

IF WE LEAVE WE ARE KILLED



Lessons Learned from South Sudan Protection of Civilian Sites 2013–2016

International Organization for Migration South Sudan

 Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra



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View at the Bentiu Protection of Civilian (PoC) site in 2014 just after the last civil war erupted in December 2013, when population was much smaller. © UNMISS 2014 Photo: John McIlwaine

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Acronyms

| | |
|-------------|--|
| CMC | Camp Management Committee |
| CPA | Comprehensive Peace Agreement |
| CWG | Community Watch Group |
| DHC | Deputy Humanitarian Coordinator |
| DMS | Department of Mission Support |
| DPKO | UN Department of Peacekeeping Operations |
| DSRSG/RC/HC | Deputy Special Representative of the Secretary-General / Resident Coordinator / Humanitarian Coordinator |
| HCT | Humanitarian Country Team |
| HIPPO | UN High-Level Independent Panel on Peace Operations |
| ICRC | International Committee of the Red Cross |
| IDP | Internally displaced person |
| IMDRM | Informal Mitigation and Dispute Resolution Mechanism |
| INGO | International non-governmental organization |
| IOM | International Organization for Migration |
| JMEC | Joint Monitoring and Evaluation Commission |
| MSF | Médecins Sans Frontières |
| NCP | National Congress Party |
| NFI | Non-food Item |
| NGO | Non-governmental organization |
| OCHA | UN Office for the Coordination of Humanitarian Affairs |
| PoC | Protection of Civilians |
| PSC | Peace and Security Council |
| QRF | Quick Reaction Force |
| RRP | UNMISS Relief, Reintegration and Protection |
| SOFA | Status of Forces Agreement |
| SPLA | Sudan People's Liberation Army |
| SPLA-IO | Sudan People's Liberation Army-in Opposition |
| SPLM/A | Sudan People's Liberation Movement/Army |
| SPLM/A-IO | Sudan People's Liberation Movement/Army - in Opposition |
| SRSG | Special Representative of the Secretary-General |
| SSP | South Sudanese pound |
| TCC | Troop contributing country |
| TGoNU | Transitional Government of National Unity |
| UN | United Nations |
| UNHCR | UN High Commissioner for Refugees |
| UNMIS I | UN Mission in Sudan |
| UNMISS | UN Mission in the Republic of South Sudan |
| UNPOL | UN Police |
| USD | U.S. dollar |
| WASH | Water, sanitation and hygiene |
| WFP | UN World Food Programme |



IDPs arriving to the PoC sites are provided with temporary accommodation prior to being relocated to new shelters. In the Bentiu PoC site, a woman waits in a temporary shelter in the new arrivals area. © IOM 2015 Photo: Brendan Bannon

Foreword by Special Rapporteur on the Humanitarian Rights of Internally Displaced Persons

On 9 July 2011, South Sudan became the world's newest nation, invoking feelings of hope, pride and stability among Southern Sudanese who had suffered through decades of war, famine and hardship. Tragically, less than four years later, South Sudan is embroiled in another vicious civil war, internally displacing nearly 1.7 million people. Millions live under the constant threat of violence, with limited access to even the most basic services.

When I was appointed to my current position as Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs), only eight months prior to South Sudan's independence, I rejoiced with the world community in the great optimism for the people of this new country. Only two and half years later, I was angered and saddened by the renewal of warfare in South Sudan in December 2013. I had undertaken an official mission to South Sudan in November 2013, approximately a month before the outbreak of the armed conflict. I was struck by the absence of formal structures and systems for the protection of IDPs both on the part of the United Nations Mission in South Sudan (UNMISS) and the Government of South Sudan. I had urged that these be established as a matter of urgency but events took over in December 2013. I returned to South Sudan to undertake a working visit to address the situation of IDPs in the PoC sites in September 2015 and received positive responses from the leadership of the United Nations Mission in South Sudan (UNMISS), and the Protection Cluster.

As established by the 1998 Guiding Principles on Internal Displacement, the 2006 International Conference of the Great Lakes' Protocol, and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons, the primary duty to protect and provide assistance to IDPs rests with the national authorities. Consequently, the vast majority of IDPs in South Sudan today are seeking protection from the government itself, and yet its capacity to do so is severely constrained.

Therefore, I am enormously proud of the action taken by UNMISS for having opened their gates to protect civilians fleeing the violence with nowhere else to turn. More than 100,000 people sought protection at UNMISS compounds within the first six months of the conflict, and this figure doubled after the long "fighting season" in 2015. It is an unprecedented achievement, in so far as conditions allow, for a UN peacekeeping mission to provide protection for 200,000 people within their bases. Alongside the peacekeeping mission, UN and relief agencies have proved indispensable by providing life-saving humanitarian services at both UNMISS Protection of Civilian (PoC) sites and numerous IDP settlements throughout the country in which the majority of IDPs reside, including in host families and communities.

This report takes a critical look at the protection of civilians in South Sudan and presents lessons learned during the first two years of the conflict. The research brings to light challenges of the protection of civilians in a volatile environment through the voices of more than 100 interviewees from UNMISS, humanitarian agencies and, most importantly, the IDP community itself. My sincere hope is that this report leads to an open discussion among key actors, improving the response and protection offered to IDPs in UNMISS bases. Ultimately, the primary mandates of UNMISS and humanitarians are the same: the protection of civilians. It is critically important that both work together toward this common objective.

I am pleased to provide the foreword to this report and trust it will be of practical assistance to UNMISS and UN and non-governmental humanitarian actors. I am appreciative to the Government of Switzerland and the International Organization for Migration (IOM) for their support, and, especially, to Michael Arensen for writing this important report.

Dr Chaloka Beyani

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Executive Summary

Violence broke out in South Sudan in December 2013, forcing tens of thousands of internally displaced persons (IDPs) to seek protection at United Nations peacekeeping bases, leading to an unprecedented situation for both the UN Department of Peacekeeping Operations and humanitarian agencies. Due to the scale of violence of the crisis, the desperate and immediate needs in the newly termed protection of civilian (PoC) sites have been overwhelming and required considerable flexibility to save lives and mitigate the impacts of the conflict. The rapid onset of the crisis required the UN Mission in South Sudan (UNMISS) to respond to humanitarian needs at the start of the conflict while also requiring humanitarian actors to provide lifesaving services inside a military base—an unlikely combination.

Not surprisingly, this unique situation has led to considerable differences between stakeholders that function under very different systems and mandates. Significant challenges in the coordination of the response, both between humanitarian agencies and with UNMISS, and the need to define the differing roles and responsibilities have necessitated the establishment of guidelines and synchronized mechanisms to facilitate effective processes. Hosting IDP camps in UN bases has also generated a number of new challenges, including the enforcement of the rule of law by a body without an executive mandate and the formation of leadership structures to organize IDPs and mitigate violence.

The PoC sites have been a considerable achievement for UNMISS, which is protecting more than 200,000 IDPs on a daily basis. Despite the success of the PoC sites as a protection mechanism, much debate has arisen over their sustainability and the resources they demand from the mission. Recent studies have established that PoC sites in the conflict states continue to serve as a vital coping mechanism and the only locations where families affected by shocks from the ongoing war can find a consistent level of protection and services.

The slow implementation of the peace agreement will ensure the PoC sites remain necessary for years to come. Stakeholders need to improve coordination and establish shared multi-year plans for the continued existence of the PoC sites, as well as the eventual facilitation of safe and voluntary returns for IDPs.



UNMISS Protection of Civilian Sites (PoC Sites) General Situation Map

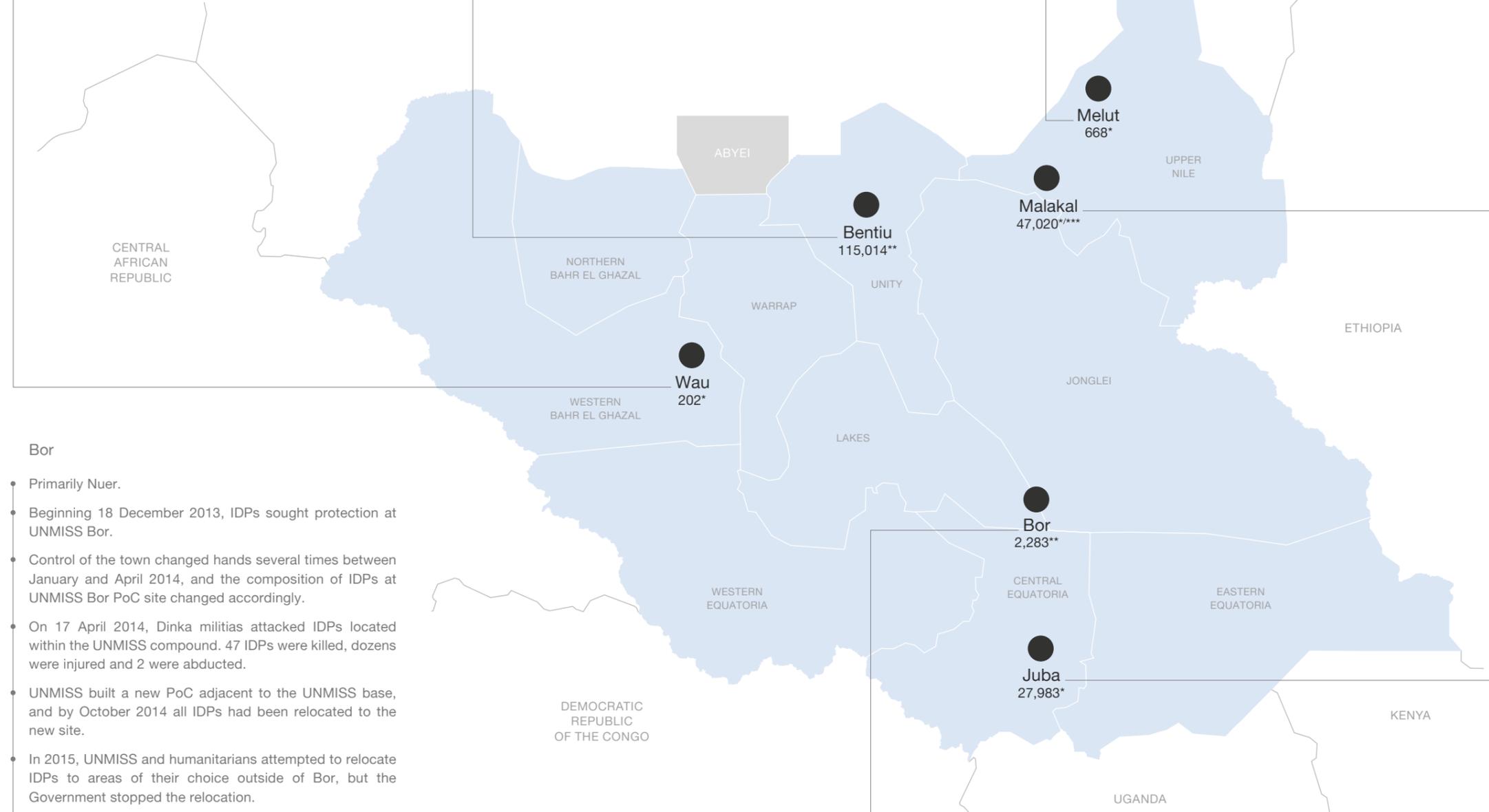
Total IDPs under protection: more than 240,000

- Wau**
- Primarily Nuer.
 - On 26 April 2014, IDPs sought protection at the UNMISS Wau compound, fleeing Sudan People's Liberation Army (SPLA) fighting.
 - In 2015 UNMISS and humanitarians attempted to relocate IDPs to areas of their choice outside of Wau, but the Government stopped the relocation.

- Bentiu**
- Primarily Nuer.
 - On 18 December 2013 civilians began entering the UNMISS Bentiu to escape fighting.
 - In early April 2014, opposition forces captured Bentiu town following intense fighting and grave human rights violations. Fearing reprisal attacks, the number of Nuer civilians entering the PoC site swelled to 40,000 within six weeks.
 - The 2014 rainy season came early and stayed long – June to October. IDPs remained at the PoC site in horrific conditions, many areas were flooded in up to a meter of standing water.
 - Humanitarian donors provided USD 18 million to renovate and expand the UNMISS Bentiu PoC site, and by July 2015 the work was largely completed.
 - The 2015 rainy season came late and was short, allowing more 'fighting time,' and resulted in a huge influx. The number of IDPs at the UNMISS Bentiu PoC site increased from 40,000 to over 115,000.

- Melut**
- Primarily Nuer.
 - Current population of 664 individuals.
 - On 24–27 December 2014, Nuer IDPs were brought by the County Commissioner from Melut town and Paloich as tension rose between Dinka and Nuer security forces. Nuer forces departed the area to join the IO, leaving behind the vulnerable to seek refugee within Melut POC. Personal intervention of the County Commissioner brokered the safe passage into the PoC for the Nuer.

- Malakal**
- The only mixed tribe PoC, with a population of Shilluk (80%), Nuer, Dinka and Darfuri IDPs.
 - On 24 December 2013, 20,000 IDPs entered the UNMISS base. Control of Malakal Town has changed hands a dozen times since the conflict began.
 - By July 2014, UNMISS and humanitarians had built a PoC adjacent to the UNMISS base. Nearly all IDPs were relocated immediately, however 3,500 Nuer IDPs remained within the base. They refused to move to the new PoC due to security reasons.
 - IDP population remained stable at 22,000 – from June 2014 until April 2015. In May 2015, the Shilluk Commander switched sides from Government to Opposition, and Shilluk civilians fled to the PoC to escape intense fighting.
 - Between May and August 2015, the IDP population increased from 22,000 to over 47,000, resulting in the site becoming dangerously congested and vulnerable to disease, fire and inter-ethnic fighting.
 - On 17/18 February 2016, armed militia entered UNMISS Malakal PoC. 19 IDPs were killed and 108 were injured. None of the Dinka or Darfuri shelters were destroyed, but all Nuer shelters were burned to the ground as well as a huge swathe of Shilluk shelters throughout the PoC. All Dinka and Darfuri IDPs departed to Malakal Town before and during the fighting. 30,000 Shilluk and Nuer IDPs fled the PoC area, to seek protection further within the UNMISS base. They now live in horrific conditions. Humanitarians are rebuilding the site.



- Bor**
- Primarily Nuer.
 - Beginning 18 December 2013, IDPs sought protection at UNMISS Bor.
 - Control of the town changed hands several times between January and April 2014, and the composition of IDPs at UNMISS Bor PoC site changed accordingly.
 - On 17 April 2014, Dinka militias attacked IDPs located within the UNMISS compound. 47 IDPs were killed, dozens were injured and 2 were abducted.
 - UNMISS built a new PoC adjacent to the UNMISS base, and by October 2014 all IDPs had been relocated to the new site.
 - In 2015, UNMISS and humanitarians attempted to relocate IDPs to areas of their choice outside of Bor, but the Government stopped the relocation.

- Juba**
- Primarily Nuer.
 - Starting 15 December 2013, IDPs sought protection at two UNMISS bases, UNMISS Tongping and UN House.
 - By December 2014, all IDPs at UNMISS Tongping had been relocated to a prepared site adjacent to UN House called PoC 3. As of January 2016, there were approximately 20,500 IDPs at PoC 3.
 - PoC 1 is located within the UN House base. This population poses a safety and security risk to UNMISS. As of January 2016, there were approximately 13,000 IDPs at PoC 1.
 - Figures for both PoC 1 and PoC 3 are estimates. The initial population came from Juba, but since April 2015, there have been new arrivals, primarily from the area formerly known as Unity State.

* IOM biometric registration
 ** IOM population count
 *** Malakal PoC biometric number includes approximately 4,000 IDPs that left Malakal PoC to Malakal Town after the clashes in the PoC on February 2016

Recommendations

For the past two years, UNMISS and humanitarian actors have worked side-by-side in a coordinated and mostly harmonious manner at the PoC sites in South Sudan. The lessons learned identified below should not detract from the overall positive engagement and interaction that takes place on a daily basis.

1. UNMISS and humanitarians act as if the PoC sites are temporary facilities, even though there is good reason to believe that some of those sites, in particular Malakal and Bentiu, will be in existence for several years. As such, there needs to be longer-term planning and funding for this likely eventuality. UNMISS and humanitarians must agree on minimum standards in providing a safe and secure environment for displaced persons.
2. UNMISS and humanitarians sometimes plan and act in isolation of one another, despite sharing the same core mandate: protection of civilians. Both sides should listen to one another, appreciate the separate (but linked) roles and responsibilities, and strive to maximize the complementarity in the different approaches to providing protection of civilians.
3. UNMISS and humanitarians attempt to do more than what can be achieved. Objectives should be established and prioritized based upon what is realistic.
4. UNMISS and humanitarian actors often respond without a good analysis of the situation. They should increase their institutional knowledge of the history, culture and context of South Sudan in order to improve programming and, especially, account for the principle of “do no harm.”
5. UNMISS and humanitarian actors should prioritize the practical implementation of policy, research and analysis rather than just its creation. These are only beneficial if applied and should be a means to improving the response and carrying out reforms, rather than the end itself.
6. Humanitarian actors, including humanitarian donors, have focused almost exclusively on emergency response activities over the past two years. Emergency relief activities are commendable—they save lives—but they do not result in enduring achievements that will benefit the people in the long term. All humanitarians need to move to longer-term funding cycles that incorporate resilience building.
7. Humanitarians are reliant upon UNMISS for logistics and Force Protection escorts; the demand often being beyond the capacity of UNMISS with the given resource constraints. Humanitarians must become more independent and less risk averse.
8. Since early 2014, there have been several, often overlapping, initiatives aimed at the relocation of displaced persons out of the protection of civilians areas with limited success. UNMISS and humanitarians need to be realistic and pragmatic while engaging IDPs constructively to find solutions to their protracted displacement.

Methodology

Qualitative and empirical research methodologies were employed in the data collection process. The researcher carried out over 100 interviews, including semi-structured interviews, focus group discussions and key informant interviews. Respondents included UNMISS, UN and international non-governmental organization (INGO) personnel, as well as IDPs in the Bentiu, Bor, Juba and Malakal PoC sites between October and December 2015. Interviews were also conducted with former UNMISS senior staff members in Norway at the start of January 2016. Throughout the research period (October 2015–January 2016), interviews were carried out with former UNMISS and humanitarian staff who are currently outside of the country.

The author attempted to interview as many interlocutors as possible, but the constraint of time created limitations. It must be stated clearly that humanitarians are not a homogenous group. Indeed, even single institutions such as UNMISS have many varied experiences and opinions among its staff. Few people were willing to speak freely on record and so most references are anonymous. Importantly, references to “humanitarians” or “UNMISS” are not representative of every humanitarian organization or every staff member, and it is expected readers might strongly disagree with some of the sentiments. It is hoped, though, that the opinions and experiences from dozens of key informants across the major stakeholders adequately embody the many challenges and situations. However, any misrepresentations or inaccuracies are the author’s alone. Many thanks are needed to all those who were willing to share their experiences and understandings of the issues.

Objective

The primary aim of the paper is to provide an impartial and independent overview of the major PoC sites in South Sudan in order to improve understanding between UNMISS, UN agencies and humanitarians working in the PoC sites as well as the donors supporting those actors. Importantly, this is not a comprehensive study of every facet of the PoC sites. Over the past two years, various research institutes have looked into a number of PoC dynamics in greater depth, including the UNMISS PoC mandate, the perception of the PoC sites by the IDPs and rule of law. The focus of this report is on the practical implications of the PoC sites for the many stakeholders involved.

¹ L. Hovil, *Protecting some of the people some of the time* (International Refugee Rights Initiative, 2015); L. Sharland, and A. Gorur, *December 2015. Revising the UN Peacekeeping Mandate in South Sudan: Maintaining Focus on the Protection of Civilians*. (The Stimson Center and the Australian Strategic Policy Institute, December 2015); F. McCrone *Justice Displaced: field notes on criminality and insecurity in South Sudan’s UN Protection of Civilian Sites* (working paper/unpublished) (Justice Africa, 2015).

Background

Since Sudan's independence in 1956, Southern Sudanese have suffered from three devastating civil wars and widespread political and local violence.² The third civil war of December 2013 broke out less than three years after the country gained independence from Sudan in July 2011 and less than nine years after the signing of the Comprehensive Peace Agreement (CPA) in January 2005, which ended the second civil war between the Sudan People's Liberation Movement/Army (SPLM/A) and the Sudanese government (National Congress Party or NCP). Even in the intervening peace years, low-level interethnic conflicts and political insurgencies continued in many rural areas of South Sudan, resulting in thousands of deaths, abductions and loss of livelihoods.

Political divides within the SPLM leadership prompted the outbreak of violence in the military barracks in Juba on 15 December 2013. The violence quickly escalated with the ethno-political targeting by government security forces in Juba of Nuer peoples, the ethnic group of the former vice president and current commander of the opposition, Riek Machar.³ In consequence, tens of thousands of civilians fled to the two UNMISS bases in Juba for protection, prompting the creation of the PoC sites. When violence reached the state capitals of Bor, Bentiu and Malakal, civilians, government officials, and even military personnel fled to the UNMISS bases in these capitals for protection.

On 18 December, Riek Machar announced he was heading a new rebel movement, the SPLM/A-in-Opposition or SPLM/A-IO, against President Salva Kiir, from the Dinka ethnic group, and his government. On the same day, Peter Gadet, the SPLA 8th Division commander, defected and overtook a military base in Bor, the capital of Jonglei State. Following his capture of the town, a large number of Dinka civilians were forced to flee and seek refuge in the UNMISS base. The following day, on 19 December, in retaliation for the killings of Nuer civilians in Juba, Nuer youth attacked the UNMISS base in Akobo County, Jonglei, and killed at least 20 Dinka civilians and military personnel who had fled there for protection.⁴

The conflict quickly spread to other parts of the country, commonly starting between soldiers in the military barracks and along ethnic lines. On 19 December, violence broke out in the SPLA 4th Division headquarters in Rubkona in Bentiu, the capital of Unity State. By 21 December, the Governor of Unity State, Joseph Monytil, had retreated and the opposition fighters declared themselves in control of the city. Meanwhile, in Malakal, the state headquarters of Upper Nile, units loyal to the opposition took the city on 24 December, driving thousands of people, including the Governor of Upper Nile State, to the UNMISS camp for safety. The same day, the government retook Bor, and thousands of Dinka civilians subsequently left the PoC site.

Over the following month, the three state capitals in Greater Upper Nile –which comprises Unity, Upper Nile, and Jonglei states– changed hands multiple times as both warring parties struggled to consolidate their control of the cities. When the cities changed hands, the ethnic makeup of the displaced persons seeking protection in the UNMISS bases would also change. Individuals with sufficient means and/or connections went to Juba or neighbouring countries. The remaining IDPs had the choice of either staying in the PoC site or walking long distances to areas perceived as more stable within South Sudan or across international borders to neighbouring countries, including Ethiopia, Kenya, Sudan and Uganda.

