



**Clingendael**

Netherlands Institute of International Relations

# Prolonging the agony of UNMISS

The implementation challenges of  
a new mandate during a civil war

**Lauren Hutton**

**CRU report**

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**About the Conflict Research Unit**

The Netherlands Institute of International Relations 'Clingendael' is a think tank and diplomatic academy on international affairs. 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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# Introduction

In December 2013, South Sudan descended into violence as the nascent state was engulfed by a power struggle between President Salva Kiir and the former Vice President, Riek Machar. Clashes between units of the Presidential Guard spread into major fighting beyond the capital that took on an ethnic dimension. A month after the fighting began, the International Crisis Group estimated that 10,000 people had been killed.<sup>1</sup> In February 2014, the United Nations Under-Secretary-General for Humanitarian Affairs reported that 900,000 people had been displaced from their homes, with 190,000 fleeing to neighbouring countries and more than 75,000 civilians seeking safety in United Nations Mission in South Sudan (UNMISS) compounds.<sup>2</sup> By the end of May, figures had jumped to more than 360 000 South Sudanese refugees in neighbouring states, over 1 million internally displaced people and more than 95 000 civilians sheltering in UN bases.<sup>3</sup>

This is UNMISS in 2014: 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.

In an article for the *World Politics Review* in December 2013, Richard Gowan outlined three possible scenarios for UNMISS in response to the current crisis:

- Fragile success – the Mission will manage to hold together militarily long enough for more-or-less sincere political talks to end the violence
- Prolonged agony – UNMISS muddles through in the face of half-hearted negotiations and spasmodic but serious violence, trying to save as many lives as possible
- Decisive failure – the fragmentation and rout of UNMISS after repeated attacks on its bases, personnel and convoys<sup>4</sup>

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- 1 Nicholas Kulish, 2014. "New Estimate Sharply Raises Death Toll in South Sudan," *New York Times*, 9 January 2014. Online [http://www.nytimes.com/2014/01/10/world/africa/new-estimate-sharply-raises-death-toll-in-south-sudan.html?\\_r=0](http://www.nytimes.com/2014/01/10/world/africa/new-estimate-sharply-raises-death-toll-in-south-sudan.html?_r=0)
  - 2 Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, Valerie Amos, Statement on South Sudan, 27 February 2014; and Office for the Coordination of Humanitarian Affairs *South Sudan Crisis Situation report as of 20 February 2014*. Online <http://reliefweb.int/report/south-sudan/south-sudan-crisis-situation-report-20-february-2014-report-number-21>
  - 3 Office for the Coordination of Humanitarian Affairs, *South Sudan Crisis Situation Report as of 30 May 2014*, Report number 38. Online at <http://reliefweb.int/sites/reliefweb.int/files/resources/b1e64c00-e8dc-4913-b3fd-b8bec76bb7cf.pdf>
  - 4 Richard Gowan, 2013. "Diplomatic fallout: Can the UN rebuild its force in South Sudan?" In *World Politics Review*, 30 December 2013. Online at <http://www.worldpoliticsreview.com/articles/13460/diplomatic-fallout-can-the-u-n-rebuild-its-force-in-south-sudan>

As the crisis has unraveled, the first scenario outlined by Gowan has been surpassed by events on the ground in South Sudan and Addis Ababa. Negotiations have led to a superficial ceasefire agreement which has been accompanied by targeted violence against civilians and the continued interference in humanitarian aid operations. The UNMISS bases in Akobo and Bor were directly attacked and the shortcomings in UNMISS defenses were also quickly revealed in the bases in Juba, Malakal and Bentiu. Beyond their bases, UNMISS military are outnumbered, out-gunned and unable to maintain mobile presences. However, UNMISS response to the current crisis has not been a decisive failure either. Even in the face of extreme pressure, UNMISS has proved surprisingly resilient and the thousands of civilians sheltering in the bases can attest to the ability of the mission, perhaps not to halt the bloodshed but, at least, to mitigate fatalities.<sup>5</sup> Realising that UNMISS as formulated in 2011 was not able to achieve even fragile success in the current context but loathe to admit defeat in the state building endeavor and fearing the consequences of a regional spill-over from the conflict, the Security Council has chosen the middle scenario painted above: to prolong the deployment of the \$1 billion per year mission while half-hearted negotiations between the warring South Sudanese factions continue to show no real results and civilians flee intermittent but severe fighting.<sup>6</sup>

This paper provides an overview of key dilemmas and challenges faced by UNMISS since 2011- the agony of UNMISS so to speak. The paper outlines some of the issues that the new UNSC mandate for UNMISS will have to come to terms with. It does this on the basis of the UN's experience in South Sudan over the past few years and in particular by –

1. Situating UNMISS as a product of the predecessor mission in Sudan and the 2011 context
2. Exploring how UNMISS approached its state building tasks
3. Outlining the key intervention dilemmas exposed by the December 2013 crisis
4. Providing some lessons for the current reorientation of UNMISS priorities

The overall approach is focused on a mixture of conceptual and operational challenges that have dogged UN interventions in South Sudan to date. The operational context is harsh and the physical obstacles are many; the security situation is highly militarised and the political climate blows hot and cold. The conceptual inclinations of international interventionism in South Sudan veer frequently between strategic end goals, negotiated deadlines and longer-term developmental needs, all seemingly lacking sound theories of change to link intentions with the realities of South Sudan. The main lessons echo lessons learnt from other arenas: the search for context specificity, coordination and coherence and the difficulties of exercising political influence in complex conflict-affected contexts. The main questions for UNMISS are the same as for other peacekeeping interventions in Africa underlining the broader need to reconsider the expansionary interventionist nature of modern peacekeeping and the utility of peacekeeping forces in contexts with localized, regular outbreaks of violence and prolonged humanitarian emergencies.

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5 Richard Gowan, 2013. 'Diplomatic fallout: Can the UN rebuild its force in South Sudan?'

6 Similar to the situation in Darfur, there is an implicit reasoning that even a weak mission provides some form of deterrence and protection. Even when conditions for successful peacekeeping are not in place – i.e. a ceasefire agreement, viable political process, commitment for peaceful resolution and cooperation with the host government – the UN system still turns to peacekeeping, not necessarily to unlock the blockages to stability but rather to contain the impact of the conflict. At the time of writing, 17 June 2014, the negotiations in Addis Ababa had already cost \$17 million and had been postponed again due to the opposition forces disagreeing on the selection of civil society representatives and GRSS objection to negative public comments made by the mediating team.

# From UNMIS to UNMISS

## Strategic orientation and relationship challenges

UNMISS was created off the back of the United Nations Mission in Sudan (UNMIS) which functioned from 2005 to support and monitor the implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan (GoS) and the South Sudan People's Liberation Movement/Army (SPLM/A). From the start, the relationship between Khartoum and UNMIS was tense. Within the first year of operation, the relationship had deteriorated into open hostility, mostly due to violence in Darfur and pressure from the international community on GoS to protect civilians and curtail human rights abuses. The GoS was accused of supporting protests and campaigns against the UN, frustrating and delaying operations, restricting freedom of movement, and harassing and arresting UNMIS staff.<sup>7</sup> Tensions between UNMIS and GoS reached a peak in October 2005 when the Special Representative of the Secretary General (SRSG) Jan Pronk was declared *persona non grata* because of continued public statements about atrocities in Darfur and the lack of capacity of the Sudan Armed Forces (SAF) to maintain security across the country. The outspoken Dutchman was accused of acting "in a way incompatible with the impartial and international nature of [his] duties" and had according to the government displayed "a pattern of hostility."<sup>8</sup>

Even before independence the SPLM also had a tense relationship with the UN Mission, although for vastly different reasons than those of Khartoum. US Embassy cables released on *Wikileaks* detail how in October 2007 then acting head of UNMIS Taye Brooke-Zerihoun (Pronk's replacement) was "pressing" the SPLM to develop strategies for the CPA period "instead of stumbling toward elections in political stasis."<sup>9</sup> The approach of Brooke-Zerihoun was to push the SPLM to "empower itself within the Sudanese Government – with the UN's help."<sup>10</sup> He said that there was an "abundance of self-righteousness within the SPLM" and a tendency towards complacency. The acting SRSG advised that the SPLM should "exchange political engagement for policies that would make North/South unity attractive." Brooke-Zerihoun, an Ethiopian national, underscored that "the SPLM can't walk away from the NCP."

