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‘We are laying the groundwork for our own failure’

The UN Mission in South Sudan and its civilian protection strategy: an early assessment

Summary

Eighteen months on from the formation of the UN Mission to the Republic of South Sudan (UNMISS), this policy brief looks into the mission and its performance to date. It pays particular attention to UNMISS’s contribution to the protection of civilians (PoC) – the mission’s self-proclaimed key responsibility. After examining strategic and operational challenges, dilemmas and trade-offs, the policy brief arrives at a summary conclusion: 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 and 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 for manoeuvre; (3) review accordingly the resources it requires; and (4) act decisively and – with an eye to its temporary stay in South Sudan – responsibly.

Jort Hemmer

Introduction

The independence of South Sudan on 9 July 2011 marked the establishment of the United Nations Mission to the Republic of South Sudan (UNMISS), a mission tasked to ‘consolidate peace and security’ and help foster ‘conditions for development’ in the newly founded country.1 UNMISS was not created in a vacuum. Between March 2005 and July 2011, the United Nations Mission in Sudan (UNMIS) monitored and promoted the implementation of a peace deal that had ended a 22-year civil war between the government of Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A), a rebel group rooted in Sudan’s southern regions.

1. This project was co-funded by the Norwegian Peacebuilding Resource Centre (NOREF). Its findings are partly derived from field work carried out in South Sudan (Juba, Bor and Wau) in October 2012. Additional talks were held in New York, Oslo and The Hague. Interlocutors included UNMISS and other UN personnel, officials from the South Sudanese authorities and security forces, donor representatives, members of international and local non-governmental and civil society organizations, and independent analysts and observers. The author is solely responsible for the content of the paper. He would like to thank Megan Price, Rosan Smits, Mariska van Beijnum and Ivan Briscoe for their valuable feedback on earlier drafts.

Following an overwhelming vote for secession in an internationally backed referendum in January 2011, South Sudan broke away from its northern neighbour to found its own state six months later, after which UNMIS operations were terminated. Sudan’s division into two sovereign polities required the United Nations (UN) to reconsider the justification for and scope of any successor mission.

As per Security Council resolution 1996, which was adopted on 8 July 2011, the parameters for a new UN mission were set. UNMISS’s mandate is restricted to the territory of South Sudan and primarily geared towards supporting state- and peace-building goals. Up to 7,000 military staff, 900 police personnel and an ‘appropriate civilian component’ are to engage in activities ranging from early warning, conflict prevention, mitigation and resolution, and PoC, to assisting the authorities of the Government of the Republic of South Sudan (GRSS) in building effective and accountable governance, security and justice institutions. It was further decided that the mission would act under a Chapter VII mandate, allowing it to take ‘all necessary actions’ to protect civilians as well as its own personnel and humanitarian workers, including with the use of force.

UNMISS’s eventual make-up reflected the intermediate of three mission options the UN deliberated on ahead of the mission’s deployment; the other two options involving either a more modest (±1,000 troops) or a more robust (±13,000 troops) military component. The approved configuration was essentially a compromise. On the one hand, it aimed to meet demands by some UN member states and advocacy organizations that UNMISS be capable of actively engaging in physical PoC, for which substantial military means were deemed necessary. On the other, it tried to accommodate the concerns of other stakeholders about the desirability and feasibility of a large UN mission in South Sudan and the associated financial costs.

UNMISS started to set up operations in July 2011. Circumstances in South Sudan hardly allowed for a quiet inception phase. In Jonglei, South Sudan’s largest and most populous state, an explosive cocktail of competition for land, water and cattle, political manipulation and the widespread availability of guns, fuelled tensions between Dinka, Lou Nuer and Murle groups, who share a history of violent conflict. Between April 2011 and January 2012, a spike in retaliatory attacks reportedly claimed well over 2,000 lives, mostly in Jonglei’s Uror and Pibor counties. The region has since remained volatile and has developed into the litmus test for UNMISS’s response capacity.