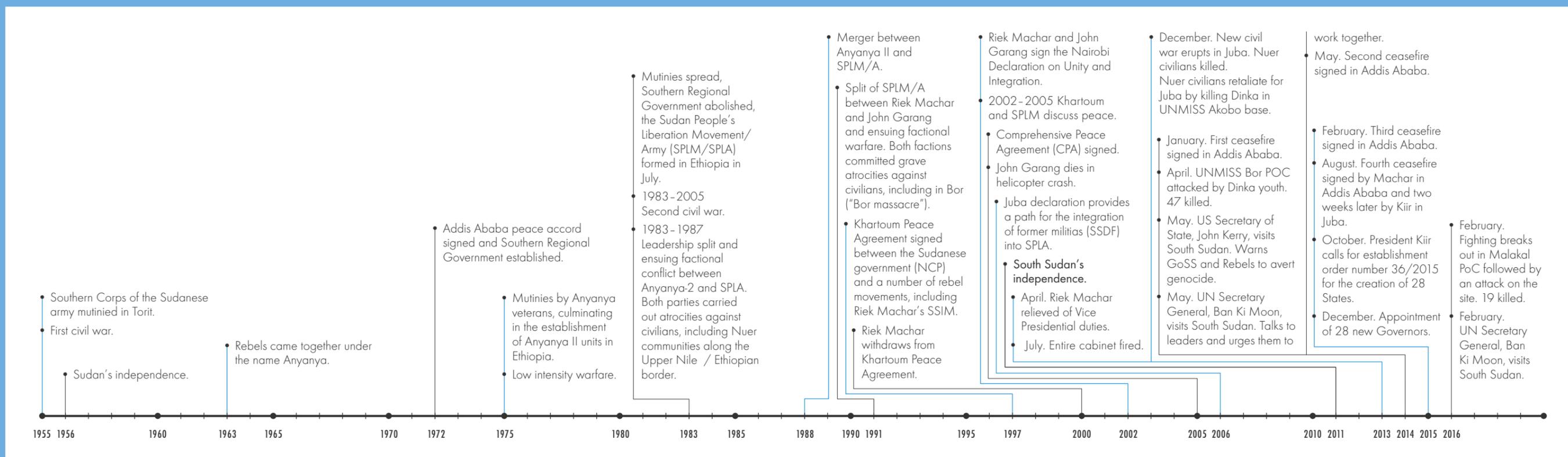
Since the 2013 conflict broke out, tens of thousands of people have been killed. As has been the case during decades of warfare in South Sudan, political violence is primarily directed at civilians perceived to be sympathizers of the opposing side. Both parties to the conflict have been accused of carrying out gross human rights violations, including summary executions, abductions, torture and rape of civilians.⁵ A recent UN report accuses the government of having “adopted scorched-earth tactics,

burning entire villages, killing their inhabitants, destroying crops and looting livestock.”⁶ The targeting of civilians has led to major displacement, forcing at least 2.3 million people to flee their homes. Even prior to the outbreak of the third civil war, large parts of the country were food insecure and in need of support. As of September 2015, a third of the population in South Sudan was encountering severe food insecurity.⁷

A peace agreement signed by both parties in August 2015 has made intermittent progress, but continues to face significant setbacks. Southern Unity continues to be severely affected by armed violence and the persecution of civilians perceived to be loyal to the rebel forces. Meanwhile, new areas of conflict have erupted in historically stable parts of the country, such as Western Equatoria and Western Bahr el Ghazal states. The unilateral decision to create 28 states by President Kiir has been rejected by the SPLA-IO, who insists that the decision is interfering with the peace agreement. Analysts and observers fear the peace agreement could fall apart entirely.⁸ It is within this context that the stability of the PoC sites continues to be of great importance.

² First civil war: 1955–1972, Second civil war: 1983–2005; and the Third civil war: 2013 – (?). Although the first civil war, according to the official discourse, began in 1955 with the Torit Mutiny, Anyanya I did not emerge until 1963, bringing the country into full-scale civil war. The second civil war began in 1983 with the Bor Mutiny, however, the Anyanya II rebellions started several years earlier. See: D. Johnson *The Root Causes of Sudan's Civil Wars* (Oxford, James Currey, 2003).
³ Human Rights Watch (HRW), *South Sudan's New War: Abuses by Government and Opposition Forces* (2014); International Crisis Group, *South Sudan: A Civil War by Any Other Name*, Africa Report N°21 (Brussels 2014).

⁴ UNMISS Issues Preliminary Account of Akobo Base Attack, 20 December 2013.
⁵ HRW, 2014; International Crisis Group, 2014.
⁶ N. Cumming-Bruce, “U.N. Finds South Sudan Increasingly in Turmoil,” *New York Times*, 21 January 2016.
⁷ “Call for immediate humanitarian action to prevent famine in South Sudan,” IPC Alert, Issue 3, p. 22, October 2015, Juba.
⁸ A. Sperber, “South Sudan's Next Civil War is Starting,” *Foreign Policy* online, 22 January 2016.



History of Civilians Fleeing to UNMISS Bases

The term “PoC sites,” or protection of civilian sites, came into use after December 2013 to describe IDPs residing in UNMISS peacekeeping bases for protection, but precedent for this situation already existed within South Sudan. According to former UNMISS staff Damien Lilly, “between October 2012 and November 2013, more than 12,000 civilians sought protection at UNMISS bases [in various parts of the country] on 12 separate occasions.”⁹ While these cases were only temporary, both UNMISS and humanitarian actors had previous experience with IDPs seeking safety in UN military bases. Prior to the eruption of the recent civil war, the most frequent site employed as a temporary civilian protection base was the UNMISS base in Pibor, where civilians sought refuge six times between 2012 and 2013 due to an armed insurgency in Jonglei (ibid.). Meanwhile, in Wau, the state capital of Western Bahr al Ghazal, as many as 5,000 civilians fled to the UNMISS base from 19–21 December 2012 after protesters from the Belanda ethnic group were shot and killed in the town (ibid.).

The humanitarian response in all these cases was either non-existent or extremely limited due to the rapid unfolding of events and an insufficient implementation timeframe. In Wau, high energy biscuits were distributed and basic sanitation provided in the form of latrines. Dealing with the continual inflow of IDPs in Pibor, UNMISS created a space adjacent to the base for civilians seeking protection. However, since this was outside the military perimeter of

the UNMISS base, civilians generally did not feel protected. Consequently, many sought ways to leave Pibor town altogether and only a small group continued to go to UNMISS for safety.¹⁰

These experiences led to concerns and discussions between UNMISS and humanitarians regarding the preparedness of UNMISS to respond to short-term humanitarian needs on its bases and the willingness of humanitarian actors to step in and assume responsibility for providing the basic needs of these IDPs. Following the Wau incident, UNMISS released guidelines on 30 April 2013 for “Civilians seeking protection at UNMISS bases” after months of discussions with humanitarian actors.¹¹ The guidelines stated that UNMISS would provide for basic needs for a limited amount of time, “preferably not more than 72 hours,” whereupon humanitarian actors would then take over the responsibility of humanitarian needs (ibid., p. 6). The guidelines also recommended that all UNMISS bases should develop contingency plans identifying an area where civilians could be received and provided with physical security, procedures for arriving civilians and the “identification of potential minimal relief assistance” (ibid., p. 6). Importantly, the contingency plans were expected to include “proposals for an alternative longer-term solution for protecting the civilians away from the UNMISS bases, in the event that a crisis persists for more than a few days” (ibid., p. 6).

The Humanitarian Country Team (HCT)¹² and UNMISS jointly developed “Guidelines for the Coordination between Humanitarian Actors and the United Nations Mission in South Sudan,” endorsed by the HCT on 6 December 2013, only nine days prior to the outbreak of the conflict in Juba. This document indicates that “strategic coordination between the humanitarian community and UNMISS should be assured by the existence of a triple-hatted DSRSG/RC/HC,”¹³ and that “humanitarian actors are not tasked by UNMISS, and vice versa” (ibid., pp. 3–4). The guidelines also acknowledge that “coordination between humanitarian actors and UNMISS on protection of civilians (PoC) issues is essential to assure the timely two-way information exchange and early warning, consultative analysis, prioritization of geographical and thematic issues, and distinction of activities, taking into account different organisational approaches and mandates” (ibid., p. 6).

Despite these guidelines, no one was prepared for the events of December 2013. Some staff were unaware of the existing UNMISS guidelines, while others felt that they only addressed the initial 72 hours and, therefore, were not applicable once that deadline passed. Many of the tensions surrounding the PoC sites that would arise were alluded to in the UNMISS guidelines, even if further guidance was needed. In many areas, the theory did not translate to practice. The

contingency plans required for each UNMISS base either did not exist or were not applied when IDPs arrived at some bases, such as Malakal (Interview 50). Moreover, existing plans had not calculated for the arrival of more than 500 IDPs and were put to serious test when tens of thousands of people arrived at many of the UNMISS bases.

No bases seemed to have existing proposals for alternatives solutions if the crisis lasted longer than three days. Only seven days before fighting broke out the HCT had endorsed guidelines stating “In the first instance, humanitarian work should be performed by humanitarian organizations. Insofar as military organizations have a role to play in supporting humanitarian work, it should be primarily focused on helping to create a safe and secure environment to enable humanitarian action and the protection of civilians.”¹⁴

The crisis prompted many humanitarian agencies to evacuate staff, leaving UNMISS largely responsible for humanitarian needs in many locations. How can this diffusion of responsibility be explained? The next section examines the immediate reaction among the international community upon the outbreak of violence in Juba and how the crisis led to the situation of a military, not humanitarian, actor distributing food to IDPs.

⁹ D. Lilly, “Protection of civilian sites: a new type of displacement settlement?” Humanitarian Exchange No. 62, pp. 31-33 (9 September 2014).

¹⁰ Interview with civilians in Pibor, 2013.

¹¹ United Nations Mission in South Sudan (UNMISS). *Guidelines: Civilians seeking protection at UNMISS bases*. Approved by Ms Hilde Johnson, Special Representative of the Secretary-General (SRSG). Review date: 30 April 2013. Effective date: 30 April 2013.

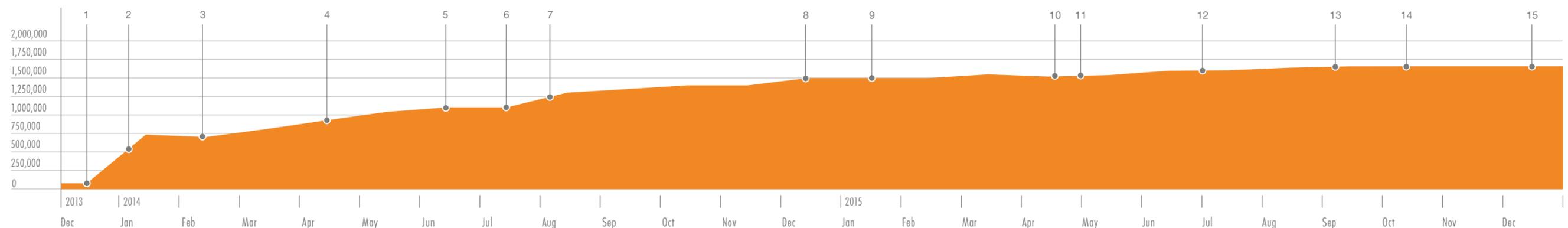
¹² A consultative and decision-making humanitarian body, comprising of UN agencies, NGOs, and other humanitarian stakeholders in South Sudan.

¹³ The triple hat, or three different roles in one, are the Deputy Special Representative of the Secretary General, Resident Coordinator, and Humanitarian Coordinator.

¹⁴ UN Humanitarian Country Team, “Guidelines for the Coordination between Humanitarian Actors and the United Nations Mission in South Sudan”. 9 December 2013 (Juba, UNHCT, 2013).

Timeline: IDPs in South Sudan

1. Conflict erupts in Juba. 10,000 killed. War spreads quickly throughout South Sudan.
2. 30,000 IDPs enter UN PoCs1 in Juba.
3. IDPs flee to UN bases Bor: 20,000 Malakal: 26,000 Bentiu: 8,000
4. April 2014: Heavy fighting in Unity State, including Bentiu. IDP population at Bentiu PoC increases to 43,000 by June.
5. June 2014–January 2015: IDP population at UN bases remains consistent, around 95,000 to 105,000
6. July 2014: UN declares South Sudan worst food security situation in the world.
7. 6 August 2014: Aid workers killed in Maban.
8. December 2014: 1.4 million IDPs across South Sudan 488,300 have fled to neighbouring countries.
9. 2.5 million are severely food insecure.
10. 18 April 2015: Humanitarian assistance in parts of Upper Nile State suspended due to killing of WFP staff.
11. May–September 2015: Intense fighting parts of Unity & Upper Nile. Aid halted in some areas.
12. July–September 2015: Malakal IDP population increases from 30,400 to 45,500
13. 3.9 million are severely food insecure. 30,000 in Unity facing catastrophe level food insecurity (IPC 5)
14. October 2015: Fighting resumes in central & southern Unity Conflict in
15. December 2015: 1.66 million IDPs 208,500 IDPs at UN PoCsites 646,000 refugees in neighbouring countries.



Beginning of the Crisis

Evacuation

The crisis began on 15 December 2013, and it could not have happened at a worse time of the calendar year in terms of the capability of both UNMISS and the humanitarian community to respond. Historically, the second half of December in South Sudan is quiet due to the holiday season, meaning that UN agencies, INGOs and UNMISS were all functioning on reduced staffing levels when the crisis occurred (Interviews 54, 91). The intensity of the conflict within Juba itself prompted most INGOs and UN agencies to evacuate all non-essential international staff when the airport opened on 18 December. Many organizations working in South Sudan were development based and did not have the capacity or security protocols in place to respond to a quick-onset emergency, while, at the same time, many established relief agencies were completely unprepared (Interview 91). While tens of thousands of IDPs were fleeing to UNMISS bases for protection, humanitarians were evacuating staff, and it took months for humanitarian agencies to become fully operational again. The evacuation left a negative impact on the capacity of the emergency response.

Opening the Gates

Many respondents who were involved in the immediate response described the first few weeks of the crisis as chaotic. On 16 December, IDPs were rushing to the UNMISS base in Juba's Tongping neighbourhood, and, rather than let the gates be broken, soldiers opened the gates even before the order from former Special Representative of the Secretary-General (SRSG) Hilde Johnson was released (Interview 85). In an interview with the author, the Deputy Special Representative of the Secretary-General / Resident Coordinator / Humanitarian Coordinator (DSRSG/RC/HC) at the time, Toby Lanzer, stated "first of all, there was no alternative in at least two ways. We never "opened the gates," it was an attitude that if there are people under threat, under stress, jumping over the fence, which was what the vast majority were doing, we will welcome them and we will protect them. So opening the gates was an attitude that we would assume our responsibilities to protect civilians." (5 January 2016). After the gates opened, thousands of IDPs were living in the PoC site, with little control or organization and hugely outnumbering UNMISS staff members. Mission leadership was particularly concerned about the security of their staff. In some locations, the large numbers of IDPs paralysed the leadership and IDPs were sleeping anywhere they could (Interviews 42, 50).

UNMISS should be commended for the response and risks many staff took. As stated in a briefing by the UN Secretary-General on South Sudan in May 2015, "The United Nations policy of opening our gates as an emergency option to protect innocent civilians is correct, unprecedented and not without considerable risk - to United Nations staff, to our relations with communities and to those we are trying to shelter [...] I am proud of the actions of our United Nations peacekeepers and civilian staff. Their quick response and courage has saved tens of thousands of lives."¹⁵

While UNMISS was overwhelmed by the influx, the mission expected that the conflict would have a short duration. Former SRSG Johnson explained that, at the time, "we weren't thinking five days, but maybe a week, maybe two, maybe three weeks was the assessment we had because that was the situation we were in" (15 January 2016). UNMISS staff explained that contingency plans in place for this type of scenario were calculated for 500 IDPs, not over 10,000 (Interviews 17, 54). Both SRSG Johnson and DSRSG/RC/HC Lanzer, in separate interviews, explained that after reports of the violence within Juba began to come in, they knew that the crisis would not be settled very quickly.

Overextended and unprepared, UNMISS started with the immediate need to organize the IDPs, provide services and reduce the risk of diseases and/or insecurity in locations completely overwhelmed by the large number of arrivals. According to former SRSG Johnson, "the decision was made by security to select areas in the bases and try to fence them so that we could protect UN staff and assets" (15 January 2015). After finding a place, i.e. the PoC site, to put the IDPs, the immediate needs of tens of thousands of civilians became the priority. The decision to "open the gates" saved the lives of thousands in late December 2013 and was clearly made as a humanitarian gesture in unstable times.

Response

Humanitarian surge teams were dispatched by a few organizations with the capacity to do so, but according to former DSRSG/RC/HC Lanzer, "the speed and the scale of what happened far exceeded the ability of [an NGO or] a group of NGOs and a group of UN agencies to handle the situation" (5 January 2016). In the state capitals of Bor, Bentiu and Malakal, almost all humanitarian staff were evacuated and UNMISS reduced civilian staff numbers in order to reduce security risks. This left only a few staff to respond to the massive influx of people in many parts of the country. Pre-positioned humanitarian supplies were looted around the country and millions of dollars in medicines, food and school supplies were lost, along with months of planning (Interviews 91, 93). When the needs were increasing the capacity of those on the ground was being reduced as a security measure.

The response varied greatly at each PoC site, depending on number and quality of staffing and the number of IDP arrivals. Although Bentiu eventually became the largest of the PoC sites, it initially hosted only a small number of IDPs, who were placed in an area cordoned-off from the rest of the base. UNMISS in Malakal were quickly overwhelmed and IDPs initially settled wherever they could find space and were not separated from UNMISS staff or assets. In the initial aftermath of the crisis, almost all of the humanitarian capacity was located in Juba. Access to PoC sites was largely limited to UNMISS helicopter transport as airports were contested by the warring parties. As the conflict spread to other locations within the next couple of weeks, the intensity of the violence in the state capitals paralysed the capacity of any major humanitarian response.

¹⁵ UN Secretary General, *Secretary-General's Briefing to the Security Council on South Sudan*, 12 May 2015 (Geneva, UN, 2015).

*Going to the clinic to get it checked is pointless
She will have to go out to collect firewood the next day
and there is no time for it to heal.*



Luua and Eliza

Malakal PoC Site

30–40 years old, Nuer

Luua's husband was killed in an attack on Malakal near the beginning of the conflict. After the attack, her family fled to the church in Malakal town and stayed there for a month, hoping the situation would improve. When a new attack was imminent, church leaders told the people that they should move to the UNMISS base as they could not guarantee their safety. Most of the people, including Luua, went to the base, but she had to leave her disabled sister Eliza behind.

When fighters for SPLA-IO took over Malakal in March 2014, they came to the church and demanded money for those staying there to be escorted to the UNMISS base. People paid the money, but after they came out of the church they were killed. Fewer than 30 people, mostly old and disabled, were left alive, including Eliza. One healthy man was left alive to take care of them. After three days, UNMISS peacekeepers came to the church and took them to the PoC site. The sisters now live in the PoC site with eight children to take care of between them.

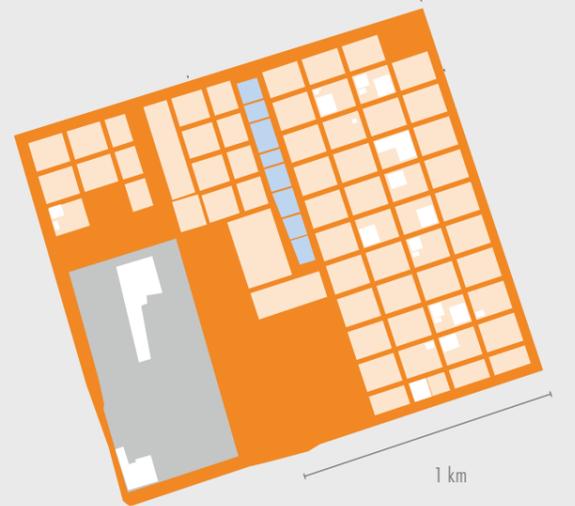
In addition to the relief support they receive, their primary income comes from selling firewood and local brooms for 2 SSP each. The day before the interview, Luua spent six hours collecting firewood and cut open her foot. She says going to the clinic to get it checked is pointless since she will have to go out to collect firewood the next day and there is no time for it to heal. To reduce the risk of rape or abduction, the women travel in groups of 20 or more as they fear being found in small groups. If they travel to Malakal town, they are at the most risk, even if they are in a group. They fear that if a couple soldiers find them they will be forced to lie down and one of them will be taken away to be raped. She has heard stories of this from other women in the camp, as well as friends she knows.

Luua and Eliza hope to return to Malakal town after there is peace as that is where Luua's children were born and so where her home is. They would like to continue to do work like they did before the conflict when they sold sand that they had cleared and dried as part of an NGO income-generating project.

Case Study of Bentiu PoC Site

As UNMISS staff in Bentiu watched the events unfolding in other locations in December 2013, they advocated to pre-position food and supplies in their base in the event of conflict—a request denied at the time as humanitarians did not want to risk being associated with a military actor (Interview 56). When the fighting broke out in nearby Rubkona on 19 December, IDPs began to arrive and were searched and registered at the gates. Fortunately, UNMISS Bentiu had a plot of land that they had already flattened for their own purposes, and UNMISS turned it into a PoC site. Razor wire was put around the site and the Mongolian Battalion brought water tanks to the location. Foreign nationals in Bentiu had been told to go to the United Nations World Food Programme (WFP) compound in town when fighting broke out in Rubkona, so UNMISS collected them and brought them to the base. The foreign nationals were placed in a warehouse area separate from the South Sudanese IDPs.

When looting of the food warehouses in town began, UNMISS rescued approximately 800 metric tonnes of food commodities from the WFP warehouse in Bentiu town (ibid.). Latrines were built as a temporary measure. The low capacity of the humanitarians in country and the expanding conflict and needs elsewhere meant that the first humanitarian assessment in Bentiu came almost 20 days after the influx of IDPs to the base, UNMISS staff claim it was not until March that humanitarian agencies fully took over the response (ibid.). At the start, UNMISS and five UN agency staff members, who had not been evacuated, coordinated the humanitarian response alone.



■ PoC Site ■ UNMISS Base ■ Humanitarian Services Area ■ Pond / Basin



Bentiu PoC site satellite view, February 2015 / Population: 52,500+ IDPs.



Bentiu PoC site satellite view, April 2015 / Population: 74,600+ IDPs.



Bentiu PoC site satellite view, August 2015 / Population: 103,000+ IDPs.



