

## SOUTH SUDAN: PROTECTION AND ASSISTANCE CHALLENGES DEMAND A FIRM RESPONSE

Two years ago, South Sudan gained independence from Sudan and became the world's youngest country. After more than two decades of civil war, it was hoped that this separation would finally lead to peace for the people in the South. Unfortunately, independence has not brought stability to the entire country, as ongoing border clashes and internal violence continue to cause displacement. Today, there are hundreds of thousands of refugees and internally displaced persons (IDPs) living in South Sudan, with more being displaced every day.

### JONGLEI

In recent months, security in South Sudan's Jonglei State has worsened significantly. In February, the government launched a military offensive in Jonglei against a rebel group led by David Yau Yau. It is estimated that tens of thousands of people in Jonglei's Pibor County have been internally displaced since the beginning of the offensive, and tens of thousands more have fled into neighboring countries. Humanitarians and peacekeepers from the United Nations Mission in South Sudan (UNMISS) have almost

no access to an estimated 148,000 people in need of assistance in Pibor County. Now, with the start of the rainy season, humanitarians are concerned that the living conditions of this population could deteriorate dramatically.

### *Government Abuses*

The military offensive against David Yau Yau's rebel forces has been tarnished by South Sudanese government sol-

### POLICY RECOMMENDATIONS

#### JONGLEI:

- ❑ The U.S. government should withhold a portion of its non-emergency foreign assistance to South Sudan until the Secretary of State certifies that South Sudan's government has made progress on halting human rights abuses by the Sudan People's Liberation Army (SPLA) in Jonglei State.
- ❑ UN Security Council members, collectively and individually, must condemn South Sudan's violation of the Status of Forces Agreement (SOFA) for the UN Mission in South Sudan (UNMISS) and call on South Sudan to grant humanitarian actors unimpeded access to Jonglei State.
- ❑ The Special Representative of the UN Secretary-General (SRSG) in South Sudan and the Force Commander of UNMISS must make clear to all UNMISS troops and troop-contributing countries that sections of the UNMISS mandate pertaining to the protection of civilians, as contained in paragraph 3(b)(v) of Security Council Resolution 1996 (2011), must be enforced regardless of the competing political elements of the mandate.

#### YIDA:

- ❑ The UN Refugee Agency (UNHCR) Country Representative should address the breakdown in the relationship between UNHCR and its implementing partners, and should strengthen communication in all areas, with a particular focus on funding.
- ❑ UNHCR must provide supplemental, dedicated funding for child protection programming in Ajuong Thok refugee camp in order to ensure the programming meets UNHCR's Minimum Standards of Child Protection in Humanitarian Action.
- ❑ UNHCR should allocate a portion of its funds for Yida to the host community, and UN agencies, NGOs, and the local authorities should develop a coordinated plan for regularly assessing and addressing the needs of the host community.

diers' widespread abuse of civilians in Pibor County. Since the start of the offensive in February, soldiers from the Sudan People's Liberation Army (SPLA) have attacked civilians, looted and burned homes and stores, and destroyed the compounds of non-governmental organizations (NGOs) in and around Pibor town.

The abuses by government forces have been well documented by organizations with operations in Pibor County. On January 27, following a clash with a rebel faction affiliated with David Yau Yau, SPLA soldiers burned down 110 homes in Pibor town. Nearly all of Pibor's civilian residents fled the violence, and most of the humanitarian agencies operating within the town were evacuated. Violence continued in the following months, and many civilians chose to remain in hiding in the bush outside town. In mid-April, the SPLA battalion responsible for the attacks was rotated out of Pibor. Hoping that this would mean an end to the violence, many of those civilians who had been in hiding began to return. Unfortunately, just days later, members of the new SPLA unit killed two children and three adults.

In the weeks following the April attack, the abuses by government forces became more brazen. SPLA soldiers began widespread looting of civilian and NGO property in plain sight of an UNMISS compound. Looted tents and other NGO property were reassembled within the SPLA barracks, again within plain sight. Médecins Sans Frontières and other NGOs based in Pibor reported that SPLA soldiers destroyed their compounds and broke their equipment, making it more difficult for humanitarian actors to return.

