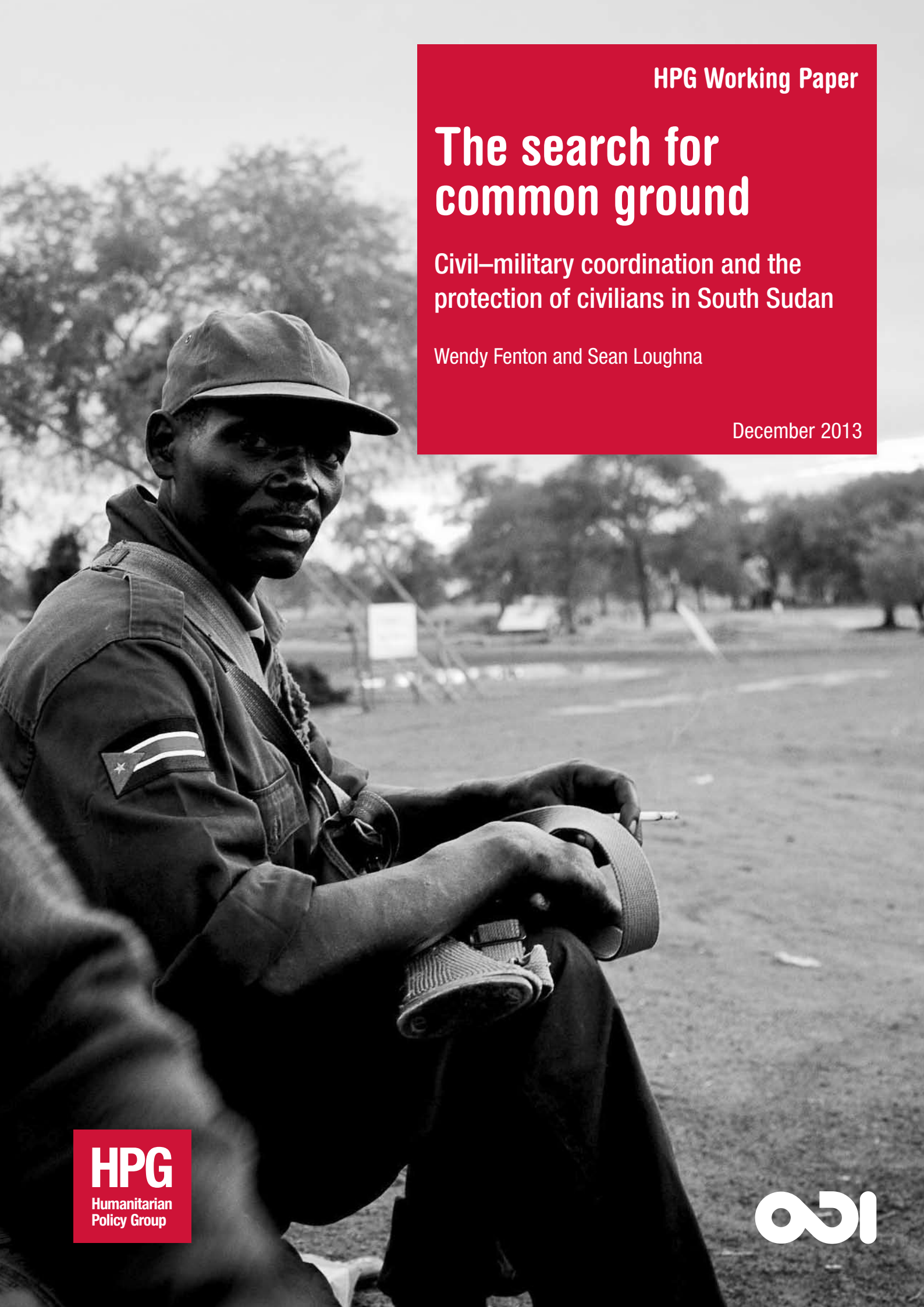

HPG Working Paper

The search for common ground

Civil–military coordination and the protection of civilians in South Sudan

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About the authors

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Acronyms

CEWERS	Conflict Early Warning and Response Strategy
CIMIC	Civil–Military Cooperation
CMAG	Civil-Military Advisory Group
CMTF	Conflict Management Task Force
CPA	Comprehensive Peace Agreement
DPKO	UN Department of Peace Keeping Operations
DSRSG	Deputy Special Representative of the Secretary General
FC	Force Commander
GoSS	Government of the Republic of South Sudan
GoS	Government of Sudan
HC	UN Resident and Humanitarian Coordinator
HCT	Humanitarian Country Team
IASC	Inter-Agency Standing Committee
ICWG	Inter-Cluster Working Group
JOC	Joint Operations Centre
NCP	National Congress Party
NRC	Norwegian Refugee Council
PCWG	Protection of Civilians Working Group
PoC	Protection of civilians
RC	Resident Coordinator
RCO	Regional Coordinator's Office
RoE	Rules of Engagement
SAF	Sudan Armed Forces
SGBV	Sexual and Gender-Based Violence
SOP	Standard Operating Procedure
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SRSG	Special Representative of the Secretary General
SSDF	South Sudan Defence Force
SSIM	South Sudan Independence Movement
SSLA	South Sudan Liberation Army
SSLM	South Sudan Liberation Movement
SSLS	South Sudan Law Society
UNAMID	United Nations–African Union Mission in Darfur
TCC	Troop contributing country
UNCT	United Nations Country Team
UNDSS	United Nations Department of Safety and Security
UNHAS	United Nations Humanitarian Air Service
UNISFA	United Nations Interim Security Force for Abyei
UNHCR	United Nations High Commissioner for Refugees
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan

Executive summary

This desk-based study assesses the contribution of humanitarian–military coordination to the protection of civilians (PoC) in South Sudan, with a particular focus on the UN Mission in South Sudan (UNMISS). The mandates of both UNMISS and its predecessor, the UN Mission in Sudan (UNMIS), have been broad and ambiguous, with highly ambitious PoC objectives. However, neither seems to have had a clear and mission-wide understanding of what was expected in terms of PoC, and the military component (particularly in UNMIS) has lacked the skills, capacity and willingness to protect civilians in any substantive way. Under-resourcing, insufficient troop numbers, weak transport and logistics capacity and competing demands and priorities have all presented operational challenges for both missions.

One of the central problems with both missions has been the tension within their mandates between protecting civilians and supporting the peace process and the Government of South Sudan (GoSS). Current PoC strategy provides no guidance on how UNMISS should respond when the security forces of South Sudan represent a threat to the population, and there is a widespread perception that UNMISS is unable or unwilling to challenge the GoSS and the Sudan People's Liberation Army (SPLA) on key issues related to its mandate, including rule of law and human rights. The GoSS appears to be able to dictate the terms under which it engages with UNMISS. As a consequence, the civilian population does not see UNMISS either as a neutral actor or as a force for change. While a good working relationship between the GoSS and the mission is essential for UNMISS to be able to do its job, it is also vital that UNMISS retains its independence of action.

Coordination between humanitarian and military/security actors in South Sudan in support of PoC faces a number of challenges. Relations between peacekeeping missions and humanitarian actors have fluctuated over time and have largely been dependent upon the willingness of the missions' leadership to consult, share information, respect humanitarian space and engage in constructive dialogue. Most NGOs and UN Country Team (UNCT) representatives interviewed for this study saw UNMISS as largely irrelevant to their work, and had little if any regular engagement with the mission. Few humanitarian actors work on PoC activities and there was little evidence of collaboration in this regard. With a few exceptions, humanitarian actors rarely have experience of dealing with their military/security counterparts, and do not have intimate knowledge of civil–military guidelines, doctrines or procedures established by the UN Department for Peacekeeping Operations (DPKO). In addition to its relations with the wider community of humanitarian actors, UNMISS also faces challenges in improving dialogue and coordination between the civilian and military components within the mission itself.

Although there are existing fora where humanitarian and military actors can meet, dialogue between the two groups is limited. UNMISS' engagement with the humanitarian sector is sporadic and selective and tends not to be substantive. This can be attributed to concerns over the sharing of sensitive information and differing understandings of the concept of PoC. In addition, as this case study shows, the existence of structures and mechanisms in itself is not sufficient for effective civil–military coordination. Strong leadership among civilian and military components of a mission as well as within the humanitarian community is crucial. Equally clear is the need for that leadership to build trust across the wider humanitarian community by demonstrating respect for humanitarian principles.

To strengthen their engagement in PoC, peacekeepers need to clarify roles and priorities within the mission, garner more political support for PoC domestically, enhance the capacity of personnel through training on PoC, augment the military's logistical assets (particularly air transport) and develop a comprehensive protection strategy. UNMISS also needs to clarify roles and priorities on the civilian side, and support its personnel to engage in more robust advocacy with the GoSS, especially on PoC and human rights issues. This will require enhanced capacity for conducting human rights investigations, including

human rights abuses committed by the SPLA, and a firm commitment by the UNMISS senior leadership to support and protect UN human rights officers from interference and intimidation by the authorities. Humanitarian actors have voiced their concerns over relief work conducted by soldiers and the importance of respecting humanitarian principles. At the same time, the humanitarian community must ensure that it has a clear understanding of civil–military guidelines and UNMISS' role and mandate.