Aerial view of Bentiu PoC site, February 2016. © IOM 2016 Photo: Muse Mohammed

Timeline: Bentiu PoC Site Population Trend

1. PoC site population spikes from 7,000 to 40,000 in the month following a brutal Opposition offensive on 15 April marked by wide-spread human rights violations. In revenge, on 17 April, 'Dinka youth' attack the UNMISS Bor PoC site, killing 48 IDPs.
2. IDPs endure terrible living conditions throughout the April to October rainy season. Population of Bentiu PoC site remains stable from April 2014 to April 2015.
3. IOM begins massive renovation and expansion of PoC site on 24 January. Works largely completed by August.
4. From April to December, humanitarian assistance to central Unity State largely stopped due to heavy fighting. Bentiu PoC site population climbs from 76,000 to 130,000, with many under-5s arriving with severe malnutrition. Unprecedented malaria tops morbidity and mortality statistics.
5. On 29 May, an HCT monitoring trip was forced to evacuate immediately after arrival at Leer airport as government troops took back the town. The HCT witnessed grave human rights violations.
6. Relief agencies launch "survival kits" operation as SPLA offensive forces IDPs into remote areas without assistance.
7. October UN report states 40,000 people could be facing catastrophic food insecurity in southern Unity State. After further assessment/data collection, December UN report states 'greater than double' emergency level nutrition statistics, with under-5s at greatest risk. Mortality data not available, but famine declaration is inevitable if food/nutrition is not delivered immediately.
8. On 3 November UNMISS set-up a Temporary Operating Base in Leer Town. One month later, humanitarian partners start coming back to Leer County.



Coordination

Issues of “humanitarian space” immediately arose as the traditional distinction between military and humanitarian identities became blurred. Relief agencies were reluctant to be associated with armed actors by providing humanitarian assistance on a military compound. Despite reservations, the dire needs of the IDPs compelled humanitarian organizations to be flexible and offer services. Within weeks, INGOs were providing services in UNMISS bases—a notion anathema to the identity of organizations like Médecins Sans Frontières (MSF) and the International Committee of the Red Cross (ICRC) that strictly guard their independence and neutrality, especially in conflict environments. The majority of UNMISS staff had no humanitarian experience, and the initial coordination was at times antagonistic, according to both UNMISS and humanitarian staff (Interviews 5, 50, 69, 89, 91).

UNMISS was overwhelmed by the large number of people living in their bases and anticipated that better alternatives would be found to enable the IDPs to leave. Humanitarians were, as per their mandate, establishing services in the sites. In contrast, many in UNMISS believed hosting IDPs in their bases was directly infringing on the mission’s ability to carry out its mandate outside the PoC sites. These opposing perceptions would continue to define UNMISS–humanitarian relations, but in the first few months the overwhelming and acute needs pushed many of these initial concerns to the side as both the mission and humanitarians focused on the response.

The main tension appeared between UNMISS and the humanitarians over control and responsibilities. International Sphere¹⁶ standards were largely disregarded due to either the lack of space or ignorance of humanitarian standards by UNMISS actors (Interviews 11, 21). Final decision-making on the bases rested with UNMISS leadership, which ultimately felt legally responsible for activities on its bases. UNMISS made decisions even for humanitarian activities, with which they had little-to-no experience. According to several humanitarian workers interviewed by the author, there was a perceived underlying threat that failure to comply with the mission leadership could result in their removal from the base (Interviews 79, 89). Attempts to centralize the coordination via the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the UNMISS Relief, Reintegration and Protection (RRP) section led to additional layers of approvals, and decisions frequently depended on personal relationships to bypass the process and speed up procedures (Interviews 50, 89, 99).

According to perspectives of humanitarian actors, the hierarchical military structure and bureaucratic systems of UNMISS hindered timely decision-making on humanitarian issues. One former camp manager claimed the extensive

levels of approvals within the mission were “driving them crazy” (Interview 47). To hasten the processes, humanitarians circumvented official channels. RRP, the official section of UNMISS responsible for coordination with humanitarians, was left frustrated as it had no ability to ensure that correct procedures had been followed and was unable to follow up. UNMISS would also work directly with NGOs rather than through the humanitarian-led camp management, and both RRP and camp managers felt they were being undermined (Interview 79). There was a lack of understanding among most individuals about how the “other” system functioned, which inevitably increasing frustrations and inefficiency.

According to many respondents, decisions from UNMISS were often muddled, slow, required high-level approval or even demanded permission from various troop contributing country (TCC) capitals. According to the triple-hatted DSRSG/RC/HC Lanzer regarding the connection between the military and humanitarians, “my biggest frustration, perhaps, was that there really is such a horizontal situation in the following way. You’ve got a lot of different institutions, each which is arguably as equal as the other, and there is very difficult command and control in an environment where actually police officers or even civilian peacekeeping staff would be expecting command and control. For example, we could not tell an NGO you have to go do this, and an NGO could not tell a police officer, you have to go do this” (5 January 2016).

Those interviewed expressed a widespread consensus that, as the focal point for coordination between the stakeholders, Lanzer’s role and his leadership were vital to the response (Interviews 5, 10, 32, 48, 49, 50). The overwhelming needs and the completely new experience of organizing a humanitarian response within a military framework meant that even small decisions often demanded his involvement. The triple hat also left him in a difficult position when agendas between the military and humanitarians clashed. The amount of work resulted in a call for a new position of Deputy Humanitarian Coordinator (DHC), which became a full-time position more than a year into the crisis. According to Lanzer, the UNMISS section of RRP, working under his office of the DSRSG/RC/HC, became paramount in the response as the mediator between the humanitarians and the mission.¹⁷ Current DSRSG/RC/HC Eugene Owusu explained that having the triple role leads to opportunities to finding collective solutions through the leveraging of resources (23 February 2016). The position has been extremely relevant in the context of the PoC sites and vital to solving issues between the many stakeholders.

¹⁷ The UNMISS section of RRP has changed its role and title a number of times throughout the years. According to staff initially it was Returns, Recovery and Reintegration (RRR), then RRP and finally Reintegration, Recovery and Peacebuilding, before finally taking on its current title in July 2014.

Frustrations

A major challenge expressed by many humanitarians during interviews was the perception that they were regarded as purely advisors by some in the mission and technical decisions were often overruled by those with little humanitarian experience, further delaying the response (Interviews 7, 91). In one frequently quoted example, a decision made by the Water, Sanitation and Hygiene (WASH) Cluster¹⁸ coordinator and the head of RRP about where to build latrines in the Tongping PoC site was refused by the Rwandan Battalion commander, reportedly after direction from the Rwandan government in Kigali (Interviews 2, 50, 91).

According to some humanitarians, it was often easier to work directly with UN Police (UNPOL) or with the military side of UNMISS than with the civilian sections of UNMISS. This was because the former often had a better understanding of the PoC sites and their limitations since they were also frequently working in the camps (Interview 14). Despite the above statement by former DSRSG/RC/HC Lanzer regarding the lack of control by both groups, humanitarians often complained that civilian sections of UNMISS would attempt to task them, which further exacerbated frustrations. According to former camp managers, while humanitarian organizations with significant influence were able to push back against what they perceived to be bullying tactics by UNMISS, many of the smaller organizations were unable to stand up against the mission leadership (Interviews 11, 47, 79).

From the perspective of UNMISS and humanitarian coordinators, the high turnover of humanitarian staff reduced institutional knowledge of processes and systems, which in turn slowed down decision-making. RRP expressed frustration over the need to repeat the same information to new humanitarian staff, some with very little experience and security preparation, arriving in field locations experiencing heavy fighting (Interviews 17, 30, 32). One former cluster coordinator remembers feeling a sense of dread whenever experienced staff left the country. Institutional knowledge of the context and processes were very low and highly dependent upon a few competent individuals (Interview 91). When new challenges arose, flexibility was a necessity and concessions had to be made; but, inexperienced humanitarian staff were afraid to take responsibility for not “going by the book,” paralyzing decision-making.

In the first few months, many NGOs relied heavily on UNMISS facilities and equipment, which created a feeling of resentment among many in the mission (Interview 32). While Juba-based staff demanded more humanitarian space, many humanitarians at the field level held an expectation of support from the mission (Interviews 17, 30). RRP staff pointed out that both humanitarians and UNMISS were quick to assign blame to each other rather than work to find solutions (Interview 17). When frustrated with decisions

¹⁸ Clusters are groups of humanitarian organizations, both UN and non-UN, in each of the main sectors of humanitarian action, e.g. water, health and logistics. They are designated by the Inter-Agency Standing Committee (IASC) and have clear responsibilities for coordination.

from Juba, humanitarians would complain to their superiors in Juba, making working together even more difficult in the future (ibid.). Not surprisingly, this exacerbated frustrations between the field and Juba, as well as between humanitarians and the mission.

Both key humanitarians and UNMISS respondents also believed identifying priorities was a challenge for both groups and they would often try and do everything or fall back on the simplest option (Interviews 91, 95). Interestingly, a number of people, including humanitarians and representatives from UNMISS, believed the coordination was actually at its best and least antagonistic when the needs were highest. At the very beginning of the crisis in December 2013 and during major events in the camps, such as the inter-ethnic tensions in Malakal in November 2014 and May 2015, coordination was better (Interview 11, 95). Hence, crisis situations made priorities both clearer and ensured they were shared between humanitarians and UNMISS, as well as among UNMISS sections.

When the initial emergency was under control and mortality rates decreased in the PoC sites, the relationship between UNMISS and humanitarians became more challenging. By mid-2014, Juba had been calm for months and parts of the mission were worried that the continued provision of services would create a pull factor to the PoC sites, reducing the willingness of IDPs to return home. Some services, such as higher education activities and child friendly spaces, were perceived as non-essential and were thus refused by the mission. Humanitarians and UNMISS were at odds, particularly in Juba, over the PoC sites and the potential threats faced by the IDPs if the PoC sites closed. As some IDPs would leave the camps during the day, UNMISS believed their primary reason for staying in the camp was to obtain access to services, not for security reasons (Interview 47).

UNMISS was not initially supportive of the massive extension of Bentiu PoC site, implemented in early 2015, as they believed that expansion would create a bigger draw for services. However, protection, not services, proved to be the primary draw factor as the site quickly filled with tens of thousands of new arrivals in 2015 as the brutal dry season offensive in Unity forced civilians from their homes. A recent report by the Office of the Deputy Humanitarian Coordinator found that civilians in southern Unity who sent some family members to the PoC sites had experienced three times as many shocks as those who had not.¹⁹ Eighty-six percent of those surveyed had experienced at least one major shock in 2015 alone (ibid.). A common perception among many in the mission was that the existence of the PoC site directly hindered the mission’s ability to carry out its new protection of civilian mandate to enhance protection outside the PoC sites (Interviews 50, 88, 96).

¹⁹ Office of the Deputy Humanitarian Coordinator for South Sudan, *Crisis Impacts on Households in Unity State, South Sudan, 2014-2015. Initial Results of a Survey*. (Juba, OCHA, January 2016).

¹⁶ The Sphere Project was launched in 1997 by humanitarian stakeholders to improve the quality of assistance provided to disaster-affected persons and to enhance the accountability of humanitarian agencies. The standards provide clear indicators for establishing and managing IDP sites.

The continued provision of services and improved conditions ensured that IDPs would stay and could draw even more IDPs to the PoC sites. Consequently, the objectives of the humanitarians and the mission were directly opposed. The current debate over PoC sites centres around the mandate: are PoC sites an example of UNMISS successfully carrying out its mandate or is their existence a hindrance to UNMISS doing so? The tensions that exist between stakeholders will be examined in a later section.

Resources and Responsibilities

The assumption that the UNMISS bases were only a short-term protection measure for civilians fleeing the conflict created an initial situation in which there was no clear delineation of responsibilities between the actors responding in the PoC sites. Only when it became apparent that the PoC sites would be more long-term and require continuous funding did the issue of responsibilities and funding come to the forefront.

The intricacies of UN peacekeeping financing contributed to the tensions over budgets and responsibilities. According to a staff member in UN Department of Peacekeeping Operations (DPKO) New York, peacekeeping budgets are calculated a year in advance. When the crisis broke out in December 2013, the budget in use had been calculated in 2012 (Interview 96). The Department of Mission Support (DMS) can only shift funds within one of the three categories of expenditure—civilian personnel, military and police personnel and operation costs—without approval from New York, leaving little room for flexibility (ibid.). As a result of these budgetary restrictions, UNMISS resources spent on the PoC sites had to be derived from money freed from other budgeted mission activities that were no longer viable due to the conflict.

In July 2014, after the initial six months of response, DMS announced that expenses for the PoC sites had cost the mission an estimated USD 50 million and that “UNMISS resources for PoC construction and maintenance will no longer be available.”²⁰ DMS further stated that there was an “unrealistic expectation from humanitarians and donor partners that UNMISS be responsible for long term PoC site construction and maintenance, defaulting to UNMISS for support when their own mechanisms fail” (ibid.). In order to formally resolve these types of issues, the first national PoC site meeting began on 16 September 2014.²¹

The widespread assumption that UNMISS was responsible for construction and maintenance grew from the dynamics during the early stages of the conflict, when UNMISS was the only institution with the required resources and assets. The hope that the PoC sites were short-term meant that obtaining immediate funding for major construction projects in the camps was not an initial option, and the priority for

humanitarian organizations was instead concentrated on meeting immediate life-saving needs. With the rainy season quickly approaching in May 2014, the window of opportunity to shift equipment to PoC sites in the field was limited, and the only stakeholder with heavy equipment in the concerned locations was the mission itself.

In Juba, the mission leadership worked with the Chinese government and Chinese community in Juba to develop the initial land works for a new PoC site near UN House, but this was not an option for the other locations (Interview 93). In May 2014, Security Council Resolution 2155 provided for changes to the UNMISS mandate, redirecting its state-building activities to focus entirely on protection of civilians, potentially freeing budget lines in state-building activities.²²

Typically, when a mandate is renewed and altered, DPKO missions request additional or new funding. Despite the reinforcement of its protection of civilians mandate, according to one DPKO NY staff member in New York UNMISS did not put in any requests for extra financial support for the PoC sites. This staff believes the reason was that “this is in some ways a reflection of the belief that maintaining PoC sites is not a core activity for peacekeeping, [but] it's also because the U.S. and other major financial contributors would not have accepted such activities to be funded from peacekeeping budgets” (Interview 96). This explanation was also supported by a former member of RRP who had tried, unsuccessfully, to shift the UNMISS planning cycle in order to create a two-year plan for the PoC sites (Interview 50). The former staff also stated that there was no long-term planning as this required acceptance of the PoC sites as longer-term measures, which was anathema to the mission leadership and DPKO headquarters (Interview 50).

Ironically, while both UNMISS and humanitarians debate over divisions of responsibilities for the PoC sites, the funding for both largely derives from the same donors. The major donors for DPKO are also the largest funders of humanitarian agencies in South Sudan. As different departments and agencies within these governments are responsible for funding different UN organizations, there is limited coordination and no common funding channels in place to meet the needs of the PoC sites (Interview 96). Challenges in coordinated funding occur not just between donors but also between the departments internally within donor governments. While foreign ministries focus on humanitarian and development programming within the UN system, it is often representatives of the finance ministries that are involved in decisions for funding and budgets for The Fifth Committee (ibid.).²³ If the major financial backers were able to coordinate between and within their own governments, many of the issues regarding funding of the PoC sites could have been resolved (ibid.). According to a high-ranking UNMISS staff member, with the global economic recession and a simultaneous increase in DPKO missions, reduced funding for missions is likely to be a trend in the years to come (Interview

50). Therefore, the discussion should focus on what can be done with fewer resources, including fewer bases, fewer troops with better training and greater coordination and better prioritization by the leadership (Interview 95).

Guidelines for Roles and Responsibilities

Following months of extensive coordination between humanitarians and UNMISS, guidelines for defining the various roles of responsibility in the PoC sites were approved on 19 September 2014. While the guidelines resolved much of the debate, some key issues were still left unclear. For example, some members of the Mission Support Unit in the PoC sites in state capitals claimed they were not informed of the guidelines by the mission and instead received the information from humanitarian agencies on the ground (Interview 21). There were also uncertainties within the mission whether the leadership had signed off on the guidelines and if they should be followed or not (Interview 17).

Despite clearly defined responsibilities, some humanitarian actors continue to rely on UNMISS when they require heavy equipment or do not have the capacity to fulfil their responsibilities, such as dead body management in the PoC sites. Former DSRSG/RC/HC Lanzer, as well as other UNMISS staff, acknowledged that the stakeholders responsible for the perimeters of the PoC sites were still not clearly defined. According to the agreed guidelines, the construction of physical security infrastructure falls to Mission Support, however it is “subject to availability of heavy engineering equipment and resources.”²⁴ This was repeated by a member of Mission Support who stated that “if these [money and resources] are not available, what can we do?” (Interview 21). Even though the responsibilities have become clearer, the issue of limited funding still exists and some parties do not follow the guidelines (Interview 11). Importantly, even before the creation of the PoC sites, the common refrain was that UNMISS did not have enough resources, in terms of cash or forces, to properly carry out its protection of civilians mandate outside the bases.



An UNMISS soldier walks the berm of the Bentiu PoC site as part of his regular patrol. © IOM 2016 Photo: Muse Mohammed

²⁰ DMS Briefing Note, (UNMISS, Juba Donor PoC Meeting, 14 July 2014).

²¹ Many ad hoc meetings had occurred before the official creation of the National PoC meeting in Sept.

²² UN Security Council, Security Council Resolution 2155 (2014) [on extension of the mandate of the UN Mission in South Sudan (UNMISS) until 30 November 2014], 27 May 2014, S/RES/2155 (Geneva, UNSC, 2014).

²³ The Fifth Committee is responsible for budgets and administration for the UN general assembly.

²⁴ See Annex I: UNMISS and HCT, “Responsibilities in UNMISS POC sites for Planning and Budgetary Purposes”, 19 September 2014.

When the guards at the gate saw that people were going to force the gates open they decided to open them and let them in.



Nyalkume

Juba UN House PoC Site

20-30 years old, Nuer woman

When fighting broke out in Juba on 15 December 2013, Nyalkume fled to the UNMISS Tongping base. Her family arrived at the western gate, but it was closed and people were fearful. Some IDPs were sneaking into the camp while others began to push on the gates to open them by force. When the guards at the gate saw that people were going to force the gates open they decided to open them and let them in. From the gate UNMISS moved IDPs by bus to the Rwandan Battalion area where they were given cooking utensils and water and children were given biscuits. They settled there and stayed until the rains came and the area was flooded. Then they were transferred to the Japanese Battalion area. Soon this area became flooded as well, and when Nyalkume heard that people were being relocated from Tongping to Jebel (location of UN House and PoC site 3) they volunteered to go and were part of the first group of IDPs relocated in June 2014. Life in UN House was much better, but as new arrivals kept coming without being registered, they have to share the water and food with them. When the Transitional Government of National Unity is formed, she plans to look for her parents in Leer, where she is originally from. She has not heard from her family in Leer since the conflict began two years ago and is worried about them. She hopes an organization can help her find them and reconnect when there is peace.

They settled there and stayed until the rains came and the area was flooded. Then they were transferred to the Japanese Battalion area. Soon this area became flooded as well ...

UNMISS and the PoC Sites

Mandate

Many in UNMISS perceive the PoC sites as constricting the mission's ability to carry out its protection of civilians mandate, and, therefore, should be closed as soon as possible. Others in the mission believe that the creation of the PoC sites is a significant, and arguably the most successful, example of UNMISS's implementation of its protection of civilians mandate (Interview 50).

Former DSRSG/RC/HC Lanzer argued that

“UNMISS looking after people on its bases is, if you will, protection of civilians in action. It's a very visible, very tangible expression of a peacekeeping mission fulfilling its security council mandate, and UNMISS should be proud of it, not trying to state that this was detracting from its ability to do other things, for example patrol in other parts of the country”, 5 January 2015.

Not everyone in the mission agrees, and many respondents regarded the PoC sites as obstacles to a broader operational implementation of protection of civilians in South Sudan.

Tensions within UNMISS over the perception of the PoC sites as either a success or a hindrance remain central to the relationship those in the mission have with the sites. These perceptions also have important implications for the operation and funding of the PoC sites. If the sites are perceived to be a successful example of UNMISS carrying out its mandate, then there is more interest to invest in them and less pressure from mission leadership and New York to close them down. One former UNMISS staff member noted that there is an “irreconcilable tension: on the one hand it [PoC sites] is central to what we are doing, but we never want to say that because that would somehow be admitting that our other peacekeeping strategies are failures” (Interview 50). The same staff member further pointed out that instead of regarding the PoC sites as obstacles to carrying out the protection of civilians mandate, “it is quite demonstrable that the inverse is true. PoC sites are a consequence of the mission's inability to do protection of civilians in any other locations outside of these core bases” (Interview 50). According to UNMISS leadership, the mission could not have protected civilians outside its bases with the resources at its disposal. Making references to the lack of troops and the intensity of the violence, former SRSG Johnson rejected the notion

that the mission had the capacity to prevent the violence in Juba (15 January 2016).²⁵ The important question of the feasibility of the mandate given to the mission by member states must be raised.

Since their formation, the PoC sites have frequently been blamed for demanding resources from the mission that could otherwise be used to carry out protection of civilians outside the bases. Regardless of the existence of the PoC sites, UNMISS would still face the same challenges as they did prior to the PoC sites in terms of resources, personnel, security and access. As a result, the existence of the PoC sites has become a convenient scapegoat for why UNMISS cannot successfully carry out its mandate outside its own perimeters.

UNMISS has also taken direct action to prevent the creation of new PoCs. At the end of 2015, UN High Commissioner for Refugees (UNHCR) reported tens of thousands of newly displaced civilians in Western Equatoria due to eruptions of armed violence between SPLA and local groups.²⁶ According to an INGO manager, in January 2016 in Yambio, Western Equatoria, people fled to the UNMISS base for protection (Interview 101). Unlike 2013, the IDPs were refused entry to the base and instead were directed to an INGO compound nearby. For a couple of nights, 5,000–7,000 IDPs stayed in the INGO compound before returning home. During that period, UNMISS provided perimeter security for the INGO compound. This incident raises a number of serious questions regarding both the perceptions UNMISS has regarding their understanding of humanitarian space and if the current protocol is now to refuse entry of IDPs to UNMISS bases.

