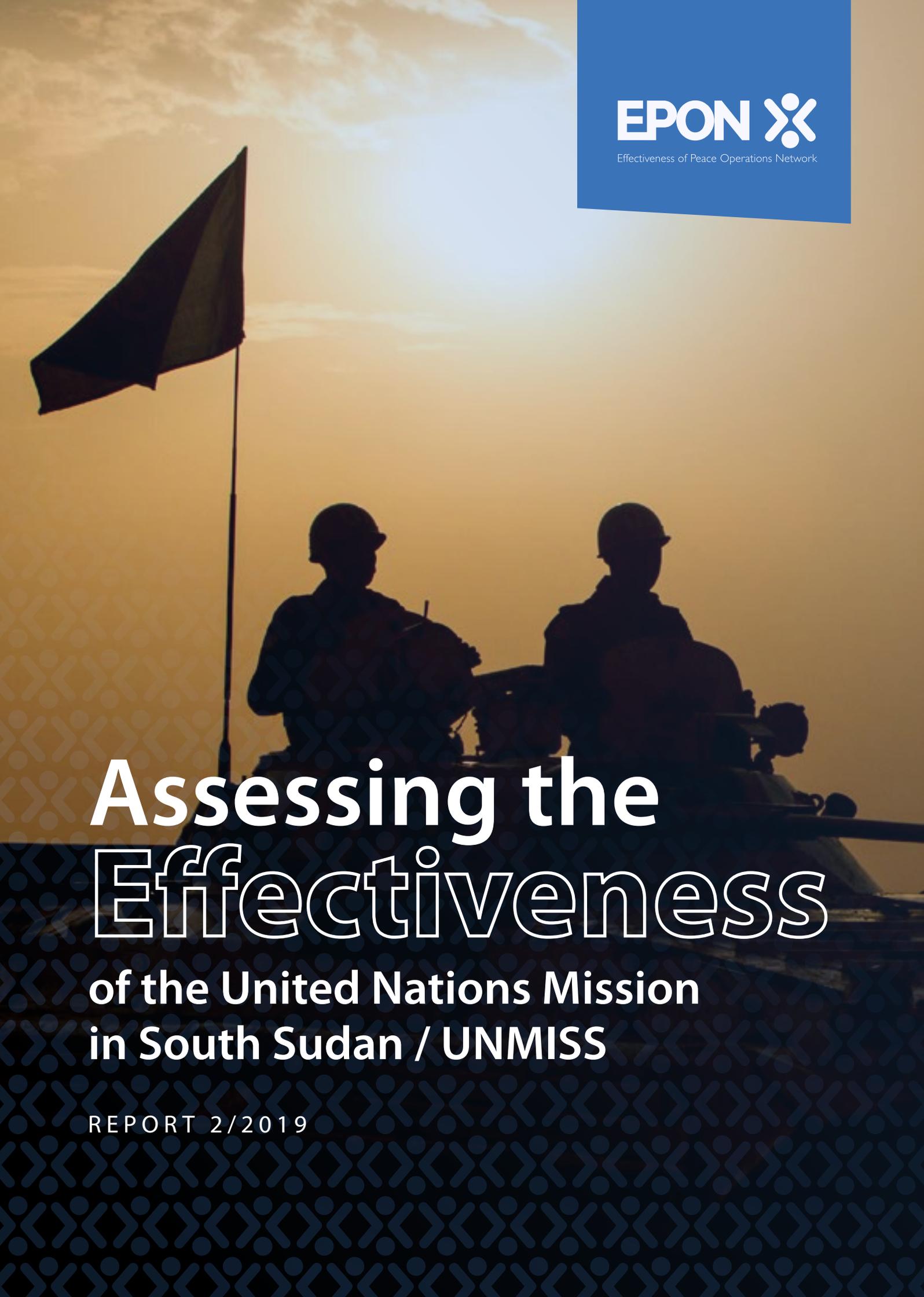


**EPON** 

Effectiveness of Peace Operations Network



# Assessing the Effectiveness

of the United Nations Mission  
in South Sudan / UNMISS

REPORT 2/2019

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# Assessing the Effectiveness of the UN Mission in South Sudan (UNMISS)

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<sup>1</sup> It should be noted that the External Review Group provided independent views on this report. Their individual and organisational views are not necessarily represented by the findings here.





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# List of Acronyms

ACLED	Armed Conflict Location and Event Data Project
ARCSS	Agreement on the Resolution of the Conflict in the Republic of South Sudan
AU	African Union
BBR	Beyond Bentiu Response
C5	AU group of Heads of States and Governments of South Africa, Algeria, Chad, Nigeria and Rwanda
CIC	Center on International Cooperation
CPAS	Comprehensive Performance Assessment System
CRSV	Conflict-Related Sexual Violence
CTSAMM	Ceasefire and Transitional Security Arrangements Monitoring Mechanism
CTSAMVM	Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism
DDR	Disarmament, Demobilisation and Reintegration
EPON	Effectiveness of Peace Operations Network
EU	European Union
FIOC	Field Integrated Operations Centre
FPU	Formed Police Unit

FRAGO	Fragmentary Order
HoFO	Head of Field Office
IBC	Independent Boundaries Commission
IDP	Internally Displaced Person
IGAD	Inter-Governmental Authority on Development
INGO	International Non-Governmental Organisation
IOC	Integrated Operations Centre
IPO	Individual Police Officer
ISS	Institute for Security Studies
JMAC	Joint Mission Analysis
JMEC	Joint Monitoring and Evaluation Commission
JOC	Joint Operations Centre
LDP	Long Duration Patrol
MONUSCO	Organization Stabilization Mission in the Democratic Republic of the Congo
NGO	Non-Governmental Organisation
NPSSS	National Prisons Service of South Sudan
NUPI	Norwegian Institute of International Affairs
NYU	New York University
OCC	Operational Coordination Committee
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
OHCHR	Office of the UN High Commissioner for Human Rights
OIOS	Office of Internal Oversight Services (UN)
OSESS	Office of the Special Envoy for Sudan and South Sudan (UN)
PoC	Protection of Civilians
RARCSS	Revitalized Agreement on the Resolution of the Conflict in South Sudan
RMIT	Royal Melbourne Institute of Technology
RoLAS	Rule of Law Advisory Section
RPF	Regional Protection Force
SGBV	Sexual and Gender-Based Violence
SIPRI	Stockholm International Peace Research Institute
SOFA	Status of Forces Agreement

SPLA	Southern People's Liberation Army (Sudan)
SPLA-IO	Sudan People's Liberation Army-in-Opposition
SPLM	Southern People's Liberation Movement (Sudan)
SRSG	Special Representative of the Secretary-General (UN)
SSNLM	South Sudan National Liberation Movement
SSNPS	Sudan National Police Service
SSPDF	South Sudan People's Defence Force
TGoNU	Transitional Government of National Unity
UN	United Nations
UNCT	UN Country Team
UNDP	UN Development Programme
UN DPKO/DFS	UN Department of Peacekeeping Operations and Department of Field Support
UNDPO	UN Department of Peace Operations
UNDSS	UN Department of Safety and Security
UNHCR	UN High Commissioner for Refugees
UNHQ	UN Headquarters
UNMISS	UN Mission in South Sudan
UNPOL	UN Police
UNU	UN University
VISTAS	Viable Support to Transition and Stability
WPS	Women, Peace and Security





# Executive Summary

This report assesses the extent to which the UN Mission in South Sudan (UNMISS) is achieving its current strategic objectives and what impact the Mission has had on the political and security situation in South Sudan. The report focuses on the most recent period of UNMISS' mandate (2014-18), aiming to provide a “snapshot” of the mission's work across its four main mandate areas: the protection of civilians (PoC), facilitation of humanitarian delivery, promotion of human rights, and support to the peace process. As a large, multidimensional peacekeeping operation – with 17,000 troops, 2,000 police and 2,000 civilians – UNMISS has been provided with significant resources and an extraordinarily ambitious mandate. Assessing the match between resources and mandate, and the ways the Mission has adapted its approaches to be effective in extremely challenging circumstances is a key objective of this report.

Throughout its existence, UNMISS has been part of a much broader regional and international constellation of actors working to stabilise the country and encourage conflict parties to enter into a meaningful peace process. In many cases, UNMISS has played a limited supportive, coordinating, or otherwise indirect role in the overall trajectory of the country; in others, it is a central actor in the eyes of the people of South Sudan. This presents a challenge to any assessment of the Mission because, at most, UNMISS can be considered one contributor among many working together to end the civil war and lay the foundations for durable peace. Causality in these settings is difficult to establish. Nevertheless, drawing on the substantial data and analyses available, and interviews with more than 260 people in South Sudan and the region over several weeks, this study presents a set of evidence-based findings about the impact of the Mission and the factors that have enabled and inhibited the fulfilment of its mandate.

## Protection of Civilians (PoC)

By providing space within its compounds to those fleeing brutal and widespread violence in 2013 and 2016, UNMISS provided immediate physical protection to more than 200,000 people, including large numbers of women and children. In the view of a wide range of experts and South Sudanese citizens, UNMISS' PoC sites not only saved tens of thousands of lives, they also had the positive effect of isolating the polarised communities from one another at a time when even broader violence was likely. "Without UNMISS there would have been a genocide here," was the sentiment echoed by dozens of South Sudanese. The sites also have served large numbers of vulnerable people, allowing for the consolidated delivery of aid and life-saving services. The enormous impact of the PoC sites has been underestimated in much public reporting to date, and quite possibly undervalued by the Mission leadership during the conflict itself. However, there is irrefutable evidence of the powerful lifesaving role played by the UN during one of the most horrific wars in recent history.

The PoC sites come at a price. The majority of UNMISS' military component is employed providing perimeter security to the sites, leaving fewer resources for patrolling in conflict-prone areas. With more than two million people displaced within the country, and large at-risk populations spread across the enormous terrain of South Sudan, many within the UN and elsewhere argue that UNMISS could better use its resources by focusing their deployment beyond the PoC sites. Improvements in the security situation as the Government has retaken most major towns have increased perceptions that the immediate protection needs of many of the PoC site residents may have decreased. Large numbers of PoC residents now express a desire to move elsewhere, though many are worried that Government-controlled areas will not be safe for them.

This has created a dilemma for UNMISS: while the sites may only hold a small portion of the vulnerable people in South Sudan, they are unequivocally providing protection (both physical and humanitarian) to large numbers of people. In contrast, there is little concrete evidence that patrolling more broadly necessarily deters violence or reduces threats in conflict-prone areas. The lack of evidence is most acute on the military side, where the standard peacekeeping approach to data-gathering leaves the Mission and the broader system with very little of the information it would need to assess the effectiveness of patrolling as one protection tool among many. There are some indications of the potential impact UNMISS could have beyond the sites – and this study's examination of the Mission's deployment to several locations like Yei, Leer and Akobo offer models of protection beyond the current sites – but the evidence base is thin. Improved data gathering – including a quite simple step of converting some of the daily patrolling information into electronic format – would significantly help the UN and its partners to evaluate the impact of its protection patrols beyond the PoC sites.

Non-military forms of protection are especially strong in UNMISS, with a range of conflict resolution, good offices and local peace initiatives clearly contributing to a reduction of risks in many areas. This study saw reports of hundreds of instances where the Mission had helped to broker local-level agreements – including between former belligerents in the civil war – with consequent reductions in violence. South Sudanese citizens often pointed to local engagement as the most tangible effect of the Mission. Here, UNMISS' decentralisation of authority to field offices appears to have allowed for greater flexibility and responsiveness on the ground, offering a useful model for other peacekeeping missions.

This report also explores some of the major impediments to more effective PoC by the Mission, including the challenging physical terrain, obstructions to freedom of movement by the Government and other actors, limited resources for establishing the kind of presence that would contribute to protection in isolated peripheries of the country, and continuing reports of under-performance by some parts of UNMISS. Taking into account the investigations into past shortcomings of the Mission, this report finds that the efforts to make the Mission's protection work smarter, quicker, and more robustly are only partially achieved goals.

## Facilitation of Humanitarian Delivery

UNMISS' mandate to facilitate conducive conditions for humanitarian delivery also has some untold success stories. In recent years, the Mission's protection of humanitarian convoys and rehabilitation of supply roads have opened access to at least 100,000 vulnerable people who would otherwise have been beyond the reach of life-saving aid. When combined with the 200,000 people who also receive humanitarian assistance in the UNMISS PoC sites, the impact of the Mission is unmistakable.

With more than two million vulnerable people across the country, a priority for UNMISS is to facilitate the conditions for humanitarian delivery into some of the most remote and challenging parts of South Sudan. Here, the major obstacles to improved humanitarian aid are the terrain and obstacles created by the parties to the conflict. Much of South Sudan is inaccessible, especially during the rainy season, and South Sudan has some of the worst infrastructure anywhere in the world. Compounding this, systematic obstructions to the freedom of movement of UNMISS and its partners – by the Government and other parties – has created serious impediments to the Mission's ability to deliver on its protection and humanitarian mandates.

UNMISS points out that its provision of perimeter security to the PoC sites leaves fewer resources to support the humanitarian needs of the millions of vulnerable people across South Sudan. As the UN considers how best to support the relocation of the residents

wishing to leave the PoC sites, decisions about where to place services will certainly influence where people decide to move. Striking a balance between Government-controlled cities like Bor, Malakal and Bentiu, versus opposition strongholds like Fangak and Akobo, is complicated by the deep societal divisions in the country. Simply proposing a South Sudanese-led process does not provide a viable way forward. In this context, this study was encouraged by the efforts UNMISS has put forth to build a consultative process that would ground decisions in cross-cutting needs assessments and on the express will of the displaced people themselves.

## Monitoring and Reporting on Human Rights

Human rights abuses during the civil war demonstrated that the parties on all sides of the conflict chose to inflict horrific harm on hundreds of thousands of innocent people who they associated with their enemies. One recent study estimated that 382,000 people died as a direct and indirect result of the conflict, while tens of thousands of people have been subjected to sexual violence, including brutal cases of rape, sexual mutilation and torture. The sheer scale of the violence – half of the 382,000 people died directly from acts of violence – puts into perspective any claims about protection in this study. The lack of accountability for these serious crimes is seen by many South Sudanese as a major impediment to long-term stability in the country, and a potential trigger for future violence.

In this context, the human rights monitoring and reporting work of UNMISS has publicly documented some of the more egregious patterns of abusive behaviour by the parties to the conflict, reports which have been used by UN leadership to advocate for greater restraint by the parties. High visibility reports that identify the groups responsible for systematic or widespread abuses become part of the public discourse in South Sudan, and are certainly used as political tools to demand restraint by the parties to the conflict. The direct impact of the human rights work of the Mission on rates of human rights violations is extremely difficult to assess, though it is worth noting the perception within and outside the Mission that the reports over the past two years have been more direct in their assessments of abuses than in previous years.

Addressing impunity and building greater trust in the justice mechanisms of South Sudan is crucial to the human rights work of the Mission. Though the 2014 shift in the mandate of UNMISS largely eliminated any capacity-building role, a small Rule of Law section has achieved a surprising impact with extremely limited resources. Working closely with a range of partners, the Mission has contributed to a number of important initiatives including the imminent establishment of a court to try sexual crimes, doubling the caseload in 2018, the constitution of a mobile court to pursue accountability for crimes committed within the PoC sites, and targeted technical assistance to improve

conditions of detention in the national prisons service. In the view of many stakeholders, the work of this section appeared to have a significant impact, possibly because it was done largely behind the scenes.

## Supporting the Political Process

The national-level political process is largely driven by forces beyond UNMISS' control, including longstanding competition between President Kiir and former Vice President Machar, the ripple effects of the oil market, regional positioning by the powerhouses of the Horn of Africa, and the constellation of bilateral actors with leverage over one or more parties. In this context, it is difficult to discern the impact of UNMISS on the broader political trajectory of the country, whether during the failed 2015 process or the more promising revitalised one in 2018.

Despite the relatively minor formal role of the UN, many of the people interviewed by this study saw the UN's support to the revitalised peace process as an important piece of the puzzle. Described as “behind the scenes shuttling” by one senior UN official, the Special Representative of the Secretary-General (SRSG), the UN has worked to maintain contact with the Government and several opposition delegations, encouraging both to take inclusive approaches to the peace process.<sup>2</sup> This was not a uniform view, and some South Sudanese suggested that UNMISS played a de minimis role in the political process at the regional level. Some stressed the important role of the UN Special Envoy for Sudan and South Sudan (OSESS), who had often managed to engage with a broader range of opposition groups than was possible for UNMISS, helping to build consensus towards the peace process. Evidence of impact appeared most clear where the UN was able to align approaches with key stakeholders – the Inter-Governmental Authority on Development (IGAD), African Union (AU), and the parties – given their more direct influence over the conflict parties.

At the local level, UNMISS' role in facilitating a series of commander meetings between the Government and the opposition has led to improved security and a sense among many stakeholders that the peace process is moving in a positive direction. In places like Yambio, UNMISS-facilitated agreements have also led to the demobilisation of armed groups, including child soldiers, which directly supports the peace process. UNMISS' “effects-based approach,” which demands that all local engagement be clearly linked to the Mission priorities, offers a potential model for other peace operations.

It is important to emphasise that the trajectory of the peace process is very uncertain. Recent violence in Central Equatoria demonstrates that not all armed groups have been

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2 Interview with UNMISS, Juba, 14 December 2018.

brought into the agreement.<sup>3</sup> Without a clear sense of how key issues in the peace process will proceed, such as cantonment, there remains a serious risk that the parties could again fall into conflict. Signs that the Government has not put forward a convincing plan to fund implementation of the Revitalised Agreement on the Resolution of the Conflict in South Sudan (RARCSS) are a recurrent concern of major donors interviewed by this study. Here, it is worrying that the parties and guarantors of the RARCSS appear to be increasingly excluding partners like the UN and AU from the core talks.

## Dilemmas of Peacekeeping in South Sudan

In assessing the impact and effectiveness of UNMISS, this study noted that the Mission had been confronted with a number of almost existential dilemmas that may offer insights into peacekeeping more generally. Rather than attempt to resolve them theoretically, we reflect on them as questions that may prompt policy-level discussion within the UN system, as discussed below.

How can we demonstrate that patrolling and presence do in fact prevent violence?

### *Dilemmas of protection*

UNMISS' role in protecting more than 200,000 civilians from violence has unequivocally saved lives and helped prevent a far worse trajectory for the conflict in South Sudan. The UN family in South Sudan is now faced with a series of questions that cannot easily be resolved: How can the protection of residents of the PoC sites be bal-

anced with the prospect of covering far more territory if the sites were phased out? How can we demonstrate that patrolling and presence do in fact prevent violence? In short, how can a mission like UNMISS clearly communicate the impact of its protection work and base it directly on the most urgent needs of the people of South Sudan?

### *Dilemmas of State-centrism*

The dramatic shift of UNMISS' mandate in 2014 away from state-building was a clear signal that the Security Council saw the Government as a major threat to the civilians of the country, and that support to Government-led institutions was impossible in such circumstances. At the same time, the UN rests on the principle of sovereignty and the primary responsibility of the state for the welfare of its citizens. As the country moves

3 Klem Ryan, "Taking Stock of the Revitalized Agreement on the Resolution of the Conflict in South Sudan," Africa Center for Strategic Studies, 12 January 2019.

forward in the peace process, the pressure to return to capacity building will grow. How can UNMISS balance its support to institutions with the recognition that the Government is a party to the conflict and is seen by large portions of the population as a continuing protection threat? Is the Mission prepared to intervene in scenarios where the State of South Sudan might again target civilians? Questions of impartiality and legitimacy loom large as the UN considers how to support a peace process where the divisions between the parties – and indeed within the population – are extremely deep.

### *Dilemmas of time*

UNMISS is moving forward on the plan to support the voluntary return/relocation of the PoC residents, which creates a potential tension between the short-term protection needs and longer-term risks to the country. In the short term, residents of the PoC sites appear more likely to choose relocation to areas where they are surrounded by the same ethnic group – e.g., Nuer asking to be removed to Nuer-dominant areas – in part because they do not think they will be safe in Government-controlled areas. But their decision-making is also strongly influenced by the locations where the UN and its partners establish service delivery. Moving services and facilitating the relocation of people to ethnically homogeneous areas is an expedient way to ensure the inter-ethnic tensions do not flare up again in the short term. But, as countless South Sudanese have pointed out, the kind of generational shift that is needed for the country to move beyond the current polarised dynamics must be fostered by coexistence and the kind of shared experiences across ethnic lines that occurs in the urban centres of South Sudan. Places like Malakal, Wau, Bor and Juba – which were highly mixed before the war – risk being emptied, contributing to ethnically homogeneous regions of the country. What is the future of South Sudan in this scenario, and how can the UN avoid policies that might deepen ethnic divisions within the country? Merely stating that it is a South Sudanese decision oversimplifies the complex decisions facing the UN today.

### *Dilemmas of expectations*

The harsh reality is that the populations in the peripheries of South Sudan are extremely unlikely to see many tangible benefits of the peace process in the short term, particularly in the areas of development most crucial to them. Five to ten years from now, even under a positive scenario, the network of paved roads is unlikely to extend much further beyond the major urban areas, and other peace dividends will be slow to reach the most vulnerable communities across the country. Here, UNMISS has essentially no mandate and few resources to undertake the kind of development projects that would offer a peace dividend, and arguably should not be expected to undertake this kind of work. At the same time, there are huge expectations among many South Sudanese communities that the UN will play a central role in bettering their lives and providing protection if the situation again

worsens, or indeed within the current peace process. How can UNMISS create a positive narrative about its impact in South Sudan without unrealistically raising expectations?

### *Dilemmas of devolution*

One of the key priorities of the UN reform agenda has been to devolve greater authority over resources from New York to the field missions. However, the trend within the Council has been to micromanage, adding more and more tasks to the UNMISS mandate. There are 207 separate tasks in UNMISS' current resolution. The above dilemmas underscore how important it is for SRSGs and their staff to have flexibility in their use of resources, responding to the needs on the ground in a people-centric and pragmatic manner. UNMISS' approach of further decentralising authority to the field offices has already demonstrated what can be achieved by allowing those closest to the people to make decisions about UN responses, driving some of the strongest examples of impact in this study. Providing UNMISS with broad scope and strong support to work through these dilemmas is likely the most effective step the Security Council and the Secretariat could take.

## **Operational Level**

### *Physical vs. other constraints*

The operating environment in South Sudan is extremely challenging for a peacekeeping mission tasked with maintaining operational awareness and a protective presence in large, often difficult to access areas. This, combined with an array of obstructions by the Government and other forces across the country, has often constrained the ability of the Mission to implement its protection mandate. At the same time, there is a constant sense that the Mission can do more, reach more places, and better protect civilians with more resources. This study is of the view that the way in which the UN system across peacekeeping gathers and treats data does not allow missions like UNMISS to make evidence-based decisions about the allocation and prioritisation of resources across the Mission area. Where is the Mission effectively responding to protection threats? What evidence exists to evaluate the deterrent effect of patrols in conflict-prone areas? The lack of data allowing the kind of mapping that would answer these questions leads to a blurring of the actual versus hypothetical constraints. This is not a criticism of UNMISS per se, but one of the UN peace operations system more generally.

### *Troop posture and performance*

Many prior reports have pointed to the shortcomings of UNMISS in the past, highlighting the lack of robust posture and an unwillingness of some troops to respond quickly and

strongly to threats. During this study's field visit, these views were reiterated by a range of interlocutors within and outside the mission; there was a quite clear sense that some troops had a reputation for effectiveness while others did not. The message in the SRSG's strategy is clear on the need to adopt an effects-based approach to all activities, but does appear to be entering the bloodstream of the Mission. The push to do more foot patrols and engage more visibly with the communities is certainly a good initiative. The SRSG's call to push harder at roadblocks and camp overnight if needed to get through could also send a good message about the willingness of the Mission to access all areas. However, it may be difficult for UNMISS to shake the reputation of some of its troops with the population, a concern based on the strong perceptions gathered from South Sudanese.

