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SUDAN: NO COMPLACENCY ON PROTECTING CIVILIANS

Five years after the signing of the Comprehensive Peace Agreement (CPA) southern Sudan remains highly volatile, with longstanding tribal tensions, competition for land, and new economic competition fueling south-south violence that has resulted in 450 deaths and the displacement of 40,000 people this year alone. Just nine months from the planned referendum for southern independence, the Government of Southern Sudan (GOSS) remains weak, and its army and police remain incapable of maintaining stability and protecting civilians. In this context, the UN peacekeeping mission, UNMIS, must develop and implement a clear mission-wide protection plan that incorporates all the relevant civilian, military, and policing units within the mission.

THE CURRENT REALITY OF SOUTH-SOUTH VIOLENCE

In Sudan the potential for the upcoming national election in April and the referendum on southern independence in January 2011 to heighten tensions between the north and south is widely recognized. But it is south-south violence and political splintering that represent the most pressing threat to civilians in southern Sudan. Inter-tribal violence has dramatically increased. Women and children are now routinely targeted, and sexual violence is becoming increasingly prevalent.

The nomadic and pastoralist communities of Sudan have a history of violent competition over land and cattle, but the proliferation of arms in south Sudan has transformed traditional conflicts into serious confrontations resulting in large-scale civilian casualties and displacement. Since the beginning of this year, roughly 450 people have been killed in tribal clashes.

Due to the weakness of the police in south Sudan, the Southern People's Liberation Army (SPLA) has been tasked with the role of protecting civilians. This force, perceived by many southern Sudanese to be Dinka-dominated, is

POLICY RECOMMENDATIONS

- ❑ The Special Representative of the Secretary General should develop a mission-wide protection strategy for UNMIS that consolidates existing protection initiatives and ensures the best use of available military, police, and civilian resources to confront actual and threatened violence against civilians in south Sudan and the transitional areas.
- ❑ UNMIS should institute more consistent and effective systems for information gathering and analysis of threats to civilians, including from the staff of UN and non-governmental agencies and communities.
- ❑ Members of the Security Council and the staff of the Department of Peacekeeping Operations should immediately initiate discussions with Troop Contributing Countries to ensure that there are no national obstacles to the deployment of mission forces into areas where civilians are most at risk.
- ❑ UNMIS should ensure that its civilian staff is regularly serving in Temporary Operating Bases to improve the identification of local-level political conflicts that may escalate into violence.

under-resourced, poorly trained, insufficiently paid, and lacking in discipline and force cohesion. Since the time of the civil war, the SPLA has survived by extracting food and other goods from the community. Because the GoSS has consistently failed to provide appropriate rations and sustenance, this predatory practice continues today.

Despite their role defending the south in the long civil war with the government in Khartoum, the legitimacy of the SPLA is strongly contested in certain parts of the country. Some communities are reluctant to share what little that they have with a force they don't fully support or trust, and this has led to violent clashes between the SPLA and armed communities. A recent clash in Warrap State began when a boy refused to relinquish a pail of milk to an SPLA soldier and was fatally shot. The conflict escalated, leaving 14 civilians and three SPLA soldiers killed and the village destroyed.

In order to address the issue of highly armed civilians, the GOSS has launched a disarmament campaign, but in many areas civilians have been uncooperative and disarmament has been implemented by force. Uneven disarmament threatens the security of communities that have been disarmed while neighboring communities have not. In the contested transitional areas, agreements with Misseriya cattle herders allowing them to travel with weapons has been a source of tension as the group crosses the border into states that have been completely disarmed.

Given the extremely volatile security situation in south Sudan and the likelihood that the situation will further deteriorate, the ability of the UN peacekeeping mission, UNMIS, to protect civilians is critical. As Refugees International noted in its recent report, Sudan: No Time for "Business as Usual," country-wide contingency planning to respond to the reality and likely consequences of increasing conflict needs to begin immediately.

THE UN MISSION IN SUDAN

In 2005, following the signing of the Comprehensive Peace Agreement (CPA), the UN Security Council authorized the deployment of the United Nations Mission in Sudan (UNMIS). The mission is mandated to support the implementation of the CPA. Military peacekeepers were mainly charged with monitoring and verification duties; ensuring the compliance of all parties with the terms of the ceasefire agreement; and observing the redeployment of armed actors and the formation of Joint Integrated Units of military and other armed actors with allegiances to the north and south respectively.

