
UN Peacekeeping and the Protection of Civilians: Lessons from South Sudan

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Introduction

This document is a summary of a meeting held at Chatham House, on 10 May 2016. Speakers at this event assessed the ability of the UN Mission in South Sudan (UNMISS) to deliver its protection of civilians mandate and long-term strategies for the protection of civilian (POC) sites. This event also launched the IOM report *If We Leave We Are Killed: Lessons Learned from South Sudan Protection of Civilian Sites 2013-2016*. Also present was David Derthick, chief of mission for IOM South Sudan.

The onset of the war in 2013 required UNMISS to respond rapidly to humanitarian needs. The decision to open UN bases and provide refuge to those fleeing the conflict was unprecedented. By 2016 the mission was protecting over 200,000 displaced people.

The POC sites were never intended to provide long-term protection to so many civilians. Debate has arisen over their sustainability and the resources they demand from the mission. Substantial challenges exist in ensuring security and coordinating humanitarian access inside the bases. UNMISS has been criticized for concentrating its efforts inside the sites, while inadequately delivering protection for civilians outside. In addition, the UN is investigating the failures that led to fighting and several deaths in the Malakal POC base in February 2016.

Dr Chaloka Beyani

The action taken by UNMISS in South Sudan to open its sites to protect internally displaced persons (IDPs) and civilians is unprecedented for a UN Mission, as is an explicit focus on protecting IDPs.

In the context of South Sudan and other UN missions the speaker had witnessed, the rules of engagement as interpreted on the ground are very different to those mandated by the Security Council, and in many cases they tend not to include protection. UN Peacekeepers in Cote D'Ivoire have expressed how rules of engagement prevented them from engaging in battle with civilian fighters, leading to the deaths of IDPs.

In South Sudan, there was a lack of factional and focal capacity because the government and UNMISS felt that civilians who required protection would simply come to the camps if necessary. IDPs and civilians knew war was coming and were already moving into Uganda, Ethiopia or Juba. Stronger early warning systems and situational analysis would have better prepared the mission for the outbreak of conflict. Instead, resources were diverted to reconstruction and state building at the expense of those at risk.

In Kosovo, the UN Mission robbed the government of the capacity to cope with the situation themselves. This is mirrored in South Sudan, where the government's assumption was that the UN would solve everything, when it was crucial that the government itself engaged with the situation of the IDPs.

Michael Arensen

South Sudan's POCs are unprecedented in terms of their scale. Humanitarian workers are not set up to deal with civilians within a military compound because of the confined operating space and conflicting interests between different parties. Learning on the job has been the inevitable result, with no standard operating procedures. However, despite many problems, tens of thousands of lives have been saved.

Because of tensions between UNMISS and NGOs, the organizations avoid interaction wherever possible. There must be more integration and more realistic expectations of what both can achieve. There is also a lack of long-term staff, resulting in poor continuity of expertise. The lack of a whistleblowing procedure and protection has resulted in an unwillingness to speak out about problems, hampering potential

improvement. The current process is unsustainable and highly reactive; there is no long-term strategy, resilience building or development work.

Feargal O'Connell

The presenter noted that he was speaking in a personal capacity and therefore his views did not necessarily reflect those of Concern Worldwide, or the views of NGOs and humanitarian workers operating in South Sudan.

There were difficulties in scaling up Concern's program, showing that they were poorly equipped to launch a major humanitarian response. Additionally, four people served as Concern's country director for South Sudan during an 11 month period from the beginning of the conflict in 2013. Nevertheless, operations grew, enabling Concern to deliver services in two POCs and reaching people outside of them, including delivering development programs.

'Flag-planting' was a huge problem among humanitarian agencies, with agencies continuing to act territorially about providing certain types of relief despite not delivering adequate services. The humanitarian community have yet to come up with a mechanism to deal with poor performance or flag-planting. This should be looked at with real urgency.