Events in 2008 proved that unity was indeed very unattractive for South Sudanese and provided a precursor for the PoC concerns that have come to dominate UNMISS discussions since. In May 2008, fighting in Abyei between SPLA and SAF resulted in most of the Ngok Dinka population fleeing the area and the razing of Abyei town. An internal UN report on the fighting noted that "UNMIS troops should have intervened more decisively when the initial skirmishes broke out" but the Mission required additional troops and hardware and better

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7 See Jair van der Lijn, 2008. *To Paint the Nile Blue: Factors for success and failure of UNMIS and UNAMID*. Netherlands Institute of International Relations Clingendael, p10-11. Online at [http://www.clingendael.nl/sites/default/files/20080100\\_csccp\\_paper\\_lijn.pdf](http://www.clingendael.nl/sites/default/files/20080100_csccp_paper_lijn.pdf)

8 Letter from Government of Sudan to SRSG Jan Pronk quoted on his blog November 2006. Online at <http://www.janpronk.nl/weblog/english/november-2006.html#b287>

9 Diplomatic cable detailing meeting between Taye Brooke-Zerihoun and Andrew Natsios on 9 October 2007 at the US Embassy in Khartoum, Sudan released by *Wikileaks*. Online at <http://dazzlepod.com/cable/07KHARTOUM1581/>

10 Diplomatic cable detailing meeting between Taye Brooke-Zerihoun and Andrew Natsios on 9 October 2007.



communication with communities in order to be more effective.<sup>11</sup> The US Embassy at the time noted that “UNMIS does not have a particularly aggressive approach to its mandate (nor its overall mission) in Sudan.” Undoubtedly, as atrocities in Darfur began to dominate international rhetoric towards Sudan and the International Criminal Court (ICC) issued an indictment against President Omar al-Bashir, any attempts to translate the work of UNMIS into broader democratic transformation within Sudan waned.<sup>12</sup> The US, through Special Envoy Scott Gration, at the time led the way for the de-coupling of issues pertaining to southern Sudan from those of Darfur and democratic reform in Sudan.

Even within these shifts in the national and international environment, UNMIS was able to support crucial parts of the CPA implementation, most notably the census, election and referendum; key tasks which required specific, mostly technical, support.<sup>13</sup> From 2005 to 2008, UNMIS went through three SRSGs and swung from being openly confrontational towards the GoS for human rights abuses to advocating for making national unity attractive.<sup>14</sup> By the time Eritrean-born Haile Menkerios was appointed SRSG in 2010, it had become clear that southern Sudan was heading towards separation.

## Early experiences with protection of civilians

The months from the January 2011 referendum until independence in July were turbulent times: outstanding CPA issues were pressing, an arc of insecurity began spreading from Darfur to Blue Nile, and Sudan began preparations for separation. Part of these preparations for Khartoum included the closing of UNMIS. The intentions of the National Congress Party (NCP) government became clearer throughout May 2011 as civilians were targeted across Abyei, South Kordofan and Blue Nile, and the incapacity of UNMIS to provide protection of civilians grew evident. The ultimate failure occurred on 20 June 2011 when SAF removed some of the more than 7,000 people who had sought sanctuary at the UN base in Kadugli.<sup>15</sup>

One of the critical lessons of PoC within UNMIS was that there were practical problems with the implementation of PoC in an integrated mission as the military, development and humanitarian actors had very different ideas of what protection was and what their roles were in providing it.<sup>16</sup> Even within the PoC Section, there was no operational definition of

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11 Meeting between senior UNMIS staff and US Embassy officials in Khartoum on 29 June 2008 as outlined in diplomatic cable released on *Wikileaks*. Online at <http://dazzlepod.com/cable/08KHARTOUM962/>

12 The Arab League and African Union objected to the ICC indictment on the grounds that it undermined the unity and stability of Sudan. See <http://www.aljazeera.com/news/middleeast/2009/03/2009330175846714662.html>. Assessment and Evaluation Commission (AEC) Chairman Sir Derek Plumbly also warned John Kerry that the ICC indictment had resulted in a “loss of credibility” for the international community in Khartoum which hampered international efforts on the implementation of the CPA.

13 Other UNMIS successes include: Radio Miraya; demining and clearing thousands of roads and villages from unexploded ordnances; training and mentoring police; and support for the disengagement of northern forces from the south and southern forces from the north. See <http://unmis.unmissions.org/Default.aspx?tabid=600&ctl=Details&mid=697&ItemID=14357>

14 During the first three years of operation, UNMIS did not even have an integrated strategic plan. The three SRSGs were Jan Pronk; Taye Brooke-Zerihoun and Ashraf Qazi.

15 John Young, 2012. *The Fate of Sudan: The origins and consequences of a flawed peace process*, London, Zed Books. p278.

16 Jon Harald Sande Lie and Benjamin de Carvallho, 2010. ‘Between Culture and Concept: The Protection of Civilians in Sudan (UNMIS)’ in *Journal of International Peacekeeping* 14 (2010) pp60-85, p65.

PoC which meant that different conceptions of protection existed among different actors.<sup>17</sup> As concluded in a 2010 study, although UNMIS was ostensibly integrated, not all ideas or ways of thinking about PoC diffused throughout its different sections.<sup>18</sup>

By the time UNMISS came into existence, the UN system was starting to come to grips with PoC as an operational concept through, for example the *Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict* published by the UN Office for the Coordination of Humanitarian Assistance (OCHA).<sup>19</sup> Chaired by the United Nations High Commission for Refugees (UNHCR), Protection Clusters have become a common feature of humanitarian responses since 2005. As a humanitarian coordination mechanism, there is a traditionally tense relationship with military actors based on concerns that coordinating or cooperating with uniformed personnel (even in blue helmets) compromises perceptions of neutrality. This was a major problem in UNMIS and continues to be a challenge for UNMISS; in both instances the missions had bias towards the government and state-based processes that they were supporting; even when these governments and processes were, in and of themselves, resulting in abuses of civilians.

The failures of UNMIS to provide protection, especially in the last weeks of the CPA in Abyei and South Kordofan, meant that at the start of UNMISS protection was by and large the domain of humanitarian actors having assumed the moral high ground of impartiality and an inherent distrust in the will and ability of the UN mission to intervene in times of urgency. The longer-term result of that has been a legacy of difficult and tense relationships between some international humanitarian organisations and UNMISS in South Sudan which has been exacerbated in times of conflict.<sup>20</sup>

## Continuity and change from CPA to independence

The SPLM-led government position has been one which is accepting of UN support to reinforce the primacy of the nascent state apparatus but within limits based on a threat assessment dominated by relations with Sudan. This underscores the Janus-faced approach of the SPLM towards the UN which remains relevant today: on the one hand the GRSS needed international support to realise independence and facilitate the extension of the state, but on the other they required an amount of autonomy from international intervention to pursue their own internal and external agendas.

With the conclusion of the referendum and independence, regardless of the outstanding CPA issues, UNMIS came to an end on a banner of success that obscured many of the deficiencies that had been experienced by the Mission. Independence also created a time (and space) barrier which obstructed the positioning of UNMISS on a historical trajectory

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17 *Ibid*, p78.

18 *Ibid*, p78.

19 Fourth Edition January 2011 Online at <https://docs.unocha.org/sites/dms/Documents/Aide%20Memoire%20on%20the%20Protection%20of%20Civilians%202010.pdf>

20 In April 2014, *Medecins Sans Frontieres* launched a scathing attack on the UNMISS leadership for showing a "shocking display of indifference" to the appalling conditions in the PoC sites on the base in Tomping, Juba. Medecins Sans Frontieres press release 9 April 2014. Online at <http://www.msf.org/article/shameful-attitude-vulnerable-displaced-shown-leadership-united-nations-mission-south-sudan>

that recognised the difficulties that had been experienced during the CPA period, especially in terms of PoC and Status of Forces Agreement (SOFA) violations.

