Humanitarian Intervention and Protection of Civilians in South Sudan

Celestine Okechukwu Nwosu
Department of Political Science,
Abia State University, Uturu.

Abstract

The protection of civilians in conflict-affected areas is the primary objective of contemporary humanitarian intervention and peacekeeping operations. South Sudan achieved independence from Sudan in 2011 after decades of armed conflicts and Civil wars. In 2013, the first Civil War in South Sudan broke out, resulting in an unprecedented number of refugees seeking protection in neighbouring countries and Internally Displaced Persons (IDPs) seeking protection in United Nations Protection of Civilian (PoC) sites. Utilizing secondary data and anchored on the humanitarian-development approach of humanitarian intervention, this paper assessed the role of UNMISS in the protection of the civilian population and established that while the intervention was justified in the first place given that the South Sudanese State itself is involved as warring party, the study underscored that UNMISS was more effective in protecting the civilians populations within the protection of civilian sites than those outside the camps. The recommendations are that to ensure the full protection for South Sudanese, the disputing parties must work towards peace and the end of the conflict to guarantee safe environment for human rights; ensure the full implementation of the peace process and the restoration of legitimate and good governance will enhance the better protection of the civilian population in South Sudan; and while the conflict is ongoing, put in place more coordinated measures to protect civilian populations living in remote areas affected by conflict.

Keywords: South Sudan, War/Conflict, Internally Displaced Persons (IDPs), Humanitarian intervention, UNMISS, protection of civilians, humanitarian-development nexus.

Introduction

The State of South Sudan emerged on January 9, 2011 as the world's newest country after nearly 40 years of war between the Sudan government and southern insurgents. According to Knopf (2016), in 2004 and 2005, the United Nations designated South

Sudan a Level 3 (L3) humanitarian emergency, a designation reserved for the most severe complex humanitarian emergencies in the world. The process began with a referendum in the South, which as stipulated by the Comprehensive Peace Agreement CPA) 2005, resulted to an overwhelming vote in favour of the independence of South Sudan from Sudan (Ottawy & El Sadany (2012). Both at home and abroad, South Sudan was welcomed as the world's newest state, and the hopes and aspirations of the international community for South Sudan were high (Dessalegn, 2017). Although the South Sudanese economy is dependent largely on oil revenues with the resource wealth accounting for almost the entirety of the country's exports and with highest percentage share to the Gross National Product (GDP) and 90 percent of government revenues, there has been a decline in the GDP from $18.43Billion in 2013 to $13.96Billion in 2014 and $12.00Billion in 2015 (Macro Trends, 2023).

The centrality of oil revenue for the government has resulted in rent-seeking while not impacting positively on the socio-economic wellbeing of the country and the citizenry. The struggle for access to these resources has often been tied to ethnicity and political power, which further exacerbate the country's instability (Institute for Peace and Security Studies, 2018). By the end of July 2023, a total of 8.08 million people remain displaced within South Sudan (United Nations High Commissioner for Refugees (UNHCR), 2023). South Sudan has been devastated by the conflict, which has posed serious hindrance to the development of basic infrastructure, human capital, and formal civilian institutions. Massive chronic humanitarian needs persisted after independence, despite abundant natural resources, including oil fields from which Sudan had generated 75% of its oil production until separation. High-level state corruption also slowed post-war recovery and development. South Sudan was one of the world's largest recipient of humanitarian assistance. In 2016, the humanitarian situation worsened and in mid-September, South Sudan joined Syria,

Afghanistan and Somalia as one of four countries with more than one million refugees outside its borders. More than 1.6 million people were displaced internally, including 200,000 seeking refuge at UN bases, 4.5 million (approximately 40 percent of the population) faced severe food shortages, and more than 8 million (approximately 75 percent) face some degree of food insecurity, the highest level of hunger since the war (Knopf, 2016; Blenchard, 2016). The United Nations determined that the humanitarian situation in South required external intervention and consequently set up the United Nations Mission in South Sudan (UNMISS). The protection of persons was one of the core components of UNMISS mandate. This paper has assessed how UNMISS carried out this important mandate.

