

CHALLENGES AND CONDITIONS FOR DEPLOYING AN EFFECTIVE REGIONAL PROTECTION FORCE TO SOUTH SUDAN

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Overview

“The world has a legitimate concern about what is going on and a desire to protect innocent people, but what can 4,000 additional troops do that 12,000 couldn’t?”—South Sudanese Civil Society Member¹

Following four days of violence in Juba, South Sudan during July 2016 between forces loyal to President Salva Kiir and those allied with former Vice President Riek Machar, the United Nations (UN) Security Council passed Resolution 2304 in August 2016. The Resolution extended the mandate of the UN Mission in South Sudan (UNMISS) and approved the creation of a Regional Protection Force (RPF) of 4,000 additional peacekeepers to supplement the slightly more than 12,000 peacekeepers already deployed to the country under UNMISS. The RPF is mandated to operate within Juba and is vested with specific tasks related to protection of civilians and strategic installations in the capital, such as the airport.

During August 2016, two CIVIC staff members conducted interviews in Juba with 21 civilian and military officials from UNMISS, 22 representatives of the humanitarian community in South Sudan, diplomats, academics, and 59 South Sudanese civilians who were directly affected by the July violence in Juba.² In addition to assessing civilian harm during the July 2016 crisis in Juba and UNMISS response to civilian harm,³ CIVIC researchers spoke with UNMISS officials, humanitarian actors, and civilians about their perceptions of the proposed RPF and the ability of such a force to improve the capabilities of UNMISS to protect civilians within Juba.

Although the Regional Protection Force is likely to face a number of operational challenges, there are concrete areas where the RPF could improve the protection environment in South Sudan and potentially save civilian lives. RPF troops could play an important role in strengthening protection of civilians through increased patrolling, greater projection of force outside the POC sites, greater capacity to preemptively deploy peacekeepers to strategic locations around the capital ahead of a future crisis, and by encouraging the return of humanitarian aid workers and development agencies to the capital. As a new force entering the country, the RPF also has the potential to begin regaining freedom of movement for the Mission by creating different norms and expectations around movement and interaction with SPLA soldiers at checkpoints. However, in order for the RPF to improve civilian protection, there are a number of conditions that need to be met.

If the RPF is to succeed, additional land will need to be secured through negotiations with the Government of South Sudan to house the new peacekeeping troops. Likewise, the Security Council will need to engage with the government to ensure that RPF troops are allowed to enter the country with the required weaponry and equipment to carry out their protection mandate. The troop contributing countries (TCCs) selected to make up the RPF will need to be well-trained and willing to take forceful and proactive steps to protect civilians. Once on the ground, RPF troops will need to engage in robust patrolling and protection activities to begin to regain the Mission’s freedom of movement that has been slowly eroded over years of violations of the Status of Forces Agreement (SOFA) between UNMISS and the Government of South Sudan. An arms embargo should also be imposed against the government to stem

¹ CIVIC interview with South Sudanese civil society member, Juba, August 2016.

² Of the 59 civilians interviewed by CIVIC in August 2016, 27 were women and 32 were men.

³ CIVIC’s findings on civilian harm during the July 2016 crisis and UNMISS response to civilian harm during that period are covered in an earlier report. See CIVIC, Under Fire: The July 2016 Violence in Juba and UN Response, October 5, 2016, <http://civiliansinconflict.org/resources/pub/under-fire-the-july-2016-violence-in-juba-and-un-response>.

the flow of weapons into the country that are often used by parties to the conflict to harm and target civilians.

Despite the potential of the RPF to contribute to improved protection for civilians in Juba, the majority of individuals within the Mission and humanitarian community that CIVIC spoke with were deeply skeptical of the ability of a 4,000 strong RPF to seriously change the dynamics on the ground or the civilian protection capabilities of UNMISS in Juba, given the Government of South Sudan's relentless obstruction of the 12,000-plus troops already operating in the country. Overall the perspective of these UNMISS officials and humanitarian actors was that absent renewed and meaningful political initiatives to resolve the conflict, no increase in troop levels would meaningfully affect the situation.

UNMISS leadership voiced concerns that the negative side effects of the RPF could outweigh any benefits to deployment if the deployment of the RPF is not accompanied by serious engagement between the Security Council and the Government of South Sudan on issues such as SOFA violations and importation of equipment by UNMISS. Such negative side effects could include a further deterioration in the relationship between UNMISS and the Government of South Sudan, overstretched support resources for UNMISS, and additional loss of confidence in the UN in the eyes of South Sudanese civilians if the RPF fails to perform.

