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The United Nations And Challenges Of Civilian Protection In South Sudan Crisis, 2013-2018

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Abstract

The UN has played and continues to play vital roles in mediating peace agreements and assisting in their implementation, helping to reduce the level of conflict in several regions in the world, especially in Africa. However, some of those peace accords have failed to bring the conflicts to an end, such as in South Sudan. By December 2013 there ensued a political power struggle between the South Sudanese president Salva Kiir and former vice president Riek Machar, which resulted in violent clashes between ethnic army factions. The U.N. Security Council unanimously adopted Resolution 2132 (2013) on December 24 in response to the crisis. Overnight, the UNMISS had to transit from supporting the nascent nation, which gained independence in July 2011, to protecting civilians from harm, sometimes against the government that has as one of its constitutional duty the protection of lives and properties of its citizens. The paper examined the role UNMISS in its transformed mandate of civilian protection. The paper is largely theoretical, analytical and descriptive; hence our reliance on documentary sources of data. Anchoring our discourse on the structural-functional framework, findings amongst others revealed that; even though the UNMISS set a precedent in international protection by hosting civilians within its bases for several years, UNMISS often seems to lack the political will and leadership required to implement its PoC obligations effectively, partly because troop-contributing countries refuse to allow their troops to be deployed to certain regions, or to use force to protect civilians; access restrictions affect the ability of UNMISS to undertake operations, limiting the movement and transport of personnel and supplies. The paper recommends amongst others that; UNMISS' capacity should be strengthened, notably long-range patrols, patrol on foot, and make better use of its civilian resources to identify threats to communities and the deployment of more troops to help achieve this objective.

Keywords: Conflict, South Sudan, Protection of Civilian, UN Peacekeeping Operations, UNMISS

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1. Introduction

The UN has played and continues to play vital roles in mediating peace agreements and assisting in their implementation, helping to reduce the level of conflict in several regions in the world, especially in Africa. However, some of those peace accords have failed to bring the conflicts to an end, such as in Angola in 1993, Rwanda in 1994 and Darfur in Sudan in 2004. Additionally, the situations in Cote D' Ivoire, Darfur Sudan, South Sudan, Democratic Republic of Congo (DRC) and Somalia unfortunately have not changed too positively. This has resulted in severe IDPs and refugee problems further compounding the security situation in and around such conflict areas. It is estimated that roughly half of all countries that emerge from war lapse back into violence within 5 years due to some challenges. This drives home the point that, to prevent conflict, peace agreements must be implemented in a sustained manner. Most of these conflicts are known to be contagious and thus have spill-over effects to neighbouring nations while new ones are also unfolding, such as in Central African Republic (CAR), Chad, Guinea, Burundi and South Sudan. All these complex crises cry out for United Nations (UN) intervention.

In 2009 and 2010, there was a sense that peacekeeping may decline, but 2011 brought some interesting developments. First, the Sudan referendum led to a new country and a new peacekeeping mission. While the United Nations Mission in Sudan (UNMIS) that was formed to negotiate peace between Sudan and South Sudan was wind down and close in Sudan, the United Nations Mission in South Sudan (UNMISS), was launched in South Sudan, bringing a set of new challenges and things to do (da Costa & Karlsrud 2012, 58). The UN was called upon to take on tasks as varied as providing logistical support to the January referendum in Sudan and consequentially closing the UN Mission there; setting up and deploying new missions in South Sudan. The Security Council in Resolution 2057 extended the mandate of UNMISS through to 15 July 2013. The renewed mandate continues to place the protection of civilians at the heart of the mission's work. The other key areas are assisting in improving the security situation and helping in laying the foundations for the new state. At the core of the mission is the protection of civilians.

However, since South Sudan's independence in 2011, the world has mostly received bleak news from the country. Reports of ethnic violence, local insurgencies, widespread corruption, the autocratic practices of the dominant Sudan People's Liberation Movement (SPLM), and

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border conflicts with the country's northern neighbour, Sudan, have been common in the headlines. In December 2013 there ensued a political power struggle between the South Sudanese president Salva Kiir and former vice president Riek Machar, which resulted in violent clashes between ethnic army factions. Since then fighting has spread across South Sudan and it claimed the lives of around 10,000 people. Following the initial clash, Kiir accused Machar and other SPLM officials of attempting a coup against his government – which Machar denied. The U.N. Security Council unanimously adopted Resolution 2132 (2013) on December 24 in response to the crisis (Tewodros, 2015). The resolution, which calls for an immediate cessation of hostilities and the opening of political dialogue, supports an increase in the military component of UNMISS from an authorized 7,000 to 12,500 troops and in the police component from 900 to 1,323 personnel. It additionally authorizes the Secretary-General to facilitate inter-mission cooperation and, —if needed and subject to further Council consideration, complementary force and asset generation, including through the possible transfer of troops and force enablers from other U.N. missions.

Overnight, the UNMISS had to transit from supporting the nascent nation, which gained independence in July 2011, to protecting civilians from harm, sometimes against the government that has as one of its constitutional duty the protection of lives and properties of its citizens. The mission's mandate, structure, and personnel all had to adapt to a worst-case scenario that took many both within and outside the mission by surprise. On top of those already enormous challenges, UNMISS soon had tens of thousands of South Sudanese descend on its bases in Juba, seeking protection from the violence. As fighting spread to the states of Greater Upper Nile, several other UNMISS bases likewise became de facto internally displaced person (IDP) camps, referred to as Protection of Civilians (POC) sites.

Meanwhile, UNMISS had established three dozen County Support Bases (CSBs) throughout South Sudan, a network of light footprint offices and accommodations for mission staff in rural areas, designed to expand the mission's presence and facilitate the work of the UN Country Team in remote areas. However, since the outbreak of the crisis in late 2013, UNMISS have had to grapple with the enormous challenges of transforming from a state building and peace building force to a protection of civilian (PoC) force which was never there in its agenda. Therefore, this paper examined the mechanisms adopted by UNMISS in trying to protect civilians who has become the targets of rival groups engaged in the South Sudanese civil war that is threatening the very existence of the newest country in the world and its security implications at the regional and global levels in terms of refugees and internally displace persons. The paper is divided in eight sections namely; introduction,

theoretical framework, conceptual clarification and review of related literature, UNMISS and the conflict in south Sudan, UNMISS and the protection of civilian in South Sudan protection of civilians sites, challenges encountered by the UNMISS in civilian protection in South Sudan, and conclusion and recommendation

2. Theoretical Framework

Our discourse in this paper is anchored on the structural-functional framework which is a derivative of the General System theory of political analysis as propounded by Almond and Coleman (1960) and Almond and Powell (1966). Coming in through sociology and originating mainly in the writings of anthropologists like Malinowski and Radcliffe-Brown, and adopted in political science, especially in comparative politics by Gabriel Almond, structural functional analysis is basically concerned with the phenomenon of system maintenance and regulation. The basic theoretical proposition of this approach is that all systems exist to perform functions through their structures.