Theoretical Framework

This paper is anchored on the humanitarian–development approach advocated and endorsed by the United Nations as a global framework for the management of humanitarian crises. The thrust of this approach is that humanitarian intervention is both a process for peacebuilding and development. This view has been elaborated by Cunningham (2017), Lie (2020), International Peace Institute (2018), Shehu and Abba (2021). The humanitarian–development nexus approach received renewed global attention at the United Nations World Humanitarian Summit in 2016. The International Peace Institute (IPI) (2018, p. 1) explains the rationale behind this approach:

Humanitarian action was traditionally designed to be an emergency response – the provision of life-saving assistance when conflict erupts or disaster strikes. The idea of humanitarian action being strictly a short-term "Band-Aid" however, is increasingly perceived as inaccurate and even undesirable. The nature of crisis is changing, with violence increasingly happening… and against civilian populations, the consequences of armed conflict have become protracted.

The IPI maintains that as result of the changing humanitarian landscape, there was recognition within the international community as reflected in the Outcome of the 2016 World Humanitarian Summit, of the need to rethink the linkages between humanitarian action, development, peace and security. It views humanitarian action as a way of building the foundations for peace. The International Peace Institute (2018), describes the humanitarian-peace approach as "sustaining peace", understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population are taken into account. The four main assumptions of sustaining peace are:

i.   Peace is local and grows from the bottom up: Top down efforts to prevent conflict can only mitigate or arrest violence and create some semblance of stability and security (negative peace) but rarely, however, do such approaches build the foundation for durable, positive peace, unless these are rooted in local communities and cognizant of local agency, needs, and potential capacities for peace

ii. External actors should not only identify and address the factors that drive and sustain conflict. In addition, local actors should analyse and strengthen what still works – the residual capacities for peace which people draw on in times of conflict

iii. Outside interveners should ensure that their support, however well-meaning, does not unwittingly exacerbate the very conditions that brought about conflict or weaken capacities for self-recovery and peace

iv. International humanitarian support has the potential for creating the conditions for sustaining peace when such interventions simultaneously address the humanitarian, development, human rights and security needs of the affected communities. The rationale is that conflict-affected populations do not experience these needs in a sequential or compartmentalized manner, development can contribute to

peace, and humanitarian action can help development efforts (International Peace Institute, 2018).

This approach recognizes the fact that although humanitarian assistance is important as a means of responding to the needs of people affected by conflicts, it is insufficient to adequately address the needs of the world's most vulnerable, and sues for new humanitarian approaches transcending the humanitarian realm. According to Strand (2020) the approach links humanitarian management with conflict prevention and seeks to address the root causes, which are activities not only typically designated the development segment but also activities taking place before delivery of humanitarian assistance and the provision of long-term development assistance. Lie (2020) argues that the rationale for the humanitarian-development approach is that the war to-peace transition is understood in terms of a continuum, implying that war and peace should not be compartmentalised or treated as differentiated phenomenon, instead humanitarian actors should be motivated to cooperate to ensure that peace is achieved through humanitarian intervention.

Lie (2020) however draws attention to the challenge of achieving humanitarian-development nexus in practice by stating that not only are the discursive segments of humanitarianism and development distinct to each other, but that the segments themselves are characterised by great internal diversity—and these differences become amplified by the nexus itself. The nexus seeks to merge well-established discursive, institutional and attitudinal differences that are hard to reconcile, especially as seen from the perspective of humanitarian actors". Despite their differences, it is the view of Lie (2020), that actors belonging to the humanitarian segment share a more principled approach to policy and practical work in humanitarian intervention. He argues that achieving the nexus is possible where humanitarian actors observe the humanitarian principles of humanity, neutrality, impartiality and independence. Furthermore, Lie (2020), argues that these

principles are important in defining humanitarian actors' identity and legitimacy, governing humanitarian practice, and are central in constructing the conceptual and physical humanitarian space in which humanitarian actors operate. The humanitarian principles are propositions and values that guide action, set standards and provide benchmarks against which practice aspires and is later measured. This makes the principles subject to contextual interpretation and application, by different actors in different settings, something which affects the formation of a humanitarian–development nexus.

