Protection Trends Analysis

May-September

South Sudan

October

2014

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Executive Summary

The armed conflict in South Sudan, which began on 15 December 2013 with the outbreak of politically motivated violence, was based on presumed political loyalties along ethnic lines, and was precipitated by the internal conflict within the Government of the Republic of South Sudan (GRSS), and the Sudan People's Liberation Movement (SPLM). It split into those loyal to the Government and those loyal to opposition forces, which have subsequently engaged in violence and violence through their armed forces of the South Sudan People's Liberation Army (SPLA) and South Sudan People's Liberation Army/In Opposition (SPLA/IO) and proxy militias, and community armed groups.[1]

The past ten months have seen significant violence against the civilian population in South Sudan, including direct violence, coercion and deliberate deprivation, perpetrated by all parties to the conflict with impunity. This conflict is fuelling food insecurity and forcing people to take on increasingly negative coping strategies as markets continue to lie destroyed and dormant, traders are unable to move goods safely around the country, and humanitarian actors attempt to respond in a fragile security environment. The reporting period May-September 2014 has witnessed an increase in negative coping strategies. Populations now have to move across and in proximity to conflict frontlines to access functioning markets or goods, and risk sexual violence and other dangers to guarantee security and safety of households.[2] With the dry season ahead the expectations are that violence will increase and so will displacement, dispersion and migration as people seek to ensure personal security and access to viable livelihoods options. This movement creates a significant challenge for the safety of populations and the provision of assistance.

This report aims to capture the main protection threats the population faced from May to September 2014, as well as other key trends. It aims to inform the response of all humanitarian actors to the protection threats faced by the civilian population in South Sudan. This report highlights five key issues in the context of the overall conflict and aims to influence dialogue around the viability of 'durable solutions' in 2015.

Beyond Greater Upper Nile

While the humanitarian response has largely focused on the Greater Upper Nile region and key UNMISS Protection of Civilians (PoC) sites across the country, instability and violence has spread into other states as the broader national conflict continues to exacerbate localised tensions and grievances. As a result, more of the population have been exposed to acute protection threats and developed greater needs, which has exacerbated the conditions of populations already displaced. The example of Lakes State presents an important case study. Sharing a border with five states in South Sudan, including Unity, Jonglei and Central Equatoria, Lakes has seen an escalation in internal conflict caused by political unrest, inter-

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[1] For further analysis see *South Sudan: A Civil War By Any Other Name*, International Crisis Group, Africa Report No. 217, 10th April 2014.

[2] See *Initial Rapid Needs Assessments* (IRNA), www.humanitarianresponse.info accessed 24 October 2014.

communal violence and violence against women since the start of the year.

Freedom to move, freedom to make choices

There are over 1.8 million South Sudanese displaced in and outside of South Sudan[3]. This situation is expected to increase as the June-October rainy season ends and roads previously blocked allow people to move. However, since May 2014, a further 547,000 people have become internally displaced and 178,600 more have crossed borders to become refugees, demonstrating the tenacity of those who have become displaced.[4] While some of the population will resettle, others face multiple rounds of displacement as they move away from conflict, into another, and move towards assistance. Choices are often limited and many persons are unable to move free of harm. The added manipulation of movement by armed groups remains a concern.

A lost generation: Risks to children in conflict

Children in South Sudan risk many forms of violence that make it difficult for them to reintegrate into society. They are deprived education due to displacement or if they live in opposition areas when the Government withholds salaries for teachers in those areas. Children who become displaced and cross national borders to become refugees are then at risk of recruitment into armed groups including the SPLA, SPLA/IO and community defence forces. The social fabric of whole communities is then affected as children are frequently deployed to frontlines and engaged in military conflict and in some cases direct control and command.

Protecting Civilians

With an estimated population of almost 100,000 people living in UNMISS PoC sites and humanitarians expecting more arrivals as the rainy season ends around November, the issues of basic protection and rule of law continue to be a stumbling block to the human security of people in South Sudan. As the population has expanded, frustrations related to deteriorating conditions have grown amongst IDPs, humanitarians and UNMISS. as UNMISS is unable to meet the total protection needs of the population in the POC sites.

While there have been attempts at sustained and increased patrolling by UNMISS peacekeepers, for example in Bentiu the initiative has not been rolled out systematically across PoC sites and protection challenges remain, from the inappropriate handling of petty crime in the bases, to mismanagement of community tensions, or the lack of implementation of perimeter or key arterial route patrols to support moving populations. This is a concern in the context of a shrinking Rule of Law section within UNMISS and limited humanitarian resources to de-escalate tensions and criminality. Inside PoC sites, tensions between different population groups have increased risks to IDPs, humanitarian personnel and others working inside.

[3] UN OCHA, *South Sudan Crisis Situation Report*, No. 56, 25 September 2014.
[4] UN OCHA, *South Sudan Crisis Situation Report*, No. 56, 25 September 2014.

Shrinking space for citizens and civil society

Protection actors are concerned with the pressure placed on national organisations contributing to the humanitarian relief efforts. In addition, the curtailing of the work of human rights organizations, the media and other forums limits the potential for over-sight of the and its accountability to the needs of the population. This task cannot be fully out-sourced to international actors. Ultimately it is the South Sudanese who must provide justice frameworks and a sustainable response to the crisis. Steps to end the harassment of journalists and media outlets by national security sector actors and stop any efforts to curtail national NGOs through an unconstitutional NGO bill will result in significant steps backwards of any attempt to bring a resolution to and recovery from this crisis in the longer term.

Recommendations

1. The international community engages with the parties of the conflict and encourages them to adhere to International Law to prevent the escalation and spread of conflict.
2. Resolution 20155 (2014) is extended for 12 months, including Security Council guidance on increase of civilian protection components.
3. UNMISS can improve efforts at patrolling; including dismounted patrolling, along key corridors of population movement.
4. Recognising the risks, the International Community should refrain from supporting forced disarmament initiatives.
5. Displacement tracking and protection monitoring mechanisms are established country wide to enable early warning and improve response
6. All efforts are made to support affected populations seeking safety and assistance during the dry season, adhering to 'do no harm' principles.
7. Education needs are prioritized in humanitarian response to make youth targeted programmes a focus in 2015.
8. All actors become alert to the challenges of pending South Sudan legislation. Human rights and civil society organisations should be supported and common approaches developed to prevent the implementation of legislation that compromises their safety and welfare.

