Joint Donor Security Sector Needs Assessment [JDSSNA]

An independent assessment of the future involvement of the Joint Donor Team in security sector reform in Southern Sudan

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[Abstract] Given the scale of the challenges across the security sector in Southern Sudan and the range of international actors engaged in it, the main aim of this report is to recommend potential ways for the Joint Donor Office (JDO) to usefully contribute to security sector reform (SSR) efforts in Southern Sudan. The report first assesses the current security situation and maps the players involved in the security sector and their reform efforts – including those of the JDO. Furthermore, it suggests a number of recommendations on how the JDO could be involved in a best possible manner given its mandate, resources and restrictions. It concludes that the JDO could play a facilitating and enabling role, working to ensure that initiatives and activities across the security sector amount to more than the sum of their individual parts. A range of options for the JDO and partner countries to consider in terms of the level and purpose of engagement – mainly based on OECD/DAC guidelines – are described at the end of the report.

List of Acronyms

AEC	Assessment and Evaluation Commission
AT	Assessment Team
CIVPOL	Civilian Police
CPA	Comprehensive Peace Agreement
DAC	Development Assistance Committee
DDR	Disarmament, Demobilization and Reintegration
DFID	Department for International Development (UK)
GoNU	Government of National Unity
GoSS	Government of Southern Sudan
HQ	Headquarters
IF	Implementation Framework
JDAS	Joint Donor Assistance Strategy
JDO	Joint Donor Office
JDSSNA	Joint Donor Security Sector Needs Assessment
JDT	Joint Donor Team
JIU	Joint Integrated Unit
JRD	Joint Response Document
MDTF	Multi-Donor Trust Fund
OAG	Other Armed Groups
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
RoL	Rule of Law
SAF	Sudan Armed Forces
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SSAJ	Safety, Security and Access to Justice (UK programme)

SSDDRC	Southern Sudanese DDR Commission
SSDF	South Sudan Defence Forces
SSR	Security Sector Reform
TCC	Technical Coordination Committee
ToR	Terms of Reference
UNDP	United Nations Development Programme
UNMIS	United Nations Mission in Sudan

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Executive Summary

The **security situation** in Southern Sudan **is extremely fragile**. Moreover, the security sector reform (SSR) **challenges are immense**. The development needs of the security sector are many and wide-ranging – from the civilian side of reintegration and rule of law issues, to the task of transforming the military. Without significant progress in this area, building an environment that can support human security and sustainable development will be extremely challenging; and implementation of the CPA will be placed at considerable risk.

The international community is at various stages in the design and/or delivery of programmes and projects across the breadth of the security sector. JDT partner countries are involved in supporting a number of these programmes either bilaterally or through multilateral instruments. Whilst important gaps in support remain, **the most pressing need is** for **improved coordination,** to **include all aspects of the security sector**, including DDR, SPLA transformation and elements currently labelled 'rule of law' and community security. Without such coordination, a coherent and complementary approach to supporting the improved delivery of security and justice in Southern Sudan will not be achieved.

Priorities for the JDO were initially identified as supporting 'the establishment of Commissions, security sector reform and DDR; and regenerating social capital through support to returning populations' – all as related to the South Sudan Framework for the CPA. On this basis the JDT recruited a DDR and Security Sector Adviser to work alongside the Rule of Law Adviser. Both the Security Sector Adviser and the Rule of Law Adviser appear to have restricted their engagement in SSR to independent advisory support

to the GoSS Security Sector Budgetary Working Group – narrowly defined – and the 'rule of law' (RoL) equivalent. This division of labour reflects a separation within the JDT between 'SSR' and 'RoL'. The Assessment Team believes that this separation is not helpful in promoting an effective approach. In the context of South Sudan, **coordinated support for broadly defined SSR must be a central pillar** of any strategy aimed at establishing the rule of law.

The Security Sector Adviser left the JDT in August 2006 and has not been replaced. Whilst in Sudan, the adviser faced significant challenges in seeking to establish a common policy position on SSR across JDT partner countries. This, and his subsequent departure, has resulted in the JDT limiting its recent engagement in security sector issues to participation in the DDR Technical Coordination Committee of the Southern Sudan DDR Commission and light-touch monitoring of justice sector programmes.

Given the scale of the challenges across the security sector in Southern Sudan and the range of international actors engaged, there is **great potential for the JDO** to play a very constructive role **in promoting** a) **effective and necessary coordination of international support**, incrementally increasingly **aligned behind a GoSS-led strategy**, and b) **addressing specific gaps**, particularly in capacity-building activities across the sector, **through the provision of timely funding and advisory support**. Through this approach, the JDO could play a facilitating and enabling role, working to ensure that initiatives and activities across the security sector amount to more than the sum of their individual parts, and that they are coherent in supporting improved security and justice for the people of Southern Sudan. There are a range of options for the JDT and partner countries to consider in terms of the level and purpose of engagement (see end of Executive Summary).

However, there remain several issues to be addressed if the JDT is to establish a clear mandate from partner countries regarding the breadth and the depth of its support for SSR and the capacity to deliver effectively upon that mandate. Most fundamentally, there is a **need for a common policy framework** to be agreed by the JDT partners **as a platform for engagement in South Sudan and a shared view on the JDT role in delivery**. The partners also need to agree on a **shared conceptual understanding of the nature and scope of SSR**. Whilst recognizing that different partner countries have differing restraints with regard to funding mechanisms for SSR, particularly with regard to non-ODA activities, **this concept should be based on the *OECD DAC Guidelines on Security System Reform and Governance.*** These guidelines, published in 2005, provide the only internationally agreed common definition and set of principles for work in this area, and have been signed up to by Foreign Affairs Ministers of all JDT countries. Furthermore, the other significant international bilaterals and multilaterals engaged in supporting SSR in South Sudan have also signed the OECD DAC guidance and principles. Therefore, utilizing **the forthcoming OECD DAC Implementation Framework for SSR (IF-SSR)** as a vehicle for engaging with the various UN agencies, the EC, the World Bank and USAID **represents an important opportunity in promoting donor coordination across the sector**. There are also a range of practical benefits associated with piloting the IF-SSR, including support for coordination, delivery of training support (also for GoSS counterparts) and access to expertise to support good practice in implementation.

Regarding the additional capacity required by the JDT, this decision will depend very much upon the option selected. However, should the **comprehensive approach** be adopted – and that is the **recommendation of the Assessment Team (AT)** – then it will be important to recruit a credible individual who understands the linkages across the security sector and can take a strategic view. Furthermore, any new SSR Adviser must **develop an**

effective working relationship with the Rule of Law Adviser; responsibilities must be clear, with the need for coordination emphasized. The AT recommends that any search for potential SSR advisers should not be limited to JDT partner countries alone.

The Assessment Team has identified the following options for the JDT partners to consider:[1]

1.   ***Non-Involvement in SSR:*** If SSR is considered too politically sensitive, then it could be removed from the JDT mandate. This would involve withdrawing from RoL aspects of SSR, including policing, legal and judicial issues and prisons. However, given the primary importance of establishing security and access to justice as an enabler for sustainable development, this option is not recommended.

2.   ***Limited approach:*** Undertake mapping of activities across the broad security sector as an information tool for promoting coordination on SSR support across the international community. This mapping is recognized as a clear need by the majority of those involved in SSR in South Sudan, including local actors, and is relatively non-controversial politically. This mapping should be updated on a regular basis – perhaps every six months – and the process itself should help the JDT to develop a strong SSR network. Staffing options would include engaging a consultant to work with the Rule of Law Adviser and JDT on an occasional basis. This option is recommended only if the JDT partners should be unable to support the comprehensive approach outlined below.

3.   ***Minimum approach:*** Focus only on the civilian aspects of SSR, including RoL actors and governance issues. This would also include en-

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[1]   Option 5 is beyond the scope of the ToR for this assessment but has been included for general consideration.

gagement on reintegration aspects of DDR, particularly in regard to the en-visaged SPLA influx into the police and prisons services. This option falls short of the comprehensive approach recommended, and, if adopted, should be supported by the mapping outlined in the 'limited' approach above. The JDT currently has an RoL adviser, so there should be no need for additional recruitment. However, priorities within the job description of the position might need to be re-examined.

4.   ***Comprehensive Approach:*** Undertake mapping of security sector, as described in the 'limited approach'. Actively facilitate coordination of programmes and projects related to security sector reform, incrementally promoting greater GOSS engagement and leadership, and thus local owner-ship. Establish a capacity-building fund that the JDT can draw upon to sup-port overall security sector reform efforts and address emerging gaps on a timely basis – this fund could focus specifically on governance- and man-agement-related aspects of the broad security sector. This would be in line with the original JDT mandate, to 'manage programmes which cannot be implemented under the MDTF when necessary' and to 'encourage donor harmonization in Sudan'. The Assessment Team recommends that JDT partners consider the benefits of using the IF-SSR as a vehicle for coordi-nating – this would encourage the full engagement of other key interna-tional actors, both bilaterals and multilaterals. This option would require the recruitment of an additional SSR adviser post to the JDT. This is the option recommended by the AT. If the JDT is unable to undertake this role then donors should consider who might be best placed to promote the necessary coordination. This would probably require a position to be established within the UN system, possibly within UNDP.