Concern's first South Sudan country director speaks positively about her relationship with UNMISS, because they each understood their mandates. However, as the crisis increased in scale, a layer of bureaucracy developed. UNMISS positioned themselves as arbiters of humanitarian affairs within POCs while having no mandate to carry out humanitarian work. The speaker emphasized the need for a clear division of labour between peacekeeping activities and the job of humanitarian workers. If the reality of an integrated mission means what is essentially a political and military body assuming leadership over humanitarian activities, this must be immediately halted.

Klem Ryan

The speaker noted that he was speaking in a personal capacity as an ex-member of UNMISS staff and therefore his opinion did not reflect either an officially endorsed view of UNMISS nor the view of the UN Panel of Experts.

The report documents that when fighting broke out in South Sudan it was unfortunate timing as staffing levels at the mission were particularly low. The speaker's experience was that this was actually beneficial, as they had been left with a core group of staff who were highly motivated to problem-solve and achieve the best possible results. From a focus on capacity-building, UNMISS recalibrated the entire mission to a sole focus of hosting 100,000 IDPs by April 2014, a remarkable achievement. One key element of how this was achieved was the integrated humanitarian and UN mission functions, which meant UNMISS was far more attuned to the humanitarian response.

Retention of NGO staff was a constant source of frustration and repeatedly initiating new people wasted valuable resources, creating animosity from UNMISS towards humanitarian agencies. An attack on a POC site four months into the conflict sparked a shift in attitude as the dangers of the combined mission were made clear. Some in the UNMISS leadership felt the shift in focus to the POCs was a temporary mandate, with the implication that the POCs were an obstacle to UNMISS's ultimate objectives and the resumption of normal operations.

The speaker rejected the prevalent view at the mission that the POC sites were attractants, as it is clear that people only come to them as a last resort. UNMISS did overstep its mandate in trying to control humanitarian functions, because they viewed POCs as a magnet for IDPs, whose continued arrival was a hindrance to the ultimate disbandment of the camps. The mission views the camps as part of its two year planning cycle, and because they view POCs as a short-term solution, they still refuse to plan for them in the long-term. Given that no additional budget for the mission was requested, it is not surprising that the POCs were under-resourced. A lack of resources for POC expansion meant even basics like barbed wire were in short supply. The speaker believed that POCs should be UNMISS's main focus as long as the conflict continues, and therefore should attract greater resources.

Summary of question and answer session

Questions

UNMISS is reminiscent of Operation Lifeline Sudan, a temporary operation that became permanent. There has been a lot of subsequent analysis of this operation. How much, if at all, are the humanitarian community and the UN aware of this information, and how is it being used to guide their activities in South Sudan?

The POCs have imprisoned the South Sudanese people within their own country. Where does this sit within the context of the responsibility to protect? How can UNMISS sustain camps where people have no rights, and when the containment of these civilians represents collusion with a dictator?

The DRC has the biggest UN Mission, yet this does not appear to protect civilians from killings. How will the UN protect these people and learn from this in South Sudan?

Klem Ryan

UNMISS are familiar with the archive and the long history of aid support in Sudan, and many of its South Sudanese colleagues know it first-hand. It is clear that the mission specifically wasn't looking at precedent and was highly reactive, to its detriment.

The speaker resisted the idea that the POCs are prisons. People choose to be inside the sites, and they are acutely aware of their rights and put them forward very strongly.

Feargal O'Connell

The speaker wasn't familiar with the Operation Lifeline Sudan resources and stated that he would look them up. An alternative operating model was not possible in South Sudan and the security situation compelled humanitarians to work inside the POCs, despite all the negative implications this had.

Dr Chaloka Beyani

As a precedent, attention should be paid to UNICEF's engagement with the SPLM, including on the protection of civilians. As a result of their work the SPLM maintained a national policy regarding IDPs.

