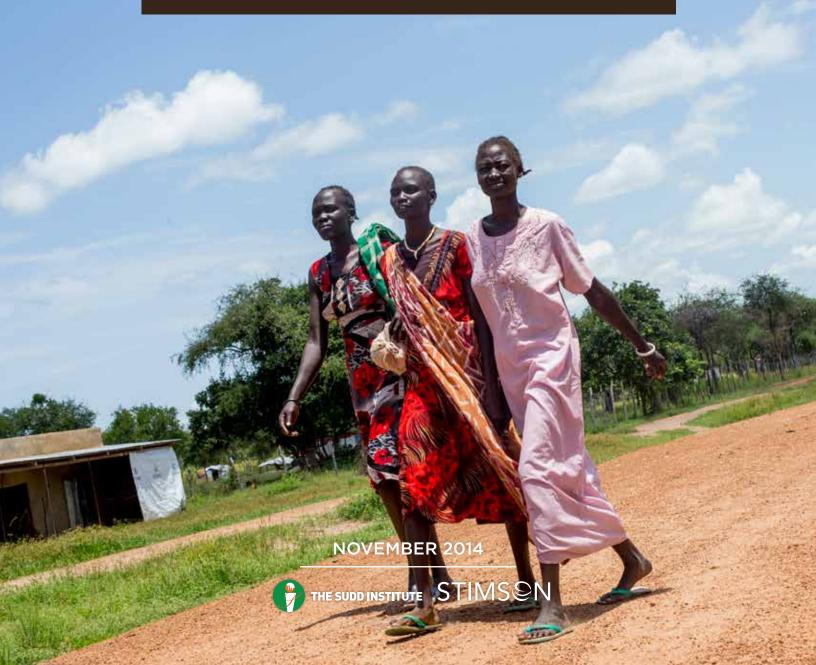# "WILL THEY PROTECT US FOR THE NEXT 10 YEARS?"

Challenges Faced by the UN Peacekeeping Mission in South Sudan

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On the cover: a trio of women walking in Amokpiny, South Sudan. *Photo by J.C. McIlwaine, UN Photo*.

Contents

Hundreds of people arrive daily to Awerial having fled from the conflict in and around the town of Bor. People travel through the night on barges with the little they could grab from home. *Photo by Geoff Pugh, Oxfam International.*

Foreword

The United Nations faces an unprecedented challenge in South Sudan. The country has been devastated by the civil war that broke out in December 2013, just two and a half years after South Sudan gained its independence from Sudan. It is alleged that armed actors on both sides have committed horrific abuses against civilians based on ethnic or political affiliation.

Since the start of the conflict, the UN peacekeeping operation in South Sudan has worked hard to cope with challenges for which it was not designed or equipped. Peacekeepers have struggled to find a way to protect the thousands of people who have fled to UN peacekeeping bases across the country and stayed there for nearly a year, and the millions more that remain vulnerable to violence outside the reach of peacekeepers and humanitarian workers.

This report examines the mounting challenges that the UN faces in South Sudan in the context of the civil war. It focuses on the UN peacekeeping mission in South Sudan, UNMISS, which remains one of the international community's principal interventions in the country and has the critical capability to protect at least some of the people under threat in the short and medium term.

The people affected by the conflict in South Sudan have high expectations of UNMISS. As one woman who is seeking shelter inside a UN base in Juba asked the report authors, "Will they protect us for the next ten years?" With few safe alternatives in sight, UNMISS will need to prepare to protect those under its watch for some time to come.

The report is a joint endeavor between the Stimson Center, located in Washington, DC, and the Sudd Institute, located in Juba. For two years, Stimson has partnered with Sudd on a project that explores how external protection actors could safely and effectively engage conflict-affected communities in strategies to prevent and respond to deliberate violence. This is the third and final publication in a series of reports on South Sudan resulting from the Stimson-Sudd collaboration. The first two include:

- *Perceptions of Security in Aweil North County, South Sudan*, July 2014 (Sudd Institute and Stimson Center) and

- *Perceptions of Security Among Internally Displaced Persons in Juba, South Sudan*, September 2014 (Stimson Center).

We hope that you will find this publication a useful contribution to understanding whether and how UNMISS can contribute to the protection of civilians in South Sudan amidst violence that could amount to war crimes and crimes against humanity.

Sincerely,

Ellen Laipson
President, Stimson Center
Washington, DC, USA

Professor Pauline Elaine Riak
Executive Director, Sudd Institute
Juba, South Sudan

Families fleeing fighting in and around the town of Bor are seeking refuge under the shade of any available tree on the other side of the river Nile from their home. *Photo by Geoff Pugh, Oxfam International.*

Introduction

In South Sudan, over 100,000 people are harboring inside UN peacekeeping bases, seeking shelter from violence.[1] This is just a fraction of the 1.4 million people that have been displaced inside the country's borders and the nearly 500,000 that have fled to neighboring countries.[2] Many have experienced egregious forms of violence including killing, rape, torture and the destruction of civilian property including homes, hospitals and markets that provide the basic services needed for survival. The violence has also disrupted agricultural activities, plunging more than two million people into severe food insecurity.[3]

These are the current casualty figures of a civil war that erupted on December 15, 2013 and continues with little hope for a rapid resolution. The war was triggered by years of mounting political tensions within the ruling Sudan People's Liberation Movement (SPLM) party, recently pitting President Salva Kiir against his former Vice President, Dr. Riek Machar. Machar viewed Kiir's leadership as increasingly exclusionary and threatened to unseat him. But the causes of the conflict are much more complex than the recent political crisis. They are rooted in divisions and grievances carried over from Sudan's second civil war (1983-2005) and the subsequent inability of the government and international stakeholders to address them.[4]

Amidst this violence, the Intergovernmental Authority on Development (IGAD), an East African regional body, has attempted to mediate a peace agreement primarily between Kiir's government and Machar's supporters.[5] The talks, which began in January 2014, have made little progress and have been suspended numerous times over various issues. Political parties, civil society organizations and faith-based groups — whose participation was initially blocked and whose roles remain limited — are worried that a peace process involving only the warring parties will focus solely on restoring the armed parties to power, ignoring issues of justice, accountability and reconciliation. They have also expressed concerns that any resulting peace agreement would not tackle the root causes of the conflict. The recent dialogue between factions of the SPLM — including a meeting on October 20 in Arusha, Tanzania in which factions loyal to Kiir and Machar collectively took responsibility for the crisis — is a step in the right direction, but it is yet to be seen whether this process will lead to real reconciliation at least at a political level.

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1 "UNMISS Protection of Civilians (POC) Sites Update," UNMISS Media and Spokesperson Unit and Communications and Public Information Office, 23 October 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/14-10-Update%20%2046.pdf.

2 "South Sudan Crisis Situation Report No. 59," OCHA South Sudan, 23 October 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/South_Sudan_Crisis_Situation_Report_54_.pdf.

3 "From Crisis to Catastrophe," Oxfam GB et al., 6 October 2014, http://foodsecuritycluster.net/sites/default/files/bn-from-crisis-to-catastrophe-food-security-south-sudan_06-10-14-en.pdf.

4 This conflict was also fanned by youth's widespread disappointment in the government for its failure to deliver basic goods and services that were expected to materialize after independence. For more information about the political, social and institutional factors that led to the December 2013 crisis, please see Augustino Ting Mayai, *Understanding the Emergence of South Sudan's Current Violence*, Juba: Sudd Institute, 2014, http://www.suddinstitute.org/assets/Publications/ViolenceSSudanAMayai.pdf.

5 A group of seven SPLM members that had been detained by the Kiir government during the initial political crisis has also been included in the IGAD peace process. This group, often referred to as SPLM-Leaders, has declared itself to be non-aligned in the dispute between the SPLM and the SPLM/A-IO.

This Sudd Institute and Stimson Center report examines why it will be difficult for external actors, and particularly the UN Peacekeeping Mission in South Sudan (UNMISS), to provide protection from physical violence to civilians who are being targeted in this conflict. It explores the complexity that historical grievances present, the multitude of threats posed by numerous actors, the unprecedented challenge of protecting the tens of thousands of people in UNMISS bases and the larger challenge of protecting many more that are difficult to reach due to insecurity and insufficient resources and infrastructure. Finally, the report provides some modest recommendations to help external stakeholders prioritize scarce resources in order to provide the protection that is desperately needed now in South Sudan and will likely be needed for years to come.

The role of UNMISS

The report focuses on the role and responsibilities of UNMISS as the international community's only multidimensional intervention with a mandate to protect civilians from physical violence impartially throughout South Sudan.[6] In fact, it is the only UN peacekeeping mission in the world with such a clear and undiluted focus on the protection of civilians.