5.   ***Broader Conflict Adviser Role:*** Promote conflict-sensitive approach across development programmes, including those funded through the MDTF(S). Support the development of capacity on conflict analysis and

conflict-aware strategies and implementation within GOSS institutions. Monitor and advise on reintegration aspects of DDR programme and on conflict mediation and peacebuilding programmes. This option would not prevent the necessary coordination of SSR activity being taken forward but it would require partnership involving a newly recruited JDT conflict adviser, the RoL adviser and SSR advisory support from Khartoum.

1.   Introduction

In May 2006 a Joint Donor Office (JDO) was established in Juba, Southern Sudan. It constitutes a Joint Donor Team (JDT), of which the founding partners are Denmark, the Netherlands, Norway, Sweden, and the United Kingdom.[2] According to the Joint Response Document (JRD), which sets out the strategic framework for the JDT in Southern Sudan, 'the JDT will be responsible for Development Cooperation in the South Sudan on behalf of the participating Governments and will promote donor effectiveness...' One of the JDT's priority areas of work is the security sector. In January 2007, it was decided that a team of three consultants – one from DFID/UK and two from NUPI/Norway – would do a Joint Donor Security Sector Needs Assessment (JDSSNA) as part of the development of an overall Joint Donor Assistance Strategy (JDAS) for the JDO.

2.   Methodology

Within the time available the AT adopted a methodology that ensured a needs-based approach.[3] The team identified key issues and challenges to improving the delivery of security and justice in Southern Sudan as a basis

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[2] Canada will most probably join in 2007.
[3] Due to urgency in carrying out the needs assessment, and the subsequent time limitations, the assessment team (AT) received the relevant documents and the ToR only a few days before leaving for Sudan. Thus the time available to gather and study relevant documents and to identify and contact relevant local and international parties and individuals was limited. For a comprehensive assessment to be conducted, a vast number of security sector and governmental stakeholders, beyond those available to the AT, would have had to be consulted. In addition, a structured set of applicable questions, beyond those indicated in the ToR, would have been necessary. Moreover, for assessing the current involvement of the JDO member governments in the security sector in Southern Sudan and, more importantly, their national restrictions and guidelines for engagement in the security sector in general and in Sudan in particular, the AT had only limited opportunity to meet the relevant embassy officials (see interview list). That said, the team feels that much useful information has been gathered. A broad overview of the situation was acquired, from which a set of observations and recommendations is provided below.

for reducing/managing conflict and enabling sustainable development; undertook provisional mapping of current programmes, initiatives and activities funded through the international community (including those actors beyond the JDT partners) to support the Government of Southern Sudan (GoSS) in addressing these challenges effectively. Further, the AT identified key gaps in international community support; considered the potential role of the JDT in addressing these gaps; assessed this against current JDT mandate and staffing; and produced a range of options for the JDT and partners to consider, including implications for the mandate and staffing of the JDT for each option.

This report goes somewhat beyond the terms of reference, in order to be better able to offer useful recommendations for JDO stakeholders (see attached ToR).

## 3.	Background: the Security Situation in Southern Sudan

After 22 years of civil war, the peace in Sudan is extremely fragile. Although the Comprehensive Peace Agreement (CPA) has been signed, not only are there frequent incidents of armed conflict of varying magnitude, there is also a real danger that major conflict will again erupt. At the strategic level, several SPLA commanders have clearly stated that they are in the process of transforming the military from a loosely organized guerrilla fighting force into organized, disciplined armed forces capable of deterring or evening fighting the North if necessary. At the same time, given the high militarization of all parts and levels of society in Southern Sudan today, the successful transformation of the SPLA, supported by an effective disarmament, demobilization and reintegration (DDR) programme, is extremely important to the many stakeholders: The result of the restructuring will not

only impact the security situation in Southern Sudan, but will also affect the Darfur situation, the Sudan as a whole, and the wider region.

At the GoSS level, the restructuring will have ripple effects far beyond the design of a 'new' SPLA. It will influence the levels of militias and other armed groups (OAG), affect the size and ability of the rule of law (RoL) sector, and impact on the local community level, where the proliferation and use of small arms are highly related to the overall security situation. Unless the SPLA is effectively transformed into an appropriately sized, disciplined armed force under developing civil control, it is difficult to see how objectives focused on supporting greater safety, security and the establishment of the rule of law can be achieved. Without significant progress in this area, building an environment which supports human security and sustainable development will be extremely challenging.

4.   JDO Involvement in SSR

Initially, the JDO's involvement in the security sector was somewhat loosely defined. The two first priorities listed in the Joint Response Document (JRD) are '(i) security sector reform, DDR and peacebuilding, and (ii) governance and the rule of law [RoL]…' This may be confusing, as both DDR and RoL are by definition part of SSR, while SSR is only one of many components of peacebuilding.

Moreover, it is indicated that the JDT is to implement its objectives through 'a holistic strategy', including political, security, development, peacebuilding and humanitarian considerations by supporting UNMIS' execution of its mandate; working closely with GoSS and the Secretariat of the MDTF; and liaising closely with the embassies in Khartoum. As for SSR, the JDT priorities are to support the implementation of 'the CPA pro-

visions regarding the establishment of Commissions, security sector reform and DDR; and regenerating social capital through support to returning populations' – all as related to the South Sudan Framework and the CPA.[4]

Initially, a DDR & Security Sector Adviser was hired. That person left the JDT in August 2006. The adviser wrote a general report on SSR, which was followed up by a memorandum to the JDT Advisory Group by the adviser's internal interim successor in November 2006. The recommendations provided were rather broad; hence, the need to assess whether and how the JDT should be involved in SSR in Southern Sudan emerged.

The JDT, in its early stages of formation, faces challenges in both identifying clarity of role and in establishing common policy positions and approaches that all JDT partners can align behind. This is particularly so in the security sector, where different countries have different restrictions on what they can or cannot fund in supporting security sector reform.

5.   The OECD/DAC Guidelines on Security System Reform and Governance

The *OECD/DAC Guidelines on Security System Reform and Governance*, published in 2005, provide the only internationally agreed common definition and set of principles for work in this area and have been signed up to by Ministers of all JDT partners. Indeed, the OECD DAC work is widely recognized as being at the vanguard of the SSR agenda; therefore, basing JDT policy in this area upon the work of the DAC potentially represents a strength and an opportunity rather than a constraint. Additionally, the other

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4 The *South Sudan Framework* refers to the *Framework for Sustained Peace, Development and Poverty Eradication* dated 18 March 2005, which was agreed by the Government of the Republic of Sudan and by the SPLM, following the Joint Assessment Mission.

significant international bilaterals and multilaterals engaged in supporting SSR in South Sudan have also signed up to the OECD DAC guidance and principles. Therefore, if the JDT is to play a key role in coordinating donor engagement and promoting harmonization, then utilizing the forthcoming OECD DAC Implementation Framework (IF) for SSR as a vehicle for engaging with the various UN agencies, EC, World Bank and USAID would represent an important opportunity (see *Recommendations* below).

a. Definition and actors

The main point of departure for the OECD/DAC understanding of SSR is that security, development and justice are closely interlinked. For international actors to assist in promoting an environment in which individuals and communities feel safe and secure, where the rule of law is respected, and in which sustainable development can flourish, this is important to recognize. The OECD DAC work places governance at the heart of the SSR agenda and emphasizes the importance of strengthening the integrity of security institutions and the capacity of actors that have a supervisory role. It also underlines the importance of recognizing and addressing the linkages between different institutions and actors across the security sector.

According to the OECD/DAC Guidelines (2005), 'security sector reform is the transformation of the security system which includes all the actors, their roles, responsibilities and actions, so that it is managed and operated in a manner that is more consistent with democratic norms and sound principles of good governance, thus contributes to a well functioning security framework.'

The OECD DAC Implementation Framework for SSR defines the actors within the security sector as follows:[5]

- governance and oversight mechanisms (including Parliaments, ombudsmen, and relevant government departments e.g. Ministry of Finance.
- defence
- policing (including gendarmerie where appropriate)
- border management (including customs and immigration)
- prisons
- intelligence
- legal/judicial system
- private security companies
- non-state security and justice; para-military forces/other armed groups
- civil society/NGOs.

6. The Security Sector: Roles, Needs and Gaps

Reconstruction of the military dominates Chapter VI in the CPA on Security Arrangements.[6] This reflects the fact that one of the main challenges in Sudan in general and in Southern Sudan in particular is that society has become highly militarized. Arguably, this sets adequate competency and understanding of *military affairs* as a crucial prerequisite in an office such as the JDO. On the other hand, it could be argued that precisely because of the

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[5] Forthcoming, Spring 2007.
[6] In Chapter VI of the CPA, pages 85–115 and 118–120 deal quite extensively with military and DDR issues, respectively. Policing issues, domestic security, and humanitarian and general provisions, on the other hand, are accorded only two pages each (pp 116–117 and 120–121).

need to *de*-militarize society, the JDO should have someone with compre-
hensive knowledge about developing civil control, strengthening or con-
structing governance and management institutions and engaging with
broader civil society. What is essential within the international community
in Southern Sudan is that military and civilian interlocutors must recognize
the importance of coordinating their work and presenting common mes-
sages to GoSS partners in a manner that promotes a sector-wide approach to
improving the delivery of security and justice. The JDT could potentially
play a critical role in facilitating this coordination.