Of the actors that CIVIC spoke with in Juba during August 2016, those placing by far the most hope in the creation of the RPF were civilians affected by the July violence. For civilians who have repeatedly faced displacement and violence at the hands of the government or opposition forces over the past three years, there are few avenues for protection. The conflict in South Sudan shows no signs of abating, and for tens of thousands of civilian men, women and children living in the capital or sheltered inside Protection of Civilian (POC) sites attached to an UNMISS base in Juba, UNMISS offers the only prospect of protection inside the country. Although UNMISS has suffered major challenges and shortcomings in protecting these people, civilians still expressed hope that additional peacekeepers could improve their safety and security. The RPF cannot be a false promise to the South Sudanese people.

Recommendations

To the Government of South Sudan

- Cease obstruction of UNMISS activities and movements and uphold the Status of Forces Agreement (SOFA).
- Allow the swift and full deployment of the RPF, including the unhindered movement into the country of all equipment and support personnel deemed necessary for it to carry out its functions.
- Provide the necessary land for the Mission to construct a base or bases for the RPF battalion.

To UNMISS

- Persist in systematically tracking and reporting every SOFA violation, in accordance with Security Council Resolution 2304.
- Continue to engage with the Government of South Sudan on negotiations to secure adequate land to accommodate the RPF troops.
- Undertake practical training exercises for newly arriving RPF troops that reinforce understanding of the RPF's mandate, rules of engagement, and use of force in defense of the mandate.
- Promote clarity on the role of the RPF within the existing UNMISS structure and ensure that unity of command and unity of purpose is maintained across the Mission.
- Strategically employ RPF troops along with current UNMISS troops to increase the freedom of movement of the Mission and the physical presence of UNMISS peacekeepers outside of UN bases, for example, by deploying RPF and UNMISS troops in armored personnel carriers.
- Ensure that the increased capacity of the Mission resulting from the deployment of the RPF is focused on key protection activities such as patrolling and responding to requests for assistance outside of UN bases.
- Conduct out-reach activities to communities and civilians in Juba to manage expectations and to promote a clear understanding amongst civilians of the role of the RPF.

To the United Nations Security Council

- Engage forcefully with the Government of South Sudan to guarantee that RPF troops are deployed with the types of weapons and equipment that will allow them to operate effectively.

- Immediately impose an arms embargo on South Sudan to limit the use of weapons, particularly heavy weapons, against civilians and to respond to the Government's continued obstruction of both UNMISS and the deployment of the Regional Protection force.
- Continue to focus on more comprehensive and long-term solutions to conflict in South Sudan.

To the United Nations Secretariat

- Prioritize, with the support of Member States and the Security Council if necessary, expedited recruitment and training of RPF troops.
- Ensure that adequate levels of support staff, including medical personnel and engineers, are deployed alongside RPF troops, and that adequate medical facilities are available on site where RPF troops are stationed.
- Reject national caveats of troop contributing countries for the RPF that will prevent the RPF from adequately fulfilling its protection of civilians activities.

Background on the Conflict and Proposed Regional Protection Force

After decades of armed struggle, South Sudan gained independence from Sudan on July 9, 2011. Two years later, on December 15, 2013, fighting erupted between rival forces of President Salva Kiir and former Vice President Riek Machar in the capital, Juba.⁴ The crisis was rooted in a power struggle between Kiir and Machar, but hostilities between Kiir's Sudan People Liberation Army (SPLA) and Machar's Sudan People's Liberation Army in Opposition (SPLA-IO) were quickly marred by violence against civilians along ethnic lines.⁵ Armed conflict between the opposing armies and their allied militia groups continued through 2014 and into 2015.

The impact of the violence on civilians was devastating; tens of thousands were killed and about 2.6 million were displaced inside and outside the country.⁶ In August 2015, the conflict was formally brought to an end when the parties to the conflict signed the Agreement on the Resolution of the Conflict in South Sudan (ARCSS).⁷ While the scale of the conflict has declined since the signing of the peace agreement, both parties have routinely violated the terms of the agreement and fighting has spread to new areas of the country, including Western Bahr al Ghazal and the Equatorias.⁸

On July 8, 2016, fierce fighting once again erupted in Juba between forces loyal to Kiir and Machar. Heavy fighting continued until the evening of Monday, July 11 when the combatants announced a ceasefire. Due to the placement of SPLA and SPLA-IO bases in the vicinity of the UN House base and the strategic location of the UN Tongping base, the July violence between Kiir and Machar's forces was largely

⁴ President Kiir removed Machar from the vice presidency on July 23, 2013. See AU COI report, para. 63. There were quickly rival narratives regarding the origins of the December 15 events, with the government asserting that Machar had launched a coup and the opposition alleging that the government had fabricated that threat to crack down on political rivals and Nuer civilians in Juba. The AU COI found that "the evidence does not point to a coup. We were led to conclude that the initial fighting within the Presidential Guard arose out of disagreement and confusion over the alleged order to disarm Nuer members. The Commission notes further, that there are also suggestions of a mutiny within the Presidential Guard, and the ensuing violence spiraled out of control, spilling out into the general population." AU COI report, para. 68.