Structural-functionalism is anchored on two basic concepts: structures and functions. While structures are arrangement within the system which performs the functions which could either be diffused or diffracted, functions are the objective consequences emanating from the workings of the system or what the system does (Omodia, 2007). However, Offiong (1994) and Olaniyi (1997) cited in Omodia, (2010:130) stated that Almond who is the chief exponent of the theory of Structural Functionalism in Political Science identified seven functional variables which could be subdivided into two: Input and Output functions.

All political systems are therefore perceived to perform two basic functions – input and output functions. Input functions are political socialization, recruitment, interest articulation; interest aggregation; and political communication. While the output functions are rule making, rule application and rule adjudication. Structural-functional analysis will enable us to establish the relevance of the structures created by government to help maintain order in the whole system. In addition, in relating structures to functions and process to training and performance, Almond et al. identified three concepts as central to the workings of the political system. These are: capabilities, conversion process and system maintenance and adaptation functions (Ake 1982; Almond et al. 2000).

The structural-functional derivative speaks of the political system as composed of several structures as patterns of action and resultant institutions with their assigned functions. A function, in this context, means, as Plato (Dictionary of Political Analysis) says, 'some purpose served with respect to the maintenance or perpetuation of the system', and a structure could be related to "any set of related roles, including such concrete organisational structures

as United Nations Security Council and the Department of Peace Keeping Operations of the UN." Through the office of the UNPKO the UNSC has been making effort to play a positive role in conflict resolution and the pursuit and maintenance of peace, peace-building and civilian protection. The UN through the UNDKO which supervise and coordinate the activities of the UNMISS role in trying to protect civilian in the South Sudanese conflict would be better appreciated through the prism of the structural-functionalism. One can also appreciated the fact that the challenges being faced by the UNSC peacekeeping effort is as a result of the defection within the structure of UNMISS (formally UNIMIS) which was initially created as peacekeeping mission during the conflict between the government of Sudan and the rebels agitating for the independence of South Sudan, the UN mission was automatically transform from peacekeeping to peace-building and helping to guide the young nation of Sudan to independence and nationhood without proper planning in terms of mission objective and equipment. Again the objective and mandate of the mission was adjusted from assisting South Sudan in its state-building effort to civilian protection during the eruption of violence between the forces loyal to the president and the vice president, thereby relegating the role of UNMISS in peace-building to the background as the UNMISS did not play key role in the recent peace agreement between the government and the opposition.

3. Conceptual Clarification and Review of Related Literature

3.1 Conflict: A Theoretical Overview

It is noticeable in some part of the world that conflicts seem to be persisting for decades and even longer sometimes. However those conflicts appear to have different causes and each can be explained from different theoretical perspective. For instance John Burton argues that conflicts arise from human needs that can either be ontological, values and/or interests oriented. For him the first needs (ontological) are not negotiable. Values, however, display a minimum aspect of being resolved and interests are those needs that can be negotiated (Burton, 1986) cited in Assi (2012, p.23). Wallensteen (2002) argues that "conflicts are solvable." For him no matter what the outcome might be, conflicts will end one day or another and this precede their resolution which is one way to find peaceful solutions to conflicts. Most of the time we use the term conflict to express a situation whereby two opposing sides having different positions vis-a-vis on a specific matter. This in turn can, for instance, be a conflict between a husband and a wife, a merchant and his or her client, between parties within a state or between two states. Nevertheless not all of those situations can be categorized and explained in the same way. Each one has it is own characteristics. But they all are related to the fact that they are all conflicts between humans of a "same nature"

and the behaviours reflect the common point that link one conflict to another. According to Kurt Lewin cited in Assi (2012, p.24), conflict is defined as a “situation of “tension” which was caused by a number of factors including the degree to which the needs of a person were in a “state of hunger or satisfaction” (Stewart, 2006) cited in Assi (2012, p.24).

Burton explains that those ontological needs are universal and he identifies nine of them: control, security, justice, stimulation, response, meaning, rationality, esteem/recognition and role-defence or self defence (Burton, 1990). Each definition of the concept conflict provide different understanding but all of them acquire same basic identification especially the presence of actors or parties, the existence of incompatibility and the presence of action. For Wallenstein (2002), conflict is defined as “a social situation in which a minimum of two actors (parties) strive to acquire at the same moment in time an available set of scare resources.” Wallenstein’s definition of conflict here focuses on the availability of scare resources. Assi (2012) also define conflict as a state of affair where two or more actors are in opposition or think they are opposed, on a given situation. This confrontation is a result of misunderstanding over a matter that affects each side, directly or indirectly.

Bartos and Wehr (2002) explain that conflict cannot exist without two components: goals incompatibility and hostility. Conflict can be described as a situation where actors such as people or groups of people, express hostility to each other in order to attain incompatible goals (Bartos & Wehr, 2002). Conflict cannot exist without a source that is a central part of the conflict. Isenhardt (2000) describes several common sources of conflict: values, procedures, relationship, structure, data, interests and communication. These common sources can be a part of a violent or a non-violent conflict. Nevertheless, there are some sources of conflict that can increase the possibility of violence. Such sources can be economic, political and social (Gardam, 2006). Himes (1980) defines social conflict as a struggle between collective actors in making progress towards getting desirable values, such as power, status and resources. Conflict is based on the key element of obstruction: one actor attempts to attain a desirable value, but another actor acts as a barrier to obtaining that desirable value. According to Bercovitch and Fretter (2004) conflict is an interaction in which warring parties do not accept the wishes of the other and try to impose their goals and points of view. It is therefore, important to identify the conflicting parties.

Bercovitch, Kremenyuk and Zartman (2009) define “parties in conflict” as “... individuals, groups, organizations, nations, and other system in conflict”. Zariski (2010) distinguishes three levels of conflict: micro level, meso level, and macro level. Micro level includes interpersonal conflict. Meso level describes conflict between groups of people, organizations,

or institutions. Macro level conflict refers to conflicts among big groups, for example ethnic groups or conflicts between national governments. Ramsbotham (2005) also distinguish three levels of conflict: international level, state level, and social level. International level conflict includes global, regional and bilateral relations. State level conflict includes conflicts at national state level, and social level refers to conflicts which occur at grass root level. Folger (1993) defines conflict as “the interaction of interdependent people who perceive incompatible goals and interference from each other in achieving these goals”. Tillett (1991) as cited in (Omisore & Abiodun, 2014: 121), noted that “conflict does not only come about when values or needs are actually, objectively incompatibles, or when conflict is manifested in action; it exists when one of the parties perceives it to exist”.

