# Back on their feet:
# The role of PoCs in South Sudan and the potential for returning 'home'.[1]

Simon Harragin and the Conflict Sensitivity Resource Facility

Civilians have been residing in the bases of the United Nations Mission in South Sudan (UNMISS) since 2013. Both UNMISS and humanitarian agencies in the country are determined to find a lasting solution to the challenges posed by their presence in these Protection of Civilians sites (PoCs). However, it was due to the agency of fleeing civilians that PoC sites were created in the first place and ensuring that the outlook of PoCs residents is taken into account in any decisions that are made on their behalf is critical. In March 2020, CSRF commissioned research that found that security and Housing Land and Property (HLP) issues were the main drivers of flight to the PoCs in the first place and are the main reason, together with concerns about potential spoilers to the peace process, for residents wanting to remain. On the 4 September 2020, UNMISS declared its intention to withdraw from PoCs, representing a rupture with the pragmatic programming model of the last seven years, and reflecting a shift by UNMISS to reemphasize the deployment of forces to the huge hinterland of South Sudan. Withdrawing from PoCs, particularly Malakal and Bentiu, risks potentially threatening, rather than promoting, the implementation of the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS). As the current research notes, while free to come and go to home areas, often within walking distance of PoCs, residents express their agency by choosing to remain in PoCs at night. This was due to the security they provide rather than due to humanitarian assistance. UNMISS has recently shown a willingness to address the drivers of local-level conflicts, and thus demonstrate that it is not just the visible symptoms of conflict (such as the presence of PoCs) that need to be addressed, but the more profound malady of not yet having in place a unified government that provides security for all its citizens. As soon as that issue has been addressed and UNMISS security provision is no longer needed, PoCs residents will, in the manner of their coming, get back on their feet again and return home. Until that challenge is overcome, UNMISS provides a valuable service that it should hesitate to abandon.

## Introduction

On the 4 September 2020, the Special Representative of the Secretary General (SRSG) in South Sudan announced in a press conference that UNMISS had begun to 'progressively withdraw its troops and police from the Bor and Wau PoCs', and to redesignate the sites 'no longer PoC sites but camps for internally displaced people (IDP) under the jurisdiction of the government' (UNMISS 4 September 2020). Later on in September UNMISS also removed its troops and police from the Juba PoC site. This marks a major shift in the UNMISS position on an issue of critical important to peace and conflict dynamics in South Sudan. The analysis included in this report, conducted before the announcement was made, seeks to contribute to an ongoing discussion on the transition process and timelines for UNMISS withdrawal from the Bentiu and Malakal PoC sites as well.

Research for this paper is based on 15 in-depth interviews and 3 Focus-Group discussions carried out in Malakal in 2018, and 21 interviews and 3 FGD's in Malakal in March 2020. It also draws on 20 interviews and 5 FGD's carried out in Juba. Part of the research was based on a questions checklist specifically on PoCs while the rest was based on a checklist that was part of a wider CSRF study on livelihoods. While interviews were semi-structured, they were conducted by experienced

practitioners with the objective of putting informants at ease, maximising 'rapport', minimising leading questions and following up unexpected information. Interviews were triangulated with field observations and cross-checked with an extensive literature review, which allowed checklists to be iterative and develop in complexity as fieldwork progressed, as opposed to standard questionnaires which are fixed. The ethnographic methodology used allowed the research to ascertain the multiple viewpoints on the PoCs and to render faithfully possible contradictory institutional narratives on the issue.

This report adopts a conflict sensitive lens to examine the issue of PoCs. It aims to illustrate how policies regarding PoCs require a context-specific analysis as well as an understanding of how decision-making on behalf of UNMISS and humanitarians can have conflict-related implications. It begins with a description of the context in which the PoCs were established, followed by an analysis of how this evolved in the Malakal PoC site. The site-specific conclusions feed into a breakdown of the institutional thinking behind the 4 September 2020 announcement, examining how the decision will impact on peace and conflict dynamics, before making recommendations on how to operationalize a conflict-sensitive approach with regard to the future of PoC sites and a process for any future roll-out of the transitions process.

Like all peacekeeping operations, UNMISS operate in an area of competing interests between, at one end, the sovereign government of South Sudan and, at the other end, the UN Security Council, to whom UNMISS reports. The Government of the Republic of South Sudan (GRSS) feels that the very presence of peacekeepers puts into question their legitimacy and authority. UNMISS continues to be put under pressure by the GRSS - the June 2020 quarterly report of the Secretary General described 75 violations of the status-of-forces agreement by the GRSS, with the latest denial of access incident occurring in September 2020 when 92 Ethiopian and Nepalese peacekeepers tried to reach Lobonok (UNSC 2020:14; Radio Tamazuj 8 September 2020). Meanwhile Security Council members have their own budgetary considerations, which influence the capacity of UNMISS to affect its mandate, as well as geopolitical agendas, evident for example, when they debate the impact of sanctions and the arms embargo in South Sudan. Added to this, the politics of the countries that provide peacekeeping troops for DPKO operations and the force-caveats that they apply to their engagement in active operations must be considered. As if this were not enough, in 2020 the COVID-19 crisis has come along to make an already difficult situation even more complex.

All this can end up leaving the peacekeeping mission feeling they are being criticised from all sides for being unable to act independently and decisively. Faced with an upturn in 'localized' or 'sub-national' violence across South Sudan, it is understandable that UNMISS wanted to demonstrate – both to the GRSS and the UNSC - that they would take action to address growing insecurity in Jonglei, Warrap and Greater Equatoria where people's lives were 'in immediate danger', by redeploying troops from the PoCs where UNMISS assessed the security risk to be low (UNMISS, 4 September 2020). This report addresses the respective roles and responsibilities of UNMISS and the government of South Sudan in addressing insecurity, as well as the UNMISS assessment that the security risks are low in the areas from which PoC site residents originate. Given the ambiguity towards PoCs that many senior staff in UNMISS have expressed in interviews for this research, it is not surprising that closure of the PoCs is being called for. Pendle (2020) refers to such calls in 2015, then in 2018, and now in 2020 as being 'episodic'. We examine below why such closures are called for, especially now, and why camp populations resist them.

## The PoCs Context

Neither the fleeing population, nor the UNMISS peacekeepers that watched them arrive in December 2013, expected that the Protection of Civilian Sites in South Sudan (PoCs) would still be in existence

almost seven years after they were established.[2] The original flight of civilians into UNMISS camps was not actively facilitated or encouraged by UNMISS but, as Deputy SRSG Toby Lanzer described to Arensen, civilians overwhelmed UNMISS bases by climbing over closed gates which were only subsequently opened (Arensen 2016:19). However, those gates then remained generally 'open' throughout the next seven years, and throughout the upturn in fighting in 2016, receiving additional individuals seeking protection under a reinforced protection component to the UNMISS mandate. Lanzer goes on to explain "UNMISS looking after people on its bases is, if you will, protection of civilians in action …and UNMISS should be proud of it". A decision was taken which undoubtedly saved tens of thousands of lives, but did not include an exit strategy, meaning it could be described as 'both the UN's best idea and its worst idea in South Sudan' (Sullivan 2019:4).

The outbreak of the civil war in December 2013 forced the Security Council to adapt the mandate of UNMISS to better reflect the new protection role that it had now taken on - rendering its original state-building mandate obsolete (Murphy 2017:375). UN Security Council Resolution 2155 represented a marked change in strategy for UNMISS, transforming the mission from a 'relatively standard form of UN intervention' that emphasised 'state-building' and co-operation with the government, to one that put Protection of Civilians as its primary goal (Giffen et al 2014:8). The current mandate dedicates more than half of its length to detailing tasks related to its Protection of Civilians role, with other tasks making up the rest including: to create conditions for delivery of humanitarian aid, supporting the implementation of the Revised Agreement and the Peace Process(R-ARCSS), and monitoring and investigating human rights (UNSC 2020b:7). There is considerable potential for mission overstretch in such a mandate. Meanwhile the UNSC defers to the SRSG to interpret what is meant by protecting civilians 'within its capacity' leading to ambiguity as to what is and isn't within its capacity (Holt 2005:114).

## Malakal Case Study

### *Malakal Conflict Dynamics*

The town of Malakal and its PoC site represent a microcosm of the issues that are faced by the rest of South Sudan, and while the PoC site has a different local dynamic and history than the other sites, there are many commonalities that make it pertinent to the transition debates in other locations. It was previously a melting pot of different ethnic groups, but now its identity is very much defined along ethnic lines. This process really took off after 2004 according to Craze (2019: 25)[3] in a process that has made land and territory the most explosive issue in Malakal and culminated in the division of the multi-ethnic Upper Nile State into five largely ethnically-defined states in 2017.[4] Malakal had already changed hands multiple times during the war, leaving the town in ruins, much of the population in the PoC site and the population of Malakal town only 9% of its pre-conflict size (Craze 2019:37; IOM 2018:1).

