



WITHIN AND BEYOND THE GATES:

*The Protection of Civilians by the
UN Mission in South Sudan*

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RECOGNIZE. PREVENT. PROTECT. AMEND.

This report was co-researched by Center for Civilians in Conflict (CIVIC) and the Better World Campaign (BWC) based on fieldwork the organizations carried out in Juba and Bentiu in August 2015. It was authored by CIVIC and reviewed and edited by program directors in both organizations. In addition, a humanitarian representative in South Sudan, as well as seven UN officials in New York and South Sudan, provided invaluable feedback on a draft. Caroline Kavit designed and prepared the report for publication.

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Organizational Mission and Vision

Center for Civilians in Conflict (CIVIC) works to improve protection for civilians caught in conflicts around the world. We call on and advise international organizations, governments, militaries, and armed non-state actors to adopt and implement policies to prevent civilian harm. When civilians are harmed we advocate the provision of amends and post-harm assistance. We bring the voices of civilians themselves to those making decisions affecting their lives.

CIVIC's vision is for a future where parties involved in conflict go above and beyond their legal obligations to minimize harm to civilians in conflict. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft creative solutions to address that harm, and engage with civilians, governments, militaries, and international and regional institutions to implement these solutions.

We measure our success in the short term by the adoption of new policies and practices that lead to the improved wellbeing of civilians caught in a conflict. In the long term, our goal is to create a new global mindset around robust civilian protection and harm response.

Acknowledgments

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The POC site near Bentiu, where around 110,000 IDPs are currently housed in a UN base (August 2014).

EXECUTIVE SUMMARY

“The UN has protected civilians [from harm] . . . [and] saved lives, [particularly] given their capacity. Look at all the people in the camps. [Many] of them survived because of the UN.”
– South Sudanese Civil Society Leader

“[I]t would be possible to increase the presence [of UNMISS] in some of the conflict-affected regions; the question is what type of risk you’re willing to put your people into.”
– UN Official

As a political feud mushroomed into an internal armed conflict in South Sudan in mid-December 2013, the UN Mission in South Sudan (UNMISS) was forced to adapt quickly. The mandate, which had primarily involved supporting the South Sudanese government since its independence in July 2011, shifted to protecting civilians targeted by parties to the conflict and to documenting human rights violations by all sides. Within days, tens of thousands of civilians converged on the UN bases in Juba and took up shelter – partially by forcing their way in, partially by UNMISS opening the gates. As a result, UNMISS has faced, and continues to face, a situation different from that which has confronted any other UN peacekeeping mission.

During the last 20 months of conflict, civilians have often been targeted deliberately, including through killings, sexual violence, forced displacement, the burning of homes and crops, and the looting of cattle and other property. The violence, while political in origin, has often been waged along ethnic lines, and, outside of Juba, has been largely concentrated in rural areas of Greater Upper Nile. The need for robust protection of civilians has been – and remains – enormous, as are the challenges the mission has faced.

In August 2015, Center for Civilians in Conflict (CIVIC) and the Better World Campaign (BWC) conducted two weeks of research in Juba and Bentiu, focusing on the mission's fulfillment of its

protection of civilians mandate. The organizations together carried out more than 80 interviews, including with civilians affected by the conflict, UN civilian and military officials, international humanitarian representatives, government and military officials, and local civil society leaders.

The need for robust protection of civilians has been – and remains – enormous, as are the challenges the mission has faced.

Unquestionably, the mission has saved lives and, in many respects, performed admirably. Around 200,000 people are now protected within six Protection of Civilians (POC) sites at UN bases. Civilians in the POC sites, as well as civil society leaders, regularly praised the mission for its role in protecting the lives of people who made it to camps. The mission was also able to restructure its role

based on the rapidly changing dynamics in the country – a process one person likened to turning around an oil tanker – which should serve as a valuable lessons learned for the UN going forward.

On the other hand, the mission has faced major challenges in projecting force in conflict-affected areas, which has meant that protection of civilians efforts have all too often been limited to within the POC site gates. Some of the problems, including resource constraints and the relentless obstruction the mission has faced from parties to the conflict, have been largely out of the mission's control. Others, including the timidity of some troop contributing countries (TCCs) toward kinetic operations and the evolution toward requesting permission from parties to the conflict before undertaking movements, relate to broader structural issues within UN peacekeeping operations. Many of the challenges raised by this research are also highlighted in the report by the High-Level Independent Panel on Peace Operations (HIPPO) – demonstrating how reform efforts, with greater support and contributions from Member States, can impact the situation on the ground in places like South Sudan.

UNMISS leadership, to its credit, recognizes and speaks frankly about many of its challenges, and is trying to better protect civilians in high-risk areas. In particular, Operation Unity II, which involves the projection of force into the southern part of Unity state – a region that has seen some of the heaviest fighting and violence against civilians – has continued to progress, including through long-duration patrolling and plans to establish a temporary operating base (TOB) in Leer County by the end of October 2015. These efforts need to remain a priority.

In late August 2015, after 20 months of conflict, the main parties signed a peace deal, following negotiations led by the East African bloc known as the Intergovernmental Authority on Development (IGAD) and pressure from the United States, United Kingdom, Norway, and the UN Security Council, among others. Ceasefire violations have occurred regularly in subsequent weeks, but, with substantial international pressure, both sides maintain a rhetorical commitment, as of this report's publication, to moving forward with peace.

The UN Security Council is now debating the future of UNMISS's mandate, which will need to maintain a core focus on the protection of civilians. In addition to continued violence by armed groups, the likelihood of inter- and intra-ethnic revenge killings is high, as the conflict has deepened

the country's cleavages. To better proactively protect civilians around the country, while also continuing to manage internal and external security at the POC sites, will likely require additional enablers, particularly helicopters; and additional personnel, especially engineering capacity. It will also require a more robust determination within the mission to refuse to allow the government to continue undermining the protection mandate.

As the peace agreement in South Sudan attempts to take hold, the mission's ability to protect civilians from harm will be critical in helping break cycles of violence and revenge and fostering reconciliation.

Recommendations

As the Security Council and Member States debate the new mission mandate for UNMISS, Center for Civilians in Conflict recommends the following:

To the UN Security Council and Member States:

- Keep the protection of civilians at the core of the mission's mandate. This is vital given the continued need to protect civilians from armed groups as well as the potential for an escalation in revenge killings and inter- and intra-communal violence, which may occur even if the peace agreement is implemented.
- Maintain and, if necessary, increase pressure on the South Sudanese government to immediately cease its obstruction of UNMISS's movements. Reiterate that the 2011 Status of Forces Agreement (SOFA) fully applies to the government.
- Prioritize addressing UNMISS's needs in terms of air assets and engineering capacity, as these are essential to its ability to protect civilians around the country and respond to the humanitarian crisis.
- Ensure, through budgeting and engineering capacity, that UNMISS has the resources to provide fencing and lighting in the POC sites, in order to improve the security of external perimeters.
- Review the flight safety assurance requirements, with a view to ensuring that, going forward, the mission will inform the government of its movements, rather than, in effect, having to ask for permission.
- Review and urgently address challenges related to casualty and medical evacuation, specifically related to air assets, tasking authority, flight safety assurances, and helicopter contracts. The inability to ensure prompt evacuation affects peacekeepers' morale and willingness to carry out their protection mandate, as well as certain potential troop contributing countries' willingness to deploy to South Sudan.
- Ensure that, at minimum, the current troop ceiling is met, and strongly consider increasing the ceiling for UNPOL and UNMISS military, so that the mission will have greater ability to protect civilians outside of the POC sites.
- Revisit and, where possible, eliminate or reduce official and unofficial national caveats that troop contributing countries have placed on the deployment of their peacekeepers, providing maximum flexibility for UNMISS commanders. Follow the advice of the HIPPO report in conveying to troop contributing countries that caveats beyond what have been agreed with the Secretariat will be considered disobedience.
- Encourage developed countries to increase their participation in the mission, including through the deployment of particular troop contingents where capacity is needed, such as engineering, lift, and rapid response. Follow up on relevant commitments made during the September 28, 2015 Leaders' Summit on Peacekeeping.
- Focus, in accordance with the recommendations in the HIPPO report, on establishing the resources necessary for the mission to produce the best results. The mission will have a critical role to play in protecting civilians from further harm and moving forward the peace process.
- Review pre-deployment training and reinforce its ability to prepare peacekeepers' mindsets for engaging in kinetic operations to protect civilians and interacting with local communities in often-volatile situations.

To the United Nations Mission in South Sudan:

- Continue prioritizing, even after the peace agreement, the projection of force outside the POC camps, in order to facilitate humanitarian assistance, reestablish a sense of security, undertake human rights investigations, and deter inter- and intra-communal revenge killings. In particular, move forward with the implementation of Operation Unity II, including through long-duration patrols and the establishment of temporary operating bases.
- Prioritize the planning of protection strategies for a likely increase in revenge killings and inter-communal violence, including through establishing a presence in sensitive areas, improving rapid deployment capabilities, and strengthening the important work Civil Affairs is undertaking at the community level around peacebuilding and reconciliation.
- Improve the security of the POC site perimeters, including through ensuring fencing and lighting in the camps.
- Increase efforts to identify and patrol areas where women are harassed and, at times, victims of sexual violence inside and around the POC sites. Communicate information regularly within the POC sites about patrols, so that women can better incorporate that information into their self-protection strategies while, for example, collecting firewood or going to market.
- Share, both internally and with the Security Council and UN headquarters, data about when peacekeepers fail to follow standard operating procedures related to the protection of civilians mandate, including when they turn around at a checkpoint without forcefully negotiating with authorities.
- Include leadership from the humanitarian community in discussions and decision-making related to the POC sites. Ensure effective communication and transparency with the affected populations as well, including while conducting risk analyses and considering alternatives to the POC sites.



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UNMISS peacekeepers assist displaced persons fleeing to a UN base in Juba on December 16, 2013, as violence broke out in the country (December 2013).

BACKGROUND

“They came on foot, in uniform and in civilian [clothes]. They said, ‘Where are the men, where are the guns, where are the cattle?’ I saw them shoot people, that’s why I came to the [POC] camp. They killed women and children too. They took the cattle, they destroyed [the village].... These are my only clothes that remain, I have nothing else.”
– Woman in her 40s now displaced at the Bentiu POC site

On December 15, 2013, fighting erupted between soldiers at the presidential guard headquarters in Juba, after months of escalating political tensions related to a power struggle between President Salva Kiir and former Vice President Riek Machar.¹ The crisis, although political in origin, was quickly marked by targeted killings along ethnic lines; in Juba, thousands of Nuer, the ethnic group of Machar, were killed in the first week of the conflict.² Within days, the situation had escalated into a civil war between, on the one hand, President Kiir’s government and military, the Sudan People’s Liberation Army (SPLA), and, on the other hand, the SPLA-In-Opposition (SPLA-IO), led by Machar.

¹ President Kiir had removed Machar from the vice presidency in July 2013.

² See Daniel Howden, “South Sudan: the state that fell apart in a week,” *The Guardian*, December 23, 2013, <http://www.theguardian.com/world/2013/dec/23/south-sudan-state-that-fell-apart-in-a-week>; Human Rights Watch, “South Sudan: Ethnic Targeting, Widespread Killings,” January 16, 2014, <https://www.hrw.org/news/2014/01/16/south-sudan-ethnic-targeting-widespread-killings>.