3.2 Conflict Theories

In general, conflict theory seeks to scientifically explain the general contours of conflict in society: how conflict starts and varies, and the effects it brings. In other words, Theories of conflict are the explanations put forward to explain causes of conflict. The causes of conflict are numerous and complex, thus creating problem of analysis of specific conflict situations. Some of the theories explaining causes of conflict frustration-aggression, relative deprivation theory of conflict, intractable conflict theory of conflict, and human needs theory (HNT).

3.2.1 Frustration-Aggression

The frustration-aggression theory was propounded by Dollard and Doob, et al (1939), and further developed by Miller (1941) and Berkowitz (1969). The theory states that aggression is the result of blocking, or frustrating, a person's efforts to attain a goal. A feeling of frustration is a feeling of disappointment. This school of thought suggests that individuals become more aggressive when they perceive obstacles to their success (Goor et al., 1996). This theory contends that when individuals or group are not given access to livelihoods or are constantly being deprived of livelihoods for no justifiable reasons, they are bound to react with anger and aggression, which will invariably lead to conflict (Berkowitz, 1969). It is argued that conflict emerges when one group perceives its goals and aspirations are being blocked by another group (Gurr, 1970; Salem, 1993).

3.2.2 Relative Deprivation Theory of Conflict

In its simplest form the theory of relative deprivation in explaining political violence, of which insurgency is a variant, seeks to advance the argument that, instead of absolute deprivation, the key driver of political violence is the discrepancy between expected and achieved welfare. Walker & Pettigrew (1984) explain that the initial concept of relative deprivation was simple: persons may feel deprived of some desirable thing relative to their

own past, another person, persons, group, ideal, or some other social category. Consequently, relative deprivation evolved as a theoretical direction bordering on intergroup comparison that is used in explaining social phenomena – of group agitations. The theory of relative deprivation became hugely popular with Gurr's publication of *Why Men Rebel* (1970). Gurr developed a theory of conflict which postulates that grievances stemming from relative deprivation are at the root of many civil wars. Relative deprivation refers not only to economic deprivation, but can also be situated at the political level (Ohanwe, 2009: 34).

3.2.3 Intractable Conflict Theory

Intractable conflicts are armed conflicts which have lasted over a significant amount of time, and which consistently have refused to yield to mediation and peacemaking efforts. They are among the most dangerous conflicts in the world today, as they often threaten the peace and stability of entire regions. Well-known examples of intractable conflicts, besides Somalia, include the conflict in Northern Ireland, the conflict between Israel and its neighbours, and the conflict between India and Pakistan. Though some conflicts of this kind last for decades, it is nevertheless imperative to note that intractability does not imply that a conflict is completely resistant to resolution; on the contrary, conflicts can be more or less intractable, but are never totally unmanageable or irresolvable (Bercovitch, 2003, p.1; Kriesberg, 2005, p.66).

3.2.4 Human Needs Theory (HNT)

One theory which looks at the roots of conflict is Human Needs Theory (HNT). In his Pyramid of Human Needs, Abraham Maslow puts emphasis on the hierarchy of needs, stating that some are more urgent than others. On the base of the pyramid he places food, water, and shelter. On a second level, he places the need for safety and security, followed by belonging or love. The need for self-esteem is found on a fourth level and finally on a fifth and final level, personal fulfilment. Maslow argues that each human being is trying to meet needs on a certain level at any one time. An individual looking to meet needs for food and water will not be looking to meet needs of belonging, love or self-esteem. Only when the needs on the lower end of the Pyramid are met, will humans look to meet their need for personal fulfilment (Danielsen, 2005).

3.3. United Nations Peacekeeping Operations (UNPKOs)

Liu (1999) defined PKOs as “essentially a practical mechanism used by the UN to contain international conflicts and to facilitate their settlement by peaceful means.” Some other scholars have insisted that the term UN peacekeeping cannot include UN observers. There is therefore, no single accepted definition of the term peacekeeping.

Agada (2008) noted that peacekeeping refers to a mechanism for conflict resolution covering a wide range of activities to include use of observers, troop's deployment, disarmament, humanitarian and supply of relief materials, refugee resettlement and elections. It is thus, conceived as an inter-positional force placed between two or more contending and warring factions with opportunity to resolve the conflict either through diplomacy, mediation, negotiation and sometimes arbitration.

Yeshe (2015) observed that in the post-Cold War period, the United Nations has naturally undertaken the majority of PKO. However, even among those authorized by the United Nations, not all of them operate under the UN command. Due to resource constraints, many of them are subcontracted to other agencies - such as „coalition of states“, individual country-led operations, operations under the regional organizations such as NATO, African Union, European Union and Economic Cooperation of Western African States (ECOWAS) and so on – which carry out operations on behalf of the United Nations.

3.4 Protection of Civilian: A Theoretical and Historical Overview

The protection of civilians in United Nations peacekeeping is defined as all necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government. UN peacekeeping operations implement POC activities through a three-tiered approach: Tier I – protection through dialogue and engagement; Tier II – provision of physical protection; and Tier III – establishment of a protective environment. UN Police have a role in all three tiers (Doctors without Borders, 2016). For thousands of years, myriad cultures across the globe have developed principles aiming to protect unarmed populations from violence at the hands of the armed. Since the Fourth Geneva Convention of 1949 such efforts have fallen under the rubric of the PoC. The widespread usage of the POC concept has notably changed the nature of peace operations by allowing for more flexible interpretation of the basic principles of peacekeeping related to the limited use of force, the impartiality of UN missions, and the necessity of consent from the parties to the conflict. POC encompasses all activities contributing to preventing or stopping violence against civilians by any actor, and includes political dialogue, physical protection, and the consolidation of an environment conducive to protection—POC is often seen as an open-ended mandate. It has also become increasingly perceived as contradicting and preventing exit strategies for peace operations and, more generally, as competing with other priorities related to the support of political processes (Di Razza, 2017)

3.4.2 Historical Overview of POC

Following the dramatic failure of United Nations peacekeepers to protect civilians in Rwanda and Bosnia in the early 1990s, the UN engaged in a deep lesson-learning process to change the face of its peace operations and to regain credibility. This led the Security Council to establish the “protection of civilians” (POC) as an explicit mandate for the peacekeeping mission in Sierra Leone in 1999.

The Security Council first identified the protection of civilians as a duty in its own right in 1998 in two reports from the Secretary-General: on peace and conflict in Africa (S/1998/318) and on the protection of humanitarian assistance to refugees (S/1998/883). In 1999, the first Security Council thematic resolution on the protection of civilians in armed conflict stressed the need to address the root causes of armed conflict — including gender inequality — to enhance the protection of civilians on a long-term basis. Since then, Security Council resolutions have further defined the role of peacekeeping in protecting civilians and the various mandated tasks that contribute to it. On 12 February 1999, the Security Council addressed protection of civilians with increased seriousness, saying it would respond to situations in which civilians were deliberately targeted (S/ PRST/1999/6), and asked for further recommendations from the Secretary-General. Incorporating those recommendations, the Council passed its first resolution on the protection of civilians on 17 September 1999 with Resolution 1265. This resolution stressed the need to comply with international humanitarian law and protect humanitarian personnel. The Council has adopted 11 presidential statements on the protection of civilians.