Introduction

Since the outbreak of armed conflict in South Sudan, the main political parties have entered a stalemate. Neither side has honoured commitments to cease hostilities or to define a common framework for resolving the conflict. This is a situation that has uprooted 1.8 million people, and precipitated one of the largest humanitarian emergencies in the region. A disconnect between the mediation process, political events, and the landscape of military engagement and armed conflict is clearly apparent. The Intergovernmental Authority for Development (IGAD), a key sponsor of the mediation process and the international community at large, has so far not succeeded in ensuring that *issues of accountability* are appropriately addressed in the conflict.[5] A powerful reminder of the failure to address accountability for human rights violations in armed conflict is the now redundant 2005 Comprehensive Peace Agreement (CPA).

This is the third in a series of protection trends analysis papers (January and May 2014) from the South Sudan Protection Cluster. It discusses the critical and emerging protection trends that have characterized the period between May and September 2014.[6] These include the **rise of sexual violence**, **forced child recruitment**, **restrictions to freedom of movement** for conflict-affected populations. This is in addition to punitive government regulations imposed on civil society in contravention of international human rights standards.

Physical insecurity caused by armed conflict remains the single largest protection threat in South Sudan. Since the May 2014 Protection Trends Analysis, the humanitarian community has witnessed an entrenchment of violence and its impacts. Trends observed in this report explain a continuation or consequence of that ongoing instability and violence.

The anticipated lull in fighting during the rainy season (May-October) has not transpired. Military activities continue in the states of Greater Upper Nile, Jonglei, Unity and Upper Nile.[7] Coupled with food insecurity, violence has continued to displace populations across South Sudan.

Between May and September 2014 a further 547,000 people have become internally displaced and 178,600 have crossed borders to become refugees.[8] Violence has spread throughout the country, with pockets of military defections and desertions seen in the Greater Bahr El-Ghazals and Greater Equatorias States.[9] There are also reports of pre-emptive displacement from these regions as populations fear the result of reported or reconfigurations of political alliances, experience on-going conflict and fear an increase in

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[5] Since January 2014, the Cessation of Hostilities (CoH) Agreement has been signed twice and each time abrogated.

[6] Protection Trends Papers can be found on http://southsudanprotectioncluster.org/.

[7] Hutton, L., *South Sudan: From Fragility at Independence to a Crisis of Sovereignty*, Clingendael Institute, March 2014.

[8] UN OCHA, *South Sudan Crisis Situation Report*, No. 56, 25 September 2014.

[9] *Macro Analysis of Conflict in South Sudan*, Protection Cluster, August 2014.

military engagement during the dry season when unblocked roads make units more mobile.[10]

States previously deemed "stable" are becoming embroiled in inter-communal violence as populations face pressure to align with a particular political authority and fall under its control. Lakes State is an example. The Government has conducted disarmament campaigns of the Opposition while at the same time encouraged, localised violence as a form of political survivalism. Despite this, Lakes State in recent months has erupted in violence, demonstrating the pressure on the population to take sides and also which has linked local and national tensions, and eroded citizen-government relations across the country. .

As the resources for the conflict focus largely on the most affected States, a broader lens is required. The emphasis is on the humanitarian community to be flexible enough to respond to a shifting conflict but also active in reminding the political community it must intervene to prevent conflict from spreading.

Food insecurity and conflict is forcing people to move in search of safety and assistance. A dilemma is created when the population seeks help but must put itself in harm's way to do so. Armed actors have continued to perpetrate an armed conflict through the deliberate targeting of the civilian population and key social and economic networks for the purposes of social control, resource acquisition, collective punishment and ultimately the maintenance of armed conflict. Civilians are regularly denied access to essential services and access to livelihoods. Markets have been destroyed and/or looted and people are prone to physical harassment or attack as a result of their political and/or ethnic identity.[11] Gender based and sexual violence whilst not a new threat to people in South Sudan, where domestic violence, abductions of girls and forced marriages existed in society before the crisis, but it is more complex during armed conflict, with different risks, threats of exposure, and intentions involved. The UN Special Representative of the Secretary-General on Sexual Violence in Conflict Ms. Zainab Hawa Bangura noted violations including the widespread, targeted and brutal rape of women, men and children within and outside Protection of Civilians (PoC) sites, and in rural locations. Also reported were increases in domestic rape, abductions and appropriations of "SPLA wives", as well as the castration of boys of perceived "fighting age". Risks of sexual violence have been particularly evident during movement of populations in search of food, goods and services and other livelihoods assets.

Violence, displacement and coercion in conflict have all contributed to **create a broad spectrum of vulnerability** and exacerbate the threats faced by key population groups including children, elderly persons, and persons with disabilities. For persons with disabilities and the elderly the risk of being excluded or invisible within emergency response or deprioritised at the household level or within the community as resources become scarce is high.

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[10] Consultations with South Sudan thematic and context experts, August 2014.
[11] *Massacres, Unlawful killings and Pillage,* Human Rights Watch, August 2014. http://www.hrw.org/news/2014/08/08/south-sudan-massacres-unlawful-killings-pillage, accessed 24 October, 2014.

Children continue to be vulnerable to broadened threats. The impact of the conflict on children has been grave and become more pronounced during this reporting period. Humanitarian agencies have reported that thousands of children continue to be forcibly recruited into the SPLA and SPLA-in-Opposition. [12] Others have been forced to join community defence groups and been used routinely to man frontlines. Thousands have been killed, maimed, raped, and forced to take inordinate risks to support their families. Of the 1.8 million people displaced by the conflict it is assumed that 60% of them are children and adolescents. [13]

Inside the UNMISS POC sites tensions have continued to grow. Negative coping strategies have become increasingly apparent during this reporting period. Individuals have engaged in sex for supplies, quick sales of productive assets and been forced to move across hostile frontlines or through checkpoints to secure access to protection and livelihoods assets. The challenges of improving conditions and providing services to basic standards and providing security without and outside PoCs' sites remain a significant challenge. The upcoming dry season is expected to bring new levels of violence and this could precipitate new arrivals to UNMISS PoC sites. [14]

Measures to promote accountability and national dialogue have taken a blow this reporting period. In recent months unlawful restrictions have been placed on the media and increasing moves to regulate civil society actors and citizens are apparent. A planned, restrictive NGO Bill, could potentially place protection related activities and broader governance or accountability interventions in contravention of national sovereignty and thereby allow punitive actions to be taken. Worryingly, the passing of a National Security Bill in October 2014 has granted the security forces unrestricted and sweeping powers of detention. It can now make arrests to protect state interests against a range of vague threats to South Sudan sovereignty. This delivers a severe blow to the autonomy of national organisations who seek to assist the humanitarian response but also to engage in critical protection, human rights and accountability activities.