⁵ See Daniel Howden, "South Sudan: the state that fell apart in a week," *The Guardian*, December 23, 2013, <http://www.theguardian.com/world/2013/dec/23/south-sudan-state-that-fell-apart-in-a-week>;

⁵ Human Rights Watch, "South Sudan: Ethnic Targeting, Widespread Killings," January 16, 2014, <https://www.hrw.org/news/2014/01/16/south-sudanethnic-targeting-widespread-killings>.

⁶ BBC, "South Sudan refugees reach one million mark," September 16, 2016 (indicating that there are more than 1 million refugees and an additional 1.6 million displaced, "meaning about 20% of the population have been made homeless since December 2013"); AFP, "50,000 and not counting: South Sudan's war dead," November 15, 2015.

⁷ ARCSS, August 17, 2015, http://jmecsouthsudan.org/uploads/jmec_signed_peace_agreement.pdf.

⁸ See Human Rights Watch, "South Sudan: Civilians Killed, Tortured in Western Region," May 24, 2016, <https://www.hrw.org/news/2016/05/24/south-sudan-civilians-killed-tortured-western-region>; Human Rights Watch, "South Sudan: Army Abuses Spread West," March 6, 2016, <https://www.hrw.org/news/2016/03/06/south-sudan-army-abuses-spread-west>; Small Arms Survey, "Conflict in Western Equatoria," July 25, 2016, <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/HSBA-Conflict-in-WES-July-2016.pdf>.

concentrated around both UN installations as well as two Protection of Civilian (POC) sites housing some 37,000 IDPs. Indiscriminate small arms and artillery fire from SPLA and SPLA-IO forces led to more than 30 civilian deaths inside the POC sites alone.⁹ During the violence, civilians attempting to flee to POC sites and UN bases were targeted and killed by the SPLA and in the weeks and months since the crisis, women leaving the POC sites in search of food or other essential items have faced widespread rape and sexual violence at the hands of SPLA soldiers. During the July crisis, UNMISS found itself in an extremely hostile and challenging environment. Yet, even given the difficult operating environment, UNMISS clearly underperformed in fulfilling core parts of its protection mandate.¹⁰

In response to the July violence, the UN Security Council passed resolution 2304 on August 12, 2016. The resolution renewed UNMISS's mandate and approved the creation of a new 4,000 strong Regional Protection Force (RPF) reporting to the overall UNMISS Force Commander. The RPF is tasked with providing a secure environment in and around Juba by:

- protecting major lines of communication and transport into and out of the capital;
- safeguarding the airport and other key facilities in Juba;
- and engaging any actor credibly found to be preparing or carrying out attacks on United Nations personnel, humanitarian actors, or civilians.¹¹

The Security Council authorized UNMISS and the RPF to use all necessary force to carry out their mandate and included a provision in the resolution that calls for the consideration of an arms embargo against the Government of South Sudan if it withdraws consent for the deployment of the RPF, obstructs its deployment, or continues to obstruct UNMISS operations. The resolution passed with 11 votes in favor, although Russia, China, Egypt, and Venezuela abstained.¹²

The Security Council Resolution establishing the RPF was preceded by discussions within the Intergovernmental Authority on Development (IGAD) and among African heads of state and defense on the situation. IGAD issued a communiqué on July 16, 2016 calling on the Security Council to approve and deploy a regional protection force capable of separating the warring parties in Juba, protecting major installations and civilians in the capital, and bringing about the “pacification of Juba.”¹³ After further discussions, IGAD released a second communiqué on August 5, 2016, again calling for the extension of UNMISS's mandate and the creation of a RPF. IGAD was able to secure the acceptance of the Government of South Sudan “in principle” to the deployment of a RPF but only after conceding that, “The composition, mandate, armament, deployment, timing and funding shall be agreed upon by the Transitional Government of National Unity (TGoNU) and Troop Contributing Countries (TCCs).”¹⁴

Since the ratification of Resolution 2304, the Government of South Sudan has alternated between denying consent for the RPF to be deployed and verbally indicating that it will accept deployment of a RPF in some form. After travelling to South Sudan in early September 2016, Security Council members announced that a consensus on the deployment of the RPF had been reached with the Government of South Sudan. Only days after the Security Council members departed from Juba, government spokesperson Matthew Makuei and Cabinet Minister Martin Elia Lomuro held a press conference in which Makuei maintained that South Sudan will have final authority over the number of troops deployed. He said, “4,000 is the ceiling, but we are not duty-bound. We can even agree on 10.”¹⁵ Makuei went so far as to state: “If we don't accept it, if we don't agree with that, nobody will enter South Sudan. Anybody who enters without our consent is ‘an invader.’”¹⁶ During the press conference, Lomuro described the Securi-

⁹ CIVIC, Under Fire

¹⁰ Ibid.