The Security Council also gave the mission Chapter 7 authority to undertake necessary action to protect UN and humanitarian staff and Sudanese civilians under imminent threat of violence. In spite of the civilian protection authority included in the mandate, the mission was not configured, staffed or properly equipped to take on broad physical protection efforts on the scale needed to impose real security in southern Sudan and the volatile transitional areas in the territory which borders on the north.

In the past year UNMIS has faced international pressure from humanitarian and human rights organizations, as well as powerful donor states, to implement the civilian protection clause in the mandate. The result has been a significant shift in the overall attitude of mission leadership and staff. In 2009, both the Special Representative of the Secretary General (SRSG) and the Force Commander issued directives stating that the Mission must protect civilians where government forces are unwilling or unable to do so. In the words of the Force Commander's Directive, "a core element of the Peacekeeper ethos remains the protection of human life."

This shift in attitude has resulted in a significantly increased effort to deter violence through wider UNMIS field presence, as well as focusing on stabilization initiatives designed to strengthen local government and security capacities. There has also been a proliferation of protection plans and strategies at different levels of mission management and leadership.

At the field level, the deployment of Temporary Operating Bases (TOBs) in places like Jonglei state and Abyei, as well as the more consistent and prolonged use of long-range foot patrols and helicopter patrols, have shown positive preventive results. In Abyei, in advance of the July 2009 ruling on the demarcation of the border, the mission engaged in a detailed contingency planning exercise which identified concrete, localized protection strategies to provide safe spaces for civilians in case of an eruption of violence. This should be used as a model for future contingency planning exercises.

Furthermore, the militarily focused *UNMIS Protection of Civilians Strategy Security Concept* has been held up internationally as the standard for UN best practice in terms of physical protection strategies. Implementation of this strategy remains a challenge, however. This is – in part – due to very real resource constraints and a proliferation of security incidents and protection needs.

Interviews conducted in the field, in Juba, and at headquarters revealed different interpretations of SRSG and Force Commander directives, particularly with regards to the meaning of certain terms pertaining to the various civilian and military structures involved in protection and who would be involved. In other words, in spite of big strides towards better civilian protection, the lack of a final, mission-wide concept of protection has created confusion and mission in-fighting, which has hampered concrete protection planning and implementation efforts. Other major gaps in the effort to maximize protection efforts relate to the mission's ability to gather information and conduct early warning analysis, as well as a lack of systems to prioritize problem areas and re-distribute scarce resources throughout the UNMIS area of operations.

INFORMATION GATHERING AND ANALYSIS

In the face of extremely scarce protection resources and a proliferation of protection needs, the ability to gather information, preemptively identify threats, and initiate an early response is absolutely critical. All iterations of the mission's protection plans have prioritized early warning in an effort to prevent conflict from erupting. However, in all areas visited by RI researchers, the ability of the mission to gather in-depth, timely information about local conflict dynamics was extremely limited.

First, UNMIS civilian sections in many places continue to have high staff vacancy rates. While many of the civilian sections of UNMIS work on protection issues broadly, most have never had specific protection training or experience, and as such, the information gathered is not always appropriate. Furthermore, there is a feeling among many staff, both inside and outside the mission, that UNMIS civilian staff are resistant to visiting the field frequently enough or for durations long enough to build community relationships and gather the necessary information to make early warning efforts effective.

Most problematic is the inconsistent and fragmented way that protection information is being gathered and analyzed. In south Sudan a new UNMIS conflict management concept is being elaborated. The concept clarifies roles and responsibilities with regards to the UNMIS conflict response in south Sudan. If implemented, this will help improve the mission's capacity to prioritize and respond to crises. However, this concept does not elaborate ways to improve information gathering outside of the mission's own limited sources, and does not address threats or mission

coordination challenges in the contested border areas between the north and the south.

Protection working groups exist in many locations, but the type of information discussed in these forums differs from place to place. The participation of non-UNMIS staff, including representatives of UN humanitarian agencies and non-governmental organizations, in protection discussions is sporadic and informal, and protection sector structures have been poorly implemented. Thus, there is little opportunity for non-mission humanitarian personnel to contribute protection information in a systematic and ongoing way. Furthermore, the issues discussed at field and sector levels do not seem to be passed to headquarters in a consistent manner or used to inform mission level analysis or prioritization of protection threats. With UNMIS staff spread so thinly on the ground, it is essential that all possible sources of protection information are collected and considered. In particular information gathering and early warning analysis need to include consultations with women to seek out information about any increases in sexual violence as a key protection indicator.