UNMISS, like most contemporary UN peacekeeping operations, had a broad mandate with numerous tasks prior to the crisis.[7] Following the violence in December 2013, the UN Security Council recognized that there was no peace to keep in the midst of civil war and that the extreme violence targeted against civilians, including by the state, would require a different approach. The UN Security Council took a radical step and significantly reduced UNMISS's responsibilities to focus on four tasks: protect civilians under threat of physical violence, monitor and investigate human rights violations, create the conditions for the delivery of humanitarian assistance, and support the implementation of the Cessation of Hostilities Agreement.[8] UNMISS will understandably struggle to meet the expectations that its unique and critical role in South Sudan creates. This report seeks to provide some suggestions on how UNMISS can reach its mandated objectives.

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6 There are a number of other protection actors in South Sudan. The primary responsibility to protect civilians lies with the government of South Sudan. The other armed parties in South Sudan's civil war also bear a responsibility to comply with international humanitarian law. There are UN humanitarian agencies with a mandate to protect civilians and a number of international and national NGOs that are working to provide protection programming.

7 Prior to the crisis, UNMISS had numerous responsibilities to "consolidate peace and security, and to help establish the conditions for development in the Republic of South Sudan, with a view to strengthening the capacity of the Government of the Republic of South Sudan to govern effectively and democratically and establish good relations with its neighbors." See Resolution 1996 (2011), UN Security Council, 8 July 2011, S/RES/1996.

8 Resolution 2155 (2014), UN Security Council, 27 May 2014, S/RES/2155.

THE OUTBREAK OF SOUTH SUDAN'S CIVIL WAR

Throughout 2013, Salva Kiir – president of the Government of the Republic of South Sudan (GRSS), chairman of the Sudan People's Liberation Movement (SPLM), and leader of the Sudan People's Liberation Army (SPLA) – faced increasing challenges to his power. In March of that year, Kiir's Vice President, Riek Machar publicly announced his intention to become the leader of the SPLM. As a result of this and other perceived threats to his leadership, Kiir began to reduce Machar's powers and remove others from key positions at the national and state level. The changes culminated in Kiir's dismissal of his entire cabinet, including Machar, in July of that year.[i]

On December 6, 2013, Machar and a group of individuals that had been dismissed by Kiir held a press conference introducing an agenda to democratize the SPLM and calling for a meeting of the SPLM's Political Bureau, the party's highest executive body. The dismissed politicians still held positions in the SPLM – Machar, for example, remained the Deputy Chairman of the SPLM – and believed that they could command a majority in the Political Bureau. Kiir resisted the calls for a meeting of the Political Bureau and instead called a meeting of the National Liberation Council (NLC), the party's legislative organ.

Despite calls by the dismissed politicians for a delay, Kiir held the NLC meeting on December 14 and 15. Kiir opened the meeting by making a controversial reference to Machar's attempt to oust the SPLM leadership in 1991 (see Section II for more detail). The meeting then considered documents that would determine how the party leadership, including the chairman, was elected or appointed. The dissenting voices of Machar and others were reportedly ignored. In protest, Machar and others opposing Kiir's leadership and the direction of the SPLM did not attend the second day of the NLC meeting.

Subsequent events are hotly contested. What is known is that the conflict turned violent on the evening of December 15 as fighting broke out within the presidential guard. Fighting then spread to the Giyada neighborhood of Juba and the SPLA Headquarters at Bilpam. On December 16, Kiir accused Machar of an attempted coup and ordered the arrest of a number of the individuals suspected of opposing him. Machar escaped arrest and denied that his intention was to oust Kiir in a coup. The fighting spread to military installations across Juba and developed an ethnic element – many of the forces loyal to Kiir belonged, like Kiir, to the Dinka ethnic group, while many of the forces that supported Machar were Nuer.

In a matter of days, the violence changed in two alarming ways. First, instead of being limited to security forces, it began to spread to the civilian population. Soldiers on each side began to target civilians of the other tribe – government forces, for example, reportedly moved through Nuer-majority neighborhoods, killing or abducting Nuer men.[ii] Dinka and Nuer civilians also began to attack one another, out of fear or in retaliation.

Second, the violence spread to other parts of the country, initially Jonglei, Unity and Upper Nile states. Actors loyal to Machar or seeking revenge for the atrocities in Juba clashed with soldiers loyal to Kiir. In just over a week, Machar's supporters had taken over the capitals of these three states. As the crisis drew on, the towns changed hands several times, each time causing terror and upheaval among civilians. Forces on each side also deliberately targeted civilians on the basis of tribe, including through door-to-door searches and attacks on churches, mosques and hospitals.[iii] Machar and his supporters formed the SPLM/A-In Opposition (SPLM/A-IO) to fight openly against the SPLM/A and the GRSS. The fighting eventually spread to seven of South Sudan's ten states.

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i For more information on the conflict, please see "Timeline of Recent Intra-Southern Conflict," Small Arms Survey, 27 June 2014, http://www.smallarmssurveysudan.org/fileadmin/docs/documents/HSBA-South-Sudan-Crisis-Timeline.pdf and "The SPLM-in-Opposition," Small Arms Survey, 2 May 2014, http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/HSBA-SPLM-IO-May-2014.pdf.

ii "Conflict in South Sudan: A Human Rights Report," UNMISS, 8 May 2014, http://www.unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf.

iii Ibid.

A Mongolian Peacekeeper keeps watch on one of the UNMISS compound's gates near Bentiu, in Unity State, South Sudan. *Photo by J.C. McIlwaine, UN Photo.*

A new phase of old wars? Addressing root causes through local mediation

"So that is the real goal — not a deal struck in Addis but peace at the political, communal and military levels. Forging peace at the political level is the easiest peace."[9]

External protection actors face many challenges in the current crisis. First, the roots of this conflict are embedded in the social and political fabric of many communities. The divisions between the protagonists of this conflict began in the 1990s during Sudan's second civil war and were never fully resolved. Moreover, the current leadership actively participated in that second civil war using brutal tactics that often split people along ethnic or inter-communal lines. The war exacerbated existing tensions or created new grievances between communities and these divisions have persisted and are being exploited in today's conflict. While it may be possible to achieve a political settlement that reconciles the major political actors through the ongoing IGAD-led process, such an agreement would not produce sustainable peace among the war-affected communities.

By 1991, the SPLA had been embroiled in a civil war with the government of Sudan for eight years. A schism occurred within the SPLA's leadership, splitting it into two factions. On one side was the SPLA led by John Garang, who would be succeeded by Salva Kiir after his death in 2005. In the early 1990s, Garang's SPLA was primarily a military machine, weakened by the loss of support from neighboring Ethiopia and held together by force. Some of those who had challenged or were suspected of challenging Garang and the SPLA were detained or executed. On the other side were Lam Akol and Riek Machar, who were determined to oust Garang and to take over the SPLA. When they failed to convince key members of the SPLA to change leadership, they decided to unseat him militarily.[10]

Machar and Akol claimed that their goal was to create a more democratic SPLA that would respect human rights. They also asserted support for a southern state completely independent from Sudan, rather than simply a change in the government in Khartoum or some other form of self-determination.[11] Their claims to support human rights were quickly undermined. In November 1991, men fighting for Machar against Garang's faction massacred an estimated 2,000 civilians[12] and displaced thousands in Jonglei state. The credibility of Machar's and Akol's support for a completely independent state was also called into question when reports emerged that they were receiving support from Khartoum.

The current crisis is reminiscent of the 1991 split. Both the SPLM/A, led by Kiir, and the SPLM/A-IO,

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9 Interview N, August 2014. In order to maintain anonymity, the names of interviewees and dates of interviews have been omitted. Instead, each interviewee has been assigned a separate letter to distinguish between the various sources of information. Please see Methodology for more information.

10 Douglas H. Johnson, "The Root Causes of Sudan's Civil War," *Africa: Journal of the International African Institute* 74(2), 2004, 91-97, 103-104.

11 Ibid.

12 "Sudan: Who Will Answer for the Crimes?" Amnesty International, 2005, 10, http://www.amnesty.org/en/library/info/AFR54/006/2005/en.

led by Machar, assert they are fighting for democracy and human rights, yet continue to violate cease-fires, disregard human rights and humanitarian law, and miss agreed-upon goals like the August 10 deadline to establish a transitional government. The parties' actions seem to indicate that they are more interested in personal gain than in peace.[13] Given their past actions, personal grievances and interest in cementing their hold on power in any new government, it could be very difficult to reach a sustainable agreement anytime soon.

"All these tensions existed before the current December 15 crisis. Someone just pushed pause on them a few years ago but they weren't resolved."[14]

Beyond the challenge of brokering a sustainable peace between the two main parties, the ethnic dimension of the conflict has turned many communities against each other and enflamed historical tensions. These divisions may be difficult to reconcile. By the end of the 1990s, Garang's forces as well as those under Machar's and Akol's control had split into numerous armed groups competing for power and resources. The various parties diverted relief supplies, cut off communities' access to essential services and targeted civilians perceived to be aligned with other factions, often on the basis of ethnicity.[15] The 1991 Bor massacre was just one example. The majority of Machar's forces, which carried out the massacre, were of Nuer origin and the casualties were mainly Dinka civilians. In 2011, Machar apologized for the Bor massacre, but many people did not consider his apology to be sincere and have not forgotten the incident.