All sides remain very suspicious of one other with the R-ARCSS being deadlocked for months over the allocation of States. People are still uncertain about how the Revitalised Transitional Government of National Unity (R-TGoNU) will turn out in Malakal, and the future is by no means certain - as the long negotiations to choose a Governor for Upper Nile State have made clear. Johnson Olony has received strong support amongst the Shilluk because he emphasised the land issue, and many of the PoC site

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[2] On April 9 2013 UNMISS released a policy document on the flight of 5000 civilians into an UNMISS base in Wau, that envisaged that in any future event of a similar nature an alternative to protecting civilians in UN bases would be found if the crisis lasted more than a few days - UNMISS (2013:6) quoted in Arensen (2016:16)

[3] Craze (2019:25) In 2004 a decision was made to accord 4 ethnically-defined counties under Shilluk former commanders as commissioners, a move disputed by ethnic Padang Dinka.  Craze goes on to describe how Padang Dinka had previously been used to sharing territory with the Shilluk rather than having exclusive rights, but once Nagdiar and Malakal counties were declared Shilluk, Craze suggests it was a natural progression to dispute this and declare them as Dinka rather than shared.

[4] Craze (2019:61) – the 5 States were Northern Upper Nile, Central Upper Nile, Fashoda, Maiwut and Latjor – later reunited as Upper Nile in February 2020.

residents report being supportive if he is chosen as Governor. He defected to SPLA-In Opposition (SPLA-IO) in May 2015 with his Agwelek militia, and was SPLA-IO's proposed candidate for the governorship of Upper Nile in its list presented on 24 June 2020. However, his name was not present on the list of Governors announced on 29 June 2020 (Sudan Tribune 2020; Small Arms Survey 2020:6), allegedly due to protests from the Padang Dinka, the group that gained the most from the removal of Shilluk from virtually the whole of the East Bank of the Nile and their displacement into the PoC site (their only remaining and highly significant foothold on the East Bank). Whoever is appointed, land will be the first item waiting in their in-tray.

This suspicion between ethnic groups[5], is also mirrored at the grassroots level: for example, a campaign conducted by UNMISS and humanitarian agencies in March 2020 to clean dangerous metal wreckage and metal girder posts that litter Malakal was interpreted by those in the PoC site as 'looting'. Suspicions however work both ways, with a Dinka trader in Malakal town who was a former army officer, reporting thinking that NGOs were only providing assistance to the PoC site population, stating 'they're in a different country'.[6] A Nuer man living in Malakal town, with a Dinka mother and a Shilluk wife, described how residents of the PoC site had a 'bad agenda' and were waiting on the orders of their politicians, and were thus vulnerable to any inflammatory statement from those politicians. He ended the interview by describing menacingly how the UN 'wouldn't be around for ever to defend the PoCs population'.

Livelihoods in Malakal town are precarious, and many people are jobless. UNMISS notes that a large number of residents leave the PoC site on a daily basis to seek livelihoods opportunities but these individuals all return to the safety of the PoCs at night. The economy in Malakal town, though, will need to become much more vibrant if it is to provide livelihood opportunities for permanent returnees, and the infrastructure (e.g. water and electricity) and services (e.g. Health and Education)[7] will also need to be rehabilitated. The Japan International Cooperation Agency's (JICA) 376-page town-planning report for the Ministry of Physical Infrastructure outlines the significant investment that will be needed (JICA 2014). The destruction of houses and whole neighbourhoods in Malakal was so extensive because, as Pendle (2020) describes, conflict over land 'was not an accidental by-product of the war but…has driven the war'.

*Malakal Operational Issues:*
This situation of wholesale destruction stands in contrast to the position taken during an interview with a senior UNMISS official in Malakal on 17 June 2018 before even the signing of the R-ARCSS: the official had expressed their desire to close the PoC site and criticised the 'spoon-feeding of humanitarians', arguing that 'humanitarian assistance is the driving force [of the PoCs existence] not insecurity'. In a subsequent interview on 13 March 2020, the same official concluded that given there had been no major security incident since 2017, there was 'no longer a security risk for residents of the PoC site returning to Malakal town'.[8] There were two years between the two interviews, and much had changed between them (the signing of the R-ARCSS, the revoking of the 32-State legislation

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[5] Residents in the PoCs and residents in PoC's adjacent towns are often divided along ethnic lines, and the Malakal PoC site residents are mainly Shilluk and Nuer, while Malakal town has a large Dinka population.

[6] Interview conducted in Malakal Town 12 March 2020

[7] IoM (2018 :11) goes into extensive detail describing how the main government-owned water-treatment plant in Malakal is non-operational, 35 out of 42 schools were non-operational, 6 out of 10 healthcare facilities were non-operational with only two doctors working in Malakal. The IoM/UNHCR *Intentions Perceptions Survey* (2019), referred to in the UNSG's *Future Planning* report (UNSC 2019b:8), does not examine the state of infrastructure.

[8] In an unpublished report from the Malakal field office, the report noted 'it is common cause that since 2017, the local government has demonstrated that it is able, capable and willing to protect all its citizens including those in Malakal POC Site… there are no longer threats of physical harm to POC site residents…it is therefore a reasonable assertion that there has been a fundamental change of circumstances which requires the Field Office to re-evaluate the continued deployment of resources towards the POC site. Report referred to by Craze & Pendle (23 September 2020) https://africanarguments.org/2020/09/23/a-fantasy-of-finality-the-un-impasse-at-the-protection-of-civilian-sites-in-south-sudan/

in February 2020, the arrival of COVID-19 and the impasse over appointing a Governor for Upper Nile to name a few examples).

However, the argument in favour of closing the PoCs was the same before the signing of the R-ARCSS and after, and seems a constant, more related to institutional ambiguity towards the PoCs than a context-specific analysis of conflict drivers and potential peace-spoilers. The opinions expressed are, it should be noted, the opinions of a person with a management responsibility to plan strategically for an exit strategy for the PoCs. Other operational staff within UNMISS as well as within humanitarian organisations have a different institutional role in the everyday running of the PoCs and thus a different perspective. However, what is clear though, is the pressure that senior UNMISS managers feel when faced with the hostility of GRSS towards the existence of PoCs as well as the general restiveness that exists amongst PoCs residents. It is no surprise that closing the PoCs has come up 'episodically' as the easiest solution:  UNMISS has a UNSC-mandated obligation to support the facilitation of returns and no legal basis for managing the long-term law and order issues in camps which are both literally and figuratively 'lawless'.

Within this institutional context, in May 2019, IOM and UNHCR produced an *Intentions and Perceptions Survey* of residents of the Malakal PoC site (IOM/UNHCR 2019), that was widely referenced in the Secretary-General's September 2019 report to the UNSC - *Future Planning for the Protection of Civilian Sites in South Sudan* (UNSC 2019b:6). The Secretary General's report headlined the statistic that '44% of those interviewed intended to leave the [PoC] site [and] of those, one third intended to leave within three months' (UNSC 2019b:13; IoM/UNHCR 2019:1).

In interviews conducted in Malakal town and the PoC site for the current research, and cross-checked with IOM's February 2018 *Malakal Combined Assessment* that also examined intentions to leave, it was not possible to replicate these findings; neither could it be observed that people's intentions to leave within three months had actually been carried out.[9] The population update for Malakal PoC site for 24 May 2018 shows a population 24,417, while the population reported two years later for 11 May 2020 was 27,930 (UNMISS 2018; UNMISS 2020).[10] What is clear is that the camp population did not reduce by

> **Complex decision-making frameworks – for men and for women**
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> "Conversations surrounding returns and relocations in South Sudan and the future of the POC sites are often framed around clear-cut distinctions between single push and pull factors. This framing – often based on the perceptions of international actors of what internally displaced people (IDPs) or refugees do or should think – ignores the fact that decisions to stay or to move are made based on complex motivations in contexts of high uncertainty … [Women in particular] noted continued insecurity in many areas, raising threats of inter-communal violence, criminality and the continued presence of armed actors. Many internally displaced women also noted they were unwilling to return until they were convinced that the R-ARCSS would lead to lasting peace."
> *Buchanan E (2019:3) No Simple Solutions:*

the 44%, as would be expected given the number who had expressed the 'intention' to leave. Despite this anomaly, the *Future Planning* report is cited by the spokesperson of the Secretary General on the 8 September 2020 as being key to the strategic planning for the phasing out of the PoCs.

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[9]  In the February 2018 report (IOM 2018:1), 96% expressed the intention of staying in the PoC site, and, from almost unanimity, it would be surprising for the result to vary to the extent described in the 2019 report. Improvement of security was the top precondition for return, and of the 4% who intended to return within the next three months, it was insecurity in the PoC site that they mentioned rather than improved security in home areas as being the reason for wanting to return (IoM 2018:16).

[10] The methodologies between counts were not identical, and so one needs to be careful comparing the two. The later figure is based on a headcount in October 2018. Also, some of the variability between counts could be due to external factors – eg during a later biometric registration exercise word went out to Malakal town to rush to the camp to be counted, but this trend was noticed and stopped.