Reiterating a report in 2011 regarding former mission, UNMIS 1, “the Security Council had created false expectations as to the capacities of the TCC troops. In reality, for political and economic reasons, the Member States were not committed to invest the necessary resources or personnel required for a Chapter VII mandate.”^{27,28} UNMISS did not have the ability or resources to successfully protect civilians outside its bases before the conflict, and the same limitations will still exist even if the PoC sites are closed. If it is impossible for UNMISS to successfully carry out its protection of civilians mandate, due to the relative scale of the country and its limited resources, then the mandate needs to be amended to a realistic objective. If the mandate remains the same, member states should give the mission the resources it needs to succeed and mission leadership should prioritize resources and be transparent to the South Sudanese and others regarding its actual capacity to protect.

²⁵ According to Johnson, in December 2013 the mission only had 150 troops in Juba in addition to those required to operate the base.

²⁶ Sudan Tribune, “UN says thousands being displaced as fresh conflicts erupt in parts of South Sudan,” 9 January 2016.

²⁷ I.M. Breidlid and J. Harald Sande Lie. “Challenges to Protection of Civilians in South Sudan: A Warning from Jonglei State.” *Security in Practice* 8, NUPI (2011), p. 21.

²⁸ A peacekeeping mission mandated under Chapter VII of the UN Charter “contains provisions related to ‘Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression’. In recent years, the Council has adopted the practice of invoking Chapter VII of the Charter when authorizing the deployment of UN peacekeeping operations into volatile post-conflict settings where the State is unable to maintain security and public order.” www.un.org/en/peacekeeping/operations/pkmandates.shtml

Protection of Civilians Mandate

The findings and recommendations of two previous reports on the challenges faced by former UN Mission in Sudan (UNMIS) 1 and its successor, UNMISS, in carrying out the protection of civilian mandate prove to be just as relevant years later. In the first study of UNMIS 1, conducted by Ingrid Marie Breidlid and Jon Harald Sande Lie in 2011, the researchers found

"Civilian protection actors and local government officials expressed considerable frustration over the UNMIS military, arguing there was no will or intention on the part of the military commanders to contribute to protection. And even if there had been such will among the commanders on the ground, they would have been unequipped for the assignment."

"Some even questioned the capacity of the military to protect its own premises and staff, referring to several incidents of burglaries in the UNMIS compound. The commanders were also seen to be bound hand and foot due to their inability to take decisions without approval from the higher command. As one UN staff member lamented: 'If a convoy is attacked the military troops would not even be able to shoot back unless they have a "go ahead" from the contingent commander.' The military side was therefore seen as merely symbolic, not an actual protection force."²⁹ (p. 18)

Although there was change in mandate from Chapter VI to Chapter VII when UNMIS 1 changed to UNMISS in July 2011, the challenges on the ground for the new mission persisted, even with a more robust mandate. A consequent assessment of the protection of civilians strategy in 2013 by Jort Hemmer examined how overambitious the new mandate was. The report stated:

"UNMISS's broad and ambiguous mandate and overly ambitious PoC objectives have created and perpetuate expectations that it will never be able to meet. To break the cycle of unfulfilled promises and capitalize on its existing potential the recommendations to UNMISS's leadership are to

1. specify the mission's understanding of an role in PoC;
2. further prioritize its PoC activities on the basis of a realistic assessment of existing demands on the ground, the mission's actual capabilities, its comparative advantages relative to other actors, and its political room to manoeuvre;

²⁹ I.M. Breidlid and J. Harald Sande Lie, 2011.

³⁰ J. Hemmer, "We are laying the groundwork for our own failure: The UN Mission in South Sudan and its civilian protection strategy: an early assessment." CRU Policy Brief No. 2 (January 2013).

3. review accordingly the resources it requires; and
4. act decisively and- with an eye to its temporary stay in South Sudan- responsibility."³⁰ (p. 1)

It is telling that the findings and recommendations of these two reports, from five and three years ago, respectively, are still accurate and very applicable to the mission in 2016. A central point for UNMISS leadership, DPKO and member states is to recognize the primary challenges and make the necessary reforms and improvements. Over the past five years, self-reflection on shortcomings has not produced practical policy change.

Years later, the same recommendations from 2011 and 2013 were again reiterated in interviews with key UNMISS staff. For example, the former military chief of staff, Petter Lindqvist, lamented that "the eternal predicament I faced as UNMISS chief of staff was that the mission was trying to do everything and be everywhere. UNMISS had difficulty prioritizing" (12 January 2016). In consequence, UNMISS has contributed to creating unrealistic expectations regarding its capability to protect civilians. Some factors, such as a lack of troops, funding and logistical and access constraints will continue to be restrictive and limit UNMISS's capability to project outside their bases.

The mission is challenged by unrealistic expectations, prioritization of its limited assets and forces, the repeated violations of the Status of Forces Agreement (SOFA) by the government and the perception of UNMISS forces as soft targets. Repeated perimeter breaches of its own bases, and the attacks on the Bor PoC site in April 2014 and Malakal PoC site in February 2016, particularly, reinforce the impression that if forces cannot even protect themselves or civilians in their bases, then they are unable to protect civilians outside (see case study on the right).

In certain cases, such as the attack on Akobo in December 2013, the reported large numbers of civilian attackers prevented an adequate response by UNMISS peacekeeping forces deployed to the base.³¹ However, there have also been many cases where UNMISS failed to protect civilians within their base and adjacent to their perimeters. A recent piece in the New York Times states that, in 2015, "Government soldiers and affiliated militias in particular attacked and harassed civilians moving in and out of the centers, abducting or killing them, raping some women and looting, the United Nations reported. At least 39 people were killed in the vicinity of one of the sites at Bentiu between January and October."³²

³¹ UNMISS, 20 December 2013.

³² N. Cumming-Bruce, 2016 referencing UNMISS and OHCHR, "The State of Human Rights in the Protracted Conflict in South Sudan," (4 December 2015).

Questions have been raised by reports regarding UNMISS's lack of timely responses and repeated failures in protecting civilians inside and in the vicinity of its bases. If the warring parties are willing to abduct, rape and kill civilians nearby, or even in the presence of UNMISS forces, then attempts to project their presence further out will likely have similar, if not weaker, ramifications unless reforms are carried out. Importantly, UNMISS risks losing further legitimacy among the population if these cases continue. A recent UN report reveals the recognition of necessary reforms by DPKO and member states for peacekeeping missions around the world, including UNMISS. Some of the recommendations from the recent UN High-Level Independent Panel on Peace Operations (HIPPO) report regarding peace keeping missions working in conflict management scenarios were that

"to operate with even limited success in such settings:

- a. The mandate must be clear and achievable and linked to a political strategy
- b. Mission objectives should be as focused as possible (i.e. working towards an agreement to end hostilities, offering confidence - building measures, promoting political dialogue, protecting civilians and monitoring and reporting on human rights)
- ...
- g. They must operate on the assumption that the use of force may be necessary from the outset to protect civilians and to defend the mission and its mandate, as set out in paragraph 128. Contingents must deploy with the necessary equipment and training and a clear understanding of the mission rules of engagement (p. 44)."³³

The challenges peace keeping missions face are well recognized and accepted. The HIPPO report stated that "we have collectively failed the people of South Sudan" (ibid., p. 3). To ensure that the international community never has to say that again, it is time the necessary reforms are carried out in action not just in words.

³³ High-level Independent Panel on UN Peace Operations, *Report of the High-level Independent Panel on UN Peace Operations: Uniting Our Strengths for Peace: Politics, Partnership and People*, A/70/95-S/2015/446 (Geneva, UN Security Council/Peace Operations, 17 June 2015).

Case Study Bentiu PoC Site Perimeter Breach 7 May 2015³⁴

On the afternoon of 7 May 2015, a fight was reported in the Bentiu PoC site marketplace. It is believed that Leek Nuer youth attacked Bul Nuer traders in retaliation for the atrocities being committed by the SPLA and allied Bul Nuer youth in southern Rubkona County at that time. Later that afternoon, seven men with spears were seen leaving the PoC site through the southern breach and heading towards Rubkona.

The same night, a mixed force of armed civilians and soldiers in uniform breached the perimeter of the PoC site. Witnesses reported that the soldiers sought out specific tukuls, thus leading to speculations of inside information from PoC residents, likely the seven men who had left the site for Rubkona that same day. News of the breach quickly spread and approximately 500 IDPs sought shelter at the UNPOL post by the market. IDPs reported that UNMISS forces left the area of the breach, further causing panic among the residents. UNPOL responded quickly and sought to calm down the situation at the market; however, they could not enter the breached area without being accompanied by armed forces. It took approximately 40 minutes from the initial breach for UNPOL to reach the location with the Ethiopian Battalion. 45 minutes after the armed actors first entered the base, a shot was heard and witnesses claim that the attackers immediately withdrew, suggesting a degree of coordination.

The Mongolian Battalion had previously agreed to place an Armed Personnel Carrier in an area where a large southern breach existed as deterrence; however, they had failed to do so that night. While it is troubling that the Bentiu PoC site had still yet to be fully fenced by December 2015, it was negligent that the southern breach was not repaired for weeks during that period. Previously, the breach, which was in sight of an observation post, had also been used by gang members as an easy means to escape the site and evade capture by UNPOL. While UNPOL and humanitarian actors responded immediately to news of IDPs amassing at the market, UNMISS forces were considerably slower and the response of the Quick Reaction Force (QRF) took 40 minutes to assemble. Humanitarian actors were very concerned about the level of coordination and the weaknesses in UNMISS's response to armed actors entering the PoC site to search for civilians.

³⁴ As told by humanitarian actors working in the PoC site at the time.

Targeting of UNMISS

The perception that UNMISS is not willing to use force was also an issue even before the December 2013 crisis.

Young men interviewed across Jonglei in 2012 and 2013 believed that UNMISS troops carried no ammunition for their weapons and were soft targets.³⁵ The tragic attack on peacekeepers in Pibor in April 2013, which led to the deaths of five Indian peacekeepers and seven civilian staff, underlined this perception as the attackers, reportedly teenagers, escaped largely unscathed.³⁶ In the pre-crisis April 2013 “Guidelines for civilians seeking protection at UNMISS bases,” it states that “It is not considered likely that UNMISS bases in which civilians have sought protection will be overrun by armed actors in the same way as Srebrenica” (p. 3). Only days after the conflict erupted this assumption proved untrue.

On 19 December 2013, the UNMISS base in Akobo was overrun by armed youth, and at least 27 Dinka civilians seeking protection inside were killed along with two peacekeepers. UNMISS reported that 2,000 Lou Nuer youth had attacked the base, meaning that UNMISS was outnumbered and there was little it could have done to repel the aggressors. Still, the perception that UNMISS soldiers are soft targets was reiterated. Only four months later, the major UNMISS base in Bor was attacked by a “large group of armed individuals” who were protesting in front of the gates in April 2014.³⁷ According to the UNMISS report on the event, rumours of an attack against the IDPs in the Bor PoC site existed weeks before the incident occurred and there is significant evidence to suggest that it was a well-planned attack (ibid.).

Celebrations by the Bor IDPs after the capture of Bentiu by SPLA-IO forces on 15 April further exacerbated tensions between Nuer IDPs in the Bor PoC site and Dinka residents in Bor town. A group of between 100 and 300 Dinka protesters marched to the Bor PoC site on the morning of 17 April from Bor town. Reports reached UNMISS by 9:30, and UNMISS closed the main gate of the base (ibid., p. 19). However, the armed group walked to the other PoC gate instead, and, at 10:55, some of the members forced their way over the perimeter and then opened the gates to let in the rest of the group (ibid., p. 20). Once they breached the PoC site, the attackers killed at least 47 civilians and beat, looted and abducted Nuer IDPs staying in the site for protection. At least 100 people, including two peacekeepers, were injured.

³⁵ Interviews of Murle and Lou Nuer youth from earlier research by the author in Jonglei State, 2012 and 2013.

³⁶ Sudan Tribune. “Jonglei ambush kills 5 UN peacekeepers, 7 civilian staff,” 9 April 2013.

A QRF was deployed by UNMISS 20 minutes after the attack began and reached the PoC site ten minutes later (ibid., pp. 21–22). Meanwhile, government forces stood by and observed the attack, and at one point even prevented the other QRF from moving around the base to flank the attackers (ibid., p. 22). Despite 90 minutes of warning that an armed mob was approaching the gates and after weeks of rumours of an imminent attack, the attackers had a further 30 minutes within the base to attack the IDPs before they were confronted by UNMISS military. By the time the perpetrators were engaged by the QRF and chased out of the camp, dozens of civilians were murdered and even more injured (ibid., p. 22). While at least three of the perpetrators died, no arrests or punitive actions have been made (ibid., p. 29).

The incident caused significant frustrations and raised questions within and outside the mission about how these types of breaches could occur within an UNMISS base. After receiving information about the attack, some IDPs in the Bentiu PoC site travelled by foot and raft all the way to Akobo on the border of Ethiopia, a distance of 400 km. Despite having to cross half the country and multiple front lines of the conflict, these IDPs deemed it safer than staying in the Bentiu PoC site.³⁸

The incident is an illustration of the belief among some South Sudanese civilians that UNMISS has lost its legitimacy as an actor who can protect them.

The chief of staff of UNMISS military at the time, Petter Lindqvist, explained that to understand how these type of failures occur, three factors of peacekeeping have to be recognized: variation in the quality of troops, lack of experience many TCCs have with joint operations, and philosophical differences between member states and mission leadership as to whether UNMISS is purely a monitoring and observation mission and if and when the use of force is to be sanctioned.

³⁷ UNMISS, *Attacks on Civilians in Bentiu and Bor April 2014*, 9 January 2015.

³⁸ Interviews of IDP women from earlier research in Akobo, by the author, March 2014.



Peacekeepers stand guard before a food distribution queue. © IOM 2015 Photo: Brendan Bannon

As she is married to a Nuer she felt at risk of being targeted as she and her children all share her husband's ethnic identity



Nyachen

Bor PoC Site

Shilluk woman married to Nuer man

30-40 years old

Nyachen is a Shilluk woman originally from the Malakal area, but she moved with her husband, a Nuer, to Bor due to his work as a government official. They lived in Bor with their six children for eight years before the conflict broke out. When fighting began in Pandiar, the SPLA base outside Bor, her family fled to the UNMISS base for protection. As she is married to a Nuer, she feels at risk of being targeted as she and her children all share her husband's ethnic identity. When SPLA-IO took over Bor some Nuer left the PoC to travel to Akobo, but for Nyachen it was too far to walk with children.

On 17 April 2014, Nyachen was working for an NGO in the Bor PoC site cleaning latrines when she heard a message that Dinka youth had entered the PoC site and were attacking IDPs. She ran to find her children. Her husband had already closed all six of their children in their home for protection. She took the children and ran towards the South Korean Battalion area, thinking they would be safe there. Many people were killed around her as they ran, but they safely reached the destination. The UNMISS peacekeepers at the gate did shoot in the air to prevent the Dinka youth from entering the UNMISS base, and eventually other soldiers appeared and began to shoot and chase the attackers away.

Since the attack Nyachen's husband traveled by air with three of their children to Juba, where they stayed temporarily in the UN House PoC site. From there, the three children went by bus to a refugee camp in Arua, Uganda. The rest of her Shilluk family are living at the UNMISS PoC in Malakal.

... many people were killed around her as they ran, but they safely reached the destination

Managing the Response

Leadership

One of the most consistent themes that arose over three months of interviews was the lack of leadership exercised among UNMISS and humanitarian actors. Those interviewed claimed that few members of the organizations involved were willing to make bold decisions or take responsibility for responding to the violence. It was noted that a few individuals and organizations took the initiative to “fill gaps” and moved toward creating a positive response, but that in general both UNMISS and agencies (UN and NGO) demonstrated a failure to assume responsibility and enact accountability. Most actors did not engage in self-reflection, asking how their response could be improved; rather, they sought to blame others for the negative outcomes. This lack of critical thinking led to a general paralysis, with the result that many key actors failed to make vital and timely decisions from fear of being held accountable for potentially negative consequences of their actions.

Ultimately, the Government of South Sudan is responsible for the security of its people and providing basic services. Nevertheless, the entire existence of UNMISS, the civil war and the declaration of L3 emergency status³⁹ illustrates the widespread recognition that the Government does not possess the capacity to provide either protection of civilians or basic services. Despite this undisputed recognition and the practical consequences which it implies, UNMISS (and all UN agencies) continue to retreat to the defensive stance, which claims that the “South Sudanese government is responsible.” A noteworthy example of this position occurred as a response to a claim in the media by MSF that UNMISS had failed to protect civilians in southern Unity. An UNMISS spokesperson stated the official position as follows: “We underscore that the responsibility to protect civilians is primarily the responsibility of the host government, and the warring parties are directly responsible for their actions in violation of international human rights and humanitarian law. The mission rejects the allegation by MSF of a complete and utter protection failure on the part of UNMISS.”⁴⁰ UNMISS’s mandate from the UN Security Council is the protection of civilians; this mandate is interpreted broadly by the humanitarian community but is internalized narrowly by UNMISS when defending its response in crises.

Likewise, many humanitarian actors have not shown initiative or independence in their response. Humanitarian actors consistently assert “distinction” and “humanitarian space” issues with UNMISS, while at the same time routinely assume their “right” to live and work on UNMISS bases and demand UNMISS flights and Force Protection escorts and “presence” when required. While the completely new environment of IDPs in a military base has demanded

flexibility by all stakeholders, humanitarian actors have demonstrated too much dependence on UNMISS, some still depending on them two years into the conflict. For example, as recently as October 2015, a new NGO arriving at a PoC site demanded the donation of UNMISS assets in order to set up their programmes (Interview 12). This type of entitled demands for UNMISS assets and resources has created resentment within the mission, as was made clear in a number of interviews with UNMISS staff (Interviews 17, 21, 30, 32). On the other hand a lack of understanding within sections of UNMISS regarding the need for distinction between humanitarians and the mission has also been a major challenge. For example, at the end of 2015 UNMISS established a new base in a temporarily empty INGO compound in Leer, Unity state, restricting the return of the INGO to the area and blurring the distinction between a military actor and humanitarians (Interview 68).

In addition, former and current humanitarian cluster coordinators expressed frustration with NGO partners’ overdependence on humanitarian cluster infrastructure to provide supplies, needs assessments, contextual understanding and identification of protection concerns; while, at the same time, demonstrating limited capacity (Interviews 68, 91). Although few humanitarian organizations possess the capacity to function independent of UNMISS or cluster support, agency-specific capacity is a necessity to work in South Sudan at this critical time. Regrettably, some humanitarian organizations do not possess this required capacity, particularly at the beginning of the crisis when several NGOs had relocated all staff and most inquiries, decisions and proposals were issued from organizations in Nairobi, not South Sudan (Interview 91).

At the same time, some UN agencies and NGOs ignored well-established international standards even after receiving feedback and advice by the cluster many months after the crisis began (ibid.). For example, one international NGO constructed latrines at the PoC Juba site without any regard to standards (Interview 91). Often it appeared that many humanitarian actors, both UN and NGO, sought to use the existing humanitarian cluster system mechanisms to avoid responsibility, accountability and risk. Again, some organizations “stepped up” to the daunting challenges, but the vast majority did not. Too many well-established organizations appeared more concerned of how they were perceived and increasing their funding as opposed to working independently and getting the job done, especially in difficult, hard-to-reach locations (Interview 68). The systems and processes in place for the humanitarian response were created to ensure good coordination and that minimum standards of service provision were achieved. But at numerous locations, these levels were not achieved, especially in the early days of the crisis.

³⁹ As part of the global humanitarian system’s classification for the response to the most severe, large-scale humanitarian crises, the UN declared South Sudan a “Level 3 (L3)” emergency in 2014 to trigger more resources, speed and staff.

⁴⁰ The Guardian, “UN Accused of ‘shocking’ lack of action over murder and rape in South Sudan,” 15 December 2015.



Top: long queues for medical care in the Malakal PoC site.

Bottom: registration exercises are completed regularly in order to track new arrivals and to provide planning figures for interventions and services. © IOM 2015 Photos: B. Bannon

The core reality is that, due to lack of government capacity, both UNMISS and humanitarian actors have been mandated to assume the responsibilities inherent in the protection of civilians. The pragmatic responsibility for UNMISS is the physical protection of civilians, and, for humanitarians, the responsibility is the provision of life-saving services. Unquestionably, this necessitates a vital collaboration between UNMISS and humanitarian actors to clearly articulate their mutual roles and responsibilities and to engage in focused, reflective and cooperative discussion and performance evaluation. It is incumbent upon these players to sustain a cooperative and collegial work environment in order to meet the enormous needs of the IDPs seeking protection at UNMISS PoC sites. Moreover, beyond the PoC sites, additional UN agencies, such as OCHA and UN Department of Safety and Security (UNDSS), need to work together better and establish clear protection of civilian roles and responsibilities (Interviews 91, 94).

Humanitarian Coordination

Many humanitarian respondents working both within and outside of PoC sites identified the significant and widespread focus on coordination that exists at the cost of actual programming in South Sudan (Interviews 45, 49, 68). As the humanitarian industry has grown and professionalized over the past decade, the systems of coordination have greatly expanded. As with any industry, when staffing, funding and programmes expand, the administration and bureaucracy required to manage and support the programming also grow exponentially. A critical mass exists, which, if surpassed, results in additional resources being used to maintain the system itself at the expense of operational capacity.

In South Sudan, there are too many “coordinators,”⁴¹ too many humanitarian organizations working at the PoC sites and far too few organizations working in deep-field locations. With the notable exceptions of MSF and ICRC, the vast number of humanitarian actors have demonstrated a preference for establishing bases at the UNMISS PoC sites, as opposed to establishing operational capacity in the deep field, where humanitarian needs are particularly acute. One clear recommendation of this report is to encourage humanitarian actors to “rationalize” presence at PoC sites with the same criteria used in refugee camps or IDP camps throughout the world (Interviews 45, 49, 89, 94). Specifically, humanitarian actors should identify a few key organizations to assume responsibility for sectoral functions within the PoC sites and encourage other humanitarian actors to establish operations in the deep field (Interviews 7, 68). Donors, too, should be encouraged to support organizations willing and capable of working in these locations. Finally, it is vital to note that at this time in South Sudan,

30 per cent of the humanitarian budget is spent on activities at the PoC sites, home to only 14 per cent of South Sudan’s IDPs.

⁴¹ One cluster has 13 officials working in coordination positions.

An Environment of Unpredictable Conflict and Evolving Dynamics

PoC site camp managers, without exception, cite the dynamic and unpredictable nature of the larger environment in which they work as a major challenge to achieving their objectives. Circumstances and actions beyond the control of UNMISS and humanitarians frequently hinder and undermine ongoing attempts to expand sites and improve living conditions for the IDP population. Numerous examples of these negative impacts exist, but they are best illustrated by the events that have unfolded at the Malakal and Bentiu PoC sites.