¹¹ United Nations Press, “Adopting Resolution 2304 (2016), Security Council Extends Mission I South Sudan, Authorizes Expanded Peacekeeping Force to Bolster Civilian Protection Efforts,” August 12, 2016, <http://www.un.org/press/en/2016/sc12475.doc.htm>.

¹² Ibid.

¹³ IGAD, Communiqué of the Heads of State and Government of the IGAD Plus on the Situation in South Sudan, July 16, 2016, para. 9.

¹⁴ IGAD, Communiqué of the Second IGAD Plus Extra-Ordinary Summit on the Situation in the Republic of South Sudan, August 5, 2016, para. 13.

¹⁵ Justin Lynch, “South Sudan Puts Sharp Limits on New Peacekeeping Force,” Associated Press, September 5, 2016, <http://bigstory.ap.org/article/d518f17559254410af0655525aecee47/south-sudan-puts-sharp-limits-new-peacekeeping-force>.

¹⁶ Denis Dumo and Michelle Nichols, “South Sudan Spells Out Unresolved UN Protection Force Issues,” Reuters, September 5, 2016, <http://www.reuters.com/article/us-southsudan-security-un-idUSKCN11B22H>.

ty Council meetings as a game that South Sudan had won.¹⁷ The Government of South Sudan has sought to suspend further the deployment of the RPF by deferring the issue to parliament for discussion and then delaying parliamentary discussions on the topic.¹⁸

On September 30, Lomuro announced that the Government would support the deployment of the RPF and instructed all government agents to cooperate to that end,¹⁹ but on October 4, government representatives reportedly submitted a proposal to UNMISS officials that the RPF only be allowed to protect UN compounds and installations.²⁰ The statements of Makuei and Lomuro fit a pattern of behavior in which the Government stalls on making commitments, concedes on points when it is cornered into doing so, and then later reverses direction and incites anger amongst the population against international actors by, for example, organizing protests against the presence of international institutions, organizations, and workers in South Sudan.

In a briefing of the Security Council on October 17, Hervé Ladsous, the UN Under-Secretary-General for Peacekeeping, informed the Security Council that the Government of South Sudan continues to obstruct UNMISS operations and is delaying meaningful progress on the deployment of the RPF.²¹ While Ladsous reportedly advocated during the meeting for an arms embargo to be enacted against the government, Security Council members were divided on the issue, and no definitive decision was reached.²²

What Can the Regional Protection Force Do to Protect Civilians?

The RPF will undoubtedly face obstacles to deployment and challenges in fulfilling its mandate once operational. Despite these challenges, there are some specific areas where the RPF could have a positive impact on protection by the Mission. A number of humanitarian actors, diplomats, and UNMISS officials that spoke with CIVIC in South Sudan felt that the deployment of the RPF could restore enough confidence in the Mission's capacity within Juba to prompt the return of humanitarian aid workers and development organizations that suspended activities and evacuated staff during the July violence.²³

UNMISS was overextended during the July violence in Juba. It is possible that the RPF could place the Mission in a better position to respond to multiple and competing requests for assistance during a future crisis in the capital. A civilian UNMISS official told CIVIC, "On that weekend [of July 9-10], [peacekeepers] were overstretched; trying to deal with staff and IDPs in the base. More troops could be somewhat useful in a crisis, but only so much."²⁴ Additional troops could potentially allow UNMISS to pre-emptively deploy forces to strategic areas in Juba before the outbreak of another crisis in order to deter violence from escalating.²⁵ However, such a deployment of the RPF would be dependent on a smoothly functioning early-warning system and the willingness of troops to leave UN bases amidst a deteriorating security situation in the capital.

In times of relative stability, the RPF could enable UNMISS to increase the number and locations of patrols conducted by the Force, a need that was raised by many humanitarian actors in Juba and by civilians themselves.²⁶ As an UNMISS military official noted, there would be fewer opportunity costs to devoting troops to different tasks and locations if the overall number of peacekeepers were to increase,

¹⁷ "What did the UN Security Council Achieve in South Sudan?" Radio Tamazuj, September 7, 2016, <https://radiotamazuj.org/en/article/south-sudan-says-it-won-game-un-security-council>.

¹⁸ CIVIC interview with South Sudanese politician, Juba, August 2016.

¹⁹ UNHCR, "UNHCR Operation Update: 16-30 September," September 30, 2016, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20SSD%20Operational%20Update%20No%2018%20-%2016-30%20September%202016.pdf>.

²⁰ Associated Press, "South Sudan Monitor says Cease-Fire Violated Almost Daily," October 19, 2016, <http://www.foxnews.com/world/2016/10/19/south-sudan-monitor-says-cease-fire-violated-almost-daily.html>.

²¹ What's in Blue, "South Sudan Consultations," October 15, 2016, <http://www.whatsinblue.org/2016/10/south-sudan-consultations-8.php>

²² Radio Tamazuj, "UN Peacekeeping Chief Says S Sudan Deliberately Delaying Protection Force," October 19, 2016, <https://radiotamazuj.org/en/article/un-peacekeeping-chief-says-s-sudan-deliberately-delaying-protection-force>.