Overnight, the United Nations Mission in South Sudan (UNMISS) had to transition from supporting the nascent nation, which gained independence in July 2011, to protecting civilians from harm. The mission's mandate, structure, and personnel all had to adapt to a worst-case scenario that took many both within and outside the mission by surprise. On top of those already enormous challenges, UNMISS soon had tens of thousands of South Sudanese descend on its bases in Juba, seeking

Overnight, the United Nations Mission in South Sudan (UNMISS) had to transition from supporting the nascent nation... to protecting civilians from harm.

protection from the violence. As fighting spread to the states of Greater Upper Nile, several other UNMISS bases likewise became de facto internally displaced person (IDP) camps, referred to as Protection of Civilians (POC) sites.

In August 2015, Center for Civilians in Conflict (CIVIC) and the Better World Campaign (BWC) carried out two weeks of field research in South Sudan around UNMISS's implementation of its protection of civilians mandate. The research, undertaken in Juba and Bentiu, included interviews with civilians affected by the conflict, UN representatives, government and military officials, representatives of international humanitarian organizations, and local civil society leaders.

Over the last twenty months of fighting, both parties to the conflict targeted civilians, often along ethnic lines, including through killings, sexual violence, abductions, and the destruction of homes and crops.³ Both sides have also relied heavily on armed militia groups, which have used the political conflict as a means to settle inter- and intra-communal scores, including through the pillage of cattle – by far the most important form of wealth for many people and communities in South Sudan, particularly in the Greater Upper Nile states where the conflict has been most acute.⁴ More than 2 million people have been displaced either as refugees or internally, including around 200,000 people now living in six UNMISS POC sites.⁵

The conflict has arguably been waged principally through violence against civilians. During the SPLA offensive in Unity state from April to June 2015, for example, the targeting of civilians “was very calculated. They went after the SPLA-IO’s resource and support base, and were very successful [in doing so].”⁶ A South Sudanese civil society leader in Juba explained similarly:

“There is a military logic to [the violence against civilians].... If you can’t get the enemy, you can destroy the community and teach them a lesson. By terrorizing whoever is there, there become no cattle, no resources, for the [opposing side] to survive.... They are replicating an old Khartoum strategy, using tested tactics that worked in the past to clear out communities.”⁷

3 See UNMISS, *Special Report: Attack on Bentiu, Unity State, 29 October 2014*, December 19, 2014; UNMISS, *Attacks on Civilians in Bentiu & Bor, April 2014*, January 9, 2015; UNMISS, *Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile, April/May 2015*, June 29, 2015; Human Rights Watch, “*They Burned It All*: Destruction of Villages, Killings, and Sexual Violence in Unity State South Sudan, July 2015.

4 IGAD Center for Pastoral Areas & Livestock Development (ICPALD), *The Contribution of Livestock to the Sudan Economy*, Policy Brief No: ICPALD 6/CLE/8/2013; Jason Patinkin, “The Battle for Cattle: Civilians Starve as Soldiers Loot Livestock in South Sudan,” *Vice News*, August 10, 2015, <https://goo.gl/La6lJM>; John Burnett, “In South Sudan, Cows Are Cash and Source of Friction,” *NPR*, August 16, 2012, <http://goo.gl/OqU8zU>.

5 OCHA, “Humanitarian Bulletin: South Sudan – Bi-weekly update,” August 31, 2015, https://docs.unocha.org/sites/dms/SouthSudan/2015_SouthSudan/South_Sudan_31_August_2015_Humanitarian_Bulletin_Revised2.pdf

6 CIVIC-BWC interview, Juba, August 2015.

7 CIVIC-BWC interview, Juba, August 2015. The violence against civilians between December 2013 and August 2015 appears to have replicated many of the patterns of harm during the Second Sudanese Civil War, including sexual violence and the killing, often brutally and along ethnic lines, of civilians, including children, women, and the elderly. See Jok Madut Jok & Sharon Elaine Hutchinson, “Sudan’s Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities,” *African Studies Review*, Vol 42(2), September 1999, pp. 125-145; Human Rights Watch, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, June 1, 1994, <http://www.hrw.org/legacy/reports/1993/sudan/>. The current conflict may have seen a greater scale of such violence, but the perception that certain forms of violence are “new” may stem more from the heightened visibility due to the large-scale presence of the international community, including UNMISS. The relevant distinction in South Sudan appears to be between conflicts that are political in nature, such as today and following the split between Dr. John

The nature of the conflict has placed a great strain on UNMISS in trying to protect civilians from harm. The POC sites, while an imperfect solution, have saved lives. However, the overwhelming majority of people displaced by the violence are outside the POC sites. For them, protection has been far more limited, as a result of inadequate resources and a host of challenges in projecting force in high-risk areas.

On August 26, a peace agreement between the parties to the conflict was completed, with the signing by President Kiir.⁸ It is unclear whether the peace will hold, as there have been regular ceasefire breaches by both sides in the subsequent weeks. Significant international pressure has maintained some forward momentum to the peace deal's implementation, and, in that environment, the UN Security Council has begun debating the evolution of UNMISS's mandate.⁹

Given the fragility of the peace deal and the likelihood of continued violence against civilians – both by armed groups and in the course of inter-communal violence – the protection of civilians will need to remain at the core of the mission's focus. This report seeks to identify both the successes and challenges the mission has faced to date, as well as specific recommendations that could better allow for more robust and proactive protection going forward. In particular, the report focuses on the difficult relationship between UNMISS and the government, and the way that has impeded the protection of civilians; the resource constraints of the mission; the successes and challenges of the POC sites; the limited proactive protection to date outside of the POC sites, along with ongoing efforts to improve; and, finally, several key issues facing the mission as a peace deal moves forward.

Garang and Riek Machar in the 1990s; and historic inter-communal conflicts over, for example, cattle and land usage. The latter involve a certain ethic related to who can and cannot be targeted that has largely broken down during political conflicts. CIVIC phone interview with experts on South Sudan, August 2015.

8 Riek Machar and other relevant parties had signed on August 17. "South Sudan's Kiir demands more time, as Machar signs final peace agreement," *Sudan Tribune*, August 17, 2015, <http://www.sudantribune.com/spip.php?article56084>.

9 CIVIC-BWC interviews, August and September 2015. Following the June 2015 publication of the report by the High-Level Independent Panel on Peace Operations (HIPPO), it appears that UNMISS may be an early test case for a sequenced mandate, with the mission and DPKO doing assessments to determine both what the initial priorities should be and what additional resources UNMISS will need to meet those priorities.



© UN Photo/Martine Perret
UNMISS peacekeepers on a short duration patrol (April 2013).

SOFA VIOLATIONS BY BOTH PARTIES, DIFFICULT GOVERNMENT RELATIONS

“The UN is doing a very difficult job, in a very difficult situation, with a very difficult government. But it should be more robust in condemning acts against the UN.... The government is testing the waters, seeing how [far it can go].”

– Civil society leader

Obstruction by both parties to the conflict, in clear violation of the Status-of-Forces Agreement (SOFA), has undermined UNMISS’s ability to protect civilians from harm, as highlighted in the August 2015 midterm report from the UN Panel of Experts:

“Since March 2014, the Mission has endured more than 400 violations of the status-of-forces agreement, more than 90 per cent of which were perpetrated by the Government.... In May and June [2015], UNMISS experienced 43 incidents. The cumulative effect of that relentless obstruction has been devastating for the Mission’s operations and its ability to execute its mandate to protect civilians under Chapter VII of the Charter.”¹⁰

¹⁰ *Interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015)*, UN Doc. S/2015/656, August 21, 2015, para. 43. See also Stimson-BWC-CIVIC, “Protection of Civilians by the UN Peacekeeping Mission in South Sudan,” August 27, 2015, pp. 1-2.

In early September 2015, an UNMISS official told CIVIC and BWC there had been little change since the peace agreement, as the government regularly continued to impede UNMISS's freedom of movement.¹¹ The government and opposition are to blame for the routine SOFA violations,¹² but several people within and outside the mission also expressed that, by UNMISS often not responding robustly to these violations, the parties have pushed the bounds of their obstructionism ever further.¹³ The challenge has presented itself most acutely through the flight safety assurances (FSA) process, in which UNMISS de facto asks permission of the parties to the conflict before carrying out its operations. Not surprisingly, this has been used by the parties to block UNMISS movements into areas where violence against civilians was ongoing or had occurred recently.¹⁴

Although SOFA violations by the government and military predate the current conflict,¹⁵ the level of mistrust and hostility toward UNMISS certainly increased as a result of events following December 15, 2013. Overnight, the mission went from building the capacity and extending the reach of the state to playing a role – including through the protection of civilians and the documentation of human rights violations – that often ran counter to the government or military's interests.

In addition, the POC sites have been host to former SPLA-IO combatants, which, as described by an UNMISS military official, has led to tensions in places like Unity:

*"The perception from the SPLA Division Commander [in Rubkona] is that [a number of] combatants inside the POC camp could be raised – with arms, since we cannot effectively monitor entry and exit – and then attack the SPLA. They feel threatened, which is why there is some of the anger against the UN."*¹⁶

The mandate change was of course appropriate, and UNMISS has both documented violations by, and protected civilians associated with, all sides of the conflict. In Bentiu, for example, the POC site contained Dinka when the town was controlled by the IO, and only emerged as overwhelmingly Nuer when the SPLA regained control. Yet, to a government used to having UNMISS as a partner, impartiality in the midst of civil war – including in terms of who entered the POC sites – looked more like antagonism. And several people in Juba expressed that, particularly during the early days of the conflict, communication between the government and UNMISS about these changes, and what that meant practically, was not always sufficient.¹⁷

In obstructing UNMISS's movements, the government has also argued, according to a number of people interviewed, that the SOFA no longer applies, since it was signed prior to the conflict – and therefore both prior to the split of the government and the Sudan People's Liberation Movement/Army (SPLM/A) and prior to the changing of the UNMISS mandate in May 2014.¹⁸ The current government in Juba, they contend, is not who signed the SOFA in 2011, and the current UNMISS

11 CIVIC-BWC phone interview, September 2015. .

12 Although the vast majority of SOFA violations have been committed by the government, this may speak more to the fact that the government controls most of the country's territory – including where UNMISS operates – rather than a difference between the parties in how they treat UN access to sensitive areas.

13 CIVIC-BWC interviews, Juba, August 2015.

14 CIVIC-BWC interviews, Juba and Bentiu, August 2015.

15 See, e.g., United Nations, *Report of the Secretary-General on South Sudan*, June 20, 2013, paras. 80-82 ("UNMISS continues to raise violations of the status-of-forces agreement with the Government, both individually and collectively," noting in particular that a senior human rights officer had been expelled from the country and, during the three-month period in question, identifying "seven cases of arrest and detention, one assault, and one other case involving the illegal search of United Nations vehicles at Sudan People's Liberation Army checkpoints in Juba.");

16 CIVIC-BWC interview, Bentiu, August 2015. The SPLA's frustrations were, at least in part, grounded in reality. Several people described how, during fighting between the SPLA and SPLA-IO in Bentiu, people within the camp jumped the berm and joined the fight with the IO as it was advancing, then jumped back into the camp when the SPLA retook the area. CIVIC-BWC interviews, Bentiu and Juba, August 2015. The problem of the porousness of the POC site perimeters is discussed in more detail in section III.A.

17 CIVIC-BWC interviews, Juba, August 2015.

18 CIVIC-BWC interviews, Juba and Bentiu, August 2015.

mandate – in which the mission is protecting people from the government, rather than supporting it – is not, they argue, what they authorized. As the peace process moves forward, the Security Council should forcefully reiterate that the 2011 SOFA fully applies to the government; if necessary, it should require a high-level government official to re-sign the agreement.