Changing Alliances in Malakal

Among PoC sites, Malakal is unique. While all other sites provide protection for predominately Nuer IDP populations, Malakal accommodates a mixed population of IDPs. Moreover, war events have changed the composition of this population significantly. Control of Malakal town has changed a dozen times since the conflict began two years ago. Before the February 2016 attack, the population of Malakal PoC site includes approximately 40,000 Shilluk, 4,000 Dinka, 3,500 Nuer and several hundred Darfuri traders.

The conflict in Malakal began on 24 December 2013. Within days, 20,000 IDPs, mostly all from Malakal town, fled to the UNMISS base and began occupying all areas of the base, including civilian staff accommodations, offices and areas designated for force battalion and logistics use. UNMISS and humanitarian actors responded quickly to the crisis and, during the following months, continued to address the needs presented by this unprecedented challenge. By June 2014, a new PoC area adjacent to the UNMISS base had been established, and, by August 2014, the vast majority of IDPs had been relocated to this area (Sector 1 on the map). Considerable support from humanitarian donors provided for the development of Sector 2 of the PoC site and accommodation of all remaining IDPs.

Intense fighting, including six separate “takeovers,” in Malakal town continued from December 2013 until April 2014, but, by June 2014, there was relative peace. During the following ten months, IDPs at the Malakal PoC site moved to and from Malakal town, a distance of five km, with regularity. This freedom of movement enabled them to protect their property. As time passed, Malakal town, once completely destroyed, began to come back to life. Development donors became interested in funding town infrastructure in an attempt to entice IDPs to return to their homes. It appeared that Malakal, and indeed all of Upper Nile, was returning to calm (Interview 20).

The environment at the Malakal PoC site, however, was not calm. During this period, inter-communal tension and occasional violence erupted between two groups: IDPs from the Dinka and Shilluk tribes, who were aligned at that time, and IDPs from the Nuer tribe, the predominant tribe of the SPLA-IO. Numerous incidents of violence were perpetrated against Nuer IDPs, who remained entrenched in the extremely congested UNMISS logistics base, even though

better accommodations at the newly established PoC site adjacent to the base had been made available to them.

In late March 2015, the dynamics of the situation changed once again. Land tensions between the Shilluk and Dinka in Akoka, Upper Nile, involving strong legacies from the post-CPA period, culminated in armed conflict between the two communities. Johnson Olony, the Shilluk commander then allied with the Government, sent his deputy and soldiers to mitigate an issue in Akoka. Their arrival, however, was perceived as a hostile act and Olony’s deputy and others were killed (Interviews 20, 57). This sparked the end of the alliance between Shilluk forces led by Olony and the Government, and reignited the longstanding conflict dynamic between the Dinka Padang and Shilluk over control of the east bank of the White Nile River. Olony warned Shilluk civilians of potential clashes, instructing them to leave Malakal town for the Malakal PoC site (Interview 20).

As soon as Malakal town was emptied of civilians, violence erupted between the Governor’s bodyguards and forces aligned with Olony. Malakal town changed hands four times between 21 April and 17 May 2015; during that time, the Malakal PoC site population increased from 22,000 to more than 30,000. On 23 May, Olony officially changed alliances and joined the SPLA-IO. The Dinka Padang, with a firm hold on all local levers of military and political power, escalated their campaign against Shilluk forces and civilians alike. The SPLA blocked humanitarian supplies from reaching Shilluk populations in “rebel-held” areas (Interview 103). This resulted in movement of an additional 17,000 IDPs, 90 per cent women and children, moving to the PoC site between 15 July and 10 August. The impact of this influx was immediate and challenging in the extreme. Within four months, the PoC site population increased more than 100 per cent, presenting UNMISS staff and humanitarian actors with the broad spectrum of problems inherent in a dangerously congested environment (OCHA, IOM). On 23 July, the SPLA suspended all river movement on the Nile River, leading to market food shortages in the PoC site (Small Arms Survey, p.18).

In response, UNMISS and humanitarians worked in unison to establish new areas for the IDPs within the UNMISS base but outside of the Mission Support Area.⁴² In the four months between August and December 2015, humanitarians established Sectors 3 and 4 (see above map) and relocated IDPs outside of the UNMISS base. Between late October and early December, prominent donors visited Malakal PoC site and noted, in agreement, that the conditions remained extremely congested, posing threats of disease, fire and civil unrest (Interview 104).

On 10 January, a fire broke out in an extremely congested area of the PoC site, resulting in the death of one IDP and injuring eight others. In addition, 81 shelters were destroyed and 257 households, or 1,575 IDPs, were displaced within the site. Following this devastation, UNMISS permitted construction to commence for the PoC site expansion.

⁴² I.e. where UNMISS maintains its logistics base and accommodation for UNMISS battalions and civilian staff. This area is also known as the “old PoC site,” as this is where IDPs sheltered when they first arrived in 2013 and early 2014.

On 2 October 2015, President Kiir announced the creation of 28 states from the previous ten, and, on 24 December 2015, appointed governors for these new states. This political action dramatically increased tension along tribal lines throughout the entire country, but nowhere was this tension felt more deeply than in Malakal. The 28 states gave administrative backing to the Dinka struggle for dominance of the east bank, including Malakal and outlying areas that are contested by both the Dinka and Shilluk (Small Arms Survey, p. 1). The appointments of a Dinka governor and a Dinka commissioner for Malakal and the dismissal of all non-Dinka servants from the Government were perceived by the Shilluk as acts of war.

Within this context, tension at the Malakal PoC site was palpable. Of the 48,000 IDPs at the site, 40,000 were Shilluk. Moreover, the vast majority of them had previously lived at Malakal town, only five kilometres away. Their once thriving town, which previously placed second after Juba as the most developed city in South Sudan, had been destroyed by two years of war. It had become an SPLA garrison town, the city’s infrastructure had been completely destroyed and all civilians had fled. Now, it was populated only by men with guns.

Rainy Season/Dry Season in South Sudan and the Season of Fighting in Unity State

Between December 2013 and March 2014 the number of IDPs seeking protection at the UNMISS Bentiu PoC site was approximately 4,000–7,000. This was relatively low number compared with the situations facing UNMISS and humanitarian actors in Juba, Bor and Malakal. However the situation drastically changed on 15 April 2014 with the bloody victory of Bentiu Town by Opposition forces. During the next six weeks the number of civilians seeking protection at the UNMISS Bentiu PoC site increased to 40,000. Nearly all of these people were Nuer. In terms both of humanitarian response capacity and seasonal conditions, this IDP influx could not have happened at a less desirable time. Humanitarian resources were stretched in an ongoing response to the conditions in Juba, Bor and Malakal, while humanitarian actors at Bentiu were few in number. Seasonal conditions contributed to the challenges, with an early rainy season of prolonged duration. From June to October 2014 the Bentiu PoC site was essentially a “flood plain,” with IDPs living in knee-deep water and UNMISS and humanitarian actors unable to improve conditions due to the heavy rains. Although the early and long rains had the effect of halting the fighting during this period, IDPs chose to remain at the flooded but protected site.

Deputy Humanitarian Coordinator Sue Lautze visited the Bentiu PoC site in early October 2014. Acknowledging the unfolding grave humanitarian situation, the DHC initiated a ‘Special HCT’ on 22 October in Juba, recognizing that extremely limited actions could be taken to improve living conditions at Bentiu PoC site in 2014. Thus the primary objective of this special HCT was to solicit funding for improving the site in 2015 and beyond. Within the next three months, many humanitarian donors contributed USD 18 million for renovation and expansion of the site. On 21

January 2015, UNMISS successfully negotiated additional land for the PoC site expansion. By July 2015, humanitarian actors had renovated and expanded the site to an area equal to the size of 300 football pitches (Interview 105).

In contrast to 2014, the 2015 dry season was long, with intense conflicts taking place throughout Unity State. Tragically, this fighting followed a familiar pattern where, instead of armed forces fighting one another, warring sides attacked civilian villages. Consequences were brutal and pervasive. Men were killed; women and children were raped, abducted or sent fleeing into the swamps; huts and infrastructure—including schools, medical clinics and boreholes—were burned or otherwise destroyed and cattle were stolen. (Office of the DHC). In the wake of these atrocities, Unity civilians fled to the Bentiu PoC site. When the PoC site renovation and expansion work began in January 2015, the site accommodated 50,000 IDPs; within one year, more than 120,000 IDPs were living at the site.

The renovation and expansion of the UNMISS Bentiu PoC is a prime example of the different perspectives regarding the PoC sites. On one hand, humanitarian actors involved in the expansion consider it to be an enormously

successful accomplishment, which generated the capacity to save “tens of thousands of lives” (Interviews 10, 32 43). On the other hand, the UNMISS perspective is often that the expansion and services created a draw factor that led to the huge influx of IDPs that they must now protect. Most likely it is the failure of all actors, including the government, to be able to respond and protect civilians outside of the bases. As one prominent humanitarian believes, “the failure to provide protection of civilians was the responsibility of the Government, and secondarily of UNMISS and humanitarian actors. We all failed. For six months none of the responsible actors was in a position to provide protection for the civilians in Unity State. Insecurity and widespread violence made the provision of humanitarian assistance impossible.”

One of the persistent frustrations expressed by respondents was the lack of contextual understanding throughout the international community working in South Sudan. History often defines worldviews and identity and this is especially important in a country that has faced decades of warfare. South Sudanese rarely see ongoing conflict dynamics as independent of the past, but often there is has been a tendency among the humanitarian community, UNMISS

and donors alike to ignore historical dynamics role in the current environment. The many microlevel conflicts in rural areas are often closely intertwined with contemporary and past political and inter-ethnic conflicts.

Conflict zones are complex due to the constantly shifting dynamics: fluid alliances, multiple warring parties, shifting front lines and legacies of past violence pose significant challenges to contextual and conflict analysis in South Sudan. It can therefore not be expected that all staff members, many of them on a short-term contract, become “experts” in the field. However, as indicated by several respondents, humanitarian organizations commonly fail to rely on international experts on South Sudan, and, more importantly, national staff who often have unique insights into many of these complex dynamics (Interview 49). Local knowledge among civilians is too often ignored.

Rather than build upon their expertise and strengthen existing coping mechanisms, parallel systems are created instead. In cases where international experts are brought in as consultants or researchers for organizations or donors, the research and analysis is often kept internal and rarely shared with the wider humanitarian community

(Interview 68). One respondent, who has worked for both UNMISS and an INGO, further argued that expert analysis rarely influences programming even for those who contract it (Interview 5). When significant resources are spent creating and updating immaculately worded policies or in-depth analysis and research, the recommendations rarely turn into practice. Organizations often recycle similar programmes and research with little advancement as they are unaware of what has already been done, or even what has already failed. Some actors have even redone research or failed programmes carried out by their own organization only a few years earlier due to a complete lack of institutional knowledge.

There is a dependence on a limited number of individuals for analysis and understanding, to the point that information is rarely institutional and shared less between stakeholders. When key individuals leave or are declared persona non grata, much of the knowledge and contacts are lost. The limited number of country experts means that some are over relied upon. Although these issues existed before the crisis began, these weaknesses have been amplified by the crisis. Institutional memory and contextual analysis are still lacking between all actors from UNMISS to humanitarians.



The rainy season exacerbates public health concerns such as water borne diseases and malaria. © IOM 2015 Photo: Brendan Bannon



A family of new arrivals make it by truck to the Malakal PoC site with few belongings. © IOM 2015 Photo: Brendan Bannon

Case Study of Malakal PoC Site

On 21 December 2013, the conflict reached Malakal town. Nearly 12,000 IDPs and a few hundred humanitarian workers moved toward the Malakal UNMISS base and sought shelter inside as the SPLA and SPLA/IO fought for control of Malakal town. By mid-January, the number of IDPs had swelled to more than 20,000. The scene was chaotic with humanitarian workers and IDPs living in haphazard conditions and spread over the entire UNMISS facility. Humanitarian agencies and UNMISS immediately began providing assistance, including food, access to safe water, construction of latrines and medical treatment as well. The UNMISS base was not designed to accommodate IDPs and most lived in five sections spread across a large area, even taking over a logistics center and a workshop.

There was a need to improve the living conditions and first improvement to the UNMISS base was a joint venture with UNMISS and IOM to level a large area outside the southern gate and adjacent to the base. The area was levelled, drainage installed, some land raised and plotted to allow for 12,500 IDPs. Even though expectations of moving all IDPs from the base were not achieved, the area inside the UNMISS was greatly decongested in 2014. The second improvement was an expansion of 320,000 m². In July 2015, IOM, UNMISS and humanitarian agencies completed an extension of the site which was designed to house the remaining population plus a contingency area, possibly holding 18,000 individuals. The expansion enabled IDPs to move out of the UNMISS logistics base onto land designed with adequate drainage, space and access to relief services. However, continued violence in Upper Nile led to successive wave of IDPs seeking protection and services within the PoC and this figure was quickly surpassed, increasing from 22,000 in April 2015 to more than 48,800 in August 2015. Two additional contingency areas were quickly developed to shelter an influx of nearly 17,000 IDPs who arrived in late July and early August.



Malakal PoC site satellite view, June 2014 / Population: 11,000+ IDPs.



Malakal PoC site satellite view, July 2015 / Population: 42,000+ IDPs.



Malakal PoC site satellite view, September 2015 / Population: 44,000+ IDPs.



IDPs in Malakal PoC site wait in long queues to fill their containers with safe drinking water. © IOM 2015 Photo: Brendan Bannon

Timeline: Malakal PoC Site Population Trend

- 24 December 2013 Fighting reaches Malakal. 20,000 civilians seek protection at UNMISS base.
- Relative calm Many IDPs travel to Sudan via Renk.
- Relative calm Influx of 6,000 Shilluk IDPs from west side of the Nile.
- Increased tension within PoC site. Dinka and Shilluk aligned against Nuer.
- PoC site figure steady at 17,000 for ten months. Widespread freedom of movement. Traders return to Malakal Town. Development donors express interest.
- Increased tension between SPLA Dinka and Shilluk. 23 May Johnson Olony defects and war stopped. Malakal airport closed off from 15 June to 1 August.
- No humanitarian flights mid-June to August due to insecurity. PoC site population nearly triples between March and October 2015. Women and children arrive from Wau Shilluk due to lack of food assistance and protection concerns.



**Tension Erupts:
Death and Destruction at Malakal PoC Site
17–18 February 2016**⁴³

According to some reports, rock-throwing between Dinka IDPs in Sector 2 and Shilluk IDPs in Sector 1 of the PoC site on 17 February escalated to gun violence among IDP youth, leading to large-scale death and destruction. However, these reports leave out other events that led to the violence. Several days prior to the eruption of violence, holes were cut in both the internal and external fences of the Dinka IDP area in Sector 2. It was through these compromised fences that Dinka women and children departed the site prior to, and immediately at, the onset of the conflict and were transported to Malakal town on trucks.

Moreover, these same fence holes were the entry points for the armed actors who entered the PoC site late in the evening on 17 February, the time when the automatic weapon fire and the burning of shelters began. It is to be noted that all Dinka and Darfuri shelters in Sector 2 remained intact and the vast majority Nuer shelters were burned to the ground. In addition, the medical clinic and school that served both the Nuer and Dinka population were also torched. In the all-Shilluk Sector 3, 75 per cent of all shelters were burned, and a huge swath of shelters were also burned in the all-Shilluk Sector 1. At the conclusion of this violence, at least 25 IDPs died, 120 sustained injury (75 per cent due to bullet wounds) and 1,521 IDP shelters were burned (Protection Cluster, CCCM, Small Arms Survey).

In the aftermath of this deadly and violently destructive attack, the capacity of UNMISS to protect IDPs at PoC sites is being seriously questioned. Doubts are underscored by the presence of an atmosphere of high tension within the site in the days preceding the attack, as well as a failure to respond to the IDP Peace and Reconciliation Committee’s notification of the cut fences adjacent to the Dinka area at Sector 2 prior to the attack. Despite these warning signs, the mission was unprepared to stop armed forces from entering the camp, shooting IDPs, burning shelters and destroying humanitarian assets. Moreover, immediately after the violence began, Force Protection retreated to their battalion areas, a disturbing and unexplainable manoeuvre. They did not return for 16 hours.

The attack on the Malakal PoC site occurred in the wider context of an ongoing war between the Dinka and Shilluk for control of Malakal and contested areas on the east bank of the White Nile River. The establishment of the 28 states has greatly intensified this contest. Shilluk people on the east bank, now clustered inside the PoC site, must make a choice about their physical security versus abandoning their claim to Malakal. This is the fundamental dynamic driving the intentions of Shilluk IDPs in the PoC site, not access to services or implementation of the peace agreement, which does not address the Shilluk question. Given this current Dinka–Shilluk dynamic, it is incumbent upon UNMISS and humanitarian actors to quickly rehabilitate the current PoC site, expand the site in order to decongest the area and prepare contingency areas for the reception of additional IDPs.

47,000
Estimated IDP population as of February 2016

25,000
Estimated IDPs seeking refuge inside UNMISS Log Base

25 50
People killed People injured

Humanitarian Losses
1 health clinic destroyed / 1 health clinic looted /
2,300 shelters destroyed / Damaged water and sanitation
infrastructure



Malakal PoC site satellite view February 20 2016 (detail).

- Timeline**
- Feb. 17
 - 22:30 Fighting erupted in PoC site. Gunfire from within PoC site. Reports of firing from outside of PoC site.
 - UNPOL interence with tear gas to disperse crowd.
 - Majority of Dinka IDPs flee to Malakal town.
 - Feb. 18
 - Violence continues.
 - Reports of 6 deaths and 40 injured.
 - Armed actors breached the perimeter, moving into Sector 2.
 - IDPs move from newer area of PoC site (sectors 1, 2, 3 and 4) through Charlie Gate into the old PoC site and UNMISS logistics base.
 - Armed actors move into Sector 1. Afternoon, gunfire heard from in Sector 1, fire still burning in Sector 2.
 - Medical staff forced to move into UNMISS base.
 - Afternoon, UNMISS fires at armed actors who have breached the compound.
 - Feb. 19
 - 12:00 Humanitarian surge team arrives in Malakal along with 6.5 MT of lifesaving health and WASH supplies.
 - 14:00 Humanitarians assess PoC sectors to determine immediate needs.
 - 14:00: Emergency health clinics are operational, replacing those that were destroyed/looted.
 - Treated drinking water is trucked to the old PoC sites where over 25,000 are seeking protection.



Top: destruction of the Malakal PoC site, view on February 20. © UNMISS 2016
Bottom: thousands of families lost their homes to fires that swept through the site during the attack. © IOM 2016 Photo: Gonzalez

⁴³ The information from this section was shared by humanitarians based in Malakal PoC site at the time of event (Interview 103).

"If we leave we are killed"



Apon

Malakal PoC Site

Shilluk elder

Apon is an old man who used to be a farmer before the conflict and lived in Malakal town. In the first attack by Nuer (SPLA-IO) on Malakal, his wife was killed. Some Nuer (SPLA-IO or Lou Nuer White Army) abducted him in order to protect him from others who wanted to kill him, and he was spared. They walked for seven days and crossed the Sobat River, all the way to Lankien, in Nyirol, Jonglei. Four men, who were all abductees, were put together, and on the journey they were fed porridge and water. When they arrived, they found women and more than eight children who had also been abducted, but shortly thereafter they were separated.

After arriving in Lankien a Shilluk woman named Nyakodok, who was married to a Nuer man and therefore had a Nuer identity, took the abducted men in to her house. Nyakodok worked for a UN agency before the conflict and had also travelled from Malakal to Lankien after the SPLA-IO took over. The four men stayed at Nyakodok's house for over a year and received food rations through her. When the Shilluk militia of Johnson Olony changed alliances from the government to the opposition in April 2015, part of the agreement was the return of abducted Shilluk civilians. Apon and other men, one who was disabled and had to walk all the way to Lankien from Malakal with a walking stick, were put on a lorry and driven back to Canal and the town of Warjok next to the Nile River. From there, they were put on a ship belonging to Olony's movement and were taken to the UNMISS Malakal PoC site. Apon only saw old men who were abducted being released, not any women and children. Upon arrival in the Malakal PoC site, he found one of his sons there, the others were alive but had travelled to Juba. His sons had assumed Apon was dead. Apon wants to return to Malakal town when there is peace. "The PoC is hot, but it is better than death—if we leave we will be killed."

Complications Facing PoC Sites

Rule of Law

One of the most unique and unprecedented consequences of hosting IDPs in a UN base is the application of rule of law, which has inevitably resulted in several challenges and dilemmas. Without an executive mandate, the UN cannot set up courts itself, while turning over accused criminals to the government raises significant concerns regarding the principle of non-refoulement.⁴⁴ If UNPOL is to hand over alleged criminals to the Government, then they must know that the alleged criminals will not be targeted or treated unfairly because of their ethnicity or perceived political alliances.

Considering that most the IDPs in the PoC sites are either of Nuer or Shilluk ethnicity, who are primarily aligned with the opposition, turning over perpetrators to the government justice system carries certain risks and can only be done in rare cases. There is also a risk of perpetrators being prematurely released by the police, undermining the entire justice process. Camp leaders in Juba alleged that a few notorious repeat offenders, handed over to the South Sudan Police Service were released shortly after and returned to the PoC site.⁴⁵ As other papers have already examined many of these legal challenges, this report will instead focus on IDPs perceptions of the rule of law in the camps, including some of the challenges related to the Informal Mitigation and Dispute Resolution Mechanism (IMDRM).⁴⁶

Customary Courts

The majority of court cases in the PoC sites are civil cases, not criminal, and these are not usually resolved by the UN but by customary courts within the camps. Customary court systems are used in tandem with statutory law in South Sudan and chiefs resolve the majority of intra-ethnic cases.⁴⁷ Much of the fighting and conflict within the camps arises from social issues, which the customary courts are not allowed to enforce as they would outside the camps, as issues such as adultery and pregnancy are not recognized by the UN as legal grounds to detain. Most commonly in customary courts, compensation is agreed in the form of cattle or money, even in cases such as murder, for the family of the victim.⁴⁸ The customary court system is recognized and accepted by the population in the PoC sites, so UNPOL relies on a similar system for solving minor cases through IMDRM. In the PoC sites, the IMDRM is used to settle most of the low-level cases, including thefts, fights and domestic disputes (Interview 16).

⁴⁴ The principle of non-refoulement was first found in Article 33 para. 1 of the 1951 United Nations Convention Relating to the Status of Refugees and is defined as: "1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

⁴⁵ UNPOL confirmed that if they knew of such perpetrators returning to the PoC they would deny them entry. However, UNPOL was not aware whether perpetrators that had been handed to the

Government were back in the PoC site or not.

Customary court chiefs, who held the same position prior to the crisis, often fulfil this dispute resolution role in the camps. As only a few people in the PoC sites are able to pay compensations in cattle, payments are usually made in the form of cash or it is deferred. People collect contributions from their extended family in the PoC sites, but, if a person fails to bring in the sufficient amount, the court chief will keep a record of the deferred compensation, keeping one copy for themselves and giving the other to the victim's family. In this way, the compensation can be settled when the conflict is over and people have returned to their home areas (Interviews 7, 23, 34, 39, 43, 58, 59, 60).

