I. INTRODUCTION

Two years ago, South Sudanese President Salva Kiir, his long-time rival Riek Machar, and other opposition leaders formed a transitional unity government. The formation of the unity government marked a significant step forward in the implementation of the 2018 revitalized peace agreement (R-ARCSS), which sought to end a brutal five-year civil war that has resulted in hundreds of thousands of civilian deaths.1 Despite this progress, the situation in South Sudan remains dire and unstable: civilians continue to face high levels of violence in some parts of the country; a projected 60 percent of people in South Sudan will face acute food insecurity in 2022;2 millions remain displaced from armed conflict; and much of the implementation of the R-ARCSS has faced persistent delays. In 2022, notably, there have been significant escalations in conflict and human rights violations in certain areas, including in parts of Unity State and Upper Nile State.3 More broadly, tensions between the government and the opposition remain high, and there are concerning signs that transitional bodies created by the peace agreement to continue its implementation may collapse.4 Already significant tensions are likely to increase and trigger further insecurity as the country approaches the presidential elections scheduled for 2023.5

With a mandate to help address these challenges, the UN peacekeeping Mission in South Sudan (UNMISS) remains a critical actor. The Mission has four primary responsibilities: to protect civilians; to create conditions conducive to the delivery of humanitarian assistance; to support the implementation of the R-ARCSS; and to monitor, investigate, and report on violations of human rights and international humanitarian law.6 Through these four mandated objectives, UNMISS aims to contribute to sustainable security and stability. But given the fragility and complexity of the current situation—where political will for reform is sometimes in short supply but political manipulation is rife—it is vital that UNMISS effectively implement a “do no harm” (DNH) approach.
An essential principle for humanitarian actors and UN peacekeepers, DNH requires that peacekeeping missions take steps to mitigate the potential that their activities and engagement could harm civilians or expose them to risk. The concept of DNH is distinct from, but overlaps significantly with, civilian harm mitigation (CHM), a whole-of-mission obligation of UN peacekeeping operations when their military and police components are undertaking operations.\(^7\) UN peacekeeping policy recognizes both DNH and CHM responsibilities. But while UN peacekeeping policy requires that missions effectively incorporate DNH into their activities and operations, implementation could be further strengthened and mainstreamed in the peacekeeping context.

“Do No Harm” requires that peacekeeping missions take steps to mitigate the risk that their activities and engagement could harm civilians or expose them to risk.

This Issue Brief is based on interviews with 136 individuals, including UNMISS military, civilian, and police officials, humanitarians, and South Sudanese civilians and civil society leaders. Interviews were conducted in Juba, Malakal, and Bentiu between September and November 2021. The Brief highlights UNMISS activities that contribute to protection and the creation of a protective environment but that, according to interviewees, could also pose an elevated risk of harm to communities. While valuable, these activities require conflict sensitivity and adequate safeguards in order to avoid incidental negative effects. Highlighted activities include: a) providing support and capacity building to state actors and initiatives, including to the South Sudanese National Police Service (SSNPS) and other elements of the justice and corrections chain; b) assisting population movements; and c) engaging with civilians. The Brief also outlines some of the ways that UNMISS currently incorporates a DNH approach into its activities, and it identifies areas in which the Mission could strengthen DNH implementation across its components. Some UNMISS sections are proactively implementing a DNH approach—other sections across the Mission should take steps to do the same.

Going forward, both UNMISS and UN Member States can take steps to reinforce and mainstream DNH thinking into the Mission’s activities. Notably, the Mission can:

- Ensure that DNH is known and understood across the Mission and that the concept is a central consideration in decisions regarding when to support South Sudanese state actors, as well as in planning other activities and operations;
- Ensure that DNH considerations are adequately integrated into policy and planning processes across UNMISS, including within the Mission’s military and police components;
- Increase the capacity dedicated to the implementation of the Human Rights Due Diligence Policy (HRDDP) and ensure that the policy is applied in a timely, consistent, and effective manner.\(^8\)

The UN Security Council and Member State delegates engaged in approving Mission mandates and budgets should:

- Ensure that UNMISS’s mandate emphasizes the need for the Mission to apply a DNH approach across activities, particularly when providing support to, or capacity building of, government authorities, assisting population movements, and during community engagement activities;
- Support potential requests for increased funding and staffing that would allow UNMISS and the broader UN system to strengthen implementation of the HRDDP.