Multiple people within UNMISS and from the humanitarian community felt that the current Special Representative to the Secretary General (SRSG) was making significant efforts to try to restore regular lines of communication with the government and address the issue of access constraints. Those efforts should be supported by increasing pressure on the South Sudanese government from the Security Council and Member States, including IGAD countries, regarding the immediate need to cease its obstruction of UNMISS's movements within the country.



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UNMISS helicopters. The mission faces a shortage of air assets, which has affected its ability to project force outside the POC sites (December 2012).

RESOURCE CONSTRAINTS

“Abuses have been taking place over huge areas. No peacekeeping force could fully deal with that, much less with [the personnel and resources] they have.”

– Representative of an International NGO

Over the past several years, the growth of UN peacekeeping operations in general, and that of the UNMISS in particular, coincided with a period of severe economic contraction. These declines hit many of the largest financial contributors to UN missions hardest. Understandably, these Member States became even more focused on the affordability of peacekeeping missions, and the UN sought to, and has been able to, reduce costs.¹⁹

While these cost savings have been important and additional efficiencies should be pursued, a number of missions, like UNMISS, exist in challenging political, security, and logistical environments, which entail operations that require substantial troops, bases, and equipment. Even before the current crisis, UNMISS faced severe resource constraints, and these only became more pronounced after the conflict erupted. There are a variety of reasons for these constraints, including budgetary; one humanitarian official noted that the mission had “too little resources, too much mandate.”²⁰ Budget restrictions have affected not only UNMISS, but also other peacekeeping operations. As noted in the report by the High-Level Independent Panel on Peace Operations (HIPPO), Member States have concentrated their focus on incremental variations across budget lines as opposed to demonstrated needs or results, to the potential detriment of missions’ effectiveness.²¹

19 With the implementation of notable reforms like the Global Field Support Strategy – a recent UN initiative to transform the delivery of support to field missions – the cost per peacekeeper has been reduced by 18 percent since 2008-2009. See “Ambassador Power to the House Subcommittee on Appropriations for State, Foreign Operations and Related Programs,” April 15, 2015, <http://www.humanrights.gov/dyn/2015/04/ambassador-power-to-the-house-subcommittee-on-appropriations-for-state-foreign-operations-and-related-programs/>; United Nations, *Global field support strategy: Report of the Secretary-General*, UN. Doc. A/64/363, January 26, 2010, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/64/633.

20 CIVIC-BWC interview, September 2015.

21 Report of the High-Level Independent Panel on United Nations Peace Operations, *United Our Strengths for Peace – Politics, Partnership, and People*, June 16, 2015 (hereinafter HIPPO Report), para. 297, http://www.un.org/sg/pdf/HIPPO_Report_1_June_2015.pdf (“In the resourcing of missions, a stronger Member State partnership is required in the General Assembly to ensure a focus on effective and cost-effective mandate implementation. A greater focus by the General Assembly, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Secretariat on results rather than the incremental costs of mission budgets, could provide the basis for a new partnership in the resourcing of missions.”).

The inability of Member States to provide sufficient mobility and engineering assets is another key reason. The lack of air assets, along with a shortfall of engineering capacity, has been a well-documented problem for the mission, and it has undermined UNMISS's operations and effectiveness, as discussed in more detail in Section V, on the projection of force into conflict-

While the mission does have more assets and capabilities than two years ago, they are still greatly restricted by insufficient enablers and engineering capacity.

affected areas.²² While the mission does have more assets and capabilities than two years ago, including as a result of the increased troop ceiling that occurred soon after the conflict broke out, they are still greatly restricted by insufficient enablers and engineering capacity.²³

In South Sudan – a country the size of France, with around 200 miles of paved roads and 83 percent of the population in rural areas – almost everything must be done by air, particularly during the long rainy season that make even the best of roads impassable.²⁴ UNMISS officials repeatedly stressed that the current supply of air assets was not enough to meet the overwhelming demand. A lack of helicopters and planes not only inhibits peacekeeping patrols – one UNMISS military official noted “our forces can’t get anywhere in the country without air”²⁵ – but all other elements of the

mission as well. As another UNMISS official stated, “We do dynamic air patrols, where force, child protection, human rights, and others are all involved. But these are often canceled because of the lack of air assets.”²⁶

On top of these shortfalls in air assets, the mission has been plagued by a lack of engineering capacity. As a 2014 report noted, “The UN Security Council mandates peacekeeping operations in some of the poorest, most conflict prone areas of the world. These locations are often also extremely remote and nearly inaccessible. In this context, engineering is one of the most critical elements to the functioning of a UN peace operation.”²⁷ This is because engineers design and build the camps that allow the mission to exist, build roads and airstrips, and provide electricity and sanitation services. If there are engineering gaps, as the report notes, “coupled with major logistical challenges (as in the UN Mission in South Sudan), key elements of the mandate, such as the protection of civilians... become much more difficult, and sometimes impossible, to fulfill.”²⁸

UNMISS has suffered through significant engineering gaps, at times over 50 percent of what was deemed necessary.²⁹ Even though the mission has five of the six engineering companies it calls for, there is only one horizontal mobility engineering company (HMEC) that can operate in Unity and Upper Nile states – home to the large POC sites of Malakal and Bentiu, plus the operating bases of Renk, Melut, Bunj, and Nasser.³⁰ One of the critical tasks involved in horizontal construction is the

22 See “Lack of mobility hampers UN mission’s ability to implement its mandate in S. Sudan,” *Sudan Tribune*, July 9, 2013; International Peace Institute, *Engineering Peace: The Critical Role of Engineers in UN Peacekeeping*, January 2014, http://milengcoe.org/news/Documents/ipi_e_pub_engineering_peace.pdf.

23 Currently, there are 18 rotary helicopters held by the mission – 9 civilian helicopters and 9 military helicopters, a figure consistent with the most recent budget submission. For engineering, the mission presently has five military engineering companies, which is one less than deemed necessary. For heavy lift capacity to move forces and vehicles, the mission has only one large cargo plane, a C-130, and one Mi-26 helicopter. CIVIC-BWC interview, September 2015.

24 CIVIC-BWC interviews, Juba and Bentiu, August 2015. See also Reuters, “Road-starved South Sudan eyes a \$4 billion road network,” August 10, 2012.

25 CIVIC-BWC interview, Juba, August 2015.

26 CIVIC-BWC interview, Bentiu, August 2015.

27 International Peace Institute, *Engineering Peace*, p. 1.

28 Ibid.

29 See “Lack of mobility hampers UN mission’s ability to implement its mandate in S. Sudan,” *Sudan Tribune*, July 9, 2013.

30 CIVIC-BWC email correspondence, September 2015.

building, maintenance, and repair of supply roads and bridges, airstrips, and helipads.³¹ To underline the problems that exist in South Sudan, one UN official noted that due to the deterioration of roads and shortfall in engineering units to repair them, “it now takes 30 days to drive roundtrip from Juba to Bentiu. It took 10 days [two years ago].”³² The inability to conduct key engineering tasks impacts others parts of the mission, as “the infrastructure limitations also have to be taken account of. [For example,] [t]here is no point throwing [rotary wing] assets into the mission if you don’t have the physical capacity to base the aircraft.”³³



© UN Photo/JC Mcllwaine

The airstrip in Rubkona, near Bentiu, is cleared for mines in anticipation of carrying out engineering work to allow the airstrip to accommodate heavier capacity (January 2015).

31 International Peace Institute, *Engineering Peace*, p. 3.

32 CIVIC-BWC interview, September 2015.

33 CIVIC-BWC email correspondence, September 2015.



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The new extension of Bentiu POC, built to help minimize flooding within the camp even during the rainy season and, with wide pathways, to facilitate patrols essential to internal security (August 2015).

PROTECTION OF CIVILIANS (POC) SITES

“If we did not do what we did, tens of thousands of people would have died. We have succeeded in saving lives and done so boldly.”

– UNMISS Civilian Official

“The challenge here [inside Bentiu POC] is security. Gangs are bringing in guns at night.”

– Community leader in Bentiu POC

UNMISS is currently sheltering around 200,000 civilians in six POC sites located in five states across South Sudan. The UN's largely unprecedented action of sheltering civilians in its own bases has saved the lives of many people who likely would have otherwise been directly targeted by parties to the conflict. As one humanitarian official noted, “I was here in 1991 during the [Bor] massacre... [and here] when [Sudan's] Antonovs [were bombing civilian areas]. There was nowhere to go.”³⁴ South Sudanese civil society leaders, as well as people housed in the POC sites in Juba and Bentiu, routinely expressed appreciation for UNMISS's actions. Many felt that the scale of the crimes committed during the conflict would have been far worse had UNMISS not allowed people to enter or remain within their bases.³⁵

³⁴ CIVIC-BWC interview, September 2015.

³⁵ CIVIC-BWC interviews, Juba and Bentiu, August 2015.

The number of displaced persons within many of the POC sites has grown well beyond much of even the worst-case scenario planning. In Bentiu, for example, planning earlier this year was for a maximum of 70,000 to 75,000 people.³⁶ The camp now stands at more than 110,000 people, and, in mid-August, the International Organization for Migration (IOM) was starting contingency planning for as many as 150,000 by October 2015.³⁷ The Malakal POC site, which was supposed

The number of displaced persons within many of the POC sites has grown well beyond much of even the worst-case scenario planning.

to have a capacity of around 20,000, now has around 50,000 displaced persons within it. While conditions within the camps are often extremely difficult, the humanitarian community and UNMISS deserve considerable credit for the number of people they have been able to protect and shelter within the sites – particularly given the infrastructure challenges in South Sudan.³⁸

The growing number of people housed within the POC sites has, however, increased the resource burden on UNMISS, including the mission's ability to project force into conflict-affected areas, as discussed in more detail in

Section V below. Perhaps in part because of the frustrations linked to the resource burden, there seems to be a growing narrative within parts of the mission that many people in the POC sites are there only for services, rather than for physical protection. For example, an UNMISS military official told CIVIC and BWC:

*"To spare force for patrols, outreach – it's difficult, because of the [POC sites]. We don't have any idle resources, and yet I cannot say we are doing protection of civilians. [The POC sites] are a magnet for people, they are not a solution. More than half [of the people in them], the reason why they are there is services, not security."*³⁹

Yet, as many within the humanitarian community stressed, there is rarely a sharp distinction between coming for physical protection and coming for food insecurity. These issues are often intertwined in South Sudan; in carrying out attacks on civilians, armed groups have destroyed houses and crops and looted livestock.

In Bentiu POC, CIVIC and BWC conducted more than a dozen interviews with new arrivals to the camp. Everyone described having fled their village after an attack by an armed group; most people interviewed were either victims or witnesses to serious international humanitarian law (IHL) violations.⁴⁰ For the most part, they fled first into the swamps, where they had been safe during previous rounds of fighting. This time, however, armed groups pursued people in the swamps, forcing their ultimate flight to the POC site. Other civilians held out in the swamps for as long as possible, surviving on water lilies until even that food source ran out.⁴¹ While the final impetus for

³⁶ CIVIC-BWC interview, Bentiu, August 2015.

³⁷ IOM, "South Sudan – IDP New Arrivals in Bentiu Protection of Civilians (PoC) Area," August 11, 2015, http://iomsouthsudan.org/tracking/sites/default/publicfiles/documents/Bentiu%20New%20Arrivals_11%20Aug%202015.pdf.

³⁸ During the rainy season in 2014, for example, poor drainage left the Bentiu POC camp inundated with waist-high waters, in which young children at times drowned. Prior to the rainy season in 2015, UNMISS and the humanitarian community, led by IOM, oversaw the building of an extension site in which a Dutch-designed drainage system moved water away from the camp and improved sanitation. More latrines for both children and adults were built, as were health facilities that were easier to access. Wider pathways also made it easier for UNPOL to provide security. CIVIC-BWC interviews and site visit in Bentiu, August 2015.

