

**CONSIDERATIONS FOR A NEW PEACEKEEPING OPERATION IN  
SOUTH SUDAN**

**PREVENTING CONFLICT AND PROTECTING CIVILIANS**

**WORKING PAPER**

**ALISON C. GIFFEN  
FUTURE OF PEACE OPERATIONS PROGRAM**

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**STIMSON**

## **LIST OF ACRONYMS**

AOR – Area of Responsibility  
BINUCA – United Nations Integrated Peacebuilding Office in the Central African Republic  
CASEVAC – Casualty Evacuations  
CONOPs – Concept of Operations  
DDR – Disarmament, Demobilization and Reintegration  
DFS – United Nations Department of Field Support  
DDR – Disarmament, Demobilization and Rehabilitation,  
DPKO – United Nations Department of Peacekeeping Operations  
DRC – Democratic Republic of the Congo  
FARDC – Forces Armées de la République Démocratique du Congo  
GOS – Government of Sudan  
GOSS – Government of South Sudan  
HQ – Headquarters  
HUMINT – Human Intelligence  
ICC – International Criminal Court  
IMPP – Integrated Mission Planning Process  
JMAC – Joint Military Analysis Center  
LRA – Lord’s Resistance Army  
MINUSTAH – United Nations Stabilization Mission in Haiti  
MONUSCO - United Nations Organization Stabilization Mission in the Democratic Republic of the Congo  
OCHA – United Nations Office for the Coordination of Humanitarian Affairs  
POC – Protection of Civilians  
QRF – Quick Reaction Force  
SAF – Sudan Alliance Forces  
SIGINT – Signal Intelligence  
SPLA – Sudan Peoples Liberation Army  
SPLM – Sudan Peoples Liberation Movement  
SSPS – South Sudan Police Service  
SSR – Security Sector Reform  
TCC – Troop Contributing Country  
UAV – Unmanned Aerial Vehicle  
UNGA – United Nations General Assembly  
UNMIS – United Nations Mission in Sudan  
UNSC – United Nations Security Council  
UPDF – Uganda People's Defence Force

## INTRODUCTION

Following the July 9<sup>th</sup> secession of South Sudan, preventing violence against civilians in the new state and along its northern border will remain a priority — if not the primary challenge — for the international community. South Sudan is rife with conflict. The United Nations' top aid official in the South reported that 800 people have died in violence, and almost 94,000 people have fled their homes since the start of 2011.<sup>1</sup> The secession will raise, not lower, southern Sudanese expectations of the Government of South Sudan (GOSS), despite laws and institutions that are still ill-prepared to meet the challenge. Individuals, communities, militias, and political parties jockeying for resources and political power will be ready and eager to exploit the state's weaknesses.

The international community recognizes that this fragile internal situation and the ongoing tensions across a new international border with north Sudan constitute an ongoing threat to international peace and security, and that there is a need for the continued presence of an international peacekeeping force or political mission. As such, the UN Secretariat, UNSC Member States, the Government of South Sudan (GOSS), and many humanitarian and human rights NGOs are undertaking assessments, preparing planning documents, and considering the future role of a UN presence in the newest state in Africa. Chief among these considerations is whether and how to prioritize the protection of civilians among many other needs and objectives.

This report provides background on the precarious situation in South Sudan and recommendations in support of a multidimensional peacekeeping operation mandated to protect civilians.

The report does not provide a detailed mapping or prioritization of threats in South Sudan, a suggested number of troops, or force lay-down for the operation. Such work is best left to and is currently being undertaken by civilian and military planners and experts within the UN Secretariat and Member States. Rather, it offers operational considerations based on best practices, research, and recent policy developments to help stakeholders engage constructively in debates and discussions about the future operation.

### A FRAMEWORK FOR DECISION MAKING

- A UN peacekeeping operation could, and would be expected, to contribute to the protection of civilians in South Sudan.
- A UN peacekeeping operation would be one protection actor in South Sudan, contributing to broader national, bilateral, and multinational efforts to provide protection.
- The role of the UN peacekeeping operation should reflect a balance between the protection needs on the ground and the unique, but limited, contributions a peacekeeping operation can make to protect civilians compared to other actors.
- The UN peacekeeping operation's design and deployment should be appropriate to the threats posed to civilians and to the effect the peacekeeping operation hopes to achieve.
- Any new operation should incorporate lessons learned from UNMIS and best practices from other contexts to increase the probability of a new peacekeeping operation's ability to provide effective protection to civilians.

<sup>1</sup> "Over 800 killed in south Sudan since January," Agence France-Presse, 13 April 2011, accessed at <http://reliefweb.int/node/396158> on 26 April 2011.

The report concludes that the government of South Sudan initially will be unable or unwilling to provide protection to civilians. In fact, elements of the South Sudan security forces may continue to pose a threat to civilians for some time. A UN peacekeeping operation could reduce the threats to and vulnerabilities of civilians at risk, and in particular contribute to efforts to protect civilians from physical violence. Given the types of threats in South Sudan, a UN peacekeeping operation would need to be multidimensional to provide the broadest spectrum of resources for prevention and response. A political and civilian component could increase the operation's ability to prevent violence, when used in combination with a capable and robust military component authorized to use force to protect civilians under imminent threat. Although a peacekeeping operation should not be expected to protect all civilians at all times, a multidimensional operation would provide (a) eyes and ears capable of gathering information for prevention and response and (b) a modest, but significant, security force capable of undertaking some operations to protect civilians under imminent threat of physical violence.

Success of the peacekeeping operation, nonetheless, will hinge on incorporating lessons learned from UNMIS, best practices from other contexts, and new UN guidance. These lessons learned demonstrate that protection of civilians should be central to the mission planning process and the selection of mission leadership. Finally, the mission will have limits and as such, mission planners and UNSC Member States should choose carefully where a peacekeeping operation has a comparative advantage, and what is better left to other bilateral or external protection actors.

The report is organized in eight sections:

- I) Bridging the security gap
- II) Why protecting civilians is a priority for peacekeeping operations
- III) What protection of civilians means in the context of peacekeeping
- IV) Lessons learned from UNMIS
- V) Threats to civilians in South Sudan and implications for effective protection
- VI) A comprehensive approach to protection
- VII) The role of the military in protecting civilians
- VIII) Phasing, prioritization, partnering, and positioning

### **SUMMARY RECOMMENDATIONS**

This report recommends that a follow-on mission in South Sudan should:

- Be a multidimensional peacekeeping operation;
- Include protection of civilians as a priority objective in the mission planning, mandate, and deployment;
- Employ combined political, civil, and military approaches at the tactical and operational level to prevent/deter threats to civilians and stop escalations of conflict;
- Include a robust and mobile military component with Chapter VII authorization to use force to protect civilians under imminent threat;
- Develop and implement a mission-wide strategy to protect civilians; and
- Have effective leadership with a background and qualifications appropriate for a multidimensional operation with Chapter VII authority to use force in a protection crisis.