When fighting broke out in Juba in December 2013, security forces, primarily of the Dinka tribe, committed widespread killings and other abuses against the primarily Nuer residents of Juba.[16] The violence led tens of thousands of people, mostly Nuer, to flee into UNMISS bases in Juba. Civilians have remained in Juba protection of civilians (POC) sites in fear of further attacks.[17] The crimes also remain a motivating factor for others' retaliatory violence. Even now, an attack against someone of a certain ethnicity in one part of the country can cause revenge attacks in another part of the country.[18]

Recommendations

Peace agreements between the SPLM/A and SPLM/A-IO that lead to a more representative and diverse government could help address these tensions, but much more will need to be done at the national and local level. Some areas remain too insecure to undertake mediation and reconciliation. There may, however, be other areas where these activities can begin with the aim of stopping violence at the community level and preventing this violence from being swept up into the national-level conflict.

UNMISS has a critical role to play in resolving conflicts at the community level. The Civil Affairs sec-

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13 Jok Madut Jok, *South Sudan's Crisis: Weighing the Cost of the Stalemate in the Peace Process*, Juba: Sudd Institute, 2014, http://www.suddinstitute.org/assets/Publications/Stalemate-at-Peace-Talks.pdf. See also Alex De Waal, "When Kleptocracy Becomes Insolvent: Brute Causes of the Civil War in South Sudan," African Affairs 113(452), 2014.

14 Interview K, August 2014.

15 *South Sudan's New War,* New York: Human Rights Watch, 2014, 25, 31-32, 35-36, http://www.hrw.org/reports/2014/08/07/south-sudan-s-new-war.

16 Ibid.

17 Focus groups, August 2014. Please see Methodology for more information.

18 Focus groups, August 2014.

tion of UNMISS has traditionally been a strong component of the mission and has led the mission's reconciliation efforts at the sub-national level both prior to and during the crisis.[19] UNMISS has thus far not played a leading role in the ongoing national-level negotiations in Addis Ababa. UNMISS should maintain a strong focus on local peace and reconciliation efforts while national-level initiatives, such as the dialogue mediated by IGAD and the intra-SPLM dialogue initiative in Arusha, Tanzania, proceed in parallel. Local- and national-level conflicts are often interlinked; while negative developments at the national level can threaten the success of local reconciliation initiatives, it is nevertheless crucial to try to resolve tensions at the local level while national-level reconciliation processes are underway. The aim of such local initiatives should be to prevent violence at the local level as well as to prevent local-level conflicts from being exploited by actors at the national level.

The 2008 DPKO/DFS Policy Directive on Civil Affairs lists "support to reconciliation" as one of the three core roles of the Civil Affairs section of a UN peacekeeping operation.[20] In the context of South Sudan, Civil Affairs support to reconciliation should focus on mediating local peace agreements and encouraging dialogue to reduce inter-communal tensions. These activities should be based on a thorough understanding of the local context and of communities' perceptions and interests.

Moreover, Civil Affairs could play an important role in connecting local voices to the national peace process. The 2012 DPKO/DFS Civil Affairs Handbook emphasizes the role that Civil Affairs sections should play in providing "support to the development of political space."[21] The Handbook explains that this role includes "[providing] a platform for local populations and constituencies to input into national processes and discussions. This can help to facilitate peace processes and generate support for them at the local level."[22] This role is especially crucial in South Sudan given the political fragmentation of the country and the fact that the IGAD peace process has focused almost entirely on dialogue between Kiir's and Machar's factions, with only token inclusion of the voices of minority political parties and civil society representatives.

To perform these tasks, UNMISS Civil Affairs will need an even more robust staff trained in protection of civilians, conflict mapping, early warning and conflict mediation. This includes the need for national staff that can act as trusted and impartial translators and community liaisons. Qualified and reliable language assistants were already difficult to recruit prior to the December 2013 crisis, and it will be even more difficult now to identify individuals who are perceived as impartial by communities and who can be trusted with extremely sensitive roles and information. The UNMISS Special Representative of the Secretary-General and UN headquarters, along with the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions of the General Assembly, should ensure that language assistants and national professional staff are given high priority in UNMISS's budget going forward.

Another major challenge that UNMISS faces is access to communities. UNMISS has taken advantage

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19 Interview L, August 2014; Interviews C, D and E, March 2013; Interviews A and B, May 2012. See Diana Felix da Costa and John Karlsrud, "Contextualizing Liberal Peacebuilding for Local Circumstances: UNMISS and Local Peacebuilding in South Sudan," *Journal of Peacebuilding and Development* 7(2), 2012 for a discussion of UNMISS's emphasis on local peacebuilding and reconciliation and a description of how UNMISS Civil Affairs tried to implement these activities in the months following the mission's authorization.

20 *Policy Directive on Civil Affairs*, New York: UN DPKO/DFS, 2008, 3, http://www.undg.org/docs/8915/Civil-Affairs-Policy.pdf.

21 Civil Affairs Handbook, New York: UN DPKO/DFS, 2012, 168, http://www.un.org/en/peacekeeping/documents/civilhandbook/Civil_Affairs_Handbook.pdf.

22 Ibid.

of the large numbers of internally displaced persons (IDPs) sheltering at its bases to pursue local reconciliation initiatives there. In Upper Nile state, for example, the Civil Affairs division has conducted "a series of trainings on conflict management, peace and reconciliation for IDPs in UNMISS bases."[23] But even with a robust civil affairs component, UNMISS will realistically only be able to work with a handful of communities across the country. As such, UNMISS should continue to focus the majority of its reconciliation activities on communities within POC sites and in major towns near POC sites.

For more remote communities, Civil Affairs should leverage UNMISS's public information and outreach capacities, including the radio station, Radio Miraya,[24] to broadcast reconciliation programing. In addition, UNMISS Civil Affairs will need to communicate and coordinate effectively with civil society groups, UN agencies and non-governmental organizations (NGOs) undertaking complementary activities to avoid duplication. UN agencies and NGOs should also engage closely with UNMISS Civil Affairs to support its work, including by sharing information about the histories and concerns of specific communities that could inform reconciliation efforts by Civil Affairs as well as sharing examples of successful strategies or approaches.

Peacekeeping operations have proven that they can work successfully with UN development agencies on community engagement and reconciliation initiatives. For example, in August, UNMISS and UNDP supported a reconciliation initiative led by Dinka and Nuer pastors that brought together Dinka women from the greater Bor area and Nuer women seeking protection at the UNMISS base in Bor.[25] In working with UN agencies, NGOs and civil society, particularly on the inclusion of local voices in the national political process, UNMISS will need to be sensitive to humanitarian organizations' need to uphold their principles of neutrality, impartiality and independence. With so much international interest focused on national-level reconciliation, and the slim probability that a peace agreement between Kiir and Machar will result in an end to local-level violence, Civil Affairs' efforts at the community level could be critical for the protection of civilians.

Protection from what? Understanding the threats

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23 "Melut IDPs Stress Vital Need for Peace and Reconciliation," UNMISS, 26 May 2014, http://reliefweb.int/report/south-sudan/melut-idps-stress-vital-need-peace-and-reconciliation.

24 According to UNMISS's website, "Radio Miraya enjoys a unique position in South Sudan. It has the largest number of listeners, the greatest reach to communities across the country and is the most trusted source of news." See "What is Radio Miraya?" UNMISS, http://www.unmiss.unmissions.org/Default.aspx?tabid=3493&language=en-US.

25 See "Dinka and Nuer Women Meet for Peace in Bor," Radio Tamazuj, 2 August 2014, https://radiotamazuj.org/en/article/dinka-and-nuer-women-meet-peace-bor. In another example outside South Sudan, the Civil Affairs division of the peacekeeping operation in the Democratic Republic of Congo, MONUSCO, collaborated last year with the NGO Search for Common Ground to resolve a decades-long dispute between three communities in DRC. See "MONUSCO Participates in Inter-communal Reconciliation at Mweka, Western Kasai," MONUSCO, 3 September 2014, http://reliefweb.int/report/democratic-republic-congo/monusco-participates-inter-communal-reconciliation-mweka-western.