Humanitarian actors alone cannot address the significant and protection threats faced by South Sudan. Since the start of the conflict, high level delegations and visits from the UN Secretary General (April 2014), the UN High Commissioner for Human Rights (April 2014), the Special Advisor on the Prevention of Genocide (April 2014), the SRSG for Children in Armed Conflict (July 2014), the United Nations Security Council (August 2014), the AU Commission of Inquiry (August 2014) are welcome signals of the commitment of the

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[12] Over 9000 child soldiers were reported in April 2014. Despite commitments made to the SRSG for Children in Armed Conflict in July 2014, protection actors and other humanitarians continue to report visible mobilisation of youth. See http://www.unicef.org/protection/57929_58007.html, accessed 24 October, 2014

[13] See http://www.unicef.org/esaro/Children_in_Sudan_summary_sheet_final.pdf, accessed 24 October 2014.

[14] See *OCHA Situation Reports*, January to October 2104, at https://www.humanitarianresponse.info/, accessed 24 October 2014.

international community to promote accountability and lasting political and national solutions to the current crisis. Sustained engagement from both the donor and diplomatic community will be an essential precondition to effective humanitarian response.

Beyond Greater Upper Nile

While much violence has been reported in the Greater Upper Nile region, the inter-connectedness of this conflict across the country cannot be under-estimated. The ethnic framing of the conflict is having a significant impact on the civilian population. Groups have been galvanised in their loyalties. The 'Nuer' in particular have developed a pan-identity that links back to historic grievances for the group in South Sudan. However this does not mean we can assume that states not configured along ethnic lines, such as Upper Nile State, are immune from the spread of conflict. Escalating violence in Lakes State is a good illustration of the point, and the next section aims to provide a more detailed understanding of the unique risks of the current conflict to the Greater Bahr el Ghazal region in particular.

Whilst tempting to isolate events in Lakes State to a simplistic issue of seasonal resource competition or parochial clan violence, the causal attributes mirror those at a national level: a crisis of governance, militarisation of political leadership, mobilisation of armed groups, instability caused by violent cattle raiding, and increased sense of marginalisation amongst an increasingly disaffected youth population with easy access to arms.

Background to the conflict in Lakes State
Lakes State is primarily comprised of members of the Dinka ethnic grouping, which is made up of different sections and clans, except Wulu County, which is predominated by Jur Bel and Bongo people. A significant proportion of the population is reliant on cattle rearing and herding as their main economic activity and so highly prone to cross-state and internal cattle raiding. In Lakes State local youth and key political leaders seeking advantage continue to direct attacks on various sections of the population and destabilize the state.

Seasonal cattle raiding in Lakes State can relate to fights over land, access to water, dowry competition, the abduction of children, and in some cases, revenge for past grievances. Such trends have plagued the area since 2005. Likewise, raids into and from Warrap State, Unity State, and parts of the Equatorias also take place over contests for key resources. Past grievances and justice-seeking behavior amongst communities is finding new expression in more brutal forms of violence. Each new cycle of violence seems to aid and abet a more vicious retaliation. The lack of state accountability for past attacks feeds retaliatory cycles as communities take matters into their own hands and the gulf between citizens' expectations of the state and its actual performance widen. Despite efforts to improve local access to justice mechanisms, impunity for violence, especially homicide, rape, and destruction of civilian property, have not been appropriately acknowledged or addressed by the state

government or national actors. Disarming youth has hitherto failed and led to more violence.[15]

Communities are heavily armed across the state. The proliferation of civilian militias is in part due to the deliberate arming of selected cattle camp youth (Gelweng/Titweng) by influential political leaders (former Governors, commissioners and others) for the purposes of building their own protection forces and creating an overall home guard. In the context of pervasive inter-communal violence across the state, neighboring clans and sections have in turn mobilized and armed themselves. The 5 August 2014 assassination of Chief Apareer Chut, an elder relative of the Governor, sparked a renewed cycle of violence against civilians from rival Dinka clans (Gony and Thyuiic), inciting sexual violence and attacks on women and children. This destabilized a population already living under untenable conditions of insecurity and chronic humanitarian need.

A bitter taste lingers from the Governor's January 2014 decision to order the arbitrary arrests and illegal detention of over 130 civilians suspected of armed violence and inter-communal fighting. Families of those arrested were also detained, mistreated and in some case there are reports of torture being used by state forces against women and the elderly.[16]

Internal instability and conflict in Lakes State

Sharing a border with five other States, Lakes States has historically been prone to violent cattle raiding between Dinka sub-clans, and political instability. During the Second Sudan armed conflict, between 1983 and 2005, Lakes State was a key strategic military base for the SPLM/A and became highly militarised. In recent months, inter- and intra- Dinka clan violence has spiraled out of control in the form of revenge style killings, deliberate attacks against women and children (including widespread rape), and the destruction and looting of critical community livelihoods assets. An open conflict between Governor Matur Chol Dhoul, the state SPLM apparatus, and citizens, has also led to a spate of arbitrary arrests of local chiefs, violent repression of youth and reprisal communal attacks. Broad based opposition against the Governor has most clearly been demonstrated by the Lakes State Legislative Assembly (SLA) requesting Presidential action to remove the Governor.

Impact of violence on the population of Lakes

There were reports of an alarming increase in the displacement of hundreds of women, children and elderly across Rumbek East and West, Yirol East and West, and some parts of Cueibet and Awerial in August 2014.[17] These displaced households are exceptionally vulnerable as they have been dislocated from local protection mechanisms, essential markets and services, and make an easy target for armed actors seeking resources, as many have fled with cattle and are only able to move at night. Women and children are at high risk of sexual violence, abduction, and indiscriminate violence, and have been forced away from important grazing and agricultural land, weakening their capacity to support the more

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[15] See, Saferworld reports on civilian disarmament in Lakes State www.saferworld.org. Accessed 24 October 2014.