²³ CIVIC interviews with diplomats, humanitarian officials, and UNMISS officials, Juba, August 2016.

²⁴ CIVIC interview with UNMISS civilian official, Juba, August 2016.

²⁵ CIVIC interview with diplomat, Juba, August 2016.

²⁶ CIVIC interviews with humanitarian officials and civilians, Juba, POC1, POC3, and Tongping, August 2016.

and the Mission might then be able to prioritize additional protection activities.²⁷ Additional numbers of UNMISS troops moving within and around Juba could itself have some deterrent effect on crime and violence perpetrated by SPLA soldiers. Furthermore, if the RPF displays a willingness to move in armored vehicles without explicit SPLA permission and respond resolutely in interactions with SPLA soldiers at checkpoints and road blocks, the Mission as a whole stands to gain back freedom of movement and legitimacy.

Diplomats, UNMISS officials, and an employee of an international organization suggested that the RPF could support implementation of the ARCSS peace agreement by mentoring and training police units, separating parties to the conflict, and implementing other security sector reform initiatives outlined in the peace agreement.²⁸ However, as opposition forces become increasingly fractured and the validity of the peace agreement is called into question in the absence of Riek Machar, it may not be possible for the RPF to carry out these activities.

Concerns with the Proposed Regional Protection Force

“The RPF will not be allowed in by the government. If they come, they will just come with iPods and AKs, not the guns or machines that are required for protection.” –Male civilian sheltering in UN Tongping base²⁹

The majority of UNMISS officials and humanitarian aid workers that CIVIC spoke with in South Sudan in August 2016 were critical of the UN Security Council decision to address violence against civilians in South Sudan with the creation of the RPF. Criticism stemmed primarily from: serious concerns that UNMISS was not consulted on decisions to create the RPF or the parameters of the RPF; that the RPF is a temporary and inadequate means for addressing the larger political situation in South Sudan and the key blockages to the Mission fulfilling its protection of civilians mandate; and additional peacekeepers are unlikely to be willing to perform or have the capacity to perform the tasks asked of them in the current environment. Several UNMISS officials and humanitarian actors also criticized the decision of the Security Council to link the issue of an arms embargo to the RPF, rather than implement a long overdue arms embargo based on the imperative to protect civilians, including from heavy weapons.³⁰

There was a strong sense amongst UNMISS officials and the United Nations Department of Peacekeeping Operations (UNDPKO) that they were not adequately consulted on decisions by the Security Council to create the RPF or on what mandate the RPF would be given.³¹ The RPF was referred to as a “New York initiative,” meaning that it was driven primarily by the Security Council.³² One UNMISS military official stated, “[We were] not invited to comment on the 4,000. It was all driven from New York. There is a sentiment that the Mission was not included in drafting.”³³

Perhaps as a result of a lack of consultation with the Mission, the RPF has been tasked with some activities that it will likely be unable to perform, such as controlling the Juba airport. In the words of an UNMISS civilian official: “There are a number of things in the resolution that UNMISS cannot do. ... To believe that the UN can control the airport—it’s not possible.”³⁴ Another UNMISS official agreed: “[The Mission’s] role vis-à-vis the airport will be contested. Ability to secure roads with the existence of checkpoints will be limited. People in the force are already trying these things.”³⁵ There are also a number of security issues in Juba that the RPF may not be well-suited to handle, such as protecting civilians from violence in Juba after dark.³⁶ UNMISS will need to manage the expectations of civilians around the RPF and deployment of the RPF should be accompanied by strong out-reach to communities and civilians about the role of the RPF.

²⁷ CIVIC interview with UNMISS military official, Juba, August 2016.

²⁸ CIVIC interviews with officials of UNMISS, humanitarian agencies, and an international organization, Juba, August 2016.

²⁹ CIVIC interview with civilian, Tongping base, August 2016.

³⁰ CIVIC interviews with humanitarian and UNMISS officials, Juba, August 2016.

³¹ CIVIC interviews with UNMISS officials, Juba, August 2016 and; CIVIC interviews with UNDPKO officials, New York City, October 2016.

³² CIVIC interview with UNMISS civilian official, Juba, August 2016.

³³ CIVIC interview with UNMISS military official, Juba, August 2016.

³⁴ CIVIC interview with UNMISS civilian official, Juba, August 2016.

³⁵ CIVIC interview with UNMISS military official, Juba, August 2016.

³⁶ CIVIC interview with South Sudanese academic, Juba, August 2016.