1 Introduction

This case study examines the interaction between international military and humanitarian actors in South Sudan, and the impact of this interaction on the protection of civilians (PoC). While the study assesses the contribution of humanitarian–military coordination to PoC in South Sudan since the establishment of UNMIS in 2005, the main focus is on its successor mission, UNMISS, established in 2011 following South Sudan's secession from Sudan. The study outlines the origins of the main protection threats facing civilians in South Sudan, and explores the differing interpretations of the mandates of both UNMIS and UNMISS by the civilian and military leadership of these missions, the Government of South Sudan (GoSS) and the Sudan People's Liberation Movement (SPLM), NGOs and other actors with respect to the protection of civilians. The doctrines, guidelines and codes of conduct which inform approaches to civil–military interaction and protection of civilians are examined, as well as the structures and mechanisms for civil–military coordination in South Sudan. The study seeks to analyse the cumulative impact of these factors on humanitarian–military interaction, and how more effective civil–military interaction can enhance the protection of civilians.

Following the introduction to the paper and description of the methodology, Section 2 outlines the background to the establishment of UNMIS and subsequently UNMISS, highlighting the key drivers of the civil war and how the Comprehensive Peace Agreement (CPA) signed in 2005 was expected to address these. Section 3 reviews UNMIS' objectives, operations and mandate in relation to the protection of civilians. Section 4 focuses on UNMISS, highlighting current protection threats and challenges to achieving effective civil–military coordination. Finally, the paper concludes in Section 5 with a summary of the key issues raised.

This Working Paper is part of a larger research project entitled 'Civil–Military Coordination: The Search for Common Ground'. Through a series of case studies and other exchanges, the project aims to provide contextual analysis of how civil–military coordination has functioned in disaster and conflict contexts. Of key concern is what impact civil–military coordination has had on the efficiency or effectiveness of humanitarian response, including PoC, and on outcomes for affected populations. In addition to this case study, work on Pakistan, Afghanistan, and Timor-Leste has sought to identify the main challenges to and opportunities for principled and effective civil–military interaction in different contexts. The project examines how existing civil–military coordination frameworks have functioned in these contexts, and how more effective civil–military coordination at policy, strategic and operational levels can be achieved.

1.1 Methodology

This Working Paper is the product of a desk-based review of relevant literature and telephone interviews with key informants conducted in late 2012 and the first half of 2013. Published and grey literature was identified and obtained through internet searches, a systematic search of academic publications and the websites of relevant organisations and media outlets. Data was also gathered directly from a range of contacts with South Sudan experience and other key informants.

As UNMISS is a relatively new mission there is little documentation in the public domain that analyses its performance to date. Much of the information collected was gleaned from telephone interviews and email communication with current and past mission staff, as well as others involved in the protection/humanitarian response in South Sudan. Telephone interviews were conducted with former and current peacekeepers (military, police and civilian), representatives of the UN Country Team (UNCT) and international NGOs and other South Sudan specialists. Some of these interviewees are currently based in South Sudan, whereas others had moved on and so provided a more historical perspective. As well as providing valuable primary data, interviews were used to triangulate both the perspectives of other informants and information and analysis derived from the literature. All interviews conducted in this research project were 'off the record', and therefore the identity of informants and the institutions they work for are not specified in the report.

This research project uses the OCHA/IASC definition of 'civil–military coordination', namely the 'essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimize inconsistency, and, when appropriate, pursue common goals'. As such, civil–military coordination aims to facilitate dialogue and interaction between civilian and military actors to protect and promote humanitarian principles.

2 Background

2.1 The civil war and the CPA

Sudan has a long history of conflict and internal division. Since the country achieved independence from colonial rule in 1956, peace or the absence of civil war has been the exception rather than the rule. Following 17 years of armed conflict, the Addis Ababa Agreement of 1972 led to a cessation of hostilities, but this did not last for long and fighting resumed between the Sudan People's Liberation Movement/Army (SPLM/A) and the Sudanese government in 1983. In just over 20 years of war an estimated two million people were killed (Wolff, 2012). The systematic targeting of civilian populations by both sides disrupted or destroyed livelihoods and caused widespread displacement and food insecurity. Periodic floods and droughts exacerbated the suffering.

The conflict finally ended with the signing of the Comprehensive Peace Agreement (CPA) on 9 January 2005. In seeking to address some of the key causes of the conflict – including identity, inclusiveness and access to oil and other resources – the CPA set out benchmarks for achieving a just and sustainable peace, and outlined a timetable by which Southern Sudan was to hold a referendum on whether to remain part of Sudan or secede and establish an independent state. When the referendum was held, in January 2011, 99% of people living in Southern Sudan voted to secede from the north. South Sudan officially became an independent nation on 9 July 2011.

The CPA was a landmark peace agreement which brought a formal end to Africa's longest-running civil war. As such it required substantial investment and domestic and international monitoring to ensure that peace was sustained. However, this intensive focus on the CPA led to a preoccupation with short-term targets and deadlines, and a lack of attention to deeper, longer-term issues and problems. Essentially the CPA was a high-level political and military agreement which did little to address issues of inequality, discrimination, injustice, impunity and corruption within South Sudan (Barltrop, 2012). At the same time, the fragile peace between Sudan and South Sudan faces a range of threats, including the arrangements concerning oil and associated payments, the status of nationals of one country resident in the other, the demarcation of a common border and the final status of the disputed border region of Abyei (Wolff, 2012).

2.2 Communal violence

Communal conflict has been an enduring feature of life in South Sudan both before and after independence. The drivers of conflict between different tribes, clans and groups in South Sudan are varied, complex and multi-layered, and often have deep historical roots. Some, such as competition over cattle and access to grazing land and water, have been exacerbated by economic and environmental change and the manipulation of historical grievances and discontented young people by political, tribal and clan leaders (Schomerus and Allen, 2010).

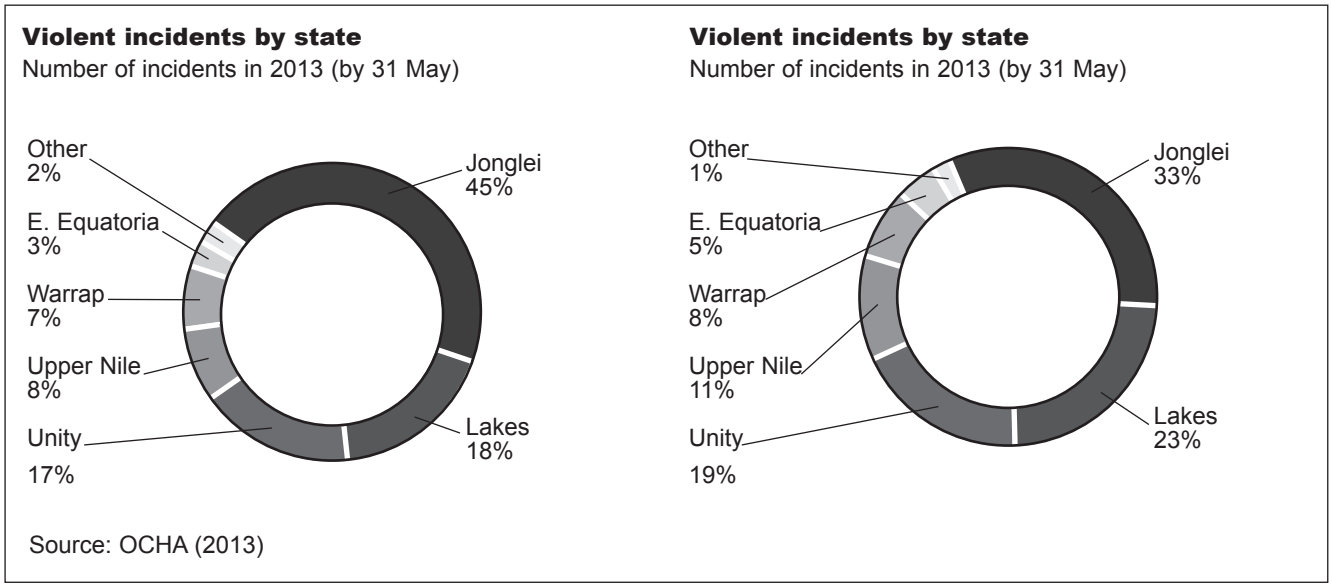
Violence has been particularly acute in Jonglei, South Sudan's largest and most populous state.[1] Although rooted in an ethnic conflict between the Dinka, Lou Nuer and Murle, tensions have been fuelled by broader political and economic issues, power and identity struggles, the widespread availability of small arms and competition over land, cattle and water. Ironically, frequent disarmament campaigns by the government, with the support of UNMIS and UNMISS, have aggravated tensions as many communities believe that, given the lack of state capacity to protect them, being armed is the only guarantee of security (Pact and SSLS, 2012). The absence of rule of law and weak police and judicial systems make it very difficult to hold perpetrators of violence to account.