[16] Information from civil society and other actors present in Lakes State. .

[17] Information from humanitarian organisations: Protection Cluster, UNDSS and UNMISS.

vulnerable amongst them. In a State already experiencing crisis levels of food insecurity and loss of cattle in raids, the current violence will devastate large numbers of people currently outside of humanitarian assistance.

The armed conflict is also taking its own toll on residents of Lakes State who are playing host to thousands of conflict-displaced from Jonglei State. Deserting and defecting forces have used the state as a key transit route, raiding and stealing local food stocks on the way. There are also unconfirmed reports of households being forced to divest themselves of essential resources to support the armed conflict effort, including cattle and food.[18]

Perceived or actual threats from the SPLM/A in Opposition or deserting forces are likely to cause pre-emptive displacement of populations as was recently the case when Peter Gadet moved south from Unity State. Such threats include reports of cattle looting and sexual violence as deserting troops and the SPLA move through different parts of the state. Lakes will remain a transit point for different armed groups in months to come and if inter-communal violence continues it will pose new risks to civilians caught in the middle.

The wider conflict in South Sudan
The current Governor of Lakes State, Governor Dhuol, was appointed as a "caretaker" by President Salva Kiir in January 2013, replacing Chol Tong Mayay who is from a rival clan to Dhuol (and was later arrested in December 2013 and accused of instigating a coup with Riek Machar) and had previously failed to address Rumbek's vicious conflicts between Dinka Rup and Kuei clans that raged in 2012. Governor Dhuol was tasked with bringing stability but his leadership has been questioned and a State parliamentary motion sought his removal in August 2014.[19] This same breakdown in trust continues to permeate communities across conflict-affected areas of Lakes.

The Governor's improper dealings with the political opposition and inter-communal violence has increased youth violence against the State and led to increasingly violent communal attacks. The Governor has recently attempted to forcibly disarm armed youth from certain clans and communities, igniting tensions between rival communities, and mobilizing youth to fiercely resist the SPLA and chiefs leading the process. This has occurred against a backdrop whereby youth continue to be armed and mobilized by the Governor in the name of "community security". This oscillating process of arming and then disarming youth groups is a common theme for the SPLA, who flood locations with weapons and then retrieve them once they perceive the situation has abated or spiraled out of control.

Disarmament campaigns have a negative history in South Sudan, with the SPLA often being heavy handed, violent and lacking discipline in the process. In Jonglei in 2013 over 100,000 people were displaced and up to 90% of some villages were destroyed by the SPLA in one such exercise. The situation in Lakes provides an early warning of how political vacuums and tensions can be exploited to fuel tensions, and potentially create broader instability.

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[18] Reported by individual community members to humanitarian partners July-August 2014.
[19] See Manyuon, P., *Genesis of Lakes Crisis in South Sudan* (Part 2), Sudan Tribune, at http://www.sudantribune.com/spip.php?article52660, accessed October 24, 2014.

Freedom to move, freedom to make choices

During the reporting period, the exposure of the civilian populations to violence and protection threats is related to movement, including the targeting of civilian populations *in situ*. People moving in Greater Upper Nile, and increasingly other locations such as from Northern Bahr El Ghazal into Darfur, search for food, water, and essential services, as well as to reunite with families. Each movement carries potential risk. Only when populations are able to move safely will they be able to find security and provide for their needs.

When discussing the limited *freedom* of movement in South Sudan this does not mean that there is no movement of affected populations. The current situation is one of extremes: no movement by some populations and hyper-movement of others. The common denominator is a lack of real choice and inability to move free of harm and intimidation. The most basic protective mechanism that all populations require is freedom to seek safety. Displacement has historically been a coping mechanism for civilians - to move away from violence or towards groups that they believe will protect them. The recent reports (July and August 2014) of Nuer populations arriving into POC areas in Juba from other locations in Central Equatoria State indicate that displacement and movement of populations away from perceived or actual conflict has not abated. Armed groups are also adept at taking advantage of people's movement to poach resources to legitimize their authority. This was a common tactic throughout the period of the last major humanitarian intervention, Operation Lifeline Sudan (OLS).

The ability of populations to move safely and securely around the country is critical to personal security. This is one of the first steps towards individuals and communities obtaining durable solutions, without which people will remain inside PoCs or continue to face multiple rounds of displacement. As the conflict protracts, populations will find it harder to seek their own non-militarised protective mechanisms.

UNMISS PoC Site in Bor, Jonglei State

Nuer populations inside Bor PoC sites have virtually suspended all movement outside of the POC area, particularly since the attack on the Bor PoC site on 17 April 2014 by armed actors. People are leaving, if they do, for the purposes of onwards movement, which is creating significant challenges for the viability of populations left behind who are unable to independently retrieve resources such as firewood, fuel, supplementary food etcetera, and or return to their point of displacement. Male IDP's are feeling increasingly trapped inside the PoC, and ongoing reports persist that they require a 'permit' or permission by local authorities to exit the PoC. Increasingly, local authorities are using language of IDP versus host community to differentiate between those who live inside the PoC (IDPs) and those outside (host community). This is despite the majority of IDPs from within the POC being from the greater Bor town area. The inference is that the people inside the PoCs are outsiders and taking from the host community. Creating a binary between IDPs inside the PoC and communities outside maintains feelings of insecurity and stirs potential for community violence against the POC or vice-versa.

Onward options

Some people are not able to travel to their destination in one move. Juba has played both the role of refuge point and transit site for populations attempting to move to Uganda and Kenya. New arrivals in Juba, from across the country including from other PoC sites, are reported to have had to remain within PoC sites in Juba because they do not have the resources to continue onwards.

The number of refugees from the current armed conflict is approaching half a million people. The likelihood is that there would be more refugees if people had the assets to move onwards. Such people seek livelihood opportunities for IDPs in both the POC sites and refugee camps in neighboring countries. Education has also proven a significant motivator for moving across borders, particularly after educational opportunities were suspended in Greater Upper Nile due to conflict and displacement and also withholding of civil servant salaries for teachers in Opposition-held areas. The desire for education has left children at risk of abuse and manipulation, child trafficking and mobilisation/recruitment from persons promising education elsewhere. Children are also left vulnerable when a lack of resources or insecurity sees families separate and move in different directions.