The following sections present the main elements of the security sector,
within which activities and programmes need to be mapped and progress
monitored as a starting point for promoting effective coordination across
the international community.

a.   Security management and oversight bodies[7]

After nearly 22 years of war, where the main focus of the South has been
the SPLM/SPLA struggle against the SAF and the government in the North,
few governmental institutions are satisfactorily established or developed.
After the signing of the CPA in 2005, there is little non-military capacity to
lean on in attempting to restructure the society and build its governmental
institutions. As a result, most of the newly created entities and positions –
civilian as well as security sector-related – are full of current or former
military/guerrilla personnel. This may be seen as a necessity in terms of ur-
gently utilizing individuals with some management and organizational ca-
pacities and experience. On the other hand, it is potentially very dangerous
to have civilian institutions inundated with military-minded people. One

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[7]   Including the executive; national security advisory bodies; the legislature and legisla-
tive select committees; the ministries of defence, internal affairs, foreign affairs; cus-
tomary and traditional authorities; financial management bodies (finance ministries,
budget offices, financial audit and planning units) and civil society organizations (civil-
ian review boards and public complaints commissions).

SPLA General interviewed strongly indicated his scepticism towards civilian control over the military (security) forces, and even held that the military should have the overarching control of government.

Thus, there are enormous gaps and needs when it comes to creating the necessary management and oversight bodies in the military as well as the non-military security sectors. The RoL sector, including the police, the judiciary, and the prisons, is in dire need of capacity-building measures and tools. While wide-ranging transformation is required in the military sector, most other security sector institutions will have to be developed from a very low level.

b. Core security actors – military[8]

i. GoSS/SPLA Restructuring

If the referendum scheduled for 2011 results in a majority for independence, the SPLA is meant to constitute the main future military force in the South (currently, the Joint Integrated Unit (JIU) is also part of the military force structure in the South – as well as in Sudan as such; they include equal SAF and SPLA representation as required by the CPA).[9] For that to materialize satisfactorily, all other military and militia will need to be incorporated into the SPLA or the SAF, and/or be reintegrated into other sectors of society. This represents a huge challenge. Although some 'White Armies' (armed civilian groupings) are said to be disarmed, the handling of

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8 According to OECD/DAC *core security actors* include both armed forces and police. However, given the current security set-up in, and CPA provisions for, Southern Sudan (as well as normal peacekeeping settings) the AT has chosen to mention only the armed forces under the heading of 'core security actors', while the police is covered under the heading of *justice and law enforcement institutions.*

9 If, however, there is a majority for unity, then the JIU will form the core of the Sudan National Armed Forces (SNAF) also in the South.

various SPLA, SAF, SSDF, and OAG elements is far from finalized (see also section below on *Non-statutory security forces*).

The JIUs remain far from integrated. Indeed the current situation whereby JIU, SPLA and SAF units are co-located rather than integrated presents significant risks to security. The Malakal incident in late November 2006 (see below) provides a clear example of what can occur when these risks materialize.[10] Progress on JIUs depends upon agreement on joint doctrine as a basis for joint training. Although the Joint Defence Board has agreed to these issues at the technical level, only recently has the apparent deadlock at the political level been broken and the joint doctrine agreed. However, the Government of National Unity (GoNU) Ministry of Finance has yet to agree to disburse funds to pay the salaries of SPLA elements of JIUs. Neither has it released funds for training. UNMIS is exploring options for delivering on its mandate to coordinate the delivery of international training support to JIUs, but this has yet to translate into a practical programme of support. GoNU appears reluctant to promote international training of SAF personnel.

Regarding engagement with the SPLA, in addition to overall policy guidance and strategy development – leading to the future transformation of the SPLA – proper implementation of the restructuring will require international advisory support in the following areas:

- financial management
- logistics (including procurement and supplies)
- human resources (including organizational structures)
- training policy

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10 It should be mentioned that although the non-integration of the SAF and SPLA represented an overall contributing factor, the Malakal clashes also were a result of the presence of militia supported by the SAF.

- information management.

A plan for implementing/structuring such support is under development (see section 7– UK support for SSR – support does not include training policy development at this stage). The USA and the Netherlands have also signalled their interest.

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c. Justice and law enforcement institutions[11]

A recent report by the UN Secretary General provides a definition of the rule of law (RoL):

> [it]…refers to a principle of governance in which all persons, institutions or entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in application of the law, separation of powers, participation in decision making, legal certainty, avoidance of arbitrariness and procedural and legal measures to ensure transparency.[12]

RoL thus covers a range of institutions, appointments and legal frameworks and the complex relationships between them. Achieving an environment in which it can be is established is one of the key roles of the state, the very cornerstone for developing the social contract. RoL is the foundation for achieving human security, access to justice and an environment which promotes sustainable development. In many post-conflict environments, reform of the security sector is often one of the greatest hurdles to establishing the rule of law. Addressing the challenges presented by a large number

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11 Including the judiciary, justice ministries, prisons, criminal investigation and prosecution services, human rights commissions and ombudsmen, customary and traditional justice systems.
12 The Rule of Law and Transitional Justice in conflict and post conflict societies, Report of the Secretary-General, S/2006/616, 23 August 2004, p.4.

of armed combatants, or ex-combatants, who know little else than violent conflict as a way of life and the use of violence or the threat of violence to provide food and shelter, is clearly critical. This challenge is compounded in an environment where governance institutions are weak or non-existent and there is little or no history of effective oversight of security institutions or civil control. Thus it is important to recognize the interdependence between 'RoL' and 'SSR'. If RoL is the end state, or the desired outcome, then SSR is the means towards achieving this end state (see also *SSR and RoL* section below).

In highly militarized and war-torn societies, the RoL sector is often absent or neglected; the military then takes over most or all security roles, including the law enforcement and prison duties based on military thinking and procedures. In the case of Southern Sudan, a mixture of these scenarios has prevailed. As a consequence, there were close to no effective functioning RoL entities to build on at the time of the CPA signing.

The weaknesses and lack of capacity and coverage within formal institutions underline the importance of identifying who, in this environment, actually delivers justice. Understanding the role, approach, strengths and weaknesses of non-state justice institutions, as well as how they link with formal sectors, and the perceptions of citizens who use them, is important in informing the design of effective programmes aimed to improve safety, security and access to justice for all. The AT is aware that the UNDP's RoL programme has begun to look at this issue, and understands that officials within USAID are considering possible options in this area. However, the AT is unaware of the details of any programmes seeking to engage with non-state justice and security institutions. In the South of Sudan it is important to address these issues effectively. In this regard, the multi-layered approach advocated by the OECD/DAC in addressing security and justice

service delivery in fragile states may provide useful reference material for those working in this area.[13]

Several interviewees indicated lack of coordination as regards the different donor nations' SSR approaches and initiatives in the military and RoL sectors. There is a general lack of comprehensive understanding of the security sector. The UNDP RoL unit said this was less problematic among the specific RoL sectors (police, judicial, prisons). However, most interviewees saw the general lack of police services in most areas as a major problem. Hence, there is a clear need to develop a strategy for training, equipping and deploying proper police services. There may also be a need for police border posts between conflicting tribal areas, although such initiatives should be informed by an effective conflict assessment – or perhaps utilizing the UNDP community security mapping programme.

Other RoL gaps and needs identified by interviewees:

- lack of capacity within the HR Commission, the Anti-corruption Commission
- lack of support to the community level, such as HR advocacy initiatives
- general lack of basic computer equipment and skills
- lack of language (English) skills
- lack of clerical skills
- no common police training/education curricula for the North and South of Sudan.[14]

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[13] OECD DAC, *Security and Justice Service Delivery in Fragile States*.
[14] This is being addressed to a certain extent through the UK DIFD support through its SSAJ programme for the development of police training and development units in both the North and South of Sudan.

If other programmes are not able to address these issues in the medium term, then this may well be a role the JDO could fill. This would fit with their role in building effective GoSS leadership and coordination of efforts across the sector. Capacity building is clearly central in moving to a position where GoSS institutions will be able to ensure that local ownership is a reality that drives forward all relevant programmes. This is vital to the effectiveness and long-term sustainability of these efforts.