Another challenge to finding sustainable solutions to prevent, mitigate or stop violence against ci-

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DEFINING VIOLENCE AGAINST CIVILIANS

In this report, violence against civilians refers to deliberate, targeted physical violence. This includes a spectrum from low-level violence that has the potential to escalate, to situations of systematic or widespread abuses. This broad approach acknowledges that campaigns of targeted violence may only harm a few civilians in any one incident, but cumulatively may exact a large toll and sow widespread terror. The more extreme end of the spectrum includes large-scale forced displacement, widespread sexual violence and mass killing.[i] This range of deliberate violence has also been referred to as "strategic violence" because it is often employed to further "political, economic, religious or military ends."[ii]

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i Adapted from Max Kelly, *Protecting Civilians: Proposed Principles for Military Operations*, Washington, DC: Stimson Center, 2011, 8, http://www.stimson.org/images/uploads/research-pdfs/2_-_Proposed_Principles_Protecting_Civilians_2010.pdf.

ii Strategic violence is described as: "Violence targeted at specific individuals or communities to further the strategic aims of the perpetrators. This can include (but is not limited to) the targeting of ethnic, racial, sexual, religious or political groups, specific communities, or people from particular geographic regions. It is designed to further political, economic, religious or military ends." See *Overview of the Protection of Civilians*, New York: UN DPKO ITS/DPET, 2012, 10, http://www.peacekeepingbestpractices.unlb.org/pbps/Library/Module%201%20-%20Overview%20of%20the%20Protection%20of%20Civilians.pdf.

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vilians is the multiplicity of threats and actors involved in the conflict. Understanding the priority threats; who is perpetrating them, where, how and why; who is most vulnerable to those threats; how people are protecting themselves; and how they perceive protection actors is critical to planning effective protection strategies and decision-making.[26] As the war drags on and evolves, these factors become increasingly difficult to map, analyze and prioritize.

Between 2005 and the December 2013 crisis, the government struggled to keep its security forces properly resourced, despite the fact that a large percentage of its national budget was dedicated to security, including SPLA salaries.[27] SPLA members — especially those integrated after the 2006 Juba agreement — are sometimes poorly trained, command and control is weak and there is little accountability for abuses committed against the civilians they are meant to protect. The South Sudan National Police Service is historically weak (especially in rural areas), under resourced, predatory and known to be in-

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26 Aditi Gorur and Alison Giffen, *Engaging Community Voices in Protection Strategies: Annexes on Lessons Learned*, Washington, DC: Stimson Center, 2013, http://www.stimson.org/PDFs/CIC/CIC-ANNEXES.pdf.

27 In 2012, the GRSS dedicated 41 percent of its GDP — the largest percentage of any sector — to security. See Jairo Munive, *Disarmament, Demobilization and reintegration in South Sudan: The Limits of Conventional Peace and Security Templates*, Copenhagen: DIIS Report, 2013, 10, http://en.diis.dk/files/publications/Reports2013/RP2013-07-Jairo-Disarmament-SouthSudan_web.jpg.pdf.

volved in violence and crime.[28] As a result, many in South Sudan have long depended on local security arrangements (LSAs), including militias and armed youth, which sometimes protect their communities as well as perpetrate abuses.[29] Some of the more formal militias are better trained and equipped than parts of the SPLA, have better command and control, and some even operate under former SPLA commanders. Others are less formal groups of youths that may mobilize at specific moments with a particular objective in mind.[30]

As the war continues, the number of groups will likely grow and mapping and analyzing the groups to understand who they are targeting, why and how will become more difficult for external protection actors. The situation could become very similar to Sudan's second civil war, during which some LSAs aligned with the SPLA, others aligned with the opposition and some chose not to align with any other armed group, instead trying to protect their communities from the broader violence. The violence that current LSAs perpetrate may be motivated by a variety of factors — to raid cattle, to reinforce the SPLA or SPLA-IO, to protect themselves and their communities, to feed and arm themselves or to carry out revenge for past wrongs.[31] For many groups, fighters' motivations may be a combination of these factors and may change over time.

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28 Jok Madut Jok, *Police Service and Law Enforcement in South Sudan*, Juba: Sudd Institute, 2014, http://www.suddinstitute.org/assets/Publications/Special-Report-on-Police-and-SSR.pdf.

29 *Protective Measures: Local Security Arrangements in Greater Upper Nile*, Geneva: Small Arms Survey, 2014, 1-2, http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB23-Local-security-arrangements-in-Greater-Upper-Nile.pdf.

30 Ibid.

31 Ibid.

VIOLENCE IN MABAN COUNTY

The violence that broke out in Maban County, Upper Nile State in August 2014 illustrates how LSAs may interact with other forces and affect the national-level crisis. On August 4 and 5, an LSA known as the Mabanese Defense Force (MDF) attacked and killed six humanitarian aid workers. All six were Nuer and were attacked on the basis of their tribe. The MDF had approached humanitarian organizations' offices and asked if they had any Nuer employees.[i]

The MDF's motivation for committing this attack is uncertain. Some portray the MDF's involvement as a strategic alliance with the Kiir government, claiming that the government supported the MDF[ii] and recruited it to bolster its control of the area, which includes oilfields.[iii] There are even rumors that the MDF may be formally integrated into the SPLA.[iv] Others portray the MDF's role in the violence as more spontaneous, saying that the group had clashed with Nuer SPLA defectors immediately prior to the attacks and suffered losses, and so killed the Nuer humanitarians in retaliation.[v] The MDF's motivation may have been some combination of the two.

The violence resulted not only in the deaths of six humanitarian workers and widespread fear along tribal lines, but also in UNMISS being forced to divert resources from other areas of need to evacuate 220 staff and aid workers[vi] and the increased vulnerability of tens of thousands of civilians in the area reliant on humanitarian organizations for their survival.[vii] Regardless of the motivation behind the attack, the incident has now sown seeds of discord that could result in devastating revenge attacks perpetrated by Nuer communities against the Maban.

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i "South Sudan: After Killing of Aid Worker in Bunj, UN Calls for Militias to Be Reined In," UN News Center, 4 August 2014, http://www.un.org/apps/news/story.asp?NewsID=48410#.VDa_JfldV8E.

ii Interview I, August 2014; "South Sudan: A Militia Group Carries out Targeted Killings in Upper Nile – Rebels Accuse Government of 'Complicity,'" AllAfrica, 6 August 2014, http://allafrica.com/stories/201408060400.html.

iii Interview I, August 2014; James Copnall, "Ethnic Militias and the Shrinking State: South Sudan's Dangerous Path," African Arguments, 21 August 2014, http://africanarguments.org/2014/08/21/ethnic-militias-and-the-shrinking-state-south-sudans-dangerous-path-by-james-copnall/.

iv James Copnall, "Ethnic Militias and the Shrinking State: South Sudan's Dangerous Path," African Arguments, 21 August 2014, http://africanarguments.org/2014/08/21/ethnic-militias-and-the-shrinking-state-south-sudans-dangerous-path-by-james-copnall/.

v See, e.g., "UN Evacuates Staff, Aid Workers in South Sudan," Agence France-Presse, 6 August 2014, http://reliefweb.int/report/south-sudan/un-evacuates-staff-aid-workers-south-sudan.

vi Ibid.

vii "UNMISS Condemns Killing of Aid Workers in South Sudan," Sudan Tribune, 6 August 2014, http://www.sudantribune.com/spip.php?article51937.

Recommendations

Given the complex nature and number of threats, UNMISS will need to develop strategies and action plans that help to determine where and how to deploy scarce resources. Developing and implementing effective plans hinge on strong information gathering and analysis. In order to strengthen both the protection strategies and action plans as well as information gathering and analysis, UNMISS should engage protection actors external to UNMISS, in particular conflict-affected communities.

In 2009, an independent study on the protection of civilians in UN peacekeeping found, "that gaps in policy guidance, planning and preparedness fundamentally hamper[ed] implementation of mandates to protect civilians by peacekeeping missions."[32] Since then, the UN Security Council has required all UN peacekeeping missions with a mandate to protect civilians from physical violence to develop comprehensive POC strategies.[33] POC strategies are meant to assist missions in prioritizing POC risks, allocating assets and coordinating between internal and external protection stakeholders. This is particularly important in the current context where the scale and diversity of threats is enormous and requires close coordination with humanitarian agencies to prevent and respond to threats and vulnerabilities.

UNMISS's initial national-level POC strategy was finalized in 2012. Subsequently, it developed POC action plans for each state and specific crisis.[34] UNMISS finalized a new national-level POC strategy in September 2014 to reflect the current context. The strategy is scheduled for review in mid-March, but may need to be revisited earlier should the conditions change drastically on the ground.[35]

UNMISS is now focusing on developing new action plans for the states most affected by the civil war. The action plans should be completed as soon as possible, address different scenarios — including worse case scenarios — and be iterative documents that can evolve as the dynamics change on the ground. Each action plan should include a risk assessment of the area that helps UNMISS to prioritize its assets and resources as well as specific protection objectives related to each threat and vulnerability that UNMISS plans to tackle in the area. A protection objective should be measurable, achievable, and time-bound, such as "within one month, women IDPs in POC site X will be able to collect firewood more safely outside the POC site between dusk and dawn" rather than "sexual assaults against women will decrease."