**QUESTIONS FOR UN SECURITY COUNCIL MEMBERS AND THOSE INVOLVED IN MISSION PLANNING:**

- Is protection of civilians (POC) treated as a priority objective in the technical assessment mission report, Secretary General's report, the UN Security Council Mandate, Mission Concept and the Concept of Operations (CONOPs)?
- Do these documents reflect analysis of current and potential threats to and vulnerabilities of civilians? Do they include an analysis or prioritization of which threats pose the greatest threat to civilians? Do they include worse case scenarios and address contingency planning?
- Research suggests that effective protection of civilians requires a “whole of mission,” or comprehensive approach that combines political strategy with civilian and military assets to prevent, deter, and respond to violence against civilians. Do the mission planning documents include a robust civilian and mobile/flexible military component that can carry out prevention, deterrence, and response?
- Have the mission planners considered scenarios in which the planned operation can prevent and/or respond to the threats included in the analysis? Which current and potential threats would likely be deterred by mediation and advice, and which might require a military response to stem an escalation of violence?
- Which threats will the new operation be able to address and which will be beyond its capabilities? What is the plan to address violence that escalates beyond the capability of the UN mission?
- Do the mission planning documents demonstrate how the mission’s assets can be applied in different combinations (various levels and roles for military and civil affairs) depending on the threat?
- How does the operation plan to work with external protection actors to augment its efforts to protect civilians, including communities under threat, NGOs, bilateral donors, and the GOSS?

## I) BRIDGING THE SECURITY GAP

When the Government of South Sudan (GOSS) gains independence, it will have the primary responsibility to protect civilians within its borders. Unfortunately, South Sudan's laws and institutions that will serve as the foundation for effective protection of civilians are still in a developmental phase. The interim and new constitution and citizenship laws are still being drafted and debated.<sup>2</sup> South Sudan's justice system is weak.<sup>3</sup> Its police force remains far under capacity and recently has been embroiled in an abuse scandal.<sup>4</sup> Even if the South Sudan Police Service (SSPS) was functioning effectively across South Sudan, many of the threats to civilians are beyond what a civilian police service — or even a well-trained gendarmerie — could be expected to confront. As such, the Sudan Peoples Liberation Army (SPLA) continues to serve as the dominant state security force for internal security. However, the SPLA also is in desperate need of a Disarmament, Demobilization, and Reintegration (DDR) program to right-size the army and professionalization including training, vetting, and appropriate equipping. Moreover, security sector reform must go beyond the individual troops and units to ensure that the institutions that oversee the security forces are transparent, accountable, and have procedures and capacities related to protection.

Building the capacity of a state to protect civilians can take many years, creating a security vacuum for many civilians at a time of pitched political transition and upheaval. The GOSS and the dominant ruling SPLM party are faced with the challenge of creating a more inclusive and open transitional and permanent government or face increasing political instability.<sup>5</sup> As demonstrated in East Timor in 2006 and Ivory Coast in 2010-2011, political transitions can catalyze wide-spread conflict and violence against civilians that can set back or nullify years of international diplomatic and development investment. A UN multidimensional peacekeeping operation could be designed and deployed to contribute to efforts to reduce conflict and the risks to and vulnerabilities of civilians during this time.

Why are multidimensional peacekeeping operations well positioned to help bridge the security gap? According to the "United Nations Peacekeeping Operations Principles and Guidelines," (hereafter referred to as the Capstone Doctrine), multidimensional operations are, "typically deployed in the dangerous aftermath of a violent internal conflict and may employ a mix of military, police, and civilian capabilities..."<sup>6</sup> Most are deployed to assist with the implementation of a peace agreement, but in some cases, they are deployed at the request of national governments to support transitions to legitimate government as would be the case in South Sudan.<sup>7</sup> In these situations, multidimensional peacekeeping operations are designed to assist governments, like the GOSS, to build capacity and legitimacy over time. Moreover, multidimensional peacekeeping operations are particularly well-positioned to contribute to the protection of civilians given their mix of capabilities. Research on best practices shows that effective protection by international actors requires a combination of political,

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<sup>2</sup> United Nations, *Report of the Secretary General on the Sudan*, S/2011/239, 12 April 2011, pp. 3-4.

<sup>3</sup> Human Rights Watch, "There is No Protection," February 12, 2009, available at <http://www.hrw.org/en/reports/2009/02/12/there-no-protection>, accessed on 28 April 2011.

<sup>4</sup> For a detailed description of the local justice system and SSPS in Sudan, and in particular in Jonglei (a region currently suffering from conflict), see International Crisis Group, "Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan," Crisis Group Africa Program Report N°154, 23 December 2009, pp. 15, and 19-20. For details of the abuse scandal, see United Nations, *Report of the Secretary General on the Sudan*, S/2011/239, 12 April 2011, pp. 17-18, and "South Sudan police academy mired in abuse scandal," CBSNews, February 24, 2011, accessed at <http://www.cbsnews.com/stories/2011/02/24/ap/world/main20035746.shtml> on 26 April 2011.

<sup>5</sup> For a detailed analysis of the challenges of political transition, see International Crisis Group, "Politics and Transition in the New South Sudan," Crisis Group Africa Report N°172, 4 April 2011.

<sup>6</sup> United Nations DPKO/DFS, "UN Peacekeeping Operations Principles and Guidelines," (Capstone Doctrine), 2008, p. 22.

<sup>7</sup> Ibid.

other civilian, and military resources.<sup>8</sup> Unlike any other actor, the UN has more than 10 years of experience deploying and leveraging the diverse capabilities of a multidimensional operation, and coordinating with external actors to protect civilians.

***With more than a decade of experience leveraging civilian and military resources, and coordinating with non-UN protection actors to achieve this objective, multidimensional UN peacekeeping operations are uniquely positioned to protect civilians while helping nascent government institutions assume their responsibilities over time.***

## II) PRIORITIZING PROTECTION IN PEACEKEEPING

The touchstone UN DPKO/OCHA commissioned study, *Protecting Civilians in the Context of UN Peacekeeping Operations*, and subsequent research highlight two important realities of modern peacekeeping. First, a UN peacekeeping operation's legitimacy<sup>9</sup> and credibility<sup>10</sup> is directly related to its ability to protect civilians.<sup>11</sup> This expectation of a credible level of protection exists whether or not a peacekeeping operation has been mandated to protect. Communities on the ground and around the globe should not expect peacekeepers to protect everyone all of the time. However, when the host state is unable or unwilling to protect its population, these communities do expect peacekeeping missions to contribute to the protection of civilians. Failing to protect could undermine the peacekeeping operation's credibility and as such, its ability to work toward other priority objectives and exit strategies.<sup>12</sup>

Second, a peacekeeping operation mandated to protect is asked to maintain a difficult balance between objectives. On the one hand, stakeholders expect the peacekeeping operation to protect civilians in an impartial manner. In other words, they expect the peacekeeping operation to take action because civilians are at risk or being abused, regardless of who is perpetrating the violence. This means that communities will expect the peacekeeping operation to take action if the host state is posing a serious threat. On the other hand, the peacekeeping operation is expected to maintain its strategic consent with the host state, and is often mandated to work with the host state to uphold its

<sup>8</sup> Alison Giffen, "Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks Against Civilians," Stimson Center, 2010, pp. 16-24.