During this research, it was explicitly mentioned by numerous UNMISS staff in interviews that it was dependency on humanitarian aid rather than fear for their security that keeps people within PoCs (see also Sullivan 2018:9). This assumes that that aid is the main factor in PoC residents' decision-making, which is not necessarily borne out by the findings outlined in IOM's 2018 *Malakal Combined Assessment,* where few indicated an intention to return. The survey found that the pre-conditions for potential return were not only linked to safety (35%) but also to access to critical infrastructure, schools and livelihoods (25%), with only 11% citing humanitarian support as a pre-condition (IOM 2018:17). Another report by UNHCR (August 2018) gave reasons for not returning home that included 'not feeling safe' (73%) and 'houses being destroyed (69%), followed by 'houses being occupied (12%). Sullivan (2019:5) also identifies 'housing, land and property concerns' as being 'amongst the most common barriers to return cited by IDP's'. He also describes the trying conditions in the PoCs that undermine the argument that residents stay due to good conditions (Sullivan 2018:13). The UNSG's own *Future Planning* report notes that 'most Shilluk internally displaced persons are reluctant to return owing to unresolved land disputes with the Dinka' (UNSC 2019b:13). During a visit by the UNMISS Head of Field Office and humanitarian partners to visit the Shilluk King Kwongo Dak Padiet in January 2019, the King 'lamented that his people were being displaced by other ethnic groups in Upper Nile' but 'he would not accept apportionment of his kingdom'.[11] The current research confirms that security and HLP issues were the main drivers for fleeing to the PoCs in the first place and are the main reason for residents staying there. While humanitarian aid remains a lifeline, and is certainly a factor (alongside better services) that encourages people to remain in the PoCs, it was not the primary reason for taking shelter in the PoCs and will become increasingly irrelevant if security conditions allow people to supplement their livelihood strategies and rebuild their houses outside the PoCs.

The reported 44% intending to leave, on which the argument in the *Future Planning* document is based, is therefore probably an 'outlier' – more due to institutional confirmation-bias and some of the weaknesses of qualitative data gathering, than an indication of an 'actual' intention to leave. The CSRF research used qualitative semi-structured interview techniques rather than a quantitative questionnaire, to avoid some of the institutional bias and generalisations that are a risk in large-scale surveys (Lambert & McKevitt 2002:210). Such ethnographic interviews try to present different points of view, understanding that 'where you stand on an issue depends on where you sit'; thus they would expect to find contested opinions between PoCs residents, aid agencies and UNMISS on the issue of returns. From the perspective of where UNMISS are sitting for example, 'withdrawing from the PoCs to move forward the R-ARCSS', is a logical argument when it comes within a context of a more long-term institutional ambivalence towards PoCs as a concept and a mandate to facilitate returns. UMISS may also perceive that humanitarian aid is the motivating factor keeping people in place and preventing UNMISS from getting on with their wider peacekeeping role outside PoCs. Ethnography also 'highlights the value of data gathered informally and the differences between what people, say, think and do' (Lambert & McKevitt 2002). One example of this would be PoC site residents telling a survey that they intended to return, some within three months, but with their real sentiments being more complex than such a question implied and representing more an 'aspiration' to return home at some unspecified date in the future to land that is currently 'occupied', rather than an intention with a clear-cut time-frame.

If PoCs residents do decide to go home, and there are precedents from previous returns at the end of the CPA period (see Pantuliano *et al* 2008), most would be returning to Malakal town, and would probably do so spontaneously. Returns would also be phased, with more vulnerable individuals and schoolchildren remaining in the camp while other family members returned to rehabilitate houses and plant crops. The PoCs have demonstrated to residents the value of safety in numbers as well as the relative shelter that young men received from recruitment compared with youth in rural areas. The 'town' is also a place of asylum where youth are able to pursue education, make decisions

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[11] Source – UNOCHA comments on current paper

independent of family pressure as well as take on new 'modern' or 'townese' attitudes. In practical terms, there will need to be extensive rebuilding of civic space in town to repair trust and reconstruct society if there is to be a return to Malakal as a multi-ethnic entity (see Kindersley 2019:6). Others in the PoC site expressed the belief during this research that most people would prefer to wait until after the 2023 elections if those were conducted peacefully, meaning that it could be 3-4 years before the PoC site could be emptied.

In Malakal, there were reports in March 2020 of groups of 30-40 youths that had thrown rocks at armed UNMISS troops patrolling the perimeter. For UNMISS this is difficult to understand given that such troops are intended to provide residents with security. One informant indicated that these youth are simply out-of-control of the authority of their elders. However, it is equally as likely to be about youth making the point that, while UNMISS patrol the perimeter, security inside the camp is assured by the youth Community Watch Groups (CWGs) and local dispute-resolution mechanisms rather than UNPOL.[12] It was explained in one interview that during a recent biometric registration exercise in Malakal PoC site, as the situation became increasingly tense, it was the youth of the CWG who intervened to restore order not UNMISS. For UNMISS though, this perceived lack of co-operation and the overall problem of law and order within the PoCs provides a further incentive to withdraw. It is one amongst many other site-specific factors described above in interviews going back to 2018, in the *Future Planning* document of 2019 as well as in the current research in March 2020; all these factors culminated in the announcement of the 4 September 2020 as described in the following section.

## Conflict Sensitivity Concerns regarding latest developments: September 2020

Pragmatism and striking a compromise between contradictory priorities have usually been UNMISS's fall-back position – keeping the gates open over seven years to allow people to seek shelter and forcing no-one to go 'home' despite a persistent feeling within UNMISS that the PoCs prevent it from acting on other parts of the mandate. In April 2020, decongesting PoCs, while a long-term objective, could have aggravated the situation by sending individuals infected by COVID-19 to places with inadequate medical services.[13] So, while the SRSG suggested what he thought was best for them in terms of the COVID-19 epidemic ('to move home'), he acknowledged that 'it's very much up to them' and did not insist that the PoCs be closed, despite the difficulties around social-distancing. After all, there was no certainty that PoC site residents would be willing to move voluntarily (UNMISS 2020b). Given the delicate and unpredictable conflict dynamics in South Sudan and the extent to which they vary from one location to another, conflict sensitivity is paramount. However, concerns around the recent process associated with PoC sites have spiked in recent weeks following the announcement on 4 September 2020 of UNMISS's withdrawal from selected PoC sites. It was in light of previous pragmatism that this decision appears as a significant rupture with previous policy. The announcement did not come out of the blue, given that senior UNMISS staff had been expressing their ambiguity about the PoCs for a number of years. What was unexpected though, was how such arguments coalesced so suddenly into this momentous decision, while the counterarguments that had usually held sway were overcome, and how UNMISS proposed to withdraw from the PoCs rather than close them. The paper outlines below the arguments that were made in September 2020 to

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[12]  UNMISS is particularly sensitive to establishing any structures that could be seen to exist in competition to state structures, such as judiciary structures but this is the very problem – what one informant referred to as 'mafi ganum' - there is no formal 'law'. It is ironic that a senior UNMISS official said they 'couldn't stand people taking the law into their own hands'.

[13]  The first case of COVID-19 was declared in South Sudan on 5 April 2020, and with it the fear that the virus would wreak havoc in the densely populated context of the PoC sites for which UNMISS was responsible. The Special Representative of the Secretary General (SRSG) in South Sudan proposed in a radio interview on 7 May 2020, that, due to congestion in PoCs, it would be very difficult to practice 'social distancing' and that it would be better for PoC site residents to go home to their villages (UNMISS 2020b).

justify the withdrawal from Bor and Wau PoCs (and later Juba), before examining each argument in detail using a conflict sensitivity lens.

In a press conference on 4 September (UNMISS 4 September 2020), the SRSG announced that the process of transitioning PoCs to become conventional IDP camps had begun. It was part of a process 'of careful planning going back almost a year' (*ibid*). According to the briefing a few days later from Stéphane Dujarric, spokesperson for the UN Secretary General (UN 8 September 2020), this planning process began when UNMISS provided the Security Council with the document *Future Planning for the Protection of Civilian Sites in South Sudan* (UNSC 2019b:6). Since that time, the mission had 'carried out security assessments on each of the sites and found no external threat' (UN 8 September 2020).

The SRSG went further in his briefing to specify that 'we assessed that any threats that existed in the past are no longer in existence today …[but] many people are staying there so they can access services' (UNMISS 4 September 2020). The mission had therefore been withdrawing its troops since the end of 2019 from the Wau and Bor PoC sites and would 'continue with the others as the situation permits'. Withdrawing from these sites 'means that troops who were assigned to these Protection of Civilians sites can now be redeployed to hotspots to protect people whose lives are in immediate danger' (UN 8 September 2020). Returning to the SRSG's briefing, it was explained that the second step after withdrawal of UNMISS forces from each site was 'the redesignation of that site so that it transfers to the sovereign control of South Sudan… [and] South Sudan National Police will be responsible for law and order' (UNMISS 4th September 2020). Once that was done, 'sites are no longer PoC sites but camps for internally displaced people under the jurisdiction of the government' (*ibid*). The statement describes how 'the Transitional Government of South Sudan has primary responsibility for protecting all its citizens' and they will 'extend that protection to those in the former PoC sites'. The SRSG wanted to stress that 'nobody will be pushed out or asked to leave when UNMISS withdraws… [and] humanitarian services will continue' (*ibid*). Later he stressed for a second time that 'the newly-named IDP camps will not be closed nor will the people be forced to leave'. Amongst the replies to press questions, the SRSG qualifies the peace process as being 'well down the track' with current conditions 'completely different from 3-4 years ago' (*ibid*).