Many humanitarian workers and employees of UNMISS say they believe the Security Council is aware of the serious issues that the RPF will face, but pushed plans forward for deployment out of a desire to appear to be taking strong action and moving towards a solution in an environment where there are no easy answers or quick solutions. An UNMISS official referred to the creation of the RPF as a “symbolic act.”³⁷

UNMISS and humanitarian aid workers questioned the ability of 4,000 additional troops to practically change the conflict dynamics on the ground or effectively protect civilians without other serious initiatives to address the conflict, including the relentless targeting of civilians by the government and opposition forces. There is a vital need for the Mission—and the UN more generally—to address the political dynamics in the country and focus on the peace process and, longer-term, more comprehensive solutions to the violence. As one diplomat in Juba noted, “Ultimately it is a political problem and 4,000 more [peacekeepers with] the RPF addresses some symptoms, not the problems.”³⁸ Echoing this sentiment, a member of a civil society organization said, “Upgrading the status of UNMISS will not help if political leaders cannot solve their issues.”³⁹ One UNMISS military official poignantly asked, “If 12,000 isn’t enough, why is 16,000?”⁴⁰ In regards to UNMISS’s mandate, most UNMISS and humanitarian actors on the ground felt that the mandate was already robust enough to allow for adequate protection of civilians. A staff member of a humanitarian agency stated, “the text of all resolutions allows what is needed.”⁴¹

UNMISS and humanitarian actors repeatedly emphasized that, rather than sheer numbers or the Mission’s mandate, there are other real issues inhibiting UNMISS from fulfilling its protection of civilians role, including the repeated obstruction of the Mission by the Government of South Sudan. Moreover, the effectiveness of UNMISS is limited by a more general unwillingness by peacekeepers to risk their lives on behalf of South Sudanese civilians that is amplified by the lack of adequate medical care available in-country for injured peacekeepers. Insufficient training and national caveats of troop contributing countries (TCCs) that place restrictions on the types of activities troops from particular countries are willing to perform also limit the effectiveness of peacekeepers in South Sudan.⁴² One UNMISS civilian official noted that, “There is frustration with the new Resolution—we know what TCCs are capable and willing to do and the RPF will be more of the same.”⁴³

The Government of South Sudan has continuously obstructed the ability of the Mission to function, including by preventing peacekeepers from patrolling in armored vehicles or using air-support for operations. The Panel of Experts on South Sudan reported 50 SOFA violations committed by the SPLA and government in the three-month period between June 1 and August 28, 2016.⁴⁴ Restrictions on the movement of the Mission tend to relax in times of relative peace, and increase as tensions rise, when protection by UNMISS is needed most.⁴⁵ If all other factors remain the same, the Government of South Sudan will likely react to the RPF in the same way, limiting its ability to operate. One humanitarian actor voiced this opinion, stating that, “The government has been able to limit UNMISS’s capacity as a 12,000 strong force and would do the same with additional troops.”⁴⁶

Moreover, many individuals within humanitarian agencies and inside UNMISS expect the government to adopt a tactic of purposefully delaying the deployment of the RPF troops or preventing the Mission from importing weaponry and equipment that would allow the Mission to operate effectively. According to one UNMISS official: “The Government is making life more and more difficult for the UN and they will look for delaying. They will delay and create problems in bringing in equipment.”⁴⁷

Possible Negative Consequences

³⁷ CIVIC interview with UNMISS civilian official, Juba, August 2016.

³⁸ CIVIC interview with a diplomat, Juba, August 2016.

³⁹ CIVIC interview with civil society leader, Juba, August 2016.

⁴⁰ CIVIC interview with UNMISS military official, Juba, August 2016.

⁴¹ CIVIC interview with a humanitarian official, Juba, August 2016.

⁴² CIVIC interviews with humanitarian and UNMISS officials, Juba, August 2016.

⁴³ CIVIC interview with UNMISS civilian official, Juba, August 2016.

⁴⁴ Report of the Panel of Experts on South Sudan extended established pursuant to Security Council resolution 2290 (2016), UN SC Doc. S/2016/793, September 19, 2016, para. 36.

⁴⁵ CIVIC Report, Under Fire

⁴⁶ CIVIC interview with humanitarian official, Juba, August 2016.

⁴⁷ CIVIC interview with UNMISS military official, Juba, August 2016.

Beyond facing a number of challenges to effectively deploying and protecting civilians, the RPF has the potential to adversely affect the Mission. Specifically, UNMISS officials feared that the Mission as a whole would be burdened by the process of integrating the RPF into its operations and would struggle to maintain unity of purpose and vision with the additional RPF troops assigned separate tasks.⁴⁸