2.3 The SPLM/A and the Government of the Republic of South Sudan

The SPLM/A has been the primary political/military representative of the South since the beginning of the

1 South Sudan CAP 2013 – Mid-Year Review, p. 51, https://docs.unocha.org/sites/dms/CAP/MYR_2013_South_Sudan.pdf.

Figure 1: Violence in South Sudan



second civil war in 1983. However, it has never been able to command the support and respect of the entire population, and although combatants from a range of armed groups have been incorporated into the SPLA in accordance with the CPA, there has been no sustained reconciliation process and it is not a unified force. Its membership and support has overwhelmingly been drawn from the Dinka ethnic group; past abuses by elements of the SPLA against non-Dinka communities have not been forgotten, and the SPLM/A leadership have tended to use their positions to consolidate their political power, rather than building a more inclusive political arrangement in South Sudan. This lack of space for political opposition has meant that violence is perceived as one of the only ways to achieve political and economic change.

Longstanding divisions and rivalries within South Sudanese society at large are reflected within the GoSS leadership. In July 2013, President Salva Kiir dismissed his entire government, along with Vice-President Riek Machar. Machar (a Dok Nuer) had just publicly announced his intention to challenge Kiir in the 2015 presidential elections. Pagan Amum, the SPLM secretary-general, was also dismissed, ostensibly for mismanaging party affairs. The previous month Kiir had dismissed two ministers for corruption. While no reason was given for the dismissals, analysts believe that the move was an attempt by Kiir to stamp out dissent in the upper reaches of the government and assert his authority on the SPLM.

In mid-December, after fighting broke out between Dinka and Nuer soldiers, Kiir accused Machar of orchestrating a coup and arrested his alleged supporters. Thousands of civilians took refuge in UN compounds in Juba, and at least 1,000 more are believed to have died. The violence quickly spread to five other states, with the worst of the conflict in the oil-rich states of Jonglei, Unity and Upper Nile. It is not clear whether Machar (who subsequently fled Juba and is now leading the rebellion) did attempt a coup, an allegation he strenuously denies, or whether Kiir merely used the incident to quash political dissent, as Machar claims. By the end of December, an estimated 170,000 people had been displaced, 60,000 of whom were sheltering in UNMISS bases and UN compounds around the country. Alarmed at the rapid escalation in violence and reports of ethnically targeted torture, rape and killings, and mass graves near Juba and Bentiu, the UN Security Council voted on 24 December to immediately increase UNMISS troop strength to almost 14,000.

3 UNMIS

3.1 Objectives and operations

UN planning for a peacekeeping mission in Sudan began in 2003, as the CPA was being negotiated. Planning and assessment missions for what would become the UN Advance Mission in Sudan (UNAMIS) were fielded by the UN Development Programme (UNDP), the DPKO and the Department of Political Affairs (DPA). UNAMIS, created on 11 June 2004 following the adoption of UN Security Council Resolution 1547, was initially established for three months to plan and prepare for the deployment of a full UN peace support mission after the anticipated signing of the CPA.

UNAMIS became UNMIS on 24 March 2005, with the UN Security Council's adoption of Resolution 1590. UNMIS, a multi-dimensional integrated mission comprising military, police and civilian components under the leadership of the Special Representative of the Secretary-General (SRSG), had an authorised strength of up to 10,000 peacekeepers. The mission was tasked under a Chapter VI and Chapter VII mandate to support the implementation of the CPA and perform functions related to humanitarian assistance, protection and human rights. UNMIS' headquarters were in Khartoum, with a regional headquarters in Juba, the capital of South Sudan (Breidlid and Sande Lie, 2011).

The negotiations between the Khartoum government, the SPLM and UNAMIS over the terms of reference and rules of engagement for UNMIS were tense and difficult. The planned deployment of UNMIS also caused great unease among humanitarian actors in Sudan. Many of these organisations were long-established in the country, and were concerned that a rapid influx of large numbers of foreign military and civilian actors with limited knowledge and experience of South Sudan could overrun and undermine ongoing programmes and initiatives. Consequently, UNMIS' arrival was anticipated with 'suspicion, anxiety and anger', both by NGOs and by UN agencies in Juba (HPG interviews, 2013). Early encounters with UNMIS confirmed many of these fears. Humanitarian actors felt that the mission did not engage in constructive dialogue with them, and was dismissive of the wealth of in-country experience available. One former UN agency employee in the UNCT remarked that one of the tasks in the terms of reference for his employment was to improve relations between his employer and UNMIS (HPG interviews, 2013).

Box 1: Protection in UN peacekeeping

The DPKO has never defined what it means by 'protection of civilians'. In late 2009, the UN Secretariat produced a lessons learned note and an 'Operational Concept' on the protection of civilians in UN peacekeeping operations, which sought to clarify what PoC encompassed in the context of peacekeeping. The Operational Concept – the Secretariat's first effort to clarify the meaning of PoC in peacekeeping operations – does not define the term, but it does describe how peacekeeping operations can provide protection in a conflict or post-conflict environment. The Operational Concept is organised around a three-tiered approach to protection:

- Protection through a political process.
- Protection from physical violence.
- Contributing to a protective environment.

3.2 The mandate

Initially, UNMIS was envisaged as a Chapter VI observer and verification mission with a clear focus on supporting the implementation of the CPA. Although it was also expected to 'protect civilians under imminent threat of physical violence, within its capability', there was no guidance on how the military component should carry out its PoC responsibilities, or on the role of the civilian police component of the mission. The civilian-staffed PoC office was to be tasked with planning and coordinating PoC-related activities, including human rights, disarmament, demobilisation, return and reintegration, the rule of law, small arms and mine action (Holt and Taylor,

2009). However, according to Holt and Taylor (2009), from the outset 'PoC had two distinct meanings in the context of UNMIS: physical protection by the military component as a de-emphasized element of their activities and, far more prominently, the coordination of UNCT activities by the PoC Office'.

The UN Security Council was eager to include a stronger PoC role in the mandate than the UN Secretariat was proposing. The differing views led to a compromise – the inclusion of a clause under Chapter VII in Resolution 1590, which stated that UNMIS was authorised to 'take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence'.[2] There was also an explicit authorisation to 'use deadly force', which was reinforced in the Rules of Engagement and associated aide-mémoire distributed to UNMIS troops (Holt and Taylor, 2009: 323).

According to informants within the mission, given scarce resources (both human and material, especially transport), the challenges of the vast and difficult terrain in South Sudan and caveats and restrictions imposed by troop-contributing governments, both the mission leadership and its military component interpreted the phrase 'within its capabilities' to mean a limited role in PoC (Breidlid and Sande Lie, 2011; Holt and Taylor, 2009). According to UNMIS' 2005 Sudan Unified Mission Plan, the military component interpreted its responsibilities regarding protection of civilians under Chapter VI and VII as follows:

> *In line with the original concept of operations and the wishes of the parties, as expressed in the CPA, the Mission will be a consent-based Chapter VI operation. As such, the Mission will rely on the full cooperation of the parties. The Chapter VII language in resolution 1590 applies to the right to take 'necessary action … within its capabilities' a) to protect the Mission's personnel and assets, a right which is inherent in all peacekeeping operations, and b) to protect civilians under 'imminent threat of physical violence' within its capability and without prejudice to the Government of Sudan* (UNMIS, 2005: 8).

Although the same document states that one of the Force Commander's primary tasks is to 'provide protection to civilians under imminent threat', the section outlining the tasks of the military component only refers to monitoring the implementation of the CPA and makes no reference to PoC (Holt and Taylor, 2009; UNMIS, 2005). However, interviewees claimed that there was a widespread perception within the humanitarian sector that UNMIS' mandate and presence created an expectation among local people that they would be protected should violence break out. Others believe that this misperception arose because the mission failed to communicate accurately how it interpreted its mandate and its limited capabilities to the wider population (HPG interviews, 2012).

Given that UNMIS was an integrated mission, the Deputy SRSG Resident and Humanitarian Coordinator was responsible for ensuring coordination between the mission and the UNCT. The mission's PoC Section – the first of its kind in any UN peacekeeping mission – was initially designated the 'lead' for protection activities throughout Sudan, including Darfur (until this responsibility was transferred to the UN–African Union Mission in Darfur (UNAMID) in 2008). While the PoC Section was meant to coordinate the activities of all protection actors, including non-UN organisations, it did not play a prominent role in the mission and lacked the full support of the leadership, which did not consider PoC its main priority (HPG interviews, 2012). The mission struggled to develop a coherent PoC strategy in the absence of a common sector-wide understanding of what protection meant, different interpretations of UNMIS' mandate and a lack of clarity on roles and responsibilities among the different protection actors involved (Breidlid and Sande Lie, 2011).