*Culmination of a year-long process*
The process that led to the withdrawal decision has its origins in a report written by the mission for the UNSG to present to the UNSC - the *Future Planning* document, already referred to, dated 12th September 2019. Written one year after the R-ARCSS was signed, the report identifies an improved security environment leading to an evolution in UNMISS's priorities for physical protection. It assesses that 'the immediate risk of any politically or ethnically motivated targeting of residents of the sites has decreased' (UNSC 2019b:5). Instead of the planning process beginning in September 2019 and depending on up-to-date and transparent Safety Risk Assessments (SRAs) being done regularly as the R-ARCSS process evolved, it appears as if a decision was being taken and reported to the Security Council in September 2019. The process for SRAs was paused in March 2020 due to COVID-19, well before the 4th September announcement. Despite the R-ARCSS process being stuck since the establishment of the TGoNU in February 2020, the planning process for the PoCs withdrawal continued. Most importantly, nowhere in the document does it mention that the exit strategy for the PoCs would be by withdrawing UNMISS forces from the sites and that that process would start from the end of 2019. It is this element that produced the impression of profound surprise on 4 September 2020, rather than appearing as part of an organised, transparent and collective process going back a year. In the interests of conflict sensitivity, better communication with affected communities as well as aid actors would have made for a more transparent process and allowed for more considered contingency planning and buy-in from PoCs residents.

*No external threat*
Given the origins of Protection of Civilians, which was included on the agenda of the UNSC four years after the Srebrenica massacre in 1995, determining that there is 'no external threat' carries an

inherent reputational risk to the UNMISS, and the broader UN, should things go wrong in South Sudan like they did in 2016 when fighting resumed. In his verbal presentation of the quarterly June 2020 report, the SRSG reiterated the opinion that 'PoC residents face greater intimidation from people they live alongside than external threats for which the sites were originally founded' (UNMISS 2020c). As outlined above, for the case of Malakal, the majority of residents consider the external threat to be as important as the internal threat, but the internal threat – the lack of law and order – was the one that had particular exercised UNMISS because law and order in the PoCs was their institutional responsibility.

UNMISS in Malakal noted that there had been no major external security incident since 2017. One can speculate that the building of a double-bund perimeter after the 2016 incursion (when 25 people were killed) has given PoCs residents better protection than before (Arensen 2016:46). But it would be a stretch to say that the threat no longer exists. For PoC residents, day-to-day security that means that they can travel into Malakal Town has done nothing to resolve the uncertainty that they feel looms over them. In the absence of any tangible progress in selecting a governor for Upper Nile or a start to resolving outstanding HLP issues, they seem to be within their rights to worry about their vulnerability to the kind of rapid disintegrations that have occurred in the past and feel protected by the presence of UNMISS in the PoC site.

The murder in Malakal Town on 13 July 2020 of Thomas Aban Akol Ajawin - a public prosecutor and brother of National Democratic Movement (NDM) leader Lam Akol - further fuels the anxiety that any Shilluk person in Malakal town can be targeted based on his or her ethnic identity as long as major questions of Shilluk and Padang Dinka territorial disputes go unresolved.  After seven years of war, ethnic identity, while not always the pre-eminent issue affecting people's everyday lives, is even more entrenched than in 2013, when killing immediately took place on a mostly ethnic dimension. Violence is a powerful way to create tribal identity in people who at the start had a multiplicity of individual associations and had a sense of belonging to a nation as well as many smaller 'communities' (there would have been other identities to do with occupation education, religion etc before 2013).[14], Fukui & Markakis (1994:4) describe how 'ethnicity is not the cause of war but the reverse', and thus ethnic identity can be forged by the communal activity of fighting a war (or taking shelter from one in a PoC site). It is not just the absence of state security provision at a local level that is causing the current upturn in violence, but the active involvement of political figures exploiting ethnic constituencies.[15] It would therefore be naïve to expect Malakal to go back to being a 'multi-ethnic melting pot' without an enormous amount of sustained political effort.

*Force redeployment*
There is a mismatch between the scope of UNMISS' mandate and the human and financial resources available to implement it effectively. In the years leading up to 2013 for example, UNMISS had already made it clear that they did not have the resources to project the kind of force presence and intelligence-gathering in rural areas that would be necessary to anticipate and prevent the rise of tensions (Arensen 2015: 27). UNMISS does not have and has never had enough personnel to provide security in the huge hinterland of rural South Sudan. As the SRSG points out in his press statement of 4 September 2020, 'in terms of patrolling to protect people, we can't perform miracles'.

Outside the PoCs, the Protection aspect is both unclear and operationally unrealistic, given the risk-averse nature of most troop contributors. Holt and Berkman (2006:3) distinguish between a military intervention designed expressly to 'protect civilians from mass killings' and a peace operation mandated to protect civilians from much lesser risks. The PoCs belong to the former category. Outside the PoCs, the role of UNMISS is more about 'reporting' on violence and 'bringing people

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[14] 'Inter-communal' violence is a common euphemism for violence between major ethnic groups because this is seen as the primary community to which people belong, even when previously no activity was undertaken at such a level.
[15] Civil Society activist Edmund Yakani, who addressed the UNSC together with the SRSG in June 2020, noted that cattle raids in Jonglei were not the same as those that had previously taken place, but were being politically motivated.

together on the ground' to resolve tensions by facilitating face-to-face meetings and providing logistics assistance. However, UNMISS 'can't be behind every tree in every village' as the SRSG puts it (UNMISS 4th September 2020). This lack of resources and military capacity was also the case with UNMIS (the pre-independence UN Mission in Sudan), which meant they were powerless to address the intercommunal fighting in 2009 that saw more than 1000 people killed in Jonglei alone in fighting that was similar, if not even more serious, than the current upturn in 2020 (Breidlid & Lie 2011:21;Harragin 2011:89; UNMIS 2011). Breidlid and Lie (2011:39) recommended that the mission (UNMIS at the time) could 'make more efficient use of its resources and capacities by concentrating its efforts on preventative initiatives'. The prevention activities of UNMISS in the PoCs are, ironically, only successful if there are no security incidents, and the lack of security incidents does not necessarily mean that troops can safely be withdrawn in favour of more visible 'hotspots'.

Nonetheless, in his briefing to the Security Council on 16 September, the SRSG suggests that support by peacekeepers will include 'monitoring buffer zones' in Jonglei (UNMISS 16 September 2020). It is not at all clear that patrolling the buffer zone in Jonglei is even feasible in practice. The report *Future Planning for the Protection of Civilian Sites in South Sudan* notes that the provision of perimeter security and enforcement of law and order in the PoC sites 'disproportionately consumes the available capacity for protection of civilians tasks, leaving fewer resources for patrolling in conflict hotspots or areas of return', before giving a figure indicating that '14 percent (1,545 personnel), or 6 out of 46 infantry companies' were performing duties directly associated with protection of civilian sites with 'a total of 61 percent (6,881 personnel), available to undertake patrolling activities outside the sites' (UNSC 2019b:3).[16] Even with the closure of the PoC sites, the small addition to troops will still not be sufficient to allow UNMISS to provide protection in 'hotspots' let alone 'areas of return'.[17]

### *Withdrawing not closing camps…no-one will be pushed out*

As with the decision not to send PoCs residents 'home' against their will at the onset of COVID-19, UNMISS has accepted that residents of PoCs cannot be forced to return home. Regardless of how UNMISS views the PoC sites or their residents, it must still be in compliance with the United Nations Human Rights Due Diligence Policy (HRDDP) as stipulated in its mandate (UNSC 2020b:8), as well as the IASC Framework on Durable Solutions for IDPs concerning the principal of voluntary, safe, dignified and informed returns (Schots & Smith 2019:60).[18] The decision to withdraw from PoCs (as opposed to forcing people to go home) might respect the letter of international law, but it has provoked indignation from some quarters who feel that it does not respect its spirit.

UNMISS withdrawing protection from the PoCs could be perceived as closure and forced repatriation by another name. Nyachangkuoth Tai, from NGO Assistance Mission for Africa, who shared a virtual platform with the SRSG for his 16 September statement to the UNSC, urged UNMISS to consult with the communities in PoC sites for whom 'the threat of violence is still real' and urged the Security Council 'to hold UNMISS accountable to its mandate to protect civilians'.[19] At the same UNSC meeting, the representative of the United Kingdom urged UNMISS to proceed carefully in transferring control of PoCs to the GRSS waiting on 'significant progress in security sector reform' and stressed the need for the Government in Juba to address outstanding issues under the Peace Agreement, notably

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[16] In July 2014, the Department of Mission Support announced that expenses for the PoC sites had cost an estimated $50 million. Arensen (2015:26) quotes the frequently cited statistic of 40-45 percent of UNMISS troops being tied up with PoC sites. It was often claimed that UNMISS cannot provide security outside the PoC sites because its personnel are tied up in PoC activities. It is also worth noting that UNMISS dedicate a large component of its personnel (up to 25%) to supporting/protecting UNMISS itself, and for each brigade sent to establish a Temporary Operating Base (ToB), another brigade is needed to provide protection.