The inability of humanitarian actors to access most people in Pibor County is of particular concern considering what is already known about the conditions those hiding in the bush face. During the brief period of calm in late April, some civilians who had been in hiding returned to town for medical care. The conditions of these civilians – particularly the significant number of young children with gunshot wounds and landmine injuries – elicited high levels of concern among humanitarian actors. A majority of civilians are still in hiding and in immediate need of humanitarian assistance. If the condition of those civilians who have returned is any indication of the conditions of others still in the bush, then the humanitarian implications are deeply troubling.

In May, an RI team visiting Jonglei met with internally displaced persons who had recently fled Pibor. Some of these individuals told RI that many families had avoided going to Pibor town for treatment because of the SPLA presence and the threat of abuse. In one case reported by an NGO in Pibor, a teenage girl whose leg was partially destroyed by a

land mine opted to stay in the bush for nearly a week before coming into town to seek medical assistance. RI was told that the girl believed it was safer to stay in the bush with her injury than to enter the SPLA-controlled town.

Multiple NGO and UN sources have also reported that members of the SPLA have been laying anti-personnel mines in civilian areas. However, due to access constraints, the UN Mine Action Service has been unable to conduct an investigation that would confirm this.

As the largest donor to South Sudan, the U.S. government is in a key position to pressure South Sudan's government to end these abuses. For fiscal year 2014, the Obama Administration is seeking \$280 million in Economic Support Funds to South Sudan. The U.S. Embassy in South Sudan, as well as the Department of State in Washington, DC, must make clear to South Sudan's government that the U.S. will not provide this same level of funding if these atrocities continue.

The U.S. government should withhold a portion of its foreign assistance to South Sudan until the Secretary of State certifies that the government has made progress toward halting SPLA human rights abuses in Jonglei. The U.S. government should further convey to South Sudan that any funding that is provided comes with the expectation that immediate and sustained improvements to the SPLA's human rights record will be made, and that if these expectations are not met, further funding may be withheld.

### ***Humanitarian Access***

In addition to the human rights abuses committed by members of its army, South Sudan's government has begun to restrict access for humanitarian agencies and UN peacekeepers to large parts of Pibor County.

These restrictions are a direct result of an incident last December, in which the SPLA shot down a UN helicopter in Pibor County. The security concerns prompted by this incident led UNMISS to begin requesting permission from South Sudan's government prior to traveling outside of the major towns. In recent months, the government has regularly denied these requests, stating that the SPLA cannot guarantee the security of any UN or humanitarian staff traveling to these areas. However, South Sudan's government has signed a Status of Forces Agreement (SOFA) with UNMISS which clearly states that peacekeepers "shall enjoy full and unrestricted freedom of movement without delay through South Sudan by the most direct route possible, without the need for travel permits or prior authorization or notification."

Failing to grant access for peacekeepers is a clear violation of the SOFA agreement. In addition to the challenges this presents for peacekeepers, the government's denial of access has also had a severe impact on humanitarian operations. NGOs and the International Committee of the Red Cross have been prevented from providing aid to conflict-affected persons in Pibor County. Given that South Sudan has acceded to the Geneva Conventions, this denial of access to those wounded by war represents a direct violation of international humanitarian law.

As in Pibor town, many civilians who fled violence in other parts of the county are in hiding in the bush. With the rainy season beginning, this bush will soon become swamp – the perfect breeding ground for water-borne diseases. Because humanitarians cannot reach the displaced in most of Pibor County, the population is virtually on its own, without any shelter or food or medical assistance.

Furthermore, on the occasions when the government has permitted UNMISS or NGOs to travel within Jonglei, it has often required an SPLA soldier to be on board their flights or to accompany a ground convoy. This effectively prevents UNMISS from investigating or addressing SPLA abuses, and it jeopardizes the humanitarian neutrality of NGO operations. Peacekeepers and humanitarians must be allowed to travel without military escort, and the government must do everything possible to encourage SPLA soldiers on the ground to respect the independence of these groups and allow them to travel without interference or attack.

The UN Security Council members, both collectively and individually, must demand that South Sudan's government grant unimpeded humanitarian access to all areas of Jonglei State. They should also make it clear to South Sudan's government that violations of the SOFA agreement will not be tolerated.