If UNMISS had not opened up POCs the result would have been genocide, so it is important to balance negative perceptions of the sites with the necessary function they serve. Prior to the conflict the sites

should have been prepared for IDPs, but the mission's response was that it was not a priority. If it had been, the scale of crisis would have been much smaller.

The speaker noted that his mandate in the DRC was independent. He spoke to the UN Mission in the DRC, and it appears that there is tension because the government wants to close the IDP sites. They perceive that armed elements are using them as hideouts; however, evidence suggests that these sites are actually hosting the families of armed elements, and not the armed elements themselves. The second problem is the relationship between the Congolese military and UN forces; the capacity of MONUSCO (The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo) is extremely limited in contrast with armed groups that are extremely fluid and mobile. It is also a challenge in terms of the geopolitical issues in the region, including the relationship with neighbouring countries like Rwanda, going back to the 1990s and the fluctuating politics following the genocide. Failure to separate the armed elements in the eastern DRC is the crux of the problem.

Questions

One of the photos shows that Bentiu camp was flooded but not the area outside it. Is it not possible for the UN to move the camp?

Government officials in South Sudan have alleged that some people in the POCs are working in town and living in the camps, including working for the army. Is this true, and how are these allegations dealt with?

The notion of 'opening the gates' is used as a primary example of UNMISS's commitment to compassionate humanitarianism, yet it is clear that the camps were actually overrun. In reality, how courageous was that decision?

There was a sense around mid-2014 that there was a desire by the UN's Department of Peacekeeping Operations (DPKO) to disband the POCs as quickly as possible. How much did this factor into decision-making around POCs? How much is changing around the capacity and understanding of commanders of their responsibilities under the mandate?

Michael Arensen

It is a fact that some people live in POC camps and work nearby; that does not mean they do not need protection. A process of reconciliation needs to take place before people can live together again. There is a constant threat of renewed violence and the POCs offer safety, particularly at night. For years, even when people feel safe enough to move back to their homes, POCs will be seen as a safe haven to which people can flee whenever they feel insecure.

There is a credibility issue surrounding 'opening the gates'; it is misleading to say UNMISS opened the gates as a grand gesture, because people were climbing over the gates anyway. UNMISS could have evicted IDPs from the POCs, although the chances of them doing that at gunpoint were unlikely. However, UNMISS took responsibility for offering people sanctuary and that was a big step for a UN mission.

Klem Ryan

A lot of courageous decisions were made by individuals on the ground and in the mission's leadership. The land for the Bentiu camp was given to UNMISS by the previous mission during the comprehensive peace agreement (CPA) period, without foreseeing it would be used to house thousands of IDPs. The

possibility of moving the POC has been discussed but it is impossible. UNMISS's decision was to build a more effective base around it.

The motives of people who try to discredit the plight of IDPs using stories of those who live in POC camps but work in cities must be questioned. Why should people who are able to work be denigrated for choosing to? Without these jobs IDPs have no financial resources and would be entirely reliant on aid to support their families.

The POCs are undesirable and it is not surprising that there has been some pressure from the DPKO to close them. The speaker's view was that people with first-hand experience of the POCs would think a desire to close the camps was wishful thinking.

David Derthick

People will be in the POC sites for at least another two years. People in Juba have nowhere to live and the same is true of Malakal, where the town has been taken over by the government and the people in the POC are not equipped to live in the bush, nor do they want to let go of their foothold over Malakal town.

The flooded site at Bentiu was built when there were 50,000 people there. Now there are 120,000 and they have nothing to go back to. POC sites are a place of last resort, but the narrative that the POC sites are unsustainable is irrelevant when there is no alternative. They are going to be there until the situation is resolved and safety and sanctuary is returned.

The mission must stop taking so much humanitarian space. They are wrong to accuse humanitarian action of being a pull factor to living in the POCs when it is always an option of last resort. It is possible for UNMISS and the humanitarians to work together; they should both want the same thing.