The difficulties UNMIS faced in attempting to stem heavy fighting between northern and southern forces in Abyei in May 2008 prompted a widespread debate about the role UNMIS military should play in PoC. The presence of several hundred UNMIS peacekeepers in the town failed to prevent the upsurge in violence, which left scores of people dead and tens of thousands

2 The PoC mandate of UNMIS was further reinforced by subsequent Security Council Resolutions: 1812 (2008), 1870 (2009), 1919 (2010) and 1978 (2011).

more displaced. In the wake of the incident, there was uncertainty (both within and outside the mission) about the mandate of UNMIS, the rules of engagement and the level of force that had been authorised. While the civilian component of UNMIS monitored and reported on protection threats between 2005 and 2008, there was no comprehensive strategy for combining civilian, military and police capabilities and assets with a political strategy to mitigate or respond to threats (Giffen, 2011). There was no specific strategy or set of tasks for peacekeepers to follow in relation to PoC (Holt and Taylor, 2009).

There were operational limitations too. The UNMIS military was largely based in former garrison towns, and some of these deployments tended to remain close to base rather than regularly visiting communities, especially the more remote ones. The extent and quality of engagement varied considerably depending on which area troops were in, where they came from, the quality of leadership and the perceptions they held about their own security (HPG interviews, 2012).

3.3 The PoC strategy

With a view to clarifying the mission's PoC strategy and the responsibilities of its various components, UNMIS released a *POC Strategy-Security Concept* in 2009. This document, drawn up by the mission's military component, outlined the responsibilities of the mission in relation to security, the range of potential aggressors and the need to balance tactical imperatives to protect civilians with the potential mission-wide consequences of such action. It proposed a four-phase approach to PoC consisting of assurance, pre-emption, intervention and consolidation. Three layers of protection were covered in the strategy: protection of civilians under imminent threat of physical violence; protection of civilians with regard to securing access to humanitarian and relief activities; and the longer-term aspects of protection in the context of human rights and conflict prevention and management.

It was not until October 2010 that UNMIS finalised a comprehensive PoC strategy intended to provide clear direction on how it would meet the objectives of its PoC mandate during the last year of the CPA. While the new strategy's core objectives (security-focused protection of civilians under imminent threat, securing access to humanitarian and relief assistance and longer-term conflict prevention and management and the implementation of human rights) are essentially the same as those set out under the 2009 PoC *Strategy-Security Concept*, the 2010 strategy also 'outlines the platforms for coordination between the various mission components responsible for the implementation of the strategy' (UNSG, S/528/2010:10: para. 45). The emphasis is on identifying 'the roles and responsibilities of the Mission sections' in supporting 'protection through political prevention' (De Coning et al., 2011). As part of the PoC strategy the UNMIS PoC Section was dissolved (this process was underway before the strategy was finalised); responsibility for PoC was decentralised and mainstreamed throughout the mission, including within the UNCT, and State and Sector Coordinators assumed a much more important role. The mission's stance *vis-à-vis* the GoS and GoSS was also made more explicit, as the new strategy stated that 'UNMIS does not have the capabilities to use force against the lawfully constituted Sudanese authorities' (De Coning, 2011). Although the strategy focused on identifying in advance groups and individuals at risk from violence and/or a lack of state protection, and emphasised the need for political engagement at all levels, there is little evidence that it translated into more engaged, coordinated and effective PoC operations. Nevertheless, the PoC Concept and Strategy and the thinking behind them were to influence the PoC strategy of the UNMISS mission that was to follow UNMIS (De Coning et al., 2011; HPG interviews, 2013).

4 UNMISS

4.1 Objectives and operations

UNMISS was established on 8 July 2011 by UN Security Council Resolution 1996 to 'consolidate peace and security and to help establish conditions for development' in South Sudan. Authorised under Chapter VII of the UN Charter, the mission was provided with a mandate for an initial period of one year. The mission's mandate has been renewed annually since then, most recently on 11 July 2013. UNMISS has an authorised strength of up to 7,000 military personnel, 900 police and appropriate civilian support, including human rights investigators. The size of the UN mission deployed was the result of a compromise between those UN member states that argued for a small contingent (of about 1,000 troops) and others that called for a more robust force (of about 13,000 troops). The number of personnel eventually authorised was based on the understanding that UNMISS would have the capacity to engage actively in PoC, while allaying concerns about the need for, and practicality of, a large mission with its associated financial costs (Hemmer, 2013). Lessons from UNMIS and other peacekeeping operations suggested that the new mission should be an agile but multi-dimensional operation, with PoC as a clear priority objective in mission planning, mandate and deployment. The next sections examine the extent to which these lessons have been applied, and the obstacles and issues which have arisen when attempting to implement them in practice.

4.2 The mandate

UNMISS' mandate outlines three core areas of support that the mission is to provide to the GoSS:

1. Support for peace consolidation, fostering longer-term state-building and economic development.
2. Support the GoSS in meeting its responsibilities for conflict prevention, mitigation and resolution and the protection of civilians.
3. Support the GoSS in developing its capacity to provide security, establish the rule of law and strengthen the security and justice sectors.

According to Resolution 1996, UNMISS should 'use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate'. The Security Council also noted, in Resolution 1894 of 2009 on 'The Protection of Civilians in Armed Conflict', that in all peacekeeping missions that have PoC mandates 'protection activities must be given priority in decisions about the use of available capacity and resources'. However, as with UNMIS there are inherent tensions between the core areas of UNMISS' mandate. On the one hand, it is mandated to support the GoSS to strengthen its institutions and consolidate peace, democracy and the rule of law. Given that the government has the primary responsibility for providing security and protecting civilians, UNMISS' main priority is providing assistance and support to the government to fulfil this responsibility. Yet if the GoSS is either unable or unwilling to protect civilians, UNMISS is expected to act independently and impartially to provide protection, including, if necessary, through the use of force. It is also supposed to monitor and report on human rights violations, regardless of the perpetrator, even though the perpetrators are often, especially in Jonglei, members of the government's own security forces. Several interviewees stressed that no UNMISS peacekeeper ever has – or ever would – shoot an SPLA soldier to protect a civilian being abused by that soldier (HPG interviews, 2012). In accordance with the UNMISS Rules of Engagement, such action would only be taken as a last resort. Such decisions are to be taken by the leadership of the mission on a case-by-case basis.

4.3 The PoC strategy

UNMISS released a PoC strategy in June 2012 to ensure compliance with Resolution 1894, which required all UN peacekeeping missions with protection mandates to develop comprehensive PoC strategies. The UNMISS document states that 'the aim of the strategy is to ensure a more coherent and coordinated approach to the implementation of UNMISS' protection mandate and demonstrate the

Box 2: Mandate tensions

The tensions within the UNMISS mandate were highlighted during UNMISS' preparations for expected clashes in Jonglei between the SPLA and Yau Yau rebels in 2012. In October 2012, the civilian component of the mission was preparing to establish 'safe areas' for members of the Murle population. Murle chiefs were told by civilians in the mission to inform their communities that UN compounds would provide safe havens for their people. However, the UNMISS military pointed out that they would not be able to prevent the SPLA from entering these secure areas given that it was the GoSS' sovereign right to conduct what the government regarded as operations against violent criminals (Hemmer, 2013). According to Human Rights Watch, UNMISS soldiers deployed in Manyabol on 26 May 2013 were forced to hand over civilians seeking shelter inside their compound to the SPLA, who later reportedly executed some of these civilians (HRW, 2013).

Mission's added value compared to other protection actors' (UNMISS, 2012). The document focuses on the strategic level and therefore does not provide specific operational plans and guidance; these were to be developed subsequently to address specific protection concerns. The strategy was based on the DPKO/Department of Field Support (DFS) 'Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations', which provides the conceptual framework for the implementation of protection mandates by UN peacekeeping operations. In line with the framework, UNMISS' PoC tasks, objectives and activities are organised around the three tiers outlined in the Operational Concept (see Box 1): protection through political process, protection from physical violence and establishing a protective environment.

The PoC strategy makes extensive reference to the mission's lack of capacity, and the difficulties it therefore faces in trying to fulfil its PoC obligations. These capacity problems include insufficient personnel (especially troops authorised by their contributing governments to engage in combat) and logistical assets (especially military aircraft; given the difficult terrain and weather conditions, more than half the country can be inaccessible by road for up to eight months of the year). According to informants in the mission with experience of other peacekeeping operations, it is not unusual for missions to have ambitious PoC mandates but insufficient resources to implement them adequately. The issue for every mission is how to make the best use of available assets to prevent or respond to protection threats.

4.4 Civil–military coordination structures

Within UNMISS, the main coordination structure is the PoC Working Group (PCWG), which brings together those sections of the mission working on PoC (Figure 2). Chaired by the DSRSG/Political, participants include the DSRSG/RC/HC, the UNMISS Force Commander and UN agencies. It meets monthly, at HQ and state levels.

On the humanitarian side, coordination is provided through the Cluster System, which was introduced to South Sudan in mid-2010. The Protection Cluster is co-chaired by the UN High Commissioner for Refugees (UNHCR) and the Norwegian Refugee Council (NRC). It has three main priorities: enhancing the physical security of people in border areas and in areas with high levels of violence; reducing gender-based violence and providing support to survivors; and addressing specific threats affecting children, such as abduction, recruitment and family separation. The Inter-Cluster Working Group (ICWG), which comprises UN and NGO cluster leads, advises the HCT on operational priorities, concerns and gaps in humanitarian operations and formulates cluster strategy and response plans. The clusters coordinate their response at central and state levels, where coordinators are expected to ensure that technical information from the field is shared in a timely and efficient manner.