Disputes also commonly arise over domestic issues, including adultery and elopements. If unresolved, such cases frequently lead to tensions and even violent clashes between the concerned families and clans. The customary court plays an important role in settling these cases. For example, among Dinka IDPs in the Malakal PoC site, if a woman is found pregnant out of wedlock, the father of the child must pay five cows compensation to the woman's family. Often, the man will then begin the process for marriage.

In cases of adultery, the man must pay eight cows.⁴⁹ For young men who do not have enough cattle or money to pay for bride wealth, or believe the bride's family does not approve of him, one solution is to elope with the woman and then send his family to negotiate on his behalf. The man and woman will hide from her family to prevent beatings until a settlement is reached, usually ten cows as compensation and an additional forty cows in future instalments. What all these cases have in common is the perception of women as the "property" of her family. Compensation is necessary if she has been "wronged" as her "value" is compromised as her family will receive less for her when she is married (i.e., in terms of bride wealth). As one respondent explained, "the owner of the girl" will beat a man who gets her pregnant if they find him before the settlement (Interview 58). Outside the PoC sites, similar situations will lead to detainment, while the family collects the settled compensation. Not surprisingly, although socially accepted in many communities, these social practices are not recognized by the UN.

As the UN does not recognize pre-marital sex, elopement, adultery or pregnancy as illegal, UNPOL does not involve themselves in these social or domestic disputes. The court chiefs in all four major camps identified this issue as the primary cause of conflict in the PoC sites. As the family members of the women often seek to carry out revenge

Government were back in the PoC site or not.

⁴⁶ F. McCrone, 2015.

⁴⁷ D. Deng, *Challenges of Accountability: An Assessment of Dispute Resolution Processes in Rural South Sudan* (Juba, South Sudan Law Society, March 2013).

⁴⁸ Compensation for murder is anthropologically known as *blood wealth*.

⁴⁹ The definition of adultery is broad and also includes pre-marital sex, although this is a cheaper fine.



against the man and his relatives if compensation is not paid or while the court process is still ongoing, the court chiefs have requested these young men to be detained or held in custody for their own safety until compensation is agreed (Interviews 7, 23, 34, 43, 59, 60). However, as the UN only deals with criminal cases, these social disputes are not considered legal grounds to detain someone, which the chiefs claim lead to much of the violence within the camps.

Court chiefs in the Bentiu PoC site complained that, as they have no power to arrest or detain, they are reduced to being “advisors” (Interview 34). Since the UN will not detain offenders in social cases, they have had difficulties in terms of preventing fights between families and clans. UNPOL instead attempts to engage with community leaders to prevent the breakout of violence, but changing decades old culture practice is a huge task, much less doing so in IDP camps in the middle of a war. However, ignoring customary court norms also creates opportunities for conflict that could be prevented. The complexity in this situation is recognized by many UNPOL staff members, and there are no easy solutions to this dilemma.

Community Watch Group

Before the creation of the PoC sites in December 2013, UNPOL’s mandate focused on building the capacity of the national police service. However, following the arrival of IDPs into UNMISS bases, the safety of the UNMISS staff and the IDPs suddenly became a major concern and UNPOL’s role changed (Interviews 55, 78). There was now an imminent need to mitigate crimes and create order in the PoC sites. However, many UNPOL staff members who had been brought in as trainers of the police were not experienced or prepared to establish rule of law among thousands of people within a UN base, particularly without an executive mandate (Interviews 13, 18, 55, 78, 98).

The influx of IDPs also meant that UNPOL personnel did not have adequate numbers of staff to police the sites on their own. In a bid to improve security within the PoC sites, Community Watch Groups (CWG) were established to assist with self-policing in the camps and to supplement UNPOL. Working with volunteers from the community itself improved the ability of UNPOL to mitigate crime, and, according to UNPOL staff members, crime rates are currently comparatively low considering the relatively high number of IDPs and low number of police in the PoC sites (Interview 55).

The use of volunteer police has also led to a number of challenges. The CWGs comprise volunteers, with no income or training in policing or human rights. There was no gender mainstreaming initially, so the number of women involved

was very low or non-existent (Interviews 18, 78).⁵⁰ Some respondents believed the focus on creating order in some locations limited the engagement between UNPOL and the CWGs, which were given a level of independence to manage basic issues themselves (Interview 68). Much like community defence groups outside the camps, the youth monitored and dealt with minor cases alone.⁵¹

However, the varied levels of independence of CWGs also led to abuses by members or the use of negative cultural practices, such as beatings of alleged perpetrators. Some abused their positions by beating or detaining people themselves rather than turning them over to UNPOL (Interviews 13, 18, 55, 78, 98). In one case, young boys were held in a container in the sun for several days (Interview 68). In the UN House PoC site, the CWG has been accused of abusing its power by collecting “taxes” from traders and local NGO staff for its own benefit (Interviews 68, 78). A ledger book was found with the names of the IDPs and the amount they had paid to the CWG and was perceived by some people as an extortion racket. Reports further indicate that traders bringing in goods, including registered traders of the WFP voucher system, also have to pay taxes to the CWG (Interview 74). There is no clear law or policy banning taxation within the camps, but, with little control over the structures of the CWG and camp leadership, there is a fear they could be collecting money through the threat of violence.

Members and leaders of CWGs in the camps, on the other hand, complained about the lack of motivation to work long hours and nights with no income, incentives or equipment, such as torches or gumboots (Interviews 9, 13, 18, 23, 55, 78, 98). UNPOL carried out policing and human rights training of CWGs, but the quality varied by location. UNPOL personnel are receiving training on community policing to ensure a level of competence and standardization (Interview 78). The number of CWG members also varies significantly among PoC sites. The Community Police Unit based in Juba has created guidelines and standards for the use of CWG units in the PoC sites, but, as of the end of 2015, they had not been put in place outside of Juba (Interview 78).

CWGs have been a useful tool in mitigating crimes in the camps but run the risk of abusing positions of power if not carefully monitored and trained. The success of the CWGs depends much on the quality of UNPOL staff and their personal relationships with youth in the camps. Replacement of individuals within the CWG could have an adverse effect on security and crime in the camps. The community policing guidelines established in Juba should be used in all the PoC sites to guarantee certain standards, no matter the personnel. One of the major security threats facing the PoC sites comes from active combatants who stay in the PoC sites or use them as a temporary safe haven.

Camp Leadership Structures

From the beginning of the conflict, there was a clear need for creating order in the PoC sites as the IDP population rapidly grew. Some locations, such as Malakal, were completely chaotic in the early days of the crisis. IDPs were sleeping wherever they could find space, with little organization or separation from the UNMISS staff offices or residences. In order to organize services and manage the IDPs, it was decided that leadership structures needed to be set up. The variations between the camps meant that there was no common way of setting up camp leadership structures across all the sites. Instead, the IDPs themselves or UNMISS Civil Affairs attempted to create structures, with various degrees of success. Initially, leaders were selected by being interested in the position or based on their positions before the conflict; but, these qualifications did not necessarily translate to successful representation of IDPs and their interests. After some difficulties with the initial leaders, such as the Elders Council in Malakal, camp leadership structures became based on more representative considerations.

With the exception of Malakal, the IDP populations in the PoCs sites are largely Nuer, and, so the authority structures often mirror the chieftain system found outside the sites.⁵² Despite variations, the camp leadership structures in all four major camps⁵³ are currently organized around two criteria: places of origin and location in the camp. With the exception of Juba, most of the IDPs’ “places of origin” are in the states of the PoC site where they live. Leaders are selected by ethnic group, region or clan for the highest levels of representation, such as the inter-ethnic Peace and Security Council (PSC) in Malakal, or the Camp Management Committee (CMC) in UN House. While zones and blocks also have selected leaders, the top leadership posts in every camp are selected due to place of origin and represent a clan, region or ethnic group. One respondent who was formerly with RRP recalled failed attempts to convince the IDPs that camp leadership responsibilities are primarily about camp location and services, and, therefore should only be based on locality in the PoC site rather than place of origin (Interview 50).

Although this is how it is done outside the camps, leadership along clan lines could exacerbate tensions between groups and prevents proper representation of women. In most the camps, the positions of leadership are term based, usually one year or six months. Some positions do not have to change at the end of a term if people are satisfied with their leadership, such as youth leaders in Bor, but most posts change hands and another region’s representative will step in.

The success of these leadership structures have varied in each camps, and humanitarian workers involved in camp

management feel that they have often been over-empowered (Interview 68). Some individuals have used the positions as a means of gaining personal wealth and intimidating political opponents and humanitarians.⁵⁴ In Juba, there has been violence against humanitarians and UNPOL, who have been chased out of the PoC site and had to renegotiate access (Interview 99). In Bentiu, a camp manager was kicked out and threatened to never return (Interview 89). Bor leadership has been much more supportive to the humanitarian agencies (Interview 68), while Malakal has the great challenge of an inter-ethnic leadership committee made up of 49 members. There is variation between the camps, as well, in terms of how the leadership structures function and are selected.

Bentiu is set up with a Community High Committee, comprising 19 representatives from the community. Each of the seven counties in Unity select two representatives, while those not from the state are given the rights of an eighth county (Interview 39). In addition, three women are added to the 16 representatives, leading to a total of 19 people on the Community High Committee. Unlike other sites, Bentiu has positions based on particular sectors; so, in addition to a chairperson, deputy and secretary, the committees also have representatives for health, WASH, labour, education, food and services, vulnerable and disabled, non-food items (NFIs), women and security (ibid.).

The multi-ethnic composition of the Malakal PoC is unique. The PSC comprises 49 members— 14 from the major ethnic groups (Dinka, Shilluk and Nuer) and 7 for the rest (Interview 16). As IDPs from the Shilluk ethnic group compose the majority of the population in the PoC site, if the council were based on a vote system the minority groups would have little representation. The PSC is also used as a means of mitigating conflict between the various ethnic groups due to varied allegiances. Camp leaders exist according to their location in the camp, such as blocks and sectors (ibid.).

Bor is the smallest of the PoC sites, and its leadership structure is relatively small, as well. Positions are assigned according to the “greater” Nuer regions. The Camp Chairman is selected from greater Akobo, the female leader from greater Fangak and the youth leader from greater Bentiu (Interview 9). The fourth greater, Nasir, is not represented because the population in the PoC site is too small for Nuer from Upper Nile to have their own representative.

The leadership systems used in the PoC sites are complex and multi-layered and ensure that every group has an opportunity to be represented in the various positions. One in-depth case study of the leadership structure of Juba’s Tongping PoC is detailed in the Case Studies in the next pages.

⁵⁰ The newest extension in Malakal has selected women for half of their CWG, but this is a rarity.

⁵¹ I.M. Bredlid and M.J. Arensen, “Demystifying the White Army: Nuer armed civilians’ involvement in the South Sudanese Crisis.” *Conflict Trends* Issue 3, 2014, pp. 32–38.

⁵² The composition of the camps has changed over time in some locations. See the camp sections and timelines for more.

⁵³ Due to the small numbers of people in Wau and Melut they are not included in this analysis.

⁵⁴ See Case Study: The UN House PoC 1 “Takeover”.

Case Study
Juba Tongping and UN House PoC Sites



When the conflict broke out in Juba, many political and military elites aligned with the opposition fled to the Tongping PoC site. As a result, in the first few months of 2014, there were quite a few people who stayed in the camp and also had significant influence before the crisis as prominent politicians or military leaders. These elites later left the country, but, initially, control in the camps was better due to their leadership (Interviews 50, 69). This influence had both good and bad consequences, depending on if their interests aligned with the interests of UNMISS and humanitarians. However, after the top officials departed the camp, a power vacuum occurred as people with less influence competed over control (ibid.). This led to an opaque and difficult group of leaders whose power was largely dependent on the continuation of the PoC site. Not surprisingly, this was one of the factors that complicated the closure of Tongping. Even once the IDPs relocated from Tongping to UN House, their leadership structures remained the same.

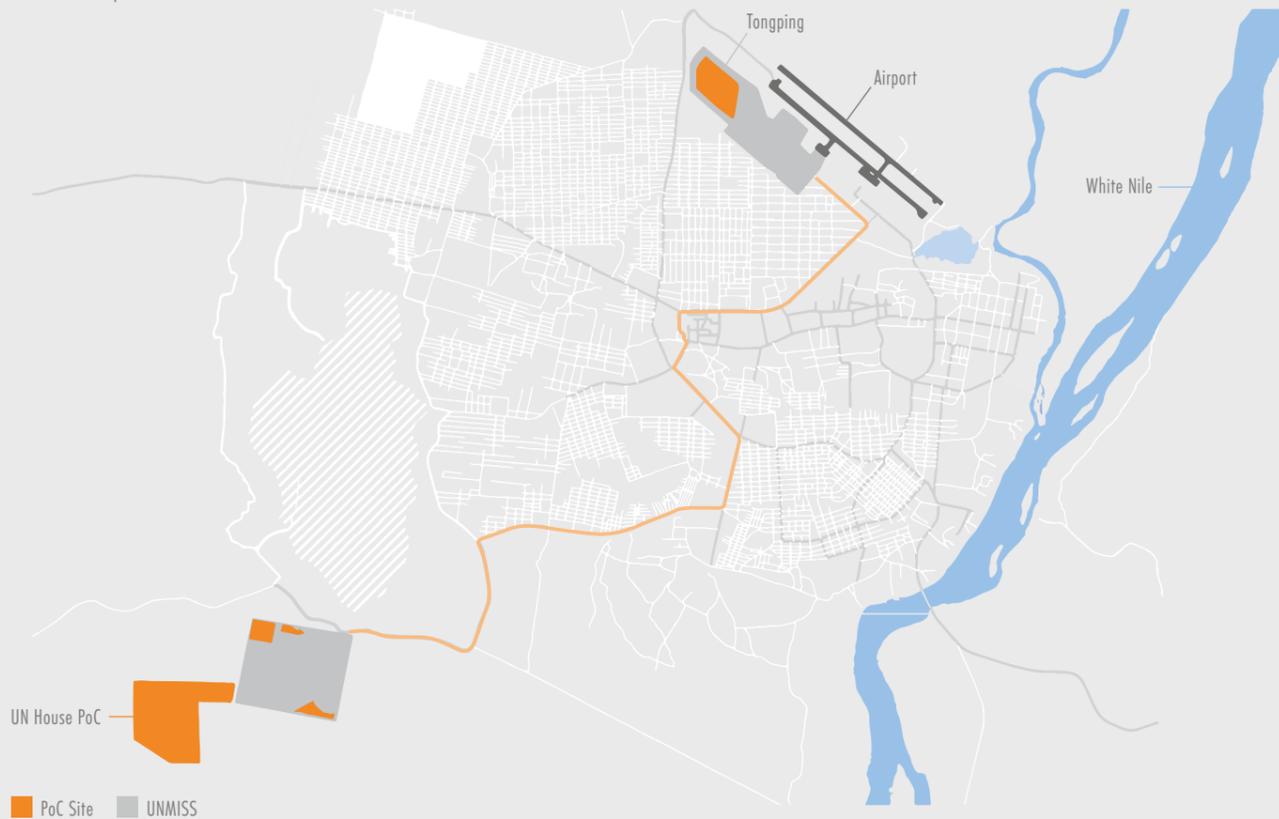
At the UN House PoC site, the CMC includes five executives, each representing a number of counties. There are four "greater" areas among the Nuer of South Sudan: Akobo, Fangak, Nasir and Bentiu (Interviews 41, 44). Greater Akobo, Fangak and Nasir are all made up of three counties each, while Greater Bentiu has seven counties, so instead receives two representatives. The clan or clans that make up each greater area⁵⁵ vote and select a leader to represent their region in the executive committee (ibid.). Sub-clans select who they want to have as their candidate and then the entire region selects the

representative together. It is important to note that the positions in the executive committee assigned to each region are changed every term, which is currently six months. Another group, the Council of Elders, including three representatives from each of the 16 counties, or 48 in total, decides which regions will represent which position for each term (ibid.). This rotation ensures that every region will have the opportunity to have a representative in each post. The executive committee comprises a chairperson, deputy, finance officer, secretary and information officer.

In addition to the executive of the CMC, there are also representatives for each zone and each block in the Juba PoC site, and the positions are not term limited. There are nine zones, with six to eight blocks each. The blocks vary in size from 80 to 140 households, and people are mixed from each of the greater regions (ibid.). Each block has six representatives: the same five posts as the executive with an additional women's representative. There is also a Women's Association and a Nuer Youth Union, which have eight positions of leadership each and advise the executive committee (ibid.). The many layers of leadership and term limits are a means of holding the leaders accountable and ensuring everyone has representation. Currently, there is discussion of adding another "count," which would represent all those from other parts of the country who live in the PoC site, such as IDPs from Shilluk (Interviews 41, 44).

⁵⁵ Some areas are comprised of one Nuer clan (i.e. Greater Akobo is Lou Nuer, Greater Nasir is Jikany) while others are mixed (Greater Bentiu and Greater Fangak include many Nuer sub-groups).

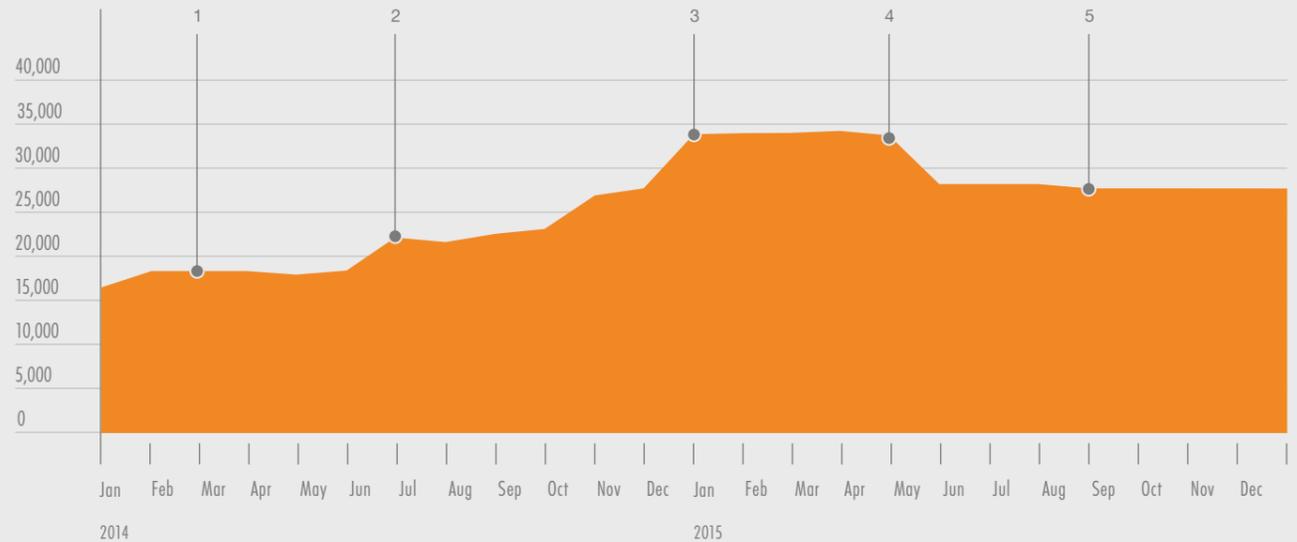
Juba Town Map



UNMISS soldiers prepare the relocation convoy that will travel from Tongping to UN House. © IOM 2014 Photo: Martin Legasse

Timeline: Tongping and UN House PoC Sites Population Trend

- 1. UN House PoC site II opened. Relocation of 1,500 Tongping PoC site residents to PoC site II begins.
- 2. Relocation of Tongping PoC site residents to UN House PoC site III begins.
- 3. Relocation activities span from July 2014–January 2015.
- 4. UN House PoC site II residents relocated to
- 5. Foreign nationals return to areas of habitual residence.



Case Study The UN House PoC Site "Takeover"

The leadership in one section of the UN House PoC site, known as PoC 1, was selected by the IDPs themselves at a community meeting shortly after arriving on 19 December 2013. At that time, it was unclear if NGOs or the UN were going to provide services, and people were fighting over space and needed some means of organizing themselves, so they set up blocks within the camp (Interview 73). As the first leaders in the camp, there were rumours that they received salaries from NGOs. Despite denial from the leaders, "rumours spread quickly in the crisis" and persisted (Interviews 73, 75). After nine months, IDPs decided they wanted to select new representatives from another "greater" area. The first chairman was from Unity, and the next was selected from greater Akobo (ibid.). Towards the end of 2014, WFP was pushing to replace general food distributions with a voucher system in which people use their vouchers to buy food from traders; this served as a catalyst for the change in leadership that occurred (ibid.).

Rumours quickly spread that the implementation of a voucher system would give Dinka traders the opportunity to poison the food. In addition to the rumour that leadership were receiving salaries from NGOs, stories were told to the media that the current leadership was supporting the "questionable" voucher system. Doubt regarding the leadership grew (Interviews 73, 75). One former leader believes that others who wanted to compete for the position of camp chairman, including youth leaders and the eventual successor, Hoth, encouraged these rumours as a means of undermining the leadership. Hoth, who claimed he would stand up to the NGOs and stop implementation

of the new voucher system, was selected to be the new chairman (ibid.). Hoth explained that it was all due to a crisis in leadership over the voucher system (ibid.). Either way, for four months, no food was distributed and eventually an ultimatum was given: either the IDPs use local Nuer traders, outside traders or WFP traders. The people selected local Nuer traders who go out and buy the food from people they trust. Despite the promises to stop the voucher system, it was finally implemented (ibid.).

The change in leadership to Hoth led to a significant power shift in the camp itself. The youth, via the CWG, gained considerable power under Hoth and began to be used as tax collectors for the camp leadership (Interview 74). Chairman Hoth admits that the leadership taxes NGO workers who are IDPs and live in the camp but claims they use the taxes for administrative purposes to support the community watch group, the same group that collects the tax (Interview 75). Many IDPs view the taxes as an example of abuse of power (Interview 74, 99). In addition to taxing local NGO staff salaries, the CWG also tax the traders involved in the voucher system or those bringing goods into the camp (Interview 74). How much of these taxes go to the pockets of the leadership and how much is spent on CWG costs is unclear. Chairman Hoth claims some of the money goes to the families of the CWG, while the rest is used for "running costs" of the CWG (Interview 75). With no clear rules regarding camp leadership's ability to tax IDPs, the taxation cannot be stopped, leading to many questions about the potential abuse of power in these situations.



UN House PoC site, September 2015 / Population: 28,000 IDPs.