The UN Secretariat should also support UNMISS in operationalizing and contextualizing existing guidance on a DNH approach.
“DO NO HARM”: A BRIEF OVERVIEW

The Department of Peace Operations’ (DPO) 2019 Policy on the Protection of Civilians in UN Peacekeeping highlights DNH as a foundational principle. The policy states, “All mission components must be mindful in their activities and engagement with individuals and communities not to expose civilians to risk or to cause harm, including by exposing civilians to possible reprisals for cooperation with the mission.” It further instructs that “peacekeeping operations must be particularly aware of the potential risks to civilians caused by their own actions.”

Despite this recognition, the integration and operationalization of DNH in UN peacekeeping remains somewhat limited, particularly when compared to other fields, such as humanitarian interventions, where the concept is significantly more pervasive in policy and planning. Humanitarians have long recognized the concept of “do no harm” as central to their interventions, and the principle has been codified in humanitarian policy since the 1990s. Although DNH is defined differently across organizations, definitions focus on actors ensuring that humanitarian interventions do not have negative or harmful repercussions. (Harm is understood to encompass damage to the physical and mental well-being of stakeholders, as well as less direct concerns such as corruption or distortion of local markets.) The humanitarian network F3E, for example, offers two definitions of the DNH principle: 1) “do no harm” is to avoid exposing...
people to additional risks through our action,” and 2) “do no harm’ means taking a step back from an intervention to look at the broader context and mitigate potential negative effects on the social fabric, the economy and the environment.”

Similarly, the Inter-Agency Standing Committee guide for Resident Coordinators states that Resident Coordinators “should ensure that humanitarian actors do all they reasonably can to eliminate or minimize the risks of humanitarian interventions negatively impacting on the affected population.” Across DNH definitions, it is clear that implementation of the concept requires practitioners to conduct continuous analysis of their program’s impact[s] on the broader context and take steps to mitigate potential harm.

DNH is closely related to “conflict sensitivity.” According to the CDA Collaborative, an action research and advocacy organization, “Conflict sensitivity recognizes that aid, whether development, peacebuilding, or humanitarian assistance, has the potential to support either conflict or peace.” Because introducing resources or implementing activities in a conflict context can empower—or be perceived to empower—some actors, it risks enhancing the capabilities of one actor over another or stoking tensions that can lead to conflict and violence. Examples of actions that can contribute to a conflict sensitive approach include “systematically taking into account both the positive and negative impact of interventions, in terms of conflict or peace dynamics, on the contexts in which they are undertaken, and, conversely, the impact of these contexts on the interventions,” and “check[ing] that the intervention is perceived as appropriate to the context and acceptable to local populations.” Some organizations and analysts describe DNH as a component of a conflict-sensitive approach, or suggest that conflict-sensitive approaches grew out of the DNH principle.

As noted, DNH is distinct from, but related to, the concept of civilian harm mitigation (CHM) in UN peacekeeping policy. UN peacekeeping policy identifies CHM as a whole-of-mission obligation, but specifically underscores that “measures are particularly important in relation to operations that may include the use of force.” UN policy further highlights the importance of CHM for missions’ uniformed and police components, whose personnel “must take steps to protect civilians and mitigate potential harm to civilians which might arise from those operations, before, during or after.”

Beyond peacekeeping, the concept of CHM has been applied in other multinational military operations, such as AMISOM and the G5 Sahel Joint Force, and has been recognized in international military doctrine. Although CHM is grounded in international humanitarian law—including the prohibition of targeting civilians and civilian objects as well as the requirement that belligerents undertake “precautionary measures” before launching attacks—effective implementation of the concept may obligate belligerents to undertake activities not specifically required under international law.

For instance, while not an obligation specifically outlined in IHL, belligerents should effectively track civilian harm caused by operations, whether or not incidents of harm stem from IHL violations. Although there is significant overlap between DNH and CHM, it should be noted that DNH is an underlying principle that applies to all components of peacekeeping missions in all of their activities, not only during operations or kinetic engagements.