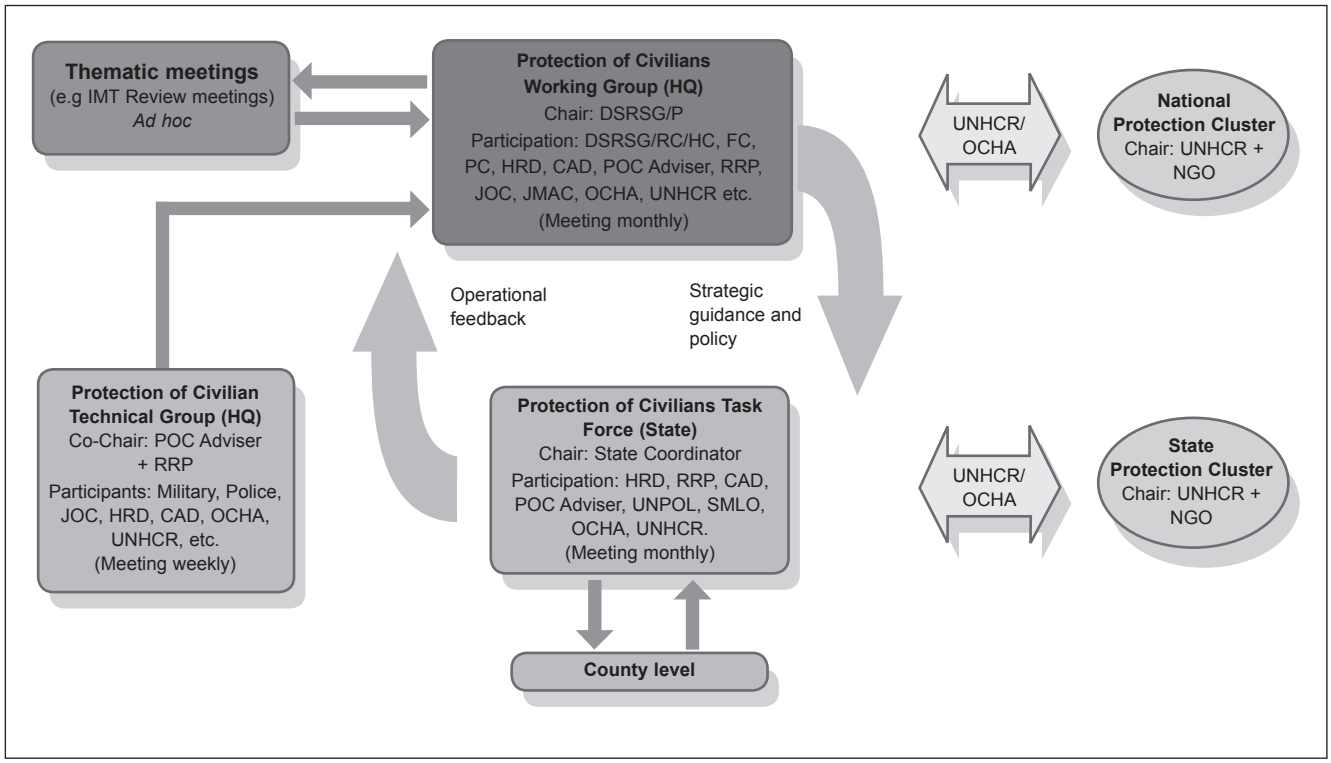
Coordination structures between UNMISS and humanitarian actors are intentionally separate. This is a departure from the UNMIS period, when military and humanitarian actors often co-chaired joint coordination meetings (HPG interviews, 2012). Civil–military coordination guidelines for South Sudan, finalised in mid-2013, stipulate that, apart from the UN Mine Action Service (UNMAS) and the Office of the High Commissioner for Human Rights (OHCHR), UNMISS units or personnel cannot be

Box 3: UNMISS and communal violence in Pibor County, 2011–2012

In December 2011, tensions between the Lou Nuer and Murle communities in Jonglei State escalated dramatically. Responding to reports that a large force of armed Lou Nuer were moving south through Pibor County, killing and displacing Murle civilians as they went, UNMISS deployed more troops to the area and established a perimeter around Pibor town and several neighbouring communities. Departing from normal procedure, the lead official, in this instance the Deputy SRSG/RC/HC as the SRSG was out of the country, re-established the Conflict Management Task Force (a structure inherited from UNMIS, which had been replaced by the Joint Operations Centre (JOC) in 2011: see Box 4) and brought in protection specialists from several other humanitarian organisations to advise and contribute to decision-making. Key sections of the UNMISS military component were also required to make PoC their central mission objective (HPG interviews, 2013). The SPLA took the lead in securing the perimeter, with the support of the UNMISS military, and following the arrival of additional UNMISS reinforcements equipped with armoured personnel carriers the attackers backed down and withdrew (HPG interviews, 2013).

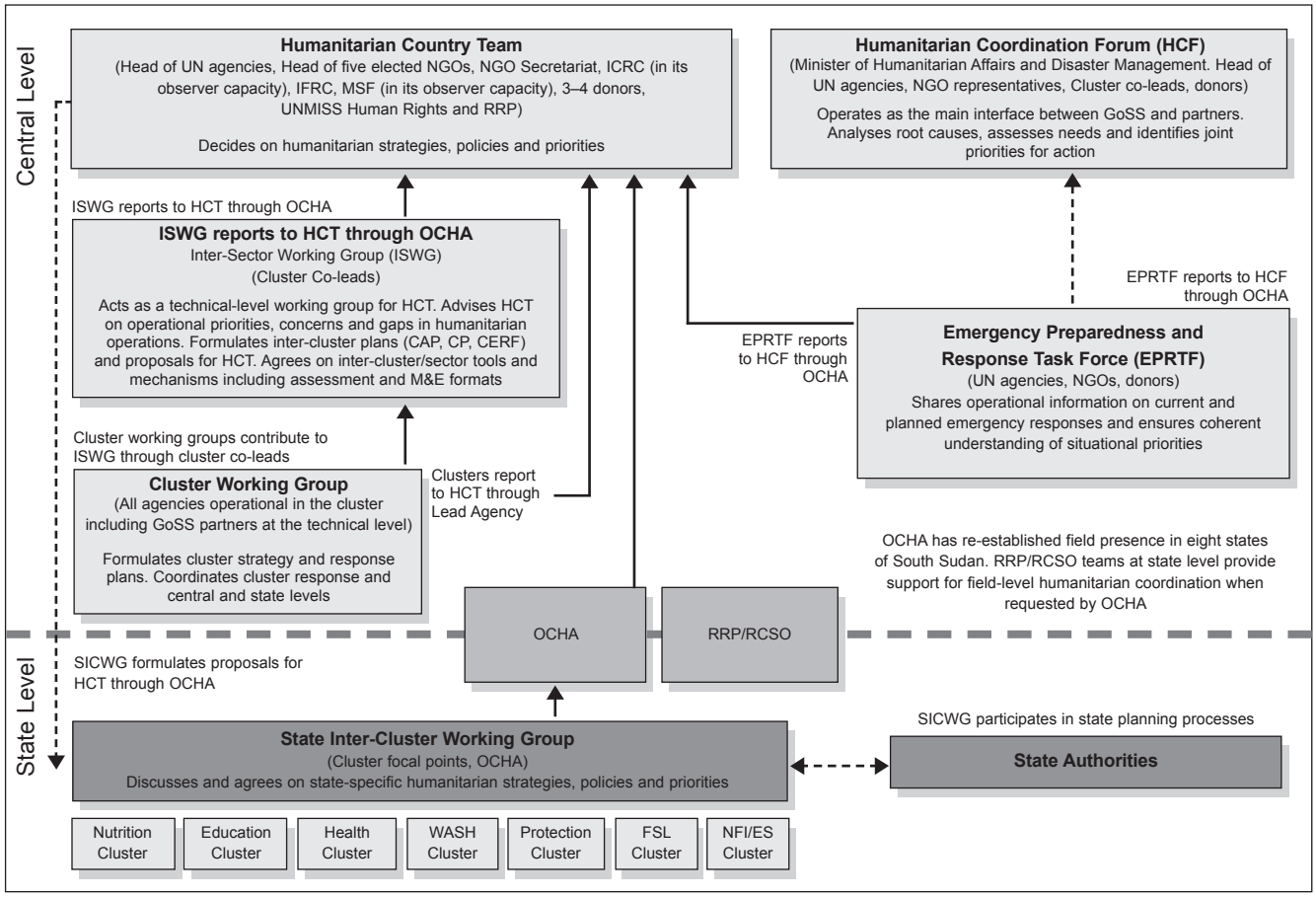
UNMISS' response to the violence raises a number of pertinent questions about how the mission operationalises PoC, and the role that civil–military coordination plays in this. There was a clear strategy to make PoC central to the UNMISS military response, and the effectiveness of the response in Pibor was in large part due to UNMISS playing a central role in coordinating military forces in consultation with other protection actors and the GoSS and SPLA. According to interviewees for this study, the level of coordination between UNMISS and humanitarian and multi-mandated actors was unprecedented (and has not been replicated since), and a large number of protection specialists were present to provide information and technical support, including personnel from several NGOs. Ultimately, the Jonglei response demonstrated the importance of strong individual leadership – in this case from the DSRG/RC/HC – and a clear strategy for constructive coordination between military and civilian actors. However, some within the UNMISS military regarded the temporary revival of the CMTF as 'humiliating' and subsequently became 'more entrenched' and insular (HPG interviews, 2013).