### *Decentralisation*

The Mission's approach to decentralise authority and resources to the field offices is generally described as an enabler for UNMISS, giving it greater flexibility and responsiveness at the local level. Over time, however, there has been a reduction in the number of civilian staff in field offices, in part due to the closure of some bases. Maintaining well-resourced field offices – and indeed looking to increase the civilian alert network capacities of those offices – would almost certainly bear dividends for the early warning and protection work of the Mission in particular.

### *The Regional Protection Force (RPF)*

The RPF has been the subject of intense negotiations and is considered by some to be an important aspect of regional buy-in for the peace process. From an operational standpoint, however, it does not appear to be performing a crucial function in the delivery of UNMISS' mandate, though it could allow more troops to expand beyond Juba. In fact, its original purpose – to secure key parts of Juba to reassure the opposition and allow Machar's return – now may not feed the peace talks in such a direct manner, while discussions about the possible deployment of Sudanese and other troops on South Sudanese soil are a very serious distraction from the core issues of the RARCSS. As the Security Council deliberates the future mandate of UNMISS, a frank discussion of the downsides of the RPF appears warranted.





# Introduction

Peace operations are among the most important international mechanisms for contemporary conflict management. Yet their effectiveness often remains the subject of confusion and debate in both policy and academic communities. Various international organisations, including the UN, AU, and European Union (EU), have come under increasing pressure to justify the effectiveness and impact of their peace operations in the face of downward budgetary pressures. In response, various initiatives have been developed to improve the ability of these organisations to assess their peacekeepers' performance.<sup>4</sup> However, there remains a distinct lack of independent, research-based information about the effectiveness of these peace operations.

To address this gap, in 2017 NUPI, together with more than 40 researchers and institutes from around the world, established the Effectiveness of Peace Operations Network (EPON). The aim of the network is to jointly undertake research into the effectiveness and impact of specific peace operations using a shared methodology across cases. This report on the UN Mission in South Sudan (UNMISS) is the fourth research study conducted under the auspices – and with the shared methodology – of the EPON network.

We recognise that over the past seven years there has been a large number of evaluations of the work of UNMISS. Some of these have been from an external donor perspective, while others have been UN-driven, such as the 2018 strategic review of UNMISS.<sup>5</sup> This report takes these findings into account, but also aims to build a more textured picture

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<sup>4</sup> See, e.g., the Comprehensive Performance Assessment System and the Action for Peacekeeping Initiative.

<sup>5</sup> S/2018/143.





of UNMISS' impact and effectiveness as of 2018, providing a “snapshot” of the Mission based on a variety of viewpoints and sources of information. Here, the perspectives of the South Sudanese are of central importance in understanding how the work of UNMISS is perceived and received.

The report is broadly driven by the question: What is the impact of the work of UNMISS today across its key mandated areas on the political and security experiences of the South Sudanese? This question cannot be answered in a vacuum. South Sudan presents an extraordinarily complex and challenging environment in which to engage in peacekeeping operations, one where many of the traditional tools and capabilities provided to the UN are not easily implemented. The combination of ambitious mandate language alongside finite resources often creates large gaps between what the South Sudanese

What is the impact of the work of UNMISS today across its key mandated areas on the political and security experiences of the South Sudanese?

expect from the UN and what the Mission can realistically deliver. With the many constraints and limitations in mind, this study nonetheless aims to illuminate the ways in which UNMISS has contributed to a positive effect through which approaches have demonstrated progress on a key mandate area, and where there might be scope for greater effectiveness going forward.





## SECTION 1

# Framework and Methodology

There is a large and growing field of academic and policy-driven research examining the effectiveness of peace operations.<sup>6</sup> Within this, approaches differ widely. For example, some experts define success narrowly in terms of immediate objectives, such as a reduction in civilian casualties;<sup>7</sup> others take more maximalist approaches in asking whether operations are able to improve the prospects for long-term peace;<sup>8</sup> or they focus on the difficulties in measurement itself.<sup>9</sup> EPON builds on this literature, examining the strategic-level effects on the political process and armed conflict dynamics in the host country. In recognition of the inherent difficulties in measuring impact in conflict settings, EPON uses a combination of qualitative and quantitative approaches, taking the best possible data available and then layering the analysis with the views of those carrying out peace operations and those most affected by it. Unlike the majority of similarly focused evaluations, EPON places

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6 See Peter Mateja, “Measuring the Success of Peace Operations: Directions in Academic Literature,” Oslo, NUPI, 2016.

7 See, e.g., NATO Allied Joint Publication, 3.4.1. Peace Support Operations, July 2001, available at <https://info.publicintelligence.net/NATO-PeaceSupport.pdf>.

8 Charles T. Hunt, *UN Peace Operations and International Policing: Negotiating Complexity, Assessing Impact and Learning to Learn*, London: Routledge, 2015; Jair van der Lijn, *Walking the Tightrope: Do UN Peacekeeping Operations Actually Contribute to Durable Peace?* Amsterdam: Rozenberg Publishers, 2006; Virginia Page Fortna, *Does Peacekeeping Work? Shaping Belligerents’ Choices after Civil War*, NJ: Princeton University Press, 2008.

9 Paul F. Diehl and Daniel Druckman, “Evaluating Peace Operations,” in Joachim A. Koops, Thierry Tardy, Norrie MacQueen, and Paul D. Williams (eds), *The Oxford Handbook of UN Peacekeeping Operations*, Oxford: Oxford University Press, 2015.

a premium on the perceptions of those outside the UN, including civil society actors, religious leaders, government officials, non-governmental organisations (NGOs) and, as much as possible, women and men affected by the work of the UN.<sup>10</sup>

EPON has developed a methodological framework to understand three related issues: (1) the extent to which the mission has made progress on its mandated tasks, as demonstrated by (2) the mission's impact, if any, on the broader political and security dynamics.<sup>11</sup> Within this, we ask (3) how far is there congruence between a mission's mandate, its resources/capabilities, and its activities?

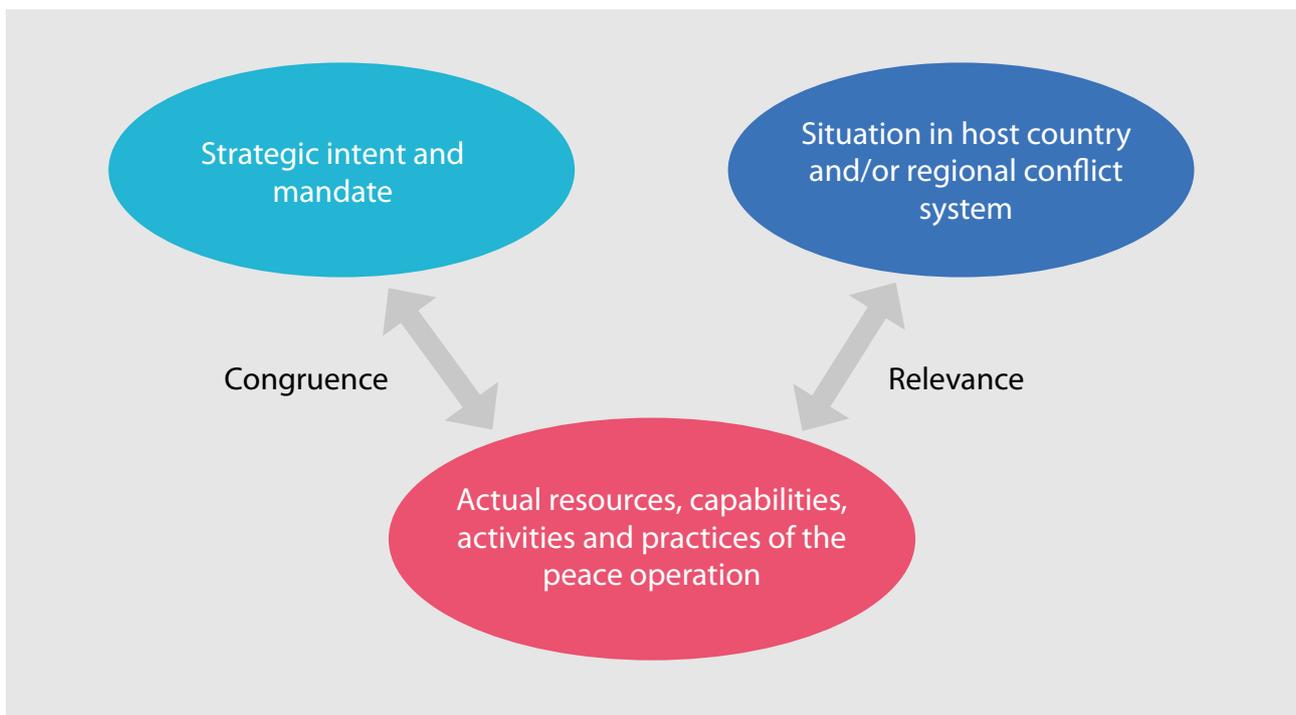
Questions of the mission's impact and effect on the political/security situation are fundamentally ones of relevance. A mission may conduct a range of activities – and indeed peacekeeping often focuses on measuring those activities – but the more important question is whether those activities are changing the behaviours of key actors, providing the hoped-for protections for civilians, and addressing deeper conflict drivers in the country. Understanding the intended effects of a mission's work, and the role of other actors in driving change, and then examining the extent to which effects result from a mission's activities addresses the question of relevance.

Alongside questions of relevance are those of congruence. To what extent do the capabilities, resources and approaches of a peace operation match its strategic intention and objectives? The ability of a mission to translate broad mandate areas into achievable tasks at the operational level demonstrates congruence. However, the question also demands an inquiry into the mandate itself, and the extent to which the Security Council has provided a realistic set of objectives for the mission, based on likely resources, leverage and positioning within the specific country context. Part of EPON's goal is to provide a sense of how mandates are expressed and implemented in different settings. The relationships between these issues are shown in the figure below.

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10 The EPON team refers to a range of perceptions surveys throughout this study, and proposes that future EPON studies look to develop their own surveys.

11 Theoretical and Methodological Framework for the 2018 Pilot Studies (unpublished document, EPON, May 2018).



**Figure 1: EPON Analytical Framework**

Of course, this diagram does not capture the entire environment that affects UNMISS' mandate implementation. Geopolitical tensions may drive Security Council dynamics with implications for peacekeeping mandates, while issues like oil prices and internal dynamics within other countries in the region may affect the climate for the Mission's work. While EPON cannot comprehensively account for all of these, it does attempt to capture a broad range of factors that affect the ability of the Mission to implement its mandate. Applying this framework to UNMISS, EPON has generated five subsidiary lines of inquiry that guided the research in South Sudan:

- What are UNMISS' key mandated goals and strategic objectives?
- What activities have UNMISS undertaken to achieve these goals and objectives?
- What evidence exists (or is missing) that UNMISS has contributed to progress towards these goals and objectives, focusing on its impact on the political and security environment?
- What resources and capacities does UNMISS have/lack to achieve its mandated goals?
- How does the political and security environment of South Sudan and the region affect the ability of the Mission to achieve its goals?

Taken together, these lines of inquiry allow for an assessment of both the relevance and the congruence of the work of the Mission. EPON has also agreed to consider eight

“dimensions” of the work of peace operations, which will be considered across each mandate area. These are political primacy; protection and stabilisation; national and local ownership; international support; coherence and partnerships; legitimacy and credibility; women, peace and security (WPS); and a people-centred focus. These dimensions also allow EPON to take a more long-term view, examining how the approaches and activities of the Mission may have both a short- and long-term impact, often with very different effects.

Each peace operation has a unique configuration of stakeholders whose views on these questions are to be elicited by EPON. The following were identified as common relevant stakeholders across all missions:

- National, regional and local authorities in the host state;
- Local populations in the conflict-affected areas;
- Members of the peace operation, including from the civilian and military components;
- International and regional organisations, including those involved in the mandating of the mission or in implementing key tasks;
- External partners of the mission, including the diplomatic community, members of the UN Country Team (UNCT), international non-governmental organisations (INGOs), and NGOs; and
- Other experts with demonstrated understanding and/or involvement in the work of the mission.

The team met with more than 260 people in individual and group settings

A comprehensive assessment would involve broad consultation with all stakeholder groups, something beyond the practical limitations of this study related to time, resources and access. Building on an in-depth literature review, including internal UN documents provided by UN Headquarters (UNHQ) and the Mission, and a series of telephone interviews, this study conducted a two-week visit to South Sudan from

1-15 December 2018. During this time, the team met with more than 260 people in individual and group settings, including members of the Government, civil society, international and national organisations, the diplomatic community, academics, and South Sudanese citizens. We conducted five semi-structured focus groups with civil society, residents of the PoC sites under UNMISS control, and youth and women’s groups. We visited four field office locations in Yambio, Bor, Bentiu and Malakal. And, separately, members of our team also conducted interviews with the OSESS, IGAD, and AU representatives



UN Photo/Martine Perret

in Addis Ababa, and with UN officials and country experts in New York. To broaden our inputs, we relied upon perceptions surveys carried out across South Sudanese communities, including one specifically focused on the work of UNMISS.<sup>12</sup>

<sup>12</sup> 2017 UNMISS perception survey [on file with EPON].





## SECTION 2

# Historical and Contextual Analysis of South Sudan

This report primarily covers the work of UNMISS from the outbreak of the civil war in 2013 to the present, with an even greater focus on the 2017-18 period; as such, it is an attempt to take a “snapshot” of where the Mission is having an impact today. The period between South Sudan’s independence in 2011 and the 2013 civil war provides important context and a legacy of issues for the Mission, but is not assessed in detail given the significant shift in the mandate away from state-building that followed the outbreak of war.

The history and socio-political context of South Sudan is a crucial aspect of the EPON approach. UN mandates and operations do not take place in a vacuum; they are profoundly shaped by the environment in which they take place. Indeed it is crucial to underscore that the ability to effectuate change in conflict settings like South Sudan rests overwhelmingly with the power-brokers in and around the country, with the UN often playing only a marginal role in its trajectory. Thinking of the UN’s contribution to change, rather than attempting to attribute outcomes to it, is a more realistic approach.<sup>13</sup> This section therefore overviews the key characteristics of South Sudan that have influenced the ability of

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13 For a discussion of this methodology in a parallel setting, see <https://cpr.unu.edu/assessment-frame-work-for-un-preventive-diplomacy-an-approach-for-un-mediators-and-international-policymakers.html>.

the Mission to deliver on its mandate, including the socio-economic situation, the structures in which power and influence are distributed, the roles of intercommunal relations, the evolving role of the State, and broader regional dynamics affecting the stability of the country. Rather than attempt a comprehensive analysis of South Sudan, we here offer different lenses to understand the context and constraints of operating in the country.

Timeline of Key Events for South Sudan	
9 July 2011	South Sudan's independence from Sudan. UNMISS deploys with a state-building-focused mission.
December 2013	Outbreak of large-scale hostilities between the Government and the Sudan People's Liberation Army-in-Opposition (SPLA-IO) following the political dispute during the Southern People's Liberation Movement (SPLM) National Liberation Council, which subsequently spread to other locations in the country.
May 2014	UNMISS' mandate shifted from a state-building focus to the current focus on PoC, facilitating humanitarian delivery, human rights, and support to the peace process.
August 2015	Kiir and Machar sign the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS).
July 2016	Peace deal fails. Return of major hostilities between Government and opposition.
June 2017	IGAD-led Forum for the Revitalization of ARCSS starts.
September 2018	Revitalized Agreement on the Resolution of the Conflict in South Sudan (RARCSS) signed. Talks ongoing between parties.

## 2.1 The Politics of Fragility

On 9 July 2011, South Sudan began its life as an independent country with some of the worst socio-economic indicators in the world. Two consecutive civil wars between Northern and Southern Sudan had left more than two million dead, and there was little infrastructure across a flood-prone territory the size of France. The sprawling liberation army composed of more than 100,000 soldiers, as well as rebel militia groups, were still active. The population had a deeply engrained legacy of patronage, inter-ethnic divisions, and politicised violence which continues to this day. With chronic underdevelopment and few State capacities beyond the urban centres, South Sudan had some of the world's

highest rates of maternal mortality, the worst access to safe drinking water, the lowest levels of basic vaccinations, and the highest illiteracy rates.<sup>14</sup>

The outbreak of widespread armed conflict in 2013 dramatically increased the humanitarian needs of the South Sudanese and drove the socio-economic indicators still lower. Roughly two million people were violently displaced within the country, while more than two million became refugees in neighbouring countries. As of December 2018, in a population of less than 13 million, more than seven million people were deemed in need of humanitarian assistance, and nearly six million were targeted for humanitarian delivery, at a total annual cost of \$1.7 billion.<sup>15</sup> The Office for the Coordination of Humanitarian Affairs (OCHA) has continued to warn of “dire humanitarian consequences” for the population of South Sudan, amidst continuing risks of famine.<sup>16</sup>

On 9 July 2011, South Sudan began its life as an independent country with some of the worst socio-economic indicators in the world.

As a result, South Sudan has remained extraordinarily reliant on external aid, entrenching an almost complete dependency on foreign assistance to meet the needs of its population.<sup>17</sup> In per capita terms, South Sudan has been ranked as the second-most expensive country in crisis the world, costing donors roughly \$322 per person.<sup>18</sup> The tens of billions of dollars of overseas development and humanitarian assistance provided since well before independence have meant that the Government has had to spend relatively little of its national budget on education, services, or aid for its population, instead channelling the overwhelming bulk of its budget to salaries for army and other State officials.<sup>19</sup> In fact, some experts have noted that the Government has little incentive to reduce its dependency on foreign humanitarian aid, given its overriding requirement to pay the salaries of the bloated civil service. Longstanding and relatively unconditional flows of aid are part of the political economy of South Sudan, susceptible to manipulation by patronage systems overseen by political elites, at times perceived as contributing to intercommunal tensions, and an essential aspect of how power and resources are distributed across the country.

14 See “Getting it Right from the Start: Priorities for Action in the New Republic of South Sudan,” joint publication of 38 aid agencies, 6 September 2011.

15 <https://www.unocha.org/south-sudan>.

16 [https://reliefweb.int/sites/reliefweb.int/files/resources/ERC\\_USG%20Mark%20Lowcock%20Statement%20to%20the%20SecCo%20on%20South%20Sudan%20-%2007DEC2017%20-%20FINAL.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ERC_USG%20Mark%20Lowcock%20Statement%20to%20the%20SecCo%20on%20South%20Sudan%20-%2007DEC2017%20-%20FINAL.pdf).

17 Daniel Maxwell and Martina Santschi, “From Post-Conflict Recovery and State-Building to a Renewed Humanitarian Emergency: A Brief Reflection on South Sudan,” Discussion Paper No 1., Secure Livelihoods Research Consortium. London, ODI, 2014.

18 <https://www.theguardian.com/global-development/poverty-matters/2014/jun/24/global-humanitarian-aid-spending-2013-syria-south-sudan-typhoon-haiyan>.

19 [https://tradingeconomics.com/south-sudan/net-bilateral-aid-flows-from-dac-donors-australia-current-us\\$-wb-data.html](https://tradingeconomics.com/south-sudan/net-bilateral-aid-flows-from-dac-donors-australia-current-us$-wb-data.html).

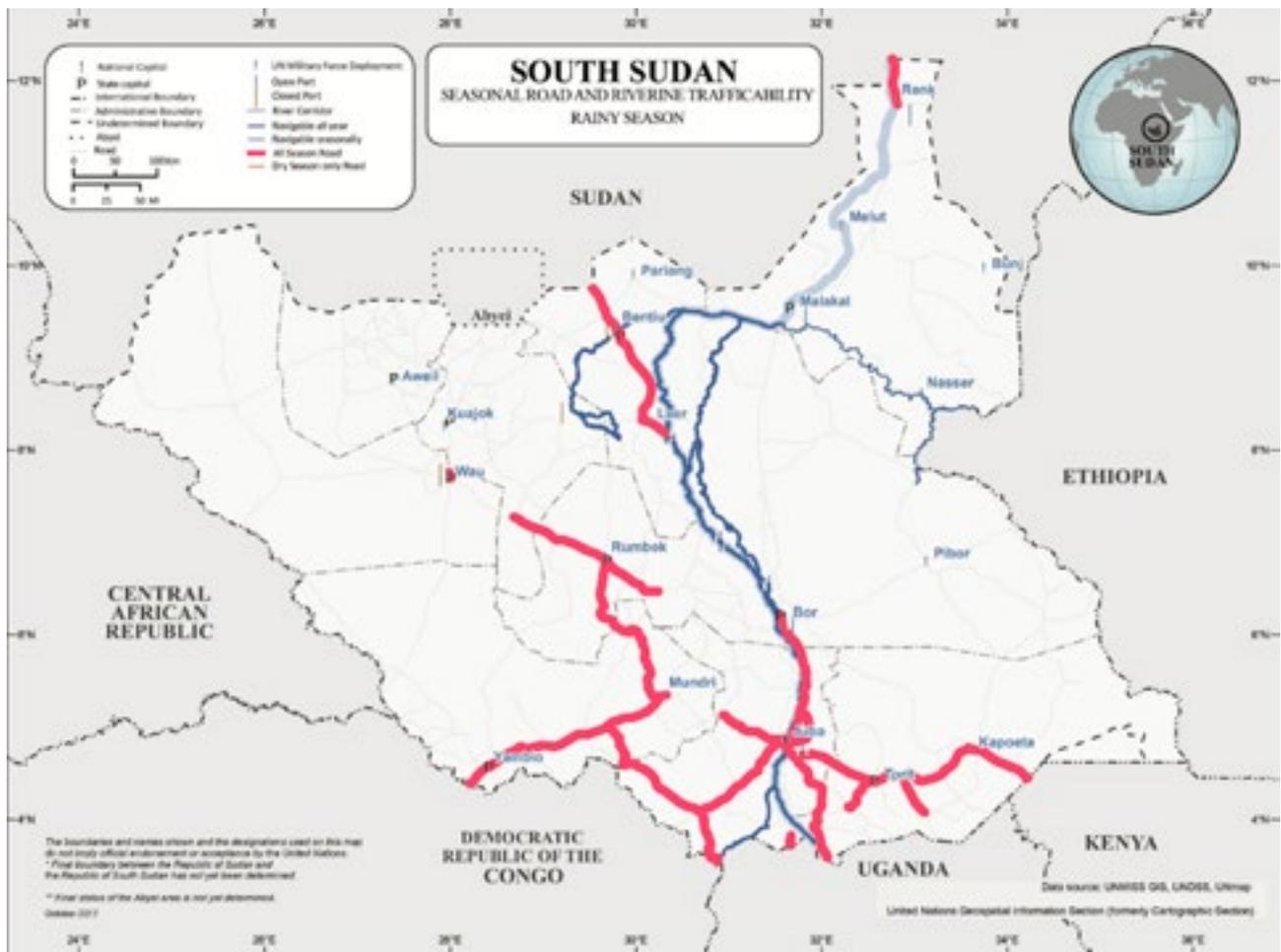


Figure 2: Map of South Sudan Road Conditions

Since the 2013 civil war, both Government and the opposition forces have created major obstacles to the delivery of aid, including by attacking humanitarian workers, preventing the free movement of UN and other actors, and working to isolate the communities of their respective enemies.<sup>20</sup> Given the difficult terrain, extreme paucity of paved roads, and flooding of significant parts of the country during the rainy season, the challenges of humanitarian delivery have proven too much in many cases, leaving vulnerable communities without life-saving assistance. The OCHA has pointed to the lack of access in areas of displacement, along with local-level conflicts, as major factors inhibiting delivery to roughly one million people in many parts of the country, especially in Jonglei and the Upper Nile States.<sup>21</sup> Navigating the immense humanitarian needs, the interlinked obstacles to delivery, and the politicisation of aid in many places constitute fundamental challenges for UNMISS and its partners.