According to several interviewees, the correctional services face enormous challenges in almost every aspect of their work. The following extensive list of general and specific issues was highlighted by prison officials during an interview with the AT:

- All existing prisons in Southern Sudan are old and dilapidated and require major maintenances and renovation
- Officers should be trained abroad and in-country
- Literary programmes in prisons should be supported
- Reformatory schools should be established in Wau and Malakal
- There is a general lack of:
  - sufficient lighting in prisons, for security reasons
  - health facilities for prisons in Southern Sudan
  - clean drinking water for inmates
  - sanitation to ensure a clean environment for all inmates
  - workshops with sufficient tools for prisoner training
  - production and industrial training tools
  - training centres in Southern Sudan
  - computers for storing information
  - recreational facilities inside the prisons
  - transport and communication facilities in the prisons.

i. SSR and Rule of Law

In Southern Sudan the current divide between 'RoL' programmes and nar-
rowly defined 'SSR' programmes is likely to cause difficulties, both in
terms of promoting effective donor coordination and, even more impor-
tantly, in providing effective support and advice to GoSS as it seeks to ad-
dress the wide array of challenges it faces across security and justice institu-
tions. Several practical issues that require 'joined up' thinking in this area
are listed below, by way of example:

- Where do the Police and Ministry of Interior plus border guards,
  Immigration etc. fit – under security, or rule of law, or both?
- In line with the CPA, the GoSS Police need to develop capacity and
  gradually broaden their effect across South Sudan – this should be
  accompanied by a phased withdrawal of the SPLA from their inter-
  nal security role. This will need to be coordinated, to prevent the
  emergence of a security vacuum and also to prevent lack of clarity
  of roles in areas where both the police and the SPLA have a pres-
  ence and the risks that this entails. Moreover, the roles and respon-
  sibilities of the SPLA and the police must be communicated to the
  people.
- According to the CPA, the military can provide support to the police
  where necessary. It is vital that the details of this are agreed in terms
  of legislation and operational mechanisms, including clarity with
  regard to command and control and in line with principles of police
  primacy, i.e. military aid to the civil power.
- On budgetary issues: the SPLA takes a huge chunk of the budget
  (38%). Although convinced of the need to reduce numbers in the
  SPLA, senior commanders are currently planning to use any mone-
  tary savings to finance the procurement of military equipment,

which they see as essential for transforming the SPLA into an effective armed forces. Thus, any significant reduction in military spending seems unlikely in the near future unless there can be a major shift in thinking. Previously, the police took a very small percentage of the budget, as they had very little capacity or coverage. However, much of the focus of RoL programmes is on substantially increasing the size and capacity of the police services, including the provision of appropriate equipment. This will have significant cost implications. The risk – as in other post-conflict environments like Sierra Leone or Afghanistan (studies are available on the budgetary implications of both) – is that the international community, through an uncoordinated approach to programmes across the sector, may end up promoting the development of a security sector that consumes a vast quantity of the national budget. This may, at worst, result in a security sector which is unsustainable on the basis of national revenues (although this may not be the case in South Sudan, given its oil revenues). At best, it will limit the opportunities to spend resources on improving the delivery of key basic services like health, education etc. that could provide a 'peace dividend' to the population. Consideration needs to be given to an overarching security budget that can prompt coordination across the sector. This will involve some hard choices on where to allocate limited resources – for example, increased spending on the police should be matched to some extent by decreased spending on the military, in view of its reduced role. All this will be very difficult in South Sudan, given the influence of the military and the potential for conflict with the North – but the need for awareness of these issues and some coordinated thinking in this area is very important.

- Plans are already being implemented to transfer significant numbers from the SPLA to the developing GoSS Police and Prison Services, supported by DDR efforts in the South. Experience elsewhere indi-

cates that such transfer of personnel needs to considered and planned carefully. It will be important to think through issues such as establishing effective criteria for entry into the police service, establishing appropriate vetting procedures and delivering awareness training to address the different roles of the police and the military, and the challenges of military mind-sets – to mention some examples. There is also a clear need to discuss the financial implications of these transfers as regards the ability of institutions to meet salary obligations, etc.

d.   Non-statutory security forces[15]

A serious problem confronting transitions from conflict to peace in Sudan, as well as in Africa in general today, is the role of local armed groups and militias and of semi-formal guerrillas reluctant to sign peace agreements. The first group is often referred to as 'other armed groups' (OAGs). These militarized entities are prone to pursue conflict first and foremost in terms of local interests, which make them notoriously difficult to manage in the context of post-conflict transitions to peace.[16] One such OAG in Southern Sudan is the so-called 'White Army' militias: these are groupings of armed civilians, mostly youth, which have coalesced into village-level formations. The presence of numerous such militias has created significant instability even after the signing of the CPA. Another problematic armed group is the SSDF – the key militia organization to be left outside the formal peace process in the South. Empirical mapping of the SSDF has highlighted significant security challenges:

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15   Such as liberation armies, guerrilla armies, private body-guard units, private security companies, political party militias.

16   For an elaboration on this approach see Chris Alden, Matthew Arnold and Monika Thakur, 'Conceptualising Armed Groups, Militias and Other Non Statutory Forces: a preliminary assessment', unpublished manuscript, pp. 1–11.

> …the SSDF remained a significant armed group and consistently maintained an interest to stay as a fighting force until Southern independence was assured, preferably through the 2011 referendum but in the longer-term if necessary. The unwillingness of hold-out SSDF members to join the SPLA had been driven largely by the reality that the SSDF was still in physical control of parts of South Sudan, albeit small and isolated ones, centered on individual commanders with strong, long-felt animosities toward the SPLA.[17]

Although the various demilitarization strategies employed by the SPLA/GoSS are proving somewhat successful (for example, constant fighting between the SPLA and SSDF has ceased since implementation of the CPA), a major clash took place between the SPLA and SSDF in Malakal in November 2006.[18] That incident shows how volatile the continued presence of groups like the SSDF is for peace in South Sudan. Recent statements by overseas-based political wings of the SSDF seem more promising in this regard, with their frequent references to reconciliation.

In other words, as the implementation of the CPA continues, remnants of the White Army militias, the SSDF, and other armed groups may become major 'spoilers' to peace and reconstruction in the South. For example, if relations between the GoSS and GoNU deteriorate (and hence between the SPLA and the SAF), the remnant SSDF forces could quickly be expanded

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[17]   For an elaboration see Chris Alden and Matthew Arnold, 'The South Sudan Defence Force: Patriots, Collaborators or Spoilers?' Unpublished manuscript.

[18]   Fighting occurred on 28 and 29 November 2006 in Malakal town, allegedly after SSDF soldiers loyal to Major General Gabriel Tang killed a SPLA policeman, whereupon the SPLA attacked Tang's Malakal house. From there the fighting spread to the SAF airport base and vicinity when the SSDF soldiers sought sanctuary there. Estimates of casualties varied, but were generally of over 100 persons. This incident was most likely an unfortunate escalation of personal tensions between Tang and local GoSS officials regarding the County Commissioner post of Pangak County – the result of a long-simmering dispute and not a broader strategic decision of either the SPLA or SSDF leadership to escalate tensions in the South. See 'UN condemns South Sudan clashes as "flagrant treaty violation"', Yahoo News, AFP article, November 2006. and 'UN tries to calm Sudan's Upper Nile after clashes', *Sudan Tribune,* Reuters article, 30 November 2006.

to fight the SPLA. Thus, a major short-term challenge will be whether the disparate units of the SSDF can be integrated into the political and economic normalization of Southern Sudan. 'Unless SSDF forces can be mainstreamed into either the SPLA forces or those of SAF as per the CPA stipulations or completely dissolved through disarmament and demobilization programming, the potential for significant and sustained infighting within post-CPA South Sudan will continue to be a real possibility.'[19] However, also a breakdown in SPLA and SAF relations could in itself be a main cause of a North-South Sudan/CPA breakdown.

The role of OAG and other non-statutory forces is clearly important and should be considered seriously in the overall security sector reform process.

e. Conclusion

This brief discussion of security sector actors has pointed up the necessity of a comprehensive overview of all the actors involved in security sector reform; the related needs and gaps; and the challenges involved. Potentially, it takes only one relatively small spoiler, or one relatively minor failure when reforming the security sector, for the entire CPA to fail. As many of these security entities either change affiliations and/or opinion over time, 'joined up' thinking in this area of the security sector is indeed vital.

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[19] Chris Alden, Matthew Arnold, *The South Sudan Defence Force: …?*, Unpublished.

7. SSR initiatives in Southern Sudan

According to the CPA, all state building projects in Sudan shall be led and implemented by Sudanese actors. The international contribution is meant only to advise and assist in the planning and implementation processes. As planning and implementing ability in Southern Sudan is highly limited, international aid and assistance is included in most sectors and projects. This is certainly the case within the security sector.

This section concentrates on and discusses international security sector initiatives that JDO partners are involved in and/or contribute towards. Due to the limitations of this assessment, particularly the insufficient time available to allow for a comprehensive overview of all donor initiatives, only certain indications of the challenges in the security sector in Southern Sudan can be presented. In turn this has also limited the ability of the AT to explore fully the implications of these challenges for possible JDO involvement in SSR.

a. International SSR initiatives in Southern Sudan – including JDT partners

As the UN is the main international community actor in Southern Sudan, also within the security sector, three of its main SSR activities are discussed below. These initiatives exemplify several challenges in the sector.

i. UN DDR Unit (UNMIS & UNDP)

An 'integrated' UN DDR unit has been established in Sudan to implement the Interim Disarmament Demobilization Reintegration Programme (IDDRP), which has three pillars:

- building Sudanese capacity to implement a DDR programme
- conducting DDR activities for Special Needs Groups
- conducting assessment and pilot activities to prepare for a multi-year DDR programme.

The DFID recently conducted a review of the IDDRP which highlighted significant concerns as to its progress. These relate to the political environment in which the programme is being undertaken, particularly the lack of engagement of key political actors, including the SPLA, and delayed progress within related CPA Commissions; the lack of capacity and readiness of the Southern Sudan DDR Commission (SSDDRC) to develop and agree to policy and approaches for delivery of DDR support; and the significant gaps in technical support offered to the Commission and other stakeholders by a UNDDR unit which appears beset by various weaknesses in management, structure, staffing and logistical matters.