A potential antagonistic relationship with the new government in Juba did not seem to be part of the planning framework; neither did there seem to be a consideration of the potential for conflicts due to state formation. These strategic blind spots and biases at the Security Council stemmed from the political support of the Council's members for the cause of Southern independence delivered by the SPLM,<sup>21</sup> which meant that from the start UNMISS planning was based on a view of PoC focused on "strengthening the capacities of national institutions."<sup>22</sup> In an international system biased towards the sanctity of the state, South Sudan in July 2011 became a favoured project for international liberal interventionism couched within parameters of political self-determination and religious freedom.<sup>23</sup>

Additionally, because UNMIS was associated with the CPA, it was a deadline-driven mission with specific targets and activities which officially ended at midnight on 8 July 2011. Given that the referendum was only six months before that, there has been criticism of the overall planning process for the new mission with Security Council members concerned about "a perceived lack of strategic planning within the UN system ahead of and during the TAM (Technical Assessment Mission) deployment" and alarm that members "seem[ed] to be getting inconsistent messages from...UNMIS leadership and the TAM team on the preferences of the government of Southern Sudan on the future UN roles. Likewise in bilateral discussions with Southern Sudanese representatives. Many Council members [were] making their own individual assessments of the needs of a future South Sudan ahead of receiving the official recommendations of the Secretary-General."<sup>24</sup>

However, June 2011 was a watershed month as Khartoum moved ahead with dismantling UNMIS in the north, a new mission was established for Abyei and outstanding CPA issues moved into the unique domain of the African Union High Level Implementation Panel on Sudan chaired by former South African President Thabo Mbeki. This meant that by the time UNMISS mandate decisions were made, there was already a predisposition towards dealing with southern issues in the absence of a coherent strategic engagement framework for Sudan.<sup>25</sup> The failure of the CPA to address democratisation and governance issues created a bias towards setting up the southern state *before* dealing with issues about the democratic fabric of the state. This left even less space for consideration of the impact of key outcomes of the CPA process, especially relating to the legitimacy and authority of the SPLM. UNMIS and

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21 Mostly articulated by the US but with support from the UK and Norway.

22 Security Council Report, May 2011. Report on the Technical Assessment Mission that visited southern Sudan from 16 February – 31 March 2011. Online at [http://www.securitycouncilreport.org/monthly-forecast/2011-05/lookup\\_c\\_gIKWLeMTIsG\\_b\\_6747655.php](http://www.securitycouncilreport.org/monthly-forecast/2011-05/lookup_c_gIKWLeMTIsG_b_6747655.php)

23 International support for South Sudan in the last decade has probably also been helped by the framing of the Sudanese conflict (1983-2011) as between the Islamic north and Christian south. It would be surprising not to find perception biases favouring English-speaking, Christian God-fearing South Sudan as an aid partner. There was an assumed 'right' that was corrected through southern independence.

24 Report on the Technical Assessment Mission that visited southern Sudan from 16 February – 31 March 2011. Online at [http://www.securitycouncilreport.org/monthly-forecast/2011-05/lookup\\_c\\_gIKWLeMTIsG\\_b\\_6747655.php](http://www.securitycouncilreport.org/monthly-forecast/2011-05/lookup_c_gIKWLeMTIsG_b_6747655.php)

25 Within the international response to the Sudan crises there are 3 peace keeping missions – Darfur, Abyei and South Sudan – as well as multiple high level multilateral diplomatic mechanisms including the UN Special Envoy, the African Union High Level Implementation Panel, the European Union Special Representative and the Troika of the UK, US and Norway. South African also has a special representative for South Sudan.

its successor mission were set-up from the start predisposed towards state capacity building in the absence of democratic transformation and the reinforcing of power relations dominated by the SPLM within the new state. The relationship between UNMISS, the South Sudanese state and the SPLM was sealed with the appointment of Hilde Johnson as SRSG. Johnson, a former Norwegian cabinet minister, was involved in the Naivasha Peace talks that led to the CPA and was openly supportive of the SPLM. There was always the danger, as identified by John Young that “UNMISS under Johnson would misconstrue protection of southern civilians with protection of the regime.”<sup>26</sup>

The following section provides an insight into how the state building mandate was implemented. It does not offer a comprehensive analysis of all UNMISS operations but focuses on certain pillars of the state support agenda – encouraging political processes; building capacity for service delivery and support to the security sector.<sup>27</sup>

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26 John Young, 2012. *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process*, p350

27 There are other aspects of mission performance that could have been included in the analysis, such as the interpretation of PoC, but these have been avoided either for the sake of brevity or because they have been covered in other research reports. See for example, Jort Hemmer, 2013. *The UN Mission in South Sudan and its Civilian Protection Strategy: An Early Assessment*, Netherlands Institute of International Relations ‘Clingendael’ Conflict Research Unity Policy Brief No. 25. Online at [http://www.clingendael.nl/sites/default/files/20130100\\_cru\\_policybrief\\_no\\_25\\_unmiss.pdf](http://www.clingendael.nl/sites/default/files/20130100_cru_policybrief_no_25_unmiss.pdf) and John Karlsrud and Diana Felix da Costa, 2012. *Casting the net too deep and too wide? UN local peacebuilding-peacekeeping nexus in South Sudan*. Norwegian Institute of International Affairs. Online at [http://www.academia.edu/5108800/Casting\\_the\\_net\\_too\\_deep\\_and\\_too\\_wide\\_UN\\_local\\_peacebuilding-peacekeeping\\_nexus\\_in\\_South\\_Sudan](http://www.academia.edu/5108800/Casting_the_net_too_deep_and_too_wide_UN_local_peacebuilding-peacekeeping_nexus_in_South_Sudan)

# UNMISS as a state builder

To complement southern independence, UNMISS was tasked to help “consolidate peace and security” and foster “conditions for development” in the new state.<sup>28</sup> The mission was formed under a mandate logic of peace consolidation through state-building. An explicitly political mission, UNMISS was to support GRSS extend state authority across a profoundly underdeveloped territory and to support security sector reform through police training and Disarmament, Demobilization and Reintegration (DDR). At the same time, UNMISS was established under a robust Chapter VII mandate, permitting it to take “all necessary actions” to protect civilians, including through the use of force, and was staffed with a large human rights section with a second reporting line to the independent United Nations High Commissioner for Human Rights<sup>29</sup>.

Whereas other UN missions usually position state building, democratisation and security sector reform as part of their exit strategies, UNMISS positioned state formation as an *entry point* for strategic engagement and programming. UN missions with explicit state building mandates have previously been operationalised in Bosnia and Herzegovina, Liberia and Haiti; none of which provides an even close to comparable experience from which to base a state building intervention logic for South Sudan. It is interesting to note that UNMISS planning documents and strategies all have an expansionist forward looking agenda with more physical bases envisioned as the Mission settled into post-independence programming and more staff (in particular police and civilians) anticipated. The exit strategy and performance benchmarks were linked to GRSS state capacity with the underlying assumption that UNMISS could adopt a long-term approach to bolstering the lack of state capacity; a gap fill of the state until the government was able to provide services, including security to the people of South Sudan. There was an inverse logic in the assumption that as UNMISS expanded, GRSS would expand alongside the Mission through capacity building, co-location and the extension of physical presences at state and county levels.

## State building as a political and technical exercise

Shortly after South Sudan’s independence, UNMISS and the UN Country Team issued the United Nations South Sudan Peace-Building Support Plan.<sup>30</sup> The document identified perceptions of political marginalization as a key driver of conflict, and noted “The lack of legitimate channels for expressing political aspirations and grievances exacerbates tensions among communities, and is a major factor fuelling further tensions and, at times, violence.”<sup>31</sup>

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28 See United Nations Security Council resolution 1996. See also Jort Hemmer, 2013. *The UN Mission in South Sudan and its Civilian Protection Strategy: An Early Assessment*, Clingendael Institute Conflict Research Unity Policy Brief No. 25.