This approach has been linked to this study to assess the UNMISS's management of humanitarian crisis in South Sudan with a special focus on protection of civilians. The protection of civilians is a core issue humanitarian intervention as not only saves lives but also enhances peacebuilding and post conflict recovery. This theory places premium on humanitarian action from the perspective of peacebuilding and development which accords with the focus of this study. This study argues that peacebuilding and development of South Sudan are the only pathways towards ending the humanitarian crisis in that country.

Management of Humanitarian Crisis

The protection of persons affected by armed conflicts falls under the gamut of humanitarian management. Effective management is considered a key element in the handling of humanitarian crisis and one of the means of dealing with humanitarian crisis is the protection of persons affected by crises. The Organization of Islamic Cooperation (OIC) (2017, p.3) argues that "effective management of humanitarian crises is related to good institutions, good governance and inclusive development". As such, there is always the need for designing and implementing inclusive development programmes and policies when handling humanitarian crisis. In addition, these policies and programmes are supposed to be managed by strong national and local institutions,

which target the most vulnerable and marginalized segments of society, ensuring that everyone affected is involved in decision making process and allow for close monitoring of whether policy choices are implemented or not. Inclusive decision making and multi-stakeholder consensus not only strengthen governance but play an important role in advancing reconciliation and supporting prospects for positive change towards peace and stability The Organization of Islamic Cooperation (2017).

The management of humanitarian crisis involves the taking of decisive actions by government, humanitarian organizations, civil society organizations and individuals and abiding by globally recognized humanitarian principles. Humanitarian action comprises assistance, protection and advocacy in response to humanitarian needs resulting from natural hazards, armed conflict or other causes, or emergency response preparedness. Humanitarian action aims to save lives and reduce suffering in the short term, and in such a way as to preserve people's dignity and open the way to recovery and durable solutions to displacement. Humanitarian action is based on the premise that human suffering should be prevented and alleviated wherever it happens (referred to as the "humanitarian imperative"). There are four humanitarian principles that guide humanitarian action or management of humanitarian crisis. These are humanity, neutrality, impartiality and independence. These principles provide the fundamental foundations for humanitarian action and are central to establishing and maintaining access to affected populations, whether in the context of a natural disaster, an armed conflict or a complex emergency ((Inter-Agency Standing Committee (IASC), 2013).

i. Humanity Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.

ii. Neutrality Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.

iii. Impartiality Humanitarian action must be carried out based on need alone, giving priority to the most urgent cases of distress and making no distinctions based on nationality, race, gender, religious belief, class or political opinion.

iv. Independence Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold about areas where humanitarian action is being implemented.

Compliance with humanitarian principles in humanitarian response is an essential element of effective humanitarian coordination. United Nations agencies are mandated to embrace all four of these principles. Commitment to the four humanitarian principles is expressed at institutional level by the majority of international humanitarian organizations. Furthermore, globally over four hundred and fifty organizations are signatory to the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief, which includes a commitment to adhere to these humanitarian principles (IASC, 2015).

In addition, the protection of the vulnerable populations is of utmost importance in the management of humanitarian crisis. In December 2013, IASC principals endorsed a statement on the centrality of protection in humanitarian action (IASC, 2013). This statement affirms the commitment of the IASC Principals to ensuring the centrality of protection in humanitarian action and the role of humanitarian coordinators, humanitarian country teams and clusters in implementing this commitment in all aspects of humanitarian action. This was reinforced by the IASC Policy on Protection in Humanitarian Action, 2016, which defines the centrality of protection in humanitarian action as well as the process for its implementation at country level (IASC, 2016). Protection mainstreaming is the process of incorporating protection principles and promoting meaningful access, safety and

dignity in humanitarian aid. United States Agency for International Development (USAID (2015 p. 10) states that:

Effective humanitarian response must prioritize certain extremely vulnerable groups within disaster-affected communities. Disaster affected populations are not homogenous, some are more affected, less able to access assistance and more vulnerable to risks for harm, exploitation and abuse. Humanitarian programming and action includes gender analysis of how women, men, girls and boys are affected differently by disasters and the needs of each of these groups, in addition to the unique challenges facing other affected populations such as children, elderly persons and persons with disabilities