Additional work is needed by stakeholders within and outside the UN system to clarify how the concepts of DNH, CHM and conflict sensitivity are related and can be more effectively mainstreamed in UN peacekeeping. Some policies and lessons learned from the humanitarian and development sectors on adopting a “do no harm” could be useful if applied or adapted to UN peacekeeping efforts.
II. FLASHPOINTS FOR POTENTIAL HARM IN THE SOUTH SUDAN CONTEXT

Following the outbreak of civil war in South Sudan in 2013, the UN Security Council (UNSC) shifted UNMISS’s priority task from building the capacity of state actors to the protection of civilians from physical violence. The UNSC has maintained the protection of civilians as the first pillar of the mandate each successive year. Since this shift, UNMISS has made important efforts to implement its protection mandate, including by securing hundreds of thousands of civilians who fled to UN bases seeking protection from violence perpetrated by government and opposition forces. But as large-scale political violence in the country has ebbed, the UNSC has gradually re-expanded the scope of UNMISS’s state-support activities. In parallel, UNMISS decided in 2020 to redesignate many of the protection of civilian (POC) sites—where tens of thousands of civilians were sheltered on or adjacent to UN bases under the UN’s protection responsibilities—as regular displaced person camps under the protection authority of the South Sudanese government. This decision has shifted the nature of UNMISS’s protection activities in former POC sites from direct protection to supporting national security forces. UNMISS is mandated to foster a secure environment for the safe, informed, voluntary, and dignified return, relocation, resettlement, or integration into host communities of the millions of people displaced by the conflicts in South Sudan and in neighboring countries, including those who fled to UN bases and are now living in redesignated POC sites. UNMISS is well-placed to provide some types of technical assistance to national actors, and the Mission’s capacity-building activities could be valuable in promoting stability and preventing security from deteriorating. But UNMISS is undertaking these mandated tasks at a precarious moment. Political elites continue to vie for the upper hand against each other in forums and through institutions meant to promote cooperation, while state and non-state forces continue to commit gross human rights violations in the context of widespread subnational violence that is often manipulated by military and political actors. In such a context, support to particular national actors and certain aspects of the peace process could potentially cause or contribute to civilian harm if steps are not taken to mitigate risks.

Through interviews with stakeholders in South Sudan, CIVIC identified several areas of work in which these risks are particularly salient: a) providing support and capacity building to state actors and initiatives; b) assisting population movements and other efforts to address conflict-related displacement; and c) engaging with civilians.

a. Providing Support and Capacity Building to State Actors and Initiatives

UNMISS implements a number of tasks in support of South Sudanese state authorities. One of these mandated tasks is to support South Sudanese security and justice actors, including by “using technical assistance and capacity building to support the [government of South Sudan] to expand and reform the rule of law and justice sector, in a conflict-sensitive manner.” Rule of law support from UNMISS and other external actors is critical given the weaknesses of the South Sudanese justice system: from law enforcement to detention to courts, authorities suffer from a lack of basic resources, training, and personnel.

During the civil war, parties to the conflict largely split along ethnic lines. As such, the military, police and other security forces are often perceived by civilians as ethnically and politically aligned actors rather than neutral agents of protection.

Although there are potential benefits, support to authorities also involves significant risks. South Sudan has never had a cohesive or fully professionalized military. During the civil war, parties to the conflict largely split along ethnic lines and the already fractious military structures followed suit. As such, the military, police, and other security forces are
often perceived by civilians as ethnically and politically aligned actors rather than neutral agents of protection. Moreover, the government and opposition forces have both recruited and used poorly trained militias alongside their regular soldiers, and there has been little accountability for atrocities committed by either soldiers or members of these militias. The parties have been slow to implement provisions of the R-ARCSS that are meant to address some of these concerns, as well as to establish unified security forces (military, police, and other security forces) composed of government and opposition factions that have undergone screening and training processes. As of early May 2022, no unified military forces had been “graduated,” a term that denotes completing training and being deployed as part of the country’s new Necessary Unified Forces (NUF). While government and opposition leaders publicly announced the formation of a unified military command as well as the impending graduation of some unified forces, it remains to be seen whether graduation will take place. A joint police force (JPF) was hastily stood up in one area of the country—Bentiu—through a process that was mostly divorced from the more comprehensive system of assessments, screening, training, reunification, and demobilization of some personnel that is outlined in the peace agreement. The JPF is a local security arrangement composed of 130 officers drawn equally from government and opposition forces. Moreover, much of the legislation governing security institutions—such as the police, the prison system, and the National Security Service—is not in line with international norms and standards. In this context, UNMISS support to security actors could contribute to future abuses without adequate safeguards. Additionally, providing support to non-unified forces could be perceived as defending the interests of one community while marginalizing—or endangering—other communities, particularly communities who see current security forces as a threat. Beyond questions of perception, such support could actually increase the capabilities of one of the former parties to the conflict over another or exacerbate political and ethnic tensions.