Figure 2: UNMISS Protection of Civilians (PoC) coordination structures



Source: UNMISS Protection of Civilians Strategy, Final Version, 4 June 2012, p. 17.

Figure 3: Humanitarian coordination structures in South Sudan



Source: OCHA, 2012.

members of humanitarian clusters because they are not humanitarian actors. However, UNMISS personnel can attend meetings by invitation, and cluster leads and co-leads are expected to liaise closely with UNMISS civilian sections. According to the guidelines 'Cluster lead agencies and co-leads are responsible for consulting with cluster members on the level of inclusion of UNMISS personnel in cluster meetings, processes and mailing lists, to ensure the neutrality and independence of humanitarian coordination mechanisms'. Strategic coordination between the humanitarian community and the peacekeeping mission is addressed through a triple-hatted DRSRSG/RC/HC, but there is no structural integration and OCHA retains an independent presence in line with the 'one foot in, one foot out' model of integration adopted by the UN in South Sudan.

OCHA is the primary focal point for UNMISS' engagement with humanitarian actors, with UNHCR playing this role where the Protection Cluster is concerned. OCHA engages with UNMISS at the national level through the Joint Operations Centre (JOC) (see Box 4) and with UNMISS military through CIMIC officers. At the state level, OCHA deals with UNMISS state offices. OCHA also chairs monthly meetings of the Civil–Military Advisory Group (CMAG), which are attended by humanitarian actors (including relevant cluster leads, such as protection and logistics) and relevant sections of UNMISS. The CMAG, established by OCHA in 2011, provides policy and operational advice on civil–military matters and UNMISS coordination issues to the Humanitarian Coordinator and the HCT. For example, it reviews requests from humanitarian actors to use military air transport or escorts. The CMAG was also used as the main forum for the development of the civil–military guidelines finalised in 2013.

Although the quality of OCHA personnel and engagement in South Sudan has varied considerably over the past eight years – as has the level of support it has received from donors, the government, UNMIS, UNMISS and even UN agencies – current performance is considered very good (HPG interviews, 2013). Interviewees all agreed that OCHA is a trusted interlocutor and is doing a good job of facilitating civil–military coordination

Box 4: The JOC

In 2011, the UNMISS Conflict Management Task Force (CMTF), a structure inherited from UNMIS, was replaced with the Joint Operations Centre (JOC), a standard component of contemporary UN peacekeeping missions. The JOC is staffed half and half by military personnel and civilians. It serves as the information hub for the mission, producing a daily report on security incidents and other developments based on information received from all of the different sections of the mission. In contrast with the CMTF, which had much broader humanitarian participation, only two representatives from the humanitarian sector, UNHCR and OCHA, participate in the daily morning meetings convened by the JOC, apparently because elements within the mission feel that the issues being discussed are too sensitive to share with NGOs and other UN agencies (HPG interviews, 2013).

through the development of Standard Operating Procedures and other relevant guidance, and in representing the perspectives and concerns of the humanitarian community to the UNMISS leadership, the military and the GoSS. Independent evaluators have also commended OCHA's humanitarian civil–military coordination efforts in South Sudan, highlighting in particular the development of good relationships and country-specific civil–military guidance (Universalia, 2012).

4.5 Challenges to civil–military coordination

Many humanitarian actors remain mistrustful of UNMISS and identify the triple-hatted DSRSG/RC/HCS as the source of many of the problems besetting civil–military coordination in South Sudan. Interviewees cited the DSRSG/RC/HC's promotion of closer integration of humanitarian and development action with GoSS objectives; the use of humanitarian aircraft, boats and other assets by UNMISS (and reciprocal and sometimes unwarranted requests from NGOs to use UNMISS assets); and the use of government security forces as escorts by the major UN agencies as key challenges to efforts to maintain principled humanitarian action (HPG interviews, 2013). UNMISS has also been criticised by humanitarian actors for its failure to respect a number of fundamental civil–military policies, especially with regard to promoting the distinction between military and humanitarian activities. For example, despite clear guidance discouraging UN peacekeepers' involvement in direct assistance in DPKO's CIMIC policy, UNMISS military contingents continue to engage in a range of relief activities such as medical and veterinary services, including in conflict zones such as Jonglei.

There is a widespread perception that UNMISS is preoccupied with its image, is highly sensitive to criticism and has become defensive and inward-looking. Several interviewees claimed that a great deal of energy is spent in attempting to present a positive image of the mission to headquarters in New York, UN Security Council member states and donors. Engagement with humanitarian actors is limited to a few UN agencies, and tends to be bilateral. Humanitarian actors believe that the mission leadership is paying lip service to consultation, coordination and engagement (HPG interviews, 2013). The mission's failure to support the GoSS Ministry of Gender, Child and Social Welfare to develop a National Action Plan aimed at improving the security and participation of women, as called for in UN Security Council Resolution 1325 of 2000, is a case in point. The Action Plan will focus on themes such as women's safety in refugee camps, sexual and gender-based violence, relief and recovery and development. UNMISS' refusal to provide information that supports a UN resolution aimed at enhancing PoC, peace and security does not reflect well on attitudes towards transparency and cooperation. Such reluctance to engage and assist the government also sits oddly with UNMISS' mandated commitment to support and strengthen the GoSS (including its various institutions). For its part, the military component of UNMISS perceive their civilian counterparts as misjudging 'existing political and capacity constraints' and consequently having 'unrealistic expectations of what the military can do' (Hemmer, 2013), and some military personnel find it difficult to work under civilian leadership. This general culture of mistrust makes effective civil–military coordination difficult, weakening the PoC capacity of the mission.

4.5.1 Awareness and training

While the level of training in IHL and PoC varies between national forces, levels of understanding overall were reportedly inadequate. Lack of relevant

language skills was frequently cited as a limitation (HPG interviews, 2012) as it leads to an over-reliance on translators, many of whom are reportedly either SPLA counterparts or have SPLA affiliations. These problems are partly related to the rapid turnover of staff, with the deployments of most troops lasting only six to 12 months. Several respondents remarked upon the disparity in levels of competence between the different national militaries represented in the mission (HPG interviews, 2012).

A recent CMAG survey of civil–military relations conducted with a wide range of humanitarian actors and UNMISS military personnel highlighted the following:[3]

- 60% of humanitarian actors felt that UNMISS military have a low awareness of humanitarian principles, and 46% felt that it was difficult to access an appropriate interlocutor.
- 75% of military respondents felt that humanitarians have a low awareness of how the military works, which some attributed to a 'misalignment' of respective mandates, and 25% found it difficult to access an appropriate interlocutor.
- While humanitarian actors mainly look to humanitarian principles and global standards for guidance, military actors are mainly guided by DPKO on their interaction with humanitarians.
- While the majority of humanitarians had 'never heard of' core IASC or DPKO civil–military reference documents, military actors claim to be more familiar with global guidance documents.
- The overwhelming majority of all respondents thought that guidance documents are insufficiently disseminated.
- Approximately four out of five of all respondents were potentially interested in participating in training on civil–military relations, with a slightly more positive response from military actors (CMAG, 2012).

The results of the survey suggest that there is still a significant gap in understanding between military and humanitarian actors in South Sudan. While undoubtedly more could be done to disseminate civil–military guidance, as well as military doctrine and humanitarian principles, the high turnover of military and humanitarian staff and lack of time, OCHA capacity (already over-stretched) and incentives would limit impact. The launch of joint training for all incoming UNMISS battalions by UNMISS and OCHA in 2013 represents a positive step in increasing awareness of civil–military principles among military actors. The success of any training exercise, however, will rely to a large extent on whether high-level representatives within UNMISS and the humanitarian community, and especially the DSRSG/RC/HC, will be willing to respect and champion agreed policies and principles.

4.5.2 Making the best use of assets?

A frequently voiced complaint about UNMISS (including from members of the mission itself) is that armed personnel have limited resources and assets at their disposal. Mainly comprising rifle companies, the mission has no tanks and very limited air support, especially helicopters, which are crucial for the swift movement of people and supplies across the difficult terrain of South Sudan. Personnel are frequently outnumbered by the armed groups they encounter, and less well-armed. Whether this is an issue of resources, or more about how these resources are deployed and used, is another question. Interviewees from both the UN and NGOs insisted that, despite the well-documented political and resource constraints, UNMISS could do more with what it has to improve PoC. The recent Security Council Resolution extending UNMISS' mandate for another year until July 2014 appears to recognise this, urging the mission to 'geographically reconfigure its military and asset deployment so as to focus on volatile high-risk areas and associated protection requirements' (UN Security Council Resolution 2109 [2013]).