<sup>9</sup> The Capstone Doctrine describes legitimacy in the following way, "Legitimacy. International legitimacy is one of the most important assets of a United Nations peacekeeping operation. The international legitimacy of a United Nations peacekeeping operation is derived from the fact that it is established after obtaining a mandate from the United Nations Security Council, which has primary responsibility for the maintenance of international peace and security. The uniquely broad representation of Member States who contribute personnel and funding to United Nations operations further strengthens this international legitimacy. So too does the fact that United Nations peacekeeping operations are directed by the United Nations Secretary-General, an impartial and well-respected international figure, committed to upholding the principles and purposes of the Charter. The manner in which a United Nations peacekeeping operation conducts itself may have a profound impact on its perceived legitimacy on the ground. The firmness and fairness with which a United Nations peacekeeping operation exercises its mandate, the circumspection with which it uses force, the discipline it imposes upon its personnel, the respect it shows to local customs, institutions and laws, and the decency with which it treats the local people all have a direct effect upon perceptions of its legitimacy." See United Nations DPKO/DFS, "UN Peacekeeping Operations Principles and Guidelines," p. 37.

<sup>10</sup> The Capstone Doctrine describes credibility in the following way, "Credibility. United Nations peacekeeping operations are frequently deployed in volatile, highly stressed environments characterized by the collapse or degradation of state structures, as well as enmity, violence, polarization, and distress. Lawlessness and insecurity may still be prevalent at local levels, and opportunists will be present who are willing to exploit any political and security vacuum. In such environments, a United Nations peacekeeping operation is likely to be tested for weakness and division by those whose interests are threatened by its presence, particularly in the early stages of deployment. The credibility of a United Nations peacekeeping operation is a direct reflection of the international and local communities' belief in the mission's ability to achieve its mandate. Credibility is a function of a mission's capability, effectiveness, and ability to manage and meet expectations." See United Nations DPKO/DFS, "UN Peacekeeping Operations Principles and Guidelines," p. 37-38.

<sup>11</sup> Victoria Holt and Glyn Taylor, with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks, and Remaining Challenges*. Independent study jointly commissioned by the DPKO and the UN Office for the Coordination of Humanitarian Affairs (OCHA), 17 November 2009, p. 22.

<sup>12</sup> Giffen, "Addressing the Doctrinal Deficit," pp. 25-30.



responsibilities to protect civilians over time.<sup>13</sup> As such, protection must be part of a political strategy that appropriately positions the peacekeeping operation to a) influence (and confront when necessary) host state practices that threaten civilians in the short-term, and b) partner with the government, in order to gradually hand over responsibilities to the government in the longer-term. If the peacekeeping operation is viewed as turning a blind eye to abuses or strengthening a state with abusive actors, it may undermine the peacekeeping operations credibility and further delay conditions that allow for exit.

***Given the likelihood that violence against civilians will continue or increase in South Sudan, research suggests that the protection of civilians should be a priority objective of any new peacekeeping operation.***

### III) PROTECTION OF CIVILIANS IN THE CONTEXT OF PEACEKEEPING

The concept of protecting civilians is used by a diverse community of actors within and outside of the United Nations. Confusion about what protection means and what is expected of peacekeepers has been one obstacle to peacekeeping operations' effective implementation of protection mandates.<sup>14</sup> At the request of the UN Security Council and the UNGA Special Committee on Peacekeeping, the Department of Peacekeeping Operations (UN DPKO) recently developed an Operational Concept on the Protection of Civilians (hereafter referred to as the Operational Concept) to clarify what the term entails in the context of peacekeeping. The Operational Concept is organized around a three-tiered approach:

- 1) Provide protection through a political process;
- 2) Provide protection from physical violence; and
- 3) Contribute to a protective environment.

The three areas of protection overlap and can be mutually reinforcing. An operation should be designed to contribute to each area. But taken together, these three areas are a tall order for any peacekeeping operation. The UN Security Council and those planning the operation will need to think carefully about which areas the UN should invest more resources in, how they will be sequenced, and what is better left to other actors. However, the second tier, protection from physical violence, may be one area that a peacekeeping operation can not avoid. As the Operational Concept asserts:

Although there is no inherent hierarchy between the tiers, the mission must ensure that it has taken all possible measures within its capacity to help the host authorities to protect civilians from physical violence when mandated to do so. Peacekeeping operations are generally the **only** international entity responsible for playing a direct role in the provision of protection from physical violence; in that regard, they have a unique responsibility among protection actors.<sup>15</sup>

<sup>13</sup> Giffen, "Addressing the Doctrinal Deficit," p. 24.

<sup>14</sup> Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, pp. 25-26.

<sup>15</sup> United Nations DPKO/DFS, "DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations," Spring 2010, paragraph 16, emphasis added.



Providing protection for civilians from physical violence is not only a unique responsibility, but also potentially the UN's greatest liability. Protecting civilians from physical violence is the most visible and tangible manifestation of a peacekeeping operation's efforts to implement its protection mandate. Given the serious threats of violence against civilians in South Sudan, this report will focus on how a multidimensional peacekeeping operation could leverage its diverse capabilities to fulfill this unique responsibility.

***New UN guidance asserts that multidimensional peacekeeping operations are generally the only international entity in a conflict or post-conflict setting that has a direct role in the provision of protection of civilians from physical violence and as such, peacekeeping operations have a unique responsibility.***