Violence during movement

The POC sites checkpoints outside UNMISS PoC sites offer armed groups an opportunity to exert violence and harass civilian populations. In Unity State, populations moving around Unity State, both from Bentiu upwards towards Sudan and downwards towards Leer, have reportedly been subjected to sexual violence, including rape leading to death, the castration of young boys and other violent attacks. Armed groups have also reportedly killed populations moving northwards towards Sudan during the reporting period.

Armed groups control main arterial roads, which enables them to establish checkpoints where populations are put at risk, at best to face taxation of assets and at worst, violence or death. This includes 'contributions' of food assistance to armed groups. Humanitarians also experience such 'informal' taxations while moving assistance around the country, which increases the cost of bringing humanitarian relief to people around the country.

In Greater Upper Nile, people attempting to move between hostile community defense forces are perceived as outsiders. With no coherent picture on where people are being displaced to - as populations are pushed deeper into the bush and further out of the country - a consistent and coherent picture of the violence they face in transit is being provided by men and women across the country.

Coerced Movement

As the conflict continues, humanitarians are becoming more concerned about the possibility of coerced movements of IDP populations. Distributing agencies are cautious about a repeat of past armed conflict where populations were drawn into locations by armed groups and/or sent to collect food. Reports of manipulation of population movements are of concern but difficult to verify. The situation is complicated when community leadership deliberately misinforms IDP populations and external sources.

Mines and Other Explosive Remnants of War

The resumption of conflict has led to additional contamination from Explosive Remnants of War (ERW), with Jonglei, Upper Nile and Unity States being the worst affected. In addition to ERW contamination from artillery rounds, mortars, rockets, grenades, etcetera, UN Mine Action Service (UNMAS) also confirmed the use of cluster munitions along the Juba – Bor road in early 2014, setting a deadly precedent in the conflict. The recent fighting has compounded the legacy contamination problem from previous conflicts and increased the threat from explosive hazards in urban areas, on roads, at airfields, and in/around United Nations facilities such as UNMISS bases and other UN structures in State capitals. In this regard, repeated armed confrontations between the SPLA and Opposition to secure key infrastructure such as the Bentiu and Malakal airfields have resulted in the need for surveys and clearance of hazardous items to safely resume aid operations.

Five anti-tanks mine accidents on key transport routes in Unity State have occurred during this reporting period. The is noteworthy as it has had a direct impact on aid operations, freedom of movement for communities, and created the spectre that this tactic could become more frequent or emerge in other areas.

Ongoing Risks to children in the conflict

As the armed conflict in South Sudan progresses, the alarm is raised that another potential 'lost' generation in South Sudan is being created. Deprived of opportunities for education, IDPs, refugees in neighbouring countries, recruited and mobilized youth, fearing risks to personal safety, live challenging childhoods. Often separated from family, these are risks that children are increasingly being forced to navigate alone. Reports of child soldier mobilization, including by community groups, has increased, with reports of children being sent to neighboring countries by powerful community figures to receive an education eerily echoing patterns of child recruitment during the second civil armed conflict, where armed actors engaged in 'long term investment' in children as soldiers.

Violence against children

Like violence against women, the level of violence directed towards children during this conflict warrants serious concern. Armed groups are treating children as legitimate targets in conflict but also legitimate military forces. The SRSG for Children in Armed Conflict Leila Zerrougui's visit to South Sudan in July 2014 emphasized deep concern for children trapped in conflict.

Recruitment of children

Recruitment and deployment of children in armed groups and police services continues to be observed throughout the rainy season in the Greater Upper Nile region where the highest concentration of formal armed actors are present and also in other states such as Lakes.[20] This mobilization and deployment continues to be flagrant and often indifferent to the

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[20] See http://www.enoughproject.org/blogs/caught-crossfire-child-soldiers-south-sudan-have-few-alternatives,.

presence of international actors. During the reporting period, significant mobilisation was reported in Unity and Upper Nile States.

While there has been a focus on the mobilisation of boys into armed actors, an often over-looked issue is the mobilisation of girls. Girls are mobilised into armed groups in order to provide sexual services, domestic labour and other functions for armed groups, including the SPLA and SPLA/IO.

In August 2014 a framework agreement was developed to reduce risk to children – a commitment by the GRSS and SPLA-IO to sign an action plan to eliminate the use of child soldiers. [21] In May 2014, Riek Machar signed a commitment with the UN Special Representative of the Secretary-General for Children in Armed Conflict to 'take all measures to prevent grave violations against children immediately,' i.e. the use of children by armed forces or armed groups in any capacity, including as combatants, cooks, porters, messengers, spies and collaborators. He also acknowledged that boys and girls might be recruited for sexual purposes. But all of the commitments continue to be breached.

Forced to cross borders

The numbers of children crossing the border into neighboring countries continues, as children become refugees in search of protection and services. Education is a key motivator for people who send their children across borders. Children then become separated from their families and become part of a child-headed household. Reports of children traveling to Ethiopia and other countries for education related to recruitment and mobilisation have been observed in the May-September 2014 period.

Protecting Civilians

Since the May 2014 protection trends paper, the United Nations Security Council has adopted a new resolution on the mandate of UNMISS. On 27 May 2014, resolution 2155 abolished UNMISS's capacity-building mandate for government and security actors and re-focused its activities to four main areas, including the protection of civilians. While the mandate's language has changed, protection actors remain concerned those basic steps towards the Protection of Civilians, which can be realised by UNMISS, have yet to be taken in a consistent and coherent manner.

In order to conduct patrolling and have presence, UNMISS requires appropriate financial resources. A budget is required for troop provision and deployment of appropriate civilian resources (civil affairs and protection personnel with skills for civilian peace-keeping) to allow tangible impacts such as improved long-range and duration-dismounted patrols, including foot patrols. As tensions rise within POC sites, the resources required to disperse

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[21] See *The Paris Principles, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007 at http://www.unicef.org/protection/files/Paris_Principles_EN.pdf, accessed on 24 October, 2014. See also https://childrenandarmedconflict.un.org/press-release/parties-to-conflict-south-sudan-renew-commitment/,.

tensions, address protection risks and address rule of law gaps is stretching existing resources of humanitarians and UNMISS, and forcing a disproportionately large focus on POC sites, where over 100,000 are displaced, at a cost of supporting the almost 1.3 million persons displaced outside of the POC.

