct this appalling situation.

Another source of insecurity is unregulated influx of foreigners into Juba and South Sudan under the pretext of friendly cooperation. Some foreign nationals are on run for criminal offences in their respective countries of origin and South Sudan is now their best hideout. Yet, we welcome them because we seek international friends though some of them are criminals and terrorists related elements. The third cause of insecurity is availability of firearms and ammunitions in the hand of civilians and other unauthorised persons.

This illegal ownership of weapons seriously contributed to the prevailing insecurity throughout the country. Although the government did try to disarm the civil population, nevertheless, there observed a recycle proliferation of firearms and ammunitions back into hands of civilians by some indiscipline soldiers who either suffers without salaries as the case in point or any other reasons and definitely sold such firearms to the civilians.

The fourth and a secondary factor is lack of national security legal framework. The National Security Bill has so far overdue for reason best known to the legislative development institutions. It really reflects the global neglects of the concept of national security, but South Sudan should not follow this trend. Therefore the national security Bill need urgent attention to enable them discharges their duty diligently in accordance with the law.

3. Recommendations

In conclusion, the author is of the opinion that the national government should conduct another serious countrywide arms searching and disarmament; direct the Ministries of Interior and Justice to restrict the entrance of foreign nationals by subjecting them to immigration laws. This includes continuous screening of the aliens inside South Sudan and deports the illegal ones in accordance with domestic immigration laws.

Finally, the recruitment into army and organised forces should be well arranged in order to get the best people to serve with dedication in the national service. South Sudan is the only country in the world where job opportunity in the army and organised forces is seen a business of give-away price. That is very sad news and the head of such institutions ought to change the trend and prove that military and organise forces are the best nucleus of the state therefore need quality people. The defenders of the people and the land must hold a sense of belongings and nationalism in the discharge of duties.

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