29 Chapter VII of the Charter of the United Nations outlines actions that can be taken with respect to threats to the peace, breaches of the peace and acts of aggression and includes in Article 42 provision for ‘action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.’  
Online <http://www.un.org/en/documents/charter/chapter7.shtml>

30 The UN Country Team consists of the heads of all UN agencies operating in South Sudan.

31 United Nations South Sudan Peace-Building Support Plan, p. 3. For more information see <http://unmiss.unmissions.org/Default.aspx?tabid=5455&language=en-US>

In response, the plan called for UNMISS and the UN Country Team to support a constitutional review process and preparation for elections, build the capacity of civil society organizations to engage in politics, and support implementation of the Political Parties Act needed to establish inter-party forums to shift parties away from personality-based politics and toward issues-based politics.<sup>32</sup> Conceptually, UNMISS interpreted enhancing legitimate politics as supporting technical, formal political processes.

Operationally, the agenda for transforming the national political arena was vulnerable to a divergence of interests between the government and donors. For example, the National Constitutional Review Commission (NCRC) was appointed in January 2012 but not provided a budget from the GRSS commensurate with its task of replacing the transitional constitution, which allocated power to the president and national government at the cost of parliamentarians, regional administrators and traditional authorities.<sup>33</sup> The NCRC was left dependent on international support for its budget and logistics. Some observers suggested the new SPLM government was more concerned with stabilizing its precarious position through integrating former militia leaders, expanding patronage networks and tolerating corrupt practices, and that opposition parties stood not for alternative policies but for interest groups participating in a prevailing rent-seeking political logic that sought to maintain ethnic balances of power.<sup>34</sup> Rather than decentralising power to administrations across South Sudan's ten states, the government's focus on maintaining inclusive elite buy-in fostered a centralising trend that let it hold a tight grip on all levels of decision-making.<sup>35</sup>

The approach of UNMISS to state building assumed positive causality between enhancing state capacity (with a focus on personnel capacity building and physical infrastructure) and extending state legitimacy. Part of the structural causes of the current conflict lie within the inherent contradiction of state building and the imposition of order through the establishment of strong state structures and institutions within a governance system suffering from major internal accountability and legitimacy deficits. These processes almost naturally produce violence and even more so when combined with the particularities of ethnicity and pastoral communities, the lack of institutionalized and non-militarised political and security practices and the enduring dominance of informal political economies. The combination of mandating UNMISS for an assumed context in which the state would be built around the legitimate authority of the SPLM and the programmatic focus on technical support has meant that UNMISS has been strategically biased and implementing programming that is not equipped to confront the political realities of a state made up of hybrid authorities, interests and systems.

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32 *Ibid.*

33 Jort Hemmer, 2012. *South Sudan's Emergency State*. Norwegian Peacebuilding and Resource Centre. Online at <http://www.peacebuilding.no/Themes/Global-trends/Fragile-states-and-peacebuilding-in-the-new-global-context/Publications/South-Sudan-s-emergency-state>

34 Wolfram Lacher, 2012. *South Sudan: International State-Building and its Limits*. German Institute for International and Security Affairs, Berlin. Online at [http://www.swp-berlin.org/fileadmin/contents/products/research\\_papers/2012\\_RP04\\_lac.pdf](http://www.swp-berlin.org/fileadmin/contents/products/research_papers/2012_RP04_lac.pdf)

35 Jort Hemmer, 2012. *South Sudan's Emergency State*.

## State building as physical presence

A large part of the state building rhetoric in South Sudan has emphasised the need to bring the government to the people; supporting local autonomy needs while enabling effective service delivery through decentralisation. For UNMISS this was operationalised through the County Support Bases (CSB).<sup>36</sup> Initial plans were to establish 35 CSBs throughout the country with the aim to strengthen local governance presence and capacity at the county level through the co-location of UNMISS staff with county authorities and to facilitate a greater presence of UN agencies and development partners.<sup>37</sup> The Mission's CSB program drew directly from the Mission's budget and engineering resources to build physical structures, which whether or not they were used by other actors to develop state service delivery, would still be used to accommodate Mission staff.

Given South Sudan's exceptionally sparse road network and narrow construction window between rainy seasons, the planned rollout of 19 bases in the Mission's first year was ambitious and aggressive. Several key dimensions of Mission operations, including engineering capacity needed for military use and limited monthly flight hours for special field missions, were impacted by the high opportunity costs of the CSB program. With the number of bases suitable for permanent staff deployments half of what was planned by the Mission's second year, the Mission's absorption capacity for additional UNPOL and civilian staff began to be affected.<sup>38</sup> UNMISS instituted a 100 day plan to expedite CSB construction. The Mission had received only half of the critical engineering companies promised to it by troop contributing countries, and needed to channel scarce engineering resources to the CSB program to deliver on the promises it had made to county authorities. Although the idea of decentralised operational structures is not new, UNMISS was the first UN mission to try such an ambitious logistical undertaking in amongst the oft mentioned difficulties of navigating the UN procurement systems and in one of the most inaccessible countries in the world.

Despite its large annual budget, much of which was consumed by operating expenses, UNMISS lacked a meaningful discretionary budget to implement projects on its own in CSB locations.<sup>39</sup> It therefore needed UN agencies or NGOs with project execution modalities to carry out sustained programming in CSB sites. This presented a challenge for locations, such as Yirol in Lakes State, which fell outside the programming interests of UN agencies using other needs-based approaches to direct resources, or sites such as Turalei in northern Warrap, where donor interest was more concerned with humanitarian support to displaced persons from Abyei. Development support from donors simply did not materialise in the amount expected during the Mission's planning phase due to austerity budgets following the international financial crisis and the decision of the GRSS to suspend oil production

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36 The CSBs were in fact a continuation of a plan to have Referendum Support Bases located around the country to enable support and monitoring for the 2011 referendum. However, the bases were not completed in time for the referendum and the idea found resurgence as the CSB project.

37 Diana Felix da Costa and Cedric de Coning, 2013. *UNMISS County Support Bases: Peacekeeping-Peacebuilding Nexus at Work?* Norwegian Institute of International Affairs. Online at <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=165549>

38 Report of the Secretary General on the United Nations Mission in South Sudan, S/2013/14018. March 2013. See paragraph 37. [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_140.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_140.pdf)

39 UNMISS used its Quick Impact Project fund to finance early recovery projects in CSB locations. Quick Impact Projects are capped at \$50,000 per project within an annual budget of USD2 million for the whole of South Sudan.

in January 2012. The result was a shallow partnership between UNMISS and sub-national authorities, with UNMISS frequently unable to provide basic operational support to government partners beyond transport to meetings and events.<sup>40</sup>

The promise of broad and deep collaboration between UNMISS staff and GRSS authorities in vibrant CSBs across the country was not realised; instead, UNMISS found itself during the outbreak of the crisis with little influence and negligible soft power.<sup>41</sup> As one of the Mission's major attempts to operationalise its state building mandate, the CSB program came with a high opportunity cost in diverted engineering and air fleet resources.

## State building as building the security sector

While development and modernisation challenges underlie the pervasive poverty characteristic throughout South Sudan, the security sector encapsulates the governance challenges of South Sudan more than any other. After the end of the civil war, South Sudan had an enormous military force and a greatly under-developed criminal justice apparatus. The army was made up of a collection of former combatants who throughout the previous wars had fought brutal and bloody skirmishes often targeting civilians as much as fighters. Impunity, nepotism, corruption, abuse and a lack of coherence characterised the security sector at independence. However, the SPLA was still the primary vehicle for political accommodation.