4.5.3 The GoSS

Since becoming an independent government, the GoSS has sought to assert its authority and exercise more control over aid agencies. There is a perception among humanitarian and development actors that the GoSS has become increasingly critical of their limited engagement and alignment with government policies and structures, and there are concerns regarding military influence over access and security in a number of internal conflicts and along the border. The GoSS has tried to restrict NGO access to and movement in Jonglei, Upper Nile, Unity and Western Bahr-El-Ghazal States. There is also evidence to suggest that the SPLA has blocked some communities' access to humanitarian aid for political reasons, and that the SPLA and militia groups have harassed humanitarian

3 Of the 110 responses received, 84 were from humanitarian actors and 26 were from military personnel (CMAG, 2012).

missions, sometimes to loot or divert assistance (Harmer and Mosel, 2012).

A number of interviewees highlighted that the relationship between aid agencies and the government has deteriorated, particularly since independence. Some reported being harassed or denied access to some regions of the country where they have operated in the past (HPG interviews, 2012). This is partly driven by the government's interest in deciding how resources are allocated, as well as a wider interest in increasing its role in the coordination of humanitarian action and disaster management (Harmer and Mosel, 2012). The Access Working Group and its associated database, established by OCHA in 2012 to track access constraints/interference and provide a common platform to advocate for unhindered humanitarian access, may help to provide a stronger evidence base for access negotiations with the government (OCHA, 2012).

A report published by UNMISS in 2012 that documented human rights abuses committed by members of the SPLA prompted an angry reaction from the government, culminating in the expulsion of the report's author (Sudan Tribune, 2012). According to former staff members of UNMISS interviewed for this study, this incident demonstrated that the UN had much less influence over the government than in the past. Some interviewees with long-term experience of working in the region expressed the view that UNMISS had failed to challenge the GoSS on serious human rights abuses (HPG interviews, 2012). Others claimed that reports from the office of the UN Secretary-General are weaker than they used to be and tend to gloss over SPLA abuses and government inaction (HPG interviews, 2012).

4.5.4 The SPLA and violence against civilians

The majority of interviewees for this study emphasised that the SPLA is the main perpetrator of abuses against civilians in Jonglei. There is mounting public pressure on both UNMISS and the GoSS to hold state perpetrators of violence against civilians accountable. A public letter in July 2013 to President Kiir from four former US government officials, all of whom are longstanding and – in the past – largely uncritical supporters of the SPLA and South Sudan, accused the state security forces of conducting 'a campaign of violence again civilians simply because they belonged to a different ethnic group or they are viewed as opponents of the current government', including 'rape, murder, theft, and destruction of property':

> *We are particularly concerned about the evidence emerging of abuses by government forces in Jonglei … These atrocities are not isolated incidents but among many deliberate measures taken by soldiers on the instruction of senior commanders and government officials. Some may argue that the failure here lies in the chain of command, but the evidence makes clear that these orders are indeed coming from senior commanders* (Letter to President Kiir, July 2013).

In a confidential note submitted to the UN Security Council just before UNMISS' mandate was renewed, a group of aid agencies in South Sudan provided specific examples of UNMISS' failure to provide a deterrent presence and confront the SPLA regarding attacks against civilians.[4] UN Security Council Resolution 2109, which renewed UNMISS' mandate, stated that UNMISS should address PoC regardless of the source of the threat or attack and deploy the majority of personnel and assets to areas where civilians are at greatest risk. Likewise, a new policy of Human Rights Due Diligence, introduced in 2012, requires that UNMISS conduct a human rights assessment of all SPLA requests for assistance, examining the history of the unit making the request to see if it has been linked to abuses in the past. UNMISS maintains a database with this information, managed by its human rights personnel. Based on this information, recommendations are made by representatives of UNMISS' military, police and civilian components and are sent to senior managers for their consideration. At the time of writing, the policy had only been in place for a few months and it was too early to assess its impact (HPG interviews, 2013).

4.5.5 Access and risk aversion

There is widespread agreement that access constraints in South Sudan significantly inhibit UNMISS from implementing its mandate. The terrain is difficult, with few roads, and access is seasonal and determined by the length of the dry season. Constraints on access also stem from conflict, as well as obstruction by the GoSS, which denies UNMISS access to areas where it intends to carry out sensitive human rights investigations or

4 'Considerations for United Nations Mission in South Sudan (UNMISS) Mandate Renewal', NGO letter, 25 June 2013.

report on actions by the GoSS/SPLA (HPG interviews, 2013). UNMISS' limited access to air transport is another constraint. The mission predominantly uses private helicopters, which must comply with company safety requirements and so cannot venture into the more insecure localities. The safety of air crews is a particular concern for Russia, which lost four peacekeepers when an UNMISS helicopter was shot down in December 2012 (What's In Blue, 2013). This incident prompted the establishment of flight protocols which include submitting flight plans to the SPLA for approval, and require an SPLA representative to accompany each flight.

Former senior humanitarian officials in the humanitarian sector were critical of the restrictions some troop-contributing countries placed on the activities of their military personnel, and several interviewees complained about UNMISS' security procedures, which are much more draconian than those of UNMIS, and which discourage staff and troops from leaving cities or even compounds. Respondents attributed this to a culture of risk aversion, rather than any actual increase in security risks (HPG interviews, 2012). Whatever the reason, security procedures, alongside other restrictions on access and travel, have resulted in slower and less effective responses to protection threats.

4.5.6 Military assets and armed escorts

In order to comply with IASC and DPKO policies, in June 2012 the CMAG developed interim Standard Operating Procedures (SOPs) on the use of military assets and armed escorts in South Sudan, based on the *Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies* (the MCDA Guidelines). These state that humanitarian actors should not use military assets or armed escorts except as a last resort, or where lifesaving humanitarian assistance cannot be provided by any other means. Situations of last resort generally occur when the HC and HCT identify an urgent and immediate humanitarian need, the need cannot be met through a comparable civilian alternative (e.g. private contractors, the UN Humanitarian Air Service (UNHAS), the Logistics Cluster) and the use of the asset or escort is limited in time and scale. In accordance with the SOPs, OCHA works with humanitarian actors to determine situations of last resort, and channels requests for military assets or armed escorts to UNMISS.

According to mission members interviewed, the humanitarian community has become over-reliant on military escorts, including state security forces, in part because of the same culture of risk aversion that contributed to more stringent security procedures and a broader erosion of the principle of distinction between civilian and military actors (HPG interviews, 2013). Recent initiatives by humanitarian actors to reverse such practice have shown that there are opportunities for reducing the use of armed escorts. In Jonglei, humanitarian negotiations with all conflict parties, led by OCHA, have resulted in a significant increase in humanitarian access in Pibor County, where since July 2013 humanitarian actors have launched responses in weapons-free zones in areas under the control of non-state armed actors (HPG interviews, 2013).

4.5.7 Early warning and outreach

UNMISS produced a Conflict Early Warning and Early Response Strategy (CEWERS) at the end of 2011. The overall objective of the UNMISS CEWER system 'is to provide the Mission with early warning of violent conflict across South Sudan, with a particular focus on physical violence against civilians, to enable early response by, primarily, the Government of the Republic of South Sudan (GOSS), and residually the Mission'.[5] There is no discussion in the strategy of what to do when government security forces are the source of threats to civilians. In mid-August 2013 UNMISS began working with the UNCT to develop a comprehensive early warning strategy for the whole UN presence in South Sudan, but at the time of writing it had not been finalised.

There was widespread agreement among interviewees that UNMISS has the potential to play a useful role in early warning, and then deploying personnel to defuse a situation before it reaches crisis point (HPG interviews, 2012). There is an Early Warning Working Group which includes NGOs, and early warning networks operate in some states.[6] In one example of effective early warning, authorities in Unity State alerted UNMISS to specific threats against a pastoralist group, and UNMISS was able

5 UNMISS CEWER Standard Operating Procedures, 31 May 2012.

6 Key initiatives include the GoSS Conflict Early Warning and Early Response System, which is supported by Catholic Relief Services and coordinates with IGAD's Conflict Early Warning and Response Mechanism (CEWARN), and UNDP's Sudan Crisis and Recovery Mapping and Analysis Project (CRMA).

Box 5: Assessing UN peacekeeping strategies in South Sudan

The Stimson Center is undertaking research with the Sudd Institute in South Sudan to assess the peacekeeping strategies the UN uses to protect civilians, and whether and how vulnerable communities are feeding into them. Seven hundred households in Northern Bahr el Ghazal, the focus area of the study, were surveyed in April 2013 regarding what they believe to be the most prevalent threats to their security and how they view UNMISS, the SPLA and the South Sudan Police Service (SSPS) as protectors and providers of security. Stimson has produced two briefs so far but they focus on the work the Center has done in the Democratic Republic of Congo (DRC). General recommendations may however apply to South Sudan:

As a first step, all peacekeeping operations regardless of mandate should understand what self-protection measures a community is taking so that they can avoid inadvertently undermining them and thereby creating additional risks for the community. Missions that have a mandate to protect civilians are required to develop a comprehensive protection of civilians strategy. These peacekeeping operations should consider as a next step whether their protection strategies should include efforts to enhance communities' self-protection measures.