³⁹ CIVIC-BWC interview, Juba, August 2015.

⁴⁰ CIVIC-BWC interviews, Bentiu, August 2015.

⁴¹ CIVIC-BWC interviews, Bentiu, August 2015. In a focus group in Juba POC, a woman who had recently arrived from Unity explained similarly that new arrivals were "coming ... for two reasons. First, there has been targeting of civilians, and at least people feel protected here. Second, many people's property was looted or destroyed, and so they have to come here to survive." CIVIC-BWC focus group, Juba POC, August 2015.

their movement into the POC sites may relate to food insecurity, such cases can hardly be treated as about services rather than physical protection – as physical insecurity was the foundation of each successive movement.

The Danish Refugee Council published similar findings in July about Malakal POC, with 73 percent of respondents identifying “direct attacks” or “insecurity” as the main reason for fleeing to the POC site; the vast majority had also already been displaced elsewhere for more than three months before going to the POC sites, showing that most people consider them to be a last resort, not a magnet.⁴²

In Juba, some IDPs leave the POC site daily to go to work or market, and the city has not faced fighting since the early stages of the conflict. This is often offered as support for the idea that people come – or at least remain – in the camp for services. While some people in Juba POC may have

decided to stay in part due to the access of services, a humanitarian official who works in the camp stressed, “Going to market or class is entirely different from trying to integrate into society. Many people still don’t feel safe enough [to do the latter].”⁴³ Civilians in Juba POC interviewed by CIVIC and BWC also emphasized that while they might feel safe outside the POC site during the day, they did not yet feel comfortable being away from the camp at night.⁴⁴

Because most people’s movement into the POC sites relates directly or indirectly to security... the reality is that the POC sites will remain necessary for the foreseeable future.

Because most people’s movement into the POC sites relates directly or indirectly to security – and because the government has proved unreceptive to the idea of creating alternative sites⁴⁵ – the reality is that the

POC sites will remain necessary for the foreseeable future. The peace agreement may help stem the tide of new arrivals, but is unlikely to result in many people feeling safe enough to leave. As a result, the mission should urgently work to address several major protection challenges around and within the POC sites.

Protection Challenges Around and Within the POC Sites

Although the POC sites have undoubtedly been a refuge for people fleeing conflict-affected areas, they face many of their own protection challenges. UNMISS has often been slow to respond, in part due to its overstretched resources, putting significant pressure on the humanitarian community to fill the gaps.

Many women in the POC sites leave the camps daily to collect firewood for cooking and to sell, in order to supplement the camp food rations. Women interviewed by CIVIC and BWC in Bentiu POC, for example, described leaving the camp at dawn and walking for 90 minutes to where they collect

⁴² DRC, “Protection Briefing: New Arrivals – Malakal, July 2015.”

⁴³ CIVIC-BWC interview, Juba, August 2015. In a February 2015 survey in Juba POC, 93 percent of respondents identified “fear for personal safety” as the primary reason they fled their home, compared to 7 percent who said “lack of basic services.” Seventy-six percent of respondents also indicated that all of their pre-crisis assets had been destroyed. REACH, “UNMISS Juba PoC Site – Preliminary Findings Overview,” February 2015, https://www.humanitarianresponse.info/files/assessments/SSD_Factsheet_Juba%20PoC%20Preliminary%20Findings%20Overview_February%202015.pdf.

⁴⁴ CIVIC-BWC focus groups, Juba POC, August 2015.

⁴⁵ The IDPs in most of the POC sites are overwhelmingly Nuer. There have been several plans related to establishing formal or informal sites in the ancestral homelands of the Nuer, an option that has been viewed favorably by some IDPs. See REACH, “UNMISS Juba PoC Site – Preliminary Findings Overview,” February 2015. However, the government has blocked such plans from advancing, perhaps in large part due to fears that some IDPs would join the SPLA-IO in fighting the government. CIVIC-BWC interviews, Juba, August 2015.

firewood and then, with firewood stacked on their head, undertaking the 90-minute walk back to camp.⁴⁶ Several women described how either they, or women they knew, had been attacked while out collecting firewood, including a women in her 60s at Bentiu POC:

“Sometimes we [encounter] the SPLA [when collecting firewood]. There was one time, they had no interest in me [because of my age], but they took two other women [I was with] and raped them. This happened about a month ago. [The attackers] were in uniform.... We’ve changed the direction [we go] now, and we haven’t been seeing the soldiers. Nobody provides protection. We go alone. When you go out of the camp, you provide your own security.”⁴⁷

A UN official said that there are around “one to three incidents a week [in Bentiu] of women going to collect firewood and getting harassed, at times raped – with the SPLA stealing the firewood. Occasionally they have even been shot.”⁴⁸

None of the seven women CIVIC and BWC interviewed had seen an UNMISS patrol while out collecting firewood, but an UNMISS official in Bentiu said peacekeepers had “started vehicle and foot patrols for women going to the market and to get firewood. There are hotspots that [the peacekeepers] go to at specific hours, based on incident reports.... Incidents have reduced since they’ve started these patrols.”⁴⁹ Given the number of women moving outside the camp each day at different times and to different locations, it would be impossible for UNMISS to accompany all of them individually. However, UNMISS can and should increase its efforts to identify and patrol in hotspots – and to communicate effectively with women in the camp so that they know where and when UNMISS will patrol, allowing the women to use that information to inform their own self-protection strategies.



© Matt Wells, Center for Civilians in Conflict
Women returning to Bentiu POC from collecting firewood outside the camp (August 2015).

In addition to protection challenges outside the camp, security within the camp also remains difficult. UNMISS military is responsible for securing the external perimeters, while UNPOL manages security within the camp – unless an

incident rises to a level in which the greater force capacity of UNMISS military is needed. In Bentiu, for example, one-and-a-half military battalions man observation posts around the approximately one-square-kilometer site and undertake mobile foot patrols and short-distance patrolling around the camp.⁵⁰ Seventy-five individual police officers from UNPOL, along with a recently arrived formed police unit, deal with the security issues related to the 110,000 people within the site, conducting patrolling throughout the day and night, engaging with community watch groups, and responding to security incidents.

Additional resources and personnel have had to be used to address complicated issues that have arisen in the course of managing the POC sites, including how to deal with people caught

46 CIVIC-BWC interviews, Bentiu, August 2015.

47 CIVIC-BWC interview, Bentiu, August 2015.

48 CIVIC-BWC interview, Bentiu, August 2015.

49 CIVIC-BWC interview, Bentiu, August 2015.

50 The Mongolian Battalion is at full capacity (around 700 troops), while the Ghanaian Battalion is currently at about half capacity. There were ongoing efforts to get the rest of the battalion there as quickly as possible. CIVIC-BWC interviews, Juba and Bentiu, August 2015.

committing crimes. Because UNMISS is unable to turn criminals over to government authorities,⁵¹ the mission has established holding cells within the POC sites. Most criminals are released back into the camp within 72 hours, while people responsible for more serious crimes are held for much longer periods, even indefinitely, in order to try to protect people within the POC sites from further violence.⁵²

The lack of fencing and lighting to secure POC site perimeters has compounded many of the mission's challenges in addressing, with limited personnel and resources, the security threats that the POC sites present – both to the people living within them and to UNMISS and humanitarian personnel. An UNMISS official in Juba related, “With each and every POC, this is an issue. Guys go in and out through [breaches in the perimeter], often with arms.”⁵³ In Bentiu, an UNMISS military official described similarly: “Except for a little wire [fencing], the site has been just berm and ditch [for a perimeter]. IDPs are able to go in and out 360 degrees [around the camp] because we cannot control the perimeter.”⁵⁴

Security points for accessing the camp, which are meant to protect against people bringing weapons or other contraband inside, become irrelevant given the difficulties in securing the external perimeter. This is particularly true at night, when the lack of lighting compounds the problem. Another UNMISS military official in Bentiu explained: “There is no light at nighttime. [People] run the ditch, swim the water, and go into the bush, and we don't know. We cannot [monitor them] or stop them.”⁵⁵ A humanitarian official in Juba said similarly that the lights around the camp had been out for around eight months, with no effort to fix them, which had facilitated the movement of weapons into the POC sites near UN House.⁵⁶

Axes, spears, guns, and grenades are all brought into the camps. Between January 2014 and July 2015, for example, UNPOL recovered more than 800 spears and 230 caliber weapons in Bentiu POC.⁵⁷ During the time that CIVIC and BWC were in Bentiu, one person tried to bring a grenade through a security checkpoint, while another was caught hopping the berm with three AK47 ammunition clips.⁵⁸



© UN Photo/JC McIlwaine
UNMISS and the UN Mine Action Service (UNMAS)
destroyed weapons and ammunition recovered from
civilians seeking refuge in the UNMISS base in Malakal,
Upper Nile State (December 2014).

The proliferation of arms and other contraband has led, at least in certain POC sites, to a rise in organized gangs and violent criminality. In Bentiu, there are reportedly at least 12 different gangs within the camp, including at least one with around 400 members in it.⁵⁹ Armed criminality, including

51 This relates both to the authorities' reluctance, or even refusal, to accept them, as well as to concerns of what would happen if certain people were handed over to the authorities. CIVIC-BWC interviews, Juba and Bentiu, August 2015.

52 CIVIC-BWC interviews, Juba and Bentiu, August 2015. For a longer discussion on UNMISS's approach to dealing with criminality within the POC sites, see Jenna Stern, Stimson Center, *Establishing Safety and Security at Protection of Civilians Sites*, 2015.

53 CIVIC-BWC interview, Juba, August 2015.

54 CIVIC-BWC interview, Bentiu, August 2015.

55 CIVIC-BWC interview, Bentiu, August 2015.

56 CIVIC-BWC interview, Juba, August 2015.

57 CIVIC-BWC interviews, Bentiu, August 2015.

58 CIVIC-BWC interview, Bentiu, August 2015.

59 CIVIC-BWC interviews, Bentiu, August 2015.

robbery, was increasing largely in connection with gang activity, particularly in the older part of the POC site, where it is difficult for UNPOL to patrol.⁶⁰ Such violence poses a threat both to the people living in the camp and to humanitarians operating there. In the new extension, with its much larger pathways, there is far less violent criminality.⁶¹

In a September 2014 document entitled “Responsibilities in UNMISS POC Sites for Planning and Budgetary Purposes,” UNMISS Mission Support Division (MSD) was given principal responsibility for, among other things, “construction” and “[m]aintenance of physical security infrastructure of PoC sites (including perimeter berms, fencing, perimeter lighting, external patrol roads, gates, watch towers).”⁶² Yet, to date, MSD has been largely unable to fulfill many of those tasks. The inadequate fencing and lighting has remained unresolved for an extended period, and the burden is now often falling to humanitarian organizations involved in camp management. One humanitarian official blamed the fact that “the POC mindset [at UNMISS] is always short-term, but the reality is that [these are here to stay] for the medium to long-term. The short-term thinking causes really bad planning.”⁶³

An UNMISS official stressed that the inadequate fencing and lighting was not simply a result of lack of will on the part of the mission. The official noted procurement obstacles as well as the fact that IDPs steal wire and destroy lights, making adequate fencing and lighting a continuous, rather than a one-off, challenge. More fundamentally, the official noted that Member States had in many ways imposed short-term thinking on the mission, when, through the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and Fifth Committee, they pushed back on incorporating additional POC site-related costs into the Assessed Budget.⁶⁴

Despite the real challenges, UNMISS, with better support from Member States and the continued assistance of humanitarian partners, needs to prioritize improving the security of POC site perimeters. An UNMISS military official in Bentiu indicated to CIVIC and BWC that this would likely also have the benefit of freeing up additional peacekeepers to project force away from the sites:

“The fence issue should be seen as a way to allow [the Mongolian Battalion] and [Ghanaian Battalion] to go out [and do proactive protection] ... to do patrols, deploy at a longer range. Instead, we have to sit here worrying about our own security [because the perimeter is not secure].”⁶⁵

60 CIVIC-BWC interviews, Bentiu, August 2015.

61 CIVIC-BWC interviews, Bentiu, August 2015.

62 Document on file with CIVIC and BWC.

63 CIVIC-BWC interview, Juba, August 2015.

64 CIVIC-BWC email correspondence, September 2015.

65 CIVIC-BWC interview, Bentiu, August 2015.



© UN Photo/JC McIlwaine
Soldiers from the UNMISS Indian Battalion patrol in Malakal (December 2014).