Fierce criticism of the mission’s alleged passivity in the run-up to and during the clashes in Jonglei underscored the fact that, at least for many external observers, the protection part of its mandate was going to be the principal measure of its performance. This prompted UN headquarters and UNMISS’s leadership to explicitly place PoC at the centre of its operations and it accelerated the development of a separate policy document to underpin and operationalize this aspiration. The final draft of the PoC strategy was produced in June 2012 and carries the endorsement of the head of UNMISS, Special Representative of the Secretary-General (SRSG), Hilde F. Johnson.

According to the final draft of the PoC strategy, UNMISS aims to ‘prevent and reduce the threat to the civilian population from armed conflict and violence by building the capacity of the [GRSS]’, and to ‘act independently to prevent harm to civilians within its resources and capabilities’ in instances

3. See UN Security Council resolution 1996 (2011). The reported targets for this civilian component are 957 international staff and 1,590 national staff.
5. In line with UN Security Council resolution 1894 (2009), the final draft of the PoC strategy states that UNMISS should ensure that ‘all available resources and capacities are used to protect civilians, especially in scenarios where this priority competes with other elements of the mandate’ (page 15).
where the GRSS itself is ‘unable or unwilling’ to do so. To these ends, it identifies three tiers of action: (1) protection through political process; (2) providing protection from physical violence; and (3) establishing a protective environment. These three tiers of action serve as a useful framework around which to structure findings regarding the mission’s current and potential contribution to PoC in South Sudan.

‘Protection through political process’

From the start, UNMISS’s leadership has made clear that it sees the GRSS as primarily responsible for providing security and protection to its population. The first tier of action in the PoC strategy comprises measures that the mission’s leadership can take to encourage and support South Sudan’s authorities and security forces to accept that responsibility and act appropriately. Here, the strategy runs into a number of problems.

First of all, beset by a myriad of challenges following independence, the GRSS does not regard PoC as a priority area. In present-day South Sudan, political thinking is dominated by two closely connected concerns. The first is how to manage the crisis with Sudan that emerged in the wake of the secession, and that has led to tensions and on-and-off fighting in the militarized border region. The second is the containment of immediate threats to political stability at home, particularly following the oil shutdown after unsuccessful talks on the usage of Sudan’s pipeline, refineries and port. Given that oil revenues account for 97% of its government budget and serve as the principal glue in uniting the country’s fractured political establishment, both South Sudan’s economy and its elite settlement risk collapsing. The GRSS’s resulting preoccupation with short-term crisis management translates into reluctance to dedicate resources and actively intervene when localized conflicts turn violent.

In addition to the prioritization of other issues over civilian protection, there are worrying reports of South Sudanese officials showing indifference when certain minority communities are under threat. This was said to be the case with, for instance, the Murle population on the eve of attacks by Lou Nuer groups around the period of New Year 2011/2012 – attacks that would eventually claim about 1,000 lives. Deficiencies in the system of command and control of the armed forces provide an additional disincentive for the GRSS to get drawn in when groups of different tribal origin clash. With the army still largely resembling a patchwork of past insurgent militias, organized along ethnic lines, inter-communal conflicts can present a real test of soldiers’ loyalty and discipline.

Aside from having to advocate for GRSS-led PoC in such an unfavourable environment, UNMISS has difficulty in reconciling seemingly contradictory elements of its mandate as it positions itself vis-à-vis the GRSS. On the one hand, the mission is asked to work alongside the government and support it in carrying out various tasks. On the other, it is expected at the same time to act as a ‘watchdog’, and monitor and report on human rights violations and other misconduct in South Sudan, including by state agents. As will be further illustrated in the following sections, the mission suffers from internal divisions on how to manage these potentially conflicting roles. Reportedly, these divisions can be attributed partly to the approach taken by the mission’s leadership, including the SRSG, Hilde Johnson.