Since then, POC has continuously gained prominence, both as a concept and in practice, and has become the mandated priority for most UN peacekeeping operations. Peacekeepers are authorized and expected to use “all necessary means” to protect civilians from threats of physical violence in nine of the fifteen countries where a UN peacekeeping operation is deployed. This includes a wide range of multidimensional actions from the civilian, police, and military components of UN missions, which are all seeking to deter, prevent, pre-empt, and stop violence perpetrated against civilians through coordinated POC strategies.

As part of this effort, UN peacekeeping operations have been explicitly mandated to “protect civilians under imminent threat of physical violence”. The first mission tasked with this explicit mandate was the United Nations Mission in Sierra Leone (UNAMSIL) in 1999. Security Council Resolution 1270, which created UNAMSIL, mandated the mission to afford protection to civilians under imminent threat of physical violence. By 2015, the majority of more than 100,000 uniformed UN peacekeepers deployed worldwide operate with such

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mandates. To date, the Security Council has issued mandates incorporating a POC requirement in 13 peacekeeping operations, including nine current missions as of 2016. By including the POC mandate in the majority of peacekeeping operations, the Security Council has also consistently authorized operations to “use all necessary means” or “all necessary actions”, up to and including the use of deadly force, to implement that mandate.

Protection of civilians’ guidance for UN peacekeepers has developed through experience and the creation of key documents, including: The DPKO/DFS Protection of Civilians Resources and Capabilities Matrix; The DPKO/DFS Framework for Drafting Comprehensive Protection of Civilians Strategies; The DPKO/DFS Comparative Study on Protection of Civilians Coordination Mechanisms; The DPKO/DFS-OHCHR Lessons Learned Report on the Joint Protection Team Mechanism in MONUSCO; and The DPKO/DFS Lessons Learned Note on Civilians Seeking Protection at UN Compounds.

In April 2015, DPKO and the UN Department of Field Support (DFS) issued the policy on the protection of civilians in UN peacekeeping, which revised and consolidated the operational concept and other key guidance materials. The policy identifies and organizes the range of mandated tasks contributing to the protection of civilians.

The UN Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS) have developed multiple guidance materials, including a POC concept that defines protection around three tiers (protection through dialogue and engagement, provision of physical protection, and establishment of a protective environment) and four phases (prevention, pre-emption, response, and consolidation). POC tasks involve all components of peace missions and are therefore as much implemented by troops as by UN police, human rights officers, community liaison assistants, and disarmament, demobilization, and reintegration (DDR) experts. From avoiding genocide and massive war crimes, the focus of POC has been extended to include preventing any kind of physical violence, responding to multifaceted threats, and consolidating an environment conducive to the security of populations and the preservation of their human rights. However, this evolution has had divergent effects. On the one hand, POC has become the centre-piece of peacekeeping for many stakeholders, and the “culture of protection” called for by the secretary-general in 2001 seems to have percolated throughout the UN system and into the mindsets of those in the field. On the other hand, the multidimensional and holistic approach to POC promoted by the Secretariat has contributed to diluting the concept, which has become a consensual label that is rarely opposed and that may be used to justify very diverse actions and approaches.

3.5 South Sudan Conflict

de Wal (2016) is of the view that the reason things turned from a political crisis to a war was not because of ethnic divisions as such, but because the army was not a professionalized, institutionalized army, but rather a collection of militia, each of which was organized on the basis of personal loyalty to its commander—in effect, ethnically based armed units. In all these poorly institutionalized societies, that's what tends to happen. And the specific reason why it did so in South Sudan was both the legacy of previous conflict, where groups had been organized on an ethnic basis. And the groups that had organized around the president, the militias, including the Mathiang Anyoor or the brown caterpillar, who carried out the massacres in Juba in the first days of the conflict in December 2013—they had organized on an ethnic basis. So there were ethnically based grievances and ethnically based narratives of fear, which meant that when fighting broke out, people fled to their brethren for security. And then Riek Machar, not having the wherewithal of the government, not having the resources that the government had to try and construct a multiethnic coalition by buying in diverse members of the elite, immediately fell back upon ethnic mobilization because it was very quick and it was very cheap.

John and Jessica (2012:1) cited in Tewodros (2015, p.3), noted that because of the lengthy and brutal war, South Sudan emerged with extremely poor infrastructure and a population with limited human capital. Therefore South Sudan is faced up to several challenges. The challenge can be seen in two dimensions, the internal and external. More importantly, the country was born with weak institutions that were not suited to the delivery of sustainable economic growth and development. Tsegaye (2013) also cited in Tewodros (2015, p.3), is of the view that the internal problems of the country are composed of its historical, economical as well as social and political factors. The external being mainly the problem South Sudan has with its neighbouring state, the Republic of Sudan and the unresolved issues of CPA such as oil, boundary and security issues.

In addition, as Debay (2012) explains how too many people, particularly the young people in villages, are in possession of small arms. The presence and uncontrolled use of fire arms by civilians remains a serious concern. The issue of protracted war has brought a culture of violence and proliferation of small arms, which in turn is perpetuating more violence.

3.5.2 Causes of the South Sudan Conflict

A report by the Human Rights Division of the United Nations Mission in the Republic of South Sudan (2014) noted that on 15 December 2013, an internal power struggle within the Sudan People's Liberation Movement (SPLM), South Sudan's ruling political party, came to

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a head during a meeting of its second highest organ, the National Liberation Council. The Sudan People's Liberation Army (SPLA) became involved in the dispute, with fighting in military barracks in the capital, Juba, on the evening of 15 December, initially among the Presidential Guards. The SPLA, which had integrated several armed groups and had never become a truly national army, rapidly disintegrated and what appeared to be a political crisis spiralled into fierce fighting involving military and other armed groups, spreading across the country within days. In the days and weeks that followed, killing and displacement of civilians have been occurring on a massive scale. An estimated over one million South Sudanese have fled their homes since 15 December.

Tewodros (2015) in his study opined that the South Sudanese conflict was instigated due to the fact the Salva Kiir and Rick Machar's power struggle was conducted through their own ethnic groups of Nuer and Dinka to participate in the conflict. This happened due to the fact that they were not living under the umbrellas of one economic and political society. But instead, they were living under their own conflict-prone umbrella. For them, the state South Sudan is below Dinka or Nuer. They resembled to their own ethnic group by not willing to consider their country in big picture. They easily mobilized to the notion of ethnicity and are still leading the way for their country to be a failed state. As mentioned above; had it been one political and economical united society formed in south Sudan, the two big elephants wouldn't get followers that turned South Sudan in to a battle field. In other countries like Rwanda, Burundi, Congo, and Somalia; considering the nature of their varying differences, not forming a united economic and political entity has resulted in genocide, and many other consequences which has become the characteristics of Africa.