20 [https://reliefweb.int/sites/reliefweb.int/files/resources/ERC\\_USG%20Mark%20Lowcock%20Statement%20to%20the%20SecCo%20on%20South%20Sudan%20-%202007DEC2017%20-%20FINAL.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ERC_USG%20Mark%20Lowcock%20Statement%20to%20the%20SecCo%20on%20South%20Sudan%20-%202007DEC2017%20-%20FINAL.pdf).

21 [https://reliefweb.int/sites/reliefweb.int/files/resources/20181205\\_Humanitarian%20Bulletin%20%239\\_Final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20181205_Humanitarian%20Bulletin%20%239_Final.pdf).

## 2.2 The Politics of Patronage

At the moment of South Sudan's independence in 2011, President Salva Kiir sat atop a fragile patronage system, built over 20 years of war with Khartoum. One of the key characteristics of Sudan's civil war had been the tactic of Sudanese President Omar al-Bashir to divide and rule the rebel forces in Southern Sudan, buying off different groups to weaken the overall fighting strength of the Southern People's Liberation Army (SPLA).<sup>22</sup> In response, the SPLM leadership developed a network of patrimony, existing mainly within the enormous ranks of the SPLA, through which it was able to ensure the loyalty of forces. By spending large portions of Southern Sudan's annual revenues on public sector jobs, Kiir was able to maintain his so-called "big tent"<sup>23</sup> and pursue his overriding objective of achieving independence from the North.

The economic boom in the years following the signing of the Comprehensive Peace Agreement (CPA) in 2005 – during which South Sudan's oil revenues swelled to more than \$12 billion annually – gave President Kiir greater resources to maintain his network, but also heightened pressure to increase public sector spending. In the immediate lead up to the referendum, Kiir spent furiously to prevent any major disruptions in this network and to ensure that Khartoum was "squeezed out of the market."<sup>24</sup> Following independence, budgetary spending (predominantly on the army) nearly doubled, allowing public expenditures to surge to \$300 per person, much higher than other countries in the region.<sup>25</sup> In some parts of South Sudan, salaries for security services personnel accounted for up to 80 percent of the State budget, while overall spending in 2011 exceeded the budget by nearly 50 percent.<sup>26</sup>

Maintaining this patronage network required extraordinary levels of informal payments and outright corruption. As one expert wrote in early 2013, "corruption permeates all sectors of the economy and all levels of the State apparatus and manifests itself through various forms, including grand corruption and clientelistic networks along tribal lines."<sup>27</sup> This was reflected in the Global Corruption Barometer (where South Sudan scored below 20 on a scale of 100 in all areas of governance) while two-thirds of the broader population

22 Matthew LeRiche, "Conflict Governance: The SPLA, factionalism, and peacemaking," in Steven E. Roach and Derrick K. Hudson (eds), *The Challenge of Governance in South Sudan*, London: Routledge, 2018; Alex de Waal, "South Sudan 2017. A Political Marketplace Analysis," World Peace Foundation, 5 February 2017.

23 The "big tent" typically refers to Kiir's efforts to incorporate rebel groups into the SPLA via integration.

24 Alex de Waal, "When Kleptocracy becomes Insolvent: Brute Causes of the Civil War in South Sudan," *African Affairs* 113/452, 347-369, 2014.

25 "Public Expenditures in South Sudan: Are They Delivering?" World Bank Economic Brief, Issue 2, February 2013.

26 Wolfram Lacher, "South Sudan: International State-Building and Its Limits," SWP researcher paper, 2012, available at [https://www.swp-berlin.org/fileadmin/contents/products/research\\_papers/2012\\_RP04\\_lac.pdf](https://www.swp-berlin.org/fileadmin/contents/products/research_papers/2012_RP04_lac.pdf).

27 Magali Mores, "Overview of corruption and anti-corruption in South Sudan," Transparency International, 4 March 2013.

thought corruption had increased in the lead up to independence.<sup>28</sup> Corruption was well-known to UNMISS from its first days on the ground, though, importantly, it was not at all a focus of the mandate of the Mission.<sup>29</sup>

Patronage in South Sudan provides an important context for the 2013 split between former Vice President Riek Machar and President Salva Kiir, and the ongoing challenges related to political accommodation in the country. Indeed, Horn of Africa expert Alex de Waal attributes the 2013 outbreak of civil war to Kiir's inability to continue to fund the informal system of payments, a kleptocratic system bankrupted in part because of the reduced oil revenues following the closure of the oil fields in 2012.<sup>30</sup> As it became increasingly clear through 2013 that Kiir was unable to maintain loyalty through the usual system of payments, he began to lash out, firing those within his inner circle whom he

felt could be a threat, eventually including Vice President Machar. The subsequent civil war can be understood in these terms as a battle for control of the systems of largesse and patrimony.<sup>31</sup>

## South Sudanese governance has proven inherently resistant to conventional development and state-building.

This form of South Sudanese governance has proven inherently resistant to conventional development and state-building programming, including UNMISS' work from 2011-13. UNMISS' initial mandate focused on "strengthening the capacity of the Government of the Republic of South Sudan to govern,"<sup>32</sup> a state-building programme that was combined with billions from donors in bilateral aid provided to the South Sudanese State. However, rather than align its national budget behind a viable development plan, the SPLM used resources "primarily to build clientelist structures based on ethnic groups, tribes and clans."<sup>33</sup> Basic governance indicators and corruption levels barely budged in the years following independence (see chart below), while President Kiir's Government found increasingly innovative ways to divert and co-opt funding into the SPLM's informal loyalty programme. As one South Sudanese expert noted, "the UN was trying to build a state, but the Government was trying to survive."<sup>34</sup>

enough to build a state, but the Government was trying to survive."<sup>34</sup>

28 Ibid.

29 For a first-hand account of the early days of UNMISS, see Hilde F. Johnson, *South Sudan: The Untold Story from Independence to Civil War*, New York: Tauris, 2016.

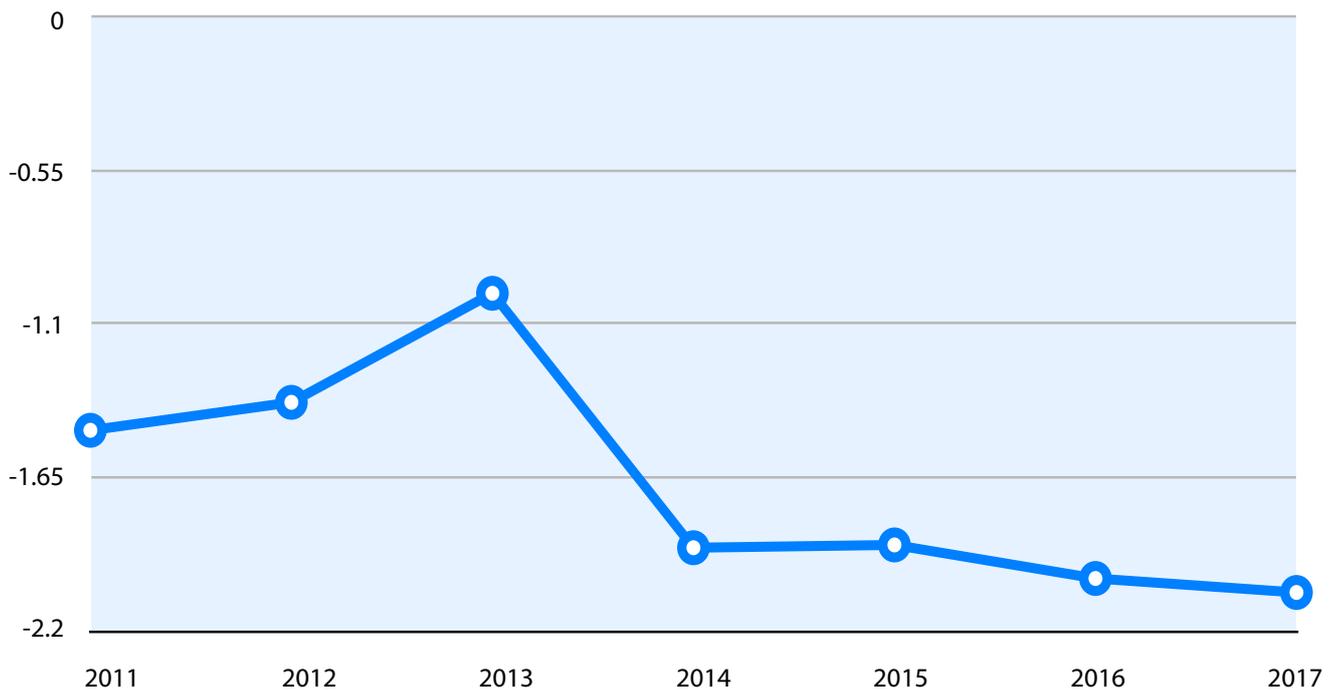
30 Alex de Waal, "When Kleptocracy becomes Insolvent: Brute Causes of the Civil War in South Sudan."

31 For a good description of these forms of patrimony, see Paul D. Williams, *War and Conflict in Africa*, Cambridge: Polity Press, 2016.

32 SCR 1996 (2011).

33 Wolfram Lacher, "South Sudan: International State-Building and its Limits"; see also Marieke Schomerus and Lovise Aalen, "Considering the State: Perspectives on South Sudan's subdivision and federalism debate," ODI, August 2016, available at <https://www.odi.org/sites/odi.org.uk/files/resource-documents/10837.pdf>.

34 Interview, Juba, December 2018.



**Figure 3: Average Governance Indicators for South Sudan, 2011-17**

In fact, many South Sudanese stakeholders have described the UN’s early support to State institutions as putting a “finger on the scales” in favour of the Dinka-dominated Government, helping to shore up President Kiir’s support network at the expense of meaningful decentralisation to the other communities of South Sudan.<sup>35</sup> Critics of UNMISS’ early role point to the focus on State support as a form of myopia, a distorted vision of South Sudan that wilfully ignored its many abuses and deep-seated corruption. “When the civil war broke out, we were too slow to see the Government as the problem... we were still in the mindset of helping the State,” one former UNMISS official remembered.<sup>36</sup>

The 2014 mandate for UNMISS stripped away its state-building role, driven by the many abuses of State security services during the war and the overriding need to protect civilians.<sup>37</sup> But, according to several UNMISS officials still serving today, the state-support mindset remains in much of the Mission, as does a resignation by many to the inevitable return to state-building once the peace process takes hold. Finding ways to work with a government that has often misused the support provided to it over the years remains a serious challenge for the UN and its partners, and one which was highlighted to this EPON study by ambassadors of many of the key donor countries represented in Juba.

<sup>35</sup> Interviews, Juba, December 2018.

<sup>36</sup> Interview, Juba, December 2018; Interview, New York, January 2019.

<sup>37</sup> S/Res/2155 (2014).

## 2.3 The Politicisation of Identity

The large-scale conflict that broke out in 2013 has frequently been described in ethnic terms, as a war between the Dinka-dominated Government of President Kiir and the Nuer communities supporting Vice President Riek Machar.<sup>38</sup> Indeed, long-standing conflict dynamics between and among the hundreds of communities of South Sudan play a central role in the way in which violence has escalated over recent years, and in how local and national actors have responded.<sup>39</sup> But rather than think solely in terms of intercommunal identity as a conflict driver, it is more accurate to consider how identity is politicised and how inter-communal fault lines are instrumentalised by power-brokers in South Sudan.

South Sudan presents a complex layering of authorities that feed into identity politics. Colonial-era authorities, such as the so-called “traditional chiefs”, are vested with the power of the state to resolve local issues, and they tend to have strong legitimacy among

their communities.<sup>40</sup> However, these authorities may overlap with the Government-appointed county commissioners and/or governors, who tend to have less local legitimacy, but greater resources under their control. At times of conflict, the deployment of the SPLA into communities adds another layer, one that tends to undermine other sources of authority and consume local resources.<sup>41</sup> Understanding how customary, tra-

ditional, State and military actors converge in the governance realm is one of the key analytic and operational challenges for the UN, one made more difficult by the constant shuffle of state leadership positions and personalities under President Kiir.<sup>42</sup>

South Sudan presents a complex layering of authorities that feed into identity politics.

38 See, e.g., Richard Dowden, “South Sudan’s leaders have learnt nothing from 50 years of independence in Africa,” *African Arguments*, 22 January 2014.

39 The growth of the opposition movement in Western Equatoria State following the 2015 peace agreement, for example, was in part driven by resentment that the Equatorian communities had not been meaningfully included in the peace process, or indeed the broader dividends following independence; see interviews and literature review.

40 For one of the most comprehensive and insightful analyses of this, see Edward Thomas, *South Sudan: A Slow Liberation*, London: Zed Books, 2016.

41 See Cherry Leonardi, *Dealing with Government in South Sudan: Histories of Chiefship, Community and State*, Suffolk: James Currey Press, 2015 (arguing that the role of the State following the CPA undermined many of the longstanding arrangements of authority at the local level). Cf., “Now we are zero: South Sudanese chiefs and elders discuss their roles in peace and conflict,” Rift Valley Institute, South Sudan Customary Authorities Project, 2016.

42 For more in-depth studies on overlapping spheres of authority, see Anne Walraet, “Governance, violence and the struggle for economic regulation in South Sudan: The case of Budi County (Eastern Equatoria),” *Afrika Focus* 21/2, 53–70, 2008; Naseem Badiy, *The State of Post-conflict Reconstruction: Land, urban development and state-building in Juba Southern Sudan*, Suffolk: James Currey, 2014.

Intercommunal violence is, on the one hand, extremely localised and often well beyond the reach of State authorities.<sup>43</sup> Farmer communities react against cattle herders crossing their land; cattle theft is one of the most frequent causes of killings between communities; and cycles of revenge violence are deeply embedded between many of the dominant communities across the country. Before, during, and after the civil war, intercommunal clashes have accounted for a significant portion of violent deaths in South Sudan.

Tribal identity is also a crucial factor in how power is distributed across the major institutions of South Sudan. At all levels, Government institutions tend to be identified with particular ethnic groups or sections, which means they are perceived as instruments for defending communal interests, accumulating resources, and protecting valuable territory against other communities.<sup>44</sup> At the highest levels, the rift between Kiir and Machar was not (just) personal, it was a reflection of what Øystein Rolandsen calls “factional politics,” intense competition over the ability to distribute power and gain loyalty from a communal base.<sup>45</sup> Even at the extremely local level, intercommunal disputes frequently have a link to the centre. For example, roughly 80 percent of the cattle spread across the huge territory of South Sudan is at least partially owned by elites in Juba, meaning that even the most distant cattle rustling is often linked to power-brokers in the centre.<sup>46</sup> The lines connecting local and national actors are often invisible to external observers, though crucial to developing effective conflict resolution strategies and to supporting the peace process. Understanding how struggles within the SPLM elite played out at the local level is a key lens through which to analyse the conflict from 2013 to the present.

The politicisation of community identity took a new turn during the civil war that broke out in December 2013. Major urban areas, such as Bor, Bentiu and Malakal, were the site of some of the most intense fighting during the war, resulting in the widespread destruction of property and large-scale killings. By late 2017, the South Sudan People’s Defence Force (SSPDF) had re-taken control of all of the major towns, often after the citizens perceived to be affiliated with the opposition had been driven from their homes and land, and forced to shelter in the PoC sites or elsewhere. This meant that formerly mixed towns like Bor and Malakal were almost entirely emptied of non-Dinka residents, many of whom saw little chance that they would be able to return to their occupied homes while the Government remained in control. During the EPON team’s visit to South Sudan in December 2018, a

Formerly mixed towns like Bor and Malakal were almost entirely emptied of non-Dinka residents.

43 Noting that more than 80 percent of the population is rural and beyond the reach of the State, see Wolfram Lacher, “South Sudan: International State-Building and Its Limits.”

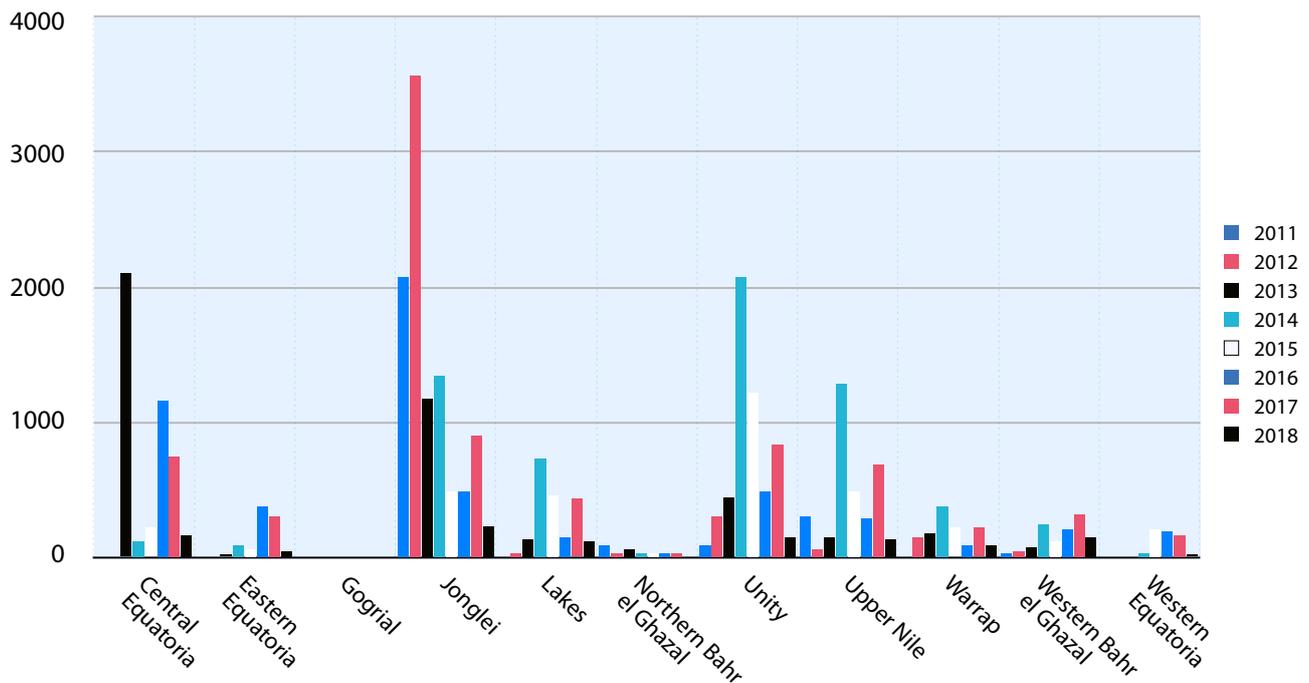
44 Marieke Schomerus, and Lovise Aalen, “Considering the State: Perspectives on South Sudan’s subdivision and federalism debate,” *ODI*, August 2016.

45 Øystein Rolandsen, “Another Civil War in South Sudan: The failure of guerrilla government?” *Journal of East African Studies* 9/1, 163-174, 2015.

46 Interviews, Juba, 13-15 December 2018.

major dilemma facing the UN was how to encourage the return of displaced populations, taking into account their very real fears of further persecution, the occupation of their lands and homes by other communities, and the risk that focusing service delivery in urban areas would disproportionately help Government-allied communities.<sup>47</sup>

**Figure 4: Reported conflict-related deaths, South Sudan, 2011-16**



Taken together, the overlapping realms of intercommunal and politicised violence mean that the causes and manifestations of conflict across South Sudan are difficult to disaggregate. By examining the above chart, it is apparent that the trends of increased violence loosely follow the outbreak of the civil war. The spikes in conflict-related deaths in Central Equatoria in 2013 and 2016 are clearly related to the clashes between the SPLA and the opposition, for example, but other trends are less clear. Large-scale civilian casualties in 2012 in Jonglei State, for instance, took place before the outbreak of the civil war. The fact that more conflict-related deaths took place in Jonglei in 2017 than in 2016 (during the height of politically driven fighting) may indicate that intercommunal violence continues to have a significant impact on civilian security, even when the broader political process is progressing positively. Nevertheless, without more specific information, it is difficult to draw definitive conclusions about the potential relationships between political violence and intercommunal violence. A challenge for UNMISS – and indeed for this study – is to understand the links between the local and national politics, and how risks and opportunities may present themselves in both spheres.

<sup>47</sup> Interviews, 12-13 December 2018.

## 2.4 Violence and the State

Years before South Sudan's independence, there was widespread understanding across international and national actors of the highly problematic characteristics of the SPLM/A, a rebel-group-turned-government without a meaningful transformation process.<sup>48</sup> Nonetheless, major Western donors had strongly supported Southern Sudan in its long war with Khartoum, pouring billions of dollars of humanitarian assistance into the region, and had overseen a referendum process that all but guaranteed independence. International enthusiasm for the newly formed South Sudan – manifest in a broad state-building mandate for UNMISS in 2011 – tended to gloss over the very high risks to civilians posed by the 100,000 former rebel soldiers now responsible for security across the country, and the limited will of the country's leadership to undertake the kinds of deep transformations expected at the national level.<sup>49</sup>

Any illusions about the benevolence of the leadership of South Sudan were shattered on 15 December 2013, when State security forces began rounding up opposition members and their sympathisers in Juba, conducting house-to-house searches in Nuer neighbourhoods, and triggering a massive confrontation between the followers of Riek Machar and the Government. Between 2013 and 2018, the UN documented massive human rights violations on both sides, including the intentional obstruction of humanitarian aid by the Government,<sup>50</sup> indiscriminate targeting of civilians by both SPLA and SPLA-IO forces,<sup>51</sup> and massacres that could still lead to prosecution as war crimes in the future.<sup>52</sup> As of April 2018, a rigorous study estimated that the deaths (direct and indirect) caused by the civil war had reached 382,000, higher than those of the Darfur conflict and nearly as many as Syria (a country with twice the population of South Sudan).<sup>53</sup>

A rigorous study estimated that the deaths (direct and indirect) caused by the civil war had reached 382,000.

The sheer scale of the violence in South Sudan presents insurmountable challenges for UNMISS. How can the Mission protect more of the two million internally displaced persons (IDPs) given the impenetrable terrain and limited air assets available? How can

48 Peter Adwok Nyaba, *Politics of Liberation in South Sudan: An insider's view*, Kampala: Fountain Publishers, 1997, p. 51 ("The SPLA, instead of being a genuine national liberation movement, turned into an agent of plunder, pillage, and destructive conquest").

49 Mark Malan and Charles T. Hunt, "Between a rock and a hard place: The UN and the protection of civilians in South Sudan," ISS Paper 275, Pretoria, ISS Africa, 2014.

50 S/2017/929.

51 [https://unmiss.unmissions.org/sites/default/files/unmissohchr\\_report\\_on\\_indiscriminate\\_attacks\\_against\\_civilians\\_in\\_southern\\_unity\\_april-may\\_2018.pdf](https://unmiss.unmissions.org/sites/default/files/unmissohchr_report_on_indiscriminate_attacks_against_civilians_in_southern_unity_april-may_2018.pdf).

52 [https://unmiss.unmissions.org/sites/default/files/unmiss\\_hrd\\_-\\_attack\\_on\\_civilians\\_in\\_bentiu\\_and\\_bor\\_-\\_january\\_2015.pdf](https://unmiss.unmissions.org/sites/default/files/unmiss_hrd_-_attack_on_civilians_in_bentiu_and_bor_-_january_2015.pdf).