May 6, 2021, Juba, South Sudan: UNMISS’s Child Protection Unit trains officials from the national military-justice sector. The training focused on why children need special protection in armed conflict, the six grave violations against children, and South Sudan’s legal framework regarding at-risk children.
“How can we trust these militias that call themselves police? We don’t have police. If those unified police are not graduated, we can’t trust the police...UNMISS can’t help them.”

— Civilian, Malakal POC Site

Most of the capacity building that UNMISS provides to national security actors comes in the form of trainings on human rights, and UNMISS support to the South Sudanese police (SSNPS) has been considered safer than providing support to military forces. But other forms of support meant to increase SSNPS capacity, such as constructing police stations or potentially providing tactical or operational support in the future, could involve substantial risk. The SSNPS includes high-ranking officials who have “allegedly participated in military offensives and have been responsible for serious human rights violations.” Moreover, in several areas of the country where police units have not been unified or adjusted to incorporate officers aligned with opposition parties and ethnic groups typically associated with the opposition, civilians interviewed by CIVIC expressed deep distrust in the SSNPS.

For instance, residents of the Malakal POC site—a displaced persons camp under the full authority and protection of UNMISS—frequently described the SSNPS as a tribal militia that would not protect those living in the camp. “The change I need to see to feel protected, it is when police become national, not completely dominated by one tribe,” explained one POC site resident. Emphasizing the need for meaningful reform before UNMISS support could be effective, another POC site resident said, “How can we trust these militias that call themselves police? We don’t have police. If those unified police are not graduated, we can’t trust the police...UNMISS can’t help them.” Likewise, a national NGO official observed, “If we do the trainings [for SSNPS], who are we capacity building? We are capacity building people whose mandate is to protect individuals and not the general public.”

SSNPS can also incentivize corruption.

The 2020 Independent Strategic Review of UNMISS raised similar concerns regarding the potential provision of increased support to SSNPS. While acknowledging the value of some limited technical support initiatives—such as efforts to support the South Sudanese police in countering sexual and gender-based violence—the Review asserted that “the formation of a unified police force should be a precondition for broader capacity-building efforts that would include tactical training and operational support.” The Review additionally stressed that UNMISS “will need to ensure it adopts a ‘do no harm’ approach to efforts to build the capacity” of the SSNPS.

In order to increase community confidence in the SSNPS and comply with the revitalized peace agreement, the government will need to ensure that the SSNPS is representative of the population it is mandated to protect. But even if a more representative police force is established, providing support will still carry significant risks, particularly if screening and training are limited. The Joint Police Force (JPF) in Bentiu, a town in South Sudan’s Unity State, provides an example of these risks.

Authorities in Bentiu established the JPF in 2020. In 2021, the JPF was tasked with taking over policing responsibility from UNMISS police officers in a POC site under UNMISS control when it was redesignated as an internally displaced person (IDP) site under government authority. Although UNMISS has continued to conduct some patrols around the area since this change, the Mission has refocused its efforts to supporting the JPF, including by building police stations, providing training, organizing joint coordinated patrols, and offering logistical support.

In conversations with CIVIC, IDPs and humanitarians shared concerns about the behavior of the JPF. Notably, they cited allegations of armed robbery, sexual and gender-based violence (SGBV), torture, extortion of money and food, attacks against humanitarian facilities, and a persistent lack of trust between communities and police. When asked about perceptions of the JPF, one civilian said, “I don’t trust them, because some of them are among the looters, you find them in the day wearing uniforms but at night they can attack and they loot.”
Another civilian—who had a more positive view of the JPF overall—still highlighted gender-based violence (GBV) perpetrated by JPF officials, asserting, “For the JPF, they are doing GBV. JPF are taking girls and doing GBV, including sexual assaults. This a problem with the JPF.” Other stakeholders highlighted concerns of torture. For example, one civilian alleged that the JPF “is torturing people. They arrest them and then they torture them. This happened to our cousin, they took him and he spent four days in jail. They tortured him, and he came back without any clothes.” More generally, interlocutors described a deteriorating security climate in the camp since redesignation.