Benefiting from her long-standing involvement in South Sudan, the SRSG has managed to build close relations with individuals within the GRSS. Her exceptional access to South Sudan’s increasingly insulated political and military establishment has

6 See the final draft of the PoC strategy (June 2012; page 2).
8 Holding senior positions with UNICEF and the African Development Bank prior to her assignment with UNMISS, Hilde Johnson served as Minister for International Development and Human Rights (1997–2000) and for International Development (2001–05) in two consecutive governments in Norway. Norway historically enjoys good relations with South Sudan and the SPLM, a former rebel movement and now its leading political party.
given the mission leverage where it tries to play its partner role. Yet there are concerns among certain actors in South Sudan that the SRSG’s dealings with the GRSS are perhaps too personalized, and that this could jeopardize her impartiality. Within and outside of the mission, some hold the perception that the SRSG is not being critical enough with government officials. With a leadership allegedly keen on steering clear of diplomatic confrontation, the mission appears to struggle to meaningfully fulfil its role as a ‘watchdog’.

More encouraging is the extensive praise that UNMISS receives for its contributions to mitigating and resolving local conflicts; efforts which also fall within the first tier of action in the mission’s PoC strategy. An adviser to a church-led peace initiative in Jonglei with long experience in South Sudan emphasized that he had ‘never experienced this type of support before’ and noted the genuine commitment of UN staff involved. This was echoed by other practitioners and observers, who commended the facilitating role played by UNMISS, particularly its civil affairs experts, in Jonglei and other peace and reconciliation processes in South Sudan.

‘Providing protection from physical violence’

In accordance with its PoC strategy, UNMISS vows to protect civilians when the GRSS is either unable or unwilling to do so. This second tier outlines the actions the mission can take in such circumstances. These range from advising and assisting the GRSS security forces in protecting civilians and the preventive deployment of UN troops in high-risk areas, to offering refuge to civilians who seek protection at a UN compound. Ultimately, when all other means have been exhausted, UNMISS can resort to the use of force against any party found attacking civilians. However, there are strong indications that the mission has problems delivering on this ambition to fulfil a proactive, physical protection role.

To start with, the PoC strategy does not offer any guidance on what to do in the event that GRSS security forces themselves form a threat to the population, which in South Sudan is no hypothetical situation. Notwithstanding the mission’s pledge to ‘act independently and impartially’, behind closed doors, Force Commander Moses Obi has supposedly sent a very clear message that his troops will not challenge the SPLA.9 ‘We won’t step in if the army turns on communities’, a UNMISS official confirmed. Here, the importance attached to maintaining good ties with the host government and the assessment that the mission could ultimately find itself outgunned by the SPLA are likely factors behind this stance. Nevertheless, clearly, this instruction to avoid confrontation with the GRSS’s armed forces places a major restraint on any attempts to carry out active PoC and damages UNMISS’s public credibility as a non-biased security provider. It also compels the mission to walk a tightrope when it assists the GRSS in situations where there is a risk of escalation.

The latter reality became apparent during the GRSS-led disarmament campaign in Jonglei state in the first half of 2012. After offering logistical support to awareness-raising activities and airlifting SPLA soldiers to more remote areas in the run-up to the campaign, UNMISS stepped back during the actual process of disarmament amid clear signs that it would become violent. Following reports by human rights organizations on violations by the SPLA, UNMISS published its own report in June 2012, documenting similar incidents of abuse. The report provoked a furious response from the GRSS and disbelief among civil society groups in Jonglei, with both parties criticizing UNMISS for its two-faced approach. This is one example of where the mission’s roles of partner and ‘watchdog’ are clearly in conflict. Experiences like these strengthen the GRSS’s perception of UNMISS as a potential liability and help explain why UNMISS troops are recurrently denied access to sensitive areas, in violation of the Status of Forces Agreement.

9 Major-General Moses Obi ended his term with the mission in November 2012. On 11 December 2012, it was announced that he was replaced by Major-General Delali Johnson Sakyi. Whether this reshuffle has implications for UNMISS’s internal policy with regard to its dealings with the SPLA was not known at the time of writing.
A second, closely related problem with the more proactive part of the PoC strategy is that there is no consensus within the mission on how it can and should ideally be interpreted. One of the main disagreements has emerged between UNMISS’s civilian and military components, with the latter feeling that civilians tend to misjudge existing political and capacity constraints and consequently have unrealistic expectations of what the military can do. This adds to more general misgivings about the way UNMISS’s military capabilities are managed and are being put to use. ‘This is no place for a soldier’, a UN military official commented, referring to the challenge of serving in a civilian-led mission that primarily conducts civilian tasks in a country with only limited force protection requirements.