Another critical element of humanitarian crisis management is the coordination of humanitarian response and activities to ensure effective delivery of relief. Humanitarian coordination involves bringing humanitarian actors together to ensure a coherent and principled response to emergencies" (United Nations Office for the Coordination of Humanitarian Affairs (OCHA, 2019). During an emergency, there may be several hundred organizations responding in the same location at the same time, many of whom do not have a permanent presence in the country and deploy only after the emergency strikes. To avoid a chaotic response and as no single organization covers all humanitarian needs, coordination is a necessity. Humanitarian coordination underpins an effective humanitarian response. It serves to identify and meet priority needs, address gaps and reduce duplication in humanitarian response. It facilitates the development of a humanitarian strategy and ensures that assistance is delivered in a cohesive, principled and effective manner, following international standards and in line with the direction and objectives of the humanitarian strategy.

Humanitarian coordination also facilitates the monitoring of humanitarian response, with an emphasis on ensuring adherence to humanitarian and technical quality standards. Humanitarian coordination is not just about coordination of the emergency

response. There are critical actions to be conducted prior to the onset of an emergency in relation to disaster risk reduction, emergency preparedness and contingency planning, capacity-building, and information management. There are also critical activities to be conducted during the emergency response to ensure that structures, standards and capacities are in place to enable a sustainable transition to a post-emergency phase, as and when appropriate, in relation to continuation of residual humanitarian services and activities. The guiding principles for coordination of humanitarian action are:

i.   Transparency: Transparency is achieved through dialogue (on equal footing), with an emphasis on early consultations and early sharing of information. Communications and transparency, including financial transparency, increase the level of trust among organizations;

ii. Result-oriented approach: Effective humanitarian action must be reality-based and action-oriented. This requires result-oriented coordination based on effective capabilities and concrete operational capacities

iii. Responsibility: Humanitarian organizations have an ethical obligation to each other to accomplish their tasks responsibly, with integrity and in a relevant and appropriate way. They must make sure they commit to activities only when they have the means, competencies, skills, and capacity to deliver on their commitments. Decisive and robust prevention of abuses committed by humanitarians must also be a constant effort.

iv. Equality: Equality requires mutual respect between members of the partnership irrespective of size and power. The participants must respect each other's mandates, obligations and independence and recognize each other's constraints and commitments. Mutual respect must not preclude organizations from engaging in constructive dissent.

v.   Complementarity: The diversity of the humanitarian community is an asset if we build on our comparative

advantages and complement each other's contributions. Local capacity is one of the main assets to enhance and on which to build. Whenever possible, humanitarian organizations should strive to make it an integral part in emergency response. Language and cultural barriers must be overcome. Successful humanitarian responses are grounded in interdependency and reliant on effective and principled partnerships. The Principles of Partnership strive to enhance the effectiveness of humanitarian action, acknowledge diversity as an asset of the humanitarian community and recognize the interdependence among humanitarian organizations.

The management of humanitarian crisis is the primary responsibility of the State. The Inter-Agency Standing Committee (IASC) of the United Nations on Humanitarian Coordination maintains that "the State has the primary responsibility to assist and protect all people affected by an emergency within its boundaries, including leading and coordinating the humanitarian response" (IASC, 2015). The protection of persons is a humanitarian principle which stipulates that civilians not taking part in armed conflict should not be subjected to harm. However, where the affected State is unable or unwilling to fulfil its protection obligations, it is suggested that the Resident Coordinator (RC) should strive to ensure that people in need receive the required assistance and protection, while respecting the State's sovereignty. They should do so by advocating with the State to fulfil its obligations and by offering international assistance as appropriate (IASC, 2015). In situations of armed conflict, where non-State armed groups are in de-facto control of territory, the responsibility to provide assistance and protection falls to them; the Resident Coordinator is expected to advocate with these groups and prompt them to respect international human rights law and international humanitarian law (IASC, 2015). The IASC argues that where international assistance is welcomed or accepted by the State, the Resident Coordinator (RC) leads and

coordinates the international contribution to the State's response, ensuring that international humanitarian responses respect and support the central role of the State. Where relevant, the RC also advocates with the State for access to the affected area (commonly referred to as humanitarian space) and a humanitarian response that covers the entire affected population. The ICRC (2009) notes that even though the global humanitarian architecture comprises various actors at national and international level with protection roles and responsibilities, and is based on rights and obligations set out in International Humanitarian Law (IHL), International Human Rights Law (IHRL), and International Refugee Law, states bear the primary responsibility for humanitarian action and the rights and obligations must be incorporated into domestic legislation, which frequently expands and enhances the rights agreed upon internationally.