Beyond providing capacity building for police, UNMISS is working to strengthen other elements of the South Sudanese justice chain, including through training for prosecutors and judges as well as support to the prison system. As with support to police officers, assistance from UNMISS and other UN agencies to these elements of the justice chain could be valuable. Such support has helped to improve accountability, for example, particularly through UN-supported mobile courts and the provision of technical advice regarding legal reforms. But given the overall weaknesses of the justice system, efforts to strengthen certain parts of the justice chain can potentially lead to harm if they are not part of a more comprehensive plan to improve all links in the justice chain and if there is not sufficient monitoring to detect abuses early.

Alongside their capacity-building initiatives, for example, UNMISS officials noted the importance of Mission advocacy with national authorities on the ethnic diversity of the SSNPS for mitigating harm, as well as the importance of co-location and monitoring human rights violations committed by the SSNPS and JPF.

As noted above, the SSNPS will require support if they are to effectively protect civilians. Some civilians and humanitarians in Malakal and Bentiu—including those who were critical of the SSNPS and JPF—acknowledged that capacity building is needed for South Sudanese police, including training on human rights and gender as well as improved capacity to respond to threats. But it is vital that the Mission recognize the risks associated with these activities and incorporate a DNH approach when providing support, including taking steps to mitigate the risk that UN support could facilitate abuses. Alongside their capacity-building initiatives, for example, UNMISS officials noted the importance of Mission advocacy with national authorities on the ethnic diversity of the SSNPS for mitigating harm, as well as the importance of co-location and monitoring human rights violations committed by the SSNPS and JPF.

UNMISS can help ensure it carries out these critical initiatives safely by rigorously assessing risks and monitoring the ways in which support—from constructing police stations to facilitating mobile courts—is implemented.
courts—is used to effectively identify and address any adverse effects. Balanced assistance to different levels of the justice chain can also help mitigate risks. For example, UNMISS officials stressed the importance of Mission support to legislative reform on rule of law issues (an ongoing initiative) alongside technical support to mobile courts. The Mission will also likely need to develop common strategies with other key justice support actors, such as the UN Development Program (UNDP). Common strategies can help to ensure that programs are complementary and—if possible, given funding limitations and national political will—coherently and simultaneously address weaknesses throughout the justice chain. As one UN agency official asserted, “We need genuine joint programming, where we sit together and conceptualize programs together.” Additionally, UNMISS can scale up its support to national organizations that provide protection services for survivors and witnesses testifying in the mobile court hearings it facilitates, especially if and when it plans to increase support to trials.

b. Assisting Population Movements and Other Efforts to Address Displacement

UNMISS has a mandate to “foster a secure environment for the safe, informed, voluntary, and dignified return, relocation, resettlement or integration into host communities for IDPs and refugees when and to locations where conditions are conducive.” There are over two million internally displaced persons (IDPs) living across South Sudan. IDPs are in need of “durable solutions,” which will potentially include returns to places of origin or resettlement in host communities. When they consider it safe to do so, many IDPs will likely want to reclaim housing and property that they left behind. Because UNMISS has more extensive logistical capabilities and transportation resources than most actors in South Sudan, the Mission’s support—in coordination with humanitarians—can be instrumental in helping displaced persons return with prospects for durable solutions.
But in a context where land rights are disputed, comprehensive records on land ownership are lacking, and land disputes are often deeply connected to the ethnic and political dimensions of the conflict, population movement is intensely fraught. The civil war has exacerbated conflicts over land rights and political representation. In addition to the widespread displacement of millions of people during the civil war, the political map of states and localities was redrawn, local and state political representatives have been repeatedly reshuffled, and parties to the conflict have manipulated population movements.

International actors, including UN agencies, INGOs, and UNMISS, play a role in supporting the movement of displaced populations. But given the dynamics discussed above, there is a risk that, when they do so, they could support ethnic redistribution or ethnic gerrymandering. Protection actors who support population movements often adhere to certain principles to safeguard against potential harm, including ensuring returns are voluntary and informed. However, given the deeply politicized context and past efforts to manipulate voluntary population movements, many humanitarians, country experts, and others who spoke with CIVIC stressed the importance of also ensuring deep contextual knowledge, conflict analysis, and a DNH approach in weighing whether to support population movements in South Sudan. For example, stakeholders highlighted a recent contested movement of 5,654 IDPs from Melut County to Baliet County in South Sudan’s Upper Nile State between April and May 2021. During the relocation—which certain prominent political leaders called for—IDPs returned to their home county from areas to which they had been displaced during armed conflict. Some humanitarians assessed the movement as safe, and UNMISS provided logistical support. But other humanitarians felt that, given political sensitivities and contested land rights in the area, the movement could provoke negative humanitarian consequences and/or contribute to ethnic reengineering. The Baliet example highlights the challenges of determining whether and how to support population movements in the current environment.
Given the unpredictability of the current situation in South Sudan, some stakeholders also advocate for international actors, including UNMISS, to avoid creating incentives that could encourage returns to areas where protection and humanitarian services cannot be sustained or where there is a significant risk that the security situation will deteriorate in the near term.\(^{83}\) In this vein, one INGO official who spoke with CIVIC took issue with even using the terminology of “solutions” for the crisis, as it could create unrealistic expectations of stability. “The language of solutions at this time is not helpful,” the official said. “At this point of time, it isn’t feasible to think about solutions. There is a failure to accept that reality and the very real challenges and risks that lie ahead.”\(^{84}\)