53 <https://fas.org/sgp/crs/row/IN10975.pdf>.

it create the conditions for voluntary return when many of those displaced have no viable options open to them? But perhaps the most difficult question is the role of the State itself. How can a peacekeeping mission operate with the consent of a government whose forces have proven themselves willing to attack sections of its population?

## 2.5 Regional Dynamics and a Fractured Peace Process

South Sudan's long history of conflict has often involved its neighbours, whether through direct military involvement, cross-border movement of resources, or via large refugee flows. Regional and international competition for influence in the Horn of Africa has taken many forms, including (1) disputes over the use of the Nile waters among Egypt, Sudan, and Ethiopia; (2) longstanding animosity between Uganda and Sudan over the disposition of South Sudan's significant resources; (3) the withdrawal of the US (and to a lesser extent other major Western players) from the politics of South Sudan; and (4) the broader rifts between Saudi Arabia, the United Arab Emirates and Egypt on one hand, and Turkey and Qatar on the other, with indirect impacts on the trajectory of the Horn.<sup>54</sup>

Following the 2011 independence of South Sudan, relations between Juba and Khartoum worsened significantly, driven in large part by unresolved disputes over oil revenues, border demarcation and support for proxy groups on either side of the border.<sup>55</sup> This created fertile conditions for the pre-existing rivalry between Uganda and Sudan to become more directly focused on South Sudan. When the 2013 civil war broke out in South Sudan, the Ugandan People's Defence Forces clearly aligned with President Kiir, providing direct military support to the SPLM and political support to Kiir within IGAD.<sup>56</sup> Increasingly, this led Riek Machar to turn to Khartoum for support, allowing Sudanese President al-Bashir to play a direct role in the political process, including by convening talks around the 2015 agreement.<sup>57</sup>

The lead role of IGAD in the peace process was strongly influenced by this competition between Khartoum and Kampala, but also by the vacuum left by the death of Ethiopian Prime Minister Meles Zenawi in 2012. The increasingly domestic focus taken by Ethiopia allowed Ugandan President Yoweri Museveni to take on a more ambitious role in the region, and likely contributed to Uganda's decision to deploy troops in support of Kiir in 2014-15. The collapse of the 2015 peace process underscored the relative inability of IGAD to guarantee the peace process and prevent unilateral action by its individual

54 For a deeper analysis of regional dynamics, see, Payton Knopf, "South Sudan's Civil War and Conflict Dynamics in the Red Sea," US Institute of Peace, September 2018; Berouk Mesfin, "The regionalisation of the South Sudanese crisis," ISS Africa, June 2015.

55 Khartoum lost an estimated 75 percent of its crude oil production when South Sudan seceded, see <http://www.irinnews.org/report/99802/regional-interests-stake-south-sudan-crisis>.

56 <http://www.conflictarm.com/reports/weapon-supplies-into-south-sudans-civil-war>.

57 Klem Ryan, "Taking stock of the Revitalized Agreement on the Resolution of the Conflict in South Sudan."

member states. As such, UNMISS has had to function in the context of a fractured regional process.

At the same time, there has been a noticeable withdrawal of international engagement since 2011. The guarantors of the CPA process – the US, UK and Norway (collectively known as the Troika) – played a crucial role in delivering the referendum in South Sudan, and remain, in principle, core supporters of the ongoing peace process. However, the people interviewed for this study suggested that the individual Troika members were far less influential today than before. The US, in particular, appeared to have withdrawn its active engagement in South Sudan, leaving the Troika weakened in terms of political leverage.

Similarly, the AU High-Level Implementation Panel, led by Former South African President Thabo Mbeki, was fundamental to the final implementation of the CPA and negotiations over outstanding issues like borders and oil. Now, however, the AU appears to have a far less influential role. This is in part based on the AU's principle of subsidiarity, i.e., local conflicts should be dealt with by regional mechanisms where they are best suited and able to lead, in this case, IGAD.<sup>58</sup> During the EPON team's visit, South Sudanese interlocutors suggested that the AU had little leverage over the conflict parties, despite the creation of the so-called "C5" group (South Africa, Algeria, Chad, Nigeria and Rwanda) created to monitor and support the peace process. The AU Commission of Inquiry may have some leverage, but, more broadly, this study did not identify a strong role for the AU in driving the actors through the peace process.

South Sudan has largely been treated as a pawn in the regional struggles for resources and influence.

In summary, if the 2011 culmination of the CPA was delivered in large part due to the constructive, fairly well-coordinated engagement of the UN, AU, Troika and Prime Minister Zenawi, this constellation of actors has been difficult to reconstruct in the case of the South Sudanese civil war. In fact, South Sudan has largely been treated as a pawn in the regional struggles for resources and influence, with powerbrokers benefiting directly and indirectly from the conflict itself.

## 2.6 Conclusions: A Complex Environment for UNMISS

Taken together, the above characteristics of South Sudan present a complex and exceptionally challenging environment for UNMISS to implement its mandate. The country is

58 Dimpho Motsamai, "Assessing AU mediation envoys: The case of South Sudan," February 2017, available at <https://docs.google.com/viewer?url=https%3A%2F%2Fissafrika.s3.amazonaws.com%2Fsite%2Fuploads%2F2Fear10-2.pdf>.

largely inaccessible, especially during the lengthy rainy season. The vulnerable population is dispersed, living mainly outside of major urban areas, often beyond the reach of State institutions. Massive human suffering and large-scale killings have left the social and economic fabric of the country in tatters, while manipulation of communal identity has created deep divisions and high levels of mistrust. The institutions of the State are nascent and often ill-governed, while patronage and flagrant corruption remain dominant modes of governance at all levels.

Lack of economic diversification has meant the country is acutely vulnerable to fluctuations in oil prices, while the overriding function of the State budget is to hold the sprawling national army together. At the same time, the country's leaders have shown themselves willing to kill hundreds of thousands of their own citizens and block humanitarian access

to strengthen their position. Regional powerbrokers have likewise shown themselves far more interested in ensuring their own national interests are met, even at enormous cost to the people of South Sudan. This context requires a grounded, realistic sense of the often limited capacity of UNMISS to influence the decisions of key actors, work to protect civilians within its range of deployment, monitor the human rights situation, and facilitate humanitarian delivery.

## The EPON team's visit to South Sudan in December 2018 took place during a moment of hope for the country.

Amid this bleak outlook, however, the EPON team's visit to South Sudan in December 2018 took place during a moment of hope for the country. South Sudanese, international diplomats, and UN officials spoke of the revitalised peace process as offering better prospects than its predecessor, mainly due to improved regional pressure on the parties. Early signs of command-level agreements between the SSPDF and opposition forces provided further reason for optimism. Constructive engagement by some of the region's leaders suggested that both Machar and Kiir could be encouraged into full implementation of the agreement, such as it is, while a gradual reduction of violence in some parts of the country appeared to offer prospects for the eventual return of displaced populations to their homes. This is not to suggest blanket optimism, as many interlocutors were clear that some of the most difficult elements of the agreement were not resolved within the text itself, pushing their implementation to a future date (e.g., the cantonment of forces, disarmament, demobilisation and reintegration (DDR), and other security arrangements). As such, identifying where UNMISS has succeeded in helping South Sudan shift from its deeply engrained path dependencies of violence toward a better prospect of sustained peace, and indeed where the UN has found leverage in the positive momentum of the peace process, is the challenging goal of this report.



CAPT SAZZAT

BAYCLAND

Frites Bêtes  
Frites Bêtes  
Frites Bêtes

ENTACYD  
Entero-coelenteric Antibiotic Tablets

Flucloxacillin  
Tamen

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## SECTION 3

# UNMISS: An Overview of Mandate, Capacities and Approaches

This section offers an overview of UNMISS' mandate and capacities, focusing on the four-prong mandate from 2014 to the present. It examines the capacities provided to the Mission during this period, and the main approaches to address its core mandate areas. This information is the basis upon which this study evaluates both the relevance (the impact on the political/security environment) and the congruence (the extent to which the mission's resources and activities match its mandate) of UNMISS.

### 3.1 The Mandate and Resources

In 2011, UNMISS was mandated to support the extension of State authority throughout South Sudan, and to provide assistance to local State structures. Based on the risk assessment at the time – which focused primarily on the risks of resumption of conflict between South Sudan and Sudan – the Security Council authorised a peacekeeping force with a

ceiling of 7,000 military and 900 police personnel. For two years, the Mission focused largely on its state-building mandate.

When intense fighting broke out in December 2013, the Council raised the Mission's troop ceiling to 12,500 troops, adding higher priority to the PoC mandate.<sup>59</sup> In May 2014, with large-scale violence continuing and a concern over the Government's documented commission of atrocities in the war, the Council ended all state-building tasks and established a four-pillar mandate: (1) PoC, (2) monitoring/investigating human rights, (3) creating conditions conducive for the delivery of humanitarian assistance, and (4) supporting implementation of a cessation of hostilities.<sup>60</sup>

When intense fighting broke out in December 2013, the Council raised the Mission's troop ceiling to 12,500 troops, adding higher priority to the PoC mandate.

Following 18 months of negotiations, in August 2015, the parties signed the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), at which point the Council again raised the troop ceiling to 13,000, plus 2,001 police, and revised the fourth pillar to include support of the peace agreement.<sup>61</sup> The mandate also added the provision of logistical support and protection to the ceasefire monitoring mechanisms.

The failure of the ARCSS became evident in the renewed fighting in July 2016, at which point the Council again raised the troop ceiling to 17,000 troops, including a 4,000-strong "Regional Protection Force" (RPF) on the request of IGAD (the IGAD Chiefs of Defence have subsequently proposed that Djibouti, Somalia, Sudan and Uganda should join the RPF). At the time, the RPF was mandated to improve security in Juba, including at the airport and other key installations. The Government created impediments to the full deployment of the force, initially resisting the RPF as an attack on its sovereignty and, following the exodus of opposition forces from Juba, challenging the necessity of an additional stabilising force. This contributed to its reconfiguration and the redeployment of RPF-earmarked units and enablers to a newly minted Sector Juba, in effect projecting a greater presence in the Equatorias than providing a deterrent in Juba.<sup>62</sup>

The role of the RPF has been a point of some contention across the stakeholders of the South Sudan peace process, and at the time of writing has still had not reached full deployment. Some IGAD members indicated a view that the RPF should be considered a stand-alone force within UNMISS, whereas UNMISS leadership and UN Secretariat

59 Resolution 2132 (2013).

60 Resolution 2155 (2014).

61 Resolution 2252 (2015).

62 Interview, Juba, 11 December 2018.

officials have been clear that all forces within the Mission fall under a unified chain of command, within the same mandate of UNMISS, and subject to the UN’s regulations on troop contributors.<sup>63</sup> According to several experts interviewed, particular concerns about the possible inclusion of Sudanese troops have been voiced by many sides.<sup>64</sup>



Figure 5: Placement of Troops in South Sudan, November 2018

Over the past five years, the civilian posts in UNMISS have decreased, including a 19 per cent decline in overall civilian staffing between 2011 and 2017, with the Mission currently maintaining 2,646 civilians.<sup>65</sup> Reductions on the civilian side have been most significant in terms of the programmatic aspect, with the most drastic drop caused by the removal of the DDR and Rule of Law mandates in 2014. Since the mandate in 2014, civilian staffing has remained relatively stable, though there has been an increase in the ratio of the civilian staff at Headquarters, following the closure of the County Support Bases

The role of the RPF has been a point of some contention across the stakeholders of the South Sudan peace process

63 Interview, Addis Ababa, 30 January 2019 (“There is clearly a misunderstanding on who the RPF will report to. The RPF can’t have separate task without changing the mandate of UNMISS. UNMISS will not be undertaking close-protection”).  
 64 See, e.g., Sudan Tribune, “African Union’s PSC backs IGAD force for South Sudan despite UN reluctance,” January 2019, available at <http://www.sudantribune.com/spip.php?article66858>.  
 65 S/2018/831, para. 60.

after the discontinuation of the state-building mandate (now more than 60 percent are located in Juba).

## Female Deployment in UNMISS

As of December 2018, UNMISS has deployed the following female troops and police:

- 404 out of 12,814 troops;
- 19 out of 174 military experts;
- 51 out of 333 staff officers;
- 122 out of 482 individual police officers (IPOs); and
- 152 out of 835 formed police units (FPUs).<sup>66</sup>

This study also noted that among the senior leadership of the Mission, only the Police Commissioner was female (one out of five), while at the director and senior advisor levels, the number of women was higher, including more than half of the Heads of Field Offices (HoFOs).

The views of UNMISS and other interlocutors are quite consistent: continuing to increase the number of women peacekeepers—and focusing on deploying them in active roles—can improve the effectiveness of the Mission.

Several UN military observers pointed to the advantages that female peacekeepers have over their male counterparts. There is anecdotal evidence from our interviews and beyond that female peacekeepers are more effective at gathering information from conflict-affected communities; at negotiating in difficult situations, such as at checkpoints; and at defusing tense situations in the field. This is in line with further system-wide studies conducted across peacekeeping activities about the greater effectiveness of female peacekeepers.<sup>67</sup> While direct causality is difficult to measure in conflict contexts, the views of

UNMISS and other interlocutors are quite consistent: continuing to increase the number of women peacekeepers – and focusing on deploying them in active roles – can improve the effectiveness of the Mission.

<sup>66</sup> [https://peacekeeping.un.org/sites/default/files/7\\_gender\\_report\\_0.pdf](https://peacekeeping.un.org/sites/default/files/7_gender_report_0.pdf).

<sup>67</sup> <https://www.theguardian.com/world/2015/sep/17/women-better-peacekeepers-un-officers-think-so>; <https://unu.edu/publications/articles/why-un-needs-more-female-peacekeepers.html>.

## 3.2 UNMISS Strategy and Approaches

This sub-section describes how UNMISS currently translates its mandate into a mission strategy and related approaches. It focuses on three main areas: (1) the two-pillar mission strategy to protect civilians and build durable peace; (2) the SRSG’s “effects-based approach”; and (3) the decentralised structure of the Mission, linking national and local activities.

### UNMISS Strategy: Protect Civilians and Build Durable Peace

While the Mission has pursued other strategies previously, the 2017–2019 strategy developed after the arrival of the current SRSG characterises the work of the Mission in two pillars: to protect civilians and to build durable peace.<sup>68</sup> These pillars are interrelated and designed to help the Mission prioritise its activities depending on the situation: the more widespread the instability, the greater the focus on PoC; however, as conditions improve, the focus can shift toward peacebuilding.

In its 2017 Mission Concept, UNMISS laid out an anticipated end-state for the coming two years in which the Mission would contribute to: (a) revitalisation of a credible and inclusive political process in South Sudan through the conduct of genuinely inclusive national dialogue and progress with respect to the Revitalization Forum in reinvigorating the peace process; (b) reduced levels of violence between the parties and against civilians, particularly during the next dry season; (c) reduced communal violence; (d) reduced number of human rights violations; (e) some progress in the implementation of transitional justice processes including criminal accountability measures for serious violations; (f) an easing of the acute humanitarian needs of the people of the country; (g) better access for humanitarian services and the Mission around the country facilitated by the Transitional Government of National Unity (TGoNU); (h) improved prospects for the dignified and voluntary return of civilians within and outside of the UNMISS PoC sites to their areas of origin; and (h) strengthened staff safety and security. This end-state provides a useful set of benchmarks against which this study can measure progress and impact in this report.

The current SRSG characterises the work of the Mission in two pillars: to protect civilians and to build durable peace.

<sup>68</sup> Mission strategy [on file with author].

## Effects-Based Approach

In 2017, the SRSG issued a Mission-wide directive defining operational priorities for each field office, and calling for an “effects-based approach” in which the Mission components and field offices must justify their activities, specifically in terms of how they will support the priorities identified under the two pillars of the strategy. For example, the operational priorities in Malakal are the key force and police activities related to the protection priority, such as the demilitarisation of the town, capacity building for local police, increasing operational presence in the area of operations, and support to humanitarian actors. Likewise, the Juba operational plan includes an extension of UNMISS presence to Yei in support of the protection priority.<sup>69</sup> As one senior UNMISS official stated, “the strategy starts with the overall vision for the Mission, but is very much geared at impact, how to demonstrate the effect, how to be sure that every operational activity is clearly linked to impact.”<sup>70</sup> Within this, it is apparent from the strategic and operational planning documents that the Mission leadership has demanded an “all of UN” approach, where the Mission’s components are expected to coordinate closely across the Mission and with UNCT partners on their planning.

The effects-based approach remains a fairly new initiative within the Mission, and, as with any attempt to measure change in complex settings, remains challenging to fully implement. While there are concrete steps to help operationalise it – particularly at the field level – many of this study’s interlocutors suggested that the mindset was still to permeate the Mission. One expert noted that much of the response thus far within the Mission had been “relabelling” existing planning as part of the effects-based approach.

The effects-based approach was put in place at roughly the same time UNHQ began rolling out the Comprehensive Performance Assessment System (CPAS), meant to help missions improve their impact based on an iterative adaptive in-mission performance analysis system that provides a mission’s leadership with feedback on the effect of its activities.<sup>71</sup> As such, UNMISS has dedicated significant efforts to ensure that the planning and measuring of impact form part of the Mission “bloodstream”,<sup>72</sup> demanding that all plans from the field level to HQ articulate how their activities are changing the situation in measurable terms. It is worth noting the high degree of complementarity between the UNMISS approach, the CPAS, and EPON. All are fundamentally focused on strengthening the impact of the Mission, though EPON seeks to incorporate a broader range of stakeholders into its analysis and looks at the Mission from a completely independent perspective.

69 UNMISS Directive Guidance on Operational Priorities, 17 December 2017 [on file with author].

70 Interview, Juba, 13 December 2018.

71 See Cedric de Coning and Emery Brusset, “Towards a Comprehensive Results-based Reporting and Performance Assessment System for UN Peacekeeping,” NUPI report 4/2018, Oslo, NUPI.

72 Interview, Juba, 15 December 2018.

## Connecting the National and the Local: A Decentralised Approach

The UNMISS mission model is based on a decentralisation of the Mission. Field offices have a high degree of delegated authority and are expected to develop field-level integrated plans for the implementation of the UNMISS mandate. According to the leadership of several field offices, this delegation has proven extremely effective in some key areas, including the ability to plan and execute joint visits to hotspots, the integrated management of the field office budget, and more coordinated conflict resolution activities across components. This has helped the Mission develop a more integrated approach to addressing many of the day-to-day challenges around the PoC sites. However, the model appeared less effective when it came to the ability of the HoFOs to coordinate with the military component. This is partly because the sector headquarters structure used by the force does not coincide with the ten field offices structure used by the rest of the Mission. “HoFOs are like mini SRSGs in the field, except the chain of command of the force bypasses them,” said one UNMISS official.<sup>73</sup> Nonetheless, in the offices visited by the study team, the UNMISS staff stressed the strong working relationship across the civilian and force components and gave ample examples of joint planning around the protection priority in particular.<sup>74</sup>

The UNMISS mission model is based on a decentralisation of the Mission.

Decentralisation presents a challenge as well. The authority given to HoFOs means that having a high-quality leader at the field level is more important than ever. A weak HoFO, or one that does not report accurately on developments in their area, can have a highly detrimental impact on the work of the Mission. While this study did not see evidence of this dynamic, a recurrent complaint of UNMISS staff, reporting on incidents in which the Mission performed poorly, is related to the significant powers given to HoFOs.

An important element of the decentralised structure of the Mission is the ability of field offices to focus the Mission on the local conflict context, while at the same time linking those with the Mission’s national strategic priorities. Field offices are required to articulate their plans in terms of support to the national political process, including how they spend resources. This enables the Mission to employ different approaches in different field offices, depending on the local context and needs (for instance, in some states the challenge is intercommunal conflict, while in others the focus is on the conflict between the SPLA and SPLA-IO). Civil Affairs especially characterised their local conflict resolution work (described below) as linked to the national peace process, while the Mission’s close partnership with the Ceasefire and Transitional Security Arrangements Monitoring and

73 Interview, Juba, 12 December 2018.

74 Interviews, Bor, Yambio, Bentiu and Malakal, 3-7 December 2018.



UN Photo/JC McIlwaine

Verification Mechanism (CTSAMVM) (established under the peace agreement) demonstrated a clear link between the local activities of the Mission and national politics.<sup>75</sup> As one Mission leader described, “UNMISS’ structure is meant to be a bridge between the local issues and the national ones, which reflects how conflict happens in South Sudan.”<sup>76</sup> Taken together, the Mission strategy, the effects-based approach (including its “all of UN” aspects), and the decentralised nature of the Mission are the backbone of how the Mission has operationalised its mandate.

<sup>75</sup> Interviews, Malakal, Bor and Bentiu, 3-7 December 2018.

<sup>76</sup> Interview, Juba, 13 December 2018.

### 3.3 Challenges

Some of the key risks, challenges and assumptions UNMISS has suggested that will affect the implementation of its mandate include:<sup>77</sup>

- The parties to the Peace Agreement may continue to violate both the letter and spirit of its provisions;
- While the Government will advance the National Dialogue and other political and reconciliation processes, meaningful inclusivity in national governance and political life in South Sudan will continue to be weak at both the national and subnational levels;
- The sub-national communal conflict environment will continue to deteriorate due to competition for resources, the proliferation of small arms, and the weak rule of law;
- The Mission will continue to face routine violations of the Status of Forces Agreement (SOFA) and other forms of obstruction to its mandate implementation from the national authorities and other armed groups;
- Civilians will continue to be targeted by armed actors using violence, including rape, resulting in deaths, human rights violations, displacements, and increased humanitarian needs;
- The economic environment will remain fragile, while persistent and severe humanitarian needs throughout the country will continue;
- IDPs will continue to seek protection in the PoC sites; and
- Staff will remain vulnerable to a range of security threats and risks present throughout the Mission area.

UNMISS' structure is meant to be a bridge between the local issues and the national ones

These factors largely align with the contextual analysis supplied in Section 2 above, though it is worth noting that this study also identifies regional dynamics as extremely relevant to the challenges facing UNMISS. The extent to which the Mission's strategy and approaches mitigate the risks and address these challenges is part of the following analysis of the impact and effectiveness of UNMISS.

<sup>77</sup> The actual text of the mission concept is confidential; this is a summary of the key points from it.





## SECTION 4

# UNMISS' Impact and Effectiveness

The core of EPON's approach is to examine the extent to which UNMISS has been able to have an impact across its main mandated areas, taking into account the factors which may have constrained or facilitated its work. While this section considers each of the four mandate areas separately, it should be noted that they are mutually reinforcing, and that the Mission activities are often geared towards more than one mandated goal. UNMISS patrols to conflict-affected areas, for example, support the PoC mandate, but can also facilitate the return of displaced people, the delivery of humanitarian assistance, and the human rights monitoring role of the Mission. Civil Affairs-led conflict resolution conferences likewise work to reduce tensions and lower risks to civilians, while also opening up political space for returns, development actors' work, and supporting the broader peace process.

It is worth reiterating that this study is not trying to capture the full history of UNMISS. Dozens of previous evaluations have described earlier phases of the Mission in detail, especially the key moments in 2013 and 2016 when the Mission was faced with major crises. This study has drawn on them where necessary; however, in line with our methodology, we aim here to provide a "snapshot" of the Mission today, where it is having an impact, and where various factors may be inhibiting or enabling progress on its mandate. This means, necessarily, that some of the earlier shortcomings and accomplishments of the Mission will not be the principal focus of this analysis, though we hope the literature review within this study offers additional sources for interested readers.