The action plans should only include activities that would contribute to the agreed objectives. Lists of activities related to a threat but disconnected from an objective can result in ineffective cookie-cutter approaches. For example, daily mounted patrols aimed at creating area security may be less effective at decreasing sexual assaults against women collecting firewood than dismounted patrols that accompany groups of women at specific times to collect firewood.

Developing, implementing, and monitoring and evaluating POC strategies and action plans require strong information gathering and analysis capabilities. These tasks are primarily undertaken by a Joint

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32 Victoria Holt, Glyn Taylor and Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, New York: UN DPKO and OCHA, 2009, 8, http://www.peacekeepingbestpractices.unlb.org/PBPS/Pages/Public/viewdocument.aspx?id=2&docid=1014.

33 Resolution 1894 (2009), UN Security Council, 11 November 2014, S/RES/1894, paragraph 24.

34 Interview L, August 2014.

35 Generally, POC strategies are scheduled to be reviewed by a specific date or as necessary (e.g., if the mandate is altered significantly by the UN Security Council).

Mission Analysis Center (JMAC) within a peacekeeping operation. JMACs use internal and external sources of information to produce medium and long-term analysis to support strategic decision-making.[36] JMACs are strongest when every component of the mission is feeding in information, the information is analyzed and prioritized quickly and fed into decision-making at the highest levels of the mission.

Prior to the December 2013 crisis, JMAC played an important role in providing early warning information for UNMISS and was strengthening its capabilities in this regard.[37] However, it was unclear whether early warning information was resulting in early response. A 2014 UN report of the Office of Internal Oversight Services identified UNMISS as having one of the lowest levels (less than 10 percent) of immediate response rates to protection incidents of any UN peacekeeping operation.[38]

UNMISS's May 2014 mandate requires the mission to implement an early warning strategy.[39] This strategy must be closely integrated with the POC strategy to ensure complementary rather than competing guidance and mechanisms. UN Headquarters should undertake frequent reviews of the early warning strategy, looking at whether and how the strategy is being used in operational decision-making, and in particular whether it is enabling early response.

UNMISS will also need to carefully consider how it is engaging with protection actors external to the mission. Per DPKO guidance on POC strategies[40] and UNMISS's mandate,[41] UNMISS should identify ways to safely and effectively involve conflict-affected communities in the assessment, design, implementation, and monitoring and evaluation of the POC strategy and action plans.[42] Given current risks to conflict-affected populations and actors working with them, UNMISS should pay particular attention to how it engages populations to ensure that interaction does not increase the risks to communities or to civil society partners.

In addition, JMACs need to build relationships with actors external to the mission that can provide diverse perspectives. Civil society can be one important source of information for the JMAC. National and international NGOs often have information about threats and vulnerabilities that could be critical

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36 *DPKO Policy Directive: Joint Operations Centers and Joint Mission Analysis Centers*, New York: UN DPKO, 2006, http://www.peacekeepingbestpractices.unlb.org/pbps/Library/DPKO%20Policy%20on%20JOC%20and%20JMAC%202006.pdf.

37 Interviews E and F, March 2013.

38 Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations, UN Office of Internal Oversight Services, A/68/787, 7 March 2014, paragraphs 19 and 70.

39 Resolution 2155 (2014), UN Security Council, 27 May 2014, S/RES/2155, paragraph 4(a)(iii).

40 According to the Framework for Drafting Comprehensive Protection of Civilians (POC) Strategies in UN Peacekeeping Operations, UN DPKO/DFS, 2011, paragraph 9, "Sustained dialogue with the local population is required to identify the threats posed to them and their vulnerabilities, and to understand how the mission can support existing protection capacities within the local community. …When consulting with the population, the mission shall seek the advice of external protection partners who may have existing linkages and trust established with the communities."

41 Resolution 2155 (2014), UN Security Council, 27 May 2014, S/RES/2155, paragraph 4(a)(ii) states that UNMISS will "deter violence against civilians, including foreign nationals, especially through … identification of threats and attacks against the civilian population, including through regular interaction with the civilian population and closely with humanitarian, human rights and development organizations, in areas at high risk of conflict."

42 For more detail on why and how to safely and effectively engage conflict-affected communities in POC strategies, see Aditi Gorur and Alison Giffen, *Engaging Community Voices in Protection Strategies: Annexes on Lessons Learned*, Washington, DC: Stimson Center, 2013, http://www.stimson.org/PDFs/CIC/CIC-ANNEXES.pdf.

for peacekeepers as they plan and implement protection strategies, especially for parts of the country where there is not a strong peacekeeper presence. However, NGOs may be extremely reluctant to share sensitive information with UNMISS since the mission has not established and implemented strong protocols around the secure storage and sharing of information.[43] NGOs may be particularly concerned about information they provide being shared with the government. Developing information storage and sharing protocols in consultation with civil society groups and humanitarian partners could pave the way for stronger conflict analysis and protection planning.

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43 UNMISS's September 2014 POC strategy discusses information sharing between UNMISS and protection actors; however, neither the mission nor members of the protection cluster of South Sudan have developed a field-level protocol for information-sharing to outline "basic rules and responsibilities of members and modalities for information sharing," as recommended in the *Diagnostic Tool and Guidance on the Interaction Between Field Protection Clusters and UN Missions*, New York: Global Protection Cluster, 2013, http://www.globalprotectioncluster.org/_assets/files/tools_and_guidance/GPC_Diagnostic_Tool_Interaction_UN_Missions_2013_EN.pdf.

One hundred thousand under the watch of the UN

Within the first two months of the crisis, more than 80,000 people had already fled to the UNMISS bases for protection. Although the number fluctuates, it currently stands at 100,298.[44] This scale is unprecedented. Never before have so many people sought safety inside peacekeeping bases for such a long time. Although UNMISS has been working to identify "durable solutions" to move IDPs safely out of its bases, there are not many sustainable solutions in sight. This creates risks for the civilians seeking protection inside the bases as well as for the peacekeeping operation.[45]

Risks to the bases

One of the greatest risks of physical violence arises from the number of vulnerable people concentrated inside UN bases in what are referred to as POC sites. Armed parties may suspect those displaced inside of being members of an enemy armed group, political sympathizers of the opposite party or simply of belonging to a community or ethnicity that has committed violence against their own. As a result, they may seek to enter the bases to target specific individuals or to inflict more general violence on the population.

For example, on December 19, 2013, just days into the crisis, around 2,000 youth believed to be Lou Nuer attacked an UNMISS base in Akobo, Jonglei. Two peacekeepers were killed along with at least 11 civilians of the Dinka tribe. One peacekeeper was also wounded and military assets were taken from the base.[46] On April 17, 2014, UN peacekeepers fought off a large group of youths that attacked the UNMISS base in Bor. Before they managed to repel this group, the youths succeeded in killing 58 and injuring 100 people sheltering inside the base.

The fear of attack remains palpable for people seeking shelter inside the base. In the POC sites in Juba, the fear of an attack like the one on Bor is understandably widespread as threats continue.[47] The most recent occurred on October 2, when close to a dozen armed SPLA soldiers approached the POC site in Bentiu. UNMISS refused them entry and the situation ended without violence.[48] Nevertheless, it is a reminder that the camps remain vulnerable.

A successful attack on an UNMISS base would have major consequences. The greatest concern is for the large number of people concentrated inside — those seeking shelter inside the base and those working for UNMISS or humanitarian agencies — who could be killed, raped, otherwise injured, unlaw-

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44 "UNMISS Protection of Civilians (POC) Sites Update," UNMISS Media and Spokesperson Unit and Communications and Public Information Office, 23 October 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/14-10-Update%20%2046.pdf.

45 In addition to the physical security risks, the crowding of such large numbers of IDPs onto UNMISS bases has also created serious health security risks. Please see "Health, Protection Risks at Overcrowded UN Bases in South Sudan," IRIN Africa, 28 April 2014, http://www.irinnews.org/report/100003/health-protection-risks-at-overcrowded-un-bases-in-south-sudan for more information.

46 "UN Continues to Offer Conflicting Numbers in Akobo Massacre Death Toll," Radio Tamazuj, 18 March 2012, https://radiotamazuj.org/en/article/un-continues-offer-conflicting-numbers-akobo-massacre-death-toll.

47 Focus groups, August 2014.

48 "South Sudan: Amid Ongoing Tensions, UN Confirms Situation Back to Normal at Protection Site," UN News Center, 2 October 2014, http://www.un.org/apps/news/story.asp?NewsID=48991#.VDKiUPldV8F.

fully detained or disappeared. Another concern is that a successful attack would undermine the credibility of the UN and its ability to fend off future challenges. A third concern is that an attack would undermine the legitimacy of the UN and peacekeeping in general, just as the UN's failures to protect people in Rwanda and Srebrenica did in the 1990s.