Of the over two million internally displaced South Sudanese, an estimated 167,856 IDPs lived in POC sites as recently as September 2020.\(^{85}\) But since October 2020, UNMISS has redesignated all but one of its POC sites into IDP camps, thus placing them under the protection authority of the government. The redesignation of POC sites—and the establishment of state authority over the camps—has been a central priority for key South Sudanese political elites, some of whom perceive the POC sites as a political threat and an obstacle to desired population movements and returns.\(^{86}\)

Prior to redesignation, UNMISS conducted security risk assessments (SRAs) to determine the particular protection concerns of redesignating each of the POC sites. In conversations with CIVIC, interlocutors noted that there were significant differences between the protection analyses developed by humanitarian agencies and the conclusions of the SRAs completed by UNMISS.\(^{87}\) In particular, UNMISS appears to have primarily considered whether redesignation of the sites would pose immediate physical protection risks to civilians, while some stakeholders felt that protection assessments should take into account the broader political dynamics and the unresolved housing, land, and property (HLP) challenges. In Malakal, for example, land and property remain key elements of ongoing conflict dynamics as well as a fundamental obstacle to durable solutions. Under new leadership, UNMISS appears to be more thoroughly considering political dynamics in its approach to the future of the remaining POC site in Malakal.\(^{88}\)

Peacekeepers and humanitarians have different definitions of protection. Moreover, UNMISS leadership has asserted that the decision to redesignate POC sites was based not only on the SRAs, but also on a need to prioritize its efforts given limited resources.\(^{89}\) But UNMISS should ensure that protection analysis is thoroughly sensitive to conflict dynamics. Doing so can strengthen decision-making and help to identify and mitigate risks of redesignation or support to population movements whether or not UNMISS ultimately decides to redesignate a particular protection site or support a population movement. Strong collaboration between UNMISS and humanitarians can help support conflict sensitivity. As referenced above, a conflict-sensitive approach requires that interveners: a) understand the conflict dynamics of the context in which they operate; b) understand the potential impacts of their intervention on the context; and c) avoid reinforcing conflict dynamics and “capitalize on opportunities to support peace.”\(^{90}\)

**Engaging communities and a people-centered approach are central to UNMISS’s work and capacity to effectively implement its mandated tasks. But interacting with UNMISS can also lead to risks for civilians.**

c. Engaging with Civilians

Across its military, police, and civilian components, the Mission engages with South Sudanese civilians in many ways, from organizing intercommunal dialogues to conducting human rights investigations. As outlined by past CIVIC research and numerous other independent and UN reviews of peacekeeping, engaging communities and a people-centered approach are central to UNMISS’s work and capacity to effectively implement its mandated tasks.\(^{91}\)
But interacting with UNMISS can also lead to risks for civilians. When the Mission conducts investigations and information-gathering related to human rights violations and protection threats, for example, it could potentially expose civilians to dangers. This is not a challenge unique to South Sudan. In many conflict environments, civilians who share information on protection incidents or dynamics—whether with peacekeepers, humanitarians, or others—risk exposing themselves to reprisal attacks if their identities are known. The 2020 DPO handbook on POC in peacekeeping recognizes this danger, noting that civilians “may be subject to reprisals if they are considered to have supported military operations, state security forces or the mission.”

Risks to civilians may be elevated when UNMISS collects information on CRSV or SGBV, particularly due to the societal stigma attached to survivors of sexual violence. As noted previously, risks of retaliation may be higher if links in the justice chain are weak or if survivors are not adequately supported. Moreover, when humanitarians, UNMISS officials, or others conduct interviews with survivors, they could potentially retraumatize the individuals they are speaking with.