Tewodros (2015) also stated that the political violence unleashed in December 2013 has been especially damaging because it has targeted the most vulnerable groups: women, children, the elderly and disabled. The pervasive use of sexual and gender-based violence against women and girls is one manifestation of the unravelling of social norms and values that has characterized this conflict. Others include the weakening of traditional social safety nets, the adverse impact on people's sense of dignity and pride, and the flagrant sense of mistrust amongst people who only months ago were neighbours. They indicate that South Sudan will need ongoing support and assistance from its neighbours and the international community to develop ways of reconnecting people with their sense of belonging in society.

Shahnawaz (2014) noted that South Sudan internal struggle and politicking became worst due to nepotism, corruption, promotion of tribalism and putting favoured persons, especially people of the Dinka tribes in main positions. During the month of December, 2013, the events

that developed created a situation that challenged the political power of President Salva Kiir. These included the dismissal of Vice President Machar, the dissolution of Kiir's own elected cabinet, as well as the dismantling of the Sudan People's Liberation Movement (SPLM)'s leadership structure. While the speed at which the conflict has unfolded came as a shock to many, several factors contributed to the tense environment.

Tchie (2017) noted that the leaders in South Sudan will continue to play games unless members of the international community – such as the US, UK, the eight-country East Africa bloc the Intergovernmental Authority on Development and the African Union – apply considerable pressure on the leaders to move the country forward. Tchie (2017) also argued that the AU needs to act too given that its human rights investigation found that both the government and rebels have carried out war crimes against civilians. On the role of the UN in mitigating the conflict in South Sudan, Tchie (2017) stated that there are concerns that peacekeepers working under the leadership of the United Nation Mission aren't equipped and prepared to deal with another ethnically driven civil war in the country. A UN investigation into a raid in Malakal found that peacekeepers had a “lack of a proactive mindset with regards to the protection of civilians” and “confusion with respect to command and control and lack of coordination”.

Tchie (2017) argued that the international community has repeatedly called on South Sudan's leaders to implement the peace agreement signed in August 2015. But it has still failed to exert enough pressure to nudge things along. This matters both for South Sudan and for the world. Mass atrocities in any one place can undermine the entire international system of collective security by calling into question the UN Security Council's ability to live up to its responsibility as the authority tasked by law with maintaining international peace and security.

Rudincová (2017) stated that the South Sudanese conflict is not an ethnic conflict but rather a political fighting between power elites within the SPLM. Rudincová (2017) further noted that success of IGAD-mediated peace talks was, however, limited by the fact that neighbouring countries, especially Sudan and Uganda, involved themselves in the renewed South Sudanese conflict in an attempt to protect economic and political interest. For Rolandsen (2015), the renewed conflict in South Sudan raised the question about the viability of newly emerged states and “intensified the debate over the Sudan People's Liberation Movement's (SPLM) capacity and suitability to govern”. The SPLM/A has never been a united movement and armed force; instead, it has always been a conglomerate of various ethnic and tribal militias.

Mutanda (2015) argued that despite the efforts by international actors to calm the storm in the world's youngest state, the civil war in South Sudan is far from over because the root causes of the conflict are still intact-struggle for political power, slow pace of development and problems associated with ethnicity. A sincere political situation is only what is in store to rekindle the dim rays of hope. Kiir made a political blunder by trying to use the Stalin style to silence his enemies in the government. The reshuffles he instigated were meant to give Machar and allies their political Waterloo but in fact it enabled them to achieve their aims the Machiavellian style. Mutanda (2015) further stated that Machar remains guilty for using armed force to justify his cause as this has led to an unnecessary death of people. The government remains equally guilty for using retributive justice against ethnic Nuer instead of dealing with the rebels.

4. UNMISS and the Conflict in South Sudan

Rolandsen (2015) noted that although the budgets of UNMIS and UNMISS are large, little is spent inside South Sudan. The opportunity for economic interaction between South Sudanese and the mission and its personnel is severely restricted. Until recently the enclaves of peacekeeping economies in South Sudan have emerged within the larger unproductive, import-focused consumption economy created by the influx of oil revenue. Although the missions and their employees do spend money inside South Sudan, their counterparts are often foreign businessmen.

UNMISS (2012) report noted that the protection of civilians consists of three aspects: one: of prevention efforts on mitigating conflict trying to make sure that violence does not break out. Secondly; on trying to create a protective environment in which women, children and other vulnerable communities are protected. And thirdly; when everything else fails and conflict breaks out, to do physical protection. We are doing a comprehensive approach to protection because our assets are limited – we only have 5,500 at the moment and some of them are engineers and we are not fully deployed – so we cannot be everywhere all the time. Hence it is important to use all these different methods and tools to protect civilians.

The report further noted that the biggest challenge the mission have had was not been provided with the assets that were supposed to be given and the mission have had challenges in relation to the availability of military helicopters, engineering capacity, and deployment of forces ... and they are not yet fully deployed. That is not a failure of UNMISS but it certainly shows some of the challenges of the UN system and that they are also dependent on the member states providing some of the resources they need to be able to implement our

mandate in a timely and effective manner. With the resources fully deployed, they believe they would be in a better position to do even more than they have done so far.

A study by CIVIC and BWC (2015) noted that with the signing of the peace agreement in late August, there was hope that active conflict and large-scale human rights abuses against civilians might lessen. It remains unclear whether the peace will hold, as skirmishes have continued in subsequent weeks and the government's denial of freedom of movement for UNMISS remains persistent. However, even in the best case scenario in terms of the national peace process, the protection of civilians will need to remain at the core of UNMISS's mandate and resource allocation. Additional resources are likely needed to better allow UNMISS to engage more robustly in states outside of Greater Upper Nile that face lower-level political violence that could escalate. Moreover, new threats are likely to emerge – most specifically in the form of inter- and intra-communal violence – that will require significant resources and an adapted strategy to best ensure the protection of civilians. Finally, as the influx of new arrivals into the POC sites potentially wanes – and the mission likely revisits the possibility of voluntary relocation to reduce the burden on its bases and resources – it will need to ensure transparency and inclusiveness in its risk analysis and decision-making.