## APPLYING THE UN DPKO/DFS OPERATIONAL CONCEPT ON THE PROTECTION OF CIVILIANS TO SOUTH SUDAN

### A three-tiered approach to protection:

- **Protection through a Political Process:** Protection through a political process has two components: a) ensuring peace negotiations, processes, and implementation take into account justice and accountability, and b) through conflict management and reconciliation. In the context of South Sudan, the former would apply to unresolved issues with north Sudan as well as any new agreements brokered between the GOSS and other armed groups in South Sudan. The latter likely will play a larger role, given the GOSS will be making highly contentious decisions about the state's future, including agreeing on a new constitution. The fractious nature of the SPLM and SPLA, and tensions between tribes and parties over resources and political power, will be tested as the state works to establish itself and expand its reach.
- **Protection from Physical Violence:** The Operational Concept asserts that protection from physical violence, "includes preventive measures, such as political engagement with parties to the conflict by senior mission leadership, preventive tactical deployments of the peacekeeping force in areas where civilians are potentially at risk, as well as direct use of force in situations where serious international humanitarian law and human rights violations are underway, or may occur" (Operational Concept, para. 13). The Operational Concept outlines four phases of action: assurance and prevention, pre-emption, response, and consolidation. Best practices demonstrate that effective protection in each of these phases requires a comprehensive or "whole of mission" approach that leverages a combination of political, other civilian, and military resources. Existing and potential threats in South Sudan likely would require a peacekeeping operation to use a broad range of tactics, up to and including force, to protect civilians from physical violence.
- **Contribution to a Protective Environment:** Environment building includes the promotion of legal protection, facilitation of humanitarian assistance and advocacy, and support to national institutions. The new integrated peacekeeping operation could have a comparative advantage in supporting some of these environment-building efforts in South Sudan, such as facilitating humanitarian assistance (delivered by humanitarian actors), supporting police reform and disarmament, demobilization, and reintegration (DDR). However, given the number of challenges in South Sudan and the number of years that it will require to transform security forces and institutions, UNSC members and peacekeeping planners should consider carefully where it is able to contribute to this area of protection through the provision of technical assistance, and where it is more appropriate to leave the task to bilateral donors and other actors.

## IV) APPLYING LESSONS LEARNED

UNMIS has previously come under criticism for its failure to provide protection. UNMIS's track record raises important questions about whether and how a follow-on operation should be charged with protecting civilians. From its inception, a disconnect existed between the UN Security Council's expectation of UNMIS's role in protecting civilians from imminent threat, and UNMIS's capability and willingness to do so. A full analysis of UNMIS's history in the protection of civilians is beyond the scope of this report,<sup>16</sup> but at least five issues hindered UNMIS's efforts to provide protection in South Sudan and in the Three Areas:

- **Planning and Deployment:** UNMIS initially was designed and deployed to observe and monitor the CPA, not to provide physical protection to civilians.<sup>17</sup> As such, it wasn't tactically deployed in areas where actors posed the greatest threats to civilians, it didn't have the right mobility and assets to reach these areas, and/or it didn't believe it had the capacity to take action beyond CPA-related tasks and protecting its own forces.<sup>18</sup> Stakeholders also have asserted that caveats (written or unwritten) in memoranda of understanding with troop contributing countries (TCCs) or other restrictions from TCC capitals prevented peacekeepers from undertaking steps to protect civilians. Moreover, UNMIS lacked appropriate assets and systems for effective information gathering and analysis (intelligence). Situational awareness is critical to understanding, preventing, and responding effectively to threats to civilians.
- **Lack of a Comprehensive Strategy and Approach:** Although UNMIS was dedicating civilian resources to monitoring, planning and reporting on protection threats between 2005 and 2008, the operation lacked a strategy to determine how the military and police component could be used in combination with a political strategy and civilian assets to prevent, mitigate or respond to these threats. A 2008 Technical Assessment Mission report and subsequent Secretary General report recommended that UNMIS create an integrated strategy to leverage resources to fulfill its protection mandate. Such a strategy was not completed and/or implemented until 2009.<sup>19</sup>
- **UNMIS's North-South Presence:** From the time of its deployment, UNMIS's focus on the protection of civilians in the South and along the border was obscured by the situation in Darfur.<sup>20</sup> UNMIS headquarters are based in Khartoum, and its area of operation included areas in north Sudan. In the absence of a multidimensional UN mission in Darfur, UNMIS provided civilian support to protection activities in Darfur until these were handed over to UNAMID in 2008.<sup>21</sup> Although UNMIS had a protection of civilians unit that monitored threats to civilians, the military's inability or unwillingness to prevent or respond to threats, left the operation few sticks beyond naming and shaming (publicly or privately) the Government of Sudan (GOS), the GOSS and other armed actors. Naming and shaming had to be balanced against other priority objectives of supporting the implementation of the CPA and moving negotiations forward in Darfur. The GOS was particularly resistant to issues related to the protection of civilians.

<sup>16</sup> For a more detailed review of the history of UNMIS's protection efforts, see Case Study Three, pp. 315-336 in Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*.

<sup>17</sup> Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, p. 322.

<sup>18</sup> Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, pp. 324-332.

<sup>19</sup> See Case Study Three, pp. 315-336 in Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*.

<sup>20</sup> Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, pp. 317-324.

<sup>21</sup> Sara Pantuliano and Sorcha O'Callaghan, The 'protection crisis': A review of field-based strategies for humanitarian protection in Darfur, Overseas Development Institute, HPG Discussion Paper, December 2006, pp. 24-25.

UNMIS didn't increase its focus on its protection of civilians mandate until 2008, which was the same time that civilian displacement and death from violence increased as a result of north-south tensions, tribal violence, and LRA attacks.<sup>22</sup>

- **Lack of Guidance:** Until 2009, the United Nations had not developed guidance on what protection of civilians meant and what was expected of peacekeeping operations. This previous lack of guidance from UN headquarters meant that peacekeepers up and down the civilian and military chain of command did not know how to interpret and operationalize the mandate and rules of engagement to provide effective protection. In the case of UNMIS, the protection of civilians wasn't effectively integrated into the mission planning documents and directives. Although there were previous attempts to create security concepts (including protection) and/or protection strategies, UNMIS only recently finalized a mission-wide strategy on the protection of civilians in 2010.<sup>23</sup>
- **Leadership:** Given the above constraints, effective leadership would have been critical at the operational and tactical level to mobilize peacekeepers to leverage adequate resources, including the military component, to proactively protect civilians under imminent threat. Without the right mindset or the understanding of when they would receive backing from their superiors for actions taken or admonishments for failing to act, mission leadership and peacekeepers had little incentive to provide protection.

The combination of factors outlined above contributed to UNMIS's inability and/or unwillingness to adapt to a deteriorating environment for civilians in South Sudan and along the north-south border. Many of these obstacles to effective protection could be overcome in the planning and deployment of a new operation. A new peacekeeping operation in South Sudan could benefit from the following opportunities:

- The UN Secretariat could use this opportunity to ensure that the Integrated Mission Planning Process (IMPP), Mission Concept<sup>24</sup> and Concepts of Operations (CONOPs)<sup>25</sup> treat protection as an integral priority. Such a focus likely would change where and how civilian and military components are deployed. Moreover, a new mission plan with POC as a focus could provide the Secretariat with an opportunity to generate new, more appropriate forces and assets with fewer restrictions on their application.
- A shift of UN headquarters and leadership from Khartoum to South Sudan<sup>26</sup> will result in greater capacity to engage, support, and advise the GOSS. Furthermore, the GOSS may be initially less opposed to and/or more susceptible to international pressure to allow an international peacekeeping force's assistance in providing protection, than the GOS.
- Mission planners could leverage new guidance, best practices and lessons learned in mission planning documents. At the request of the UNSC and UNGA Special Committee on

<sup>22</sup> A Technical Assessment Mission visited UNMIS in February 2008 and identified a number of growing threats to civilians. Unfortunately, the TAMs recommendations had yet to be considered/implemented by the time clashes between the CPA parties occurred in Abyei (May 2008), displacing tens of thousands and razing Abyei town. See Holt, Taylor, and Kelly. *Protecting Civilians in the Context of Peacekeeping Operations*, pp. 326-332.