[17] On the other hand, 90% of UN police personnel perform tasks related to law and order in PoC sites but these are not the kind of personnel required to patrol the buffer zone.

[18] As well as agreements that UNHCR should only be encouraging returns in situations where fundamental changes have taken place in areas of origin (Crisp 2019:20).

[19] https://www.womenpeacesecurity.org/wp-content/uploads/UNSC_Briefing_South-Sudan_Tai-09-2020.pdf

'the appointment of a Governor in Upper Nile State'.[20] Meanwhile a leader in Wau PoC site, Jolid Adot, interviewed by Radio Tamazuj, said it was not right to withdraw UN peacekeepers as the revitalised peace agreement was still being implemented, and that implementation was facing challenges.[21] In Bor, an IDP leader Makuach Monkem told VOA that there could be no deployment of a 'unified force' as 'the security arrangement is not yet compete'.[22] Meanwhile, Jonglei State Police Commissioner, Major General Joseph Mayen Akoon told VOA he had not been aware that SSNPS was expected to 'take over' protection of the camp. Members of the NGO Forum also referred to an abrupt withdrawal of forces from Bor PoC site which Camp Management and IDPs were not expecting, given previous commitments from UNMISS, as well as communication 'after the fact' – both factors that erode trust between UNMISS, humanitarians and PoCs residents with wider conflict sensitivity implications and potential operational dangers for humanitarians.[23]

*PoCs should be under the jurisdiction of South Sudan National Police*

PoC sites are not ideal – they are places where there is a high level of criminality, and they are costly to run in terms of personnel and other resources. However, handing over responsibility for law and order will not solve the problem of criminality in the camps. Both UNMIS and UNMISS have resorted to common fall-back positions: this was described by UNMIS as being that 'the primary responsibility for protection of civilians is the Government of Southern Sudan or the state government' (UNMIS 2011); UNMISS noted in 2019 that 'a commitment to address major protection risks, as well as to extend and strengthen the rule of law … must be demonstrated by the State' (UNSC 2019:15). A UNSC evaluation of the UNMISS mandate in 2015 notes the weak capacity of State institutions rendered it virtually incapable of discharging the services of safety and security to its citizens even before the outbreak of the crisis (UNSC 2015:3). If neither the State nor UNMISS is ensuring security at a local level, there is a vacuum, and that has resulted in local people obtaining arms to protect themselves. This is what is at the heart of much of the so-called 'communitarian' violence.

What people have wanted from peacekeepers for the last 15 years is 'physical protection' (Harragin 2011) and this is what they were being given in PoCs. The GRSS should, of course, be providing security for the PoCs, but so too should it be doing many other things; UNMISS should be being more ambitious, but it has found a task in the PoCs that is important, of a manageable size and which it has 7 years of experience of doing. UNMISS certainly have had trouble maintaining law and order in the camps, and while there are changes that could be made (which are included in this report's recommendations), is it not certain that the government will be any better. For example, UNMIS work on police capacity-building in Jonglei from 2009 did not prevent subsequent attacks on the PoC site in April 2014 – in fact SSNPS personnel were seen lingering amongst attackers (UNMISS 2014:24).

*All IDP's should be under the sovereign control of South Sudan*

There was almost a decade of Rule of Law investment under UNMIS and UNMISS, but there was no resolution of the multiple local conflicts and the vacuum in State authority at the boma level that lead up to the start of war in December 2013. Craze and Tubiana (2016:16) refer to a UN official describing UNMISS to have been in a 'holding pattern' since December 2013, struggling to balance the 'double-mandate' of state-building and civilian protection. They also describe 'a situation in which the state that [UNMISS] helped to build has turned on its own citizens' (*ibid*). In practical terms, UNMISS would be in a contradictory position of transferring its energy entirely into state-building (for example, training civil authorities to manage and police the PoC sites), while nearly 200,000 people are seeking its protection against that very same State.

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[20] http://webtv.un.org/meetings-events/security-council/watch/south-sudan-security-council-open-vtc/6191506455001/?term=

[21] https://radiotamazuj.org/en/news/article/idps-concerned-about-security-after-withdrawal-of-un-troops-from-wau-and-bor-camps

[22] https://www.voanews.com/africa/south-sudan-focus/unmiss-withdraws-troops-south-sudan-idp-camp

[23] Source - NGO Forum feedback on the current report.

It is uncertain, without unified security forces, whether the security of the PoCs can be guaranteed by current police and SSPDF, given that the PoCs are perceived by GRSS to be full of SPLA-IO supporters.[24] Suspicion by GRSS of PoCs residents' motivations is matched by PoCs residents' suspicion of the GRSS. The GRSS Ministry of Humanitarian Affairs and Disaster Management (MHADM) has been lobbying since 2017 for the promotion of returns and complains of there being few initiatives by humanitarian agencies to support returns in spite of IDP's expressing the 'desire to leave the PoCs' (GRSS 2017:6). The GRSS cited the COVID-19 crisis and decongestion of the PoCs as another reason to encourage people to return to their homes (UNMISS 2020b). Until the suspicion with which the State views PoCs residents recedes and there is a unified army, it would be advisable if UNMISS took a more circumspect position to avoid being perceived to be doing the Government's bidding in withdrawing from PoCs. It should also be considered that UNMISS might not actually be doing the government a favour by adding a further load onto State authorities with an already limited ability to provide security for its people.

*Humanitarian services will continue*
Several individuals within UNMISS consulted for this report were strongly of the opinion that humanitarian aid is the main factor that encourages people to remain in the PoCs. According to this point of view, withdrawing UNMISS protection from PoCs will not change a great deal in the decision-making framework of PoCs residents if they are in PoCs to receive services and those services are to continue. However, interviews conducted for this research suggest that this is not the case, and that humanitarian aid was not what PoCs residents came in search of when they came to the UNMISS bases, nor is it the determining factor in their decision to stay. Removing the protection provision will change a great deal in the eyes of PoCs residents.

It has always been and will continue to be up to humanitarian agencies and donors to decide individually whether or not to continue working in PoCs following UNMISS's withdrawal, rather than being told by UNMISS that 'aid will continue' in a context where the security environment has changed. Principled humanitarian aid is provided on the basis of the humanitarian imperative and International Humanitarian Law (IHL), and should never be used to encourage or discourage residents to stay in PoCs (or anywhere else). It is critical therefore for the maintenance of humanitarian principles that aid is not instrumentalised to either support residents leaving or remaining. A 2016 Special Report of the Secretary-General (S:2016/951) noted that UNMISS Heads of Office were said to have undue control of humanitarian operations. This report recommended removing the DSRSG role of Humanitarian Co-ordinator from the 'triple hat' arrangement (see Briggs 2017:39), although this has still not taken place. Humanitarian and peacekeeping operations need to remain separate even within 'integrated' missions to give humanitarians the flexibility to make decisions based purely on the humanitarian 'imperative'. In addition to its protection of civilians' mandate, UNMISS also has a mandate to protect humanitarians, and the situation in Upper-Nile and Unity States remains volatile with regards to grassroots violence, as well as organized, localized and sub-national violence. As of the end of August 2020, 7 humanitarians had been killed in South Sudan, and it is not clear if UNMISS will be able to provide the same level of protection for humanitarians as they receive currently should UNMISS withdraw their forces from PoCs[25].

*Progress in the R-ARCSS – 'well down the track'*
At first sight, it would seem evident that closing the PoCs is an integral stage in the process of permitting the R-ARCSS process to be rolled out, and events at the highest political level will without a doubt have a huge impact on the decision to leave the PoCs. However, an elite-peace that reshuffles posts without addressing conflict-drivers at the local level will not encourage residents to want to leave the PoCs. The SRSG, in his presentation to the UNSC on 23 June 2020, pronounced that 'the

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[24] Camps are, perhaps rightly, seen as having permitted fundraising for IO and sheltering key opposition figures behind a population of innocent civilians (Craze 2019:52) – the dilemma being, do combatants become 'hors de combat' when they enter the PoC or just combatants on rest and recuperation?

[25] https://www.ngosafety.org/keydata-dashboard/

peace-process is faltering' and as late as 16th September 2020 described it as 'limping along', so some reticence on behalf of the PoCs residents is both justifiable and understandable (UNMISS 2020c; UNMISS 16th September 2020).

The SRSG also notes in the 16th September briefing that 'there is almost no movement on security-sector reform and the Transitional National Legislative Assembly has yet to be constituted' (UNMISS 16 September 2020). Between April and June 2020, 887 people were killed in South Sudan, even through political violence has largely died down.[26] The UK Ambassador to South Sudan, Chris Trott, decrying the lack of progress in implementing the peace agreement, noted in a press briefing that according to the implementation matrix for the peace agreement more than two thirds of the agreement should have been implemented by now, but only one eighth had been implemented and that did not include the most important protocols which pertained to provision of security.[27] Nor has there been any graduation of any of the united forces that had been in training for six months.