Protection threats around the UNMISS PoC sites

Actors working with communities in the PoCs have consistently raised the movement of populations in and out of POC areas as a concern. As noted in previous reports, women in particular are more likely to move in and out of POCs to supplement their assets inside the POCs. They leave to grind sorghum, fetch firewood and water, purchase tradable goods etcetera. Almost 70% of all households in PoCs are female-headed, because women are considered less of a safety risk when leaving the POCs compared to men this is a large number of women potentially exposed to violence as they seek goods outside of PoCs..

The militarization of towns such as Malakal, Bor and Bentiu have seen a significant SPLA encroachment near POC sites, including the establishment of checkpoints, and in the case of Malakal, a market outside the formal entrance to the PoC. These checkpoints and other infringements have enabled the SPLA and SPLA-IO to limit the movement of civilians and also pose a risk to civilians who are moving directly in and out of the PoC areas. IDP women report a taxation system has been imposed and that they must pay to bring commodities back into the POC areas such as sorghum, brewing kits to make alcohol to trade and other items. Taxation systems place enormous strain on the market economy of the PoC areas and reduce asset security for the population. The emergence of informal control and localized economies based on exploitation is a clear risk around PoC sites. As witnessed in other PoC areas and large population centres where people have been displaced, some girls and women have adopted survival sex and sex-for-money to increase or supplement household income and livelihoods security.

IDPs in Bentiu POC, Malakal PoC and UN House PoC also report being raped and sexually assaulted moving outside the PoC sites to collect firewood, go to the market, collect water, etcetera. In Bentiu, women are reportedly walking up to two hours (approximately 10 km) in search of firewood to use or sell, due to the depletion of resources in the immediate area surrounding the PoC. This is also reported in areas of high population concentration including Minkaman, Lakes State, where women have to move up to three kilometers to retrieve firewood.

In Juba, the challenges of service provision, including access to medical care inside PoC areas, have caused tensions. Questions have been raised as to whether IDPs should and can move to Juba Teaching Hospital (JTH) for medical care. JTH is the main hospital in Juba. The nature of injuries and injured persons transported to Juba has meant that their cases are sensitive and the patient is at-risk. This includes male Nuers who have not been able to receive medical treatment in locations such as Bor due to risks for their safety. It has also included children who have gunshot wounds and other injuries. Family members who want to visit such patients in hospitals accompany the person to the hospital and also escort bodies for burial in fear of travel to and from JTH. This is in a large part because of reports of

violence against Nuer and other groups inside JTH and also being an exposed Nuer in a heavily populated area of Juba.[22]

Humanitarian efforts to reduce risk are encouraged but not simplistic solutions. Addressing a problem such as firewood collection does not solve the problem of sexualized violence. Women leaving the PoC areas provide a context or location for rape, but are not the cause. The current crisis has created opportunities for rape and become characterised by escalated levels of sexual violence and the deliberate targeting of women moving freely. Therefore, integrated patrolling by UNMISS, as well as and civilian patrolling in the Bentiu area, including the monitoring of hospitals and other civilian sites by UNMISS and humanitarians, represent a welcome effort to mitigate against risks for civilians. Patrols at high-risk times for women, for example dusk, must be scaled up to include foot, static and night patrols, and also longer duration patrolling.

Protection threats inside UNMISS PoC sites

The influx of IDPs into the PoC areas has created significant challenges for UNMISS and humanitarian actors providing safe and secure assistance. The populations inside the PoC areas have risen rather than decreased since the May 2014. While Bor PoC has decreased in size, Bentiu and UN House continue to grow with new arrivals. Civilians living within PoC areas under basic SPHERE standards are under pressure.[23] They live in flooded PoC areas such as Bentiu and Malakal, with stagnating market economies and repeated exposure to violence, which has led to what is termed as 'maladaptive coping mechanisms.' Issues such as the lack of consistent lighting inside the PoCs and lack of space have combined to increase tensions between households and enable opportunistic attacks on people such as sexual violence and theft. Such behavior has repercussions within the PoC and requires a complex response. Sexual violence and escalating tensions within youth groups and youth gangs in particular threatening the larger IDP and humanitarian community in PoCs and are two major issues of concern.

Sexual violence inside the PoC areas is also an ongoing and escalating issue. There is no safe space for women and girls who risk sexual violence outside the PoC areas *and* inside them at the hands of their own community. Reports of survival sex in the PoCs are steadily increasing and also people using sex to earn an income to supplement their assistance packages. In Malakal the toxic fusion of rape and sex for assets is leading to an increase in pregnancies and self-induced abortions with fetuses disposed in public places already documented.[24] In early September 2014, four women were admitted to hospital due to the infections/sepsis contracted during self-abortion. Women with already large families are also having abortions as are women facing socio-cultural pressures (in traditional Nuer culture an unmarried girl/women is expected to marry her rapist).

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[22] Reports from protection and health partners and South Sudan media during the reporting period.

[23] CCCM, *Bentiu Protection of Civilians Site: Call for Urgent Measures*, 8 August 2014.

[24] IASC Global GenCap follow-up on gender gaps in Malakal, South Sudan, 8-11 August. 2014.

The longer the conflict continues the higher the likelihood that women and girls will trade sex to raise an income. This however depends on the continued ability and willingness of men to pay for sex. Household structures are changing due to the conflict leaving more widows, elderly women increasingly heading families and women running the household while husbands are in the frontlines.

Women are increasingly taking on tasks that were previously handled by men and in the absence of a stable means of livelihood take on these maladaptive coping mechanisms. Women must also overcompensate where men are addicted to alcohol and drugs and they are left the sole breadwinner of the family.

Alcohol brewing and selling has been reported amongst women seeking a livelihood alternative, though any real understanding of consumption levels and quality is unknown because alcohol formally contraband in all PoC sites though it remains unregulated. In some locations it is thought that women can make up to 300 South Sudanese Pounds (SSP) from the sale of home-brewed alcohol in return for an investment of just five SSP.[25]

As long as people continue to be unable to resume their traditional livelihoods, alcohol brewing and sales and sex-for-assets will continue to be seen by many as viable livelihood opportunities to supplement their minimum assistance packages and enable people to develop an onward movement strategy.