While the State bears primary responsibility to protect the people within its jurisdiction (including those beyond its borders), in situations of armed conflict, all parties including armed groups who conduct military operations, are bound by IHL, and thus hold binding legal protection responsibilities for the people within their territory and/or control (International Committee R of the Red Cross, 2009, p.29).

The ICRC further explains that diverse elements of the State apparatus, such as the police and the courts, are responsible for applying and monitoring domestic laws, and ensuring the protection of the population. However, in cases where the capacity, or the will, of the authorities to ensure the protection of persons under its jurisdiction is lacking or worse still, when the authorities themselves are actively perpetrating violations against the population −such protection mechanisms are likely to be inefficient or inadequate. In such cases, a protection response by other actors is then required to protect those at greatest risk. This can take the form of action by other States. As members of the United Nations, and as parties to the Geneva Conventions, States bear protection

duties for persons at risk, even if these persons are outside their jurisdiction. According to Office of the Coordinator of Humanitarian Affair (2010, p. 117):

Sovereignty establishes the principle that the State is responsible for protecting people within its territory who are affected by violence or armed conflict. However, in reality, many cases the State is the main cause of its citizens' suffering. Applying this reality to an analysis of the internal displacement of populations shows that, on many occasions, governments have developed strategies in order to expel a population from a particular territory.

OCHA (2010) maintains that the ethical debate associated with this reality comes to the fore when humanitarian organizations have to carry out the duty of helping people displaced as a result of this deliberate strategy. Thus, in such circumstances, the displaced people are held in camps created by their own government, and which are under close surveillance in order to prevent them from returning. In other cases, attempts are also made by the armed forces to find out members of insurgent groups or their collaborators, rendering all the occupants victims of siege and threats. Providing aid in these camps of forcibly displaced people indirectly supports the government's strategy of "territorial cleansing". However, the alternative of not aiding and openly condemning the situation might only make things worse for the internally displaced people (Alert, 2010).

Access to people displaced and held in camps as a result of government action is in many cases restricted, particularly during the early phases of the "cleansing" strategy. However, the inability or the unwillingness of the State to help these people, combined in many cases with international pressure, means that the task falls to humanitarian organizations. The principles of humanitarian action – impartiality, neutrality and independence – mean that, in order to go about their work, it is difficult for humanitarian workers to

bring pressure to bear to end what is a serious violation of the International Humanitarian Law, if they want to provide aid.

The foregoing discussion underscores the fact that management of humanitarian crisis necessarily requires the State and the international community to play critical roles. International law serves as a basis for humanitarian action. International law defines the legal obligations of States in their conduct with each other and their treatment of individuals, including the fundamental legal standards for the protection of individuals and the type of assistance that may be provided. There are two main bodies of international law that apply to humanitarian action.

First, international human rights law applies at all times, as human rights are fundamental to every human being. International human rights law lays down obligations which States are bound to respect. A limited set of rights may be restricted or suspended publicly by a State during a serious public emergency (derogation) but certain human rights — such as the prohibition of torture— are non-derogable, meaning they cannot be limited or suspended in any way, at any time, for any reason, even during an armed conflict. At the core of international human rights law is the International Bill of Human Rights, which consists of three elements: The Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR) with its two Optional Protocols; and the International Covenant on Economic, Social, and Cultural Rights (ESCR) with its Optional Protocol. Through ratification, States undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. Where domestic legal proceedings fail to address human rights violations, mechanisms and procedures for individual complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.