Nationally, the rolling out of the peace process depends on negotiation, rather than violence, becoming the modus operandi. In the absence of a functioning legal and judicial structure to resolve major differences, resorting to violence will often continue to be the means by which disputes are resolved, and political violence the means by which political constituencies are built. Schomerus and Allen (2010:20) describe how pre-Independence Southern Sudan was already at odds with itself in 2010 even with the on-going struggle for independence acting as a unifying force. That situation is now even worse and a precipitous, rapid and uncoordinated withdrawal from PoCs, far from driving the peace process forward, could set it back.

*Things absent from the 4 September statement*
Given that the PoCs were created when people fleeing from violence climbed over the fences of UNMISS bases, the people that are largely absent from this debate are the PoCs residents themselves. Any successful returns policy must take into account the agency of these people, and, while UNMISS has a mandate to encourage people to go home, it should also allow people to speak for themselves rather than making decisions on their behalf or against the sentiments expressed in the current research. Even if UNMISS's military expertise gives them an understanding of the security environment, it has yet to be shown that the majority of PoCs residents agree with their assessment that the external threat is as important as the internal threat. Schots and Smith (2019:63), in research for Danish Refugee Council in South Sudan, conclude by recommending that the voices of displacement-affected populations be 'brought to the forefront of discussions' in order to reduce the likelihood of putting people at risk'. It is perhaps also wise to note that 'actions speak louder than words' and recognize that if people are not getting on their feet and going home in large numbers, they must have a valid reason for that; we cannot say that they are rooted to the spot by a dependency on humanitarian aid without diminishing their agency and disrespecting their ability to take decisions on their own behalf.

## Conclusion - The Way Forward

Most South Sudanese citizens experience the central state as far removed, and, despite an early promise to 'bring the town to the people', only a small percentage of resources left Juba for the state level prior to 2013 - that being one factor amongst others that led up to the 2013 crisis (CSRF 2017:4).[28] The current emphasis by UNMISS on 'the power vacuum' that is fuelling local-level conflicts (UNMISS 2020c:3) shows a willingness to address the root causes of conflict which is encouraging.

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[26] 'Political violence' usually refers to violence related to the main warring parties pre-ARCSS at a national level. While sub-national or localised violence is also related to national politics and national politicians, it is commonly seen as being related mainly to local conflict drivers which is not always the case - statistic of deaths based on UN figures: https://radiotamazuj.org/en/news/article/2-years-on-key-provisions-of-peace-deal-remain-unfulfilled
[27] https://www.nyamile.com/2020/09/05/uk-ambassador-to-south-sudan-disturbs-by-lack-of-implementation-of-the-peace-agreement/
[28] As described in interviews conducted by the author in Baar Mayen, NBEG 13 Nov 2013

UNMISS itself has identified the delay in appointing Governors to their posts as the cause of the political vacuum (UNMISS 2020c). While the appointment of government officials is a vital part of this process, it will not necessarily resolve single-handedly some of these more profound governance challenges facing South Sudan and a conflict-sensitive approach must be adopted to avoid reproducing the same scenario as 2013.

As the case-study for Malakal highlights, it is the territorial disputes between competing groups in Upper Nile that has driven conflict in the first place, and this is what makes the decision of choosing a Governor from one of these competing groups both important and fraught with danger. With this willingness to address the drivers of local-level conflicts, actors are demonstrating that it is not just the visible symptoms that need eliminating (the existence of PoC sites, high levels of gender-based violence or intercommunal tensions) but the disease that will need to be addressed for the R-ARCSS to be successful (a disease which the SRSG describes as not having in place 'a unity government [that] acts in the best interests of all its people regardless of ethnic identity… swiftly to curtail conflict in the states' (UNSC 2020c:3)). With hindsight, it is clear to see how 'dividing up the cake' of government at South Sudan's independence sowed the seeds of division that contributed to war in 2013, and we should be careful that the 'quota' system does not favour political reward rather than good governance.

UNMISS's dealings with the current Government, on the other hand, must consider that 'In-Government' was one of the warring parties during five years of civil war. Immense mistrust in the authorities will exist as long as the Transitional National Legislative Assembly and other governance institutions are not yet in place, but even when all parties feel they are represented in government there will still be profound governance issues in South Sudan. The current research has shown that the population of the PoCs understand these complexities and are thus unwilling to leave the protection of UNMISS as long as there is no resolution to the issues that drive conflict.[29]

Withdrawing from the Malakal PoC site at this point would augment rather than alleviate the drivers of conflict. The current situation is thus an opportunity to listen to what local populations are saying and, rather than just addressing the symptom by putting IDP's back on their feet and expecting them to return 'home', to address the cause of them fleeing to the PoCs in the first place. We hope that there is still the will and flexibility among decision-makers in UNMISS, the UNSC/DPKO and amongst donors to follow the pragmatic decision-making model that has influenced decision-making in the past.

## Recommendations:

The objective of closing PoCs and supporting safe, dignified and voluntary returns is shared across UNMISS and the humanitarian community. The transition of PoCs to a more sustainable structure is welcome because of the poor conditions in PoCs. However, it is the timing and sequencing of events that is the issue that all sides need to address, as well as the communication and consultation with PoCs residents and between the wider humanitarian community and UNMISS. Progress in the R-ARCSS should be a key determinant in decision-making around the closure of the PoCs not vice versa. While people might leave the sites and go to their homes or other locations, the conditions are far from ready in terms of housing, services and livelihoods, or in terms of progress with the R-ARCSS. If remaining PoCs in Bentiu and Malakal are closed precipitously, the process of integration with other ethnic groups outside the PoCs and the rebuilding of confidence in the government will be very difficult. It will also be particularly difficult to repair trust in the areas such as Malakal and elsewhere where the government is seen with suspicion and fear. We divide our recommendations between things that need to be done without delay, and those that will take rather longer.

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[29] Huser et al (2019 :7) describe in detail the many factors that South Sudanese refugees are following in order to give them the confidence to be able to return – including security, cantonment, property, and the progress of the R-ARCSS

## *Urgent Actions*

PoCs in Bor, Wau, Malakal, Bentiu and Juba are all different. Each PoC has its own challenges, processes, potential solutions and ways forward in terms of its potential phase-out. Each must have a carefully prepared transition plan which will be difficult to affect if all PoCs transition simultaneously. For Malakal, withdrawal of UNMISS should not be considered as long as there is no government in Upper Nile – and particularly when there has been no agreement on a Governor. More specifically (recommendations apply broadly to all PoCs except where stated):

- **The withdrawal of UNMISS from Malakal should be suspended** until the doubts expressed by PoCs residents in the current research be investigated – as well as in the Bentiu PoC site.

- **If there is redeployment of troops from PoCs to hotspots in Warrap, Greater Equatoria and Jonglei** sufficient troops must remain behind to allow them to patrol areas of return for PoCs residents as well as having sufficient standby-capacity in the form of Quick Reaction Forces to cope with major incidents.

- **UNMISS should continue to provide physical protection to humanitarians in PoC sites**.

- **UNMISS should update or conduct, and publish, summaries of the Safety Risk Assessments for Malakal and Bentiu.** This would demonstrate that UNMISS is basing its decision-making process on a rigorous evidence base and address concerns that have been raised regarding the transparency of the process, and input from non-UNMISS actors could ensure that the analysis include a overview of potential high-level risk factors concerning the R-ARCSS that could impact on more local issues.

- **Any future closure plans must involve consultations with PoC site residents** with an open mind and respecting their opinions in any plan that is established.

- **The proposed dates for UNMISS's transition from *all* remaining PoCs should be made widely available immediately** for the sake of greater transparency and to prevent the surprise of agencies finding out that troops have been pulled out after the event (as has occurred in Bor).

- **Ensure effective communications between PoCs residents and humanitarians/ peacekeepers to reduce tensions and ensure that relations with camp leaders are two-way** rather than just as implementers of UNMISS/camp management policies. Putting on pause the withdrawal from Bentiu and Malakal would allow residents to feel that they are being listened to and deal with many of the anti-UNMISS sentiments.

- **Facilitating self-governance of PoCs under traditional leaders and institutions established by PoC residents.** This would be better than immediately allowing SSNPS to police PoCs and would address, at least in the short-term, the immediate protection concerns of PoCs residents.

## *Medium/Longer-term Actions*

### All Actors

Conditions that need to be put in place to facilitate returns in a safe, dignified and voluntary manner:

- **Land/boundary demarcation should be fast-tracked.** It is one of the recommendations in the Revitalized Peace Agreement. Shelter needs to be found for those who have been living in the houses of PoCs residents and will be displaced by the return of residents.

- **All parties need to ensure that GRSS is supported and given the resources to take up its responsibility to provide security as well as services to residents of former PoCs as and when they transition to IDP camps.**

## UNMISS

To allow the phased closure of PoCs when conditions on the ground are right:[30]

- **The decision to withdraw from Bentiu and Malakal should await the UNMISS Independent Strategic Review.** That process should be genuinely 'independent' and include the opinion of beneficiaries.