CIVIC and BWC (2015) also noted that one of the major challenge in proactively protecting civilians away from the POC sites is that peacekeepers often see more reasons to avoid, rather than to engage in, projection of force. The biggest disincentive facing most peacekeepers is, of course, the risk to their own physical security should they respond assertively. The shooting down of several helicopters, as well as the firing of rocket-propelled grenades (RPGs) on UNMISS barges, have demonstrated that the parties to the conflict are willing to target UNMISS. That being said, several humanitarian and UNMISS officials highlighted that there had been few, if any, incidents during the conflict in which an UNMISS ground patrol had been attacked or ambushed, as opposed to merely threatened or harassed.⁹⁶ In addition, several UNMISS officials referenced a challenge associated with the possibility of investigation associated with use of force, even when a peacekeeper follows the appropriate rules of engagement (ROE).

de Wal (2016) noted that the UN Mission in South Sudan is justifiably criticized for some serious failures to protect civilians and humanitarian workers under threat. But the UN's biggest failing is political—a failure of the political leadership in 2013 to take steps that surely could have been taken to mitigate the political crisis as it erupted. The most cogent proposals that are now coming forward for future international engagement in South Sudan are quite ambitious. They involve, first of all, a regional protection force, which is a beefed-

up peacekeeping force consisting of troops from neighbouring countries that would be mandated to be a lot more proactive and would be given the right equipment and to, in theory, go out on fairly aggressive patrols and other operations that could actually protect civilians who are under immediate threat from the warring parties.

Hutton (2014) noted that UNMISS as at 2014 ended up providing protection and emergency relief to thousands of South Sudanese civilians caught in the middle of an increasingly brutal and ethnicized civil war. It is a challenge of a scale that the Mission was not prepared for. Instead of acting as a primary international partner to the Government of the Republic of South Sudan (GRSS) in an ambitious state building project, UNMISS is contending with a political and security crisis generating dire humanitarian conditions exacerbated by government interference, attacks and looting of supplies, violations of operating principles and an orchestrated public smear campaign.

5. UNMISS and the Protection of Civilian in South Sudan

Southern Sudan has been mired in civil war, mass killings and extensive human rights violations for decades. In 2011, South Sudan gained its independence and UNMISS was authorised to ‘support the Government in peace consolidation’ including ‘establishing the rule of law, and strengthening the security and justice sectors’ (UNMISS 2016). After war broke out again in 2013, the mission remained with a new priority to ‘protect civilians’. UNMISS responded to the crisis by providing temporary asylum within their bases for civilians whose lives were under threat. Within a few years, some 200,000 civilians had taken refuge in sites scattered across the country (UNMISS, 2016). They fled there to escape targeted killings of civilians, including by government forces, as well as to avoid fighting between the SPLA government forces and rebels of the SPLA in-Opposition (SPLA-IO). As the war continued, the bases became ‘Protection of Civilians sites’. They were transformed into unique humanitarian spaces under UNMISS authority, from which warring parties were mostly excluded. Yet the PoCs also reflected in microcosm some elements of the insecurity and plural forms of authority and law that prevailed outside their boundaries, and UNMISS struggled to maintain control.

UNMISS set a precedent in international protection by hosting civilians within its bases for several years, but it fell far short of fulfilling its protection mandate. The mission barely even attempted to protect the majority of civilians who lived outside of the PoCs. It initially pushed back against humanitarian initiatives in the PoC, concerned that these would prolong people’s stay, but allowed the supply of food, water, medicine and other necessities. It had difficulty excluding small arms and former combatants from the sites (CIVIC 2015: 13). It

concentrated security provision on maintaining a physical barrier to separate those in the PoCs from armed forces outside.

Objectives and operations

UNMISS was established on 8 July 2011 by UN Security Council Resolution 1996 to ‘consolidate peace and security and to help establish conditions for development’ in South Sudan. Authorised under Chapter VII of the UN Charter, the mission was provided with a mandate for an initial period of one year. The mission’s mandate has been renewed annually since then, most recently on 11 July 2013. UNMISS has an authorised strength of up to 7,000 military personnel, 900 police and appropriate civilian support, including human rights investigators. The size of the UN mission deployed was the result of a compromise between those UN member states that argued for a small contingent (of about 1,000 troops) and others that called for a more robust force (of about 13,000 troops). The number of personnel eventually authorised was based on the understanding that UNMISS would have the capacity to engage actively in PoC, while allaying concerns about the need for, and practicality of, a large mission with its associated financial costs (Hemmer, 2013).

The mandate

UNMISS’ mandate outlines three core areas of support that the mission is to provide to the GoSS: Support for peace consolidation, fostering longer term state-building and economic development; Support the GoSS in meeting its responsibilities for conflict prevention, mitigation and resolution and the protection of civilians; and Support the GoSS in developing its capacity to provide security, establish the rule of law and strengthen the security and justice sectors. According to Resolution 1996, UNMISS should ‘use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate’. The Security Council also noted, in Resolution 1894 of 2009 on ‘The Protection of Civilians in Armed Conflict’, that in all peacekeeping missions that have PoC mandates ‘protection activities must be given priority in decisions about the use of available capacity and resources’.

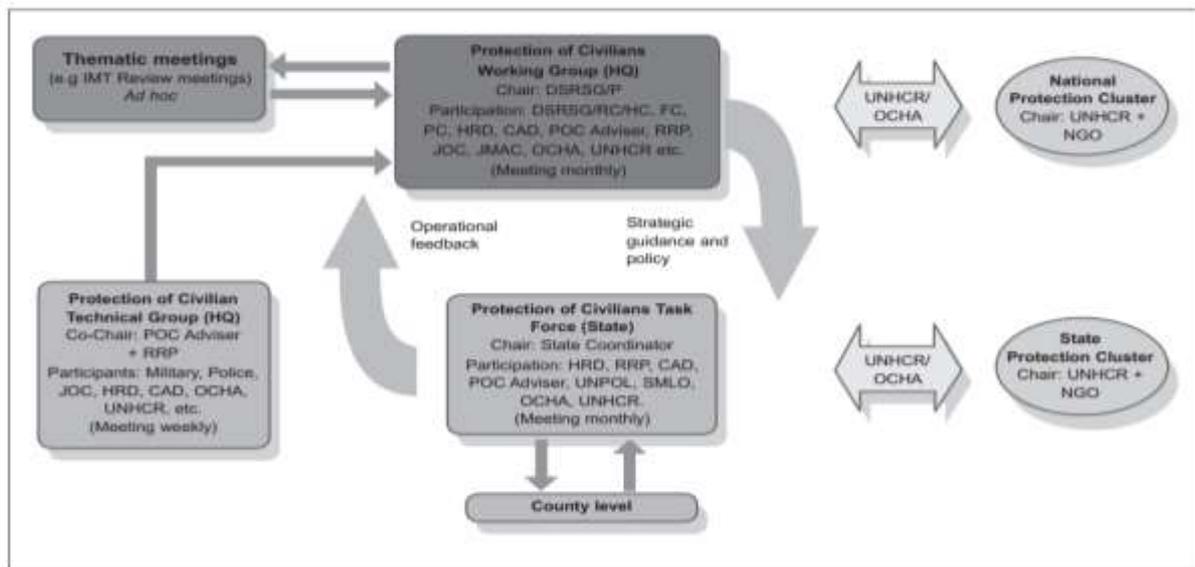
6. Protection of Civilians Sites

The protection of civilians sites emerged out of necessity as a mechanism to protect the thousands of civilians that were fleeing violence as a consequence of the outbreak of civil war in December 2013. As insecurity continued to prevail across the country — characterized by horrific human rights abuses and ethnically targeted atrocities against the civilian population by the SPLM, SPLM/A-IO, and other militias — the numbers of civilians seeking protection continued to grow, with more than 200,000 civilians seeking protection in August