Second, international humanitarian law applies to situations of armed conflict and aims to limit the effects of hostilities on both persons and objects, and to protect certain particularly vulnerable groups of people. It also establishes measures of protection for humanitarian actors. Among a broad range of treaties, the key instruments are; The Hague Convention and its regulations (1907), setting out restrictions on the means and methods of warfare, and the four Geneva Conventions (1949) and Additional Protocols I and II (1977), providing protection to specific categories of persons, setting out further limitations on the means and methods of warfare, and regulating the delivery of humanitarian assistance to persons in need. Article 3 common to all the Geneva Conventions covers situations of non-international armed conflict, which is particularly relevant given that most armed conflicts are today considered "internal". Article 3 and Additional Protocol II of the Geneva Conventions also set out obligations of non-State actors.

The Convention Relating to the Status of Refugees (1951); Conventions Relating to the Status of Stateless Persons (1954) and on the Reduction of Statelessness (1961); and the Guiding Principles on Internal Displacement (1998) outline the identification, protection and assistance of refugees, stateless persons and internally displaced persons, respectively. RCs should be familiar with the core concepts of the different bodies of international law, including treaties, customary law and non-binding guidance, and use this to advocate with State and non-State actors to meet their obligations to assist and protect civilians and to provide affected populations with rapid and unhindered access to humanitarian assistance and protection.

The United Nations Mission in South Sudan (UNMISS)

To address the humanitarian situation in South Sudan, the UN Security Council on July 8th 2011, voted for resolution number 1996, establishing the United Nations Mission in South Sudan (UNMISS) (UNSC, 2011). UNMISS was tasked to consolidate

peace and security in South Sudan, and help the government develop the necessary state capacity to govern effectively and democratically. The Mission was originally created with 7000 military and 9000 civilian personnel, respectively. It was projected that these numbers would be reduced after the first year of humanitarian intervention when peace must have returned to most parts of the country.

The humanitarian problem in South Sudan however, continued to deteriorate over the past one decade, making the United Nations Security Council under resolution 2677 (2023), to determine that the situation in South Sudan had continued to constitute a threat to international peace and security in the region. The Council, therefore, extended the UNMISS mandate until 15 March 2024. The Council also emphasized that the mission should continue advancing its three-year strategic vision defined in the resolution 2567 (2021) to prevent a return to civil war, build durable peace and support inclusive and accountable governance, as well as free, fair and peaceful elections in accordance with the revitalized peace agreement. Relying on Chapter VII of the UN charter, the UN Security Council assigned an original multidimensional mandate to UNMISS which is summarized as follows: Support peace consolidation to foster state-building and economic development through:

i.   the provision of good offices which provide advice on the political transition and governance
ii. promote public participation in the political process, including an inclusive constitutional process, and holding constitutional elections.
iii. Support the South Sudanese government in the conflict prevention, mitigation and resolution and protection of civilians through:
     a. facilitating the anticipation, prevention, mitigation and resolution of conflict
     b. the establishment of early warning capacity

   c. monitoring and reporting on human rights

   d. advising the government on security matters in compliance with human and refugee law

   e. deterring violence through active deployment and patrols in high risk areas where the government cannot provide security, and

   f. providing security for the United Nations humanitarian personnel to safely implement their mandated tasks.

iv. Develop state capacity to provide security, establish the rule of law and strengthen the justice sector through:

   a. developing strategies for security sector reform

   b. implement national disarmament, demobilization and reintegration

   c. strengthening the police services

   d. developing a military justice system

   e. facilitating a protective environment for children and

   f. supporting de-mining activities.

UNMISS was therefore, assigned a broad mandate to use "all means necessary" to facilitate the peace process, protect civilians, deter violence, and protect UN staff. As indicated above, items (i) and (ii) were much concerned with state building activities for the new state of South Sudan, while Section (iii) addressed the issues that were intended to directly impact on the peace process and conflict resolution. The mandate of UNMISS was also circumscribed to South Sudan. A separate mission, the UNISFA was responsible for maintaining the peace on the border between South Sudan and Sudan in the North. When the South Sudanese Civil War broke out in 2013, the UN Security Council was compelled to revise the UNMISS mandate, replacing most of the capacity building activities with more focused set of activities in the realm of peace and security. Within days of the Civil War breaking out, the Security Council passed resolution 2132, raising troop levels to 12,500 (UN Security Council, 2013). A few months later, the UN Security Council passed resolution 2187 which

transformed UNMISS from a multidimensional state-building mission to a mission directly focused on the protection of civilians, monitoring, investigation and reporting on human rights violations, enhancing the delivery of humanitarian assistance and supporting the political process to implement the revitalized peace agreement and see to an end to hostilities (UN Security Council, 2014).