PROJECTION OF FORCE OUTSIDE OF POC SITES

“There is a Chapter 7 mandate, but a Chapter 6 mentality, Chapter 6 rules... and Chapter 6 enablers.”

– UNMISS Military Official

There is an ongoing effort within UNMISS, pushed from the highest levels of the civilian and military leadership, to project force outside of the POC sites. Such planning, while overdue,⁶⁶ marks an important step toward meeting the mission’s protection mandate. However, the operationalization of this planning faces a number of challenges.

Following the atrocities that accompanied the SPLA offensive from April to June 2015, UNMISS designed Operation Unity II, which was meant to establish regular long-duration patrolling (LDPs), dynamic air patrols, and several temporary operating bases (TOBs) in southern Unity state.⁶⁷ Operation Unity II offers the potential to, among other things, improve protection options for civilians in their home areas, facilitate access for humanitarian delivery, and, as a result, reduce the number of new arrivals to the POC sites.⁶⁸ The planning also involved effective collaboration between UNMISS and the humanitarian community, which played an integral role in identifying and weighing the costs and benefits of different types of engagement.

66 UNMISS has had almost no presence in southern Unity since December 2013, despite the sustained fighting and large-scale human rights abuses there. CIVIC-BWC interviews, Juba, August 2015.

67 For more on the atrocities, see UNMISS, *Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile, April/May 2015*; Human Rights Watch, *“They Burned It All”*.

68 For more information, see Stimson-BWC-CIVIC, “Protection of Civilians by the UN Peacekeeping Mission in South Sudan,” August 27, 2015, pp. 3-4.

The ambitious plans associated with Operation Unity II have been slow to materialize, however. Several UNMISS and humanitarian leaders expressed skepticism in August that the TOBs would be established anytime soon, due to the difficulty of the rainy season and the resources UNMISS would have to dedicate; the original proposed date – late August – has already passed. LDPs and dynamic air patrols were likewise quickly plagued with challenges, including impassable roads and SOFA violations. One UNMISS official told CIVIC and BWC in early September that an UNMISS military team arrived in Leer and, because a local government official felt he was not part of the planning, the team was “surrounded by government forces and threatened.... Our personnel departed the area [to avoid escalation].”⁶⁹ Yet, positively, UNMISS continued to push forward with Operation Unity II. After additional negotiation for access, another team went to Leer for an initial assessment from September 7-9. The plan is to continue assessments over the next couple weeks, with a new base to be established by late October.⁷⁰

The struggles of implementing Operation Unity II reflect the mission’s general difficulties in operationalizing plans to protect civilians proactively away from the POC sites. In August, the mission rolled out a new early warning system that was praised for its presentation of information and ability to feed in to planning.⁷¹ It brings together intelligence from a wide variety of sources, both inside and outside the mission, and identifies potential mission responses. However, the use of that intelligence to inform timely and effective operations remained limited,⁷² both due to resource constraints, as discussed above, and a number of other challenges discussed in more detail below.

The inability to project force has undermined the mission’s ability to fulfill its protection of civilians mandate. As one UNMISS official recounted, “When we shut down moving in May and June [due largely to government access restrictions], sexual violence skyrocketed – even in the 10 kilometers around Bentiu.”⁷³

Even with the signing of the peace agreement, projecting force into areas that have been decimated by the conflict remains extremely important – in order to facilitate humanitarian assistance to vulnerable communities, reestablish a sense of security, demonstrate to the government that UNMISS will not continue to allow its operations to be halted by SOFA violations, undertake human rights investigations, and deter inter- and intra-communal violence. The challenges that have impeded proactive protection outside the POC sites need to be addressed urgently by the mission, the Department of Peacekeeping Operations (DPKO), and Member States.

Challenges in Proactive Protection

The frequent SOFA violations as well as the resource burden of the POC sites, both discussed above, are two of the principal challenges inhibiting the projection of force outside of the POC sites. However, there are many other hurdles, some of which relate to an insufficiently supportive environment for robust peacekeeping, including a lack of air assets and the inability to ensure medical evacuation; and some of which relate to a reluctance of many peacekeepers to engage in operations that entail risk. The result is that the mission has fallen into a pattern in which the protection of civilians mandate has become about maintaining and protecting the POC sites, despite the fact that the vast majority of people in need of both physical protection and humanitarian services remain outside of the camps.⁷⁴

69 CIVIC-BWC phone interview and email correspondence, September 2015.

70 CIVIC-BWC phone interview and email correspondence, September 2015.

71 CIVIC-BWC interviews, Juba, August 2015.

72 CIVIC-BWC interviews, Juba, August 2015.

73 CIVIC-BWC interview, Juba, August 2015.

74 In addition to working in the POC sites, the humanitarian community has made tremendous efforts to reach conflict-affected areas. Seventy percent of OCHA-coordinated humanitarian assistance is being provided outside of the camps. CIVIC-BWC interview, Washington, DC, September 2015.

Even after the signing of a peace agreement, the protection of civilians will need to remain one of the mission's highest priorities, both because of the risks of ceasefire violations and continuing human rights abuses by parties to the conflict, and because of the likelihood of revenge killings and inter- and intra-communal violence. UNMISS, with support from DPKO and Member States, therefore needs to address obstacles to projecting force. An UNMISS civilian official explained:

*"If we're going to take a broader [view of POC] – as more than just the POC sites – it will call for a certain change in military posture. We can't say we're going to protect civilians out there, but not be willing to use force. We can't do [protection] with a timid posture. It will require some paradigm shifts within Force, it will take a more robust posture, the Mission will have to be more assertive."*⁷⁵

Lack of Air Assets, Tasking Authority

The mission's ability to project force outside of the POC sites is hindered by its lack of air assets, particularly helicopters. Road conditions in South Sudan, especially during the rainy season, mean that air movements are required for most operations into conflict-affected areas, including southern Unity.

An UNMISS official in Bentiu said that about two-thirds of their scheduled movements into southern Unity are canceled, due to either a lack of air assets or the inability to get flight safety assurances from one or both parties to the conflict.⁷⁶ Another official in Juba described the challenges in terms of undertaking Operation Unity II: "The move north from Rumbek [into southern Unity] has been delayed by road conditions. In Bentiu, there is frustration, because they do the planning, but they don't always have the air assets available [to actually go].... A TOB in Leer would be useful, but it will take a lot of resources, particularly flights."⁷⁷

Several UNMISS military officials said that the addition of four helicopters would contribute significantly to the mission's ability to undertake proactive protection, particularly through being able to respond more rapidly and conduct more frequent dynamic air patrols.⁷⁸ The mission also lacks helicopter equipment and personnel that would enable movement at night, as well as attack helicopters – which have been blocked by the South Sudanese government.⁷⁹ The Security Council should place greater pressure on the government, including through the upcoming mandate renewal, to ensure that the mission is not denied critical assets that would be valuable in helping fulfill its protection mandate.

In addition, UNMISS military leadership lack tasking authority for air assets like helicopters, meaning they must get approval from the Director of Mission Support (DMS). Communication between Force and DMS appears to be open and effective at UNMISS, but, particularly if additional helicopters can be secured for the mission, granting tasking authority to the Force Commander over some helicopters might improve the ability of Force to respond rapidly and effectively to protection issues. Given the enormous demands in South Sudan, DMS would also need to maintain tasking authority over a number of helicopters. The recent HIPPO report noted similarly:

*"Force commanders should have increased direct tasking authority for military utility helicopters when the mission concept of operations requires it, and where there is a need. Letters of assist should be reviewed with the concerned Member States to allow for rapid short-term redeployments of military air assets in support."*⁸⁰

⁷⁵ CIVIC-BWC interview, Juba, August 2015.

⁷⁶ CIVIC-BWC interview, Bentiu, August 2015.

⁷⁷ CIVIC-BWC interview, Juba, August 2015.

⁷⁸ CIVIC-BWC interviews, Juba, August 2015.

⁷⁹ VOA, "South Sudan: UN Doesn't Need Drones, Attack Helicopters," June 18, 2015, <http://www.voanews.com/content/south-sudan-un-drones-chapter-7-unmiss-herve-ladsous/2827947.html>.

⁸⁰ HIPPO Report, para. 213.

As UNMISS's mandate is renewed and modified, the Security Council, DPKO, and UNMISS leadership should review the issue of tasking authority and determine if, as outlined in the HIPPO report, there would be a benefit to providing the Force Commander with tasking authority over some air assets. Member States should also ensure that the mission has adequate enablers, including helicopters, to carry out its protection of civilians mandate and to respond to the humanitarian crisis.⁸¹

Inability to Ensure Timely Casualty Evacuation,

Shooting Down of Helicopters

Military leaders at UNMISS repeatedly raised the difficulty of ensuring timely medical or casualty evacuation as an impediment to more robust peacekeeping away from the POC sites. The lack of air assets, combined with the need to get flight safety assurances from parties to the conflict, means that there are strong concerns about potential delays in getting a helicopter into an area where a peacekeeper has been wounded.⁸² That, in turn, undermines the willingness of peacekeepers to respond robustly to attacks on civilians or to access restrictions, for example when patrols are blocked from continuing into conflict-affected areas.