In his 2011 advice to the Security Council, the Secretary-General wrote: “[T]he Government will need to address key issues related to security sector reform, including the demobilisation and rightsizing of SPLA and strengthening the South Sudan Police Service.”<sup>42</sup> The mandate for UNMISS, accordingly, provided that UNMISS would support the government in “strengthening the capacity of the South Sudan Police Service” and developing and implementing a DDR program for the SPLA.<sup>43</sup> Given the importance of the SPLA as a social construct and political actor, it is quite ironic that the peace consolidation mission was not mandated to support the transformation of the SPLA beyond DDR. SPLA reform was conducted through largely bilateral interventions supported by the UK and US. By not having a direct support programme with the SPLA, UNMISS failed to develop close relations within the SPLA rank and file and relied on the building of relationships between Military Liaison

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40 Diana Felix da Costa and John Karlsrud, 2012. *Security in Practice 5: Moving Towards Local-Level Peacebuilding? Contextualizing Early Peacebuilding Activities to Local Circumstances: South Sudan Case Study*. Norwegian Institute of International Affairs. Online at <http://english.nupi.no/content/download/296993/1032555/version/5/file/NUPI+Report-SIP-5-12-Karlsrud+de+Costa.pdf>

41 Interview with UN official, Juba (via phone), 12 February 2014.

42 Special report of the Secretary-General on the Sudan S/2011/314. 17 May 2011, paragraph 31. Online at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1133817.pdf>

43 Security Council resolution 1996 S/RES/1996. 8 July 2011, paragraph 3(c)(ii)(iii). Online at <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SRES%201996.pdf>



Officers (MLOs) and SPLA cadres. However, such relationships were viewed with suspicion by the SPLA and there was a lack of incentive to share information with MLOs.<sup>44</sup>

DDR was established as a priority area for international support within the CPA and continued as national reform programme in 2011 with the second phase starting with a pilot programme in July 2013. DDR in South Sudan has been controversial because of differences in priorities, needs and commitments between donors, implementing agencies, the GRSS and the SPLA. While international actors were pushing for DDR, the GRSS recognised the economic needs of downsizing but could not overcome the necessity of inclusion in the SPLA as a vehicle for political and economic accommodation. The GRSS and SPLA was faced with significant internal and external threats and an army made up of a dizzying array of former combatants with poor command and control, ill-discipline and divided loyalties. UNMISS committed a team of around 100 staff and a budget of USD1.5 million for DDR in 2013<sup>45</sup>. UNMISS support enabled the building of 3 DDR centres in Mapel, Torit and Pariak as well as the construction of 10 national DDR offices for training and outreach. However, the DDR caseload never reached the ambitious numbers targeted for reintegration and the programme failed to address the strategic needs of an enlarged SPLA (both for military and political purposes) and failed to deal with the economic and service delivery benefits that SPLA inclusion entails.<sup>46</sup>

UN police advisors (UNPOL) primarily engage in training and monitoring activities. UNPOLs visit police posts around the country and prepare a training session, so-called 'daily topics'. These sessions include standard UN modules related to issues such as gender, human rights, police reporting, traffic control, and community policing. There still does not seem to be a strategic approach to training and mentoring of the SSPS with a large variation depending on personality and skills of UNPOLs. There is also no explicit linkage between what training UNPOLs deliver on a daily basis and what other internationally sponsored training programmes deliver and how these training efforts link to an overarching police reform programme. The impact of training on police performance is something that lacks objective evaluation.<sup>47</sup>

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44 Richard Rands and Matthew Le Riche advised that increased interaction between UNMISS and the SPLA required clear orders for increased interaction at lower levels. Offers for advice and training from the UN, as well as the planning and conduct of joint operations would increase reciprocal confidence. Opportunities for such operational cooperation such as through running joint checkpoints in Akobo to increase local protection have not been capitalized upon due to a cautious approach to joint operations with the SPLA; perceptions of the limitations of the small military force of UNMISS and risk aversion to deploying military personnel outside of bases. See Rands and Le Riche, 2012. *Security responses in Jonglei State in the aftermath of inter-ethnic violence*.

45 Small Arms Survey, 2013, *DDR in South Sudan*. Human Security Baseline Assessment for Sudan and South Sudan. Online at <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/ddr/HSBA-DDR-in-South-Sudan.pdf>

46 For more information on the shortcomings of the DDR programme see – John Snowden, *Work in progress: Security Force Development in South Sudan through February 2012* online at <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-27-Security-Force-Development-in-South-Sudan.pdf> and Richard Rands, *In need of review: SPLA transformation in 2006-2010 and beyond* online at <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-23-SPLA-Transformation-2006-10-and-Beyond.pdf>

47 Stimson Centre, 2012. *UN Police, Justice and Corrections Programming in South Sudan*. Human Rights Watch, 2009. *No one to intervene: Gaps in civilian protection in Southern Sudan* also called on UN police training programs to be measured for impact and advocated that training should include law enforcement methods appropriate to cattle-raiding and inter-communal violence.

Following the violence in Jonglei and the increased focus on PoC as a mission priority in 2012/13, efforts by UNMISS to support security sector development increasingly became framed in terms of establishing a protective environment.<sup>48</sup> UNMISS training and capacity building efforts were aimed at supporting the government to provide security even though there was increasing evidence of SPLA complicity in abuses being committed and the government was seen in some areas as purposefully undermining efforts to establish a protective environment.<sup>49</sup> The focus of UNMISS engagement with the security sector was reframed for protection and as reported in the November 2013 report to the Security Council, between June and November, UNMISS deployed a total of 127 civilian field missions and 130 integrated teams of civilian and military personnel to monitor protection issues across the country, and conducted 37 training sessions on rule-of-law issues, 27 training courses on human rights and 323 training courses for the National Police Service on protection-of-civilian issues.<sup>50</sup>

When the SPLA started taking action against SPLA cadres for abuses in Jonglei, UNMISS assumed a positive causality between their training and advocacy efforts and a shift towards overcoming impunity within the SPLA even though the majority of their efforts were focused on the police.<sup>51</sup> Furthermore, as the current conflict continues and the scale of human rights abuses becomes more evident, it is becoming increasingly obvious that training on human rights and PoC has had a limited impact on the behaviour of the uniformed forces.<sup>52</sup> The reasons for the uneven impact of training can be explained in terms of the uneven quality of trainers, questionable quality training materials and/or deficits in training procedures. The combined effect is that what is already a fragile casual thread between behavioural change and short-term training is further strained.

This section has outlined some of the key components of the UNMISS approach and programming towards the state building agenda in South Sudan. With the outbreak of violence in December 2013, the South Sudanese state is experiencing a crisis of internal legitimacy compounded by an inability to exercise sovereign authority.

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48 Jonglei state has experienced bouts of post-CPA violence of both an inter-communal and insurgent nature. SPLA responses through disarmament and counter-insurgency have antagonized the situation.

49 For example, the SPLA has a tendency to arm local militias or youth against each other along ethnic lines.

50 Report of the Secretary General on South Sudan, 8 November 2013, S/2013/651. Online [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/651](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/651)

51 See paragraphs 41, 50 and 51 in the 8 November 2013 Secretary General's report on South Sudan, S/2013/651.

52 More research is required to unpack what the impact of years of human rights and protection training has been and to find positive or negative correlations of behavioural change. The scale of human rights abuses seen during this conflict means that the international community will undoubtedly include human rights training as part of any transitional or transformational agenda moving forward.

## Dilemmas exposed by the 2013 crisis

The current civil war has revealed a number of problems being faced by the Mission. First, it laid bare the tensions in balancing state building objectives with protection of civilian responsibilities, and by extension exposed the risks liberal interventionists had accepted years prior in backing the cause of a fractious southern independence movement. A key founding assumption of the mission was that the GRSS was willing and able to work in tandem with the UN to protect civilians and advance a rights-respecting, service-delivering state. In reality, though, the GRSS has proven to be a difficult partner leaving UNMISS with a flawed relational assessment at the heart of its *raison d'être*. UNMISS' approach to PoC and GRSS created a set of expectations and relationships which were unrealistic and unsustainable.

Second, it uncovered the shortcomings of the Mission's early warning system.<sup>53</sup> Just after the December fighting started, Special Representative of the Secretary General (SRSG), Hilde Johnson, acknowledged: "No, we did not see this coming" and that until the outbreak of violence in Juba, the Mission had been "cautiously optimistic" about the ability of the ruling party to manage internal tensions.<sup>54</sup> Part of the problem of the lack of quality of early warning information is the focus on incident reporting, extractive information gathering and a lack of relationship building. This is a challenge throughout the UN system as even the reporting and benchmarking structures to the Security Council show a more static approach to measuring progress (or a lack thereof). Lack of routine UN presence beyond bases is often cited as a key factor affecting the information gathering potential of UNMISS. In large part, the two issues most affecting the mobility of UNMISS personnel are its application of UN security rules and the government's respect for the SOFA.<sup>55</sup> Mobility is central to the quality of the Mission's conflict mitigation and early warning work and the GRSS has been unable to curtail interference and mistreatment of UN staff by state security officials.