## 4.1 Protection of Civilians (PoC)

The Mission's PoC mandate given by the Security Council is generally understood by practitioners in terms of physical protection from imminent harm. However, in line with the three-tiered UN Department of Peacekeeping Operations and Department of Field Support (UN DPKO/DFS) PoC policy<sup>78</sup> and UNMISS' own 2014 strategy, PoC is in fact composed of seven related protection tasks: (i) protect civilians under threat of physical violence; (ii) deter violence through proactive deployment; (iii) implement a mission-wide early warning strategy; (iv) maintain public safety within the PoC sites; (v) deter and prevent sexual and gender-based violence (SGBV) within capacities and areas of deployment; (vi) exercise good offices in support of protection (this includes local conflict resolution); and (vii) foster a secure environment for the safe, voluntary return of IDPs and refugees.<sup>79</sup>

### The PoC Sites: Clear Evidence of Impact, Clear Limitations

By offering refuge for those fleeing massive and widespread violence in 2013 and 2014, UNMISS provided immediate physical protection for more than 200,000 people, including large numbers of women and children. The majority have remained in what have become known as the "PoC sites" through 2018. Interlocutors across the country pointed

to these PoC sites as unmistakable evidence of direct impact by protecting lives under imminent threat.<sup>80</sup> Indeed, many South Sudanese experts argued that the safe haven offered to the primarily non-Dinka communities, who were fleeing attacks by the Dinka-led SPLA and related groups, almost certainly had a broader positive effect of isolating the communities from each other and preventing even more widespread violence. "Without UNMISS, there could have been a genocide here" was a sentiment echoed by many residents of the PoC sites, but also more broadly by South Sudanese experts and the diplomatic community.

By offering refuge for those fleeing massive and widespread violence in 2013 and 2014, UNMISS provided immediate physical protection for more than 200,000 people.

Views were divided as to whether PoC sites have been effective forums for the delivery of humanitarian assistance to needy displaced populations. Many interlocutors, including

78 UN DPKO/DFS, "The Protection of Civilians in United Nations Peacekeeping." DPKO/DFS Policy. New York, UN, 2015.

79 Resolution 2406 (2018). These provisions parallel previous resolutions starting in May 2014.

80 Interviews with PoC residents in Bor, Malakal, Bentiu, December 2018.

within the humanitarian community, stressed that by consolidating large numbers of vulnerable people in camps, humanitarian agencies are able to identify, access and serve communities in an efficient manner. Conversely, some interviewees suggested that the priority given to PoC residents could mean that services are not going to the most needy, many of whom are displaced far from UNMISS sites. It is worth noting that the PoC sites have also created a space where medium- and longer-term requirements for services such as healthcare and education have been provided, though not always at the level of traditional IDP camps. The impact of this is considered in the following section on humanitarian delivery, but is here flagged as an example of the Mission working to build coherence and partnerships with the humanitarian community around the protection priority.<sup>81</sup>

This is not to say that the protections offered by the sites are universally effective. Major attacks on UNMISS sites in Akobo (2013), Bor (2014), and Malakal (2016), as well as large-scale fighting near the UNMISS site in Juba (2016), resulted in dozens of civilian casualties and widespread criticism that UNMISS fell far short of the expected responses to secure the sites.<sup>82</sup> The findings of the Independent Special Report on the attacks around the Juba PoC site in July 2016 found significant dereliction of duty by UN troops, a lack of preparation, faulty chain of command, and perhaps most worryingly, an “inward-looking posture,” all of which contributed to a loss of life and confidence in the UN.<sup>83</sup> In the wake of these reports, serious actions and reforms have been taken, including steps to consolidate the chain of command, and clear instructions about the need to act quickly and robustly in the face of protection threats. Establishment of the Integrated Operations Centres (IOCs) in Juba is also an important change that has been instituted to improve the mission’s response. The lack of a major attack on any PoC sites by the parties to the conflict since 2016 could be in part a result of these changes, but most interlocutors interviewed in the course of this research suggested that changing conflict dynamics and gradually improving the security situation were the most important factors in the lack of further attacks.

The findings of the Independent Special Report on the attacks around the Juba PoC site in July 2016 found significant dereliction of duty by UN troops

81 For a critical view of this issue, see Caelin Briggs, “Protection of Civilians Sites: Lessons from South Sudan for Future Operations,” Oslo, Norwegian Refugee Council, 2017.

82 See Executive Summary of the Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS response, available at [http://www.un.org/News/dh/infocus/sudan/Public\\_Executive\\_Summary\\_on\\_the\\_Special\\_Investigation\\_Report\\_1\\_Nov\\_2016.pdf](http://www.un.org/News/dh/infocus/sudan/Public_Executive_Summary_on_the_Special_Investigation_Report_1_Nov_2016.pdf). For in-depth reports on the PoC response of UNMISS, see Civilians in Conflict, available at <https://civiliansinconflict.org/publications/research/refugee-flames-february-17-18-violence-malakal-poc>; <https://civiliansinconflict.org/publications/research>.

83 [http://www.un.org/News/dh/infocus/sudan/Public\\_Executive\\_Summary\\_on\\_the\\_Special\\_Investigation\\_Report\\_1\\_Nov\\_2016.pdf](http://www.un.org/News/dh/infocus/sudan/Public_Executive_Summary_on_the_Special_Investigation_Report_1_Nov_2016.pdf).

During this study's field research in December 2018, a range of stakeholders were also concerned about protection within the PoC sites, given reports of high crime rates, upward trends of sexual violence, potential arms entering the sites, and overall politicisation of the sites. There was, however, a recognition among residents of the PoC that the presence of UNMISS police within the sites – in line with their mandated task to provide public safety – was having a positive effect, limiting criminality, and mitigating protection risks.<sup>84</sup> In interviews with PoC residents, most expressed that conditions were difficult, but that the availability of basic services (including health and education), combined with the risks of attempting to return to their homes, meant the camps were the preferred option in the short term.<sup>85</sup> The fact that the vast majority of residents of the PoC sites have not left is evidence that the protections of the camp are currently perceived as more appealing than the alternative, though there are reports that far more have now expressed an interest in moving out.<sup>86</sup>

### Beyond the PoC Sites: Assessing the Trade-off in Resources

With a mandate to protect civilians “within its capacity and areas of deployment,” but also to deter violence outside of the PoC site and foster an environment conducive to returns, UNMISS is faced with a dilemma. It can either continue to focus its assets on the PoC

sites, where the impact is more readily measured, or work to extend the force and police presence to serve the broader vulnerable population, where direct impact is harder to achieve and measure.

While the PoC sites currently offer direct evidence of impact, they also consume an enormous portion of the Mission's resources.

While the PoC sites currently offer direct evidence of impact, they also consume an enormous portion of the Mission's resources, including – according to UNMISS – roughly 70 percent of the military component's 12 infantry battalions, all of the mission's five FPUs, and nearly 400 IPOs. For example, in Bor, some officials estimate that

UNMISS spends more than \$12 million per year to provide static perimeter security to a site that currently houses roughly 2,000 residents, only 0.6 percent of the overall number of displaced people in Jonglei State alone.<sup>87</sup>

84 Interviews with residents of Bor, Malakal and Bentiu PoC sites, 3-7 December 2018.

85 Ibid.

86 E.g., when asked, a group of residents of the Bor PoC site stated that they were able to travel to and from Bor town during the day, but feared for their physical safety during the night, so they returned to the site.

87 Interview with UNMISS official, 12 December 2018, Juba. This point was reiterated across the interviews in Bor, Malakal and Bentiu.

## Policing in South Sudan

UNMISS police play a role across all four mandated areas of the Mission, with more than 700 IPOs and 1,320 FPUs deployed in 11 locations across the country.

According to UNMISS, roughly 70 percent of UN police (UNPOL) resources are directed toward the PoC sites, where they are tasked with providing internal security and order. Unlike the rest of South Sudan, where the Government has primary responsibility for security, within the PoC camps security is provided by UNPOL. This means UNMISS conducts 24-hour patrols, maintenance of the weapons-free zones, cordon and search operations, maintaining order for humanitarian delivery, and community-oriented policing with local actors. At some sites, such as Bentiu and Malakal, the introduction of UNPOL “holding facilities” for perpetrators of violent acts has played a direct role in keeping order and minimising violence in the camps. Residents of the PoC sites frequently made reference to the important role of the police in their daily lives.

There is evidence to show UNPOL’s impact. Crime rates at the Malakal PoC site have fallen from 275 incidents in 2016 to less than 170 in 2018. Interviewees attributed this drop to UNPOL’s search and seizure operations, as well as the transfer of individuals to the holding facilities.

A crucial role for the police is to help build trust and a sense of safety in the urban areas near the PoC sites. Since September 2017, UNPOL has been conducting “high visibility” patrols in Malakal and Bor town, along with longer-range patrols to communities affected by the conflict. Early indications that residents of the PoC sites were spending more time during the day in the towns may be partially the result of these patrols.

The scale of the vulnerable population and the difficult terrain are two of the key constraints on UNPOL. For example, a single FPU has been tasked with maintaining internal order for 115,000 residents of a PoC site in Bentiu, requiring the unit to work beyond its own policies on working hours and areas of coverage. According to UNMISS, the use of police within the camps—similarly to the force—means that fewer assets are available for outside patrolling.

While the Mission was largely stripped of any capacity-building mandate in 2014, the 2018 mandate directed UNPOL to coordinate with police services and other State and non-State actors around protection-focused activities. This opened a window for the Mission to provide “technical assistance and advice” to the South Sudan National Police Service (SSNPS), including some training. EPON was able to interview several senior members of the SSNPS, who all spoke about the important impact this had on their ability to maintain order effectively. While EPON was not able to ascertain actual changes on the ground in terms of SSNPS activities—given the short period of time that the Mission had been offering this form of support—the gradual transition to more technical assistance and advice does appear to be a priority of the Mission.

## The needs and risks at each PoC site—and indeed of each resident—are distinct, and require tailored assessments.

According to a UNMISS official, an overwhelming majority of the population of the PoC sites may not be in immediate risk of physical attack, and they are residing in the sites primarily to access services. There are reports that the population increasingly leaves the sites during the day to sell goods at the market, attend schools, etc., with a very small number

(mostly male former combatants and political leaders) actually requiring physical protection.<sup>88</sup>

This study notes these apparent trends, but also highlights that the needs and risks at each PoC site – and indeed of each resident – are distinct, and require tailored assessments, allowing a more viable comparison of protection risks across the country. Nonetheless, with two million IDPs in South Sudan, the PoC sites only provide assistance for around 10% of IDPs (and indeed more than two million displaced as refugees to South

Sudan's neighbours), causing many interlocutors within the Mission and beyond to query whether UNMISS' resources are best focused so intensively on the residents of the PoC sites alone.<sup>89</sup>

UNMISS has stated that the use of its infantry battalions exclusively for perimeter security creates limitations on the ability of the Mission to protect people outside the PoC sites, and this appears to constrain activities that might deter and prevent problems in the vast territory beyond the camps. The more difficult question concerns the trade-off in resources, as one South Sudanese expert summarised, “We know for a fact that UNMISS is protecting the people in the PoC, but we aren't sure what the Mission can do outside the camps.”<sup>90</sup> In conversations with humanitarian agencies, UNMISS, and South Sudanese experts, there was no consensus as to whether freeing up additional resources for short- and long-range patrols would, in fact, have a major impact on PoC. Some experts pointed out that the preponderance of UNMISS' troops are infantry battalions with limited capacities to extend far beyond the PoC sites. The long-range patrols only consist of six- to nine-day excursions with a presence in any given location only lasting three to four days. Unlike other mission approaches – such as the protection through projection concept of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), which involves much more sustained periods in hotspot locations, the capacity of UNMISS to provide a deterrent presence in many of the key areas beyond the team sites is not clear.<sup>91</sup> Other interlocutors highlighted the continuing obstructions of freedom of movement by the Government, noting that prevention of access has often

88 Interview at UNMISS, 13 December 2018.

89 In fact, a key finding of the strategic review of 2017 was on the need to begin to shift resources beyond the PoC sites. S/2018/143.

90 Interview, Juba, 12 December 2018.

91 This is not to claim that MONUSCO's model necessarily protects better, only that it does lead to a more sustained presence.

### “Beyond Bentiu”

Bentiu is the political and economic centre of what was previously Unity State. Close to potentially lucrative oil fields and strategic axes, Bentiu town and surrounds was the scene of intense fighting during the civil war. Control of Bentiu town changed hands between the SPLA/SSPDF and the -IO groups over the past five years, finally being held by Government forces. As a result, primarily Nuer populations fled the fighting, seeking protection at the UN base, creating the largest of all the PoC sites with the population at times surpassing 120,000 people (currently approx. 115,000), making this PoC the second-largest “city” in South Sudan after the capital, Juba.

UNMISS has been resourceful and effective at providing for the physical security of this huge number of residents. Proactive perimeter security has been provided by the military, including the Mongolian and Ghanaian battalion, and public order inside the camp has been overseen by a Ghanaian FPU, individual UN police officers and community watch groups constituted by IDPs. However, notwithstanding these efforts, everyday insecurity remains a major challenge at the site. While criminal activity within the site is broadly consistent with South Sudanese crime rates, IDPs interviewed also cited frequent incursions into the site at night, leading to armed robbery and violent crime. In addition, major health risks continue, including communicable diseases and deteriorating mental health. Finding ways to facilitate dignified, safe and voluntary returns from the site to erstwhile homes and other secure domiciles is, therefore, a pressing concern.

In order to encourage returns and mitigate identified risks, UNMISS and its humanitarian partners have jointly planned what is called the “Beyond Bentiu Response” (BBR). The BBR envisages increased presence and delivery of humanitarian assistance (e.g., the relocation of monthly food distributions) to populations in and around key centres within ~150km radius from Bentiu. From UNMISS, the BBR calls for engineering work to clear and maintain connecting roads, and requires the force to mount regular confidence-building patrols and long duration patrols (LDPs) of up to two weeks in order to dominate designated areas to facilitate the access and work of humanitarian actors, as well as providing protection through increased presence – particularly for women and girls who regularly fall prey to sexual and gender-based violence (SGBV) when walking along these routes to gather firewood and other items. The BBR also envisages increased engagement by UNMISS senior leadership (e.g., HoFOs) with the parties on PoC issues, and by Civil Affairs on preventing local conflict related to cattle raiding and revenge killing. Overall, the aim of the BBR is to ameliorate the impediments and build confidence for IDPs to leave the site and return home or to another safe location.

If it proves effective, the BBR could provide a model for other PoC sites across the country. However, as recent attacks on civilians outside but nearby the Bentiu PoC site (e.g., during the EPON visit there were ~125 rapes of women/girls) indicate, promoting and incentivising returns raises the possibility that UNMISS could contribute to policies that imperil IDPs who would otherwise have their basic protections and life-saving needs provided for inside the PoC site. The challenge of moving beyond the Bentiu PoC site is, therefore, a microcosm for the dilemma currently facing UNMISS at PoC sites across the country.

occurred in precisely the areas where the Mission was attempting to respond to protection threats.<sup>92</sup>

“We know for a fact that UNMISS is protecting the people in the PoC, but we aren’t sure what the Mission can do outside the camps.”

One issue that is particularly difficult to ascertain is the readiness of the Mission to protect civilians facing threats from State security forces. As described in the background section, and in dozens of UN reports, a principal threat to civilians over the past five years has been from the State security actors. In fact, the continued existence of the PoC sites is a testament to the threat the State may pose, a point underlined during the research team’s interviews with residents of the

sites. Especially as the Mission works to extend its presence into more areas beyond the PoC sites, it may be asked more frequently to protect civilians from State actors. Under what circumstances will the Mission be prepared to intervene – with force – to protect civilians at risk in these settings?

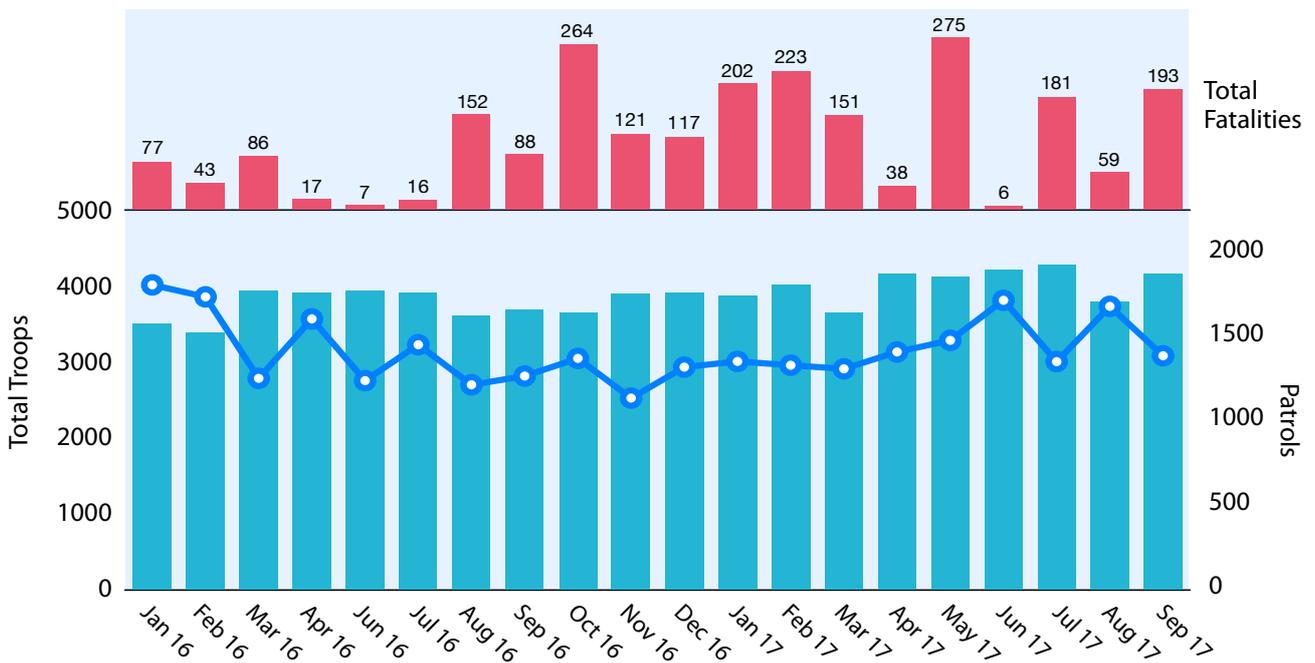


Figure 6: Fatalities and patrolling data

The above graph, drawn from ACLED and limited UN data, underscores the extreme difficulty in demonstrating the impact of patrolling in a protection setting with the data currently available. Broadly, three conclusions can be drawn from this graph: (1) the overall

92 For a comparable analysis, see Allard Duursma, “Obstruction and intimidation of peacekeepers: How armed actors undermine civilian protection efforts,” *Journal of Peace Research*, 2018, DOI: 10.1177/0022343318800522.

troop numbers deployed in a given sector do not seem to change in direct relation to conflict patterns, here measured in civilian fatalities; (2) there is no necessary correlation between incidents of high fatalities and the frequency of patrolling; and (3) the trends of fatalities do not appear to be directly correlated with troop levels or patrols.<sup>93</sup> Crucially, this does not mean that there is no correlation between patrolling and fatalities, and it says nothing about whether patrolling might provide a deterrent effect on protection risks. In fact, significant deterrence could be taking place without being detected by this data. More than anything, this graph demonstrates that more data is required that would allow analysts to answer the question, “Is patrolling effective in protecting civilians?” To answer this, one would need information about the timing, geographical route, purpose, and composition of patrols, compared against time-stamped data depicting risks to civilians. Currently, the UN keeps such information in unstructured paper formats. The UN Department of Peace Operations (UNDPO) has not yet put in place a portfolio-wide IT system to manage such data in formats that can more easily be used for analysis and decision-making.<sup>94</sup>

A principal threat to civilians over the past five years has been from the State security actors.

The source of this data shortfall appears relatively straightforward. When a patrol is authorised, it is on the basis of a paper document called a FRAGO (fragmentary order), which contains key information including the number of vehicles, time and location of the patrol, participants, and the desired effect. The full information from that document, however, does not become part of a centralised, live, and up-to-date database within the UN, it is not necessarily stored in a centralised manner,<sup>95</sup> and does not form part of the UN’s collective knowledge of the activities of the Mission. Instead, it is consolidated into the types of information shown above: broad, macro descriptions of total patrols in a given period. In contrast, on the civilian side, the use of electronic movement of personnel forms has allowed the UN to create time-stamped mapping of where civilians travel by air in a mission area, while GPS trackers are installed on all civilian vehicles. According to data experts within the UN, transitioning the FRAGO system from paper to an electronic form would immediately (and cheaply) allow for time-stamped, location-specific, highly detailed reporting on UN patrolling.<sup>96</sup> Placing GPS trackers on UN military vehicles, while much more costly, would be another easily implemented action that would allow for time-stamped data to feed into a centralised system. While not a panacea for protection, this relatively easy shift in the way data is gathered and transmitted from the field would

93 For an internal UN report on this issue see <https://oios.un.org/page?slug=evaluation-report>.

94 <https://www.worldpoliticsreview.com/articles/27479/can-data-save-u-n-peacekeeping>.

95 For a fuller description of the UN’s SAGE system see <https://www.worldpoliticsreview.com/articles/27479/can-data-save-u-n-peacekeeping>.

96 Interview, New York, 24 January 2019.

allow for a far more meaningful analysis, and would help missions like UNMISS grapple with the difficult questions of where to place resources most effectively.<sup>97</sup>

While the data for patrolling may not allow for concrete conclusions about the effectiveness of an expanded presence beyond the PoC sites, an examination of the temporary operating bases in Leer and Yei provides some evidence of current impact and a

**More data is required that would allow analysts to answer the question, “Is patrolling effective in protecting civilians?”**

sense of what further expansion might offer. In September 2015, the protection cluster recorded approximately 1,200 deaths in three counties of Unity State (including Leer), none of which had a UNMISS static presence. In November 2015, UNMISS established a temporary operating base in Leer, allowing for the return of humanitarian agencies and regular daytime and evening patrols. A survey conducted in early 2016 found that more than 90 percent of the residents of Leer felt their security had improved, nearly 70

percent felt completely safe during the daytime, and the majority of respondents felt the presence of UNMISS was a significant factor in this.<sup>98</sup> UNMISS has set up a temporary base in Yei, and the residents have also reported a significant reduction in protection risks since 2016.<sup>99</sup> Importantly, this study was unable to assess the potential protection impact of activities surrounding Yei – of which there may be a great deal – as there was insufficient data. Further analysis of the impact of these models of sites would allow better comparison across the Mission's activities.

However, the creation of static sites may cause some harm as well. The study team was told that the UNMISS site at Leer has at times turned away civilians fleeing violence, after which rapes and killings have been reported (though not confirmed). According to some interlocutors, the presence of a UNMISS base may have created the false expectation of a PoC site, leading civilians to abandon their usual hiding places and seek shelter with the UN.<sup>100</sup> As one expert noted, there is a risk that establishing a small presence designed to protect only UNMISS troops (such as in Akobo) will nonetheless create unrealistic expectations that UNMISS will protect the population surrounding its site.<sup>101</sup>

97 As of January 2019, it appears MINUSCA is beginning to pilot an e-FRAGO approach, which would potentially be transferrable to UNMISS.

98 [https://reliefweb.int/sites/reliefweb.int/files/resources/protection\\_cluster-update\\_on\\_southern\\_unity-20160511-final\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/protection_cluster-update_on_southern_unity-20160511-final_0.pdf).

99 <https://unmiss.unmissions.org/yei-town-residents-attribute-month-relative-calm-unmiss-presence>.

100 <https://odihpn.org/magazine/protection-civilians-poc-sites-impact-broader>.