As one military official at UNMISS explained:

"If [a peacekeeper] is shot in the wrong place at the wrong time, he can't be sure that he will be medevac'd out [quickly]. We don't have helicopters that can fly at night. The FSAs are a very convenient tool for the SPLA to restrict air movement. If the risk assessment [shows flying] to be too risky, [the pilots might] not fly. When [peacekeepers] know this... they do not take risks, because they know they [may] bleed to death."⁸³

Since the conflict began in December 2013, no peacekeeper in South Sudan has died as a result of the issue of casualty evacuation.⁸⁴ Indeed, several UN officials described an incident in which wounded peacekeepers needed urgent care and a helicopter team was dispatched quickly, despite the risks, to evacuate them – demonstrating, according to these officials, that the mission would take the necessary measures when presented with an emergency situation.⁸⁵ However, as expressed by several UNMISS military officials, concerns about the timeliness of casualty evacuation do impact planning and peacekeepers' willingness to engage robustly in projecting force into high-risk areas.⁸⁶

The FSAs and risk assessments, which pose particular challenges to casualty evacuation, stem from several incidents in which UNMISS helicopters were shot down – killing the crews on board – and predate the current conflict.⁸⁷ Member States voiced alarm over these attacks and, in one case, even removed half of their utility helicopters and threatened to remove all of them.⁸⁸ Pilot contracts were also redrafted, at the behest of key Member States, to add safeguards before flying into high-risk areas. The casualty evacuation issue is therefore as much political at the level of the UN Security Council as it is about decisions made in South Sudan.⁸⁹

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- 81 The HIPPO report recommends specifically: "When required, Member States should ensure that peace operations have available contingents with the necessary equipment, training and enabling capacities to respond to threats, and to sustain them in using force proactively in self-defense and to protect civilians and dissuade spoilers in line with their mandates." Ibid., p. 33 (Recommendation 1 on the use of force for peace and protection).
- 82 CIVIC-BWC interview, Juba, August 2015. One person cited an internal mission review that found it could take days to deploy an air asset to a high-risk area.
- 83 CIVIC-BWC interview, Juba, August 2015.
- 84 CIVIC-BWC interviews, New York, September 2015.
- 85 CIVIC-BWC interviews, New York, September 2015.
- 86 CIVIC-BWC interviews, Juba and Bentiu, August 2015.
- 87 See "South Sudan's army down UN helicopter in Jonglei, 4 Russians killed," *Sudan Tribune*, December 12, 2012, <http://www.sudantribune.com/spip.php?article44945>; UN News Centre, "South Sudan: Preliminary UN probe shows helicopter was shot down," September 9, 2014, <http://www.un.org/apps/news/story.asp?NewsID=48674#Ve8dBLDF-6M>.
- 88 Reuters, "Russia may pull out from South Sudan force," January 17, 2012.
- 89 CIVIC-BWC interviews, New York, September 2015. Several UNMISS officials emphasized that the FSA and contractual limitations affect operations across the board. They also noted that these challenges have created a dynamic in which the UN Humanitarian Air Service (UNHAS), which flies for UN agencies and humanitarian organizations, has at times flown into areas considered too dangerous for UNMISS air assets to fly. CIVIC-BWC

The reluctance to put at risk the small number of air assets available to the mission, in addition to lives of the crew, is understandable. However, the consequences have been substantial in terms of discouraging the projection of force away from the POC sites. Indeed, a diplomatic official indicated that the inability to assure basic medical support to peacekeepers, including through casualty evacuation, has been one of the major impediments to getting Western countries to contribute troops to UNMISS.⁹⁰

The HIPPO report published in June identified similar issues across UN missions as well as the need to establish and maintain casualty evacuation standards, particularly in “dangerous and remote mission settings” like South Sudan:

“Timely and reliable medical evacuation and casualty evacuation should be a priority during the mission start-up phase and must be maintained continuously throughout the life cycle of the mission, including with night flight capability. No mission should be assessed to have reached an initial operating capability unless such arrangements are in place. Clear capability standards should be established for casualty evacuations and medical evacuations.”⁹¹

As Member States debate the new mandate of UNMISS, they should actively consider how best to address the casualty evacuation issue, as proactive protection of civilians will remain essential in the months ahead. Several UNMISS officials hoped to end the strict FSA requirement, so that the mission would inform the government of movements rather than having, de facto, to ask for permission.⁹² Even that might not address the problem, however, given the restructuring of helicopter pilot contracts, at the insistence of certain Member States, to reduce future risks.⁹³ As a result, either those contracts would need to be re-written again, or the mission might need to hire a private company – or be reinforced with a new, more conflict-ready helicopter squadron – that was willing and able to fly into high-risk areas.⁹⁴

Risks of Action Outweigh Risks of Inaction

Another major challenge in proactively protecting civilians away from the POC sites is that peacekeepers often see more reasons to avoid, rather than to engage in, projection of force. The biggest disincentive facing most peacekeepers is, of course, the risk to their own physical security should they respond assertively. The shooting down of several helicopters, as well as the firing of rocket-propelled grenades (RPGs) on UNMISS barges,⁹⁵ have demonstrated that the parties to the conflict are willing to target UNMISS. That being said, several humanitarian and UNMISS officials highlighted that there had been few, if any, incidents during the conflict in which an UNMISS ground patrol had been attacked or ambushed, as opposed to merely threatened or harassed.⁹⁶

In addition, several UNMISS officials referenced a challenge associated with the possibility of investigation associated with use of force, even when a peacekeeper follows the appropriate rules of engagement (ROE). In particular, a February incident involving a Ghanaian peacekeeper appears to have reinforced the inertia against more robust action, as explained by an UNMISS military official:

interviews and email correspondence, August and September 2015.

90 CIVIC interview, September 2015.

91 HIPPO Report, para. 204.

92 CIVIC-BWC interviews, Juba, August 2015.

93 CIVIC-BWC interviews, Juba, August 2015.

94 CIVIC-BWC interview, Juba, August 2015.

95 After a barge was destroyed by RPG fire in July 2015, the mission sought more explicit authorization from the government before undertaking another barge movement from Juba to Malakal, even though not required under the SOFA. For around three weeks, the government delayed sending a letter to the mission acknowledging the barge movement, which is used to transport food, fuel, and other essential supplies. Malakal POC came close to running out of critical supplies, before the government finally provided the signed letter. For more information, see Stimson-BWC-CIVIC, “Protection of Civilians by the UN Peacekeeping Mission in South Sudan,” August 27, 2015, p. 2.

96 CIVIC-BWC interviews, Juba, August 2015. Harassment and threats, of both patrols and personnel more generally, are frequent.

“A Ghanaian soldier [fired on and] killed [someone].... Immediately, HQ called Ghana to start an investigation.... The Board of Inquiry found the soldier had used his rules of engagement – he had warned the attackers, fired warning shots, and only then fired a direct shot. He had done [what he was supposed to]. But when... soldiers understand that there were allegations – an investigation – pushed from HQ, they know that if I do something, I can be prosecuted; if I don’t do anything, nothing can happen. A soldier needs to know that he has 100 percent backing from all levels of the hierarchy.”⁹⁷

In contrast, a number of UNMISS officials explained that there was little deterrent to refusing to act or to follow orders. One military official at UNMISS described: “There are no consequences if you don’t do something. Unlike in a normal environment or military, there is no quick disciplinary structure when people don’t follow orders.”⁹⁸ This appears to be particularly true in terms of orders or plans that go from Juba HQ down to the TCCs at the sector level. Part of the problem stems from the fact that some TCCs have de facto dual reporting lines, and the orders they receive from commanders back in their home country may differ from orders they receive from the Force Commander within the mission.⁹⁹

One way that UNMISS has started trying to address this is through tracking when TCCs fail to follow certain standard operating procedures (SOPs). For example, when an UNMISS patrol encounters a roadblock, SOPs call for peacekeepers to remain in place for at least 48 hours – negotiating access on the ground, while also informing higher-level commanders who can raise the issue with SPLA leadership.¹⁰⁰ In the past, some peacekeepers turned around at the slightest sign of obstruction, as described by an UNMISS military official:

“We were at a point where [some] TCCs were reaching a checkpoint where there was a drunk soldier holding a rope along the road, and that was enough to turn an armored [UNMISS] convoy around. We pushed and pushed – ‘Don’t turn around’ – at least have robust dialogue, negotiating for continued access [and reporting it up the chain of command]. They have a genuine fear.... One colonel called pushing past a checkpoint to be a ‘suicide mission’.”¹⁰¹

The new policy of recording when peacekeepers turn around without forcefully negotiating is a positive step toward promoting more robust protection. That information should be shared, at minimum, with DPKO, the Security Council, and the TCC commanders, to inform an understanding of which countries consistently meet, or fail to meet, their protection responsibilities.

To establish more robust peacekeeping going forward, the mission, with backing from DPKO, should strive to find other incentive structures that favor action over inaction. The HIPPO report recommended, for example, a “strengthened system for review of cases of non-performance, particularly in the context of the protections of civilians mandate. All cases of non-performance of orders should be reviewed with a formal report on accountabilities.”¹⁰² It also stressed, “Any national caveats beyond the national restrictions expressly accepted by the Secretariat at the outset should be treated as disobedience of lawful command.”¹⁰³ In addition, peacekeepers who follow the ROEs in implementing the protection of civilians mandate need to know they have the full backing of the UN.

97 CIVIC-BWC interview, Juba, August 2015.

98 CIVIC-BWC interview, Juba, August 2015.

99 CIVIC-BWC interviews, Juba and Washington, DC, August and September 2015. Dual reporting lines are not allowed under DPKO policy, but, as the UN Office of Internal Oversight Services found in a 2014 report, “Evidence suggests that a de facto dual line of command exercised by troop-contributing countries over their troops serving in peacekeeping missions regulates the use of force in missions.... Interviewees also stated that commanders in the field routinely reported and sought advice from their capitals when commands were issued within the mission and acted on that advice even if it conflicted with that of the mission Force Commander or a Brigade Commander. Several commanders, including commanders from one of the countries mentioned by interviewees, confirmed this.” Office of Internal Oversight Services, *Evaluation of the implementation and results of protection of civilians mandates in United Nations peacekeeping operations*, UN Doc. A/68/787, March 7, 2014, para. 35.

100 CIVIC-BWC interviews, Juba, August 2015.

101 CIVIC-BWC interview, Juba, August 2015.

102 HIPPO report, para. 206.

103 Ibid., p. 28 (Recommendation 3 regarding the protection of civilians).

Changing Mindsets on Protection

As in many missions, UNMISS also faces a challenge related to some peacekeepers' mentality toward the protection of civilians mandate. Part of the challenge relates to the fact that, with the onset of the conflict in December 2013, UNMISS went overnight from primarily supporting the government and security forces through capacity building to focusing largely on protecting civilians, including from those same security forces, in the midst of a volatile conflict. Some mindsets appear to have been slow to evolve with the changed nature of the mandate.

A military liaison officer, for example, told CIVIC and BWC that the mission had only a Chapter 6 mandate and then said that the peacekeepers' role was to protect those who survived the killings in conflict-affected areas and made it to the POC sites.¹⁰⁴ While that sentiment was rarely expressed so explicitly – and was directly contradicted by the protection strategies and plans designed by UNMISS military and civilian leadership – it reflected a belief among at least some TCCs that their role in South Sudan is to protect POC sites through static operations, rather than to undertake more proactive and kinetic operations in the field. A military official at UNMISS explained: “Yes, we need more capacity, but the [real] issue is the human element – passiveness.... Passiveness is not only about shooting or not shooting, it’s about a culture [around protection].”¹⁰⁵

To address the issue of passivity, which undermines more robust peacekeeping, DPKO and Member States, including TCCs, should look closely at the training that peacekeepers receive prior to deployment. An UNMISS military official indicated, “Pre-deployment training needs to be about changing mindsets of those who are coming. It needs to be more scenario-based, to shape mindsets, [and focus on] how to go out and stay out in difficult conditions, [and] how to reach out to local communities – positive, proactive community engagement.”¹⁰⁶

The HIPPO report noted that while some of this training material has been developed, it has been difficult to ensure that all peacekeepers actually receive it before being deployed:

“Effective training is essential. Military forces are primarily trained to fight an enemy directly; in protection operations, however, understanding how and why perpetrators attack civilians is critical to identify the proper response. The Secretariat has developed much needed guidance and scenario-based training materials on the protection of civilians but lacks a mechanism to confirm this training has been effectively delivered to all deploying military personnel.”¹⁰⁷

In addition, even minimal troop involvement from more developed and conflict-tested nations could have a large impact on inculcating a robust peacekeeping mindset. An UNMISS military official, mentioning the United States and several European countries in particular, said, “We just need a [small troop contribution from] country or two with the right mentality, and it would filter through.”¹⁰⁸

As noted above, the inability to guarantee prompt medical or casualty evacuation has undermined the potential for such involvement, forcing at least one European country in particular to back away from possible troop contribution.¹⁰⁹

¹⁰⁴ CIVIC-BWC interview, location withheld, August 2015.