Logistically, preparing for the RPF would require a serious investment of resources. Additionally, given likely obstruction by the Government of South Sudan, the RPF is unlikely to be permitted to enter the country with all equipment and enablers that would allow it to function effectively. Instead, the RPF is likely to require significant support from existing medical and engineering teams as well as weaponry already on the ground. One UNMISS civilian official observed: “Will the TCCS have the right equipment and come self-sustaining? It disables the operation if they don’t come with certain things.”⁴⁹ Another UNMISS official echoed these concerns, saying, “[The RPF] is unlikely to have enablers such as attack heli[copters]. It will create a larger burden on existing infrastructure.”⁵⁰ Similarly, UNMISS staff predicted that a 4,000-strong RPF would not actually be deployed to South Sudan in its entirety. Rather, several troops would be deployed while other contingents already within UNMISS would be shifted to the RPF to fill the existing slots which, even collectively, might never number more than 3,000.⁵¹

In addition to logistical issues, UNMISS risks damaging an already difficult working relationship with the Government of South Sudan by forcing the deployment of additional troops with a more aggressive mandate without the real and meaningful consent of the Government. According to one UNMISS official, the creation of the RPF is “like declaring war on the two sides. ... It will draw more hostile attitudes towards the Mission.”⁵² Similarly, an UNMISS military official noted: “A non-consensual protection force can cause more problems than benefits. Even the preamble to arrival, without consent, will reduce the freedom of movement of UNMISS.”⁵³ A civilian staff member from the Mission also raised concerns that the focus on the RPF would characterize the Mission as primarily a military initiative and obscure the work of the civilian side of UNMISS.⁵⁴ A diplomat that spoke with CIVIC also raised concerns of bi-lateral fallout for countries and representatives of those countries that are viewed as having advocated for the RPF.⁵⁵ Such risks alone are not cause for abandoning the RPF, but risks have to be weighed against the likely effectiveness of the RPF, and conditions must be created for the RPF to be as effective as possible.

Finally, UNMISS and the UN Security Council face a serious threat of losing legitimacy if the RPF is not effective or if the Government of South Sudan continues to obstruct the functioning of the Mission and an arms embargo fails to materialize. A senior military advisor in Juba described the situation: “If the RPF backs down, it will be the last straw. The stakes are high with the RPF.”⁵⁶ A civilian UNMISS official predicted that, “The deadlines will not be met and the weapons embargo that is supposed to come into play will not materialize and then that hand has been played. The SPLA will know that it can just delay, and there will be no consequences.”⁵⁷ The effectiveness of the RPF and the Security Council’s response to any attempts by the SPLA leadership to delay the deployment of the RPF will affect the standing of the Mission and Security Council in the eyes of the Government of South Sudan. It will also affect the legitimacy of UNMISS in the eyes of South Sudanese civilians who, despite past shortcomings of the Mission, continue to place hope in the ability of the Mission to protect them.

But, while it is important that the limitations of the RPF be understood, that does not mean that it will not have some immediate added value. Under the right circumstances, the RPF has the potential to save civilian lives should another crisis similar to July erupt.

Civilian Perspectives on the Regional Protection Force

Although some civilians displayed skepticism about the ability of the Regional Protection Force to protect them during any future crisis, many civilians were hopeful that additional troops would enable the

⁴⁸ CIVIC interviews with UNMISS military and civilian officials, Juba, August 2016.

⁴⁹ CIVIC interview with UNMISS civilian official, Juba, August 2016.

⁵⁰ CIVIC interview with UNMISS military official, Juba, August 2016.

⁵¹ CIVIC interviews with UNMISS military and civilian officials, Juba, August 2016.

⁵² CIVIC interview with UNMISS civilian official, Juba, August 2016.

⁵³ CIVIC interview with UNMISS military official, Juba, August 2016.

⁵⁴ CIVIC interview with UNMISS civilian official, Juba, August 2016.

⁵⁵ CIVIC interview with diplomat, Juba, August 2016.

⁵⁶ CIVIC interview with senior military advisor, Juba, August 2016.

⁵⁷ CIVIC interview with UNMISS civilian official, Juba, August 2016.

Mission to better protect them, perhaps because they have little other recourse or hope for protection in an increasingly unstable conflict.

A 29-year-old man living in POC1 site with his wife, child, and three brothers said to CIVIC:

Maybe when 4,000 more come, there will be peace. ... The UN could bring more troops to protect civilians. Everyone wants to go home, but the situation does not allow it. I heard that there may be 4,000 troops and that when they come, they will help people and when they hear that women are raped, they will go there and check.⁵⁸

A 30-year-old South Sudanese male NGO worker who spoke with CIVIC held similar views: “If the RPF comes, there will be establishment of hybrid courts which is why the government is opposed. There will be peace and security.”⁵⁹

Even while speaking unfavorably of past failures by UNMISS, many civilian men and women called for UNMISS to have additional capacity and take on a larger role in resolving the conflict, projecting force outside of UN bases, responding more robustly when POC sites are directly threatened, and conducting more patrols to protect women travelling outside of the POC sites from sexual violence.⁶⁰ A 40-year-old South Sudanese woman advocating for additional patrols and increased presence of UNMISS outside of the POC sites explained that, “When [SPLA] see the peacekeepers, they hide. When they see no peacekeepers, they harass women.”⁶¹ Another 31-year-old woman specifically recommended that more UN peacekeepers and police officers be brought to the area around the POC site to confront SPLA soldiers at checkpoints in the surrounding areas.⁶²

What Needs to Happen for the RPF to Function Most Effectively?