The situation at present is a matter of significant concern. The SPLA appear to have identified around 30,000 ex-combatants who have been nominated to go through the DDR process in the near future, which includes Special Needs Group (mainly disabled), OAGs and older members of the SPLA. The DDR programme in the South is far from prepared to deal with these ex-combatants: the policies, procedures, infrastructure and implementing partners are not in place or not identified. For example, no final decision has yet been made on whether to utilize encampments for demobilization, to undertake demobilization within the communities, or a hybrid of

the two.[20] Neither is there any plan for integrating the approximately 60 brigadier generals who will not be needed in a future restructured SPLA.

Urgent remedial action is required to address this lack of preparedness. In this regard it is gratifying to note the response on 6 February 2007? from the UN Deputy SRSG for Southern Sudan, undertaking to ensure that operational action plans will be developed in partnership with the DDR Commissions within a matter of weeks and that organizational and management challenges of the DDR unit itself will also be addressed. To support this remedial action, a cross-UN agency review team has been deployed to Khartoum and is due to report by early March. This team is also to provide various actionable recommendations on management and procedures whilst in country.

As the SSDDRC is as yet barely established (beyond the Commissioner and the Secretariat), urgent action is required by both the UN DDR unit and the SSDRC. Coordinated advice and engagement from donors will also be important in encouraging GoSS to identify the full establishment of the Commission as a political priority. The JDO is currently playing an important role in representing donors on the DDR Technical Coordination Committee (TCC) of the SSDRC. This demonstrates donor support of the DDR process in Southern Sudan, as well as enabling donor representatives in Khartoum to play an informed role in encouraging progress on DDR through the Assessment and Evaluation Commission (AEC).

Additionally, there is clearly a need for the donor community to support the development of an improved relationship and coordination between the UN DDR Unit and SSDDRC and to encourage the development of the re-

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20 Although the SSDDR clearly prefers the encampment option, the UN does not. Since the UN is meant only to assist, and not direct, the process, such disagreements represent strains on the cooperation between the two entities.

quired momentum within both, in order to address the significant and urgent challenges involved in developing the capacity, policy and procedures to deliver a significant DDR programme across South Sudan. As the focus moves towards reintegration, which again is needed urgently, there will be real value in encouraging the Commission and the UN DDR Unit to consider linkages with World Bank run MDTF(S). Promoting such coordination and playing an oversight role of the MDTF would appear very much in line with the envisaged mandate of the JDT.

ii. UNDP RoL initiative

The UNDP RoL initiative is meant to facilitate and assist the GoSS in establishing functional police, judicial, and prison systems. This includes institutional capacity building within the Ministry of Legal Affairs and the judicial, police, and correctional institutions, as well as the establishment of a human rights commission and an anti-corruption commission.

The main challenge here is that there is no existing overall strategy for selection, recruitment and appointment of RoL officials, which is ultimately the responsibility of the Ministry of Interior. Furthermore, within the UN, RoL work is not linked with any overall SSR strategy. Concerns around this lack of coordination have been highlighted above. The RoL programme may also need to place the role of non-state actors more firmly at the centre of its agenda if the outcomes it is seeking to achieve are to be realized.

iii. UN Civpol

UN Civpol is meant to play a key role in supporting the development of the Southern Sudan Police Service (SSPS) by delivering training and thereby building capacity. The challenges are immense. Capacity within CIVPOL to deliver consistent and effective training is an issue in itself. Many bene-

ficiaries perceive the police as more of a threat than a reassuring presence or service provider. There is a real need to address such perceptions, primarily through facilitating a change of mindset within the police forces themselves. Given the envisaged rapid growth of the SSPS, with many new officers being recruited directly from the SPLA, the support required to achieve effective outcomes should not be underestimated. To date, few have been trained as police officers. Furthermore, there are problems in structuring the new ranking system within the police service. Language training is also needed, as is basic equipment like police stations, uniforms, communication systems, vehicles, forensic systems, arms, furnishings, boats and bicycles.[21]

All these problems, gaps and needs serve to create an opportunity, perhaps even a potential necessity, for greater JDO involvement in the security sector. As of today, with no comprehensive overview and only limited cooperation/coordination within the sector, bilateral support initiatives to the SSR process have been initiated. Such initiatives are exemplified by Norway's support to police training through South Africa, as well as the UK/DFID involvement described below.

iv. UK SSR involvement

The UK (through DFID) is funding a programme aimed at restructuring the SPLA. This project is led by General Tsadkan, an independent consultant funded by DFID. The main task is to transform the SPLA guerrilla army into a regular/conventional army. Underlining local ownership and commitment by both the SPLA and international donors as essential elements, he has reviewed the status and made a project plan on how to implement the

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[21] To the knowledge of the AT, these needs are not covered by any planned support programmes.

reform. So far, this has been a bilateral project of UK/DFID, but other donors have indicated interest in the implementation phase, among them the Netherlands, Sweden and the World Bank. One challenge is to build linkages and coordination with other relevant initiatives, particularly the DDR programme. Promoting the development of effective communication among the SPLA, the Southern Sudanese DDR Commission and the UN's DDR Unit is especially important. This is currently being addressed through both the engagement of General Tsadkan and the DFID funding of a short-term consultant to work within the UN DDR unit in Juba and actively promote such cooperation and coordination.

Through its Global Conflict prevention Pool Small Arms Strategy, the UK also funds the NGO Saferworld. They are currently working with GoSS to support the preparation of a South Sudan Small Arms Control Strategy.

DFID also has a Safety Security and Access to Justice (SSAJ) programme in Sudan. This includes the provision of training support to the Police Services in both the North and South of the country. Support for improvements in the training and development units of both police services has seen a range of 'train the trainers' courses provided which has also included Northern trainers delivering courses to their Southern counterparts. This effort is complementary to the UNDP Rule of Law programme in which DFID invests funding.

Moreover, the UK has provided some basic support to JIUs through training in de-mining and in the delivery of English language training. Additionally a few military officers from both the SAF and the SPLA have attended UK-funded defence diplomacy courses held in the region and in the UK, with a focus on the management of defence in a democracy.

The AT recognizes that most information on bilateral SSR support in this report emphasizes UK initiatives. This is partly related to the fact that the UK has quite extensive bilateral programmes compared to most of the other partners; that the AT includes a DFID representative; and that comprehensive overviews of the other partners' bilateral SSR initiatives have been hard to collect. That said, as indicated above, also some other JDO seem interested in engaging in some of these initiatives. Hence, the JDO should explore cooperative possibilities through the office. Such possibilities need further and more formal agreement and cooperation at higher levels – in Khartoum and in the national capitals. The JDO could initiate this.

8.   Perceptions of JDT Partners Advisory Board –including individual Partners' SSR engagement, approach and restrictions

From interviews with embassy personnel in Khartoum and Juba, a general picture emerges: Of the current five JDT partners, the UK and the Netherlands have the most comprehensive approach to the security sector; Denmark and Sweden appear the most restricted, and Norway seems placed somewhere in the middle.[22]

The UK's broad approach to SSR is supported by a funding mechanism which allows non-ODA and ODA expenditure to be utilized in support of programmes, thus enabling engagement on military issues where these support CPA implementation. For the Netherlands, political, security and development issues are not necessarily separated – at least not on the concep-

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[22] How accurately this reflects reality is uncertain as this perception is based on a very limited amount of information and interviews. The AT has no comprehensive overview of the official policies of all partners. Moreover, it is uncertain whether the limited number of personnel interviewed presented the full range and accurate picture of policies necessary for an accurate assessment of the SSR engagements, approaches, and restrictions of the various partners.

tual level. As Norway has remained more involved in political aspects of the Sudan conflict and the CPA development and implementation than its Swedish and Danish neighbours, it seems more willing to be involved in security aspects.

After AT members spoke with embassy representatives, some limitations, key issues and areas were identified in which improvements and/or more focused engagement are possible:

1. Lack of clear conceptual understanding of SSR in terms of breadth and scope of the sector and related activities. One suggestion is that an SSR expert could present the OECD DAC guidelines and definitions to the embassies in Khartoum and at the JDO.

2. Lack of clear and common understanding and interpretation of ODA limitations on support to SSR. This too is clearly outlined in the OECD DAC guides and could be presented so as to promote a common understanding and platform for moving forward.

3. Different JDO countries have different funding mechanisms, which either enable or prevent funding across the security sector. The UK and the Dutch have mechanisms like Conflict Pools or Stability Funds that allow for combinations of ODA and non-ODA expenditure in support of SSR, whereas other JDO members do not have such mechanisms. This underlines the importance of promoting coordination of different bilateral efforts – a role the JDO could provide whilst enabling bilateral funding of programmes in line with each member country's policy and restrictions on support for SSR.

4. JDO partners are very active in the Assessment and Evaluation Committee (AEC) – UK chairs the Security Committee, the Netherlands chairs

the Three Areas Committee, whilst Norway chairs the AEC itself. Having JDO play an active role in monitoring progress on SSR and other related programmes, e.g. DDR, would enable JDO members to promote progress on these issues in Khartoum more effectively.

5. The information flow among the JDT, partner embassies in Khartoum and the national capitals could be improved. It might be desirable for the Strategic Management Board to delegate more authority to the AG – as this could improve the policy harmonization of the different capitals and hence also the work of the JDT.