<sup>23</sup> United Nations Mission in Sudan, *UNMIS Protection of Civilians Strategy*, 1 November 2010.

<sup>24</sup> According to the IMPP Guidelines: "The main purpose of the Mission Concept is to provide political and operational direction, timelines and lead/supporting roles for priority activities to achieve the mission's mandate as provided by the Security Council. It should include the mission's priority tasks and related organizational and deployment structure." See United Nations DPKO, "IMPP Guidelines: Role of Headquarters, Integrated Planning for UN Field Presences," May 2009, para. 42.

<sup>25</sup> According to the IMPP Guidelines: "The objective of a component CONOPS is to link the mission mandate to the execution of key objectives such as, strategic intent, organization and deployment (including timelines), security/force protection, terms of engagement, administration and logistics, and command and control." See United Nations DPKO, "IMPP Guidelines: Role of Headquarters, Integrated Planning for UN Field Presences," para. 43.

<sup>26</sup> UNMIS, embassies, and donors have been augmenting their leadership presence in Juba, South Sudan in recent years, but this has not yet fully addressed the disparity of international presence between Khartoum and Juba.

Peacekeeping, the UN Secretariat has made laudable progress in developing the Operational Concept on the Protection of Civilians and subsequent Strategic Framework, which provides guidance on what protection means in the context of peacekeeping, and how a peacekeeping operation should develop a mission-wide or comprehensive strategy to protect civilians. Further, the Secretariat is developing pre-deployment and in-mission (scenario-based) training to help peacekeepers understand their options to protect and make quicker/more effective decisions in the field. Finally, many protection best practices from Sudan, DRC, and other contexts also have been identified, and can be nuanced and applied in South Sudan.<sup>27</sup>

- The UN Secretariat could identify and include qualifications and competencies relevant to the protection of civilians when selecting the new operation’s leadership. The UN Secretariat has considerable experience working with peacekeeping operation leadership in protection crises to identify what qualifications and competencies are desirable for the new leadership.

*The United Nations is more prepared than ever before to plan and deploy peacekeeping operations that can protect civilians, but the planning process should integrate new guidance, best practices, and lessons learned from UNMIS to avoid mistakes of the past. In particular, protection of civilians must be integral in the planning and deployment of the new operation and the selection of leadership.*

## V) THREATS TO AND VULNERABILITIES OF CIVILIANS IN SOUTH SUDAN

The UN cannot protect all of the people all of the time in South Sudan. This is the responsibility of the GOSS and even the best planned peacekeeping operation will struggle with constraints of limited resources, assets, and authorizations. When planning strategies and courses of action to protect civilians, the UN must consider:

- **Thresholds of Capability:** Given a UN peacekeeping operation is not authorized, designed, trained, or equipped to undertake a full range of offensive operations, it has to ensure that its actions do not unintentionally escalate a conflict beyond what the military component can handle.
- **Thresholds of Consent:** The peacekeeping operation has to maintain strategic consent with the host state to remain in the country, and secure other forms of consent with other parties and armed actors (to dissuade attacks against the UN and/or to operate in their area). As such, the operation will need a deep understanding of political and military affiliations and alignments to manage consent when undertaking protection actions.<sup>28</sup>

Within these constraints, the peacekeeping operation must plan and select courses of action for political, other civilian, and military components. These courses of action should:

- Reduce or end the threat posed to civilians;
- Decrease the vulnerability of civilians; and
- Anticipate and plan to mitigate potential negative impacts of an operation’s actions on the civilian population.

<sup>27</sup> The recent report of the Secretary General on Sudan mentions a number of initiatives undertaken by UNMIS to mediate conflicts posing risks to civilians, and deploy civilian and military assets to prevent and respond to threats against civilians. See United Nations, *Report of the Secretary General on the Sudan, S/2011/239*, 12 April 2011.

<sup>28</sup> Giffen, "Addressing the Doctrinal Deficit," pp. 30-35.

Each actor threatening civilians will have a different motivation or intent, a different capability to carry out the threat, and a different set of tactics. The populations at risk will have diverse vulnerabilities. Both the actors posing the threat to and the communities at risk will have different affiliations and alignments. The UN will need to plan carefully to identify what courses of action are appropriate to the threats it chooses to address.

Current and potential threats against civilians could be grouped into six categories in South Sudan:

- A) **North vs. South Violence:** The relationship between north and South Sudan will remain contentious. With issues concerning the border; Abyei still under negotiation; and populations, resources, and other armed actors moving over the border, there are justifiable concerns that the SPLA and SAF may engage in direct combat. These clashes may remain limited to border skirmishes and may not result in a return to full-scale conflict. Although the armed forces may not directly target civilians, similar clashes during the interim period have resulted in civilian deaths, destruction of civilian property, and displacement of thousands of civilians. North vs. South conflict may also be perpetrated through proxies. Many of Sudan's previous conflicts between the North and South, and in Darfur were waged through proxies that directly targeted civilians to accomplish their military and political objectives.
- B) **SPLA vs. Other Armed Groups in the South:** The SPLA is a conglomeration of former rebels and numerous militia groups that only sometimes fought on the same side. Many militias were never properly integrated in the SPLA, or are deserting and working outside the SPLA to confront the state. The SPLA and the other armed groups in south Sudan are poorly trained and disciplined, but well armed. Threats to civilians include hostilities between the armed groups that harm and displace civilians, direct targeting of civilians, and predation on the surrounding communities for resources. These clashes have already contributed to the death of hundreds and the displacement of thousands in 2011.<sup>29</sup>
- C) **South Sudan Security Force Abuses:** As stated above, the SPLA remains a poorly trained force, with poor command and control. Troops may not receive appropriate salaries, may be based in areas of rival tribes/communities, or may otherwise have motivations to extort resources from and otherwise abuse civilians. Moreover, the SPLA has been accused of using excessive force when undertaking policing and public order activities that escalate conflict with communities and/or otherwise committing human rights abuses, including extrajudicial executions, torture, destruction of civilian property, and looting.<sup>30</sup> The SSPS similarly has been accused of abuses.<sup>31</sup>
- D) **Inter-Communal Violence:** This can include a number of conflicts including tribal violence, cattle rustling, and disputes over other resources. These may be provoked by the communities or external actors, and may or may not be tied into larger political or military conflicts. Depending on the situation, actors involved in these disputes may be considered as armed civilians, not organized armed groups. Regardless, these clashes can contribute to thousands of

<sup>29</sup> For detailed and up to date information on conflict within and between the SPLA, militias, and other armed groups, see Small Arms Survey, "Sudan Human Security Baseline Assessment," at <http://www.smallarmssurveysudan.org> and United Nations, *Report of the Secretary General on the Sudan*, S/2011/239, 12 April 2011.