¹⁰⁵ CIVIC-BWC interview, Juba, August 2015.

¹⁰⁶ CIVIC-BWC interview, Juba, August 2015.

¹⁰⁷ HIPPO report, para. 99. The HIPPO report also recommended: “Pre-deployment visits to support troop- and police-contributing countries preparations for deployment should be conducted more systematically... to support contributors in providing the right training, equipment and other readiness in place.” Ibid., para. 206.

¹⁰⁸ CIVIC-BWC interview, Juba, August 2015.

¹⁰⁹ CIVIC interview, Washington, DC, September 2015.

Community Engagement with Local Language Skills

Several people, including UNMISS military personnel involved in carrying out operations, described a difficulty in using translators with local language skills during patrols, especially long-duration patrols.¹¹⁰ The language barrier that resulted left them struggling to engage with communities, build trust, and understand the threats to local populations and to themselves.¹¹¹

The problem, as described by several higher-level officials, is less about the lack of available translators or resources to employ them, and more about the difficulties of operating in South Sudan.¹¹² One person involved in planning and carrying out patrols in southern Unity said, for example, that it was often too dangerous to bring a Nuer translator, as the patrols would have to pass through Dinka areas and SPLA or militia checkpoints where they might be at risk. Likewise, he believed it would often be unsafe to have a Dinka translator on a patrol that passed through Nuer or SPLA-IO-controlled areas.¹¹³

In recent months, there have been some steps toward identifying and training community liaison assistants (CLAs) for UNMISS, a strategy that, although it has faced a number of challenges, has been at least a partial success for the UN Mission in the Democratic Republic of Congo.¹¹⁴ Identifying focal points in communities that could serve as UNMISS translators and interlocutors, particularly in areas where military checkpoints impede access or inter-communal tensions run high, would be a valuable tool for the force contingent of UNMISS. This should build on, rather than duplicate, the community engagement work undertaken by UNMISS Civil Affairs.

Protection Successes Outside the POC Sites

Although the projection of force outside of the POC sites has been largely limited to date, the mission has had several notable protection achievements in addition to protecting civilians within its bases.

Reintegrating Former Child Soldiers

Thousands – likely tens of thousands – of children have fought for various parties to the recent conflict, including the SPLA, the SPLA-IO, and affiliated militia groups. Certain armed groups have abducted both boys and girls. Many other children, including from particularly vulnerable groups like unaccompanied children, have been recruited to fight. Both major parties to the conflict have made pledges about not including children among their ranks,¹¹⁵ but the escalation of violence, the lack of control over certain commanders, and the use of militia groups not formally part of the military hierarchy have all undermined implementation.

Despite the challenges, UNMISS, with support from UNICEF and humanitarian organizations, has succeeded in removing some children from armed groups and reintegrating them into their communities. For example, UNMISS and UNICEF helped secure the release in early 2015 of 1,757 children from David Yau Yau's South Sudan Democratic Movement/Army-Cobra Faction.¹¹⁶ By April 2015, 500 of those children had been reunited with their families, with assistance from a UNICEF

¹¹⁰ CIVIC-BWC interviews, Juba and Bentiu, August 2015.

¹¹¹ A humanitarian official in South Sudan indicated that language barriers also exist in certain instances as a result of there being limited English among peacekeepers on a long-duration patrol, making it difficult for the patrol to communicate with a translator, with humanitarian officials, or with someone from the local population who speaks English. CIVIC-BWC email correspondence, September 2015. Given how critically important collecting information about protection concerns is to effective long-duration patrolling, commanders should try, whenever feasible, to consider language skills when assigning troops to such tasks.

¹¹² CIVIC-BWC interviews, Juba and Bentiu, August 2015.

¹¹³ CIVIC-BWC interview, Bentiu, August 2015.

¹¹⁴ See Refugees International, *DR Congo: Local Communities on the Front Line*, 2012.

¹¹⁵ The government, for example, signed in 2012 an Action Plan regarding the removal of children from within its ranks. CIVIC-BWC interview, Juba, August 2015.

¹¹⁶ CIVIC-BWC interviews, Juba, August 2015. See also "UNICEF welcomes final release of child soldiers by armed group in South Sudan," April 24, 2015, <http://www.un.org/apps/news/story.asp?NewsID=50680#.VfWEaLDF-6M>.

reintegration program that includes medical and psychosocial support.¹¹⁷ UNMISS continues to work with armed groups to secure the release of additional children.

Moreover, the UNMISS Child Protection Unit and UNICEF help spearhead the collection and dissemination of information for the Monitoring and Reporting Mechanism (MRM), which focuses on six grave violations of children's rights: killing or maiming, child recruitment, attacks on schools and hospitals, sexual violence, abduction, and denial of humanitarian access.

Removing Soldiers from Schools

Military use of schools during armed conflict puts children at risk of violence and, even in the best of scenarios, threatens to undermine their access to education.¹¹⁸ As the violence escalated in South Sudan, both parties to the conflict occupied school buildings and at times attacked schools or hospitals.¹¹⁹ These attacks appear to have often been deliberate, as described by a person investigating such incidents:

*"There are places [in southern Unity] I have seen where buildings near schools and hospitals have not been touched, and yet [the school or hospital] has been destroyed. In other cases, schools or hospitals were isolated [from other buildings in a village], so to go to that extent that you seek out and destroy the school or hospital, we have to say it's conscious."*¹²⁰

UNMISS, working together with the South Sudanese military leadership and local government officials, helped remove SPLA soldiers from more than 20 schools between January and April 2015. An UNMISS official involved in the process recounted: "We marshaled UN resources and went with [a brigadier general] who instructed the troops to clear out of the schools."¹²¹ The operation focused on Lakes state, Bahr al Ghazal, and the southern part of Jonglei state. As of late August, a number of schools were still occupied by both parties to the conflict in Unity and Upper Nile states. As the peace agreement begins to take hold, UNMISS, with support from the international community, should renew its efforts to negotiate with all armed actors about the removal of soldiers from all schools in South Sudan.

Creatively Engaging with Communities

Building trust with communities is essential in fulfilling a protection of civilians mandate, and necessitates developing an understanding of local dynamics.¹²² An UNMISS military official in Juba noted that the Indian contingent in South Sudan was engaging in a particularly creative way: "One of the things the Indian [peacekeepers] do quite well is that they have a veterinarian. They will go in and not just provide services [for livestock], but they will actually train [local communities] how to do it themselves. It's really impressive."¹²³

As UNMISS looks to further project its presence outside of the POC sites, it should look at other locally relevant ways to assist and build trust with communities, as that will, in turn, allow the mission to better assess and respond to potential inter- and intra-communal violence likely to emerge even if the peace agreement holds.

117 UN News Centre, "UNICEF welcomes final release of child soldiers by armed group in South Sudan," April 24, 2015, <http://www.un.org/apps/news/story.asp?NewsID=50680#.VfWEaLDF-6M>; UN News Centre, "Top UN official in South Sudan urges release of remaining child soldiers," April 28, 2015, <http://www.un.org/apps/news/story.asp?NewsID=50717#.VfWDO7DF-6M>.

118 See Global Coalition to Protect Education from Attack, *Commentary on the "Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict"*, 2015, http://protectingeducation.org/sites/default/files/documents/commentary_on_the_guidelines.pdf.

119 CIVIC-BWC interviews, Juba and Bentiu, August 2015. See also BBC, "South Sudan's struggle for schools hit by abductions," February 25, 2015; Morgan Winsor, "South Sudan's War Stops 400,000 Children From Attending School," *International Business Times*, August 4, 2015.

120 CIVIC-BWC interview, Bentiu, August 2015.

121 CIVIC-BWC interview, Juba, August 2015.

122 See Aditi Gorur, Stimson Center, *Community Self-Protection Strategies: How Peacekeepers Can Help or Harm*, 2013; Aditi Gorur & Alison Giffen, Stimson Center, *Engaging Community Voices in Protection Strategies: Annexes on Lessons Learned*, 2013.

123 CIVIC-BWC interview, Juba, August 2015.



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Herd of cattle in South Sudan (March 2009).

PLANNING FOR THE FUTURE

With the signing of the peace agreement in late August, there was hope that active conflict and large-scale human rights abuses against civilians might lessen. It remains unclear whether the peace will hold, as skirmishes have continued in subsequent weeks¹²⁴ and the government's denial of freedom of movement for UNMISS remains persistent. However, even in the best case scenario in terms of the national peace process, the protection of civilians will need to remain at the core of UNMISS's mandate and resource allocation. Additional resources are likely needed to better allow UNMISS to engage more robustly in states outside of Greater Upper Nile that face lower-level political violence that could escalate. Moreover, new threats are likely to emerge – most specifically in the form of inter- and intra-communal violence – that will require significant resources and an adapted strategy to best ensure the protection of civilians. Finally, as the influx of new arrivals into the POC sites potentially wanes – and the mission likely revisits the possibility of voluntary relocation to reduce the burden on its bases and resources – it will need to ensure transparency and inclusiveness in its risk analysis and decision-making.

¹²⁴ See Anthony Loewenstein, "South Sudan's Peace Deal Never Stood a Chance," *Foreign Policy*, September 8, 2015, <http://foreignpolicy.com/2015/09/08/south-sudans-peace-deal-never-stood-a-chance/>.

Greater Resources to States Outside Greater Upper Nile

As conflict has raged throughout Greater Upper Nile over the last 20 months, UNMISS has understandably shifted many of its military and police resources there, in addition to the POC sites. Several other parts of the country have seen an escalation of political or inter-communal violence, however, laying bare how stretched thin the mission is.

In meeting after meeting in August, civil society leaders, humanitarian representatives, and UN civil and military officials raised concerns about recent developments in the region of Equatoria and in Western Bahr al Ghazal, a state in the northwestern part of the country.¹²⁵ Inter-communal conflict is not a new phenomenon in either area, but the political nature of the violence – including targeted killings; heavier involvement and perceived favoritism on the part of the military; and polarizing rhetoric – appears to be escalating. Tensions increased further in August when President Kiir removed from power Joseph Bakasoro, the popular governor of Western Equatoria, who was arrested thereafter.¹²⁶

When interviewed in mid-August, several experts expressed that the likelihood that conflicts in Western Bahr al Ghazal and the Equatorias would grow was around “50-50.”¹²⁷ In the Equatorias in particular, a person monitoring closely the security situation there felt that “if the SPLA engage in a belligerent manner, the chances of retaliation [by the community] are high – the chances of escalation are high.”¹²⁸ In early September, another expert noted that there was “chatter from Bahr al Ghazal and [the] Equatorias that they don’t agree with the peace agreement, but it hasn’t yet incited fighting and we don’t know if it will result in anything.”¹²⁹ If tensions in either of those regions lead to larger-scale political violence or armed opposition movements, the challenge of establishing peace and stability in South Sudan – as well as the likelihood of additional grave crimes – would grow significantly.

It will be critical, going forward, for UNMISS to establish a greater presence in these regions – both to help deter further escalation and to respond, including through the protection of civilians, if necessary. UNPOL, in particular, is stretched impossibly thin, with 80 percent of mission’s Individual Police Officers (IPOs) and 100 percent of the mission’s Formed Police Units (FPUs) dedicated to the POC sites alone.¹³⁰ Some of the states outside Greater Upper Nile have fewer than 15 UNPOL personnel.¹³¹

Given that the POC sites will likely necessitate that UNPOL maintain its large-scale presence in them for the foreseeable future, the Security Council should consider increasing the ceiling for UNPOL, particularly if the mandate renewal will give them new responsibilities. The Security Council and DPKO should also put pressure on troop contributing countries to limit both the formal and informal restrictions imposed on the deployment of their peacekeepers, so that UNMISS leadership will have maximum flexibility to deal with a constantly evolving situation. Finally, additional support for a rapid reaction force both trained and equipped to operate in high-risk environments would be invaluable for the mission’s response should violence escalate in areas where its presence is currently limited.