Youth groups pose a protection threat to women living in the POCs but also face their own risks. Young men, often suffocated by their environment and feeling trapped inside PoCs where they must stay because they risk being killed or recruited outside, are increasingly destabilising the POC areas out of frustration. The result is a radicalised generation fixed in their anti-Government of South Sudan positions in Bentiu, Juba and Bor in particular.

In August and September 2014, the POC sites in Bentiu, Juba and Bor witnessed an increase of youth hostility towards humanitarians and UNMISS over the lack of labour opportunities. Their frustrations saw them randomly demand the expulsion of all national staff not belonging to the ethnic group of the majority IDPs, all in a bid to assert some form control over their captive situation. Youth speak a political narrative of oppression and accuse the humanitarian community of being in alliance with the Government of South Sudan. This has led to incidents of violence against humanitarians in UNMISS Tong Ping (in Juba) and led to an increasingly precarious relationship between humanitarians and the IDPs as the conflict becomes protracted.

As the crisis continues, new arrivals into POC areas represent an increasingly difficult challenge in a community with an already fragile community structure at best. The POC sites often mirror the wider conflict, with escalations and decreases in tensions in the POC reflecting the ebb and flow of the conflict outside.

Three of the five largest POC sites currently host mixed ethnic populations and all host different sub-clans of ethnic groups. IDPs have been witnessed on occasion attacking new

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[25] As of September 2014.

arrivals or turning on perceived 'enemies within'. The outflow of Nuer from Malakal POC in August 2014 was attributed to the Nuer IDP's concerns that if Malakal town was attacked, DInka and Shilluk IDPs in turn would attack them.

Practices and policies relating to rule of law and detention continue to create challenges for actors inside the PoC due to the limited rule of law capacity. Concerns for due process increase as actors struggle to deal with escalating tensions but diligence is required for appropriate case management. This means not using detention as recourse when dealing with 'trouble makers' including children in conflict with the law. There are significant concerns about the viability of the Informal Dispute Resolution Mechanisms (IDRM) members and community leaders (inside the UNMISS PoCs) who are entrusted with handling petty civil cases. Issues have been raised over the use of punishments that are not legal under South Sudanese law such as caning for rape survivors and communities attempting to expel people from the POC.[26]

In addition to new IDP arrivals, SPLA and SPLA/IO defectors have also presented at POC sites. The assumption is that persons who present as civilians have left an armed group. This creates tensions within POC sites but also poses a dilemma: should persons be seeking temporary refuge and assistance inside POCs with the intention of rejoining armed groups when the opportunity arises? Bearing in mind that any actual or perceived militarization of the POC areas puts at risk the safety and security of the PoC sites.[27] The Bentiu PoC site has already been accused of hosting SPLA IO and the situation has grown further complicated with politically motivated allegations of weapons being found/brought in the camps. This parallel narrative - of victims in PoC areas requiring liberation from within -is a significant cause for concern.

With the likelihood of POC sites continuing to support tens of thousands of people into 2015, the imminent dry season provides limited time to make the necessary preparations to improve conditions inside the POC during the dry season. Programmes must be adjusted to address emerging tensions and risks as well as contingency planning for potential influx of people.

Shrinking space for citizens and civil society

While recognising the diversity of South Sudanese civil society and the myriad of challenges being faced, this section focuses on two components of South Sudanese civil society: organisations that contribute to accountability and organisations implementing humanitarian programming. The Government of South Sudan has attempted to use regulations to restrict the activities of both groups, in the form of legislation, but also uses

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[26] Raised by partners during UNMISS Protection and Security meetings in UNMISS PoC sites.

[27] See: UN Envoy Speaks Out On Allegations Heaped On UNMISS, 3 April 2014 at https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.unmiss.unmissions.org%2FPortals%2Funmiss%2FMMR%2FApril%2F4%2520April-2014%2520-%2520Afternoon%2520Media%2520Monitoring%2520Report.docx, accessed October 24, 2014.

harassment, intimidation and violence, which forces an increase in pressure from the Opposition. With the effective out-sourcing of accountability to IGAD and the AU Commission of Enquiries the spotlight is on the treatment and involvement of South Sudan civil society who must be given an opportunity to engage in the essential processes in South Sudan with parity to the other more dominant stakeholders to the conflict, for example the armed actors.

NGO Bill

In June 2014, the draft NGO Bill in South Sudan re-emerged for a vote in the national assembly in Juba. South Sudan lacks a regulatory bill for operations of NGOs. While there have been previous drafts since independence none of these have been passed. Though there have been some positive re-adjustments since previous incarnations, the nature of the NGO Bill creates concern on several fronts. National NGOs are likely to be the largest casualty of any attempt to excessively regulate organisations.

The Bill itself has failed to be given appropriate parliamentary process. Questions on the legitimacy and legality of the legislation must be sustained to ensure that local organisations are not compromised because of a desire to see the Government continue to 'function'. While important to regulate the activities of NGOs in South Sudan, excessive restriction, or enabling loopholes, will cripple an aid effort depending upon local actors, and fundamentally hinder any accountability and recovery from this conflict.

Notwithstanding questions about government capacity to implement the bill there are a number of key concerns. First, the bill sets out permissible activities for NGOs. The concern centres around the explicit nature of the primacy of state sovereignty as defined by the Government itself. This risks linking activities relating to human rights and protection, which may be critical of state and non-state actors as activities that "compromise" South Sudan's sovereignty. A broad reading could potentially restrict all protection activities and poses questions as to whether humanitarian actors can negotiate with non-state armed actors or even civilian authorities such as the Relief, Rehabilitation Agency in areas where they are in effective control. Or is this a challenge to national sovereignty?

Secondly, the NGO bill proposes the establishment of an NGO Board with membership drawn mostly from the government with seats for representatives from the Ministry of Interior and National Security Service. This body would be responsible for vetting and approving everything from NGO projects to work permits and would reserve the right of blocking NGO activities. This could include humanitarian work. The bill would also subject NGO activities and humanitarian assistance to oversight by both political and security actors. In the case that the government declares a state of emergency security actors play too prominent a role at present in the political decision-making process. Thirdly, the bill confers significant risk on individual aid workers. The application of extremely high punitive fines for breaches to the bill whether committed by them or someone else in their organization is unjust.

The fact that NGO Bill has been under discussion since 2009 as is still unresolved is in itself a point of concern and reflects the state of inertia that NGOs are facing, as well as failure to provide a space in which they can work free from arbitrary harassment and regulation.