“Will those coming have the guts to stop the army if they attack civilians? The RPF must have teeth and be willing to respond to violence...[They] need a complete change of direction, a dramatic change.”— South Sudanese academic⁶³

Despite the many challenges that it will face, the Regional Protection Force could contribute to civilian protection through increased patrolling and greater projection of force outside the POC sites while encouraging the return of humanitarian aid workers and development agencies to the capital. However, in order for the RPF to improve civilian protection, there are a number of conditions that need to be met.

Currently there is no space for the deployment of 4,000 or even 3,000 additional peacekeeping troops. The Mission, the UN Security Council, and nations with close bi-lateral relations with South Sudan will need to negotiate with the Government to secure additional land to house RPF troops. Even after land is secured, significant resources will need to be dedicated to expediting preparation of the site for the arrival of RPF troops. Such construction would normally take six to nine months, even after additional land has been secured.⁶⁴ Therefore, the Security Council and relevant TCCs involved in the RPF should do everything in their power to expedite force generation and deployment, without compromising the training and preparedness of the troops. Moreover, there will also need to be significant, sustained dialogue and pressure on South Sudanese leadership to ensure that RPF troops are allowed to enter the country with sufficient ammunition, weaponry, armored vehicles and aircraft to perform their mandated tasks. Likewise, the new RPF units will need to be self-sustaining in the sense that they should arrive with the engineering, medical, and other support staff to prevent already stretched Mission resources from being overwhelmed.

Any additional troops will need to be professional, well trained, and have significant experience operating in conflict zones and complex environments. In particular, the troops will need a clear mission, clear rules of engagement, and practical training on how to apply their rules of engagement in the South Sudanese context.

⁵⁸ CIVIC interview with civilian, POC1, August 2016.

⁵⁹ CIVIC interview with civilian, POC1, August 2016.

⁶⁰ CIVIC interviews with civilians, POC1, POC3, and Tongping, August 2016.

⁶¹ CIVIC interview with civilian, POC3, August 2016.

⁶² CIVIC interview with civilian, POC3, August 2016.

⁶³ CIVIC interview with South Sudanese academic, Juba, August 2016.

⁶⁴ CIVIC interviews with UNMISS military officials, Juba, August 2016.

Furthermore, the troops will need to be able and willing to use force in support of their mandate. As an international organization official noted, “With the Regional Protection Force, impunity will be an issue. The Government, the SPLA, will keep pushing until they are challenged. If there is a lack of clarity about the mission and tasking, it could be an issue. A clear mission and rules of engagement are needed for the RPF...They need to be willing to use force.”⁶⁵ A humanitarian actor reiterated this point: “The government in the first week will challenge [the RPF] and continue pushing barriers if allowed to. They use bullying techniques. The RPF has to come in and push back quickly.... It could be a dramatic jolt [to the government] if they moved in an APC convoy [without permission].”⁶⁶ The RPF will be an opportunity for new forces to create a different status quo around troop movements. UNMISS should capitalize on this opportunity by ensuring that RPF troops move and act robustly in the early days of their deployment.

Conclusion

The Regional Protection Force will face many obstacles to successful deployment, the most trying of which will likely be stalling and obstruction by the Government of South Sudan. However, the RPF could still serve an important protection role in South Sudan. Specifically, the RPF could encourage the return of international development organizations to South Sudan, reinforce patrolling activities of the Mission, improve the ability of UNMISS to pre-emptively respond to a deteriorating security situation in Juba, allow UNMISS more flexibility in how and where it dedicates resources, and enable the Mission to regain freedom of movement and a larger visible presence outside of UN bases and POC sites.

However, UNMISS’s shortcomings in fulfilling its mission to protect civilians do not stem primarily from the strength of its troop numbers on the ground nor the wording of its mandate. Challenges arise from the Government of South Sudan’s sustained efforts to obstruct UNMISS’s movements and the importing and use of military equipment by the Mission, as well as limited capabilities and willingness of TCCs to act robustly on behalf of South Sudanese civilians. Therefore, deployment of the RPF must be accompanied by sustained political engagement by the Security Council and international actors on the deployment itself as well as more comprehensive solutions to the conflict. Careful consideration needs to be given to training of TCCs for the RPF troops. Moreover, in the face of repeated and ongoing obstruction of UNMISS activities in South Sudan, the United Nations Security Council needs to follow through on threats to impose an arms embargo on the Government.

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⁶⁵ CIVIC interview with international organization official, Juba, August 2016.

⁶⁶ CIVIC interview with humanitarian official, Juba, August 2016.