Challenges of Neutrality, Demobilization and Reintegration

As early as January 2014, President Kiir accused UNMISS of running a “parallel government” and protecting rebels and weapons in the PoC sites.⁵⁶ The accusation originated due to the presence of several high-profile Nuer politicians and military commanders in the Juba PoC sites at the beginning of the conflict. Most of the high profile IDPs in Juba later left the PoC sites, and UNMISS took steps to preserve the civilian character of the bases through frequent weapon searches. The confiscated weapons and uniforms were not turned over to the SPLA as demanded, and the Government of South Sudan has continued to accuse UNMISS of lacking impartiality and even arming the rebels. High profile incidents, including the overland transport of weapons by the Ghanaian Battalion in March 2014 and the confiscation of 55,000 litres of petrol and seven weapons from UNMISS transport boats in Upper Nile in October 2015 by SPLA-IO allied forces, have exacerbated this perception and increased animosity between UNMISS and the Government.⁵⁷

One of the principal challenges in maintaining the civilian character of the PoC sites is the existence of former combatants in the sites. It was 18 months into the conflict before UNMISS created guidelines regarding the arrival of armed combatants, and decision-making is still, to a great extent, left to UNMISS state leadership. UNMISS's position is that if an armed combatant takes off his uniform and hands over his weapon, then he is considered to be a civilian and treated like any other new arrival to the camps (Interview 50).

Humanitarian actors have pushed for a reintegration process to be carried out for new arrivals, which has only just recently begun in Malakal (Interviews 29, 50). Disarmament, demobilization and reintegration (DDR) was removed from the UNMISS mandate in May 2014. However, reintegration without demobilization creates many complications. DDR programmes in South Sudan have not been successful in the past, such as during the CPA implementation period, despite significant funding and established institutions involving the concerned parties, i.e., the governments of Sudan and South Sudan. DDR in the current, politicized environment is premature. Unless the Transitional Government of National Unity (TGoNU), when formed, is politically supportive of the DDR process, it is likely to once more be an expensive and difficult prospect.

According to a senior UNMISS staff member, identifying a military combatant from an armed civilian in South Sudan is extremely complex and beyond the ability of the mission (Interview 50). As seen in the current conflict, as well as during the second civil war and post-CPA period, armed civilians are frequently mobilized for political violence, blurring the distinction between civilians and the military.⁵⁸ Rather than running the risk of turning away people who might get killed as a consequence, UNMISS would rather risk having a few active combatants in its bases (Interviews 15, 16, 50). While identifying former combatants in South Sudan would be a very difficult task, there should be a distinction between armed civilians and soldiers who “self-identify” by coming to the bases in uniforms (Interviews

11, 68). UNMISS in Malakal have, for instance, recently begun separately identifying combatants upon arrival for reintegration into the PoC community. They are taught about their responsibilities as civilians in the PoC site and receive medical treatment as required (Interview 16). Some UNMISS staff members, however, expressed concerns over the potential risks associated with separating former combatants from the civilians, making them potential targets for the civilian population inside the camp and the opposing forces outside (Interviews 16, 50).

Many of the humanitarians interviewed were, on the other hand, worried about how active combatants, in the absence of a demobilization programme, could abuse the PoC sites as a means of temporary safety, increase security risks within the camp and severely reduce the civilian character of the PoC sites (Interviews 5, 11, 68). When the SPLA-IO-aligned Shilluk commander Olony launched offensives on Malakal town, hundreds of Shilluk youth in the PoC site mobilized to take part in the armed conflict (Interviews 5, 11). When the SPLA retook the town, the youth returned back to the PoC site for safety, hiding their weapons outside the perimeter. While this incident clearly was problematic, it further illustrates UNMISS's argument regarding the difficulties of making distinctions between military combatants and armed civilians.

Another example from Malakal PoC seems more straightforward. In April 2015, when heavy fighting erupted in Malakal, SPLA reinforcement troops from the Equatoria region fled to the Malakal PoC site for safety (Interview 15). An Equatorian SPLA soldier, captured by Olony's men, was escorted to UNMISS as they claimed they had no problems with the Equatorians (ibid.). Another 26 SPLA soldiers ran to the Rwandan Battalion at the airport when fighting broke out as they were new to the area and did not know where the UNMISS base was located (ibid.). Eventually, after the SPLA recaptured Malakal, the former combatants re-joined the military (ibid.). If the PoC sites, especially Malakal, continue to serve as a place of temporary sanctuary for combatants of both sides of the conflict, then there is a great risk that the sites will become a target for the warring parties. The attacks on the Akobo, Bor and Malakal PoC sites are stark illustrations of the possibilities of such a scenario.

Even though UNMISS does carry out disarmament upon arrival and attempts to reintegrate combatants, ensuring the civilian character of the PoC sites is not feasible without demobilization. The main risks to the civilian character of the PoC sites is actually from armed civilians using them as a refuge, rather than soldiers in uniform. These civilians, or local defence groups, commonly comprising all physically fit males, are not part of formal military structures and cannot be so easily identified for a demobilisation or reintegration programme.⁵⁹ Other solutions should be considered to reduce the engagement of IDPs staying in the PoC with the conflict outside. Messages of reconciliation are likely to fall on deaf ears as the conflict continues, and restricting movement during periods of conflict poses other risks. There are no easy solutions, but it is clear the issue of maintaining the civilian character and impartiality of the PoC sites faces immense challenges in the current political climate.

Space Issues

One of the main tensions between humanitarians and UNMISS is over space, or the lack thereof, within the bases. UNMISS bases were not constructed to host thousands, much less tens of thousands, of people. The land given by the Sudanese government to UNMIS 1 was often swampy areas and prone to flooding in the rainy season. The sudden influx of thousands of people into areas with limited space caused immediate congestion of IDPs and humanitarians; the solutions comprised containment, expansion and designation of service areas with or without standards.

Expansions of the base perimeters required an agreement between UNMISS leadership and the Government, as well as permission from the owner to lease the land. Each PoC site location faced different challenges in terms of expansion. Such a process requires additional resources for construction, such as heavy machinery and perimeter materials. The time required by UNMISS to redirect limited resources to the perimeters led some locations to have extremely inadequate boundaries until other partners stepped in to complete the work. In June 2014, UNMISS announced that any new land allocation or expansions of PoC sites would require approval from Juba (Interview 68). Despite reservations by mission leadership, pressure from former DSRSG/RC/HC Lanzer and donors eventually led to the expansion and decongestion of the camps (ibid.).

In Juba's Tongping, the IDPs were contained to an area with 4 m² per person, far below international standards of 45 m² per person.⁵⁹ Finding space for latrines and distribution points became extremely challenging. The driest parts of the bases were already used by UNMISS for accommodation and offices, leaving highly dense populations on land vulnerable to flooding for two thirds of the year. The solution to decongest was the creation of a large area at UN House. Construction began in early 2014 but was not completed until June, with the relocation exercise taking another six months. Tongping stayed congested for almost one year, with literally no humanitarian standards achieved.

As UNMISS leadership did not have an interest in increasing the pull factor to the PoC sites, it allegedly sought to limit the services offered by INGOs. For example, one organization, reportedly, infuriated UNMISS leadership by creating a child friendly space in UN House as it was perceived to create an additional draw factor (Interview 47). Former camp managers also argued that UNMISS was reluctant to allocate additional space for the PoC sites, as improvements would potentially increase the appeal of the camps. The IDPs were often located on very congested parts of land, adjacent to empty spaces UNMISS had set aside for developing their bases. Dozens of new staff residences were being built in UN House while IDPs had only 3.5 m² per person in parts of the PoC site (ibid.).

Further negotiations with UNMISS over land required for humanitarian hubs were, according to many humanitarian staff, protracted and challenging, as well.

Malakal expansion was the first area created by UNMISS and humanitarians to accommodate all IDPs sheltering at a PoC site. A large area was identified on the southern edge of the base. The original creation of the PoC extensions did not consider international standards, increasing public health and protection challenges in particular. In the Malakal PoC site, staff members of UNMISS Mission Support Unit claimed they were only informed about these standards after the first expansion area had already been built and were told that the space created was only enough for 30 per cent of the IDPs within the base. In the end, the majority of IDPs moved to the new site with less than 12 m² per person. Additional sections were built afterwards by humanitarian organizations to further decongest the site.

Many of the IDPs are interested in finding additional income to supplement the services offered by the humanitarians. Women often sell firewood and grass they collect from outside the PoC at great personal risk, while others have started small business in the PoC sites. For most IDPs, markets are currently the only means of livelihoods and income, and competition over market space in the PoC sites can become intense and even result in conflicts (Interview 68). A large market in Malakal PoC site was removed and moved to the town when security conditions were better and as a means of encouraging returns. However, the eruption of armed clashes in April 2015 destroyed this market.

Current security conditions do not allow for a new market to be rebuilt or accessed by the majority of IDPs in the Malakal PoC site. As a result, shopkeepers have set up their shops within the site where they can find space, and there is a constant battle to break down the illegal construction of shops along access roads. At one point, latrines in a sector could not be emptied of waste because of a series of illegal buildings blocking access. UNMISS forces have refused to expand the perimeter to include an expanded market space in Malakal as they perceived this to be beyond their mandate of protecting civilians (Interview 57). The subsequent events in Malakal in February 2016 have proven that congestion of PoC sites increases tensions and prevents key services from functioning.

However, as the recent inflow of IDPs in Bentiu and Malakal has surpassed any expectations, camp management has yet to decongest the majority PoC sites to meet international standards. In Bentiu, the PoC site was extended during the 2015 dry season to 1.5 million m² to improve living conditions. Between March and December 2015, Bentiu received more than 70,000 new arrivals, more than doubling the population of the site. In some PoC sites, IDPs still have less than 4 m² of space per person even after two years.

⁵⁶ BBC News, 21 January 2014. “South Sudan President Salva Kiir hits out at UN,” 21 January 2014.

⁵⁷ BBC News, 10 March 2014. “South Sudan protest against UN over arms cache,” 10 March 2014; UNMISS, “UNMISS secures the safe release of all personnel held by SPLA-IO in Upper Nile State,” 1 November 2015.

⁵⁸ I.M. Bredlid and M.J. Arensen, 2014, pp. 32-38.

⁵⁹ 45 m² per person might seem like a large amount of space, but it includes the space needed for services such as latrines, distribution points, medical facilities, schools and even roads and drainage.

PoC Exit Strategies

Almost immediately following the creation of the PoC sites, there have been constant questions over the exit strategy for the sites and returns of IDPs. As pointed out by current DSRSG/RC/HC Eugene Owusu, while UNMISS undoubtedly did the right thing by opening the gates and creating the PoCs, they are not sustainable and at some stage the international community has to think about a durable solution. As stated in a July 2014 report from the UN Secretary-General, “Sites for the protection of civilians in UNMISS bases are not a sustainable solution for the internally displaced persons who are being protected there [...] it is therefore imperative that sustainable immediate, medium-term and long-term solutions and resources be found to assist the internally displaced.”⁶⁰ The risks the mission faces, both real and perceived, by hosting IDP camps in their bases have meant that there has significant interest within the mission in closing them down as soon as possible. Discussions over alternatives to the PoC sites began as soon as it was clear that IDPs were not leaving after the planned 72-hour period. In 2014, the discussion over solutions to the PoC site “problem” considered a number of options. Three major alternatives were contemplated (Interview 42):

Internal Displaced Persons could

- Voluntarily return to their homes or areas of origin
- Voluntary resettle to another part of South Sudan
- Seek asylum in other countries

It was assumed that IDPs could voluntarily leave the country, which some did on their own accord, or UNMISS could relocate the IDPs to newly built camps outside the bases. These camps would be run by a civilian agency, such as UNHCR or IOM, which traditionally manage refugee and IDP camps. Although this idea reached high-level talks, it was eventually dismissed due to security concerns (ibid.). Any new camps would not fall within the current SOFA between UNMISS and the Government of South Sudan, and, without the same jurisdiction, civilian agencies could not deny entry of security forces into the camps. Hence, the IDPs would be at greater risk, opening the potential of a scenario similar to what happened Rwanda. Considering that the attacks on the Akobo, Bor and Malakal bases occurred despite UN military presence, this possibility could not be dismissed.

The simplest option was chosen to begin at the end of 2014: the facilitation of voluntary returns for IDPs to other locations in country. Agencies planned for this to occur in the following dry season and carried out intention surveys and assessments of potential areas of return (Interview

2). The focus for the returns was on the PoC sites in Bor and Wau due to their relatively small populations, which were less than 3,000 IDPs combined. Akobo, Leer and Pagak were considered for potential areas of return, as they were deemed to be stable locations at that time.⁶¹ IDPs were offered assistance to return to their preferred location rather than staying at the PoC sites, an offer which interested very many IDPs. Several details proved difficult to address, such as the limited number of belongings IDPs could bring with them, where IDPs would be settled upon arrival, food security conditions in the locations and determining the level of services that IDPs would they receive in the areas of return.⁶² Only a week before the movements were to begin, the Government of South Sudan blocked the relocations based on fears that the men from the PoC sites could reinforce opposition forces if they returned to SPLA-IO areas (ibid.).

At the end of 2015, the discussion was focused on three potential solutions: transferring IDPs to another location, encouraging the voluntary movement of IDPs to other places with the offer of continued services and shifting the security support so the IDPs could be located outside UNMISS perimeters. Relocating IDPs to a location managed by civilians and where greater services are offered is largely dependent upon whether the IDPs feel safe enough to voluntarily move outside UNMISS bases to places where the SOFA agreement is not applicable. It is likely this would only be a viable option when the TGoNU is put in place, with integrated security forces from both SPLA and SPLA-IO. Even if these conditions are met, new bases are unlikely to be created due to the high costs involved (Interview 68). Encouraging the voluntary relocation of IDPs to secure locations is already occurring, such as to Wau Shilluk near the Malakal PoC site (Interview 57). This is a solution for IDPs who have moved to the PoC sites primarily due to a lack of services but feel security is constant enough to move outside the PoC sites if those services are provided elsewhere.

Returns will also depend on stable humanitarian services and security. If these conditions are not met, the risk of IDPs returning to the PoC sites is high. The most likely scenario is the reduction of the official perimeter of the UNMISS bases to exclude the IDPs. UNMISS would still be responsible for providing necessary security, but as the IDP camps would be outside official UN base perimeters, the physical risks for the IDPs would increase. In the past two years, most IDPs have been moved and now live outside the original perimeters of the bases. In addition, buffer zones and fences already exist between UNMISS and IDPs in some PoC sites, like PoC 3 in UN House. Due to the challenges of returns, this seems to be the most likely scenario (Interview 79).

⁶⁰ S/2014/537 25 July 2014, 81.

⁶¹ In 2015 Leer would become one of the areas most affected by conflict, but at the time of the discussions it was still relatively stable.

⁶² Akobo was the most popular destination and the local government promised to set aside land for the IDPs to settle on. However, it was unclear where this land was contested between the Anuak and Lou Nuer. The two ethnic groups have been clashing over land ownership in

Akobo since the early 1980s and the 2013 conflict divided their loyalties. As Anuak fled the county due to the current conflict there was a distinct risk the IDPs could be settled on the ‘empty’ land they claim to be their own and exacerbate long-term conflict between the groups upon their return. For more see: M. Arensen, *Historical Grievances and Fragile Agreements: An Analysis of Local Conflict Dynamics in Akobo* (South Sudan Humanitarian Project, Juba, 2015).



There are likely to be very different opinions between stakeholders as to the risks IDPs face by closing the PoC sites and which conditions are necessary for safe returns. Some in UNMISS already feel that Juba has been secure enough for IDPs to return since mid-2014, while IDPs claim they still feel at risk. Whether this option will be applicable before the implementation of the TGoNU and integrated security forces is debatable, as dozens of IDPs identified these processes as primary indicators for their perception of safety and security. The relocation of IDPs in Juba in 2014 and the closing of a section UN House PoC in 2015 are excellent examples of the challenges that will arise when the closure of the PoC sites becomes a reality.

Relocation to UN House PoC Site and Closure of Tongping

Hosting more than 20,000 IDPs in Tongping PoC site led to immense challenges for all stakeholders. Space for the IDPs was as small as 4 m² per person and, as Tongping is not on high or rocky ground, rains easily led to flooding. It was decided by UNMISS to move the IDPs to another location. When they realized the rains were coming, as expansion of Tongping PoC site was not an option. The Chinese government helped negotiate the release of the land and the Chinese community in Juba prepared the land for the UN House extension. In the new site, IDPs could live on higher, drier ground and have five times the space they had in Tongping. After the space was created, humanitarians built shelters in order to convince people to move in June 2014. Camp leaders were brought to the site from Tongping to show them the location so they could encourage others to relocate. A small group moved right away as they were living in flooded areas of Tongping; however, the majority of people were fearful of relocating.

Rumours started to spread regarding the purpose of the relocation, where some IDPs believed NGOs moved the IDPs to SPLA bases to be killed. Some IDPs preferred to live near the centre of town as they could leave the PoC site and quickly return if there were any security risks. The main fear arose from potential targeting by the government and the fact that the Chinese built the site due to the close relationship between the governments of South Sudan and China. In Tongping, office containers and UN civilian staff surrounded the IDPs, while in UN House PoC site there was a ditch and berm with a chain link fence protecting them from any aggressors outside. As SPLA had shot into the Tongping base in the past, people feared that this would happen again in UN House without any protection from UNMISS.⁶³

One camp leader also identified mistrust in NGOs regarding their perceived neutrality as they can only work in South

Sudan with the permission of the government. In particular, some mistrusted national NGO staff coming from the outside, as they believe they were government spies and might collect information, such as photos and videos, of the IDPs. The encouragement by NGOs to relocate the IDPs to UN House reinforced their suspicions.

IDP leaders further used the relocation in pursuance of their own agenda, reinforcing rumours that the IDPs were being moved to UN House to be killed and that the NGOs and UN were paid to relocate them by the Government (Interview 44). Some leaders insisted they keep the same blocks as they had in Tongping to ensure they stayed in power (Interview 69). Leaders who encouraged relocation, or moved themselves, were consequently replaced by others who strongly opposed it (Interviews 44, 50, 69). The frequent changes in leadership made it more difficult for UNMISS and NGOs to establish confidence and relationships with the leadership. One INGO manager working in Tongping believed that the IDPs were often initially positive to relocate to UN House, but it was the leadership, or those with informal influence directing the leadership representatives, that created roadblocks for the process to succeed (Interview 69).

By August 2014, more rain arrived. While Tongping was flooded, UN House was dry, convincing thousands of IDPs to move. In September, UNMISS began to forcefully dismantle empty structures in Tongping, leading to serious resentment among the IDPs and prompting an assault on humanitarians and RRP on 29 September (Interview 44).⁶⁴ Camp leaders detained national INGO staff and equipment that had been promoting the move to UN House, saying it was “for their own protection” although it was an obvious means of intimidation (Interview 69). The dismantling of shelters prompted another 10,000 people to relocate, leaving only 3,000–4,000 people in the Tongping PoC site by mid-December (Interview 44).

By this time, the remaining population had selected a third group of leaders who were resolutely against the relocation. Food services were stopped in November in Tongping and IDPs were informed they would continue in UN House. SPLA were stationed outside the Tongping gates, which stopped IDPs from being able to freely move in and out of the site in December.⁶⁵ Without food distribution, or the ability to buy food outside the PoC, the resolve of the remaining people finally ended and they were moved before Christmas (Interview 44). By the time the last few thousand IDPs arrived in UN House, they had the last selection of shelters and people consequently blamed the Tongping leadership for delaying their relocation and leaving them with the least desirable shelters. These individuals were not selected for the UN House leadership.

⁶³ hand, IDPs and protection actors claimed the process was not always done in a dignified way, which created significant grievances towards humanitarians and UNMISS.

⁶⁴ The SPLA were reportedly stationed outside the Tongping PoC site in December as a security precaution because of the one-year anniversary of the beginning of the conflict. The IDPs believe this was requested by UNMISS leadership to stop them from being able to leave and re-enter the PoC site, forcing them to move to UN House.

Closure of UN House PoC Site for Foreign National

Unlike the Tongping relocation, the foreign national section of UN House, known locally as PoC 2 UN House, was closed completely at the end of 2015. It was a unique situation as the people staying in the section were foreign nationals, not IDPs. At the beginning of the conflict, the shooting, looting and general security threats in Juba led some foreign nationals to also flee to UNMISS for protection. However, being foreign nationals, they were not perceived as sympathizers of SPLA-IO or as potential targets for security forces in Juba if forced to leave the camp. It was thus decided it was justified to close the site by the end of August 2015.

Due to their status as foreigners, UNHCR was also engaged. The people were given two options, either to move back to Juba town and apply for refugee status or move to Makpanda refugee camp in Yambio, Western Equatoria, while their application for asylum would be processed (Interview 79). Each registered person was given USD 300 and those who moved to the refugee camp also received an NFI kit. A group of IDP representatives were brought to Makpanda camp to make an assessment, but their reports about the conditions in the camp were negative. As a result, only one third of the people signed up for one of the two options offered (Interview 79).

When the original deadline of 31 August passed and people were still in the camp, it was decided to copy a tactic used in Tongping, in which people could leave the camp, but not be allowed to re-enter. As many of the displaced were shopkeepers, this directly restricted their livelihood and some moved to other sections of UN House PoC and set up shops there instead (Interview 79). Humanitarian staff claim that it was agreed that services would not be cut off until everyone left; however, on the evening of 31 August, UNMISS stopped the delivery of water to the camp starting the next day (Interview 79). Water had to be shipped into the site and it was decided by UNMISS that if the people had no water they would be forced to leave and be blocked from entering again.

After three days, UNMISS leadership relented and allowed in some water trucks on 4 September (Interview 79). UNMISS then held more meetings to discuss what to do with the remaining 200 people, but, according to camp management, did not include or inform humanitarians of the decisions.⁶⁶ On 5 September, several humanitarian organizations working in the camp learned by an UNMISS Twitter message that the remaining people would be forced to leave on Monday 7 September (Interview 79). The humanitarians working in the site were further banned

from entering it on Monday, as it was described as a “military operation.” Soldiers were placed every 10 m of the perimeter, and the foreign nationals were put onto busses, and they claimed to the humanitarians they did not know where they were being taken at the time (Interview 79). They were moved elsewhere in Juba and stayed in hangars for another week while UNHCR asked them to select one of the options again. Not surprisingly, the decision to not inform the humanitarians working in UN House about the plan directly, or where the people were being taken, put a significant strain on the relationship between humanitarians working in the site and UNMISS.