Controlling public debate

NGOs and other civil society actors such as the media are being drawn into the conflict in the same manner as community groups and increasingly facing pressure from the GRSS and South Sudan National Security Services to fall in line with the Government objectives. A significant concern is that any regulation on civil society is another move by the Government of South Sudan to control the public debate on the current conflict. The Government forces have already had a punitive reaction to public unrest related to the conflict and/or other forms of public protest, such as those in Lakes and Western Bahr El Ghazal. The use of armed and administrative response to perceived dissent and opposition is squeezing the space for public discourse around the current conflict and placing pressure on non-armed actors who have a stake in a peaceful resolution to the conflict.

National intelligence services are accused of being behind the ongoing exodus of human rights actors from South Sudan. Amnesty International and Human Rights Watch have identified the same group as being responsible for the targeting of newspapers for closure.[28] Almajhar Alsayasy, the Citizen and Juba Monitor have all had challenges. The former was ordered to close in March 2014, with the Juba Monitor having issues confiscated more than once each month since the conflict started, including on 2 July 2014. Bans on the discussion of issues such as federalism or the reporting of interviews with opposition leaders have been reported, including on 27 June 2014 when the Citizen was told it no longer could run articles on federalism.[29] These are all illustrative of attempts to control the public debate on political and security issues.

Closing operating spaces

National NGOs and staff members continue to report challenges in operating across lines. They report harassment by the military and administrative functions of both the SPLA and SPLA/IO. Mirroring the challenges faced by national staff of INGO they cite the threat of arrest and the confiscation of materials including phone technology, for example in Panyijar County in September 2014 by the Opposition. In July alone OCHA reported 64 access issues alone by all parties, and INGO's report increased intimidation and potential forced recruitment of national staff by IO.[30]

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[28] *The Price of Silence*, Amnesty International and Human Rights Watch, August 2014. See https://www.hrw.org/sites/default/files/related_material/South%20Sudan%20Freedom%20of%20Expression%20Briefing%20Document%2C%20Human%20Rights%20Watch%20-%20Amnesty%20International%20August%202014.pdf

[29] Messich, A., *The Role of Media in the South Sudanese Context*, Sudan Tribune, at http://www.sudantribune.com/spip.php?article50506, accessed 24 October 2014.

[30] For Further information on access issues, please contact UN OCHA Access Unit and South Sudan NGO Forum.

Conclusion

Despite framework commitments, such as the Cessation of Hostilities, and the provisions of international human rights and humanitarian law, violence continues in South Sudan. After After ten months there is little optimism that fighting will halt in the immediate future. While there is concern that the dry season will result in an escalation of conflict between armed groups seeking to gain military advantage as heavier machinery can move more easily, the movement of people who may have been trapped by the floods will hopefully give profile to a conflict that remains largely invisible to the international eye. The violence will ebb and flow in conflict areas as armed groups re-negotiate space, but the dry season is expected to be very violent, and that violence is likely to spread and escalate rather than be contained within the one geographical area. Incidents of confrontations between different armed actors, proliferation of armed groups, and the emergence and escalation of peripheral conflicts are all evidence leading to this prediction.

Protection actors in South Sudan are concerned that without a significant shift in the conflict paradigm, including a real and tangible commitment by all parties to the conflict to stop targeting civilians and allow free and safe movement to seek safety, livelihoods and assistance, the end of 2014 and 2015 will see an extension current patterns of displacement and violence.

The situation in Lakes State and threats in Warrap and Northern Bahr El-Ghazal indicate a conflict that is expanding. The temptation of the Government of South Sudan may be to engage in disarmament campaigns to reduce an escalation of violence. In a context of insecurity, resource scarcity and competition, all in a broader conflict, disarmaments can exacerbate community vulnerabilities as evidenced by past experiences of such processes in Lakes State and elsewhere in the country.[31] Increased engagement with non-humanitarian actors in these States is a matter of urgency and our broader contextual understanding of the situation in South Sudan must not be defined only by our current operational capacity to respond. Armed measures by the Government of South Sudan, such as forced disarmament, are likely to significantly undermine community safety and security, therefore different strategies for engaging with insecure communities should be broached.

The end of the rainy season is likely to bring about a much-anticipated movement of populations across national borders and out of and into PoC sites as well as across large areas in search of food and assistance. Protection and displacement monitoring systems as well as shared early warning systems are essential to understanding the ebbs and flows of a conflict influenced increasingly by food insecurity and inter communal dynamics. This will ensure that everyone is programming to support safe and secure decision making by affected populations.

The dry season also potentially allows for greater access for the humanitarian community. The Humanitarian Programme Cycle 2015 offers a chance to place a heavier focus on activities that strengthen livelihoods, including for those inside the POC. It will also place

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[31] See, Saferworld reports on civilian disarmament in Lakes State www.saferworld.org

greater emphasis on at-risk youth, women, girls and the elderly, strengthening their coping options as they strive to living within conflict.

While offering many opportunities, the dry season will bring challenges. For UNMISS, deploying troops around the country to engage in long range dismounted patrolling for example between Bentiu, Mayom and Guit will be key to the protection of many civilians and enable greater freedom of movement for affected populations. Contingency planning for a greater influx is a critical step for all actors working in POCs and will ensure that people can continue to come to UNMISS bases and find safety. Strengthening security in the direct vicinity of the POCs is a task that UNMISS continues to have to work on as people encounter armed groups immediately outside POC sites while they move in and out of the PoCs in search of food and other assistance.

The coming months will be an increasing challenge for national partners. The NGO Bill and National Security Service Bill are serious signals of intent by the Government of South Sudan to regulate what it perceives to be political opposition. Linked to instability, civil society has a strong role to play to de-escalate tensions and reduce violence as well as provide assistance, but threats to national civil society through the NGO Bill and the implementation of the Media Bill represent significant blows to accountability and political dialogue in South Sudan. As the Government becomes more isolated, dissent is increasingly likely to be met by violence.

Based on the previous 10-month's reporting, the trend for violence appears protracted. Humanitarian actors will continue to try and mitigate against the worst consequences of this conflict, but ultimately only an end to violence and a comprehensive peace agreement will alleviate any suffering or offer a chance for durable solutions and peace in South Sudan.