Risks around the base perimeters

Although UNMISS and the humanitarian community are working to provide basic services to IDPs inside the bases, their needs exceed available resources. People therefore leave the bases to access basic goods such as water, charcoal and clothing, as well as services such as hospitals, banks and schools. The reasons for IDPs to leave may be different in each site. For example, at the POC site in Bentiu, there are 47,000 now sheltering inside and women travel a considerable distance to collect water, firewood, shelter materials, etc.[49] In the UN House base in Juba, which is divided into three separate sites that are not directly connected to one another, some people exit the base simply to visit their relatives housed in other sites within the same base.[50] Nuer students attending the University of Juba have to negotiate their daily passage between the POC site and the campus to attend classes.

Some women leave the bases instead of men, as some believe that women may be less likely to be killed.[51] However, women have reported killings, beatings, abductions and rape. In Juba, some IDPs reported that women who had left the base to go to the market had been killed or raped by soldiers.

UNMISS faces a number of decisions when determining how to protect people as they leave the bases. First, UNMISS needs to determine who is threatening the individuals, why and how. Second, it needs to determine where the specific threats are taking place in order to identify hotspots. Third, it needs to determine whether some deterrence mechanism, such as patrols, would be effective at preventing violence. UNMISS has already begun patrolling around the perimeters of some POC sites; in Bentiu, for example, UNMISS has been using foot patrols in hotspot areas since August 2014 and has increased vehicle patrols not only to deter violence, but also to provide a way for those affected by violence to report incidents.

But the conditions at each POC site are different and can change over time, and UNMISS needs to assess which methods would be most effective in each area. Would foot patrols or mounted patrols deter threats? Would accompaniment deter violence, or would it simply draw attention to the people being accompanied and mark them as targets? How should UNMISS engage the POC site residents to determine whether they trust UNMISS and are willing to go in groups with UNMISS accompaniment? Which goods or services that people seek outside of the bases could be provided within bases, and how should UNMISS work with the aid agencies that have the capacity to deliver them? Would it be possible to negotiate with armed actors to clear the road between the UNMISS base and the town on certain days at certain times?

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49 *Gender Based Violence Rapid Assessment: Bentiu, South Sudan*, New York: International Rescue Committee, 2014.

50 Focus groups, August 2014.

51 Focus groups, August 2014.

Risks inside the bases

Although people feel safer inside than outside the bases, there are still risks of violence inside the bases.[52] Women inside the UNMISS POC site in Bentiu reported risks of sexual violence inside the camp. The lack of adequate sanitation facilities was of particular concern. According to UN OCHA, at the end of September there was only one latrine for every 71 people in the Bentiu POC site,[53] and in June, IRC reported that the women's latrines in many POC sites were located directly next to the men's, making women vulnerable while queuing for the latrine or when they were seeking alternatives to using the latrine during the day.[54] In Juba, people reported violence between residents of the POC sites, fuelled by alcohol abuse or by trauma.[55]

Creating safe conditions inside the bases presents very specific challenges for UNMISS. Criminal activity that occurs within the bases, such as murder, rape and assault, threatens the security of the people seeking shelter at POC sites. Informal justice mechanisms cannot properly address these crimes and UNMISS has no legal jurisdiction, infrastructure or instruments to prosecute accused criminals. Detention facilities have been constructed at some UNMISS bases, including at UN House POC site in Juba and at the Bentiu and Malakal POC sites, to separate accused violent offenders from the general population, but these persons cannot be held indefinitely without due process. At the same time, UNMISS may not be able to hand some accused offenders over to the South Sudanese government to be prosecuted for fear that the accused — particularly in areas of the country that are government controlled, where IDPs seeking shelter at UN bases fear violence perpetrated by the government — may be mistreated.

At the time of writing this report, UNMISS was in talks with the South Sudanese government to develop a mechanism for the safe transfer of individuals to the South Sudanese justice system, but the challenges involved — in protecting the accused from human rights abuses, in relocating those who are acquitted, and in facilitating witness testimony when many may refuse to leave the base — are immense.

"Durable solutions"

"Attracting people into UNMISS compounds is not the long-term solution. We as a mission are not supposed to be just doing this. We as a peacekeeping operation are meant to be out there trying to create a secure environment to stay where they are or go home where they come from."[56]

According to interviewees within the mission and the humanitarian community in Juba, in August 2014, stakeholders within UNMISS and from UN headquarters in New York were pushing to close down the POC sites in the UN bases. Several interviewees said that the mission was emphasizing a nar-

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52 Focus groups, August 2014 and *Gender Based Violence Rapid Assessment: Bentiu, South Sudan*, New York: International Rescue Committee, 2014.

53 Global emergency standards for latrines assert that one latrine should be available for every 50 people. As of October 2, there was one latrine for every 71 people. See "South Sudan Crisis Situation Report No. 56," OCHA, 2 October 2014, http://reliefweb.int/report/south-sudan/south-sudan-crisis-situation-report-no-56-2-october-2014. Following heavy rains on October 5 that flooded latrines, the number of latrine was reduced to one latrine for every 96 people. See "South Sudan Crisis Situation Report No. 57," OCHA, 9 October 2014, http://reliefweb.int/report/south-sudan/south-sudan-crisis-situation-report-no-57-9-october-2014.

54 *Gender Based Violence Rapid Assessment: Bentiu, South Sudan*, New York: International Rescue Committee, 2014.

55 Focus groups, August 2014.

56 Interview M, August 2014.

rative that the POC sites were unsustainable. Not only must the UN protect IDPs from both internal and external crime and violence, but also from the region's harsh climate. Many of the POC sites were flooding during the rainy season, creating appalling living conditions and serious health hazards.[57] Overcrowding has also been a concern. IDPs are already living in crowded conditions and many more are likely to arrive as insecurity persists and food scarcity grows. The overcrowding also affects the safety, welfare and living conditions of UNMISS personnel in the bases.

To deal with overcrowding and poor conditions, UNMISS had begun to construct POC sites adjacent to bases in some areas, but this also creates challenges. UNMISS bases are protected by the Status of Forces Agreement (SOFA) between UNMISS and the Government of South Sudan. The SOFA gives UNMISS the authority to deny anyone who is not a member of UNMISS, including government officials, entry onto UNMISS premises.[58] However, if IDPs are relocated off the base without new agreements brokered with the parties to the conflict, they would no longer have the protection that the SOFA provides by giving UN personnel the ability to deny entry to government officials or armed actors.

Some interviewees suggested that if moved off the base into regular IDP camps, the national police could help create security in the new camps. This would require very careful consideration as some national police officers were implicated in the human rights abuses in Juba in the early days of the crisis.[59] Moreover, most of those seeking protection in UNMISS bases from government forces do not trust national authorities, and the entry of national police of one ethnicity or party into IDP camps of the opposite tribe or party could cause violence.

Another solution that UNMISS is considering is collaboration with the national police to establish secure neighborhoods where people would feel safe to return or relocate. Again, this would require very careful consideration, given police involvement in the December 2013 violence. The Human Rights Abuses Investigation Committee, which was formed by the GRSS less than a month after the crisis began to investigate human rights abuses by security forces on both sides of the conflict, has so far made little public progress beyond holding "public hearings in July 2014 in Juba, Bor, Malakal, and Bentiu to gather testimonies regarding killings, looting, and the destruction of property."[60] Moreover, the Committee has not shown itself to be an independent body capable of impartially investigating human rights abuses given that its "eight members were selected by the office of President Salva Kiir, its activities are also funded by the presidency, and it reports directly to the president."[61] Without reliable methods in place to identify and hold government security forces accountable for serious human rights abuses, working with the state security sector on relocations would be a highly risky endeavor for UNMISS and the people they are mandated to protect.

57 "Conditions at UN's South Sudan Camp Inhumane, Says MSF," Guardian, 21 August 2014, http://www.theguardian.com/global-development/2014/aug/21/conditions-un-south-sudan-camp-inhumane.

58 "The Status of Forces Agreement Between the Government of the Republic of South Sudan Concerning the United Nations Mission in South Sudan (SOFA)," UNMISS, 8 August 2011, section V, paragraph 19, http://www.un.org/en/peacekeeping/missions/unmiss/documents/unmiss_sofa_08082011.pdf.

59 South Sudan's New War, New York: Human Rights Watch, 2014, 25, 31-32, 35-36, http://www.hrw.org/reports/2014/08/07/south-sudan-s-new-war.

60 Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in South Sudan, OHCHR, 19 September 2014, A/HRC/27/74.

61 "Joint Civil Society Statement on What the Human Rights Council Must Do to Address the Human Rights Crisis in South Sudan," Human Rights Watch, 16 September 2014, http://www.hrw.org/news/2014/09/16/joint-civil-society-statement-what-human-rights-council-must-do-address-human-righ-1.