9. Opportunities for JDT Security Sector Involvement

There are several factors to be considered when deciding whether and/or how the JDT should be involved in the security sector. First, it is important to recall that the main reason for international involvement in Southern Sudan is to *advise* and *assist* Southern Sudanese institutions in their capacity-building processes in general, and in implementing the CPA in particular. Considering both of these broad provisions, and recognizing that the security sector is in dire need of assistance, there is, in theory, a potential role for the JDT to play: After identifying some of the multifaceted gaps to be filled through international engagement, it is clear that the JDT might become involved in numerous parts or aspects of security sector reform. More fundamentally, a common policy framework needs to be agreed by partners of the JDO. This in turn means that JDO member countries will have to develop and agree to a shared vision for the future of Southern Sudan and a common view on the role of the JDO in helping the GoSS to achieve that vision. Subsequently a common purpose could be identified for the JDO which would inform debate on the range and depth of their engagement in supporting security sector reform. Without this foundation it will be ex-

tremely challenging for the JDO to identify a common platform from which to work on SSR. The partner would also need to agree on a shared conceptual understanding of the nature and scope of SSR. As stated earlier, this should be based on the agreed OECD DAC guidelines. The same challenges may well apply in regard to the role of the JDO in supporting other, less politicizised and less sensitive sectors.

a. Potential limiting factors

Interviewees and the AT's general observations strongly indicate that there are gaps in facilitating, coordinating, advising as well as in information gathering/disseminating and technical assistance, in all security sector areas in Southern Sudan. The JDT's level of involvement is highly dependent upon some crucial potential limitations. They include:

- the overall mandate of the JDO (and flexibility of mandate and approach)
- national restrictions
- the availability of willing and competent personnel at the JDO (or potential ones in partners – although the AT would recommend that the JDO do not restrict any search for potential advisory support to partners alone).

Partly as a result of the fragile peace agreement, the security sector is politically highly sensitive. Unless the JDO includes a political component in its mandate, it will be difficult to engage effectively in SSR. A JDT office that takes overall direction from its *political* capitals and its Advisory Board cannot remain entirely separated from political involvement in a highly politicized security sector. That would mean that the JDO is doomed either to blur political neutrality lines, or be deemed irrelevant by international

and/or local counterparts involved in the security sector in Southern Sudan. (This is a view shared by numerous interviewees.) However, this risk may be offset by piloting the Implementation Framework for SSR (IF-SSR) in South Sudan (explained in section 9.4,*Comprehensive Approach,* below).

b. Potential SSR involvement and approaches

This assessment of activities and needs across the security sector in Southern Sudan has highlighted the current absence of an effective approach for promoting and facilitating the coordination of international community support to SSR. Given JDO's currently mandated non-involvement in political work, there are pros and cons regarding whether it should be involved in the security sector. In view of the volatile security situation, the process of security sector reform and the setting may easily change, with subsequent implications for all other (non-security) sectors. In such a situation, having a security sector adviser/unit could prove advantageous for other JDT members working in more non-political/civilian sectors. On the other hand, not having a security sector adviser would limit the risk of becoming involved in politically important areas, as well as avoiding possible friction between JDO governments with dissimilar views and definitions at to what constitutes 'political engagement' through security sector involvement.

Regardless of political sensitivity, there is a range of security sector involvement approaches available to the JDO, from non-involvement to a more comprehensive approach.

1. Non-involvement approach
If the security sector is deemed too politically sensitive and hard to define (mainly as regards funding and involvement restrictions), one option is to delete it from the JDT mandate. If one accepts (as suggested) the OECD

DAC definition and guidelines – in which RoL is clearly defined within the security sector – this would, by extension, mean:

- Non-involvement in the military (DDR, OAG, community security, etc) and RoL (police, judicial, correctional) sectors.
- That would in turn entail no need for an active SSR Officer, and the potential exclusion of a/the current RoL Adviser.

What might remain as core activities for the JDT would be to focus exclusively on humanitarian and development efforts defined outside the security sector – health and HIV/Aids, infrastructure, emergency aid, etc. However, as indicated above, most development efforts in the Sudan setting are highly dependent upon SSR issues. For that reason, the AT considers the next three approaches to be more useful.

2. Limited approach

A 'limited approach' for the JDO would involve initial mapping, with regular updating. This would provide a useful tool for JDO countries, for the broader international community and for GOSS. The main purpose would be to get a comprehensive overview of the security sector, which could be important for several reasons:

- The security sector permeates the entire situation in Southern Sudan; hence, what happens in this sector influences all other sectors in which the JDT and others are involved.
- A pure mapping exercise of the security sector would be a non-controversial issue for JDT partners, given their various legal and political restrictions.
- It has been identified as a gap and a need by all actors – both local and international.

- Throughout such a process, comprehensive knowledge and a wide network could be established, which would be advantageous for future engagement.

Further, by improving the understanding of the sector, such a mapping exercise could help to identify gaps and needs, which again would increase the utility of any future projects implemented in this and other sectors. This might be an activity that could be supported from within current resources. The person charged with carrying out such a mapping would need to possess good interpersonal and analytical skills.

3. Minimum approach

A further option is a minimum approach, in which the JDO continues to focus on the civilian aspects of SSR but without the politically and funding-wise sensitive military part. This would allow for a RoL/governance officer(s) to cover RoL and possibly play an oversight role in the re-integration aspects of DDR, particularly in respect to the envisaged influx of the SPLA into the police service. This option would enable the JDO to stay removed from involvement in politically/funding sensitive areas. However, there will remain a clear need for some person/entity to take the lead in promoting effective coordination of programmes across the broader security sector, including RoL programmes. This is critical for laying the foundations for an environment conducive to sustainable development in Southern Sudan, as well as supporting implementation of the CPA.

Staffing Implications: the current presence of an RoL officer within the JDO may well mean that there is little to be gained from recruiting additional SSR expertise.

4. Comprehensive approach

A more substantive role for the JDO could be to actively promote and fa-
cilitate on-going coordination of international community efforts across the
broad security sector. This should build on a comprehensive mapping of
needs, gaps and international efforts in SSR (as mentioned under *Limited*
approach above). Through this approach, the JDO could also play an im-
portant role in promoting effective GoSS leadership of a coordinated strat-
egy designed to improve the delivery of security and justice to the people of
Southern Sudan. Building local ownership is vital to the effectiveness and
long-term sustainability of these efforts, and is in line with the original JDO
mandate. It can also be argued that the JDO should complement bilateral
support with the capacity to fund some limited activities to address, on a
timely basis, emerging key gaps or issues. This could include, for example,
supporting capacity building work with oversight bodies, management
training for civilian staff and work with civil society. This would also seem
to be in line with its original mandate, which is to '…manage programmes
which cannot be implemented under the MDTF when necessary' and to
'…encourage donor harmonization in Sudan….' This mandate implies that
a wide range of roles are encouraged and possible.

In order for this facilitation and coordination role to be delivered effec-
tively, it will be important for JDO to build understanding and support for
its involvement across the international community, as well as with GoSS.
This will require a sensitive engagement with key actors, particularly with
UN agencies and primarily UNDP and UNMIS. It will also require the JDO
to demonstrate credibility in terms of the ability to deliver on this role ef-
fectively. This might best be supported by leading the piloting of the
OECD DAC IF-SSR in South Sudan. Piloting the IF-SSR would not only
bring a range of practical benefits, it would also assist in promoting buy-in
from key multilaterals and non-JDO bilaterals, as they too have been fully

involved in developing the IF-SSR and are signed up to the OECD DAC guidelines. (See Annex B for background details on the IF-SSR and the piloting process, including potential benefits.)

In regard to the political role of the JDO in this sensitive area, the concerns of embassies in Khartoum might be addressed by their capitals' representation on the OECD DAC SSR task-team and thereby the oversight role that subject experts can play in supporting the piloting process. The concerns involving other bilaterals and multilaterals in the JDO playing a coordinating role might also be mitigated by having their relevant policy leads and advisory expertise represented on the task team. These issues would require further investigation.

Staffing Implications: Should the active coordination role be agreed upon, then this would likely require additional expert resources. If additional expertise is needed, then the AT would recommend that recruitment be opened up to those from outside JDO countries as well, in order to identify the best person for the job. It would be essential that any newly appointed SSR adviser/coordinator build an effective partnership with the RoL adviser.

5. Broader Conflict Adviser role

Although this point is beyond the ToR of this assessment, the AT wishes to note that there may also be an alternative avenue which the JDO might like to explore and consider. At present there appears to be little capacity in South Sudan to provide expert advice on ensuring that development programmes, mainly funded through the MDTF, take a conflict-sensitive approach. It could also be argued that in supporting capacity building within the various institutions in South Sudan that will need to assume the leadership in designing, planning and implementing such programmes, there is a

need to build their capacity to take into account conflict issues. Supporting this, particularly through working with the World Bank on MDTF(S) issues, would be in line with the stated role and mandate of the JDO and should not be as politically sensitive as working directly on SSR. Such a role should also cover oversight of the reintegration aspects of the DDR programme in South Sudan and should seek to ensure that effective linkages and synergies are developed between the DDR programme and other development programmes, particularly those funded through the MDTF. Additionally, the presence of such an adviser in the JDO could also provide advice and support to the development and monitoring of effective peacebuilding and conflict mediation programmes, particularly those at a local level in the South. This would require a focus on the activities funded by JDO member countries but could also promote coordination and harmonization with programmes funded by others. If this position were recruited within the JDO, this would have to be clearly distinguished from the role of the RoL adviser. Any remaining gap covering other SSR issues might be filled by advisory support from Khartoum – providing that sufficient guarantees were provided in respect to dedicated time and focus of advisory input, including a regular presence in Juba. This approach would enable the security sector mapping and coordination roles outlined in option 2 above to be undertaken, including piloting of the IF-SSR (if this is considered appropriate), through a partnership involving the RoL adviser, the JDO conflict adviser and the Khartoum-based SSR support.