101 Interview, Juba, 13 December 2018.

## “Returns” and “Relocations”

A crucial aspect of UNMISS’ efforts to reduce the populations of the PoC sites and free up resources for greater coverage in South Sudan is the safe, voluntary and dignified return of the displaced people within the camps. Limited returns have already been facilitated by UNMISS, including more than 700 people flown from the Bor PoC, the entire population relocated from the Melut PoC, and several hundred people from Malakal. UNMISS leadership stressed that helping to create the conditions for larger-scale voluntary returns was a high priority, to allow the eventual closure of the PoC camps. Plans to gradually move services from the PoC sites to city centres and/or areas of potential return were being put into place during the study team’s visit in December 2018.

While it is too early to assess the overall returns and relocations process, we here flag an important issue that is increasingly confronting the mission. In many urban areas (Bor, Malakal, Bentiu), the overwhelming majority of residents of the PoC camps are non-Dinka, often displaced by predominantly Dinka elements of the SSPDF. In many cases, homes have been occupied and farms taken over. Now, as the Government has regained control over these cities, there is a call for the residents of the PoC sites to return home. However, as many of the residents of the PoC underlined to the study team, Government control does not provide them with a sense of security, nor does it ensure that they will have the ability to return to their homes, many of which have been occupied or destroyed. Instead, many of the displaced are opting to be relocated to opposition-controlled areas, where they are not under imminent threat of attack, but often far from their 2013 homes. This distinction between “returns” to places of former residence and “relocation” to so-called homelands where many of these populations have not resided for generations (or indeed ever) was a concern raised by many humanitarian actors during the study team’s visit.

This raises a dilemma for UNMISS and its partners. Should the Mission facilitate the voluntary movement of PoC residents out of previously mixed cities in the interests of immediate protection, even if this results in the de facto loss of their former residences and the ethnic segregation of the country? Or should the UN focus more on the reconstruction of mixed urban areas, working to build trust and encourage a return of PoC residents to Government-controlled areas? Tension exists between the immediate protection concerns (i.e., ensuring that individuals in camps are not pushed into harm’s way, and following people-centred approaches) and longer-term risks associated with Balkanisation

More than 90 percent of the residents of Leer felt their security had improved, nearly 70 percent felt completely safe during the daytime, and the majority of respondents felt the presence of UNMISS was a significant factor in this.

of South Sudan. The extreme vulnerability of these populations and their stated willingness to follow service delivery also places the notion of “voluntariness” into question. Most experts suggested that the PoC residents are likely to express a desire to be relocated wherever the UN and its partners have placed the best services. As one South Sudanese expert said, “There is a possible future for the country where all the Nuer have returned to the Nuer homelands, and there are no mixed towns anymore. What happens to the idea of being South Sudanese then?” The medium- to long-term risks are potentially enormous, without easy answers.

### Early Warning Strategy

UNMISS is mandated to implement an early warning strategy, which includes information-gathering, monitoring, verification, and response mechanisms to PoC threats and human rights violations. As described in a comprehensive and rigorous internal report on peacekeeping operations across the UN, early warning and prior knowledge of inci-

idents and fatalities are a significant determinant in the speed of protection response by missions, and it is far more effective than capabilities, like the number of troops and levels of equipment.<sup>102</sup> Establishing a well-functioning system to identify threats and translate the analysis into action is thus a crucial element in an effective PoC approach.

Tension exists between the immediate protection concerns and longer-term risks associated with Balkanisation of South Sudan.

The UNMISS mission strategy prioritises early warning as a key aspect of the PoC pillar of the Mission, demanding a “whole of UN” system

that brings in the UNCT and channels responses. In this context, the Field Integrated Operations Centres (FIOCs) in each field location linked with the Joint Operations Centre (JOC) and Joint Mission Analysis Centre (JMAC) at the Mission Headquarters are the key nodes in the early warning system, bringing together analysis and information from all components at the field level. They also coordinate actions in response to the early warning signs under the guidance of the HoFOs. The Mission has piloted “early warning matrices” in several field locations, to facilitate triage between urgent threats and those which do not require immediate action via the FIOC.<sup>103</sup> Following the 2016 crisis, the Mission established the Operational Coordination Committee (OCC), chaired by the Chief of Staff and attended by director-level representatives from all the Mission’s components, to ensure that the early warning signs are responded to in a timely and

<sup>102</sup> Inspection of the performance of missions’ operational responses to Protection of Civilians (PoC) related incidents, Office of Internal Oversight Services, Inspection Report, 30 July 2018.

<sup>103</sup> Civilians in Conflict, “Data Driven Protection: Linking Threat Analysis to Planning in UN Peacekeeping Operations,” available at <https://civiliansinconflict.org/blog/data-driven-protection-linking-threat-analysis>.

coordinated manner. The OCC reports to the senior management team and has the authority to task sections and working-level forums to take the response forward. Taken together, these structures appear to fulfil the Council's requirement for an early warning strategy.

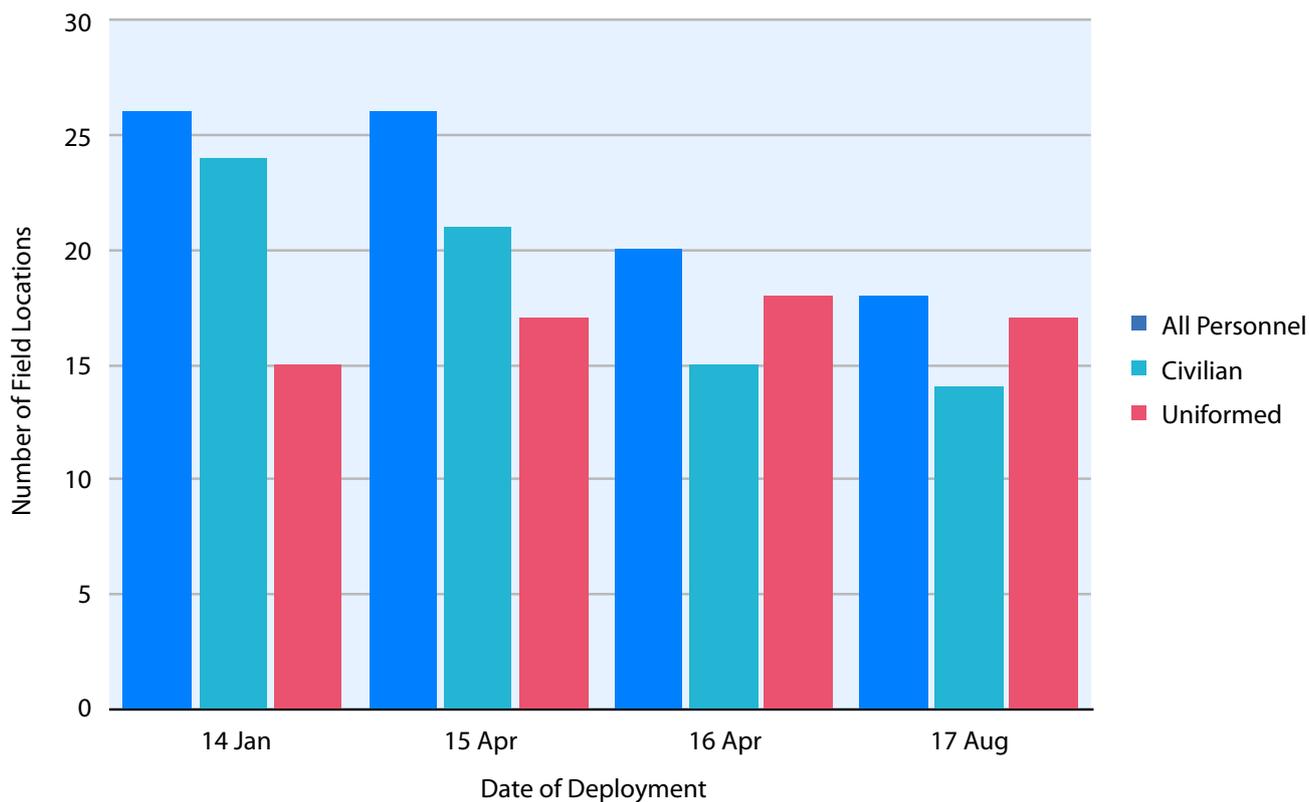
The early warning structures in place may belie the actual practice in UNMISS, which appears far more reliant on the JMAC. The SRSG's office typically tasks the JMAC with generating hotspot maps and threat forecasts, which are often the primary basis for decision-making by the Mission's leadership. Several UNMISS officials spoke about the centrality of the JMAC. One stated, "When it comes to acting on protection risks, JMAC is the main source for decision-making," and another said, "The SRSG tends to rely directly on the JMAC."<sup>104</sup> The direct reliance on JMAC – rather than the broader consultation and coordination among the full set of early warning structures – may well be the result of the strong analytic capacities of the JMAC, and its well-established ability to track trends and anticipate threats across the country. And indeed, according to several UNMISS staff, this practice may be more effective than involving a larger group in the discussions around protection responses, though on paper it appears to contradict the UN Security Council's call for a more systematic approach. Evaluating the relative effectiveness of these practices and structures was not possible during the study team's visit.

Establishing a well-functioning system to identify threats and translate the analysis into action is a crucial element in an effective PoC approach.

While views on the effectiveness of the early warning system varied across the Mission, there was a general consensus that the FIOC structures were appropriate for the task of early warning and a good example of decentralised authority. The use of mixed patrols, where members of human rights, civil affairs, protection and other civilian components accompany patrols to potential hotspots, was cited as a positive practice that has allowed the Mission to identify emerging threats in a more holistic manner than in previous years. Joint patrols with the ceasefire mechanism created under the peace agreement (Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM)) appear to have been especially responsive to continuing threats by opposition forces.<sup>105</sup>

104

105 Interview, Yambio, 3 December 2018.



**Figure 7: Civilian Presence in Field Locations, January 2014-August 2017**

However, UNMISS faces several challenges to its early warning system, both external and internal. From a logistics standpoint, the Mission has limited physical access to many parts of the country, there are few paved roads, and a sporadic telecommunications network for maintaining local contacts.<sup>106</sup> And, as the above graph shows, there has been a decline in locations with civilian personnel due to the withdrawal closure of some sites after the shift in mandate in 2014. This leaves the Mission with fewer “antennae” to establish situational awareness for early warning. Furthermore, during the rainy season, the Mission’s ability to access many potential hotspots is severely hampered, while the blanket restriction on night travel imposed by the Government means the Mission cannot move at some of the most crucial moments. Even then, the regular denial of flight safety assurances imposes further restrictions on the Mission’s freedom of movement.

Separately, the refusal of some troops to carry out foot patrols was cited as a serious impediment to the mission’s ability to gather meaningful human intelligence in many parts of the country, while the frequent rotation of troops may well reduce the analytic capacity of the force component in particular.<sup>107</sup> UNMISS, humanitarian, and South Sudanese interlocutors complained frequently that some troop contributors tended to stay in their

<sup>106</sup> Civilians in Conflict, “Data Driven Protection: Linking Threat Analysis to Planning in UN Peacekeeping Operations.”

<sup>107</sup> Interview, UNMISS, 10 December 2018.

vehicles, seldom engaging with the communities or gathering real human intelligence.<sup>108</sup> It is also worth highlighting that UNMISS has a relatively small community alert network for a mission of its size. With fewer community liaison assistants and a limited static footprint, the dedicated resources to generate human intelligence on a day-to-day basis is considerably constrained.

Finally, some interlocutors suggested that, in the aftermath of the boards of inquiry into previous UNMISS PoC responses, early warning is now overused, and is merely a form of “ticking boxes” to be sure that a paper trail exists for potential future inquiries. As such, the early warning reports may be overly bleak and lack the nuance necessary for effective triage within the Mission. The study team was unable to view the content of sufficient early warning reports to assess this perception.

The blanket restriction on night travel imposed by the Government means the Mission cannot move at some of the most crucial moments.

Measuring the impact of an early warning system is a challenging task, requiring more data than was available to the study team at the time, including time-stamped data that would allow for an assessment of response times to alerts. It should be noted that UNMISS is currently implementing an incident tracking and analysis tool (SAGE) which, in the future, will allow for a more detailed analysis of the Mission’s responses to early warning threats. The absence of such a data storage system has been cited by some peacekeeping experts as another inhibitor of the Mission’s early warning system.<sup>109</sup>

## Good Offices in Support of Protection

During the study team’s visit, the question “protecting who from what?” often arose. In other words, should the Mission be focused on the risks associated with political violence, intercommunal fighting, criminality within the PoC sites, or the many grey areas among these threats? Conflict dynamics in South Sudan are complex and interdependent, and it is impossible and ultimately not helpful to separate intercommunal tensions from the political violence of the civil war, large-scale population movements, or even the activities of regional actors in many cases. Local-level conflict resolution by UNMISS can thus be viewed in terms of its: (a) contribution to the protection mandate of the mission; (b) helping create the conditions for humanitarian assistance; and (c) support to the national level peace process. In examining its impact primarily in terms of protection, it is apparent

<sup>108</sup> UNMISS indicated that it was developing a mission-wide strategy on community engagement that might address this issue.

<sup>109</sup> Civilians in Conflict, “Data Driven Protection: Linking Threat Analysis to Planning in UN Peacekeeping Operations.”

that UNMISS has a significant and often underappreciated role in South Sudan, perhaps because conflict resolution of this nature is difficult to measure in quantitative terms. It was clear, however, that addressing intercommunal tensions did have a strong tendency to reinforce both the PoC mandate and support the political process.

During the study team's visit, the question "protecting who from what?" often arose.

Here, even a cursory and incomplete listing of UNMISS' local conflict resolution work demonstrates its significant scope and impact. In the past two years alone, UNMISS has:

- Supported a series of dialogues between the Fertit and Dinka communities in Raja, resulting in a reduction in violent incidents in the area since 2017;
- Helped broker four local resolutions in the Northern Unity State area since 2016, including a joint security conference in August 2018, which has been acknowledged by local stakeholders as contributing to reduced violence along the border;
- Opened a dialogue forum between the Waal and Ayiel communities, resulting in a January 2018 formal agreement and contributing to a nationally-led disarmament campaign;
- Supported a series of cattle migration conferences in Marial Bai (2012, 2014, 2016 and 2017) to support and monitor a locally-brokered agreement, contributing to a decrease in migration-related violence in 2017-18;
- Together with international partners, supported a peace process between the Dinka and Fallata communities in Ruweng and the Northern Liech States, resulting in the normalisation of relations between the communities and a reduction in the rates of cattle theft and violence in the area since 2016;
- Facilitated a Dinka-Murle peace conference together with VISTAS (Viable Support to Transition and Stability) and the National Peace and Reconciliation Commission in 2017 (UNMISS also improved the Bor-Pibor road to support this process), which has contributed to a reduction in incidents between the two communities and greater use of the Pibor market for both communities;
- Facilitated efforts of the Government to address serious intercommunal violence in Bor South County in late 2017, resulting in a February 2018 peace agreement and a reduction in violence to date;
- Engaged with the Mundari and Nyambara communities in 2016, resulting in a signed resolution covering cattle grazing, after which the rates of intercommunal violence in the Kuda area of Judok State reduced in the 2017-18 period; and

- Supported inter-state pastoral migration conferences among the Western Lakes, Eastern Lakes, and the Terekeka States, resulting in the establishment of a Joint Border Protection Committee, which likely contributed to a reduction in intercommunal violence in those areas.<sup>110</sup>

This list only captures a small portion of the broader work of the Mission to broker local agreements, build confidence, and support improved intercommunal relations. And, while it is impossible to fully assess the overall impact of these activities, the reduction of incidents following many of the peace agreements appears to indicate that they are contributing to the protection mandate of the Mission, and possibly to the overall peace process. A recent UN Office of Internal Oversight Services (OIOS) evaluation of the Civil Affairs Division in UNMISS found evidence of this impact, particularly in the reduction of recurring local conflicts in areas where the Mission had engaged. These approaches also point to some of the ways UNMISS is contributing to local ownership, building capacities that will outlast the Mission's time on the ground.<sup>111</sup>

“Everyone was focused on the Kiir/Machar violence, but now that the [revitalized agreement] is in place, people are going back to their usual disputes.”

At the same time, we do not wish to overstate the impact, given the ongoing rates of violence across South Sudan. Indeed, the most recent report of the Secretary-General notes heightened intercommunal tensions in parts of the Lakes and Jonglei States, including killings and violent incidents in some of the areas where UNMISS has been involved in brokering local agreements.<sup>112</sup> A perennial complaint of Civil Affairs is that the Mission budget does not provide for follow-up programming for local agreements, which may limit their sustainability beyond a few seasons. During the study team's visit, several interlocutors stressed that some of the reductions in intercommunal violence over the past few years could be attributed to the conflict between the opposition and the Government. “Everyone was focused on the Kiir/Machar violence, but now that the [revitalized agreement] is in place, people are going back to their usual disputes,” one expert noted.<sup>113</sup> With deeply embedded patterns of intercommunal violence and a variety of climatic, seasonal, regional and political factors at play, this study is hesitant to make broader claims about the impact of this work.

110 All of these examples are drawn from the Civil Affairs Conflict Assessment Summary as of August 2018 [on file with author].

111 <https://reliefweb.int/sites/reliefweb.int/files/resources/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf>.

112 S/2018/1103, para. 19.

113 Interview, Juba, 14 December 2018.

## Overall Assessment of UNMISS' PoC Role

UNMISS has a unique protection narrative. No other peace operation in the world can so clearly and convincingly point to the direct protection of more than 200,000 people. Across all stakeholders, this team found agreement that UNMISS had played a crucial role in preventing further violence against the PoC site residents, and in facilitating the delivery of life-saving assistance to them. This role clearly increased the mission's legitimacy and credibility among much of the population. The PoC sites also provide opportunities for "people-centred" approaches, where UNMISS peacekeepers are in frequent contact with South Sudanese, continuously patrolling the communities, and staying actively involved in the day-to-day life of the residents. As one PoC resident told our study team, "The PoC sites are our village."

This focus on the PoC sites, however, appears to have come at a cost. UNMISS is now faced with a dilemma of trying to free up its limited military and police resources from the sites in order to patrol more widely beyond its field office locations. The sites are inconvenient for the mission's relationship with the Government, have created legal uncertainties, and have not always been supported within the Mission leadership since 2013. While there were some clear examples where UNMISS' presence outside the camps supported the protection mandate (at Yei and Leer), the people interviewed for this study struggled

to describe exactly how the Mission's resources could be more effectively utilised as the camps were eventually dismantled and shut down. This is in part because protection by patrol is a murkier narrative. In other words, does the presence of peacekeepers in hotspot areas actually deter violence, and what evidence can be provided to prove this?<sup>114</sup>

In fact, there is a risk that UNMISS' protection narrative suffers in the medium term. As the sites are eventually phased out and civilians return to their communities, the number of individuals the

Mission is actually protecting from physical harm may appear to diminish, while rates of intercommunal violence may appear to continue unabated. This will not mean UNMISS is failing in its protection mandate; rather, it points to the need for better data collection and improved analytic tools to measure impact. It also points to the possible need for greater clarity on the PoC mandate itself (at the Council and Mission levels), to better understand the goals and expectations set when a Mission is tasked with protecting civilians in a setting where many people are also caught up in the violence, and the threats

UNMISS is now faced with a dilemma of trying to free up its limited military and police resources from the sites in order to patrol more widely beyond its field office locations.

<sup>114</sup> For some additional reading in this area, see [http://brandonprins.weebly.com/PKO\\_Research.html](http://brandonprins.weebly.com/PKO_Research.html); <https://www.prio.org/Publications/Publication/?x=11189>; and <https://press.princeton.edu/titles/8705.html>.

emanate from very different sources and kinds of conflict. In the study team's view, the "effects-based approach" of UNMISS, along with recent initiatives like CPAS, are positive steps towards more meaningful engagement with this thorny question.

## 4.2 Creating Conditions Conducive to the Delivery of Humanitarian Assistance

There is a wide variety of actions UNMISS pursues to improve the conditions for the delivery of humanitarian assistance, including support to the national peace process, and work on local conflict resolution, both broadly aimed at reducing insecurity throughout South Sudan. And, as detailed above, UNMISS has had a demonstrable impact in supporting humanitarian delivery for the residents of the PoC sites by providing perimeter security and coordinating with humanitarian actors. Many humanitarian agencies continue to reside on UN bases in the less safe parts of the country as well. Two hundred thousand people have received the bulk of their humanitarian aid and services in a well-coordinated and effective manner at the PoC sites.

This section builds on the previous analysis of humanitarian delivery within the PoC sites, but is here focused on the activities UNMISS has undertaken to afford humanitarian delivery in areas otherwise inaccessible and/or insecure for the main agencies operating in South Sudan.

UNMISS has had a demonstrable impact in supporting humanitarian delivery for the residents of the PoC sites.

In recent years, UNMISS has provided protection for humanitarian agencies to access conflict-affected areas, with clear impact. UNCT members in Yambio, for example, estimated that UNMISS protection had opened access to roughly 30,000 at-risk people since 2017, while its improvement to roads enabled quicker, more efficient delivery across other parts of Western Equatoria.<sup>115</sup> During field visits to Bor, Bentiu and Malakal, humanitarian agencies all stressed the important role UNMISS has played in opening access to remote areas, including by use of its air assets.<sup>116</sup> UNMISS force suggested nearly 100 percent of the requests by humanitarian agencies for protection were met countrywide, though this does not account for the many areas humanitarians may not even try to reach due to inaccessibility.<sup>117</sup>

In addition to protecting humanitarian actors, UNMISS' establishment of temporary bases in Leer and Yei have created much-needed hubs for humanitarian actors, allowing

115 Interviews with the UNHCR, UNICEF, WFP and FAO, Yambio, 4 December 2018.

116 Interviews in Bor, Bentiu and Malakal, 4-7 December 2018.

117 Interview, Bor, 4 December 2018.

access to more than 100,000 civilians who would have otherwise been almost unreachable.<sup>118</sup> These bases have multiple positive impacts: the continuous presence of the force appears to have diminished the active conflict in the immediate vicinity of the towns, while also creating a more protective atmosphere for civilians. According to Yei residents, for example, the levels of criminality and attacks dropped dramatically upon the arrival

UNMISS' establishment of temporary bases in Leer and Yei have created much-needed hubs for humanitarian actors, allowing access to more than 100,000 civilians who would have otherwise been almost unreachable.

of UNMISS, and residents speak of a “return to normalcy” in the town.<sup>119</sup> The concentrated presence of UNMISS has also increased the capacity of humanitarians to work in the town. For example, the UN High Commissioner for Refugees (UNHCR) was able to identify more than 600 Yei-based students for protection interventions in late 2018.<sup>120</sup> Compared to 2016, when the UNHCR warned of 100,000 people “trapped” in Yei, the deployment of UNMISS has had an unmistakable positive impact.<sup>121</sup> This work demonstrates how the Mission partners with other agencies to meet the needs of vulnerable people.

There are limitations to the support UNMISS is able to provide, as the mission's 12 infantry battalions are largely constrained to the areas immediately around their bases. In Akobo, for example, UNMISS provides security for food deliveries into the local airport and to town, but no protection presence beyond the boundaries of the town.<sup>122</sup> Across the country, the OCHA estimates that more than six million people face severe food insecurity, with more than one million children severely malnourished. Though humanitarian actors were able to access roughly 4.5 million people, the OCHA points to the lack of access in areas of displacement, along with local-level conflicts, as major factors inhibiting delivery in many parts of the country, especially in Jonglei and the Upper Nile States.<sup>123</sup>

UNMISS' protection activities are also a double-edged sword in the eyes of the humanitarians in South Sudan. Some UNCT members expressed frustration at the long process to plan and receive authorisation for protection, meaning that urgent issues could not be addressed quickly. UNMISS' insistence on joining some humanitarian convoys – including two to Aweil and one to Wau during 2018 – were viewed as an imposition on

118 <https://news.un.org/en/story/2016/09/541502-south-sudan-100000-people-trapped-yei-un-refugee-agency-warns>.