### ***UNMISS and the Protection of Civilians***

While displaced persons in Pibor County are desperately in need of humanitarian assistance, any move towards increasing aid provision must be accompanied by measures to protect civilians by both South Sudan's government and UNMISS. Aid workers have lamented that until civilians are better protected from the SPLA and other armed actors in the area, providing humanitarian assistance will be virtually impossible. Referring to the threat of violence associated with the SPLA looting, one humanitarian staff member told RI, "Giving [civilians] food or tents would be like putting a target on their head."

UNMISS's mandate is a complex mix of political development, institution building, and protection of civilians (PoC). While the mission has Chapter VII authorization to use force to protect civilians when lives are endangered, UNMISS peacekeepers in Jonglei have repeatedly failed to either prevent or respond to abuses against civilians, particularly those abuses committed by the SPLA. Many NGOs have criticized UNMISS for seeming to prioritize its tasks relating to the support of South Sudan's government over its PoC responsibilities.

At times, the manner in which the mandate is currently being implemented can seem contradictory. While the human rights division of UNMISS is charged with tracking and preventing human rights abuses (including those committed by government forces), the military elements of UNMISS are providing fuel and other support to the forces committing the abuses, a clear violation of the UN Human Rights Due Diligence Policy.

UN staff told RI that it is their understanding that the priority for the office of the Special Representative of the UN Secretary General in South Sudan (SRSG) is that UNMISS "support and assist" the South Sudanese authorities. Some argue that maintaining a close relationship with the government provides UNMISS with leverage over the SPLA to prevent greater abuses. But given that government forces are currently the main perpetrators of human rights violations in Jonglei, and that they are denying access to entire displaced populations in the area, it is clear that this strategy is not achieving its objective.

There is much more that the peacekeepers could be doing to protect civilians in Jonglei. UNMISS has a robust PoC mandate, which, if implemented fully, could be very successful in stemming abuses. This can only happen, however, if the UNMISS leadership decides to apply it.

The first step is for the SRSG to acknowledge that UNMISS's current approach to the SPLA is not working. The SRSG must, in conjunction with the Force Commander, make it clear to troop-contributing countries and the battalions on the ground that they must respond to protect civilians. Paragraph 3(b)(v) of Security Council resolution 1996 (2011), which sets out the UNMISS mandate, states that peacekeepers have the authority and responsibility to respond to threats against civilians. There can no longer be any excuse for inactivity when the lives of civilians are at stake – regardless of who is posing the threat.

## YIDA

Just north of South Sudan's border, conflict between the Sudan Armed Forces (SAF) and a separatist rebel group known as the Sudan People's Liberation Movement North (SPLM-N) has forced tens of thousands of people to flee their homes in South Kordofan State. Since 2011, more than 70,000 people have fled the state because of bombings by the SAF as well as food shortages. These people have sought shelter in South Sudan's Yida camp, located in Unity State. Unfortunately, the camp's close proximity to both the border and a military supply route has led to a large rebel presence within the camp, and this militarization has made Yida a target for attacks by the SAF. The resulting insecurity within the camp prompted South Sudan's government and the UN Refugee Agency (UNHCR) to begin relocating Yida's refugee population to a new camp, Ajuong Thok.

NGOs and Yida camp residents initially expressed some concerns about the security of Ajuong. Like Yida, Ajuong is only about 15 kilometers away from the border. Whereas the border area near Yida is controlled by the SPLM-N, the border close to Ajuong is controlled by the SAF – prompting fears that the new camp might become a target for attacks. However, Ajuong is far from the military supply route that creates most of the security challenges in Yida, so the risk of militarization is significantly lower and SAF attacks may be less likely. Additionally, new information suggests that the closest SAF position is in fact roughly 60 kilometers from the border.

Ultimately, the relocation to Ajuong is operationally necessary. The high levels of militarization in Yida and the sheer size of the camp make it insecure and create challenges for service provision. But while the move to Ajuong is needed, it is critical that partners work together to ensure that adequate services are in place for the new camp and the population still remaining in Yida, as well as for the host communities in both areas.