This civil-military divide was reflected in UNMISS’s preparations for expected clashes between the SPLA and a rebel group led by David Yau Yau in Pibor county, Jonglei state. In October 2012, the mission’s civilian component was planning for the establishment of ‘secure areas’ for members of the Murle population, the rebel group’s main constituency. Murle chiefs were reportedly encouraged to tell their people to come to UN compounds, where they would be given shelter. Meanwhile, UN military officers indicated that they could not enforce such secure areas if the SPLA demanded access in the context of its counter-insurgency operations. Here, divergent assessments of the PoC mandate and the ability to uphold it could lead to a dangerous situation, as the mission raises local expectations it might not be able to meet. At the same time, in December 2012, UNMISS did accommodate civilians in search of protection when protests in Wau, the capital of Western Bahr el Ghazal state, turned violent.

Despite its limited number of troops, UNMISS aspires to operate throughout South Sudan. It is therefore of major importance to have good-quality information on which to base strategic choices regarding the mission’s military involvement in PoC activities. UNMISS has been working on its capacity to deliver early warnings on emerging and escalating crisis situations. The detailed data it managed to collect – including by conducting air and ground patrols – on the build-up to the massive assault on the Murle population in Jonglei in January 2012 demonstrates the mission’s potential in assessing actual and developing crises. However, owing to the absence of a systematic approach and its very limited contacts at community level, UNMISS often has to rely on state authorities for its early warning information. This casts doubt on the breadth and objectivity of its analyses of politically charged issues, such as the ongoing David Yau Yau rebellion.

In reality, UNMISS’s early warning information mainly serves the purpose of encouraging the GRSS to act, as the mission struggles to formulate responses of its own. Aside from earlier mentioned political considerations that limit its operational space, the mission faces serious capacity gaps, a number of which are also identified in the PoC strategy. Several respondents point out that the ambitions laid out in the mission’s mandate have not been matched by the resources put at its disposal. For example, only a limited number of its deployed troops are infantry and authorized by their countries of origin to risk getting involved in combat situations. Because of a policy that prescribes countrywide coverage, even fewer of these troops are actually based in conflict-prone areas. This restricts UNMISS’s ability to deploy on a substantial scale or in multiple places simultaneously for physical protection purposes.

The most significant capacity constraint, however, is the absence of appropriate air assets; a problem not uncommon to other UN peace operations. Helicopters are an absolute necessity in South Sudan, where the infrastructure network is poorly maintained and restricted to only a few urban centres. They are essential for the flexible and swift placement of UN troops, especially given their modest number and their vast area of responsibility. Currently, UNMISS depends on private contractors for its military helicopter capacity. This further limits its access to high-risk areas, because of the strict safety requirements these companies and their pilots have to meet.

10 Critical capacity gaps identified in the final draft of the PoC strategy include a shortfall in the number of deployed troops compared with the mandated level of 7,000; insufficient logistical assets (particularly military aircrafts) to support and deploy troops; a lack of riverine capability; and insufficient mission personnel trained in PoC (page 15).
UNMISS also faces a number of constraints that are essentially self-imposed. Mission staff point to the severe and, in their view, often disproportionate UN security procedures and restrictions. Many say that these procedures and restrictions are ‘worse than under UNMIS’ and feel discouraged from travelling outside of cities or even from leaving their compounds. The obligatory use of force protection in areas that are perceived to be fairly safe and where UNMIS staff used to be able to travel freely was a frequently mentioned example. In addition, there is talk of a culture of ‘extreme risk-averseness’, ‘navel-gazing’ and the prevalence of a ‘can’t-do mentality’, which are mainly attributed to the excessive cautiousness of a mission leadership anxious to play by the UN rules and avoid making mistakes.