2015. The sites have provided security from external threats, and in that regard ensured that UNMISS was delivering on its protection mandate. However, the sites created new protection challenges for the mission, with ongoing inter-communal tensions (as many civilians remained traumatized from the ethnic violence they escaped), high levels of criminality (often exacerbated by porous borders into the POC sites), and an ever-increasing demand for basic services (a source of tension and fighting when in short supply). UNMISS put in place several measures to reduce threats in the POC sites and manage overall security. Military contingents patrol the borders of the POC sites in order to deter potential threats and prevent entry by spoilers and armed groups. UN Police (UNPOL) maintain a presence in the sites and undertake community-policing activities, engaging community leaders and groups on local security concerns. They also work closely with community watch groups, which assist in maintaining safety in the sites by working with UNPOL and supporting activities around conflict resolution (Sharland & Gorur, 2015).

UNMISS's efforts to protect civilians on and near its bases have likely saved tens of thousands of lives. As of November 2015, more than 200,000 civilians were being protected at six POC sites throughout the country in Juba, Bor, Malakal, Bentiu, Melut, and Wau. Ongoing violence against civilians saw those numbers rise in the last 18 months, with an increase of 50,000 people at the Bentiu site alone between April and August 2015 as a result of the violence in Unity state. While numbers have varied with changing security conditions, and some civilians have voluntarily left POC sites during the course of the civil war, there is no indication at present of any intention for civilians at POC sites to leave in large numbers, and as fighting in violation of the ceasefire agreement continues, it is possible those numbers may grow again. The POC sites create unique challenges for UNMISS. Unlike internally displaced persons (IDP) camps, these sites exist on UN grounds and facilities (In some cases, the sites also extend beyond the original area of the UN bases, on land that has been assigned to UNMISS by the South Sudanese government for POC use). The mission has responsibility for maintaining safety and security of and within the POC sites, with the military components providing perimeter security and police supporting the maintenance of internal security. It also has to coordinate closely with a range of humanitarian organizations to provide services to the civilians within the sites.

UNMISS Protection of Civilians (PoC) coordination structures



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

All interlocutors applauded UNMISS for taking immediate action during the beginning stages of the crisis in December by opening their gates and allowing the establishment of Protection of Civilian (PoC) sites under the protection of the UN. Eight sites were established in total in UNMISS compounds around the country. According to the UNHCR, the largest in Juba had 31,000 IDPs, many of whom are Nuers who were attacked in the Gudele area west of the city. There are over 102,265 IDPs residing in PoC sites, however, this represents less than 10% of the total IDPs within the country (FIDH, 2014; UN Doc. S/RES/2155, 2014). The mandate and size of the U.N. peacekeeping mission in South Sudan have been modified several times since its creation in July 2011, under Security Council Resolution 1996 (2011). While acknowledging that UNMISS has undoubtedly saved lives by providing protection at the POC sites, critics note that those in the sites represent only a fraction of the displaced population, and that the RPF's deployment to Juba may do little to improve security beyond the city (Blanchard, 2016).

The table below shows the staff strength of the UN peace mission to Sudan between 2004 and 2014. When the current crisis in South Sudan broke out in 2013, there was an already existing UN peace mission in Sudan that monitored the referendum, and was helping the new independent nation to build up state capacities, and maintaining peace. With the outbreak of the crisis in 2013, the mandate of the mission was adjusted from that of helping the new nation in state building and peace building to that protection of civilians, monitoring and

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recording human rights abuses by the government and opposition fighters, and also the protection of humanitarian workers in South Sudan

UNMIS/UNMISS Staff by Category, 2004-2014

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012 UNMIS	2011-2012 UNMISS	2012-2013	2013-2014 (est.)
International civilians	306	523	786	802	758	797	888	210	735	971	978
UN police (not in formed units)	43	343	659	650	654	683	670	71	455	900	900
Military observers, advisor, liaison officers	141	447	627	579	575	486	482	69	154	166	166
Military contingents	965	5187	8816	8697	9188	9075	9350	1665	5049	6834	6834
Total paid international staff	1455	6500	10888	10728	11175	11041	11390	2015	6393	8871	8878
Total national staff	535	1,004	2171	2,423	2,422	2,629	2,761	2,767	1122	1618	1730

Source: Rolandsen, Ø. H. (2015). *Small and Far Between: Peacekeeping Economies in South Sudan*.

7. Challenges Encountered by the UNMISS in Civilian Protection in South Sudan

The main issue is the general lack of a unified vision for POC in peace operations. On the one hand, there is consensus behind the global call for “POC,” and the Secretariat has worked on developing a holistic and multidimensional POC concept. However, there is not a shared understanding among the Security Council, troop contributing countries, host states, the departments and offices within the Secretariat, and missions’ components and personnel on what they are expected and authorized to do to protect civilians, the specific roles of each component in fulfilling the POC mandate, how protection relates to other mandated tasks, and how it contributes to political strategies. In South Sudan, UNMISS is expected to protect civilians in a context of active conflict, while the host state itself is perpetrating abuse against its own population and obstructing the work and freedom of movement of peacekeepers (Di Razza, 2017).

On several occasions, the peacekeepers failed to guard the perimeters of the PoCs effectively and to protect residents from attacks. In April 2014, 47 civilians were killed and at least 100 injured in an attack on Bor PoC (Arenson 2016: 34). In February 2016, UNMISS was accused of a ‘glaring failure’ to defend people in the Malakal PoC against an attack which left more than 25 dead and 120 injured (MSF 2016: 2). In July 2016, 53 South Sudanese civilians were killed and 234 injured in attacks upon the Juba PoC sites; a Chinese peacekeeper was killed and hundreds more people were raped or murdered in the vicinity of the Juba PoCs (UNMISS & OHCHR 2017: 15-16). Meanwhile, UNMISS encountered problems of insecurity and criminality within the PoCs on an everyday basis. By September 2015, 2,900 security incidents were recorded (UNSC 2015b). These ranged across a wide

spectrum from killings, sexual violence, crime and attacks against UN and humanitarian personnel and included issues such as inter-communal fighting, theft, gang violence, and domestic violence (UNSC 2015a; see also UNMISS HRD 2015: 16). Other disputes between individuals, or within families, related to bridewealth, adultery, and minor assaults went unrecorded in such reports, but arose on a routine basis, according to our research. Insecurity was rife amid the social disruption and uncertainty of displacement. UNMISS faced disorder within the camps but it lacked the legal mandate and mechanisms of justice to resolve disputes and prosecute crimes.