Thirdly, the current crisis has exposed the weaknesses of the UNMISS uniformed forces to intervene during fighting and the challenges of having a relatively small deployment of fighting forces facing the mass mobilisation of combatants within the context of an ethnicized civil war. Even securing the UN bases has proven difficult for the troops assigned there leading to civilian fatalities in Bor and Akobo in recent months and serious protection concerns for civilians moving in and out of the other PoC sites around the country. By not investing in troop strength, engineering capacity and high-end military equipment, the

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53 Early warning is understood as the timely identification of security threats, the effective analysis of these threats, and the prompt formulation of appropriate responses.

54 Near Verbatim Transcript, including Questions and Answers. *Press Conference on the situation in South Sudan*. Hilde F. Johnson, Special Representative of the Secretary General and Head of the United Nations Mission in South Sudan. From UNMISS Headquarters, Juba by video link to United Nations Headquarters, New York. 26 December 2013. Online at [http://www.un.org/en/peacekeeping/missions/unmiss/documents/SRSG\\_PRESS\\_CONFERENCE\\_26%20December\\_2013.pdf](http://www.un.org/en/peacekeeping/missions/unmiss/documents/SRSG_PRESS_CONFERENCE_26%20December_2013.pdf)

55 UNMISS staff interviewed for this report note that early warning and conflict mitigation functions are impacted by unduly demanding operational procedures, which may require several days of staff time to secure a helicopter flight or provide for the arrangements necessary to obtain clearance for field work from the UN Department of Safety and Security.

Security Council left UNMISS with a small military component less than adequately equipped and prepared for an escalation in violence.<sup>56</sup> These tensions and shortcomings have raised significant questions about the organisational and operational capabilities of UNMISS and also about the assumptions that informed the posture of the Mission.

The challenges faced by UNMISS at the moment are central concerns of policy debates within the UN and international community more broadly. The balance between politics and force as engagement options and the importance of enabling political missions with force multipliers – including but not limited to military assets – is a fundamental challenge for international intervention. Consideration of the future of UNMISS is coming at a time when there have been limited successes in the DRC and Somalia with more offensive peace keeping. Discussions about the use of force, however, are contingent upon an agreement between what the mandate says and what troop contributing countries are willing to accept; especially in relation to engaging in an exchange of fire with uniformed personnel of the host government and undertaking patrols beyond bases into insecure areas.<sup>57</sup>

On 11 June 2014, there was an open debate on peacekeeping at the Security Council. Russia had called for the discussion after raising concerns about the increased deployment of missions in conflicts where there is little or no peace to keep, thereby exposing peacekeepers to growing levels of danger. India, the largest troop contributor to UNMISS<sup>58</sup>, echoed Russia's concerns of the "emerging proclivity" of the Security Council to mix traditional peacekeeping mandates with new interventionist mandates for a small portion of the troops within the same operation.<sup>59</sup> India emphasised the risks being faced by their peacekeepers due to the mixing of mandates and the taking of sides (perceived or otherwise) in internal armed conflicts which undermines their impartiality and opens up liability to their forces being treated as

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56 The engineering capacity that UNMISS had until December 2013 was prioritizing the completion of the CSBs as this project was central to the ability of UNMISS to extend into the states. Further investigation is required to assess whether the focus on CSBs distracted engineering capacity from ensuring that other UNMISS bases were sufficiently fortified.

57 During the violence in Pibor in 2011/2012, UNMISS deployed over 550 personnel and armoured personnel carriers were deployed to protect Pibor Town and UN assets. According to security specialist Richard Rands and South Sudan analyst Matthew Le Riche, a military force of this size should have been capable of deploying sub-units to areas within 3-5km of Pibor Town. However, there is little evidence to suggest there were any attempts to protect outlying communities. Richard Rands and Matthew Le Riche, 2012 *Security response in Jonglei State in the aftermath of inter-ethnic violence*

58 At the time of writing, India had the largest contingent in South Sudan of 2237 peacekeepers. This would change with the deployment of the additional forces under the regional brigades. At the time of writing, Indian troops were deployed at Renk, Melut, Nasir, Malakal, Pibor and Bor. These areas have faced significant insecurity in the current conflict and the concerns of India in this regard should be taken seriously. On 26 December 2013, The Hindu newspaper reported in its online pages that "India's main concerns related to the mandate of UNMISS based on the Security Council resolution of 2011 that focuses on responsibility for protection of civilians as part of peacekeeping. India pointed out that the sudden upsurge of violence between the two main ethnic groupings in South Sudan has the potential of unleashing a civil war, which would 'alter the terms of reference of the presence of UNMISS completely,' a source said. 'Unless both sides agree to resolve their differences politically and peacefully through dialogue, the peacekeeping mission cannot be sustained,' a source said. India also strongly stressed that its peacekeepers are deployed in small numbers across South Sudan in remote and inaccessible areas and are in the frontline of the 'brunt of the violence' while protecting large numbers of civilian refugees in their camps." <http://www.thehindu.com/news/international/world/un-addresses-indian-concerns-on-south-sudan/article5503739.ece>

59 Peter Fabricius, 2014. *The pendulum swings back*. ISS Today published by the Institute for Security Studies on 12 June 2014. Online at <http://www.issafrica.org/iss-today/the-pendulum-swings-back>

“enemy combatants” under international law.<sup>60</sup> Secretary-General Ban Ki Moon has called for a review of peacekeeping to consider how peacekeeping should adapt and be more responsive to operations where there is no peace to keep, no viable political processes and facing more complex operating environments that feature asymmetrical and unconventional threats.<sup>61</sup> Rather than calling for a more modest approach to intervention, the Secretary-General’s comments indicate rather the more expanded interventionist logic for peacekeeping including increasing political leverage, laying the groundwork for the extension of state authority “until national and other partners are able to take over” and using “all possible forms of technology” for peacekeeping to operate more safely and cost effectively.<sup>62</sup> Technology, specifically the use of unmanned aerial surveillance capacities, is positioned to overcome gaps in the collection of human intelligence and situational awareness, risk averse institutional behaviours as well as access restrictions and air asset limitations.<sup>63</sup>

The Secretary-General’s comments about the extension of state authority are indicative of the increasingly pervasive approaches to internal sovereignty falling within the scope of peace keeping operations as indicated by Russia and India. President Salva Kiir expressed similar frustrations in January 2014: ‘We did not know that when the UNMISS was brought to South Sudan, it was brought as a parallel government...But they showed it very clearly in this conflict that UNMISS were either brought here to be the government of the South and they fell short of naming the chief of the UNMISS as a co-president’.<sup>64</sup> The greatest fallacy of the state building through intervention agenda that UNMISS until December 2013 represented lies in the implications for accountability and legitimacy that are assumed to originate and reside in the Security Council. The accountability and legitimacy gaps between the international organisation and state are increasingly being plugged by regional organisations in a trend towards localising the international peace and security agenda for Africa. There is a tendency in the East African/ Horn of Africa sub-region for more assertive political and security engagement from neighbouring states; a trend being borne out in both South Sudan and Somalia at the moment. While there has been a decrease in the political and security influence of UNMISS and the UN leadership more broadly within the South Sudan crisis, this decrease has been accompanied by an increase in African engagement as regional powers seek an African solution.

The other problem with state building as an intervention priority is indicated in the previous section of this paper in that UNMISS was able to craft largely technical responses to problems of state capacity with the underlying assumption that this would lead to the increased legitimacy of political processes, the institutionalisation of governance and service delivery. However, even the programming that UNMISS was doing never managed to address these issues. This lack of theoretical underpinning for the state building project affects more

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60 Peter Fabricius, 2014. *The pendulum swings back*.

61 Secretary-General’s remarks at Security Council open debate on trends in United Nations Peacekeeping 11 June 2014. Online at <http://www.un.org/sg/statements/index.asp?nid=7769>

62 Secretary-General’s remarks at Security Council open debate on trends in United Nations Peacekeeping 11 June 2014.

63 Situational awareness is used here in relation to the importance of communication with communities and other stakeholders and aversion is used in terms of aversion to the risks of long patrols outside of secure bases.