- **Assure PoCs residents that UNMISS will continue providing protection in PoCs** to enable people to go home to repair houses and prepare livelihoods, while keeping the other more vulnerable members of their family in the PoCs.[31]

## UNMISS/DPKO & UNSC Members

*Contributing to improving security throughout South Sudan:* UNMISS has limited manpower to patrol in the huge hinterland of South Sudan in areas such as Jonglei[32] but it is not enough to decry the vacuum of state authority at a local level without suggesting how it can be resolved. The recognition by President Salva Kiir of the need 'to strengthen the institutions tasked with the enforcement of law and order as well as those administering justice' is a fundamental step (Sudan Tribune 8 July 2020).

- **UNMISS should adopt a more robust position vis-à-vis government and IO activities that do not contribute to the improvement of security for returnees.** While UNMISS has limited influence over GRSS, it is important that UNMISS remain immune to Government criticism of their role in PoCs and do not inadvertently end up taking sides between R-ARCSS peace partners with any PoCs withdrawal policy.

- **Greater use by UNMISS of Temporary Operating Bases (TOB's) and deployment of civilians outside of State capital**. This will build up the trust of local communities and help UNMISS to better understand the local drivers of conflict outside State capitals.

## UNMISS and Camp Managers

In order to improve immediate Law and Order issues in the PoCs or transitioned sites:

- **Community Watch Groups (CWG's) should be adopted more widely in PoCs and transitioned sites.** The SRSG's quarterly report (UNSC 2020c) describes, in Bor and Wau, how gradual changes resulted in a significant reduction in the deployment of formed police units while the UNMISS force continues to patrol around the external perimeter. Community Watch Groups (CWG's) were 'currently managing pedestrian access control and crime watch within the sites' (UNSC 2020c:8).

- **The Traditional Leaders' (TA) Courts should be adopted by UNMISS and NGO camp managers in both Malakal and Bentiu as the means of maintaining law and order, and the government should be encouraged to support this approach in the transitioned sites of Wau, Bor and Juba.** In Juba PoC site, the PoCs traditional leaders' (TA) courts have always been given more

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[30] A team from the LSE Conflict Research Programme that has conducted research on the PoCs phenomenon over at least five years, recommended in a February 2019 paper that the 'PoCs should not be quickly closed and returns should not be coerced' (Pendle et al 2019). A 2018 Report by Sullivan recommends that UNMISS and the UN Humanitarian Country Team (HCT) should refrain from closure of PoC sites until transparent plans for safe, voluntary, and dignified returns are in place.

[31] During previous planned returns before Independence, families voluntarily divided with some children staying in camps until they graduated from school and there was a phased return of remaining family members (Pantuliano et al 2008)

[32] See Harragin (2011:95). UNMIS faced huge difficulties in rolling out security in a country as large as South Sudan. Of the 70 Referendum Support Bases that UNMIS intended to establish to monitor the referendum in 2011 (the key date in its mandate), only 10 were established. Instead peacekeepers remained in state headquarters where they were not needed and patrolled their compound and the airstrip rather than distant counties and payams (Harragin 2011:90). According to another senior UNMISS informant, for 1 battalion to set up and defend a County Support Base would require another to do the actual patrolling.

freedom by NGO camp managers, with the result that they resolve many more cases than in Malakal and are much more in demand to resolve problems.

- **TA courts should be permitted to demand court fees as they do outside the PoCs.** They should be enabled to use local conflict-resolution mechanisms including compensation payments to prevent minor disputes escalating into major feuds (Pendle 2019:3).

## Aid Agencies

- **Humanitarians should resist instrumentalising aid to incentivise returns or providing aid if that re-enforces current divisions**. Agencies programming outside the PoCs should be based on the humanitarian principle of impartiality, be conflict sensitive and should resist being pushed into providing aid as a pull-factor (and reducing aid as a push-factor) that could lead to people's security being compromised.[33]

- **Any assessments or 'Intentions Surveys' that seek to understand and report on the desire of PoCs residents to leave the PoCs or otherwise must be conducted with the highest of methodological standards to ensure it is representative of real intentions that will be acted on**. As noted above, intention and other type of surveys can suffer from institutional bias, and it is important that rather than an 'aspiration', these surveys use methods that will assess participants' commitment to taking action with regards to returns.

- **Areas of return will require substantial investment and confidence-building measures to be put in place**. As part of the programme design process, an in-depth conflict analysis should be conducted that identifies the issues and conflict drivers that led to the creation of PoCs in the first place.

- **Aid agencies should invest in vocational training (TVET), assist with materials and training of artisans to carry out building work, and take part in wider livelihoods initiatives as well as rehabilitation.[34]** Services will need to be rehabilitated, infrastructure repaired and livelihoods given a jump-start through different initiatives including public works programmes, such as that already being attempted by UNMISS in Malakal (UNMISS 9 June 2020) and microcredit loans.

- **Agencies should seek to reach or maintain Sphere standards**, regardless of whether or not the PoC sites remain or transition to IDP sites and seek to enable PoC residents to diversify their livelihoods strategies and thus reduce reliance on humanitarian aid.[35]

## Donor/International Community

- **Donors should ensure that the basic premise of UNMISS withdrawal from PoCs remains related to substantial progress in the R-ARCSS process, as well as being transparent, negotiable and reversible.** They should continue to discourage the idea of rushed withdrawals of UNMISS from the PoCs until there has been widespread investment in rebuilding infrastructure, livelihoods and services and resolving HLP disputes that will otherwise lead to a renewal in violence. The massive returns that preceded the referendum in 2011 were preceded by a long period of planning through the Joint Assessment Mission (JAM) process and there was massive donor investment in the process (Pantuliano et al. 2008:2).

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[33] Sullivan (2019:6) notes that aid agencies must be careful when providing services and livelihoods outside PoCs 'to avoid reinforcing population shifts that have resulted from ethnic targeted violence'.

[34] UNMISS has previously been unwilling to allow livelihoods initiatives in PoC sites that would prolong the duration of people staying in PoCs (Source – NGO Forum comments on current paper).

[35] It is not because services are worse outside PoCs that conditions inside are adequate (one informant described education in the PoCs as 'children regrouping around a school yard and returning home having learned nothing'). In comments from the NGO Forum on the current paper, it was noted that UNMISS refused permission for the camp to expand into empty land that would have allowed Sphere standards to be met as they saw a risk to expanding the site.

- Consider funding that promotes grass-roots initiatives to manage conflicts, resolve outstanding local issues (grazing, blood-feuds and compensation payments, land & property disputes) across ethnic lines.

- Given that many of the PoCs' residents will want to return to urban areas, consider urban livelihoods programming as a priority and engage urgently with Shelter actors to anticipate scale of needs. The potential for urban areas as economic and social motors in the recovery process and centres of modernisation should not be underestimated, nor the multiplier effects and economies of scale that donors can harness by funding programming in urban areas.

- Further action research addressing HLP issues needs to be funded that seeks to operationalize commitments by the GRSS to ensure 'access to an effective mechanism that restores IDP's housing, land and property and/or provides them with compensation' (GRSS 2017:8). This will be particularly relevant for Malakal, where donors should advocate for a special court to be established to adjudicate HLP issues (Sullivan 2018:6).

## References

Arensen M (2016) If we Leave we are Killed. Lessons Learned from South Sudan Protection of Civilians Sites, 2013-2016. IOM/Government of Switzerland

Breidlid IM & Lie JHS (2011) *Challenges to Protection of Civilians in South Sudan: A warning from Jonglei State.* Oslo: The Norwegian Institute of International Affairs NUPI

Briggs C with Monaghan L (2017) *Protection of Civilian Sites: Lessons from South Sudan for Future Operations.* Oslo: Norwegian Refugee Council

Buchanan E (2019) No Simple Solutions: Women, displacement and durable solutions in South Sudan. Oxford: Oxfam International, Nile Hope, Titi Foundation, Danish Refugee Council, Norwegian Refugee Council and CARE.