Recommendations

UNMISS will need to make hard choices when prioritizing which people and which areas to protect. Given the consequences of an attack on a UN base, UNMISS's first priority should be to protect the POC sites. Second, UNMISS should continue to work with NGOs to maintain a safe and secure environment within the camps. Third, UNMISS should work with the IDPs and humanitarians at each POC site to develop strategies to effectively protect those temporarily leaving and returning to the POC site. Not only would this protect the people within the POC sites in the short term, but it might also assist UNMISS in building trust with communities that will be needed to effectively protect people in the current POC sites and outside them if and when people relocate from the UN bases.

UNMISS should consider whether the POC sites truly are unsustainable. Given the challenges and dangers involved in moving people to separate IDP camps, and given that many people may refuse to leave the sites in the short term due to the traumas that they have suffered, continuing to protect people in POC sites may be a better protection strategy than the alternative.

If UNMISS does decide that relocation of IDPs to safe neighborhoods is the best option, it could start by focusing its local reconciliation activities (see Section II recommendations) on the towns where its bases are currently located. These are areas where the mission already has a strong presence, so Civil Affairs staff may have the access needed to conduct reconciliation initiatives to heal intercommunal tensions.

If UNMISS decides that it is also necessary to work with national authorities to complement its own patrolling of neighborhoods and to ensure that they are safe for relocation, it would first need to strengthen its Human Rights Due Diligence Policy (HRDDP). All UN entities — including peacekeeping operations — that provide support to non-UN security forces must ensure that the support is "consistent with the Organization's Purposes and Principles in the Charter and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law."[62] They have to develop procedures to monitor the recipient's compliance with these laws, procedures for determining when to intercede, and establish general operational guidance in order to meet this requirement.

UNMISS has had an HRDDP for some time, but it is not based on a database of specific units or individuals known or suspected to have violated human rights. Although this information may not be readily available at this time, the mission should develop a database so that UN human rights monitors and others within the mission can begin to seek out and store this information. The database developed by MONUSCO, which profiles individual perpetrators as well as recording incidents of grave human rights violations, could serve as a model for UNMISS. If the mission decides to work with the South Sudanese police on the safe relocation of IDPs, UNPOL officers should ensure that they prioritize identifying perpetrators and cases of grave human rights violations, working with human rights officers to record this information in the database. Since UNPOL focused its efforts on supporting the South Sudanese police prior to the civil war, this task would require it to re-orient its outlook and goals. If UNMISS's mandate is revised to authorize the mission to work with the army or other branches of the

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62 Human Rights Due Diligence Policy on UN Support to Non-UN Security Forces (HRDDP), UN General Assembly and Security Council, 5 March 2013, A/67/775–S/2013/110.

state security sector, identifying and recording perpetrators and cases related to those branches should remain a high priority for the mission.

At the same time, UNMISS should continue to strongly encourage the government to improve its own efforts to investigate and prosecute security forces who participated in abuses during the crisis. UNMISS should advocate for the measures already taken, such as the establishment of the Human Rights Abuses Investigation Committee, to be reformed so that they work and are seen to be working effectively, independently and impartially.

The other 90-plus percent: UNMISS's role outside the POC sites

"[UNMISS] say[s] they don't want to increase protection inside the bases so they can protect outside the bases — how can we argue either way when people need protection both inside and outside?"[63]

Unfortunately, those sheltering inside UN POC sites represent only around five percent of the overall population displaced by violence. As of October 2014, 1.4 million people were internally displaced and close to 500,000 had fled to neighboring states.[64] This is a fraction of the total number of people that remain at risk across the country. Seven of South Sudan's ten states have already been affected by some form of violence related to the civil war.[65]

Some of the internally displaced have gathered in areas of spontaneous settlement and can be reached by aid agencies, but many others are hard to access. These displaced persons may be moving to either government or opposition-held areas based on their best calculation of where they will be safest. However, they are still vulnerable to attack, especially when towns or other areas change hands. In some areas, aid agencies don't know where people have fled to and may not be able to reach them due to insecurity, poor infrastructure and inadequate resources.[66]

The number of people outside the bases creates a huge conundrum for UNMISS. First, it makes it difficult to prioritize assets and resources. Should UNMISS focus its scarce resources inside the bases, around the bases or on the majority of the people that are under threat — including those not yet displaced — outside the bases? Second, if UNMISS were able to devote the necessary resources to reach the people outside its bases, how could it plan effective protection interventions when the lack of access makes it very difficult to determine the primary threats to these populations, who is most at risk and other critical information?

Within days of the outbreak of violence in South Sudan, the UN Security Council authorized an increase in UNMISS troops and assets from 7,000 troops and 900 civilians to 12,500 troops and a police component, including Formed Police Units up to 1,323. In May of 2014, the UN Security Council requested that UNMISS reconfigure and focus its military, police and civilian components on achieving the mission's mandate to protect civilians. While these steps were necessary to strengthen UNMISS in order to deal with the situation, the size and capacities of the mission are still inadequate given the scale of the crisis, the geographic area and difficult terrain in South Sudan. Moreover, some of the increased capabilities have not yet been deployed. For example, nine military utility helicopters, one riverine unit and an engineering company are not scheduled to arrive until late in 2014.[67]

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63 Interview H, August 2014.

64 "South Sudan Crisis Situation Report No. 57," OCHA, 9 October 2014, http://reliefweb.int/report/south-sudan/south-sudan-crisis-situation-report-no-57-9-october-2014.

65 "South Sudan Crisis Situation Report No. 59," OCHA, 23 October 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/South_Sudan_Crisis_Situation_Report_59_as_of_23_October1.pdf.

66 Interviews H and J, August 2014.

67 Report of the Secretary-General on South Sudan, UN Security Council, 6 March 2014, S/2014/158.

THE CASE OF UNITY STATE

Unity is one of three states in the Greater Upper Nile area, which includes Jonglei, Upper Nile and Unity states. Greater Upper Nile is the area that has been most affected by the crisis. On October 9 of this year, 289,300 people were displaced within Unity state.[i]

While the SPLM/A now holds most of the northern counties, SPLM/A-IO holds a southern county and the majority of the state is contested.[ii] Bentiu is the state capital and switched hands a number of times between December 15 and May 2014.

Humanitarian assistance to much of Unity state outside the POC site is limited, though humanitarian organizations are attempting to expand their services rapidly in the area. As a result, displaced persons travel to the POC site to receive food and other services. Humanitarian aid personnel report that some women coming to the POC sites for food have to cross multiple checkpoints of various armed actors to reach the sites.[iii] Some take hours to travel to the site to avoid checkpoints or are slowed down passing through them. As they travel, the women are extremely vulnerable to rape and other forms of conflict-related sexual violence.[iv]

"People that were walking two hours are now walking eight to get to the POC site because they are hungry. This will get worse as the food crisis deepens. There are not a lot of options when it comes to self-protection."[v]

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i "South Sudan Crisis Situation Report No. 57," OCHA, 9 October 2014, http://reliefweb.int/report/south-sudan/south-sudan-crisis-situation-report-no-57-9-october-2014.

ii "The Conflict in Unity State," Small Arms Survey Sudan, 2 October 2014, http://www.smallarmssurvey-sudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-unity.html.

iii Interview H, August 2014.

iv Interviews H, J and K, August 2014; *Gender Based Violence Rapid Assessment: Bentiu, South Sudan*, New York: International Rescue Committee, 2014.

v Interview H, August 2014.

Recommendations

Given the fact that UNMISS will continue to have limited resources to protect the vast number of people in need of protection beyond its bases, the POC sites should be prioritized as discussed in Section IV. However, this should not be used as an excuse for not working to create area security, when it has the resources to do so. UNMISS should work with humanitarians to prioritize areas where UNMISS could contribute to a safer environment that would enable the safe storage and delivery of humanitarian assistance.[68] UNMISS should also work with NGOs to identify potential hotspots, especially in parts of the country where UNMISS has little presence, so that it can quickly deploy short-term assets and personnel to provide protection (e.g., through evacuations, patrols or reconciliation initiatives).

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68 UNMISS is mandated to create the conditions for the delivery of humanitarian assistance. See Resolution 2155 (2014), UN Security Council, 27 May 2014, S/RES/2155.

Summary of findings and recommendations

UNMISS will continue to face a daunting set of challenges as it strives to protect people from physical violence. Per its May 2014 mandate, it will have to make tough choices about how to prioritize its scarce resources to protect people by preventing or mitigating deliberate violence against civilians: UNMISS will not be able to protect all of the people affected by the current crisis. The following recommendations could help UNMISS achieve its mandated objectives to protect some of the people most threatened by deliberate violence against civilians. Whenever possible, decision-making should be informed by the safe engagement of conflict-affected communities, preferably by civil society partners.

UNMISS should focus on community level conflict mediation and reconciliation activities.

- The UN Civil Affairs component will need a robust staff trained in protection of civilians, conflict mapping, early warning and conflict mediation. This includes the need for national staff that can act as trusted and impartial translators and community liaisons.

- UNMISS should effectively communicate and coordinate with UN agencies and NGOs, undertaking complementary mediation and reconciliation efforts to avoid duplication and leverage each other's efforts.