### ***Communication Between UNHCR and Implementing Partners***

Since it began in April of this year, the relocation to Ajuong has made very slow progress. The camp is designed to hold 20,000 people, but as of writing, only around 1,000 people had moved to Ajuong. NGOs report that UNHCR had been slow to release money to partners working in Ajuong, and as a result there was a delay in setting up basic services. Humanitarian workers RI spoke to in Yida said they were frustrated and felt they were being pressured to encourage people to relocate before adequate services were in place.

During the relocation to Ajuong, clear communication between UNHCR and its implementing partners is crucial. Unfortunately, the relocation has actually highlighted a lack of communication that is currently causing real problems in service delivery.

For example, when the relocation to Ajuong first began, there was serious confusion about which NGO would be providing primary health care. Although one experienced NGO began planning to establish operations at Ajuong, the contract was ultimately given to a different agency that was relatively unknown in South Sudan, without the other NGOs being notified until much later. NGOs in Ajuong told RI that they did not understand why this decision was made, particularly because it appears the selected partner was not prepared to implement the program. During the first two months the partner was in operation, it had no medicine, generators, or equipment.

The frustration and confusion surrounding the selection of health partners was not limited to this one incident, and has damaged the relationship between NGOs in Ajuong and UNHCR. Partners spent months requesting clarification as to which NGOs would be responsible for which services, but UNHCR was very slow in providing a response. Had better communication been in place during the early phases of the relocation, this problem could have been avoided.

There were similar communication issues between UNHCR and NGOs when it came to transferring malnourished children to Ajuong. Initially, NGOs in Yida were told by UNHCR that malnourished children would not be required to move and would be provided with assistance in Yida. That policy was then changed, but NGOs were not given details of the new policy or told which services were in place in Ajuong. RI was told about one child who was moderately malnourished and was transferred to Ajuong. Because no supplemental feeding program had yet been established at Ajuong, the child went from moderately malnourished to severely malnourished, a deterioration which threatened the life of the child. If information had been made available to NGOs about services at Ajuong, and if UNHCR had then consulted with NGOs to determine whether malnourished children should be relocated, then the health of this child could have significantly improved.

Unfortunately, these communication problems are not unique to the relocation to Ajuong – they exist in nearly all aspects of the refugee response in Unity State. UNHCR has withheld funds to such a degree that almost every NGO in Yida has repeatedly faced periods when it was unclear if they would have sufficient finances to continue operating. UNHCR has told RI and these NGOs that it has less money

for South Sudan this year and that the NGOs are failing to provide adequate financial reporting. However, RI's subsequent conversations with NGOs and donors did not support this claim. NGOs with whom RI spoke said they did submit their financial reports, and some donors in Juba told RI that the message they are receiving from UNHCR is that there is enough money to last for at least the next three months.

There is significant confusion about funding among all actors involved in the response in South Sudan, and it is difficult to pinpoint where exactly the problem originates. Donors, NGOs, and UN field offices with whom RI spoke said they did not understand why the funding has been so poor. It is clear that UNHCR in Juba needs to better communicate the availability of funds to its partners, and it should tell these partners directly if expectations regarding financial reporting or other elements are going unmet. If there are failures in reporting across the NGO community, as UNHCR has claimed, then it needs to examine this and consult with NGOs to determine why they have been unable to submit their reports.

The challenges in Yida and Ajuong are significant, but many of the current problems could be avoided through better communication. Tension and miscommunication between NGOs and UNHCR lead to breakdowns in funding – which, in turn, lead to weaker support for the refugee community, and UNHCR must work to prevent this outcome. The UNHCR Country Representative must take responsibility for addressing this communication breakdown, and should implement measures to improve coordination. This is particularly important regarding funding, and UNHCR needs to provide much greater clarity and specificity about the financial situation and ensure that all partners have the information they need to effectively structure their operations.

### ***Improved Funding for Child Protection in Ajuong***

The funding challenges experienced by NGOs operating in Yida also extend to Ajuong. Implementing partners working in Ajuong have found themselves without the funds necessary to be able to set up offices or provide even the most basic care. Two of the most significant areas where this funding shortfall has jeopardized programming are education and child protection.