For more details see http://www.stimson.org/images/uploads/research-pdfs/Stimson_Community_Self-Protection_Issue_Brief_Aug_2013.pdf.

to defuse the situation before it escalated (HPG interview, 2013).

The UNMISS CEWERS acknowledges the existence of other initiatives and networks and encourages the mission to make use of them. Over the past six months, UNMISS has stepped up its outreach work with communities in South Sudan to explain the mission's mandate and the role it is supposed to play in the protection of civilians. To what extent UNMISS is using – or has the capacity to use – these opportunities to obtain conflict-affected communities' perspectives on how the mission can play this role more effectively is not yet clear. According to one informant, UNMISS lacks the capacity to engage directly with communities, and has only recently begun to strengthen its community liaison capability with experienced civil affairs staff. As both civilian and military components will need training regarding the potential risks direct engagement (e.g. driving up to houses and compounds in UN vehicles) can pose for communities, UNMISS should in the meantime focus on learning from communities indirectly through partnering with UN agencies or others.

5 Conclusion

The mandates of both UNMIS and UNMISS have been broad and ambiguous, with highly ambitious PoC objectives. Neither mission seems to have had a clear and mission-wide understanding of what was expected in terms of providing PoC, and to a large extent the military component (particularly in UNMIS) has lacked the skills, capacity and willingness to protect civilians in any substantive way. The ambiguity of their mandates leaves the nature of these requirements open to interpretation. There have been insufficient efforts to address concerns among humanitarian actors about how both peacekeeping missions have approached PoC issues. The extent of consultation and coordination has fluctuated over the years. These variations have been largely contingent upon the interpretation of the mandate and the rules of engagement by the leadership of the peacekeeping mission and the Force Commander, as well as being influenced by DPKO policy and its engagement with the mission and troop-contributing countries. As one informant put it, 'the mission's engagement in civil–military relations begins and ends with the leadership' (HPG interviews, 2013).

Central to the difficulties of both UNMIS and UNMISS in carrying out their PoC obligations has been the dual nature of the mandates of both missions. The objectives within each mandate have been in tension with one another: supporting the CPA and PoC (for UNMIS) and supporting the GoSS and PoC (for UNMISS). Despite consistent public statements at country level and from UN headquarters that PoC is UNMISS' priority objective, on the ground this remains subordinate to and in conflict with its objective of supporting the GoSS.

In order for peacekeepers to strengthen their engagement in PoC they need to clarify roles and priorities within the mission, garner more political support domestically, enhance the capacity of personnel through training on PoC, augment logistical assets (particularly air transport) and develop a comprehensive protection strategy. On the civilian side, UNMISS will need to clarify roles and priorities and support its personnel to engage in more robust advocacy with the GoSS, especially on PoC and human rights issues. This will require enhanced capacity for conducting human rights investigations, including abuses committed by the SPLA, and a firm commitment by UNMISS' senior staff to support and protect UN human rights officers from interference and intimidation by the authorities.

UNMISS often seems to lack the political will and leadership required to implement its PoC obligations. This is partly because troop-contributing countries refuse to allow their troops to be deployed to certain regions, or to use force to protect civilians. DPKO has not established clear rules of engagement with troop-contributing countries that enable troops to fully comply with the demands of the mission's mandate. It has been argued (Wills, 2009) that ambiguity in the mandate serves to secure the required consensus such that resolutions are adopted. This research project has not uncovered any evidence to support this assertion, but it does seem clear that, while the UN Security Council has responded to a widespread conviction that there is a need to assist the new state of South Sudan and foster regional support, these efforts have been hampered by an ambiguous mandate open to wide interpretation, an absence of country-specific SOPs and inadequate resources and competences within some components of the mission. Humanitarian actors are aware of these shortcomings and expressed their frustrations during the course of this research, but their views do not seem to be given serious consideration by UNMISS. Currently, UNMISS' engagement with the humanitarian sector is sporadic, selective and tends not to be substantive.

A particular problem is that the current PoC strategy of UNMISS provides no guidance on how to respond in situations where the security forces of South Sudan represent a threat to the population. As a consequence, some observers argue that the civilian population does not see UNMISS as a neutral actor and a force for change. Among humanitarian actors and other observers there is a widespread perception that UNMISS is unable or unwilling to challenge the GoSS and the SPLA on key issues related to their mandate, such as the rule of law and human rights. At the same time, the GoSS appears able to dictate the terms under

which it engages with UNMISS, including imposing punitive action against the mission (HPG interviews, 2012). A good working relationship between the GoSS and the mission leadership is essential for UNMISS to be able to do its job. However, at the same time it is vital that UNMISS retains its independence of action.

Broadly speaking, relations between both peacekeeping missions and humanitarian actors (including the UNCT and NGOs) have varied over time and have largely been dependent upon the willingness of the mission's leadership to consult, share information, respect humanitarian space and engage in constructive dialogue. Most NGOs and UNCT representatives interviewed perceived UNMISS to be largely irrelevant to their work, and had little if any regular engagement with it. Few humanitarian actors work on PoC activities and there was little evidence of collaboration in this regard. Humanitarian actors – with a few exceptions – rarely have experience of dealing with military/security actors, let alone intimate knowledge of civil–military guidelines, doctrines or procedures established by DPKO. Humanitarian and indeed development agencies active in South Sudan should be made aware of these.

In addition to its relations with the wider humanitarian community of actors, UNMISS also faces challenges in improving dialogue and coordination between civilian and military components within the mission itself. Attitudes of military personnel to improving civil–military relations in the mission were mixed. Some favoured greater engagement (to the extent that some individuals reportedly felt frustrated by the constraints of operating in a military capacity); others were fundamentally opposed to anything but a minimal engagement with humanitarian actors, and resented operating under civilian leadership and the prominence of civilians within the mission. As highlighted in this report humanitarian actors are not always cognisant of UN mandates, and perhaps more importantly of their limitations. Ensuring that staff receive appropriate training to familiarise themselves with the roles and responsibilities of UN actors, both civilian and military, is vital.

Under-resourcing, insufficient troop numbers, weak transport and logistics capabilities and competing demands and priorities have all presented operational challenges. This is not unusual in a UN peacekeeping mission. Several current and former senior officials argued that the number of military personnel in UNMISS should be significantly reduced, and the mission should be tasked with more modest but achievable objectives. Former members of the mission argued that a deployment of a significantly smaller number of highly trained and adequately equipped armed forces – with clear terms of engagement and a willingness to deploy to remote areas – would be more effective in achieving the mission's stated objectives than the present configuration (HPG interviews, 2012).

Scaling down the mission would not, however, address the other obstacles to achieving the effective protection of civilians identified in this study. The experience of UNMISS in Jonglei in 2011–12 demonstrates that, when faced by a large armed group apparently intent on attacking civilians, the threat can only be averted by deploying a significant number of peacekeepers and SPLA forces, supported by armoured vehicles, that are willing to fight. Had a threat arisen at the same time elsewhere, UNMISS would not have had the capacity to respond. It should also be recognised that in this case there was strong UNMISS leadership, working closely with the GoSS and SPLA. Engaging and coordinating efforts with a wide range of humanitarian actors and protection specialists also played a crucial role.

It is also important to recognise the mission's severe capacity limitations, and to be realistic about what it can achieve in protecting people in such a vast and inaccessible country as South Sudan. An argument might be made for scaling down the troop contingent to a small, highly trained force that is able and willing to respond to specific types of threats (and clear guidance is needed for this). At the same time, by increasing the number of protection specialists, political analysts and negotiators, the mission would have a better understanding of conflict drivers and threats to civilians, and would work more effectively with the GoSS, the SPLA and humanitarian agencies to improve and expand PoC activities. PoC should be regarded as a key component of the mission's primary objective of 'supporting the government'.

Structures, procedures and guidance related to civil–military coordination in South Sudan have gradually been put in place by both UNMISS and OCHA over the past two years. However, as some of these developments are relatively recent and documentation is lacking, assessing the impact of these changes on the protection of civilians is difficult. What seems clear from the handling of the Pibor incident, however, is that structures and procedures alone are

not enough to enhance humanitarian civil–military coordination. Strong leadership is crucial to ensuring that military and humanitarian actors work together to enhance the protection of civilians and protect humanitarian space.

Equally clear is the need for that leadership – especially the DSRSG/RC/HC and UNMISS military – to build trust across the wider humanitarian community by demonstrating through both words and actions respect for humanitarian principles, for example by ensuring that soldiers refrain from engaging in relief activities in support of military or political objectives. While the mission will still need to develop clear guidelines on the management of sensitive and confidential information received from humanitarian actors, the reluctance of NGOs to share information on protection threats will persist if current practices are not reversed and any new commitments made to humanitarian actors with regard to respect for confidentiality and civilian protection are not enforced at the highest levels. Leadership among humanitarian actors is just as important. While speaking with one voice may not be possible or even desirable, agreeing on basic principles and adhering to them is essential. The use of armed escorts is illustrative of the divergent approaches among humanitarian actors, rendering a coherent and consistent dialogue with military actors difficult.

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