UNMISS should continually revisit and revise its national-level protection of civilians strategy and ensure that state-level and crisis-specific action plans are completed as soon as possible.

- The strategy and action plans should be based on a number of scenarios (including worse-case scenarios) and should be flexible enough to adapt to a dynamic situation.

- Action plans should include achievable and measurable objectives in addition to risk assessments and related protection activities.

- UNMISS should identify ways to safely engage conflict-affected communities in assessing, planning, implementing, and monitoring and evaluating the strategy and action plans.

UNMISS will continue to need a strong Joint Mission Analysis Center (JMAC) to gather, analyze and provide information that can be used as the basis of strong decision-making.

- UNMISS should safely and effectively engage civil society groups that are working with conflict-affected communities in order to identify information about threats, vulnerabilities, self-protection strategies, and perceptions of protection actors.

- UNMISS should develop information storage and sharing protocols in consultation with civil society groups and humanitarian partners to protect those providing information and to build trust that will encourage greater information sharing between UNMISS and external protection actors.

UNMISS's early warning system should be reviewed frequently by UN headquarters to ensure that it effectively identifies short-, medium- and long-term threats, that it is being used appropriately in operational decision-making at the local and national-level, and that it is resulting in early response.

UNMISS will need to make hard choices when prioritizing which people and which areas to protect.

- UNMISS's first priority should be to protect POC sites from external attack. Second, UNMISS should continue to work with NGOs to maintain a safe and secure environment within the POC sites. Third, UNMISS should work with the IDPs and humanitarians at each of the POC sites to develop strategies to effectively protect those temporarily leaving and returning to the bases.

- Once the bases and perimeters of the POC sites are secure, UNMISS should work with humanitarians to prioritize areas where UNMISS could contribute to a safer environment that would enable the safe storage and delivery of humanitarian assistance and identify potential hotspots, especially in parts of the country where UNMISS has little presence.

UNMISS should carefully consider whether and how people within POC sites on and adjacent to UN bases should be voluntarily relocated.

- UNMISS stakeholders, within the peacekeeping operation and external to it, should question whether the POC sites truly are unsustainable. Given the need to ensure that relocation or return is voluntary and safe, continuing to protect people in POC sites on or adjacent to UNMISS bases may be a better protection strategy than alternatives.

- If UNMISS does decide that relocation to IDP camps or to safe neighborhoods is the best option, it needs to strengthen its Human Rights Due Diligence Policy (HRDDP) before working with government forces either to police IDP areas outside of the UN bases or to create safe neighborhoods for voluntary return or relocation. UNMISS should also strongly encourage the South Sudanese government to take credible and public steps to hold abusive security forces accountable.

METHODOLOGY

The information in this report is drawn from a combination of interviews, focus groups and desk research.

The Stimson Center conducted a total of 24 interviews with humanitarian NGO, UN-MISS, UN agency and donor government personnel in Juba between August 1 and 11, 2014. All but one Stimson Center interview were conducted on a not for attribution basis.[i] The Sudd Institute conducted interviews with six youth leaders in Juba and Wau about the host communities' perceptions of UNMISS's ability to provide protection. The analysis was also informed by earlier interviews conducted by the Stimson Center with humanitarian NGO, UNMISS, UN agency and donor government personnel in Juba in March 2013 and May 2012.

The focus groups were conducted by the Stimson Center in early August 2014 with internally displaced persons seeking shelter at two POC sites in Juba – one referred to as "UN House" and the other as "Tong Ping." The purpose of these focus groups was to understand better how people living in these sites perceived their security. In UN House, participants included two focus groups of women, a focus group of young men, and a focus group of community leaders (all men). All focus group participants at UN House were living in the "POC 1" section of the site. In Tong Ping, participants included a focus group of humanitarian NGO staff (men and women) who were also IDPs living in the site, a focus group of women, and a focus group of community leaders (men and women).

All focus group participants were over the age of 18, and each group included approximately five to eight participants. Because the focus groups were conducted in Juba, where the Kiir government remains in control and where many Nuer people fear violence perpetrated by the government or by Dinka civilians, all focus group participants belonged to the Nuer tribe. Participants mostly spoke in Nuer. One resident from each POC site was carefully identified to translate between Nuer and English for the benefit of the Stimson researchers. The Stimson Center relied on the assistance of humanitarian agencies at each site to recruit participants and assist with the focus groups. For more detail on the results of the focus groups, please see Aditi Gorur, *Perceptions of Security Among Internally Displaced Persons in Juba, South Sudan*, Washington, DC: Stimson Center, 2014, www.stimson.org/Juba.

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i One interviewee, Toby Lanzer, the UNMISS Deputy Special Representative to the Secretary-General/Resident Coordinator/Humanitarian Coordinator, offered to be identified.

Children in Kimatong, Budi County, South Sudan.
Photo by H.J. Nyhuis/j-pics_info.

About the Stimson Center

The Stimson Center is a nonprofit and nonpartisan think tank that finds pragmatic solutions to global security challenges. In 2014 Stimson celebrates 25 years of pragmatic research and policy analysis to:

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Stimson is effective and innovative. It develops path-breaking approaches to non-conventional challenges such as water management, wildlife poaching and responses to humanitarian crises. At the same time, Stimson plays a key role in debates on nuclear proliferation, arms trafficking and defense policy. The MacArthur Foundation recognized Stimson in 2013 with its "institutional genius" Award for Creative and Effective Institutions. Stimson is funded by research contracts, grants from foundations and other donations. For more information, visit www.stimson.org.

Stimson's Project on Civilians in Conflict

Civilians in Conflict, a project of Stimson's Future of Peace Operations Program, envisions a world in which the international community, nation-states and local communities effectively eliminate violence against civilians in conflict-affected societies. As a contribution to this ambitious vision, the project works to expand and improve international efforts to develop effective prevention and response mechanisms. The Civilians in Conflict project looks at a number of areas that continue to perplex policy- makers and practitioners and undermine strategies to protect including: engaging communities in protection strategies; using force to protect civilians; working with humanitarian actors; building civilian capacity; combining political, other civilian and military resources to protect effectively; and tailoring strategies to protect civilians to specific contexts. For more information on Civilians in Conflict, please visit www.stimson.org/research-pages/civilians-in-conflict.

Children at the Makalal POC site, South Sudan.
Photo by J.C. McIlwaine, UN Photo.

About the Sudd Institute

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

Our Philosophy

The Sudd Institute is premised on the belief that public policy must be informed by reliable data, objective analysis and thoughtful debate. As South Sudan embarks on critical state-building, nation-building and development initiatives, little is known and understood about the country and the needs of its institutions and people. The Institute was established to close this knowledge gap and help ensure that decisions made during this critical period in the country's history result in positive change.

Our Mission

The Sudd Institute aims to promote informed and accountable policy and practice that responds to the needs, wants and well-being of the South Sudanese people by:

- Conducting, facilitating and communicating high quality, independent and action-oriented research and analysis;

- Providing opportunities for discussion and debate; and

- Improving analytical capacity and research skills in South Sudan.

- For more information, please visit www.suddinstitute.org.

Women and girls spend several hours a day collecting water and often standing in baking heat. They then carry the heavy jerry cans home, either on their heads or tied to the end of poles. Jamam camp, South Sudan. *Photo by Alun McDonald, Oxfam International.*

About the authors

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Alison Giffen is a senior associate and co-director of Stimson's Future of Peace Operations program. She leads the Civilians in Conflict project, which aims to increase global preparedness to prevent and respond to violence against civilians, including in its most extreme manifestation: mass atrocities. Giffen joined Stimson in 2009 with more than a dozen years of research, policy and advocacy experience related to human rights and humanitarian crises, peace operations and multilateral peace and security organizations. Giffen received her MA in international affairs from the School for International and Public Affairs at Columbia University, and received her BA in diplomacy and world affairs from Occidental College.

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Acknowledgements

"WILL THEY PROTECT US FOR THE NEXT 10 YEARS?"

Challenges Faced by the UN Peacekeeping Mission in South Sudan

The United Nations faces an unprecedented challenge in South Sudan. The country has been devastated by the civil war that broke out in December 2013, in which armed actors on both sides have committed horrific abuses against civilians based on ethnic or political affiliation.

This Sudd Institute and Stimson Center report examines why it will be difficult for external actors, and particularly the UN peacekeeping mission in South Sudan (UNMISS), to provide protection from physical violence to civilians who are being targeted in this conflict. It explores the complexity that historical grievances present, the multitude of threats posed by numerous actors, the unprecedented challenge of protecting the tens of thousands of people in UNMISS bases and the larger challenge of protecting many more that are difficult to reach due to insecurity and insufficient resources and infrastructure. Finally, the report provides some modest recommendations to help external stakeholders prioritize scarce resources in order to provide the protection that is desperately needed now in South Sudan and will likely be needed for years to come.

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