International actors can avoid re-traumatization by coordinating and sharing information with each other rather than asking individuals to re-share their stories. However, confidentiality and protecting the identities of sources are critical for avoiding reprisals. UNMISS and humanitarians can navigate these difficult dynamics through conflict-sensitive information-sharing protocols and guidance. A strong survivor-centered approach when gathering information on sensitive issues, including CRSV and SGBV, can also reduce risks. Endorsed by the UNSC, a survivor-centered approach requires that interveners prioritize the needs, concerns, and wishes of survivors. UNMISS’s mandate requires that it and all parties to the conflict and other armed actors “adopt a survivor-centered approach to prevent and respond to sexual violence in conflict and post-conflict related situations.” As UNMISS officials explained, this can include the Mission partnering with INGOs or local actors to counsel survivors.

Outside of information gathering, other UNMISS community engagement activities also have the potential to result in harm. Dialogue and reconciliation efforts carried out by the Mission’s Civil Affairs Division with different ethnic communities or between herders and farmers, for instance, are valuable and can reduce tensions and the likelihood of future conflict. But such activities could also exacerbate tensions between communities or endanger participants, if, for example, they are perceived to be biased toward particular communities, if the organizers do not undertake sufficient stakeholder mapping to understand the actors and dynamics contributing to conflict, or if some authorities have an interest in repressing dialogue. UNMISS officials also highlighted the importance of peacekeepers respecting the confidentiality of sources after information is collected—and when it is shared internally and externally—to avoid harm to individuals or fueling tensions.

III. MAINSTREAMING A “DO NO HARM” APPROACH

“Do no harm” could be strengthened and reinforced in UN peacekeeping missions. Although broad guidance from DPO exists for missions, it is not always contextualized on the ground. However, mandates increasingly require that missions adopt a conflict-sensitive approach and take steps to mitigate harm. Such an approach is critical for reducing unintentional risks to civilians in complex conflict environments.

In South Sudan, there is a growing need for a DNH approach, particularly as UNMISS’s capacity-building role increases. UNMISS should prioritize promoting DNH, including by developing increased DNH guidance and capacity across its civilian, police, and military components.

UNMISS has already developed some tools necessary for effectively applying the DNH principle. Over the last several years, for example, the Mission has strengthened its implementation of the Human Rights Due Diligence Policy (HRDDP), which prohibits UN support to government security forces when there is a substantial risk of beneficiaries committing grave violations of international law. This policy can be a critical tool for reducing the risks associated with support to national actors. There appears to be growing awareness of the HRDDP across the Mission, and UNMISS has implemented a working group with UNDP to coordinate implementation across different UN bodies. Nonetheless, as
discussed in detail below, there are additional adjustments that UNMISS could make to reinforce its application of the HRDDP, including increasing the number of staff dedicated to HRDDP implementation, increasing monitoring after support is given, and ensuring the HRDDP is a strategic—rather than a bureaucratic or purely technical—process.

Beyond the HRDDP, CIVIC identified other initiatives by UNMISS staff to raise awareness of DNH or more systematically incorporate the approach into their work. For instance, officials in both the Civil Affairs Division (CAD) and Human Rights Division (HRD) noted that they had received guidance or training on the implementation of a DNH or conflict-sensitive approach. When discussing the Mission’s induction training for incoming police and military personnel, one civilian official asserted, “The substantive sections do presentations, particularly HRD, which insists on the principle of DNH.” Furthermore, CAD adopted a community engagement strategy that establishes DNH as a guiding principle and includes, as an annex, a DNH checklist that staff can use to help ensure community activities are done safely. CAD also has templates that aid Civil Affairs Officers in mapping stakeholders and root causes of conflict to promote conflict sensitivity in their activities. In recent years, the UN Office of the High Commissioner for Human Rights has also begun reporting annually on intimidation and reprisals against people who engage with the UN on human rights concerns. In support of this annual reporting, the UNMISS HRD records incidents of reprisals or intimidation against individuals for “real or perceived cooperation” with the Mission and shares these figures with OHCHR for global reporting.