These two case studies on Tongping and UN House illustrate the difficulties surrounding relocation and closure of PoC sites. There are no simple solutions and a contingent of people will almost always demand to remain, no matter the circumstances. Although the IDPs were eventually pleased with the move from Tongping to UN House, the tactics employed by UNMISS raises significant protection concerns. Attempts to move people to sites where humanitarians can offer better services, or where the land is better for shelters, is always a major challenge. Indeed, precedence exists within South Sudan itself with the attempt to move refugees in Upper Nile and Unity to different sites that were not prone to flooding. Because of the sensitivity of the matter, every stakeholder, from the mission to protection actors, need to be practical, flexible and transparent with each other. Local leaders in camps are usually dependent on the continuation of social and political structures and are unlikely to give up their positions of power easily.

Regardless, the unilateral decision by UNMISS to cut off basic services, like access to water, and the forced dismantling of shelters should not become accepted standards for future closures of PoC sites. Agreed guidelines should be in place for the closures of future sites, and all actors must improve communication and transparency with each other in their expectations on the best practice.

Whether more PoC sites will be closed in the near future will heavily depend on both the success of the August 2015 peace agreement and the ability of IDPs to return with freedom of movement.

⁶³ Although overall the IDPs now prefer UN House PoC site 3, one evening in September 2015 four IDPs were actually wounded after shooting into UN House PoC site 3.

⁶⁴ There is significant debate regarding the dismantling of shelters as a tactic for the closure of Tongping. Management felt it was justified, as most dismantled shelters were empty, or were in dangerous locations for the occupants. Occupied shelters were only dismantled if the people had another location to move and protection actors were involved. On the other

⁶⁶ UNMISS leadership interviewed were under the impression the humanitarians had been informed, but the NGOs deny they received any information following the meetings.

Now Dinka have taken over houses and land that belonged to Nuer and there will be issues of land if peace comes and people want to return.



Children play football in the Bor PoC site. Congested sites leave little space for recreation. © IOM 2015 Photo: Brendan Bannon

James

Bor PoC Site

50–60 years old, Nuer

Before the crisis, James lived and worked in Bor and thinks of Bor as his home. Since it was made the capital of Jonglei State it belongs to all the people of Jonglei and he intends to return to Bor town when peace comes back. In the past there was an unwritten policy that only Bor Dinka can only own land in Bor town, while other people groups have to rent it from them. Nuer working in Bor went and grabbed two blocks in Bor that were ‘unclaimed’ at a place called Shinuar Ben and settled there and built houses, including James. Before the violence happened the state government was going to give those who lived there land deeds, but only some people have their land deeds as the crisis occurred before they all received them. Now Dinka have taken over houses and land that belonged to Nuer and there will be issues of land if peace comes and people want to return. If Nuer security forces return to Bor the Nuer IDPs will not fear leaving the PoC. However, those who are squatting on their land must leave and the Transitional Government of National Unity will need to solve this issue before people can return. Before the implementation of the peace deal the President is creating new states, but James doesn’t see this as legitimate as it is not part of the agreement between the parties. He believes the division of new state borders along ethnic lines will make more tensions and could lead to a continuation of conflict. An independent land management committee must be created to settle all the disputes that will arise with the returns. The state capitals, and Juba, are for all people and therefore the host community should not decide alone about land rights issues.

"... the division of new state borders along ethnic lines will make more tensions and could lead to a continuation of conflict."

The Peace Agreement

The discussions surrounding the PoC sites are mostly about the push for the return of the IDPs, once it is deemed safe outside the bases. The implementation of the peace agreement is moving slowly forward, with an advance team of SPLA-IO in Juba in early 2016. Although many of the conditions listed in the agreement have yet to be implemented by either warring party, discussions on state-building and development are already on the lips of agencies and donors. As seen in the past, these aspirations often come at the cost of planning for other potential scenarios. While the current agreement is the best opportunity for peace in South Sudan, violence continues in parts of the country.

Most worryingly, the unilateral creation of 28 states by President Kiir, directly undermining the peace agreement, continues to move forward despite condemnation by the opposition and the international community. Although the population-at-large is divided in opinion regarding the new decree, the Nuer and Shilluk, the two ethnic groups most closely associated with the SPLA-IO, largely oppose it. Some question the legality of the decree, while others contest the redrawing of historical borders, in particular to expand Dinka territories at the cost of Nuer and Shilluk territories, including the most valuable locations with oil resources. These concerns are shared by experts who have compared the new borders with historical ones and analysed the economic and legal viability of the 28 States Establishment Order.⁶⁷ This decree will also have severe repercussions for the positions distributed to the SPLM/A-IO in the peace agreement and TGoNU, and the SPLA-IO is threatening to pull out of the agreement unless the decision is reversed. Many analysts believe this is the intention of the decree by the President due to his many objections regarding the agreement.

If the SPLA-IO does not pull out of the agreement, the precondition for the Government of South Sudan sharing power with the SPLM/A-IO is the loss of land and resources for their people, along with reduced influence in the TGoNU. The insistence by the head of the Joint Monitoring and Evaluation Commission (JMEC) that it will focus on the creation of the TGoNU and leave the state issue to be resolved later by the government itself is problematic.⁶⁸ Land rights and territorial boundaries have historically been major conflict drivers in South Sudan, and it is highly unlikely the peace agreement will be sustainable if these disputes are not resolved.

With the exception of the Dinka IDPs in Malakal, the majority of IDPs in the PoC sites who were asked about the creation of the 28 states by President Kiir were strongly against its implementation (Interviews 7, 9, 20, 23, 27, 31, 34, 59, 60, 65 and 75). In Malakal, many Shilluk civilians refused to accept the new borders, as they perceived it as a loss of historical territory. In Upper Nile, young Shilluk men said they desired peace, but, if the government insisted on implementing the 28 states, they would join Olony and fight for Shilluk land rights (Interview 65).⁶⁹ Men in the PoC sites also believed the decree would lead to more conflict, and some even directly stated that they would

refuse to acknowledge the new state borders and would go to war rather than accept them (Interviews 20, 23, 27). Nuer IDPs in the Bentiu, Bor, Juba and Malakal PoC sites also criticized the decree for undermining the peace agreement and insisted that it be revoked (Interviews 7, 9, 31, 34, 39, 60). Not surprisingly, this echoes the position of the SPLA-IO and Machar.⁷⁰

If the 28 states decree is fully implemented, it will have major repercussions for the returns of IDPs from the PoC sites, even if the decree should ultimately be accepted by SPLA-IO and their ally, Olony. Many IDPs lived in the state capitals before they fled to the PoC sites and desire to return to them afterwards (Interviews 6, 7, 24, 27). The new 28 states have been divided along ethnic lines, placing the former multi-ethnic state capitals of Bor and Malakal in so-called “Dinka” states. If IDPs cannot return to their previous residences, the possibility of returns will be severely challenged and, at best, significantly delayed. Since many of the displaced are from urban areas, they are more vulnerable and dependent on services if markets are not functional in areas of return. Coping mechanisms and social safety nets among the urban population are not as strong as those from rural areas, and their livelihoods and identity are often tied to urban settings. Indigenous knowledge about edible wild food plants, for example, is rare among those raised in urban areas.⁷¹ Due to these challenges, IDPs who have lived in capital towns for years are not likely to return to rural villages if there is peace.

IDP returns and the closure of PoC sites is a key priority for UNMISS leadership and DPKO headquarters. It must be recognized that, even if the peace agreement is implemented, many IDPs will remain in the PoC sites until other insecurities—such as food, shelter, economic and protection—are addressed. Aside from personal security, most IDPs face the challenge of restarting their lives after losing their possessions, livelihoods, land and livestock to the war. Many have nowhere to return to in the immediate future, even if they perceive that it is safe for them to leave the PoC sites. In the course of the conflict, different groups have occupied other clan and/or ethnic territories, and this will have to be carefully managed by the government to prevent further escalation of violence.

DSRSG/RC/HC Eugene Owusu lists five factors that must be considered for potential returns: safety and security, service delivery, livelihood opportunities, community dialogue and reconciliation and political dynamics. Research by the International Refugee Rights Initiative found that the violence that drove the civilians to the UN bases still defines their relationship with people outside, and transitional justice and reconciliation are necessary to facilitate voluntary returns.⁷² Even if the TGoNU is formed, it is likely that the process could take months, if not years, especially considering the delays in the process already. Many IDPs reported that they would wait for a period of time after the Government is formed to determine if the agreement is sustainable before risking leaving the PoC sites. The uncomfortable truth is that planning for the PoC sites must remain long-term, even assuming the best case scenario of a fully implemented peace agreement.

⁶⁷ D.H. Johnson, *Brief Analysis of the boundaries of the 28 States for the Centre for Peace and Development Studies*, (Juba, University of Juba, October 2015); A.T. Mayai, N. Tittmamer, and J. Madut Jok, *The Creation of 28 States: Is it Economically and Legally Viable?* (Juba, The Sudd Institute, October 2015).

⁶⁸ Sudan Tribune, “President Kiir’s 28 states is a ‘complicating factor,’ says JMEC chairman,” 8 January 2015.

⁶⁹ It is important to note that Johnson Olony first rebelled in 2010 over the issue of Shilluk

land rights, and that according to oral histories conflict over land between the Shilluk and Dinka in Upper Nile goes back hundreds of years.

⁷⁰ Sudan Tribune, “SPLM-IO rejects unilateral creation of 28 states in South Sudan,” 5 November 2015.

⁷¹ M. Arensen, *Indigenous Solutions to Food Insecurity: Wild Food Plants of South Sudan* (Juba, Oxfam, 2015).

⁷² Hovil, 2015.



The conflict has led to the loss of her father and eight brothers back home in Adok, Unity



Mary

Juba UN House PoC Site

25-35 years old, Nuer

On the morning of 16 December 2013, Dinka SPLA soldiers entered Mary's house in Juba and immediately killed her brother-in-law. Mary, her two teenage daughters and three small children were then taken and walked for an hour and a half to New Bongo (near Bilpham). Her family was added to another group of Dinka civilians and were waiting to see what was to be done with them. Fighting broke out nearby and the soldiers who took them ran to join in the fray, leaving the group unguarded. Mary's family and the other civilians all fled, initially thinking to run to the forest. On the way, a Nuer man who hid himself in his house saw them and asked where they were taking their children. When Mary said they did not know but were leaving Juba, he told them to go to UNMISS Tongping instead. As they were running, some Equatorians gave them water and told them to follow other people who were also going toward the Tongping base. They reached the east gate that evening and were allowed to enter the base. Six months later, Mary was selected to be part of the first group that relocated to UN House to build the shelters to prepare for the movement of other IDPs from Tongping. The conflict has led to the loss of her father and eight brothers back home in Adok, Unity, and every day Mary feels depressed thinking about them. Mary requested trauma-healing support for people in the camps who have lost family members.

Mary requested trauma-healing support for people in the camps...

They did not want to go to the Malakal PoC site as there is no freedom there and you cannot leave it without being targeted.



Men gather to play and talk in the Malakal PoC site. © IOM 2015 Photo: Brendan Bannon

Six Men

**Wau Shilluk, a settlement site on the Nile
10 km north of the Malakal PoC Site
20-40 years old, Shilluk**

The six men came from a village south of Malakal, but they moved to Wau Shilluk when the fighting began in December 2013. They did not want to go to the Malakal PoC site as there is no freedom there and you cannot leave the base without being targeted. After four months they moved to Kwadok for safety as the SPLA-IO was trying to advance to the west side of the Nile River. Once the SPLA-IO retreated a couple months later, they returned to Wau Shilluk.

The men took their wives to the Malakal PoC site in August 2015 due to a lack of food. They were surviving only on the leaves of the lalop tree and fish. They paid 50 SSP per person to a canoe operator to sneak them across the river at night. The UNMISS river battalion then escorted their families to the Malakal PoC site. Now it is only 30 SSP for a trip from Wau Shilluk to Malakal, but before it was much more dangerous and so it cost much more and could only be done in darkness. If the SPLA finds you, they can either take all your belongings or place a bullet in your stuff and accuse of you of being a soldier. The men send food and dried fish to their families in the PoC site through a relatives, and they call their wives to go meet them at the Nile River to pick it up.

The men said they will leave their families in the PoC site until peace returns, but they are worried by the 28 state decree by President Kiir. Unless that decision is reversed, the men predict that there will be renewed fighting. If there is peace, they will return to their village, but if they hear there will be war they will first move the women and children in Wau Shilluk away and then the men will join Olony to fight for their land rights. People are expecting to return to where they are from when there is peace, including those from the east side of the Nile.

Conclusion

All actors need to learn from the past and plan for the future.

UNMISS and humanitarians have come together and assisted over 200,000 individuals within PoC sites. The sites are less than ideal, full of tribulations and a source of constant friction between humanitarians, IDPs and UNMISS.

Sacrifices have been made by UNMISS personnel to defend PoC sites from external threats and numerous humanitarians have been assaulted inside the sites; there is a common experience that exists and which has taken a toll, especially on IDPs.

UNMISS is mandated by the UN Security Council to protect civilians, and humanitarians are mandated to save lives in a conflict—there is no end to saving lives in South Sudan, and, for now, PoC sites need to be prioritized as an essential part of an overall strategy of saving lives in South Sudan.



Annex I - Mutual agreement on engagement with the IDPs after incident affecting humanitarian workers in the PoC sites

In light of the deterioration of the physical security of humanitarians working inside PoC sites and reduction of humanitarian space, CCCM advocates for a joint and united response from the humanitarian community working in relevant PoC sites. Underpinned by a collective commitment to the provision of services to communities affected by conflict, recognition is also made that each agency has the right to work and IDPs have the right to receive assistance in a secure and non-confrontational environment. Collective concerns regarding the increased risk to humanitarians working within the PoC sites requires collective action have a cohesive and efficient response, that provides space for appropriate community engagement. This approach is not designed to be punitive in nature but afford humanitarians space to engage with communities as well as promote community responsibility for assaults and threats being placed on humanitarian workers.

Ground Rules for assaults and threats on humanitarians workers:

- All assaults and threats are to be reported to the Camp Manager (insert name, Phone #).
- Camp Manager will inform the appropriate Camp Administration (RRP).
- A timely meeting (preferably same day) will be arranged by the site manager with the operational humanitarian agencies present to discuss the incident, potential solution and collective action to be taken.
- Collective actions recommended may include a temporary suspension off all non-life saving assistance and the removal of 'at risk' staff members.
- Site manager and the humanitarian agencies will meet with the community representatives to find a collective solution.
- In writing, the site manager will communicate the any outcomes and recommended collective actions for the issue to the service providers.
- All stakeholders, including the implementing agency and UNMISS, must respect an individuals or organizations decision to not return to work if they do not feel secure.
- The site manager and camp administrator along with the humanitarian agencies will meet with the community and inform them of the decisions or consequences of the actions or events that have occurred.
- The CCCM Cluster does not support the assault, intimidation or verbal abuse of any humanitarian staff member. Community leaders and POC populations need to be informed of the clear consequences of events or actions that occur within the POC.

Camp Management Agency
Signature of the Camp Manager

Date:

Service Provider
Signature of the Program officer

Date:

Service Provider
Signature of Country Director / Representative

Date:

Annex II - Mutual agreement on engagement of humanitarians and the IDPs

Ground rules:

1. Humanitarians and IDPs have the right to work in a peaceful environment.
2. Humanitarians operate without a political bias and will provide support to all IDPs regardless of religion, ethnicity or political views.
3. IDPs respect the implementing mandate and operational decisions of humanitarians.
4. IDPs have the right to refuse services from any service provider (freedom of choice) but not to obstruct service provision or intimidate humanitarian workers.
5. A two-way communication is allowed and acted upon by IDPs and humanitarians actors through different channels of communication such as camp committee meetings, community representative meetings or complaint / feedback mechanism.
6. IDPs are entitled to raise complaints and to get timely feedbacks to their complaints.
7. Humanitarians have the right to refuse services to IDPs for serious misconduct including the following reasons:
 - Verbal abuse
 - threats and harassment
 - violent confrontations and assaults.

Implications if the rules are not abided by:

1. Camp management and service providers will meet to discuss and agree on the consequences of the incident and what measures will be taken by humanitarian partners (such as partial or complete suspension of services, exclusion made of life saving services).
2. Camp management and community leaders will immediately meet to discuss the incident and the different parties involved. Humanitarians will inform the community leaders of any change to services in the event of a breach in ground rules.

Conditions for resumption of services:

1. Individuals responsible of the incident shall be identified to UNPOL.
2. Any stolen properties, goods are returned to the affected individuals or humanitarian organization.
3. Camp management along with the service providers will engage the community leadership in a meeting:
 - a. to understand and discuss the causes and triggers of the incident;
 - b. to find a solution;
 - c. to identify the collective measures necessary to avoid such incident to reoccur.
4. The community will need to express in writing the causes and the solutions.
5. Camp management and the service provider will provide a written response on the restart date or the need for additional discussions or assurances.
6. The process of discussions, proposed solutions and written responses will continue until a mutually agreed upon resolution is found.

By signing this document, camp management and the community leadership pledge to work together, support the management structures and to keep services continued for as long as needed.

Camp Manager Name
Signature of the Program officer

Date:

Community Leaders Names
Signature

Date:

Annex III - Responsibilities in UNMISS POC Sites for Planning and Budgetary Purposes

This Annex with roles and responsibilities with regard to operations in Protection of Civilian Sites (PoC sites) was developed after consultation between the relevant UNMISS sections, OCHA, and the Humanitarian Country Team (HCT) for planning and budgetary purposes. This delineation should be read in conjunction with the UNMISS operational guidance on SCR 2155 4(C), "creating the conditions for the delivery of humanitarian assistance", and "CCCM and UNMISS, Roles and Responsibilities" and the "Division of Roles and Responsibilities between UNMISS and the HCT in UNMISS POC Sites" matrix, which provide additional detail to activities associated with PoC sites.

A) UNMISS Responsibilities

| # Activity | Mission Section(s) |
|--|---------------------|
| 1. Maintenance of physical security infrastructure of PoC sites (including perimeter berms, fencing, perimeter lighting, external patrol roads, gates, watch towers). | MSD |
| 2. Construction of appropriate physical security infrastructure of new PoC sites (including perimeter berms, fencing, perimeter lighting, external patrol roads, gates, watch towers) – on a case by case basis, subject to availability of heavy engineering equipment and resources. | MSD |
| 3. Secure the defined outer perimeter of the POC site against external threats, enabled by the full extent of the ROE. | Force |
| 4. Maintenance of public order inside PoC sites, incl. search operations, and destruction of seized items UNPOL. | Force |
| 5. Security screening of people entering and exiting PoC sites. | DSS / UNPOL |
| 6. Provision of fencing materials for "reception areas" for IDP security screening. | MSD |
| 7. Construction, maintenance and policing of holding facilities (excluding provision of services (health, sanitation, food) to detainees). | CAS |
| 8. Operational coordination of security aspects of PoC operations (e.g. distributions, registrations, relocations, etc.) involving both UNMISS and humanitarian actors. | RRP |
| 9. Provision of security for humanitarian operations as requested. | DSS / Force / UNPOL |
| 10. In line with the Mandate's priority, conduct of protection operations outside the perimeter of the POC site to deter threat, reassure and protect IDPs. Operations are to be tailored to meet essential needs and scaled by all available capacity. This will include (but is not limited to) security for vulnerable groups to enable firewood and water collection, market visits, burials and relocations, etc. | Force / RRP |
| 11. Negotiating with the Government regarding land for PoC sites, where possible meeting Sphere Standards. | RRP |
| 12. Access to existing facilities in support of PoC site management, specifically medical waste incinerators, or temporary morgue facilities (dependent on capacity). | MSD |
| 13. Joint contingency planning for PoC site support in emergencies, in particular fire-fighting and support to emergency water provision. | DSS / MSD / RRP |
| 14. Support to air transportation of PoC site-related humanitarian goods and equipment as a last resort and subject to cost-recovery. | MSD |
| 15. Provision of heavy machinery for humanitarian construction work in PoC sites, subject to availability and capacity. | MSD |
| 16. Provision of land for humanitarian workspace and accommodation. | MSD |
| 17. Community coordination and liaison with PoC site representatives on issues such as site security management and public order. | RRP / UNPOL |
| 18. Joint planning for PoC site closure and decommissioning/dismantling of site infrastructure and shelters. | RRP /MSD |

| # Activity | Mission Section(s) |
|--|---------------------|
| 19. Conduct of assisted dismantling operations in the context of relocations. | RRP / UNPOL / Force |
| 20. Joint training, support to, and liaison with community watch groups. | UNPOL / RRP |
| 21. Provision of emergency health services to (ex-)combatants arriving at UNMISS bases (and are seen as hostile by IDPs inside the POC site and cannot use the same POC health facilities) as required and for other IDPs in emergency cases and as a last resort. | MSD |

B) Humanitarian Responsibilities

| # Activity | Cluster |
|---|--------------------|
| 1. PoC site planning and consultation on plans with UNMISS. | CCCM |
| 2. All internal PoC site earthworks and engineering, including roads, backfilling, and drainage. | CCCM |
| 3. Supply of infrastructure, services and supplies for the 'humanitarian hubs' and other humanitarian work places, including security, bunkers, electricity, plumbing, sewage, water and cooking facilities, connectivity. | CCCM |
| 4. Provision of PoC site communal facilities for IDP. | |
| 5. IDP community organization, information and community outreach, liaison on humanitarian operations and other PoC site issues. | CCCM |
| 6. Registration of IDPs. | CCCM |
| 7. PoC site water supply (incl. quality and quantity control and distribution, sanitation, development of boreholes and on-site storage); provision of hygiene facilities, including water points, latrines, showers, washing stations, and operation of sewage trucks. | WASH |
| 8. Solid and liquid waste disposal from PoC sites. | WASH |
| 9. Provision of food, NFIs and shelter building materials for IDPs. | FSL / NFI |
| 10. Provision of all health services for IDPs, including referrals, with UNMISS providing only emergency, last-resort support. | Health / Nutrition |
| 11. Education for IDPs. | Education |
| 12. Contingency and scenario planning regarding humanitarian operations. | OCHA / CCCM |
| 13. Timely burial of IDPs, including transport off-base. | Health / CCCM |
| 14. Transport for IDP relocation operations. | IOM |

C) Joint Responsibilities

| # Activity | Actors |
|--|--|
| 1. Contingency and scenario planning for PoC sites. | CCCM/OCHA / RRP-JOC / MSD / DSS / UNPOL / Force |
| 2. Planning for relocations and closure of PoC sites. | CCCM / RRP |
| 3. Support to and liaison with community watch groups. | UNPOL CCCM Transport for IDP relocation operations |

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Michael J. Arensen has extensive work and research experience from Sudan and South Sudan. Since 2004 he has managed and coordinated humanitarian and peacebuilding programmes for various INGOs. In the past five years he has conducted research and published papers on issues related to conflict and local peacebuilding in South Sudan.

Left: Children play in the Bentiu overflow retention basin. © IOM 2016 Photo: Muse Mohammed

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