The Government of South Sudan had violated its Status of Forces Agreement (SOFA) with UNMISS numerous times before the outbreak of violence in December 2013, and these violations have become routine since the start of the civil war. SOFA violations have included restrictions on movement (by ground, river, and air), limiting the ability of the mission to access large parts of the country, as well as the delay of visas for mission personnel and delays on the importation of essential mission equipment. Members of the opposition movement have also restricted UNMISS's movement since the outbreak of the civil war. These restrictions have persisted despite the signing of the peace agreement in August 2015.

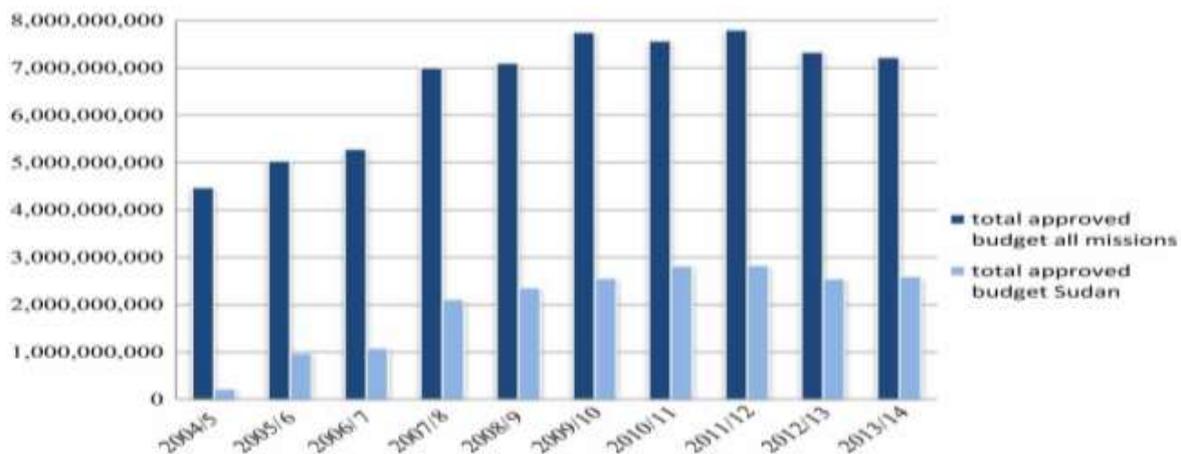
Access restrictions affect the ability of UNMISS to undertake operations, limiting the movement and transport of personnel and supplies. Concerns that helicopters may be shot down, as happened in 2014 and prior to that in 2012, have resulted in the mission obtaining Flight Safety Assurances (FSAs) from the government and/or opposition before any flight is undertaken. This onerous process, combined with the low supply of and high demand for air assets, means it may take days for an air asset to be deployed. This also has significant implications in terms of troop willingness to engage in high-risk operations, as it may take too much time for an FSA to be obtained in order to initiate casualty and medical evacuation. The size of the country and the lack of any transport infrastructure presented formidable challenges in travel and access. A country that is the size of France and Belgium combined, with one state, Jonglei, the size of Wales, has almost no paved roads outside its capital Juba. In addition, the volatile security situation in South Sudan, with an ongoing non-international armed conflict still persisting in parts of the country, meant that the assessment team was unable to move around freely and thus was not able to have access to many victims and witnesses. In particular, stringent requirements imposed by the Government on UN movement in some parts of the country hindered the assessment team from accessing areas as safety assurances were not granted. Despite these hindrances, the assessment team was able

to travel to conflict-affected states in areas under Government control as well as areas under the control of SPLM/A-IO.

UNMISS often seems to lack the political will and leadership required to implement its PoC obligations. This is partly because troop-contributing countries refuse to allow their troops to be deployed to certain regions, or to use force to protect civilians. DPKO has not established clear rules of engagement with troop-contributing countries that enable troops to fully comply with the demands of the mission’s mandate. It has been argued (Wills, 2009) that ambiguity in the mandate serves to secure the required consensus such that resolutions are adopted.

A particular problem is that the current PoC strategy of UNMISS provides no guidance on how to respond in situations where the security forces of South Sudan represent a threat to the population. As a consequence, some observers argue that the civilian population does not see UNMISS as a neutral actor and a force for change. Among humanitarian actors and other observers there is a widespread perception that UNMISS is unable or unwilling to challenge the GoSS and the SPLA on key issues related to their mandate, such as the rule of law and human rights. At the same time, the GoSS appears able to dictate the terms under which it engages with UNMISS, including imposing punitive action against the mission (Fenton & Loughna, 2013).

Figure 1. Cost of UNDPKO missions in Sudan and South Sudan as a share of total UNDPKO missions’ budget.



Source: United Nations annual budget and expenditure reports to the General Assembly and UNDPKO Fact sheets 2004–13.

The UNMISS budget has the highest percentage of United Nations Department of Peacekeeping Operations as indicated by the table above. After taking up so much cost without really being able to provide adequate civilian protection as indicated in the modified mission mandate call to question the huge fund the mission had gulped.

8. Conclusion and Recommendation

There is widespread agreement that there are constraints in South Sudan which have significantly inhibited UNMISS from implementing its mandate especially on civilian protection. The terrain is difficult, with few roads, and access is seasonal and determined by the length of the dry season. Constraints on access also stem from conflict, as well as obstruction by the GoSS, which denies UNMISS access to areas where it intends to carry out sensitive human rights investigations or report on actions by the GoSS/SPLA. The paper highlighted some challenges which have hampered the permanent resolution of the South Sudanese conflict which include; lack of understanding of the people's sensitivity, lack of rapid deployment capacity, ineffective enforcement of arms embargo and inadequate funding. Deriving from the above, the paper recommends that; The UN needs to delve into the root causes of conflicts and try to resolve it especially among the instigators of the conflicts, and continue working more closely with the regional and sub-regional bodies at finding peaceful solutions to the conflict in South Sudan and the rest of Africa. Also, efforts to protect civilians must be enhanced. UNMISS' capacity should be strengthened, notably long-range patrols, patrol on foot, and make better use of its civilian resources to identify threats to communities and the additional troops authorized by the Security Council should be deployed to help achieve this objective. Finally, while UNMISS can never be everywhere, it must prioritize actions that will protect people from violence and help them reach food and safety. More active patrolling to help women reach markets without being attacked or harassed is one such priority.

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