64 President Salva Kiir in national televised address 21 January 2014. This was also widely quoted in the online and print news media. See for example, <http://www.bbc.com/news/world-africa-25826598>. President Museveni of Uganda has expressed a similar feeling saying that he would rather hang himself than call in the UN to provide security. Quoted online <http://omojuwa.com/2014/05/ugandan-president-yoweri-museveni-not-so-subtle-message-to-president-jonathan/>

than just UNMISS but the mission provides a critical example of the need to review the intentions of state building interventions against the programmes being implemented; this requires some form of cost-benefit analysis and an honest reflection on where the moneys spent on and capacities created for state building accrue. This lack of linkages between theory and practice was compounded by the context biases as highlighted in preceding sections. As Helen Clark, head of the UN Development Programme commented, the collapse of South Sudan should be cause for reflection at all levels of the UN; “there was a focus from development partners on building a state and service delivery, but without addressing the rather profound legacy of long-term conflict”.<sup>65</sup>

The debate on the way forward for UNMISS is complex. On the one hand, there are those who believe that the mission requires a fundamental transformation well-beyond replacing the SRSG, providing additional troops or crafting a more modest mandate.<sup>66</sup> Such a transformation requires radical changes from New York to Juba, troop contributing countries and beyond. It is a call for change to craft a mission fit for purpose – robust, politically-engaged, risk-accepting and physically capable of intervening in times of crisis. A second school of thought suggests a more moderate approach highlighting the efforts undertaken by UNMISS since the start of the crisis and maintains that the mission will continue to have limited ability to move beyond providing protection to civilians sheltering in UN bases. One approach seeks to root out and cure UNMISS of its failings from the top down. The other approach seeks to enable UNMISS to respond to the symptoms of a crisis of state formation it accepts it can do little to shape or influence. The moderate position is based on field realities and accepting that neither the dynamics among the South Sudanese ruling elite nor the approach of UN leadership is likely to change.

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65 Quoted in Mark Tran, 2014. ‘South Sudan failed by misjudgement of international community, says UN chief’ in *The Guardian* 22 January 2014. Online at <http://www.theguardian.com/global-development/2014/jan/22/south-sudan-failed-international-community>

66 Hilde Johnson indicated that she will be stepping down as SRSG after her two year deployment ends in July 2014. There have been calls for her resignation from South Sudanese protestors spurred by GRSS accusations against UNMISS staff for harbouring rebel biases. Even before the December 2013 crisis, she was the subject of much criticism for perceived biases towards the GRSS especially in relation to PoC in the context of the Jonglei violence of 2011-2013.

# Lessons for the reorientation of UNMISS

UNMISS is faced with demands to provide physical protection to significant numbers of civilians and support to what before the crisis was already one of the world's three largest humanitarian operations.<sup>67</sup> Speaking at a press conference in Juba at the start of the crisis SRSG Hilde Johnson emphasized that the UN remains committed to South Sudan: "We remain, we are undeterred and we will continue to implement our mandate...we are here to stay...but to be able to implement our mandate we need resources and additional resources". Temporary authorization to increase troop deployments from 7,000 to 12,500 was approved by the Security Council just days later.<sup>68</sup> By February 2014, the Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous, announced the mission would pursue four new priorities: protection of civilians; safeguarding human rights; support to humanitarian actors; and support for the IGAD-led mediation process.<sup>69</sup>

The new agenda represented an admission that the context for UNMISS operations had fundamentally changed and that resources needed to be re-aligned to a purpose which no longer explicitly included the extension of state authority. Since 2011, UNMISS has gradually swayed from being a state building partner (2011), to PoC advocate (following the Jonglei violence in 2012) to a protector of humanitarian necessity and support for a regional political process. This shift was formalized on 27 May 2014 when the United Nations Security Council adopted Resolution 2155 to extend UNMISS until November 2014 under a restructured mandate intended to quell violence, especially against civilians; monitor and investigate human rights abuses; facilitate the delivery of humanitarian assistance and support the implementation of the regionally negotiated ceasefire agreement.<sup>70</sup>

## Strategic compromise

What may seem like decisive action by the Security Council in December 2013 to increase troop strength to respond to the crisis, was actually an immediate crisis response taken only when it had become absolutely necessary. Throughout 2012 and 2013, there were concerted efforts to call attention to the complex and unsustainable relationship between UNMISS and GRSS as well as to the depth of democratic deficit and militarisation that still dominates South Sudanese politics. Until December 2013, the Security Council and UNMISS leadership waited with cautious optimism for events in South Sudan to improve even when there was significant evidence of a deterioration in the internal political stability of the state.

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67 See World Humanitarian Data and Trends, 2013 (OCHA). Online at <http://www.unocha.org/what-we-do/policy/resources/world-humanitarian-data-and-trends-2013>

68 Security Council Resolution 2132. 2013. Online at <http://www.un.org/News/Press/docs/2013/sc11230.doc.htm>

69 'South Sudan faces "long, complex process" on path to peace, says UN peacekeeping chief'. UN News Centre, 11 February 2014. Online at <http://www.un.org/apps/news/story.asp?NewsID=47123#.UwzV74V9x64>

70 Resolution 2155 also provides for the reducing of the civilian component of the Mission, the restructuring of the force, logistical support and enablers and calls for the streamlining of activities across its military, police and civilian components based on the recognition that certain Mission tasks will be ceased.

Similar to the almost ad hoc way strategic decisions were taken about the future of UNMIS before independence in 2011, the reorientation of UNMISS in 2014 is being driven by a range of forces; some of which are not necessarily complementary. By providing a robust protection and human rights focused mandate, the Security Council is expressing an explicit distrust of the way the GRSS has handled the political and security crisis it is currently facing. By explicitly linking UNMISS to the regional human rights, political and security responses, the Security Council is simultaneously trying to bridge the gaps that have emerged in the capacity of senior leadership to exert political influence, increase the legitimacy of the human rights reporting and enable a more robust regional security deployment. Additionally as with UNMIS in 2011, the 2014 mandate is a compromise between the requirements of some Security Council interests for a robust military presence in South Sudan but also respecting calls from other member states for more cautious use of peace keeping capacities in situations of intrastate conflict. The compromise rests on increasing the uniformed component through regional forces and opening the potential for the use of unmanned aerial vehicles for reconnaissance and monitoring to overcome limitations in the strategic use of air assets.

## Regional cooperation

The framing of UNMISS to include the regional protection force is the furthering of a broader peacekeeping trend in which the UN is cooperating with regional partners as ‘an opportunity for innovative solutions’ to enhance the ability of New York to launch and sustain missions.<sup>71</sup> In a 2011 evaluation of cooperation between the Department of Peacekeeping Operations/ Department of Field Support and regional organizations, the Office of Internal Oversight Services (OIOS) found that in conflicts where the UN struggled operationally or when principal conditions for successful peacekeeping were now present, regional organizations provide viable alternatives.<sup>72</sup> However, the evaluation also stressed the importance of communication and coordination in making such joint ventures successful. For the hybrid UN-AU mission in Darfur (UNAMID), a tripartite mechanism was established to enable regular communication between New York, Addis Ababa and the Government of Sudan. As the current South Sudan crisis has a series of interlocutors – the GRSS, the troika of US, UK and Norway, IGAD and UNMISS – a mechanism to ensure political as well as operational coherence will be required. Given that the protection force will be linked to both the UNMISS mission specific strategic framework and the IGAD process, there will be a need to harmonise approaches especially in terms of procedures, lines of reporting, accountability and chains of command. Other mission contexts have also found that complex peacekeeping missions involving multiple organizations have tended to rely on informal networks and personal relations to enable the sharing and exchange of non-public and sensitive information.<sup>73</sup> Never mind intelligence sharing, the Security Council and African Union are not even using the same language on the additional forces with Resolution 2155 speaking of the three battalions within UNMISS as having additional responsibilities towards the IGAD monitoring

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71 Office of Internal Oversight Services 2011. *Thematic evaluation of cooperation between the Department of Peacekeeping Operations/ Department of Field Support and regional organizations*. 28 February 2011 A/65/762. Online at [http://www.un.org/depts/oios/pages/other\\_oios\\_reports.html](http://www.un.org/depts/oios/pages/other_oios_reports.html)

72 *Ibid.*

73 *Ibid.*



and verification mechanism and the AU 12 June 2014 statement referring to UNMISS and its protection force as separate entities.<sup>74</sup>