Education has been used as a major incentive to encourage refugees to relocate to Ajuong. Because Yida is formally classified as a “transit site,” education is not supported within the camp. In refugee locations designated as transit

sites, only emergency, life-saving services are provided so as not to create a pull factor for people to settle there long term. While UN agencies and NGOs provide food and medicine in such places, education and livelihood support are typically left out.

The Nuban refugee population in Yida places significant value on education for its children. Of the families RI spoke to who had agreed to relocate to Ajuong, several cited the availability of education as their reason for moving. Unfortunately, between the time when the education implementing partner first discussed its budget with UNHCR and the time the budget was agreed upon, UNHCR cut the budget by 80 percent. The current budget allocation is less than 50 percent of what the implementing partner considers to be the bare minimum necessary to carry out basic services.

Because the same partner was also responsible for child protection, the budget cuts meant that in order to keep schools open (even without any books or furniture), the organization was forced to cut child protection altogether. When education is being used to draw families to the camp, and with an increasing number of families with young children deciding to relocate, UNHCR's decision not to provide adequate funding for education and child protection is a potentially dangerous and reckless move. Putting this partner in a position where it felt forced to cut child protection risks the safety of children in Ajuong, and it further damages the relationships with the NGOs on site by making them feel that the protection of refugees is not a priority.

As the relocation continues, protection must be UNHCR's top priority. Its first step should be to provide supplemental, dedicated funding for child protection programming in Ajuong in order to ensure the programming meets UNHCR's Minimum Standards of Child Protection in Humanitarian Action. The current partner reports that it needs a minimum of \$250,000 to be able to implement basic child protection programming. If UNHCR does not have the necessary resources, then UNHCR staff in Juba should communicate this to all donors on the ground – and internationally, if required – in order to ensure that the funding is provided.

### ***Yida Host Community***

In addition to the Yida and Ajuong refugee populations, there is a small but significant host community population around Yida camp, two-thirds of whom live within the borders of the camp itself. Currently, support for this host community is provided on an ad hoc basis when a need or gap becomes so significant that it can no longer be ignored.

There is no system for regularly assessing or addressing the needs of the host community members, meaning that dangerous conditions are allowed to continue for months without any action.

One of the most significant gaps recently was in water, sanitation, and hygiene (WASH). In February, an inter-agency assessment found that an estimated 95.7 percent of host community members reported open defecation as a result of a lack of access to latrines, or because existing latrines were unusable. Between February and RI's visit in late May, no action was taken to provide latrines for the host community. UNHCR has decided to use its funding solely for refugee response, so its WASH partner was not authorized to build latrines to fill the host community gap. In late May, Médecins Sans Frontières agreed to step in, and it now plans to build 50 latrines for the host community. However, this will cover only 50 percent of the needs as defined by the Sphere standards, and it should not be seen as the only solution.

The implications of this WASH gap are far-reaching. Not only does a lack of latrines impact the health of the host community, but it also affects the health of the refugees. In recent years, there have been more and more outbreaks of hepatitis E in Yida camp, a dangerous infection transmitted through fecal contamination of water. If host community members living within the borders of the camp defecate in the open, then the risk of a hepatitis E outbreak for both the host community and the refugees rises significantly – and even more so during the rainy season.

Separate from the specific issue of latrines, it is also important to consider the need to balance assistance and maintain good relations between refugees and the host community. While the situation for refugees in Yida is difficult, the conditions facing host community members are often much worse. Tensions are rising between the refugees and host community members, and it should be recognized that supporting host community members is not only important for health reasons, but also for the protection and safety of both groups.

In coordination with local authorities, the humanitarian community in Yida must develop a plan to regularly assess and address the needs of the host community. UNHCR should allocate a portion of the funding it receives for Yida to support the host community. If NGOs working with the host community do not receive funding to address the gaps they identify, then they need to be more proactive in seeking funding from other sources – or, at bare minimum, making the gaps known to other actors who have a better

capacity to respond (for example, NGOs with independent funding). Support for the host community should be a collective effort by the NGOs and UN agencies in Yida, and it must be a higher priority.

*Caelin Briggs assessed the humanitarian and security situation of refugees and internally displaced persons in South Sudan in May 2013.*