‘Establishing a protective environment’

The third and final tier of action of UNMISS’s PoC strategy is aimed at decreasing the incidence of violence in South Sudan, mainly by assisting the GRSS to enhance its capacity to provide security and uphold the rule of law. The success of this part of the strategy largely hangs on the willingness of the GRSS and its security forces to collaborate with UNMISS and improve their track record on issues such as human rights, accountability and civilian oversight. The latter is uncertain given the short-term priorities of a government in crisis-management mode, as indicated earlier. Meanwhile, notwithstanding the SRSG’s good personal contacts, on a working level, relations between the mission and South Sudan’s authorities have often been sour at best. They have even turned outright hostile on a number of occasions.

The animosity towards UNMISS, and the UN more generally, fits a more general trend. Western diplomats based in Juba confirm that the GRSS is increasingly difficult to approach and seems far less susceptible to criticism than it was before South Sudan’s independence. Its political leaders currently tend to show little patience with outsiders meddling in its internal affairs and seem defensive, particularly since the international condemnation of the SPLA’s brief occupation of Heglig in June 2012; criticism which most South Sudanese perceive to be unbalanced and excessive. But there are more specific factors in play.

For one thing, there is annoyance over the mission’s Chapter VII designation, which some factions within the GRSS perceive as patronizing and offensive.11 More importantly, UNMISS carries the burden of its predecessor’s legacy. Justified or not, the view of many South Sudanese is that UNMIS was prejudiced in favour of Sudan. The current UN mission’s relative quiet on aerial bombings and other violations of South Sudan’s territory by the Sudanese government since the split have only added to their suspicion of the mission’s partiality. In this regard, UNMISS’s multinational make-up does not seem to work to its advantage either. As one SPLA officer explained, ‘In times of need, we’d rather go to our friends directly’, hinting that there are ‘enemies’ among the countries that currently contribute UN troops. UNMISS military officers say they experience a general reluctance to collaborate on the part of the SPLA, and have a sense that they are being seen and treated ‘like spies’. Others within the mission refer to instances of intimidation and even physical abuse by uniformed services.

Recent events indicate that UNMISS’s relations with its host government are deteriorating. In October 2012, a UN human rights investigator was expelled, most likely in response to the mission’s critical report on the disarmament process in Jonglei state. This is said to have seriously damaged the mission’s standing in South Sudan. In probably the gravest incident to date, and following previous shootings in which UNMISS staff suspect the involvement of GRSS security forces, the SPLA downed a UN helicopter in Jonglei in December 2012, killing all four Russian crew members. Amid strong condemnation by the international community and contradicting statements by South Sudanese officials on whether or not the SPLA should be held responsible, investigations to establish the exact circumstances around the incident are still pending at the time of writing.

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11 On 13 June 2012, ahead of the renewal of UNMISS’s mandate, Vice-President Riek Machar sent a letter to the UN Security Council on behalf of the GRSS, stressing that since independence his government had taken responsibility for the safety and security of its citizens, rendering a mission operating under Chapter VII ‘inappropriate’.
Obviously, the level of mistrust that exists, particularly regarding the SPLA and less so the police and other security services, constitutes a huge impediment to UNMISS’s ability to coordinate with relevant South Sudanese stakeholders and support the development of the security and justice sectors. That is not to say that nothing has or can been achieved. Thus far, the mission’s contributions to capacity-building in these fields have mostly amounted to organizing training courses. It is widely recognized that it has good in-house expertise in a broad range of areas, including military justice, law enforcement and human rights, and so is able to pass on relevant knowledge. UNMISS’s teaching staff note the eagerness to learn and exchange experiences on the part of those attending their classes, and feel that these classes do make a difference, particularly for younger students.

Yet UNMISS appears to struggle to move beyond facilitating ad hoc, one-off training events or to organize meaningful follow-up. ‘It seems like UNMISS is not interested in impact’, one South Sudanese observer mentioned. He expressed amazement about the mission’s lack of effort to find out what those who have received training actually do with their newly acquired knowledge; this is a perception shared by other respondents. Moreover, having to work with a broad mandate devoid of clear strategic guidelines or niches, UNMISS appears to have trouble identifying and demonstrating the added value it provides compared with what is being done by bilateral donors and private contractors engaged in South Sudan’s security and justice sectors.