¹²⁵ This also ignores Lakes state, which has long seen some of the heaviest inter-communal violence. See “Three Sudanese traders shot in South Sudan’s Lakes state,” *Sudan Tribune*, July 18, 2015, <http://www.sudantribune.com/spip.php?article55750>; REACH, *Conflict Analysis: Lakes, Northern Bahr el Ghazal, and Warrap States – South Sudan*, August 2014.

¹²⁶ Governors were also removed from power in Central Equatoria, Warrap, and Upper Nile. President Kiir relied on Article 101 of the country’s constitution, which allows him to “remove a state Governor ... in the event of a crisis in the state that threatens national security and territorial integrity.” Government of South Sudan, *The Transitional Constitution of the Republic of South Sudan*, 2011, art. 101; see also Radio Tamazuj, “Kiir sacks two Equatorian governors,” August 16, 2015, <https://radiotamazuj.org/en/article/kiir-sacks-two-equatorian-governors>.

¹²⁷ CIVIC-BWC interviews, Juba, August 2015.

¹²⁸ CIVIC-BWC interview, Juba, August 2015.

¹²⁹ CIVIC-BWC phone interview, September 2015.

¹³⁰ CIVIC-BWC interview, Juba, August 2015.

¹³¹ CIVIC-BWC interview, Juba, August 2015.

Planning for New Types of Threats

Although it is far from clear the peace agreement will hold, a South Sudan emerging from conflict will still pose considerable risks of violence against civilians, including new and different forms of violence compared to the last 20 months of conflict. UNMISS will still need to protect civilians from violence by organized armed groups, including the SPLA, and will confront new risks associated with militias and potential breakaway commanders who feel the peace agreement has not benefitted them and may act as spoilers. Finally, the mission will also face an increasing likelihood of inter- and intra-communal violence, including revenge killings.

The current conflict has deepened existing cleavages, as explained by a representative from an international organization: “The longer the conflict has gone on, the more there has been an erosion of levels of communication and trade between the communities. Connections have been taken away. Any sort of investment in the national project or idea has been diminished.”¹³² The POC sites have, while protecting many people from harm, exacerbated these issues, as there is rarely interaction between communities and instead a retrenchment of frustration and animosity toward the “other” – who is blamed for people having had to flee their homes and now live in the overcrowded camp conditions.

In particular, the massive looting of cattle by armed groups and allied militia will have long-term social and economic reverberations that are likely to lead to inter- and intra-communal violence. For many people in Greater Upper Nile, cattle is the dominant form of wealth, used for, among other things, dowry payments and compensation to resolve disputes.¹³³ At least tens of thousands of heads of cattle were taken from southern Unity alone during the offensive there; according to a person investigating the issue, some of these cattle are being redistributed to people and communities that supported the government and SPLA during the conflict.¹³⁴ When people return to their villages and find that their cattle have been stolen and given to neighboring communities, the potential for violence will be high.

Several local civil society representatives and other experts on South Sudan predicted that communal violence and revenge killings would be particularly acute within areas, like southern Unity and Upper Nile, that have experienced the worst atrocities and cattle raiding. Multiple people also believed, as expressed by a civil society leader, that “the next stage of violence would likely be within the Nuer” community, given the split between pro-government and pro-IO factions during the conflict and the role Bul Nuer militia played during the southern Unity offensive, when they fought with government forces and were implicated in abuses against other Nuer groups.¹³⁵

In a report designed to inform military planning related to specific protection of civilian scenarios, the Norwegian Defense Research Establishment (FFI) noted that, in regard to post-conflict revenge killings, the best “that military forces can do really is to protect civilians by virtue of their presence, which denies perpetrators the opportunity to settle old scores.... To prevent escalation into more strategic violence, the need to boost force density and allow for aggressive rules of engagement... has been emphasized,” while also noting that “rapid reaction forces” can be particularly helpful.¹³⁶ Temporary operating bases in places like southern Unity, as well as the addition of air assets and specialized troops for a rapid response force, should therefore continue to be a planning and operational priority, regardless of how the peace process progresses at the national level.

¹³² CIVIC-BWC interview, Juba, August 2015.

¹³³ Marc Sommers & Stephanie Schwartz, *Dowry and Division Youth and State Building in South Sudan*, United States Institute of Peace Special Report 295, 2011; John Burnett, “In South Sudan, Cows Are Cash and Source of Friction,” *NPR*, August 16, 2012.

¹³⁴ CIVIC-BWC email correspondence, September 2015. See also Small Arms Survey, “The Conflict in Unity State,” July 3, 2015, <http://goo.gl/6A7Oba>.

¹³⁵ CIVIC-BWC interview, Juba, August 2015. For more on the role of the Bul Nuer in the southern Unity offensive, see Human Rights Watch, “*They Burned it All*,” pp. 31-38.

¹³⁶ Alexander William Beadle, Norwegian Defense Research Establishment (FFI), *Protection of civilians – military planning scenarios and implications*, March 7, 2014 (hereinafter FFI report), pp. 43-44.

In addition, protecting civilians from revenge killings and inter-communal violence, whether organized or ad hoc, will necessitate a strong role from Civil Affairs – both to engage at a communal level around peacebuilding and reconciliation, and also to feed consistent and reliable information

Protecting civilians from revenge killings and inter-communal violence will necessitate a strong role from Civil Affairs.

into early warning systems so that the mission can best understand and respond proactively to emerging threats. FFI notes in its military planning scenarios that, in responding to revenge killings, one of the “potential pitfall[s]” is “failing to recognize ‘who is killing whom’ as the role of perpetrators and victims changes.”¹³⁷ This is likely to be particularly important in South Sudan, where cycles of revenge evolve rapidly, and there is rarely a clean categorization of perpetrator and victim. Proactive intervention around revenge

killings will require engaging all relevant communities simultaneously – including, eventually, related to civilian disarmament – as explained by a South Sudan expert:

“The question is always how you break that cycle [of revenge, which is often] viewed as justice. Leaders often can put a halt [to violence on a national level], when a peace deal politically benefits them. But when it comes to local feuds, the peace will last for a certain period – before someone will seek revenge and the thing spirals again. You have to find a way to target both sides [with any intervention]. Because one side will not stop if the other side is continuing, or if they fear [the other side will continue].”¹³⁸

A local civil society leader likewise stressed the importance of re-engagement on rule of law – particularly related to the judicial system:

“The targeting of civilians is very difficult to address as the conflict rages on. There is a very strong sentiment of revenge against the other community. People don’t [have trust] in the judicial system, so they take up arms to get revenge. Most of the killings occur in rural areas, and the ability of the government to even access these areas is almost unimaginable, making justice [very difficult].”¹³⁹

Given the need for UNMISS’s mandate to take a sequenced approach to priorities, as the mission is already overstretched, significant rule of law engagement may not return immediately. Donors and UN agencies, with guidance from experts within UNMISS, could look to fill this space in the meantime, given the importance in breaking cycles of violence against civilians.

Transparency, Risk Analysis for POC Site Voluntary Relocations

If the peace agreement begins to take hold, there is likely to be a renewed focus from DPKO in NY and from UNMISS leadership on how to address the issue of the POC sites, including the possibility of voluntary relocations of IDPs from at least certain sites. A number of humanitarian representatives expressed sympathy for UNMISS’s discomfort with the POC sites, but also voiced frustration with how that has at times come at the expense of preparing for and addressing the fact that many people are likely to remain in them for some time.

¹³⁷ FFI report, p. 43.

¹³⁸ CIVIC phone interview, August 2015.

¹³⁹ CIVIC-BWC interview, Juba, August 2015.

In early September 2015, some members of the humanitarian community in South Sudan expressed concerns over the way the mission handled the recent closure of POC 2 in Juba. In particular, they voiced frustration with having felt “excluded” both from strategic discussions about the closure as well as from communication with the relevant population.¹⁴⁰ POC 2 is in many ways a unique case, as the relocated population consisted entirely of foreign nationals, who, at this stage of the crisis, do not face physical protection threats in the same way that many South Sudanese still do.¹⁴¹ However, the experience has raised fears among at least some humanitarian representatives about how future POC site closures and voluntary relocations might be carried out.

Going forward, it will be critical for the mission to ensure transparency – both with the humanitarian community and with those living in the POC sites – around its plans for any changes to the POC sites or voluntary relocations. The humanitarian community should be intimately involved in that decision-making, similar to how they were during the discussions around Operation Unity II. A leading humanitarian representative expressed: “The big question is: how do we do the assessments [about voluntary relocation]? What is the process for doing a risk analysis and finding alternatives? How is that process conveyed? That’s the key.”¹⁴²

¹⁴⁰ CIVIC-BWC email correspondence, September 2015.

¹⁴¹ See UNMISS, “UNMISS Protection-of-Civilians site for Foreign Nationals to close on 7 September 2015,” September 5, 2015, <https://goo.gl/k5ra25>.

¹⁴² CIVIC-BWC interview, Juba, August 2015.



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The UN base in Juba (August 2015).

CONCLUSION

The UN POC sites in South Sudan have been the source of regular debates, given the uniqueness of the situation, the resource implications, and the enormous challenges that have arisen. While these debates are important, and likely necessitate a lessons learned should a similar situation arise elsewhere in the future, they should not overshadow a simple fact: The POC sites have provided a space where people feel safe from the surrounding conflict and have undoubtedly saved lives. Given the nature of the conflict, particularly with the large-scale deliberate targeting of civilians, that is no small achievement for UNMISS and the humanitarian community that has helped provide services in these spaces.

At the same time, only ten percent of the displaced population in South Sudan has made its way to the POC sites. The protection needs in conflict-affected areas are enormous, and UNMISS should do more to project force and proactively protect people caught in these areas. Such efforts have been slow to materialize but are increasingly a focus of the mission. These protection needs will remain for the foreseeable future – particularly given the high likelihood of revenge killings and inter-communal violence, even if the peace agreement holds. As the mission's mandate is being renewed, the protection of civilians should remain one of the highest priorities, with further support from the UN Security Council and Member States to fill the gaps that currently exist.



RECOGNIZE. PREVENT. PROTECT. AMEND.

About the Report

Within and Beyond the Gates: The Protection of Civilians by the UN Mission in South Sudan examines the mission's successes and challenges in proactively protecting civilians from harm during the last 20 months of armed conflict in South Sudan. The report is based on field research in South Sudan in August 2015, including more than 80 interviews with civilians affected by the conflict, UN representatives, government and military officials, representatives of international humanitarian organizations, and local civil society leaders. As UNMISS's mandate is being renewed, Center for Civilians in Conflict calls on the UN Security Council to maintain the protection of civilians as the mission's core priority and to ensure the mission has the support needed to respond more robustly in conflict areas.

About Center for Civilians in Conflict

Center for Civilians in Conflict (CIVIC) works to improve protection for civilians caught in conflicts around the world. We call on and advise international organizations, governments, militaries, and armed non-state actors to adopt and implement policies to prevent civilian harm. When civilians are harmed we advocate the provision of amends and post-harm assistance. We bring the voices of civilians themselves to those making decisions affecting their lives.

The organization was founded as Campaign for Innocent Victims in Conflict in 2003 by Marla Ruzicka, a courageous humanitarian killed by a suicide bomber in 2005 while advocating for Iraqi families.