Craze J (2019) *Dispaced and Immiserated: The Shilluk of Upper Nile in South Sudan's Civil War, 2014-19.* Geneva: Small Arms Survey/HSBA

Craze J & Tubiana J (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan, 2013-15.* Geneva: Small Arms Survey/HSBA

Conflict Sensitivity Resource Facility (CSRF) South Sudan (2017) *Contextualised Conflict Sensitivity Guidance for South Sudan. Juba: CSRF/Saferworld* https://www.southsudanpeaceportal.com/wp-content/uploads/2017/11/CSRF-Conflict-Sensitivity-Toolkit.pdf

Crisp J (2019) 'Repatriation principles under pressure' in *Forced Migration Review* 62 (October 2019) pp. 19-23 https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/return/return.pdf

Fukui K & Markakis J (1994) *Ethnicity and Conflict in the Horn of Africa*. London/Ohio: James Currey

Giffen A & Gorur A, Jok JM, Mayai AT (2014) Will they Protect us for the Next 10 Years: Challenges faced by the UN Peacekeeping Mission in South Sudan. Stimson Center and Sudd Institute

Government of the Republic of South Sudan (2017) *Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving Durable Solutions in South Sudan.* Juba: Ministry of Humanitarian Affairs and Disaster Management. https://www.refworld.org/pdfid/5b72a64a4.pdf

Harragin S (2011) Jonglei Area (Bor, Twic E and Duk Counties) Study Report. Copenhagen: Local2Global http://www.local2global.info/area-studies/south-sudan-jonglei

Holt V (2005) *The Responsibility to Protect: Considering Operational Capacity for Civilian Protection.* Washington: Stimson Center

Holt V & Berkman T (2006) *The Impossible Mandate: Military Preparedness, the Responsibility to Protect and Modern Peace Operations.* Washington: Stimson Center. http://www.operationspaix.net/DATA/DOCUMENT/5521~v~The_Impossible_Mandate___Military_Preparedness_the_Responsability_to_Protect_and_Modern_Peace_Operations.pdf

Huser C, Cunningham A, Kamau C & Obara M (2019) 'South Sudanese Returns: Perceptions and Responses' in *Forced Migration Review* 62 (October 2019) pp. 7-10 https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/return/return.pdf

Ibreck R & Pendle N (2016) Customary Protection: Chiefs' Courts as Public Authority as Public Authority in UN Protection of Civilians Sites in South Sudan. London: LSE Justice and Security Research Programme

Ibreck R & Pendle N (2017) 'Community Security and Justice under United Nations Governance: Lessons from Chiefs' Courts in South Sudan's Protection of Civilians Sites. In *Stability: International Journal of Security and Development* 6(1) p.16.  http://doi.org/10.5334/sta.568

IOM (February 2018) Malakal Combined Assessment. International Organisation of Migration – Displacement Tracking Matrix. https://reliefweb.int/sites/reliefweb.int/files/resources/20180529%20IOM%20DTM%20Malakal%20Combined%20Assessment%2C%20February%202018.pdf

IOM/UNHCR (May 2019) Intention Perception Survey. International Organisation of Migration – Displacement Tracking Matrix https://displacement.iom.int/reports/south-sudan-—-iom-unhcr-intention-perception-survey-—-malakal-may-2019

Japan International Cooperation Agency (2014) The Project for Comprehensive Planning and Support for Urgent Development on Social Economic Infrastructure in Malakal Town in the Republic of South Sudan. Final Report. July 2014. Tokyo: JICA https://openjicareport.jica.go.jp/pdf/12228953_01.pdf

Kindersley N (December 2019) *Returns and Peace in South Sudan: Challenges, opportunities and the way forward.* Juba: Conflict Sensitivity Resource Facility

Lambert H & McKevitt C (2002) 'Anthropology in Health Research: from qualitative methods to multidisciplinarity' in*British Medical Journal* 325(27 July 2002) pp210-213

Murphy R (2017) 'The United Nations Mission in South Sudan and the Protection of Civilians' in *Journal of Conflict and Security Law* 22(3)pp 367-394

Pantuliano S, M Buchanan-Smith, P Murphy, I Mosel (2008) The Long Road Home: Opportunities and obstacles to the reintegration of IDPs and refugees returning to southern Sudan and the three areas. Report of phase II: Conflict, urbanisation and Land. HPG Commissioned Report. London: ODI. https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3314.pdf

Pendle N (2019) The Future of Protection of Civilian Sites: Protecting displaced people after South Sudan's peace deal. Memo for LSE's Conflict Research Programme February 2019. London: LSE http://www.lse.ac.uk/international-development/Assets/Documents/ccs-research-unit/Conflict-Research-Programme/crp-memos/POCS-in-SS-Feb-2019.pdf

Radio Tamazuj (29th June 2020) 'Military officers accused of fueling Jonglei conflict' https://radiotamazuj.org/en/news/article/military-officers-accused-of-fueling-jonglei-conflict

Radio Tamazuj (8th September 2020) 'UN Denied Access to Lobonoj' https://radiotamazuj.org/en/news/article/un-denied-access-to-lobonok

Schomerus M & Allen T (2010) *Southern Sudan at odds with itself: Dynamics of conflict and predicaments of peace*. London: LSE Development Studies Department (DESTIN).

Schots B & Smith G (2019) 'Returns in Complex Environments: The case of South Sudan' in *Forced Migration Review* 62 (October 2019) pp. 60-63 https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/return/return.pdf

Small Arms Survey (16th June 2020) *Mapping Actors and Alliances Project in South Sudan. Update no.1.* Geneva: Small Arms Survey http://www.smallarmssurveysudan.org/fileadmin/docs/MAAPSS-Updates/HSBA-MAAPSS-Update-June2020-Cabinet.pdf

Stern J (2015) *Establishing Safety and Security at Protection of Civilian Sites. Lessons from United Nations Peacekeeping Mission in South Sudan.* Civilians in Conflict Policy Brief no.2. Washington: Stimson Center.

Sudan Tribune (4th July 2020) 'Kiir, Machar to meet soon over Olony's appointment as Upper Nile governor' https://www.sudantribune.com/spip.php?article69554

Sullivan DP (2018) *Displaced Nation: The Dangerous Implications of Rushed Returns in South Sudan.* 1st November 2018. *Washington:* Refugees International.

Sullivan DP (2019) 'Shared obstacles to return: Rohingya and South Sudanese' in *Forced Migration Review* 62 (October 2019) pp. 4-7 https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/return/return.pdf

UN (8th September 2020) Daily Press Briefing by the Office of the Spokesperson for the Secretary-General. https://www.un.org/press/en/2020/db200908.doc.htm

UNHCR (August 2018) Intentions of IDPs in Protection of Civilian Sites. Location: Malakal PoC

UNDP (2013) *Manual for Traditional Authorities on Customary Law in South Sudan*. Jan 2010, updated December 2013. http://www.undp.org/content/dam/southsudan/library/Reports/Manual%20for%20Traditional%20Authorities%20on%20Customary%20Law%20in%20South%20Sudan%20(1).pdf

UNMIS (12 May 2011) Lidder visits Jonglei State http://unmis.unmissions.org/Default.aspx?tabid=511&ctl=Details&mid=697&ItemID=13570

UNMISS (2013) UNMISS Guidelines on Civilians seeking Protection at UNMISS bases.

UNMISS (2014) *Attacks on Civilians in Bentiu and Bor* https://reliefweb.int/sites/reliefweb.int/files/resources/UNMISS%20HRD%20-%20Attack%20on%20Civilians%20in%20Bentiu%20and%20Bor%20-%20January%202015.pdf

UNMISS (2018) UNMISS "Protection of Civilians" (PoC) Sites Population Update https://reliefweb.int/sites/reliefweb.int/files/resources/20182805_-_poc_update.pdf

UNMISS (2020a) UNMISS "Protection of Civilians" (PoC) Sites Population Update. 11th May 2020. https://reliefweb.int/sites/reliefweb.int/files/resources/POC%20Update%2011.pdf

UNMISS (2020b) Transcript of SRSG and Head of UNMISS Press Conference on COVID-19. 7th May 2020. https://unmiss.unmissions.org/transcript-srsg-and-head-unmiss-press-conference-COVID-19

UNMISS (2020c) Statement of the Special Representative of the United Nations Secretary-General on South Sudan. 23rd June 2020 https://unmiss.unmissions.org/statement-special-representative-un-secretary-general-david-shearer-briefing-security-council-1

UNMISS (9th June 2020) Despite COVID-19, 60 people build skills through an UNMISS-supported vocational training in Malakal. https://unmiss.unmissions.org/despite-COVID-19-60-people-build-skills-through-unmiss-supported-vocational-training-malakal

UNMISS (4th September 2020) Near verbatim transcript of SRSG/ Head of UNMISS David Shearer's Press Conference – Opening Remarks and Q&A. https://unmiss.unmissions.org/near-verbatim-transcript-srsghead-unmiss-david-shearers-press-conference-%E2%80%93-opening-remarks-and-q

UNMISS (16th September 2020) Statement of the SRSG David Shearer – Briefing to the Security Council on the Situation in South Sudan https://unmiss.unmissions.org/briefing-security-council-special-representative-un-secretary-general-david-shearer

UNSC (2015)  Special report of the Secretary-General on the review of the mandate of the United Nations Mission in South Sudan. S/2015/899 23rd November 2015

UNSC (2019a) Report of the Secretary-General on the situation in South Sudan. Security Council 8621st Meeting S/PV.8621 18th September 2019 https://undocs.org/en/S/PV.8621

UNSC (2019b) Report of the Secretary-General on future planning for the protection of civilian sites in South Sudan. S/2019/741 12th September 2019 https://undocs.org/en/S/2019/741

UNSC (2020a) Report of the Secretary-General on the situation in South Sudan. S/2020/536 15th June 2020 https://undocs.org/S/2020/536

UNSC (2020b) Resolution 2514 (2020) Adopted by the Security Council at its 8744th meeting, on 12th March 2020. S/RES/2514 (2020) http://unscr.com/en/resolutions/doc/2514

UNSC (2020c) Report of the Secretary-General on the situation in South Sudan S/2020/890 8th September 2020 https://unmiss.unmissions.org/sites/default/files/secretary-generals_report_on_south_sudan_8_september_2020_0.pdf