PROTECTION RESPONSE

With UNMIS juggling scarce physical protection assets in the face of a proliferation of protection needs, local security institutions are central to its protection response. The Southern Sudan Police Service and the Sudan People's Liberation Army (SPLA) are the logical first line of protection for civilians in south Sudan. However, neither the police nor the SPLA are trained or equipped to provide reliable protection to civilians. In spite of the fact that a sizable portion of the GoSS budget has been dedicated to the defense sector, the GoSS has not provided the SPLA with the material support or political oversight necessary to ensure that the force operates in the interest of civilian safety. As noted above, in many places the SPLA are implicated themselves in violent clashes with armed civilian communities.

It is not possible for UNMIS uniformed personnel to provide comprehensive or even rudimentary protection coverage across the vast territory of south Sudan and the contested border areas. However, deployments of UNMIS military in small Temporary Operating Bases and Long Range Patrols (LRPs) have achieved some success simply through the stabilizing effect of UN presence.

What is missing is a comprehensive system for mission-wide prioritization and contingency planning. This would identify key trouble spots on an ongoing basis and effect the

redistribution of mission resources accordingly to ensure that the sparse UNMIS military and civilian resources are used in the most efficient way possible. Furthermore, it needs to be impressed upon all UNMIS Sector Commanders that wherever possible, preemptive deployment of UNMIS military resources to demonstrate presence, guide and witness the activities of local security actors and create safe spaces where civilians can find safety must be the objective.

WHAT NEEDS TO BE DONE

While the SRSG and Force Commander directives are a good start, confusion, duplication and competition still characterize the various protection planning efforts throughout the mission. UNMIS senior leadership needs to come to a common agreement as to what core protection issues and tasks the mission needs to take on (e.g., security, stabilization, etc.). The SRSG needs to present the mission with a final, mission-wide protection plan that incorporates all the relevant civilian, military and policing units within the mission, and allows for a common understanding of protection objectives, priorities, and, most importantly, division of labor.

In light of the scarce resources, the prioritization of protection threats and the redistribution of protection resources needs to be undertaken in a much more regular and systematic manner. Furthermore, given the size of the UNMIS area of operation, and the complexity and diversity of the protection threats, it is critical that the mission find more consistent ways to gather information and analysis beyond its own staff capacity to do so. Specifically, a mechanism needs to be developed, incorporating UNMIS personnel, UN agencies, and, critically, NGO actors who wish to participate, which identifies and prioritizes civilian protection threats by area and by sector. In addition, a structure is required at UNMIS headquarters to regularly translate that analysis into mission-wide priorities and to initiate detailed contingency planning efforts, including concrete, localized protection planning.

This planning exercise should include the re-distribution of protection resources, across sectors if necessary. Reallocation of resources might well include the need to redeploy civilians and uniformed staff to higher priority locations within the mission area. Mission leadership should have the authority to assign all mission staff. In reality, however, some Troop Contributing Countries (TCCs) have resisted allowing their troops to be deployed into areas other than the ones initially agreed in their memorandum of understanding, in spite of significant security changes.

To maximize the responsiveness of UNMIS forces, Security Council members and the Department of Peacekeeping Operations must begin discussions immediately with TCCs to ensure that there is a common understanding, both in capitals, and among newly deploying troops, of the changes in south Sudan and the demands that these changes will place on the mission forces. It is critical to ensure that national caveats and political blockages do not hamper the mission's ability to deploy troops into areas where civilians are most at risk.

Just as the military is being asked to adapt to changing circumstances, so too should civilian staff. In addition to the jointly staffed (civilian and uniformed staff) long-range patrols and regular field visits, senior and sector level leadership needs to direct civilian staff to deploy on a constant (if rotational) basis to Temporary Operating Bases. Given that the TOBs are established exclusively in areas identified as being of particularly high risk of conflict, the ongoing civilian presence will enable more consistent information gathering and allow UNMIS to intervene more quickly and consistently where political cleavages threaten to escalate into violence.

CONCLUSION

In 2005 the UN Security Council asked UNMIS peacekeepers to protect civilians but failed to give the mission sufficient or appropriate staff and resources to implement that mandate in a serious way. Today, just nine months away from the critical and potentially destabilizing referendum on southern independence, it is too late to address staff and resource issues or to reconstitute a mission that was built primarily to monitor implementation of an international peace agreement. But this early failure can not be an excuse for complacency in such a critical year for Sudan. UNMIS leadership and staff have begun to reorganize and reorient the mission in order to make the most of the resources at their disposal. As the people of Sudan move forward into the next unpredictable stage of the CPA implementation, it is vital that those efforts be consolidated and fully implemented, and that prevention of violence and protection of civilians from harm be uppermost in the minds of all UNMIS peacekeepers.

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