<sup>30</sup> Human Rights Watch, "There is No Protection," February 12, 2009, available at <http://www.hrw.org/en/reports/2009/02/12/there-no-protection>, accessed on 28 April 2011. See also Human Rights Watch, "South Sudan: Improve Accountability for Security Force Abuses, Leaders of New Country Should Build Respect for Rights, Rule of Law," February 8, 2011.

<sup>31</sup> *Ibid.* See also United Nations, *Report of the Secretary General on the Sudan*, S/2011/239, 12 April 2011, pp. 17-18.



deaths per year and, if not addressed, contribute to ongoing cycles of violent retaliations.

- E) **Community Violence:** This is violence that occurs within a community targeted against a segment of that community or against individuals, for example sexual violence against individuals or revenge killings. These threats likely would require a police response versus a military one, but there may be cases where the SSPS is not present and/or the violence escalates beyond what the police can handle.
- F) **Foreign Armed Actors:** The most prominent threat in this category is the Lords Resistance Army, which directly targets communities in South Sudan, abducting community members, looting, killing, maiming, and destroying property along the way. Other groups from neighboring countries (including north Sudan) may also choose to harbor in South Sudan. Unless politically motivated to enter into domestic disputes, these actors primarily target civilians for resources, rather than contestation and control of state monopoly/allocation of power and resources.

A full analysis of actors within each category and how they overlap, appropriate courses of actions, and possible negative consequences that the peacekeeping operation would need to plan for is beyond the scope of this paper.<sup>32</sup> Nevertheless, a quick look at the current conflict dynamics illustrates how different threats will require tailored responses.

A combined monitoring and mediation team (joint protection team or larger combined presence) may be adequate to prevent or deter retaliation attacks in inter-tribal conflict, if the dispute is over community land and resources, involves small arms and untrained armed civilians, and is not intertwined with national-level political and military disputes.

However, such a response would be inappropriate to deter casualties and displacement that could result from clashes between the SPLA and well-armed (sometimes well-trained) rebels and militias that are challenging the legitimacy of the state for political power or resources. This threat likely would require political mediation at the tactical, operational, and perhaps strategic levels, as well as a robust military presence<sup>33</sup> to deter military clashes at the tactical level. Even if the UN is not able to interpose itself between the two actors to deter an escalation of conflict, it might be able to provide other protection to civilians and/or deter raiding, looting, and destruction of civilian property once the clashes have subsided or moved on.

The LRA presents a particular challenge because it purposely targets civilians, using violent tactics as a survival mechanism. As such, negotiation likely is not an option, and the operation would need to determine whether it is going to limit its activities to monitoring LRA activity in order to share intelligence with other regional actors addressing the threat, or whether it can deploy a military

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<sup>32</sup> A forthcoming publication by Max Kelly outlines how center of gravity analysis can be applied to POC. Max Kelly, "Military Planning to Protect Civilians." Stimson Center, forthcoming 2011.

<sup>33</sup> According to the Capstone Doctrine, a robust peacekeeping operation "...involves the use of force at the tactical level with the consent of the host authorities and/or the main parties to the conflict, peace enforcement may involve the use of force at the strategic or international level, which is normally prohibited for Member States under Article 2 (4) of the Charter unless authorized by the Security Council." (United Nations DPKO/DFS, "UN Peacekeeping Operations Principles and Guidelines," p. 19.) Robust does not refer to the number of troops, but the authorization to use force to protect civilians under imminent threat, a leadership willing to employ a spectrum of actions up to and including force to protect civilians, and the troops and assets that enable a force to use force effectively.



presence to try to deter the threat. In either case, the operation should be considering how its actions might help or hurt regional strategies to disband the LRA.<sup>34</sup>

Even this cursory glance at current threats in South Sudan illustrates that assessment reports and mission planning documents should demonstrate how various resources within a multidimensional peacekeeping operation could be leveraged to address diverse threats.

***Many threats in South Sudan are posed by actors that may not be amenable to civilian mediation, negotiation, or political pressure alone, but may be deterred by international forces that have the capability to respond decisively in self-defense or defense of the mandate. An international military presence also may be helpful in mitigating threats to civilians caught in the crossfire. In either case, military action at the tactical and operational level may be able to prevent an escalation of conflict and violence against civilians.***

## VI) LEVERAGING CIVILIAN AND MILITARY ASSETS, A COMPREHENSIVE APPROACH

Best practices provide evidence that effective protection of civilians from physical violence requires a “whole of mission” or comprehensive approach nested under a political strategy.<sup>35</sup> Such an approach includes the appropriate application of civilian *and* military assets through four phases of assurance and prevention, pre-emption, response, and consolidation.<sup>36</sup> The UNSC and mission planners should apply and augment best practices from DRC and other protection crises that employ a comprehensive or combined approach to protect civilians.

### ***What would a combined or comprehensive protection presence look like?***

- The civilian component could include human rights officers; civil affairs officers; and police monitors, advisers, and mentors. The makeup should be determined primarily by the needs of the location.
- The military component should be determined by the level and type of threat. In areas of low risk, it may include a military advisor/observer and force protection. In areas of high risk, it may include a company operating base that can be reached within a few hours by a quick reaction force for back-up or extraction.
- Community liaisons (per MONUSCO) could be hired to understand community protection needs/priorities and help manage their expectations about what the UN can and can't do. Moreover, if the military and civilians have high turn over (rotating for R&R from field positions and/or regular rotations of military troops), the liaisons could help maintain continuity with the community at risk.
- An intelligence capacity is critical to effective prevention (especially early warning) and response. As such, each combined presence should have an intelligence cell or Joint Military Analysis Center (JMAC) that synthesizes information from the different components, and pushes and pulls this information between the operational and tactical level and, where appropriate, with external protection actors.

<sup>34</sup> Other actors are working within and across borders to address the LRA threat. These actors include, but are not limited to, the SPLA, the FARDC, UPDF, MONUSCO, and BINUCA.

<sup>35</sup> Giffen, “Addressing the Doctrinal Deficit,” p. 22.

<sup>36</sup> United Nations DPKO/DFS, “DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations,” Spring 2010, paragraph 19.

- In addition to the outreach by the actors outlined above, the combined presence should have an information operation strategy that gets information out to communities at risk about what the UN can and cannot do to protect them.