**Policy considerations**

Much of the expressed dissatisfaction with UNMISS’s PoC performance can be traced back to the high expectations many outsiders nurture about what the mission could potentially accomplish. Ironically, in a missed opportunity to set the record straight, the mission’s final draft of the PoC strategy largely perpetuates these expectations instead of correcting them. ‘We are laying the groundwork for our own failure’, a frustrated UNMISS official said, referring to the disconnection between the mission’s formal PoC objectives and the much more harsh reality on the ground.

As the previous analysis has shown, various political, capacity and institutional constraints – some of which are inherent in any large-scale UN mission and in the difficult context South Sudan represents – set a clear limit on what UNMISS can do. Still, it is widely felt that the mission is currently not making the most of the mandate and equipment it has at its disposal. As a New York-based diplomat of one contributing country remarked, ‘We are spending nearly one billion dollars a year on UNMISS. We can and should expect more.’ Indeed, notwithstanding existing challenges, improvements to UNMISS’s current PoC performance seem feasible.

To this end, the mission is recommended to:

- **Create clarity.** UNMISS’s protection mandate leaves too much room for interpretation, which allows for misperceptions and incoherence. In its current form, its PoC strategy does not solve this problem: the wide range of protection measures it identifies encapsulate virtually all activities UNMISS is authorized to carry out. As has been aptly observed before, ‘If organizations cannot clearly define what protection means, they have little chance of achieving it.’ Hence, the UNMISS leadership should further specify its understanding of and expected role in PoC in South Sudan, followed by subsequent efforts to promote mission-wide awareness and ensure buy-in.

- **Be selective.** In this process of operationalization, it will be essential to prioritize: UNMISS simply cannot do everything. This will require a realistic assessment of: existing protection demands on the ground; UNMISS’s actual capabilities; its comparative advantages relative to other actors in South Sudan; and its current and estimated future political room for manoeuvre. Politically hamstrung and lacking both the resources and the appetite for robust military engagement, it logically follows that the emphasis should be on the strategy’s first and third tiers of action. This would mainly involve working on its diplomacy around PoC; strengthening the GRSS’s protection capabilities; providing support to non-military conflict prevention and peace and reconciliation initiatives; and offering training programmes.
• **Equip appropriately.** With the PoC strategy’s first and third tiers of action forming the most promising domains for engagement, UNMISS should aim to increase its number of high-quality political advisers and civilian experts. The mission’s contribution to offering physical protection will be, at best, a modest one, and will focus on prevention and containment measures where there is minimal risk of confrontation with GRSS security forces. This calls into question the rationale behind the mandated level of 7,000 troops, even taking force protection demands into account. Arguably, a lean contingent of well-trained, professional UN soldiers would suffice to carry out instant deterrence activities and offer emergency responses, provided they were strategically located and had proper helicopter capacity, as well as access to good and timely context analysis. Downsizing UNMISS’s military component would have the added advantage of lowering unfair expectations of its ability to provide protection to everyone from everything all the time. In any case, in contrast with its current ‘countrywide’ policy, UNMISS’s leadership could consider a more selective deployment strategy, limited to areas where the mission’s presence is most likely to enhance security.

• **Act decisively and responsibly.** PoC is not a technical exercise, as the analysis presented in this policy brief illustrates. For UNMISS, intractable problems, near-impossible dilemmas and difficult trade-offs will be a constant, especially given its decision to take on multiple, at times conflicting roles. This asks for strong and courageous leadership, as well as ongoing internal communication and coordination. At the same time, UNMISS’s PoC activities will need to reflect a recognition that the mission is not going to be in South Sudan forever. Therefore, its short-term actions should be linked to a longer-term UN country strategy to ensure sustainable impact and a responsible handover; this is a recommendation particularly relevant for the mission’s engagement in South Sudan’s security and justice sectors.

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The Netherlands Institute of International Relations ‘Clingendael’ is an international affairs training and research organization. The Conflict Research Unit (CRU) is a specialized team within the Institute, conducting applied, policy-oriented research and developing practical tools that assist national and multilateral governmental and non-governmental organizations in their engagement in fragile and conflict-affected situations.

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