With specific reference to the protection of civilians, the United Nations Mission in South Sudan was mandated to;

i.   ensure effective, timely and dynamic protection of civilians under threat of physical violence, through a comprehensive and integrated approach, irrespective of the source and location of the violence;

ii. prevent, deter and stop violence against civilians, including politically driven violence, particularly in high-risk areas, as well as promptly and effectively engage any actor credibly identified to be preparing attacks or engaged in attacks against civilians in Internally Displaced Persons (IDPs) camps and the UNMISS Protection of Civilian Sites (PoC Sites);

iii. maintain proactive deployments and a mobile, flexible, robust and effective posture by actively patrolling with particular attention to high-risk areas, IDP camps and the UNMISS protection of civilian site and identify as well as deter potential threats or attacks through a mission-wide early warning and response system;

iv. maintain public safety and security of and within existing UNMISS protections of civilian sites, and whenever protection of civilian sites has been re-designated, to protect civilians in those re-designated camps under the sovereign responsibility of the government, if the security situation deteriorates

v.   deter, prevent and respond to sexual and gender-based violence, including by actively intervening to protect civilians threatened by, and survivors of sexual violence

vi. exercise good offices, confidence-building and facilitation in support of UNMISS protection strategy, especially in regard to women and children, to prevent, mitigate and resolve intercommunal violence by supporting community-led peace dialogue processes

vii. support development and implementation of gender-responsive community violence reduction programmes, to help reduce intercommunal violence and collaborate with partners to complement community disarmament initiatives, with a particular focus on members of armed groups ineligible or unwilling to be integrated into the necessary Unified Forces, women and youth

viii. provide technical assistance and build capacities to help the government of South Sudan expand and reform the rule of law and justice sector (i) foster a secure environment for the safe, informed, voluntary and dignified return, relocation, resettlement or integration into host communities for IDPs and refugees (j) promptly and effectively engage any actor found to be preparing or engaging in attacks against civilians, IDP camps, UNMISS protections of civilian sites, other United Nations premises and personnel, or international and national humanitarian actors.

The task of protecting civilians emerged following the escalation of conflict and violence in 2013 and 2014 when hundreds of thousands of people sought refuge in the UNMISS bases (Jochemsen, 2022), UNMISS has undertaken the task of protecting civilian populations affected by armed conflict. At the initial stage, the PoCs hosted over 200.000 displaced people. There is a widespread consensus that these sites have saved thousands of lives and have possibly prevented genocide – especially against the non-Dinka populations that sought refuge in the camps (Day et al., 2019). The centrality of the PoCs in the UNMISS mandate and the establishment of such large scale PoC sites make the mission standout against other peace keeping missions. However, there

have also been several instances in which UNMISS was un able to provide security for civilians in and around the PoC camps due to dereliction of duty by UN troops (Cammaert, 2016). In response, the mission set up the Operational Coordination Committee, which report to senior management and ensures adequate responses to the early warning system (Jochemsen, 2022).