The UN could deploy combined protection teams operating at sector or state headquarters (HQ), each providing monitoring and conflict prevention and response coverage for several counties and payams. This would require significant mobility and quick reaction forces (QRFs) based at sector/state HQ to provide reinforcements and/or extraction during crises. Where the mobility is not possible or in areas beyond HQ that require additional attention, combined teams could coincide with company operating bases, temporary operating bases, and/or act as mobile joint protection teams. Where and how these combined teams are deployed should be determined by the prioritization and phasing that would initially be included in the CONOPS, and later in the mission-wide protection strategy. Such a strategy should include courses of action designed to address the specific threats in the area of operation.

***Best practices from the field suggest that combining civilian and military assets provides the UN with the broadest spectrum of tools to prevent and respond to diverse and evolving threats to civilians.***

## VII) THE ROLE OF THE MILITARY IN PROTECTING CIVILIANS FROM PHYSICAL VIOLENCE

The military component of a peacekeeping operation can augment the operation's situational awareness and range of options to prevent and respond to violence.

***Information Gathering and Analysis (Intelligence):*** The military component augments the UN's eyes and ears. Military actors usually are trained to gather and synthesize information on conflict dynamics. Military actors will often identify different indicators of potential conflict and threats than civilian components. Moreover, civilian personnel are often not cleared to travel to or be based in the very areas that may be most prone to conflict due to security concerns. Military can either offer force protection to civilian personnel to travel to and be based in these areas and/or conduct information gathering themselves. Understanding the threat to and vulnerabilities of civilians is critical to shaping prevention and mediation initiatives, and is particularly important in planning pre-emption and response actions. Without such information, the UN will remain reactive and may undertake actions that increase the risk to communities under threat, put UN actors at risk, and/or unnecessarily risk strategic consent of the host state government.<sup>37</sup>

***Deterrence:*** How does the UN persuade actors that pose threats to civilians to change their behavior? Traditionally, a peacekeeping operation has relied on a mix of carrots and sticks. The carrots include contributing to the political legitimacy and credibility of the actor, negotiating wins for the actor during mediation, or offering development dollars and capacity building. The sticks include two forms of deterrence — direct and indirect.<sup>38</sup> When a peacekeeping force has a military component that has the ability to act beyond force protection, the UN can use that component to deter bad actors at the tactical and operational level. This can be done through patrols, interposition, search and seizure, and

<sup>37</sup> The Secretariat could request TCC to include intelligence cells or capabilities within battalions and companies. Further, the new operation could ensure that JMACs are functioning at the sector and operational level.

<sup>38</sup> Max Kelly, "Military Planning to Protect Civilians." Stimson Center, forthcoming 2011.

other activities.<sup>39</sup> Direct deterrence at the tactical and operational level can help stem crises before they escalate into wide-spread and systematic violence. In order for direct deterrence to work, the military component must be willing and able to use force to protect itself and implement the mandate when challenged. It's the threat of force, even if used as a last resort, that will deter some actors at the tactical level.

If direct deterrence fails, is inappropriate, or insufficient to the threat, the UN relies on indirect deterrence at the operational and strategic levels. This may include prosecution at the national level or the threat of sanctions, the International Criminal Court (ICC) and/or other supranational courts, and the loss of international credibility and legitimacy. Whether direct and/or indirect deterrence will be more effective depends on who is posing a threat to civilians, why, and how.

***Mentoring and Advising:*** UN military advisers and observers can contribute to intelligence activities and indirect deterrence. In the case of an imminent threat to civilians, the advisory role is limited primarily to providing state security forces with a range of alternative options or courses of action that pose less threat to civilians. This may work in some cases if the advisers are embedded in the state security forces at the operational and tactical level, but has limited applicability with non-state actors. Moreover, UNSC members, bilateral donors, and mission planners will need to determine whether UN or bilateral military advisers would be most effective in this prevention role. Advisers from bilateral donors providing security and development assistance may have more sway with state armed forces.

***If designed and deployed effectively, the military component could significantly increase and improve the new operation's situational awareness, which is critical to prevention and response. A robust military component could also augment the new operation's range of action, allowing the UN to employ both direct and indirect deterrence at the tactical level before crises escalate.***

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<sup>39</sup> These tactics have been employed by peacekeeping operations in DRC, Sudan, and Haiti to successfully deter (or compel to stop) state and non-state actors posing an imminent threat to civilians. See Max Kelly, "Military Planning to Protect Civilians," Stimson Center, forthcoming 2011. Section 4, "The use of force in peacekeeping."

## CRITICAL REQUIREMENTS TO EFFECTIVE CIVIL-MILITARY PROTECTION

### Communication, Information, and Intelligence:

- **Information-Gathering Systems and Protocols:** These seek to ensure collection procedures do not increase the vulnerability of communities at risk or the individuals/organization providing the information, and that appropriate information is shared with external protection actors.
- **Intelligence Resources and Assets:** At minimum, UN combined and/or military presence should have human intelligence (HUMINT) capabilities. Signal intelligence (SIGINT) and other intelligence capabilities (e.g., UAVs) are highly desirable.
- **Intelligence Cells:** Once information has been gathered, it must be analyzed. Intel cells and JMACs are responsible for ensuring that intelligence is moving vertically between the tactical, operational, and strategic levels, and horizontally across the operation. Ideally, cells and/or JMACs would exist at the sector and battalion levels (and company level in high-risk areas).
- **Communication Capability:** Communication technology and systems are particularly important when conducting long-range patrols, fixed company operating bases, and temporary operating bases.
- **Community Engagement:** Interpreters and community liaisons are critical to engaging the community in prioritizing protection threats, understanding the conflict, and managing expectations.
- **Public Information Operations:** Not to be confused with information gathering and analysis, the operation should have information dissemination strategies at the operational and tactical level to raise awareness about the role and limits of the UN, to dispel inaccurate rumors, name/shame bad actors (when appropriate), or inform of other tacit threats. Information operations may also include strategies to deter armed actors posing a threat to civilians (eg. broadcasting DDR opportunities in LRA affected areas).
- **Early Warning Systems:** Peacekeeping operations could use cell phones, satellite phones, and radios distributed to communities at risk to create early warning systems.

### Flexibility and Mobility for High-threat Environments:

- Teams should have the ability to operate 24 hours a day.
- Airlift and other air assets are critical for optimum mobility, but in high demand and low supply.
- TCCs should be prepared to deploy fixed company operating bases that can be self-sustaining for an appropriate amount of time, temporary operating bases (one, four weeks, self-sustaining), and long range company or platoon sized patrols within their AOR.
- It's desirable that TCC battalions are configured to allow flexible deployments, extensive patrolling, and/or deployment in support of civil-military protection teams, and detachments of smaller units for extended periods of time.
- Battalions in high-threat/risk areas should task organize (for example, have one company that is able to act as) a quick, reaction force within the battalion AOR.
- Special forces that are able to respond quickly to high-threat/risk areas also have proven useful in MONUSCO and MINUSTAH.
- Adequate medical support and CASEVAC would be needed to support UN military and civilian personnel, and, where appropriate and feasible, treat civilians injured in violent conflict.