Staffing Implications: Recruitment of dedicated conflict adviser

The above approaches can be simplified and summarized in the following model:

Model 1: Potential Approaches

	1. Non-involvement Approach	2. Limited Approach	3. Minimum Approach	4. Comprehensive Approach	5. Broader Conflict Adviser Role
Focus	None	Entire SSR sector.	Focus on civilian aspects of SSR.	Full SSR focus.	Full SSR focus.
Staff required	None	One	One (current RoL Officer)	One/two	Two/three
Competence required	None	An individual with good inter-personal and analytical skills.	An individual with competence in the civilian aspects of SSR.	An individual with competence on all aspects of SSR. Alternatively, one with civilian SSR (esp RoL) and one expert on the more military side.	One RoL adviser, one conflict adviser, and one Khartoum-based SSR expert.
Tasks	None	Mapping of international com-munity efforts in SSR. Mapping of needs and gaps in the security sector of Southern Sudan.	Take the lead in promoting effective coordination of pro-grammes on the civilian side of SSR. Rule of Law and Re-integration.	Facilitate & promote coordina-tion of IC support for SSR (consider use of OECD DAC IF-SSR as a vehicle for coordi-nation). Incrementally promoting GoSS lead in coordination across the security sector. Fund to support capacity build-ing on SSR governance and management aspects.	Conflict sensitive development program-ming (including through MDTF(S)). Capacity building with GOSS institutions on conflict awareness, analysis and sen-sitivity. Reintegration aspects of DDR. Conflict mediation and peacebuilding programmes. Potential for combining this with other options – including the comprehensive option.
Role	None	Information gathering and dis-semination.	Monitoring and coordination.	Facilitate, coordinate and pro-mote. Plus targeted implemen-tation.	Coordination, facilitation, promotion and implementation.
Funding limita-tions	None	None	None	Some for some countries.	Some for some countries.
Risk	None	None	None	Low	Some for some countries

10. Other Recommendations

a. Terminology/Definitions

Regardless of the option chosen, there needs to be reconsideration of the JDO focal areas (sectors/groups) regarding terminology, definitions, and concentration. For example, as of today, the RoL component at the JDO is separated from the main security sector field. By definition, the RoL sector is certainly part of the security sector, as defined by OECD/DAC and most others. Why then does one adviser have governance and RoL as focal areas, while another has SSR, DDR and peacebuilding? From a definitional, theoretical, and practical point of view, there should rather be a separation (if necessary) between the peacebuilding and governance sector on one hand and the security sector (to include RoL) on the other. (On this, see the SSR and RoL section above.)

b. Need for a comprehensive security sector assessment

Whichever approach is chosen, the JDO, or others, should undertake a comprehensive mapping of past, ongoing, and planned SSR initiatives in Southern Sudan, which should also be facilitated and supported through piloting the Implementation Framework for SSR.

To the knowledge of the AT, and as indicated by most of its interviewees, no such assessment is available. Such a comprehensive overview would be beneficial not only to the JDO and their partners, but also to other international and local actors, including actors within the security sector. Such an information gathering and sharing exercise would not be controversial among any of the JDO partners. Moreover, the JDT mandate covers '…CPA provisions regarding the establishment of Commissions, security

sector reform and DDR…'. Should this mandate be upheld in the future, it would be impossible to implement it satisfactorily without a comprehensive mapping of capabilities, needs and gaps. In addition, it should be recognized that updating and follow-up assessments are crucial to ensuring that programmes and projects remain relevant to changing contexts.

c. Funding

JDO partners need to agree on funding policies. More specifically, and as a minimum in order to decide what mandate and approach to choose for the future, they need to determine if the policies of the most restrictive member should apply to the entire Office, or whether to allow individual interpretative differences to provide opportunities for a broader range of involvement in the security sector.

d. Comprehensive understanding

Should a minimum or limited approach to SSR be chosen, it is crucial that involvement in one sector is informed by a broader assessment that looks at the governance and capacity of the security system as a whole, the country context, the needs of local people, the potential drivers of change and the possible spoilers. This implies that the personnel engaged/hired in non-security sectors need to be specially trained or have a good understanding of the security sector and how it affects their area of specialization. Moreover, the person/group to be involved in the security sector will need to have clear instructions/job description (according to the approach chosen).

11. Conclusion

As the security situation in Southern Sudan is extremely fragile and the challenges facing security sector reform are immense, JDT partner countries are involved in supporting various SSR programmes bilaterally or through multilateral instruments. Whilst important gaps within the security sector remain, the most pressing need is for improved coordination of efforts in all aspects within this sector.

There is great potential for the JDO to play a highly constructive role in promoting effective and necessary coordination of international support, incrementally increasingly aligned behind a GoSS-led strategy, and in addressing specific gaps (particularly in capacity-building activities across the sector), through the provision of timely funding and advisory support. Through such an approach, the JDO could play a facilitating and enabling role, working to ensure that initiatives and activities across the security sector amount to more than the sum of their individual parts, and that they are coherent in supporting improved security and justice for the people of Southern Sudan.

Most fundamentally, there is a need for a common policy framework to be agreed by the JDT partners as a platform for engagement in South Sudan, and a shared view on the JDT role in delivery. Partners would also need to agree on a shared conceptual understanding of the nature and scope of SSR.

Although partner countries have differing restraints with regard to funding mechanisms for SSR (particularly on non-ODA activities), the JDT involvement should be based on the OECD DAC Guidelines on Security System Reform and Governance. Moreover, utilizing the forthcoming OECD DAC Implementation Framework for SSR (IF-SSR) as a vehicle for engaging with the various UN agencies, EC, World Bank and USAID, represents an important opportunity in promoting donor coordination across the sector.

Of the approaches outlined above, the AT recommends adopting a comprehensive approach; that any new SSR Adviser develops an effective working relationship with the RoL Adviser; and that responsibilities are clearly delineated, with the need for coordination emphasized. In short, a comprehensive approach implies to mapping the security sector; actively facilitating coordination of SSR-related programmes and projects; incrementally promoting greater GoSS engagement and leadership and thus local ownership; establishing a capacity-building fund that the JDT can draw upon to support overall SSR efforts; and addressing emerging gaps on a timely basis. The fund could specifically focus on governance and management-related aspects of the broader security sector. A comprehensive approach is in line with the original mandate of the JDT, which is to 'manage programmes which cannot be implemented under the MDTF when necessary' and to 'encourage donor harmonization in Sudan'. The AT also recommends that JDT partners consider the benefits of using the IF-SSR as a vehicle for coordination, which would encourage the full engagement of other key international actors.

Annex 1. Terms of Reference

Joint Donor Assistance Strategy

Terms of Reference for a Security Sector Needs Assessment

Background

Security sector reform is a key area in relation to the implementation of the CPA and building systems and processes to underpin peace in Southern Sudan. Stagnation in this sector is a risk for the other development efforts in Southern Sudan. The security sector (including conflict prevention and peacebuilding) is however a difficult one to engage in, and is one where the Joint Donor Team needs to be clear as to its comparative advantage alongside bodies such as the UN, as well as to agree what role the JDT in Juba should play in respect of the security sector policies and interventions of the various JDT countries as they affect Southern Sudan.

In the Joint Response Document, security sector reform, DDR and peacebuilding were identified as JDT priority areas. In July 2006, the JDT elaborated on this written agreement by submitting a security sector strategy outline to the Advisory Group (AG), which was not discussed at length in the AG. For the October 2006 AG meeting, the JDT drafted an updated paper in which it proposed a number of entry points for JDT intervention and engagement in the Southern Sudanese security sector, taking into account the Joint Response Document, the JDT results matrix and the JDT partners' possibilities and restrictions for engagement in the security sector. The JDT embassies did not decide on the proposed entry points, but instead urged the JDT to focus on the 'development-related aspects of SSR, like the Reintegration part of DDR', and requested Norway and UK to draft the Terms of Reference for a short-term DDR adviser for the JDT.

Since that meeting and in the absence of a security sector adviser (since August 2006) the JDT engagement in the security sector has focused on DDR and the police and prison reform project of the MDTF. The team has also been following up on earlier engagements of DFID and the Netherlands in police and prison reform and the support to the Ministry of Legal Affairs.

Scope of Work

The needs assessment will be carried out by two consultants from the Norwegian Institute of International Affairs (NUPI), jointly with the DFID peace and conflict adviser and the Dutch MFA's peacebuilding department. Coordinating and analytical support from the JDT will be provided by Nynke Weinreich and Anyieth D'Awol.