119 <https://unmiss.unmissions.org/yei-town-residents-attribute-month-relative-calm-unmiss-presence>.

120 <https://reliefweb.int/report/south-sudan/south-sudan-unhcr-operational-update-16-30-september-2018>.

121 <https://news.un.org/en/story/2016/09/541502-south-sudan-100000-people-trapped-yei-un-refugee-agency-warns>.

122 Interview in Juba, 13 December 2018.

123 [https://reliefweb.int/sites/reliefweb.int/files/resources/20181205\\_Humanitarian%20Bulletin%20%239\\_Final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/20181205_Humanitarian%20Bulletin%20%239_Final.pdf).

humanitarian space and reportedly resulted in the cancellation of those planned deliveries.<sup>124</sup> UNCT members' dependency upon clearance from the UN Department of Safety and Security (DSS) was seen by some agencies as a significant imposition on their work. Furthermore, several agency staff indicated that, despite the protection UNMISS provides in some cases, they view the Mission as more of a burden than a blessing.<sup>125</sup>

The most significant obstacle to humanitarian delivery has been posed by the main parties to the conflict, both of which have clearly impeded access to large numbers of vulnerable people. A 2017 report by the Panel of Experts on South Sudan found that Government forces had caused the forcible displacement of hundreds of thousands of civilians, subsequently preventing access to large portions of the at-risk populations.<sup>126</sup> UNMISS has routinely reported on similar obstruction by both the Government and opposition forces. While this level of intentional obstruction appears to have reduced in the wake of the revitalised peace process, the need to acquire flight clearances by the Government (and indeed the opposition command if entering their areas) was highlighted as an ongoing constraint.

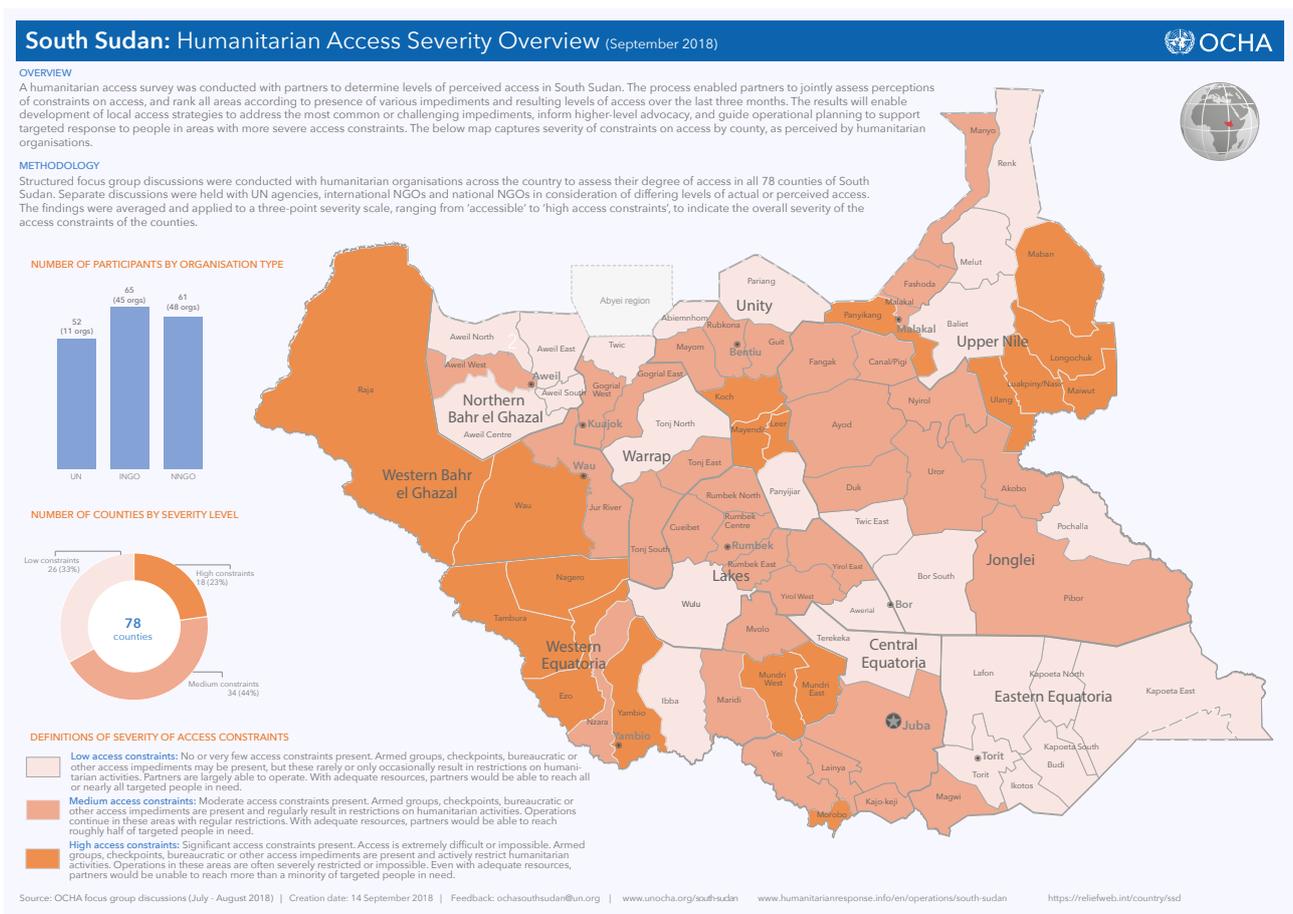


Figure 8: Humanitarian Needs Access in South Sudan with Zoned Illustrative Map, September 2018

124 Interview with INGO, Juba, 13 December 2018.

125 Interviews in Juba, December 2018; New York, November 2018.

126 S/2017/979 (2017).

## Brokering Access

A less obvious but potentially important role UNMISS has played is advocating with the Government and opposition for access to conflict-affected areas (see also next section on the role of human rights in supporting this work). In September 2018, for example, a

At least 100,000 people are regularly accessed with the support of UNMISS' Force, while the 200,000 people in the PoC camps also receive life-saving services.

humanitarian convoy reached Baggari (Western Bahr al-Ghazal), providing life-saving assistance to 28,000 people after three months of obstruction by State and local authorities. This breakthrough was the result of intensive negotiations with the local authorities and advocacy with the Government in Juba, including by UNMISS and its partners.<sup>127</sup> The constant work of the Mission at the local level to broker access, provide assurances to local parties, and quietly help create the conditions for humanitarian access, is a largely untold story of the Mission, and it is particularly

difficult to assess. In interviews with South Sudanese interlocutors, they shared mixed views on the extent to which UNMISS should be credited with opening up access, though several noted that UNMISS' role in advocating for access with State officials probably contributed to improved delivery.

## Overall Assessment of UNMISS' Role in Facilitating Humanitarian Delivery

A common message from South Sudanese, international and UN interlocutors was that UNMISS continues to play a clear and important role in facilitating humanitarian delivery. As described above, this is most evident where UNMISS provides protection to humanitarian convoys and/or flights into inaccessible parts of the country. It is not a straightforward process to calculate the numbers of people who receive humanitarian aid as a direct result of UNMISS' actions, but a conservative estimate based on interviews with agencies and Mission interlocutors would indicate that at least 100,000 people are regularly accessed with the support of UNMISS' Force, while the 200,000 people in the PoC camps also receive life-saving services, largely as a result of UNMISS' continued maintenance of the sites. The Mission's perimeter security, internal coordination, provision of public order, and other activities are crucial enablers for large-scale delivery to some of the most vulnerable people in South Sudan. Again, the political brokering of access at a local level likely keeps many other avenues of humanitarian delivery open as well. In line

<sup>127</sup> <https://reliefweb.int/report/south-sudan/breakthrough-humanitarian-convoy-reaches-insecure-areas-wau-south-sudan>.

with EPON's dimensions, this work offers a good example of partnerships and coherence across the UN in the delivery of a key mandate area.

Against this positive description of impact arises the question of the effectiveness of UNMISS' use of resources. One message from humanitarians, South Sudanese, and indeed Mission staff was that UNMISS' overriding use of its force and police capacities to protect the PoC sites meant that its reach beyond the camps is extremely limited. "If UNMISS wasn't protecting the camps, it could be doing far more to extend its reach across South Sudan, helping humanitarians reach many more places," stated one NGO official, echoing several others across the country.<sup>128</sup> UNMISS leadership and Headquarters officials agree: by focusing the bulk of the Mission's force and police on the camps, the reach and impact beyond the camps is being constrained. In this context, the process of supporting voluntary, dignified returns, and extending humanitarian services to the at-risk communities beyond the UNMISS sites presents the most significant challenge for the Mission today. However, several interlocutors suggested that the lack of reach into the peripheries of South Sudan was less to do with capacity and more to do with mindset and a willingness to confront the obstacles put in place by the parties to the conflict.

The lack of reach into the peripheries of South Sudan was less to do with capacity and more to do with mindset and a willingness to confront the obstacles put in place by the parties to the conflict.

As such, one of the most important questions facing UNMISS is how to facilitate voluntary, dignified and safe returns of the residents of the PoC sites, coordinating with humanitarians to ensure that they receive services wherever they choose to go. The Mission has stressed that this is a people-centred approach, based on the expressed will of the residents. A factor in this calculation is the loss of confidence in the State by many of the (predominantly Nuer) residents of the camps. Many of them suggested that their former homes are now in Government-controlled areas and thus not safe for them. In deciding where to place services, the broader UN family is thus confronted with difficult questions about needing to respond to the wishes of the displaced people, but also needing to support institutional capacities to deliver in the longer term. Taking these decisions in close consultation with the affected communities is a stated priority of the UNMISS leadership. However, the enormous challenge of identifying needs and intentions in such a delicate situation should not be underestimated.

<sup>128</sup> Interview, Bor, 4 December 2018.

### 4.3 Monitoring and Investigating Human Rights

UNMISS' Human Rights Division identifies five priority areas of work: (i) protection of human rights in situations of ongoing armed conflict; (ii) sexual and gender-based violence (SGBV); (iii) fundamental freedoms, especially freedom of expression; (iv) administration of justice and accountability; and (v) capacity-building activities.<sup>129</sup> In line with the Mission's strategy, the study examines the extent to which these priority activities have contributed to the protection and peace objectives.

#### Reporting, Monitoring and Advocacy

A central area of work for UNMISS human rights is its public reporting on violations in South Sudan. Apart from the regular human rights section in the Secretary-General's reports, UNMISS has issued ten major public reports on human rights violations during the civil war, including reports that specifically name Government and opposition forces in international human rights violations.<sup>130</sup> Several interlocutors pointed out that public reporting from 2013-15 was relatively sparse, with some indicating that the Mission

The UN family is thus confronted with difficult questions about needing to respond to the wishes of the displaced people, but also needing to support institutional capacities to deliver in the longer term.

leadership at the time was overly concerned with the potentially negative impact of such reports on UNMISS' relations with the Government.<sup>131</sup> Other Mission interlocutors pointed to the 4 December 2015 report – which alleged that both the Government and opposition were responsible for human rights violations – as evidence of a consistent willingness of the Mission to report publicly on human rights. There was general agreement by interlocutors that over the last two years there has been increased visibility of UNMISS' human rights reporting, including high-profile reports in February, July and October 2018. Staff within the Mission suggested that the more active public reporting was the result of a decision by the leadership to empha-

se human rights and restructure the section to be more active.

The more difficult question concerns the potential impact of such reporting and advocacy, and the extent to which it may have contributed to the PoC objective of the Mission. According to the Mission leadership, the reports offer useful “entry points” for discussions

129 UNMISS Human Rights Division Strategy [on file with author].

130 <https://unmiss.unmissions.org/human-rights-reports>.

131 Interviews, Juba, 11-14 December 2018.

with South Sudanese leadership, particularly around the question of protection. For example, the July 2018 report's references to human rights violations in Unity State were a basis upon which UNMISS approached Vice President Taban Deng to request greater restraint.<sup>132</sup> Likewise, the 2018 reports have been brought up with Riek Machar, alongside requests that he ensure his commanders on the ground refrain from abuses or attacks on civilians, and that his forces release child soldiers.<sup>133</sup> Two senior UNMISS officials claimed the recent reports had a "major impact" on the extent to which the South Sudanese felt deterred from abusive behaviours, while several other interlocutors suggested the reports were part of a broader range of "influences" on behaviour away from attacks on civilians.<sup>134</sup> A recent statement by Riek Machar on the situation in Bentiu may be partially the result of pressure from human rights reporting. However, most South Sudanese interlocutors interviewed by this study were less optimistic about the role of human rights reporting, with several indicating that they saw little impact of the reports when it came to deterring or influencing the behaviour of actors on the ground.<sup>135</sup>

A central area of work for UNMISS human rights is its public reporting on violations in South Sudan.

One clear effect of human rights reporting – not only by UNMISS, but a broader array of sources – is the importance of human rights to the establishment of embargoes and sanction regimes. The Panel of Experts on South Sudan noted that reports of serious human rights violations are often the basis for shifts in the Council's use of sanctions, and a key aspect of the Council's decisions to issue an arms embargo on the country.<sup>136</sup> Indeed, the Council frequently cited human rights abuses and made reference to the Office of the UN High Commissioner for Human Rights' (OHCHR's) reporting in its renewal of the most recent set of sanctions, which include travel bans and asset freezes on several South Sudanese officials.<sup>137</sup> While UNMISS was clear that its human rights reporting was geared at directly influencing the behaviour of actors on the ground and not formally linked to any sanctions process, the development of a factual narrative around human rights abuses appears important beyond the immediate mandate of the Mission as well.

132 Interview with UNMISS, 12 December 2018.

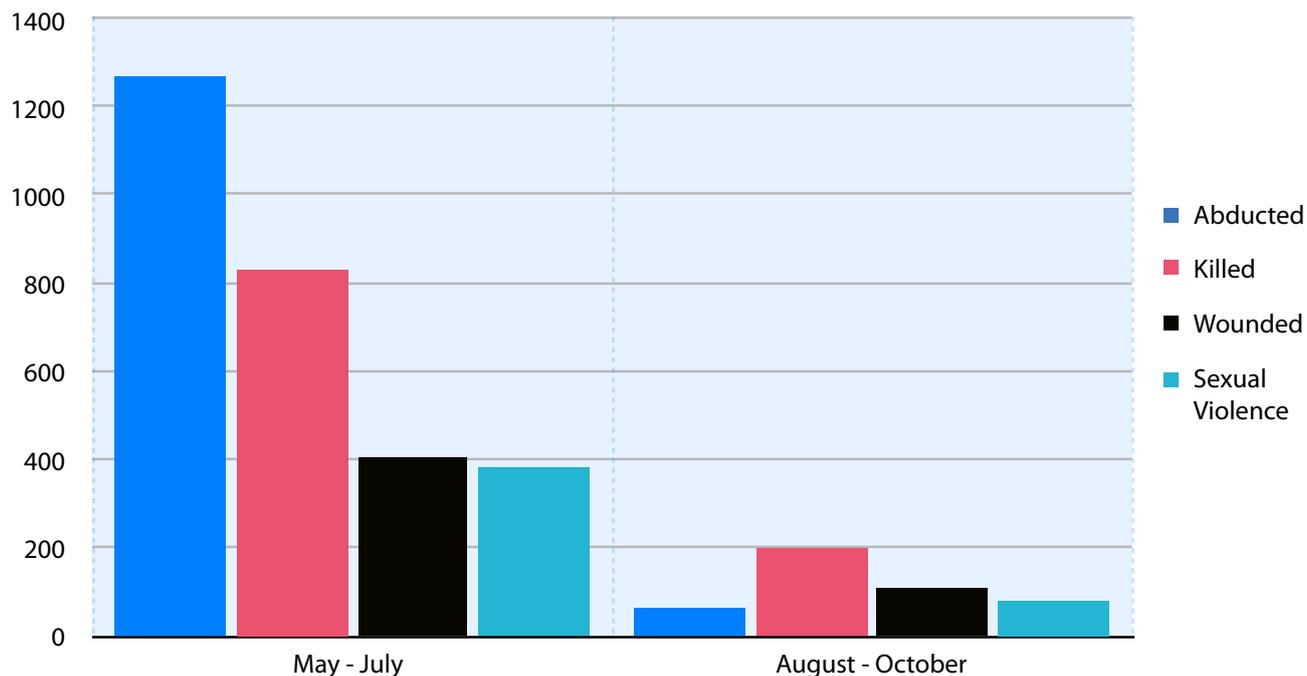
133 Interview with UNMISS, 14 December 2018.

134 Interview with UNMISS, 14 December 2018.

135 EPON interviewed a range of academic and civil society leaders in Juba, 11-15 December 2018.

136 Interview, 3 December 2018.

137 <https://www.un.org/press/en/2018/sc13421.doc.htm>.



**Figure 9: Human Rights Violations in South Sudan, May-July and August-September 2018 Comparison**

As the above UNMISS graph from 2018 demonstrates, there are often significant fluctuations in the rates of human rights violations over different periods. In this case, most

interlocutors suggested that the revitalised peace process was the dominant factor in the reduction of violations, though the onset of the rainy season and the consequent reduction in movement could have also played a role. As such, this study was not able to draw definitive conclusions about the impact and will need to review its approach to evaluating human rights work for future assessments.

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### Conflict-Related Sexual Violence (CRSV)

Since the outbreak of the civil war in 2013, tens of thousands of South Sudanese have been subjected to sexual violence, including brutal cases of rape, sexual mutilation, and torture. A survey conducted in 2015 by the UN Population Fund found that 72 percent of women living in four PoC sites in Juba reported having been raped since the conflict broke out, mostly by State security forces. In 2016, UNMISS documented 577 cases of CRSV, including rape and sexual slavery, a 32 percent increase compared with 2015.<sup>138</sup> According

<sup>138</sup> Amnesty International, "Do Not Remain Silent: Survivors of Sexual Violence in South Sudan Call for Justice and Reparations," 2017, available at <https://www.amnestyusa.org/reports/>

to well-respected human rights organisations, the lack of accountability for sexual crimes has contributed to the widespread, “normalised” use of sexual violence as a weapon of war.<sup>139</sup> Both sides of the war are responsible for sexual violence, with large-scale attacks by Government and opposition-affiliated forces sometimes resulting in hundreds of rape victims.<sup>140</sup> In 2017, UNMISS documented 196 verified cases of CRSV by Government and opposition forces. The significant drop in cases – down from 2016 – was due to severe restrictions of access to conflict-affected areas rather than any definitive reduction in abuses.<sup>141</sup> During the study team’s visit, more than 150 cases of sexual violence were reported by non-UN agencies in a period of only 12 days.<sup>142</sup>

During the study team’s visit, more than 150 cases of sexual violence were reported by non-UN agencies in a period of only 12 days.

Views are extremely divided as to the extent UNMISS has been effective in its work against sexual violence. Some interlocutors pointed to the work the Mission had done in collaboration with the UN Development Programme (UNDP) and other partners to establish a court in Juba to try cases of sexual violence.<sup>143</sup> In meetings with human rights and other substantive sections, they stated that documentation and public advocacy around CRSV was a key priority of the Mission, and pointed to disaggregated reporting and dedicated personnel within the Mission as evidence of this prioritisation. During a recent visit of the SRSG for CRSV, President Kiir publicly reiterated the Government’s commitment to a broad set of steps to address impunity and combat sexual violence, which may provide some evidence of the impact of UNMISS’ advocacy and reporting.<sup>144</sup> However, other senior UNMISS officials were extremely critical of the Mission’s willingness to prioritise the overall WPS agenda, arguing that it was a “second tier” issue that received few resources and little meaningful attention.<sup>145</sup>

During this study team’s interviews, the horrors of sexual violence were often mentioned as something that would need to be resolved if there was ever to be sustained peace in South Sudan. Residents of the PoC sites spoke of the deep impact CRSV had had on

[do-not-remain-silent-survivors-of-sexual-violence-in-south-sudan-call-for-justice-and-reparations](#).

139 <https://www.hrw.org/news/2018/12/18/south-sudan-spate-sexual-violence>; <https://www.amnesty.org/download/Documents/AFR6564692017ENGLISH.PDF>.

140 <https://www.amnesty.org/en/latest/news/2018/09/south-sudan-Government-troops-and-militias-given-free-rein-to-commit-new-atrocities>.

141 <https://www.un.org/sexualviolenceinconflict/countries/south-sudan>.

142 <https://www.apnews.com/ef17005f7fae40abbcf32db19d107354>.

143 Interview, Juba, 14 December 2018.

144 <https://www.un.org/sexualviolenceinconflict/joint-communicue/joint-communicue-of-the-republic-of-south-sudan-and-the-united-nations-on-the-prevention-of-conflict-related-sexual-violence>. But note that Awut Deng, a member of Kiir’s Government, promptly rowed back on this, stating that there was no evidence of sexual assault in Bentiu.

145 Interviews, Juba, 12-14 December 2018.

their communities, while a wide range of South Sudanese interlocutors referred to the justice provisions of RARCSS as something that would need to take sexual violence seriously. While this study was not able to research this issue in depth, we here note the widely differing views within the Mission on the priority given to sexual violence.

The horrors of sexual violence were often mentioned as something that would need to be resolved if there was ever to be sustained peace in South Sudan.

We also note the broader and distinct impact of the conflict on women's role in the peace process and in efforts to take forward UNMISS' mandate. As one woman activist stated, "Women pull back and keep a low profile. They trying to keep safe. If the rest are scared, there is the probability of whatever is left to relapse to zero."<sup>146</sup>

### Capacity Building – Justice and the Rule of Law

While justice and the rule of law work does not fall neatly within the human rights mandate of the Mission, a wide range of this study's interlocutors pointed to the absence of basic rule of law institutions across the country and resulting impunity as a key factor in conflict dynamics, especially in areas where large-scale human rights violations have taken place without subsequent justice processes. Land disputes were consistently cited as a crucial issue across the country, and a potential conflict trigger that is often ignored by the international community.<sup>147</sup> Work to strengthen the rule of law capacities – not just State institutions, but also other authorities that have a role in resolving conflicts and addressing impunity – was described as a lynchpin in securing durable peace, but one where the current mandate of the Mission offers few clear opportunities and extremely limited resources.

Though the 2014 shift in UNMISS' mandate nearly eliminated capacity building, the Mission retains a small Rule of Law Advisory Section (RoLAS) that remains largely focused on helping national actors build anti-impunity, human rights, and due process capacities. The component also focuses on housing, land and property policy development, prison reform, and the legislative elements of the RARCSS. Despite extremely limited resources (only 12 substantive staff), an almost invisible mandate from the Council, and a difficult operating environment, the component has proven very effective, including the following:

<sup>146</sup> Interview, Addis Ababa, 30 January 2019

<sup>147</sup> In the focus groups in Juba in particular, land disputes were cited as one of the most important issues for the South Sudanese, and one where they often felt the international community was not playing a constructive role. See also Nassim Badiey, *The State of Post-conflict Reconstruction: Land, urban development and state-building in Juba, Southern Sudan*.

- Partnering with UNDP to deliver a viability study of SGBV legislation in South Sudan, which has contributed to the establishment of an SGBV Special Court in Juba in early 2019 (it is unclear whether this will support a higher SGBV caseload from the current rates of roughly 300/year around the country);
- Working with Government to constitute a mobile court to pursue accountability for a serious crime committed within UNMISS PoC sites, including the referral of 62 cases for prosecution as of February 2019 (including 26 rape or attempted rape cases allegedly committed in PoC sites in Juba, Bentiu, Bor, and Malakal);
- Supporting the National Prisons Service of South Sudan (NPSSS) to tackle prolonged and arbitrary detention through legal and policy reform, as well as training and capacity-building initiatives; and
- Development and monitoring of UNMISS' detention guidelines in the PoC sites, which ensures that UNMISS' role as custodian of the sites aligns with human rights standards.