There have also been reports of high rates of criminal activities in the PoC sites and failures to guarantee internal security within the PoC sites, which are essentially small cities housing thousands of people. However, the fact that most IDPs have left not left the sites is evidence that the security within the PoC sites is still perceived to be better than that outside, in part due to the mandated efforts of UN police to keep order in camps. In the 2019-2020 period, the mission conducted 259, 599 police unit person days in and around the PoC sites (UNGA, 2020). However, since the PoC sites only house around 10 percent of the 2 million IDPs within South Sudan (in addition to another 2 million refugees in neighbouring countries) there are concerns that the large number of resources committed to the PoC sites is the best way to protect civilians. Indeed, it is in the remote areas away from the PoC sites where UNMISS is facing a challenge to deter violence, as troop concentration around the PoC sites leaves fewer troops available to be deployed in remote areas. To address this situation, by late 2020, UNMISS had started to designate some of the PoC sites as conventional displacement camps for IDPs under the control of the government, including in Juba, Wau and Bor (UNMISS, 2020). UN police officers have meanwhile been involved in capacity building exercises to train a local police force. This allowed UNMISS to redeploy its troops from static locations that are relatively statble, to more remote locations which are hot spots of conflict. Meanwhile, the largest PoC camp in Bentiu, as well as the most vulnerable in Malakal remain under UNMISS control. In the 2019-2020 performance period, the mission conducted 615, 581 mobile troops patrol days outside of its bases and 449.944 static

troop days for the protection of its PoC sites (UNGA, 2020). Although the number of mobile days exceeds the number of static days, the ratio is roughly 1.4:1 whereas it was planned to be 10:1. the mission thus falls significantly short of its targeted mobile presence. In the same period, the mission also conducted 1, 195 air patrol hours and removed 27.546 suspected explosives (Jochemsen, 2022).

After the 2018 peace agreement, large-scale political violence has largely been shifted towards localized, communal violence. Much of this violence is driven by disputes over land and resources, including the prevalence of cattle raids (International Peace Institute, 2020). UNMISS has responded to this shift towards localized violence by organizing local reconciliation efforts, such as dialogues between different communities and brokering local resolutions. The 2019-2020 performance report demonstrates this focus on local efforts, with 1036 meetings organized at the local level to promote awareness of the mission plus 24 meetings at the national level. In the same period, the mission organized 275 reconciliation meetings at the community level. The mission also organized 110 meetings between the national government and community leaders (UNGA, 2020; Jochemsen, 2022).

Facilitating the safe and voluntary returns of IDPs is a part of the UNMISS mandate. In the long term, the mission aims to create conditions under which large-scale voluntary returns are possible, leading to the eventual closure of the PoC sites. In order to identify concerns regarding potential returns, the mission has organized consultation sessions with IDPs. The mission has also held consultations with local authorities and host communities to address challenges related to safe returns. As there is a perception that many IDPs stay in the camps not for security-related fears, but to be able to access the services provided in the camps, such services are now being set up in the areas of potential return (Day, et al 2019). This includes the construction of primary schools, boreholes, markets and maternity wards (UNGA, 2020). The

mission has several dilemmas to deal with regarding returns and relocations. many of the non-Dinka IDPs are afraid to return home to Dinka-majority areas, as they do not feel that government can provide them with sufficient security. In many cases, these people's properties may have been taken over by others. However, relocating these people to other areas where they are part of the ethnic majority, creates a feeling of safety (Jochemsen, 2022).

Conclusion

The intervention of the United Nations in the humanitarian crisis in South Sudan through the creation of the UNMISS with the mandate to protect civilian populations was the right step given the scale of violence and the danger it posed to the existence of people affected by the conflict. Given that the State of South Sudan was also directly involved as a warring party, it was justifiable for a 'neutral' body to wage in. The UNMISS has played a prominent role in protecting civilians affected by armed conflicts in South Sudan, especially those taking refuge in the United Nations Protection of Civilian Sites. UNMISS has ensured that South Sudanese taking protection in UN PoC sites are shielded from attacks and their rights are protected. Until recently, UNMISS devoted disproportionate and special attention given to the PoC sites as against other displaced civilians in the remote parts of the country. In recent time, however, UNMISS is making its presence felt in remote areas where ongoing fighting poses a huge challenge. Thus, while the UN has concentrated a greater part of its energy and resources on the PoC sites, a large majority of the population affected by armed conflicts is unshielded from the vulnerability of persistent attacks. Within the PoC sites as in the areas outside affected by conflicts, there are serious criminal activities violations of human rights especially, sexual and gender related violence. UNMISS is also yet to commence the process of return of displaced people back to their homes due to the lack of assurance of safety. The full protection of persons will be achieved when the internal

warring factions shield their swords and a government a legitimate rule is established in South Sudan.

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