Key issues to address during the JDAS process are:

- Identification of JDT countries' current engagement in the security sector

- Mapping of GOSS/SPLA needs in the security sector

- Identification of JDT countries' (legal and political) possibilities to engage in the security sector

Expected Outcomes

- To get clarity on the engagement of the five JDT countries in the Southern Sudanese security sector

- An agreed minimum common approach to the security sector in Southern Sudan

- Based on existing JDT documents and the analysis of the assessment team (including an assessment of the JDT's comparative advantage alongside other partners), JDT's role and responsibilities identified and defined

- Recommendations on JDT staffing needs

- Clarity on working relationships between JDT and embassies in Khartoum

Key interlocutors

- Khartoum representations of the JDT countries
- GOSS Minister of Internal Affairs
- SPLA
- Inspector-General of Police
- Director-General for Prisons
- Southern Sudan Demining Authority
- General Tsadkan (DFID consultant to SPLA)
- SDDRC
- Peter Schumann, head of UNMIS
- UNMIS police
- Ferdinand von Habsburg, UNDP conflict adviser
- Diane de Guzman, UNMIS protection unit
- UN DDR Unit
- Saferworld
- PACT
- Pax Christi
- US Consulate
- EC Delegation

Time frame

The assessment is to commence on the 16th January with the arrival of the two NUPI consultants (Andreas Vogt and Kari Osland) in Juba. The DFID peace and conflict adviser (Graham Thompson) will arrive on the same day, to leave on the 18th of January. To the extent possible, the consultants and Graham will have a joint programme. After Graham has left,

Andreas and Kari will continue the work and will be joined by Erwin van Veen of the Dutch peacebuilding department between January 25-27.[23]

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[23] The AT met with the Dutch colleague, but only briefly; hence, it was not considered feasible to write a joint report.

Annex 2.   OECD/DAC Guidelines on SSR Good Practices

According to the OECD/DAC Implementation Framework for Security System Reform (IF-SSR), international support to SSR is most effective when donor programmes adhere to the following good practice:

Building Understanding, Dialogue and Political Will

- Donors should engage in SSR with three major overarching objectives: i) the improvement of basic security and justice service delivery, ii) the establishment of an effective governance, oversight and accountability system; and iii) the development of local leadership and ownership of a reform process to review the capacity and technical needs of the security system.

- Technical inputs to SSR should be delivered and coordinated with a clear understanding of the political nature of SSR and institutional opportunities and constraints.

- A supportive political environment needs to be fostered in partner countries and early investments made in appropriate analysis.

Assessment

- Assessment tools should inform the design of realistic, focused programmes, which can make significant contributions to supporting partner countries in addressing the security and justice needs of all citizens.

Programme Design

- Programmes need to be designed to help identify local drivers of reform and be flexible in supporting local ownership as it emerges.

- Donors must support partner countries to lead SSR processes as the starting point for sustainable reforms.

- Donors must work with partners to ensure that initiatives to support the delivery of security and justice are sustainable, financially, institutionally and culturally.

- SSR programmes need to take a multi-layered or multi-stakeholder approach.

Programme Implementation

- The international community needs to move from *ad hoc, often short-term,* projects to a more strategic engagement.

- Donors should strive to develop specific whole-of-government capacity to support SSR.

- SSR objectives need to focus on the ultimate outcomes of basic security and justice services.

- The international community should use appropriate instruments and approaches for different contexts, and should build support across the justice and security system to ensure a more strategic approach to SSR.

Donor Harmonisation and Joint Planning

- The international community needs to align support to national objectives and development frameworks

- Regional frameworks and agreements that promote important principles of democratic governance, management and quality of service delivery can also provide important benchmarks and incentives for the reform of the security sector in particular.

- An integrated approach should be taken towards supporting SSR in immediate post-conflict situations.

Choosing the Right Entry-Point Leading to Broader System-wide Reforms

- The handbook should be used to help place sub-sector reforms in the context of system-wide needs.

Monitoring, Review and Evaluation

- A system of performance management should be integrated into the design of SSR programmes to track progress and impact.

Annex 3.   OECD/DAC Implementation Framework for SSR and piloting process

The work of the OECD DAC on SSR was mentioned earlier as providing a key reference point for internationally agreed definitions and principles on SSR. The DAC is soon to issue an Implementation Framework for SSR (IF-SSR), as the result of a 2-year process of working with multilaterals and bilaterals as well as partner countries to capture experience, identify good practices and support common understandings and coordination in the field. The IF-SSR provides practical guidance on translating the 2005 Policy guidelines into effective programmes that have real impact in improving the delivery of security and justice on the ground. The OECD DAC is currently inviting bids from members to pilot the framework in the field, primarily as a framework to promote donor harmonization but also to disseminate and encourage good practice. Given the role of the JDO, the broad nature of the challenges in South Sudan and the number of actors from the international community active in the security sector, it would appear logical for the JDO to bid to pilot the IF-SSR in South Sudan. Aside from raising the profile of the JDT, leading the piloting would give the JDO a clear role and mandate to address the important gaps that currently exist in coordination across the security sector. Piloting the IF-SSR would also offer the following additional practical benefits:

- OECD DAC could support the JDT in creating a forum to bring together field personnel and headquarters staff from partners to discuss SSR needs, funding and support mechanisms – thereby helping to overcome coordination challenges within donor governments and across the international community.
- OECD DAC could support the JDT in providing train-the-trainer activities for field personnel on SSR (based on the IF)

- OECD DAC could support the JDT in providing and backing up joint SSR training of field personnel together with country counter-parts
- OECD DAC could support JDT in developing work-shops/fora where those piloting the IF could share information on experiences, challenges etc.
- OECD DAC piloting would provide the SSR expert reference group in national capitals, as advocated by the previous SSR adviser.

Leading a piloting process, supported by the OECD DAC SSR task team, would place the JDT in a good position to advocate for access to a pool of funding to enable them to address emerging gaps, deliver quick im-pact support and facilitate capacity-building and coordination activities. Thus the JDT could play a valuable role in contributing substantively to SSR in South Sudan in a manner well in keeping with its coordination and monitoring role. In simple terms, the JDT could provide the cohesive glue to support a coordinated approach to improving security and justice, and thereby serve as a valued partner for the Government of Southern Sudan.

Annex 4.   List of interviewees

Meetings in Sudan, 15-26 January 2007

Juba

Name	Title	Affiliation
Ms. Liz Gaere	Head of Office	JDT
Ms. Nynke Weinreich	Policy Officer	JDT
Ms. Anyieth D'Awol	Policy Officer	JDT
Ms. Målfrid Ånestad	Humanitarian Adviser; Deputy Head of Office	JDT
Mr. Bengt Herring	Health Adviser	JDT
Mr. Richard Taylor	Policy Officer	JDT
Ms. Marisia Pechaczek	Governance and Rule of Law Adviser	JDT
Mr. Tim Hayden-Smith	Project Manager	Promotion of Community Security, Pact Sudan Programme
Mr. Bior Ajang	Major General, Deputy Chief of Staff for Operations	SPLA
Mr. Malual Ayom Dor	Brigadier-general, Director for Training and Research	SPLA
Mr. Mark Aiken	Adviser	UNDP Rule of Law
Mr. Joseph Morrow	National Programme Officer	UNDP Rule of Law
Mr. Mustapha Tejan-Kella	DDR Officer	UNMIS DDR Unit
Mr. Philippe Gourdin		EC Delegation to the Republic of the Sudan, Sudan Desk, Nairobi
Mr. James Kok Ruea	Chairperson	Southern Sudan Peace Commission, GoSS
Ms. Beatrice Aber Samson	Gender Focal Person	Southern Sudan Peace Commission, GoSS
Mr. Peter Gwang Akich	Deputy Chairperson	Southern Sudan Peace Commission, GoSS
Mr. Frode Skaarnes	Military Attaché/Special Envoy	Royal Norwegian Consulate General
Mr. Hans I. Corneliussen	Acting Consul General	Royal Norwegian Consulate General
Mr. Jürgen Bergmann	Colonel and Chief of Staff	UNMIS JMCO
Mr. Tsadkan	General	DFID

Ms. Anna Schilizzi	Liaison Officer	Embassy of the Kingdom of the Netherlands
Mr. Scott Barnhart	Defence Attaché	US Consulate
Ms. Inez Andrews	Education	USAID
Mr. Ian Ruff	Liaison Officer	UK Embassy
Mr. Kuel Agar	Director of Programmes	Southern Sudanese DDR Commission
Mr. Mathew Giet	Major General and Director for Training	Prison HQ
Mr. Peter Schumann	Head of Office	UNMIS
Ms. Diane de Guzman	Civil Affairs Adviser	UNMIS
Mr. Pascal Ngoga	Political Adviser	UNMIS
Mr. Adeyemi Ogunjemilusi	Deputy Police Commissioner	UNMIS
Mr. Surendra Sharma	R&R Coordinator	UNMIS
Mr. Tim Watts	Defence Attaché	UK Embassy

Khartoum

Name	Title	Organisation
Mr. Fridtjov Thorkildsen	Ambassador	Royal Norwegian Embassy
Mr. Rolf Strand	Counsellor (Development)	Royal Norwegian Embassy
Mr. Endre Stiansen	Counsellor (Political Affairs)	Royal Norwegian Embassy
Mr. Åsmund Skjeie	First Secretary	Royal Norwegian Embassy
Mr. Søren Skou Rasmussen	Counsellor (Development)	Royal Danish Embassy
Ms. Stephanie Funk		*US Embassy INTERVIEW CANCELLED*
Ms. Ulrika Josefsson	Counsellor (Development)	Swedish Embassy
Mr. Erwin van Veen	Adviser	Ministry of Foreign Affairs, the Netherlands