Land disputes were consistently cited as a crucial issue across the country, and a potential conflict trigger that is often ignored by the international community.

The detention guidelines for the PoC sites represent only one of dozens of standard operating procedures and guidance developed by the Mission to address the many unique challenges of the PoC sites. One UNMISS official described the Mission as needing to “legislate on the fly,” to meet immediate demands where there is no clearly applicable UN guidance, such as family members requesting to visit PoC residents, or how to deal with serious crimes committed within the PoC sites.<sup>148</sup> Over the past five years, in fact, UNMISS has developed a form of *lex loci* within the sites that reflects an innovative and dynamic approach to producing guidance at the Mission level, and one that may well offer future UN operations a useful resource.

## Overall Assessment of the Human Rights Work of UNMISS

It is difficult to gauge the impact that the Mission's human rights work is having on improving civilian protection and making progress towards durable peace. Arguably, a mandate to “monitor and report” on human rights should not be judged against too high a standard in terms of change on the ground. However, the study team was told repeatedly, including by South Sudanese, that the commitment to investigating and reporting

<sup>148</sup> Interview, Juba, 13 December 2018.

publicly on rights violations is having effects at multiple levels. This may be contributing to improving the human rights situation indirectly, influencing decision-making by major stakeholders including in New York, and, more directly, moderating the behaviour of parties to the conflict. Though not strictly human rights work, the RoLAS has been particularly creative with limited mandate and resources, proving capable of supporting both the Mission and domestic partners in ensuring rights are protected, and impunity is tackled as a *sine qua non* for durable peace. Considering how the human rights mandate can support the implementation of the peace process – including the transitional justice provisions – will be an important task over the coming period.

## 4.4 Supporting Implementation of the Agreement and Peace Process

UNMISS is mandated to support the peace agreement and peace process in three related ways: (1) provision of good offices, especially to the High-Level Revitalization Forum; (2) support to CTSAMVM in its monitoring and verification role; and (3) active participation in the work of the Joint Monitoring and Evaluation Commission (JMEC). It should be noted that the Mission views its support to the peace agreement broadly; as described above, its conflict resolution and engagement with commanders at the field level is demonstrably linked to the implementation of the peace agreement. This section provides more detail on the link between local political engagement and the national/regional politics, as well as the good offices support at the higher level, including support to the structures of the peace agreement itself.

### Local Political Engagement

Following the ceasefire agreement in December 2017 and RARCSS in September 2018, progress at the national level on the central issues has been slow and limited. However, at the local level, there have been signs of rapprochement between the two sides (SSPDF and -IO) that give cause for optimism more generally. People interviewed by this study in Bentiu, Yambio and Malakal revealed the critical role that UNMISS had been playing in facilitating a series of commander-level meetings on the ground. For example, a late 2018 meeting in Malakal town was pursued through the good office of the field office, and facilitated by the UNMISS force, ensuring area security and providing logistical support. These events create the opportunity to demonstrate a commitment to the peace agreement, engage with local populations, and ultimately build confidence to overcome deep mutual mistrust. This is just one of many examples of similar meetings that were described as unprecedented since 2013 and are a tangible example of how UNMISS' engagement in these activities at the local level is working in ways that may help the RARCSS stick where previous iterations have not.

## Good Offices Support to the Peace Process

The High-Level Revitalization Forum was established in June 2017 under the auspices of IGAD to revitalise the peace process, which resulted in the signing of the new ceasefire agreement and the Revised ARCSS (RARCSS). The JMEC monitors progress on the implementation of the peace agreement.<sup>149</sup> CTSAMVM is tasked with monitoring ceasefire violations and reporting through IGAD. Other key provisions, such as the establishment of the Hybrid Court envisaged under the Agreement, are to be overseen by the AU. It is worth highlighting at the outset that UNMISS has a relatively peripheral role in these structures. It is not a guarantor of the RARCSS, only a witness. UNMISS has no formal role within JMEC or CTSAMVM, but participates in both forums and provides logistical support to CTSAMM. Even key decisions about the deployment of the RPF are to be formally taken between the IGAD and the Security Council.<sup>150</sup>

The UN's role in regional engagement, however, has not been limited to UNMISS, but also includes the work of the OSESS. Originally established in 2011 to oversee the post-independence negotiations between Khartoum and Juba, OSESS quickly assumed an important role in engaging with the parties and regional players after the outbreak of the South Sudan civil war in 2013. Especially early on in the conflict (when other member states such as the US had reportedly refused to speak to Vice President Machar), OSESS was uniquely placed to talk with both sides, and with the regional players. Several experts pointed to the importance of having a UN office that was not UNMISS during the height of the conflict in the 2013-16 period because UNMISS was actively caught up in protecting large numbers of people from the violence, while also often engaged in difficult attempts to gain access to conflict-affected populations, frequently facing obstructions by one or more of the conflict parties. "UNMISS was seen as too close to one of the parties at that time," one senior UN official said, "but OSESS was able to talk to both sides."<sup>151</sup> Importantly, given the large numbers of opposition members who relocated outside of South Sudan during the conflict, OSESS has been able to keep key players involved without creating political turbulence.<sup>152</sup>

Several experts pointed to the importance of having a UN office that was not UNMISS during the height of the conflict in the 2013-16 period because UNMISS was actively caught up in protecting large numbers of people from the violence.

149 JMEC was established during the 2015 ARCSS process, but was kept on in the RARCSS as the main vehicle for monitoring implementation.

150 S/2018/1103, para. 7.

151 Interview, New York, 18 January 2019.

152 Interview, Addis Ababa, 30 January 2019.

Despite the relatively minor formal role for the UN in RARCSS, many of the people interviewed by this team saw the UN's support for the revitalised peace process as an important piece of the puzzle. Described as “behind the scenes shuttling” by one senior UN official, the SRSG, in particular, has maintained contact with the Government and opposition delegations, encouraging both to take constructive approaches to the peace process.<sup>153</sup> “There was a clear division of labour, the AU and OSESS engaged in shuttle diplomacy while the SRSG was in charge of coordinating our efforts.”<sup>154</sup> According to several interviewees, this coordinated effort played a role in ensuring a more inclusive text, with more parties represented than the failed 2015 process. By August 2018, however, this role was diminished when the parties and IGAD chose to exclude the AU, UNMISS and OSESS from the discussions on the RPF and other core issues of the peace process.

It is worth noting that a significant number of interlocutors, who were extremely sceptical about the UN's – or indeed other international actors' – leverage over either of the parties, suggested that the main drivers of their decision-making are almost entirely influenced by regional hegemons and internal pressures. In this view, the UN is characterised as a “prop” that, at most, is able to slightly influence actors via logistical support, not via any direct engagement on the politics. This study was not able to make definitive assessments in this regard.

### A significant challenge concerns the Government's current inability to pay for the implementation of the peace agreement.

In December 2018, the UN Secretary-General summarised that the RARCSS “has made progress but remains behind schedule.”<sup>155</sup> Similarly, the JMEC described mixed progress on the RARCSS: on one hand, there were delays in the required disengagement of forces, reports of new recruitment into armed groups, continuing use of child soldiers, instances of denials of access, and even some clashes involving armed elements

and the SPLA. Lack of progress was also reported on the establishment of key institutions in the agreement, the Independent Boundaries Commission (IBC) and the DDR Commission in particular. Responsibility for the nomination of the IBC members falls to the AU's C5 group, which has been unable to agree on a way forward.<sup>156</sup>

But the report also noted “significant success” in the work of CTSAMVM in enabling the parties to talk to each other, while also positively commenting on the incorporation of RARCSS into the transitional constitution of South Sudan and the positive progress in putting in place the required security arrangements under the agreement.

153 Interview with UNMISS, Juba, 14 December 2018.

154 Interview, Addis Ababa, 30 January 2019.

155 S/2018/1103, para. 5.

156 The C5 is composed of Heads of States and Governments from South Africa, Algeria, Chad, Nigeria and Rwanda.

### Yambio—Support to RARCSS from the Ground Up

Unlike the conflicts that took place in the Unity and Upper Nile States—characterised by Nuer-Dinka dynamics—the opposition that arose in Western Equatoria was largely born from the failure of the Government to meaningfully include the Equatorians in the political and economic largesse of the country. For example, the Azande-based Arrow Boys' success in driving the Lord's Resistance Army from Western Equatoria was never rewarded by President Kiir, which led to the entire group transforming into an opposition group called the South Sudan National Liberation Movement (SSNLM), and fighting against the Government in 2013. Other SPLA-IO groups operating under the chain of command of Riek Machar also grew out of the disaffected Equatorian populations and remain active in Western Equatoria.

Following the 2015 ARCSS, a Yambio-based group called the Interfaith Council (led by the Bishop of Western Equatoria and composed of Christian and Muslim leaders) initiated a local peace process between the SSNLM and the Government. At the time, the SSNLM was operating in the broader Lirangu area and was affecting the security of large numbers of civilians. According to both Government and former IO commanders, the Interfaith Council was the sole entity that held sufficient trust and leverage with both sides to broker a peace deal. However, insecurity in the SSNLM-controlled areas prevented the Interfaith Council from accessing the leadership of the group.

To support the peace process, UNMISS provided protection for the Interfaith Council to access the SSNLM areas, conducting several protected convoys during the beginning of 2018. UNMISS also brought members of the State assembly and other Government officials to the SSNLM areas, allowing for direct talks towards an agreement. In April 2018, the Interfaith Council oversaw the signing of a peace agreement between the SSNLM and the Government in Yambio, resulting in the demobilisation and integration of 1,926 SSNLM into the national army, fire brigade and park services. The UNMISS Child Protection Section facilitated the removal of dozens of child soldiers from the SSNLM, placing the bulk of them into social reintegration and jobs training programmes.

“We could not have gone alone,” said the Bishop of Western Equatoria, “without UNMISS’ protection patrols the peace process would not have happened.” State representatives, local army commanders, and members of civil society groups agreed: “UNMISS’ support to the Interfaith process was extremely effective... without UNMISS we could not have reached a peace deal.”

Confidence-building measures between the parties have freed up the movement of people in many areas, and the 31 October peace celebration was viewed as a strong sign of commitment by the respective sides.<sup>157</sup> Capturing many of the views expressed during this

<sup>157</sup> <https://jmecsouthsudan.org/index.php/reports/r-arcss-evaluation-reports/117-progress-report-no-4-on-the-status-of-implementation-of-the-r-arcss-2018-december-10-2018/file>.

team's visit, a leading expert on the South Sudan peace process has assessed that major issues of the process remain outstanding, including related to contentious issues like cantonment of forces, demilitarisation of urban areas, power-sharing arrangements, land rights, and accountability.<sup>158</sup> During a December 2018 visit to Juba, the AU's C5 members noted

major challenges facing the RARCSS, including deep mistrust, a lack of common understanding on how to delineate internal boundaries, a lack of AU capacity to monitor the agreement on the ground, and the continued proliferation of small arms across the country.<sup>159</sup>

**South Sudan is extraordinarily reliant on international and regional support, and has been essentially dependent upon international aid for decades.**

Additionally, a significant challenge concerns the Government's current inability to pay for the implementation of the peace agreement. Currently, there is uncertainty surrounding South Sudan's debt and resource capability, and no clear financial commitment by the Government to fund

implementation of the agreement.<sup>160</sup> In interviews with longstanding donors and members of the Security Council, it was clear that the international community was extremely unlikely to put significant funds into the RARCSS in the absence of a demonstrated commitment by the Government. Here, many saw a role for UNMISS and OSESS in bridging expectations and relaying messages to those most directly involved in the talks.<sup>161</sup>

### Overall Assessment of UNMISS' Support to the Peace Process

South Sudan is extraordinarily reliant on international and regional support, and has been essentially dependent upon international aid for decades. On the one hand, this has given donors entry points with many of the key actors in the country. On the other, South Sudan has often become embroiled in the broader regional competition between the more powerful players in the Horn. As described above, competition between Kampala and Khartoum has clearly influenced the positions of Kiir and Machar, and continues to affect the trajectory of the talks. For the UN, this has meant a complex landscape for its mandate to support the peace process, one where its leverage has often been difficult to discern. In terms of EPON's dimension on "regional support," the regional players are simultaneously crucial for the success of the peace process, but also insufficiently united to play a consistently positive role.

158 Klem Ryan, "Taking Stock of the Revitalized Agreement on the Resolution of the Conflict in South Sudan."

159 Report of the AU High-level Ad Hoc Committee on South Sudan Ambassadorial delegation visit to Juba.

160 Klem Ryan, "Taking stock of the Revitalized Agreement on the Resolution of the Conflict in South Sudan."

161 Interviews, Addis Ababa, 30 January 2019; New York, December 2018.

The 2015 peace process failed in part because it was seen as an exclusive pact between elite representatives of two sides, and one which left out key communities. The 2018 process has the appearance of a more inclusive process, and the signature of most of the major constituency leaders has been touted as a positive sign. However, the risks that it will be founded on many of the same rocks as the earlier process are clear.<sup>162</sup> UNMISS' role here in pushing for inclusivity, and in supporting more local-level agreements in support of the agreement, does appear to have positively influenced the process.

It is worth concluding with a broader point about the peace process and the politics of South Sudan. As noted in the background section of this report, power in South Sudan is distributed through a large patronage network, mostly composed of the security services of the State. While other scholars have referred to this in terms of corruption, it is also important to understand that this network is very much the only real governance system for South Sudan at present. In interviews with South Sudanese experts on the peace process, they often expressed concern that the political process was geared at further political accommodation within the current system, not a more transformational agenda that might shift the way politics is done in the country. As the 2011-13 experiment with state-building demonstrated, deeply entrenched patterns within the systems of power in South Sudan are extremely difficult to transform, especially by the UN and its partners. When considering how to measure the impact of the UN on the political landscape of South Sudan, a significant degree of humility about its ability to transform the systems of power and authority is warranted.

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162 Klem Ryan, "Taking Stock of the Revitalized Agreement on the Resolution of the Conflict in South Sudan," (note reference to Thomas Carillo as not yet incorporated in the peace process).





## SECTION 5

# Conclusions

On the basis of our research, we submit the following conclusions.

### 5.1 Strategic Level

#### **Dilemmas of protection**

UNMISS' role in protecting more than 200,000 civilians from violence has unequivocally saved lives and helped prevent a far worse trajectory for the conflict in South Sudan. The UN more broadly is now faced with a series of questions that cannot easily be resolved: How can the protection of residents of the PoC sites be balanced with the prospect of covering more territory if the sites were phased out? How can the Mission prioritise protection when there are millions of vulnerable people across a huge area and extremely limited resources? How can we assess whether patrolling and presence do in fact prevent violence? In short, how can a mission like UNMISS clearly communicate the impact of its protection work and allocation of resources to the most needy people in South Sudan?

#### **Dilemmas of state-centrism**

The dramatic shift of UNMISS' mandate in 2014 was a clear signal that the Security Council saw the Government as a major threat to the civilians of the country, and that

state-building was impossible in such circumstances. At the same time, the UN rests on the principle of sovereignty and the primary responsibility of the state for the welfare of its citizens. How can UNMISS balance stabilisation with the recognition that the Government is seen by large portions of the population as a party to the conflict and a continuing protection threat? What ways can the UN support the country without legitimising a government that has perpetrated widespread abuses, potentially fuelling further tensions? Is the Mission prepared to intervene in scenarios where the State might again target civilians?

### *Dilemmas of time*

UNMISS is moving forward on the plan to support the voluntary return or relocation of the PoC residents, which creates potential tension between short-term protection needs and longer-term risks to the country. Here, the UN system's decisions about where to place services will have an enormous impact. Based on needs assessments and consultations

with communities, the UN will make important decisions about whether to encourage returns back to the formerly mixed urban areas where the displaced people resided before the war, or to ethnically homogeneous areas currently under opposition control. During the study team's visit, the preference of the PoC residents appeared to be the latter, as many saw their former homes and cities as under the control of the same forces that threatened them during the war. Moving services and facilitating the return of displaced people to opposition areas is an expedient way to ensure the inter-ethnic tensions do not flare up again in the short-term. Nevertheless, as countless South

**What ways can the UN support the country without legitimising a government that has perpetrated widespread abuses, potentially fuelling further tensions?**

Sudanese have pointed out, the kind of generational shift that is needed for the country to move beyond the current polarised tribal dynamics must be fostered by coexistence, the kind of shared experiences across ethnic lines that only really occur in the urban centres of South Sudan. Places like Malakal, Wau, Bor and Juba – which were highly mixed before the war – risk being emptied of many of their ethnicities, contributing to ethnically homogeneous regions of the country. What is the future of South Sudan in this scenario?

### **Dilemmas of expectations**

The harsh reality is that the populations in the peripheries of South Sudan are extremely unlikely to see many tangible benefits of the peace process in the short-term. Five to ten years from now, even under a positive scenario, the network of paved roads is unlikely to extend development benefits further beyond the major urban areas, and other

peace dividends will be slow to reach many of the most vulnerable communities across the country. Here, UNMISS has essentially no state-building or development mandate and few resources to undertake the kind of infrastructural and road projects that would be most impactful. At the same time, there are huge expectations among many South Sudanese communities that the UN will play a central role in bettering their lives and providing protections if the peace process again collapses. How can UNMISS create a positive narrative about its impact in South Sudan without unrealistically raising expectations or compromising its impartiality?

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### Dilemmas of devolution

One of the key priorities of the UN reform agenda has been to devolve greater authority over resources from New York to the field missions. But the trend within the Council has been to micromanage, adding more and more tasks to the UNMISS mandate – 207 separate mandated tasks in the current resolution!<sup>163</sup> The above dilemmas underscore how important it is for SRSGs and their staff to have flexibility in their use of resources, responding to the needs on the ground in a people-centric and pragmatic manner. UNMISS' approach of further decentralising authority to the field offices has already demonstrated the significant impact that can be achieved by allowing those closest to the people to make decisions about UN responses. Providing UNMISS with broad scope and strong support to work through these dilemmas is likely the most effective step the Security Council and the Secretariat could take.

## 5.2 Operational Level

### Physical vs other constraints

The operating environment in South Sudan is extremely challenging for a peacekeeping mission tasked with maintaining operational awareness and a protective presence in large, often difficult to access areas. This, combined with an array of obstructions by the Government and other forces across the country, has often constrained the ability of the Mission to implement its protection mandate. At the same time, there is a constant sense that the Mission can do more, can reach more places, can better protect civilians with

163 S/RES/2406 (2018).

more resources. As discussed in detail above, this study is of the view that the way in which the UN system across peacekeeping gathers and treats data does not allow missions like UNMISS to make evidence-based decisions about the allocation and prioritisation of resources across the Mission area. Where is the Mission effectively responding to protection threats? What evidence exists to evaluate the deterrent effect of patrols in conflict-prone areas? The lack of reliable data, allowing the kind of mapping that would answer these questions, means a blurring of actual versus hypothetical constraints. This is not a criticism of UNMISS per se, but one of the UN peace operations system more generally.

### Troop posture and performance

Many prior reports have pointed to the shortcomings of UNMISS in the past, highlighting the lack of robust posture and an unwillingness of some troops to respond quickly and strongly to threats, among other performance shortcomings. During the study team's visit, these views were reiterated by a range of interlocutors within and outside the mission.

There was a quite clear sense that some troops had a reputation for effectiveness while others did not.

There was a quite clear sense that some troops had a reputation for effectiveness while others did not. The message in the SRSG's strategy is clear on the need to adopt an effects-based approach to all activities, and this does appear to be entering the bloodstream of the Mission. The push to do more foot patrols and engage more visibly with the communities certainly appears to be a good initiative. The SRSG's call to push harder at roadblocks and camp overnight if needed to get

through could also send a good message about the willingness of the Mission to access all areas. But it may be difficult for UNMISS to shake the reputation of some of its troops with the population of South Sudan.

### Decentralisation

The Mission's approach to decentralise authority and resources to the field offices is generally described as an enabler for UNMISS, giving it greater flexibility and responsiveness at the local level. Over time, however, there has been a reduction in the number of civilian staff in field offices, in part due to the closure of some bases. Maintaining well-resourced field offices – and indeed looking to increase the civilian alert network capacities of those offices – would almost certainly bear dividends for the early warning and protection work of the Mission in particular.



UN Photo/Nektarios Markogiannis

## The Regional Protection Force (RPF)

The RPF has been the subject of intense negotiations and is an important aspect of regional buy-in for the peace process. From an operational standpoint, however, it does not appear to be performing a crucial function in the delivery of UNMISS' mandate, though it could possibly be used to allow more troops to expand beyond Juba. In fact, its original purpose – to secure key parts of Juba to reassure the opposition and allow Machar's return – now may not feed the peace talks in such a direct manner, while discussions about the possible deployment of Sudanese and other troops on South Sudanese soil are a quite serious distraction from the core issues of the RARCSS. As the Security Council deliberates the future mandate of UNMISS, a frank discussion of the downsides of the RPF appears warranted.





# About EPON

Peace operations are among the most important international mechanisms for contemporary conflict management. However, their effectiveness remains the subject of confusion and debate in both the policy and academic communities. Various international organizations conducting peace operations, including the United Nations (UN), the African Union (AU), and the European Union (EU), have come under increasing pressure to justify their effectiveness and impact. Although various initiatives are underway to improve the ability to assess the performance of peace operations, there remains a distinct lack of independent, research-based information about the effectiveness of such operations.

To address this gap, the Norwegian Institute of International Affairs (NUPI), together with over 40 partners from across the globe, have established an international network to jointly undertake research into the effectiveness of peace operations. This network has developed a shared methodology to enable the members to undertake research on this topic. This will ensure coherence across cases and facilitate comparative research. The network will produce a series of reports that will be shared with stakeholders including the UN, AU, and EU, interested national government representatives, researchers, and the general public. Over time, this project will produce a substantial amount of mission-specific assessments, which can be used to identify the key factors that influence the effectiveness of peace operations. This data will be made available via a dedicated web-based dataset that will be a publicly available repository of knowledge on this topic.

In 2018, four pilot case studies were undertaken – in the Democratic Republic of the Congo (MONUSCO), Mali (MINUSMA), Somalia (AMISOM) and South Sudan (UNMISS). The results of these initial research studies are being shared at international

seminars in Addis Ababa (African Union HQ), Brussels (European Union HQ) and in New York (United Nations HQ). The network partners have reviewed the pilot experiences and refined their research methodology, and the missions identified for the 2019 studies are: the UN mission in the Central African Republic (MINUSCA), the joint AU-UN hybrid mission in Darfur (UNAMID), the UN Verification Mission in Colombia and the EU and OSCE missions in Ukraine.

The network is coordinated by NUPI. Many of the partners fund their own participation. NUPI has also received funding from the Norwegian Research Council and the



Norwegian Ministry of Foreign Affairs to support the Network and its research, including via the UN Peace Operations project (UNPOP) and the Training for Peace (TfP) programme. For more information, please contact:

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This report assesses the extent to which the UN Mission in South Sudan (UNMISS) is achieving its current strategic objectives and what impact the Mission has had on the political and security situation in South Sudan. As a large, multidimensional peacekeeping operation – with 17,000 troops, 2,000 police and 2,000 civilians – UNMISS has been provided with significant resources and an extraordinarily ambitious mandate. Examining the four key mandate areas—protection of civilians, facilitation of humanitarian delivery, human rights, and the political process—this report finds clear evidence of the significant impact of the mission on the everyday lives of South Sudanese citizens, but also many of the ways in which the effectiveness of the mission has been limited. It explores some of the key dilemmas facing UNMISS today as the UN struggles to protect against immediate risks while also helping to put in place the conditions for long-term peace.