### Considerations for Planners and Stakeholders:

- The overall number and quality of troops and assets of the operation at each location should be determined by the level and kind of threat to civilians, and the effect that the operation wants to have in that area.
- Tactical mobility, flexibility, and quality of troops should be prioritized over the overall number of troops on the ground. If planners seek to deploy a medium-sized force (around 10,000), this should include troops equipped with force multipliers (greater intelligence, surveillance, reconnaissance, intel-analysis capacity, rapid-reaction forces, etc.).
- Planners should consider whether building on existing UNMIS infrastructure is appropriate to the strategy, or whether the infrastructure will require significant alteration or the creation of entirely new infrastructure. Such evaluation should not only include cost, but also impact on the viability of the mission CONOPs.

## VIII) PHASING, PRIORITIZING, PARTNERING, AND POSITIONING

As mentioned above, a peacekeeping operation will not have the capacity to contribute the same level of resources to every tier of protection, nor should it. Even within the tier of providing protection from physical violence, the peacekeeping operation won't be able to address every threat across the vast geography of South Sudan. As such, the new peacekeeping operation will need to carefully prioritize and phase the deployment of its resources, partner effectively with other bilateral donors, and position itself carefully with the host state government.

**Phasing:** The Mission Concept, CONOPs and the mission-wide strategy on POC should include a phased strategy that takes into consideration the needs on the ground, the peacekeeping operations constraints, the role and capabilities of other protection actors, and the operation's end-goal of transition and exit. The phases may include target dates for completion, but that actual transition from one phase to the next should be determined by benchmarks and indicators of progress, rather than time. Given current and potential threats, the initial phase would require a considerable investment by the peacekeeping operation in protecting civilians from physical violence. As the state demonstrates its ability and willingness to protect civilians, the peacekeeping operation could move to subsequent phases and decrease its allocation of civilian and military resources to this area.

**Prioritizing:** Initial planning should include a prioritization based on which threats pose the greatest risk to civilians, and where the UN has a comparative advantage to address the threat. An analysis of greatest threats should be included in the Technical Assessment Mission and the Secretary General's reports (in a more general form). Going forward, the operation could work with external protection actors to help determine the areas of greatest threat to civilians as done by MONUSCO in the DRC. Although external actors' prioritization isn't the only factor that the UN has to take into consideration in mission planning, external actor input could help the operation to decide where, when, and how to deploy.

**Partnering:** The UN would be one actor providing protection in South Sudan. The host state government, bilateral donors, national and international NGOs, the media, and vulnerable communities often contribute to protection in different contexts. The peacekeeping operation should at minimum communicate with these actors and, where appropriate, coordinate and partner with them. For example, bilateral donors may best be placed to lead on security sector reform. Bilateral military advisers — one potential SSR activity — may be allowed to work within the SPLA, in areas where the UN is not deployed or in areas where the SPLA refuses UN presence. If there is a significant risk to civilians in these areas, the peacekeeping operation could apply appropriate pressure to the GOSS and SPLA at the strategic and operational level to change course. At the same time, the peacekeeping operation could coordinate with bilateral donors to apply additional pressure at the strategic and operational level, as well as use bilateral military advisers at the tactical level to discourage such actions and offer alternative approaches.

**Positioning:** A very challenging aspect of modern peacekeeping is in striking the right balance between mandated objectives to strengthen, and to extend state and civilian institutions, and the objective to protect civilians from physical violence. The former requires partnering appropriately with

the state to build their capacity and will to protect civilians. The latter requires the peacekeeping operation to provide protection in an impartial fashion — protecting people from abuses regardless of who is perpetrating them. In South Sudan, this will require the peacekeeping operation (publicly or privately) to confront the state when its actions pose a threat to civilians. This does not imply that the peacekeeping operation would address threats posed by the state and by non-state actors in the same way, but it does imply that the peacekeeping operation has to find effective ways to dissuade the host state from policies and practices that threaten civilians and hold them accountable when deterrence fails. The peacekeeping operation should assess each situation to determine a) whether a political and/or military response at the tactical or operational level could risk strategic consent, and/or b) whether inaction at the tactical and operational level risks the operation’s credibility and legitimacy.

***The new peacekeeping operation will need to carefully prioritize and phase the deployment of its resources to protect civilians from physical violence; partner effectively with other protection actors, including bilateral donors to augment its reach and influence; and implement its protection mandate impartially, which may include confronting the host state government when it poses a serious threat to civilians.***

## CONCLUSION

Violence against civilians in South Sudan will continue, the GOSS is not yet capable of protecting civilians from serious threats, and a UN peacekeeping operation could help bridge the security gap by preventing and responding to physical violence against civilians. Given the type of threats to civilians in South Sudan and best practices elsewhere, this report recommends that a follow-on mission in South Sudan should:

- Be a multidimensional peacekeeping operation;
- Include protection of civilians as a priority objective in the mission planning, mandate, and deployment;
- Employ combined political, civil, and military approaches at the tactical and operational level to prevent/deter threats to civilians and stop escalations of conflict;
- Include a robust and mobile military component with Chapter VII authorization to use force to protect civilians under imminent threat;
- Develop and implement a mission-wide strategy to protect civilians; and
- Have effective leadership with a background and qualifications appropriate for a multidimensional operation with Chapter VII authority to use force in a protection crisis.

Stakeholders will be asked to grapple with at least four critical challenges beyond those addressed in this report. First, the GOSS, like many other governments will be wary of an international military force being deployed within its borders with a mandate to protect civilians, regardless of who is posing the threat. Given the size of the SPLA, the GOSS could make the argument that it has the capacity to protect its borders and its people from threats. Unfortunately, the SPLA’s former and current tactics have contributed to civilian casualties, displaced populations, and restricted the movement of UNMIS and humanitarian actors to access some areas of conflict. Moreover, some actors within the SPLA reportedly have perpetrated abuses. As such, the UN, donor countries with significant investments in

South Sudan, and neighboring countries likely will have to undertake extensive negotiations to convince the GOSS that a foreign military presence is in the interest of long-term stability.

Second, withdrawing, deploying, or redeploying a peacekeeping operation could take one year or longer. The mission planners will have to think carefully about how UNMIS will transition to a new follow-on operation in a way that doesn't exacerbate security gaps. Third, conflicts between north and South Sudan or within South Sudan could escalate beyond the capability of any UN peacekeeping operation. The international community will need to consider whether it has the will and capacity to deploy additional bilateral, regional or multilateral military power to prevent or respond to crises as it has done in other contexts. Finally, this report does not address the serious security gaps that would exist along the border and in north Sudan if the Government of Sudan follows through on its request for UNMIS to withdraw from north Sudan following the secession. A number of UN, regional, multinational, or bilateral solutions are being considered and may be appropriate in a monitoring and observation role if UNMIS civilian and military presence is withdrawn.