Although visions of the protection force, its role and command/ accountability structures may require further clarification, the main challenge of increased cooperation between UNMISS and the IGAD process, however, could come from the sharing of tangible resources, including air assets. The OIOS evaluation found that even “the benefits of limited resources sharing were gained at considerable transaction cost, since the actions required were labor-intensive and involved a significant amount of staff time for planning and communications”.<sup>75</sup> The 12 June statement from the AU on South Sudan also referred to plans for 20 operational sites for the monitoring and verification teams which, if requiring long-term accommodation and regular flight service, will increase the burden on the engineering capacity of UNMISS as well as the operational budget and allocation of air assets.<sup>76</sup> UNMISS already has significant capacity problems with the planning and utilization of air assets. Although lack of air assets has been consistently used as a justification for the limits on UNMISS mobility and protection capacities, a 2013 evaluation by OIOS found that UNMISS governance, risk management and control processes were unsatisfactory to ensure the effective management of UNMISS air transport.<sup>77</sup> This included, for example, an average seat utilization of 42 per cent; cargo utilization of 67 per cent capacity; and a “no-show” rate of over 20 per cent.<sup>78</sup>

## Perceptions of impartiality

One of the key lessons from UNMIS and UNMISS until December 2013 revolved around perceptions of neutrality and the implications of perceptions of bias on relationships. The 2014 mandate calls for advancing PoC through *inter alia* “regular interaction with the civilian population and closely with humanitarian, human rights and development organisations, in areas at high risk of conflict including, as appropriate schools, places of worship, hospitals and the oil installations”.<sup>79</sup> As highlighted previously, sharing information with UNMISS in the

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74 The AU ‘demands that the Parties immediately facilitate the full implementation of, and cooperation with, UNMISS and its protection force, as well as the MVM, in the discharge of their respective mandates’; - See more at: <http://www.peaceau.org/en/article/the-peace-and-security-council-of-the-african-union-at-its-440th-meeting-held-in-addis-ababa-on-12-june-2014-adopted-a-decision-on-the-situation-in-south-sudan#sthash.YB5B3V5e.8Q1oA0xm.dpuf>. Media reports from the region refer to the regional force as ‘enforcing the cessation of hostilities’; ‘reinforcing the cessation agreement’ and ‘preventing fighting’ between pro- and anti-government forces.

<https://radiotamazuj.org/en/article/igad-authorizes-%E2%80%98deterrent-force%E2%80%99-south-sudan> and <http://allafrica.com/stories/201406091179.html>

75 Office of Internal Oversight Services 2011. *Thematic evaluation of cooperation between the Department of Peacekeeping Operations/ Department of Field Support and regional organizations*.

76 Due to the logistical and security conditions, conducting long range patrols is difficult in South Sudan and UNMISS has been averse to doing so in the past. Troop contributing countries have also prevented such tasking through movement restriction. Unlike the Abyei mission which maintains the ability to move with communities, UNMISS has not used mobile camps in the past for monitoring of inter-communal conflicts. If the monitoring teams are to be mobile, that increases security risks and requires the capacity for extraction. If the teams are to have bases, lessons from CSB construction need to be in the foreground.

77 Office of Internal Oversight Services 2013. *Audit Report 2013/064. Audit of air transportation management in the United Nations Mission in South Sudan*. 7 August 2013. Online at [http://www.un.org/depts/oios/pages/other\\_oios\\_reports.html](http://www.un.org/depts/oios/pages/other_oios_reports.html)

78 UNMISS committed to implementing the recommendations of the 2013 OIOS evaluation but at the time of writing OIOS had not yet been able to verify the impact of efforts to increase the efficient use of air transport.

79 Security Council Resolution 2155, Section 4(a).

past was synonymous with sharing information with the GRSS and SPLA. In the new UNMISS with a close working relationship with the regional ceasefire monitoring forces, the same challenge may arise as some regional actors have vested interests in the South Sudan crisis.<sup>80</sup> Given the role of Uganda in the current conflict, it is going to be important for UNMISS to be able to differentiate to the anti-government supporters the differences in role, mandate and responsibilities of the regional force.<sup>81</sup> Like the mission in Somalia where Kenyan and Ethiopian forces are perceived as extending partisan national interests, communities and civilian populations in South Sudan may be distrustful of closer relationships with the security forces of the neighbouring states. Lessons from Somalia could be useful to ensure that from the start, there are robust mechanisms in place to ensure accountability of all personnel operating under the UNMISS banner and a clear communication strategy of purpose and intentions.

Similarly, the new troop contribution from China has already been linked in the media to the protection of oil installations as per the above extract from Resolution 2155. According to Colum Lynch writing for *Foreign Policy*, China offered to send the additional troops if the US and other Security Council members included protecting the oil installations and civilian workers as part of the mandate.<sup>82</sup> The same article quotes David Deng from the South Sudan Law Society pointing out that for the UN to protect oil facilities would be a strategic advantage for the government and “cannot be seen as consistent with the role of a neutral peacekeeping force.” Furthermore, the new mandate provides that UNMISS should undertake “specific operational coordination with the police services” in relation to the safe and voluntary return of IDPs and refugees. With UNMISS Human Rights reporting indicating GRSS uniformed personnel involvement in extensive human rights abuses, until the GRSS is seen as an impartial, rights-respecting provider of security services, there needs to be additional detail on situations and conditions under which UNMISS is willing to undertake specific operational coordination with the police.

## Limits of peacekeeping to address state building

The final lesson that can be drawn from this analysis is that there is a clear disconnect between what UNMISS was pursuing as state building and the elements of the state that needed to be built. This is in part tied to a much larger conceptual and theoretical problem of a lack of understanding of state behaviour in many parts of Africa which situates an idealised vision of the state along the lines of institutionalisation including through the visible presence of institutions, the monopoly on the use of force and a focus on the formalisation of processes. State building cannot be interpreted as a matter of unconditional support for whoever is in charge, however benign they may look, but is rather a delicate balancing act

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80 Of particular importance is the regional transport and oil and natural gas extraction. Being a land-locked country makes South Sudan particularly vulnerable to the influence of neighbouring states for export-import requirements. South Sudan has forged regional transport networks with Uganda and Kenya and is preparing for inclusion in the new regional oil exporting pipeline project by connecting either via Uganda and Kenya or Ethiopia to ports in Lamu or Djibouti respectively.

81 The Ugandan People’s Defence Force (UPDF) has been fighting alongside the SPLA and pro-government forces since the start of the conflict providing critical air support as well as increased military capacity for the embattled regime. Riek Machar has publicly stated his opposition to the regional force.

82 Colum Lynch, 2014. ‘UN Peacekeepers to Protect China’s Oil interests in South Sudan’ in *Foreign Policy*. 16 June 2014. Online at [http://thecable.foreignpolicy.com/posts/2014/06/15/un\\_peacekeepers\\_to\\_protect\\_chinas\\_oil\\_interests\\_in\\_south\\_sudan](http://thecable.foreignpolicy.com/posts/2014/06/15/un_peacekeepers_to_protect_chinas_oil_interests_in_south_sudan)

to ensure an increase in voice, improvements in governance and accountability in a manner that is conflict sensitive and corresponds to popular demand, customs and culture. As this crisis has proven, the presence of the formal state cannot overcome the deeply personalised, informal and identity-based nature of authority in South Sudan. Centralising and formalising authority in the state is going to be problematic as has been seen in similar intractable conflict systems in Somalia, DRC, CAR, Libya and Mali. With the cost of peace keeping skyrocketing within a decreasing global envelope, the UN needs to re-consider what role there is for peace keeping within this expanded state building function and whether the costs of building states (in personnel, salaries, physical infrastructure and political risk) can be weighed against more modest ambitions of measureable violence reduction change more akin to traditional peace keeping functions.

But until then, the Security Council has chosen to prolong the agony of UNMISS mandating them to protect civilians without the capacity to deter attacks against population centres; to monitor a seemingly farcical ceasefire agreement, while still keeping the door open for future state building interventions. This mandate has set the groundwork for UNMISS to provide immediate civilian protection to the thousands of people at need in the bases but situates the mission well to support not only the current IGAD ceasefire but whatever else is produced by the negotiation process. UNMISS really is here to stay.