Other Mission officials described thinking and planning processes that included elements of conflict sensitivity and DNH when, for example, deciding where to establish a temporary base, engaging communities on a patrol, or interviewing survivors of SGBV. But for other sections beyond CAD and HRD, this thinking appears to be ad hoc and based on the experience and knowledge of particular individuals rather than a systematic part of
planning processes. When the Mission relies on ad hoc efforts and personal experience, elements such as staff rotations, turnover, and inexperience can undermine UNMISS’s ability to operationalize a DNH approach.\textsuperscript{109} It was clear from CIVIC’s conversations with personnel that greater awareness of DNH—and how to operationalize it in the South Sudan context—would be beneficial and welcome.\textsuperscript{110}

UNMISS leadership should undertake efforts to increase awareness and better mainstream DNH as a concept into Mission guidance, planning, and practice. The guidance that CAD has created on community engagement, including its DNH checklist, could be used by all sections or serve as a model for tailored section- and activity-specific DNH checklists. While personnel are exposed to the DNH concept as part of their broad induction training in-Mission, the leadership of the military and police components—with support from civilian sections—should regularly reinforce and contextualize messaging on mitigating potential harm and conflict sensitivity.
Sampling text from the provided document:

The Human Rights Due Diligence Policy (HRDDP)—which all UN actors, including peacekeeping missions and UN agencies, funds, and programs (AFPs), are required to implement—regulates the support that UN bodies provide to national security forces and to civilian officials with authority over national security forces. The HRDDP requires that, before providing support, UN entities assess whether there are “substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law.” If such a risk exists, the UN must either withhold support or provide support subject to “mitigating measures”—steps taken by either the beneficiary or the UN to limit the risk of the violations. For instance, one mitigating measure commonly applied by peacekeeping missions is closely monitoring how support is used.

The HRDDP is particularly vital in contexts like South Sudan, where the UN is mandated to provide some level of support to state authorities despite the threat that government forces can pose to civilians.

As UNMISS’s mandate has shifted to include more tasks focused on technical support of the South Sudanese government, the Mission has invested effort in building up the tools needed for HRDDP implementation. These steps include establishing a database to track allegations of violations of international law by national security forces and drafting a standard operating procedure (SOP) on HRDDP implementation. The Mission has also chosen to broadly interpret the types of support that require application of the HRDDP. In recent years, the number of cases that have undergone HRDDP review has increased, likely as a result of the Mission’s broad application of the policy and evolving mandate.

But the HRDDP remains an area in which UNMISS can continue to improve. In conversations with CIVIC, UNMISS personnel outlined several areas where the Mission’s HRDDP application could be strengthened. First, UNMISS has little capacity dedicated to HRDDP implementation. Only two HRD officers in the Mission are tasked with managing the process, both of whom have other responsibilities in addition to leading the HRDDP process. By contrast, some other Missions have dedicated units for implementing the HRDDP. One field-based UNMISS official stressed the impact that this capacity constraint has on the speed of the process, asserting that HRDDP officials required ten days to approve requests, which compromised the Mission’s effectiveness. UNMISS has asserted that the Mission plans to increase the Mission’s HRDDP capacity, including through the recruitment of two additional staff.

Secondly, the Mission could improve efforts to monitor how support is used once it has been provided, including by monitoring the implementation of mitigating measures. Monitoring is central to the HRDDP implementation. If UNMISS constructs police stations, for example, the Mission must ensure that structures are not being used for torture or other human rights violations. But while approval of support requests includes monitoring requirements, monitoring remains a weak point. A 2020 Office of Internal Oversight Services (OIOS) audit found, for example, that in 35 of 38 instances in which UNMISS provided support to South Sudanese security forces—including the construction of police stations and detention facilities—there was “no subsequent follow-up...on beneficiaries’ compliance with the required conditions.” In conversations with CIVIC, several UNMISS officials similarly suggested that increased consistency in monitoring would help UNMISS reduce the risk that support unintentionally leads to harm.

Thirdly, stakeholders observed that the Mission rarely rejects requests for support through the HRDDP process. This is likely due, in part, to the fact that the process is viewed primarily as a technical safeguard that is initiated after preparations for support are already underway rather than as a strategic decision-making process. Utilizing the HRDDP as more of a strategic, decision-making process—or implementing the policy alongside other systematic and strategic decision-making processes—can ensure that the HRDDP is a meaningful check on potential harm rather than a box-ticking exercise.
IV. CONCLUSION

South Sudan is at a precarious juncture. Implementation of many areas of the peace agreement has stalled, and tensions remain high between the parties to the conflict and their respective military forces. Moreover, civilians face continued human rights abuses at the hands of non-state and state actors, political elites continue to manipulate and fuel sub-national conflict, and the country is scheduled to hold presidential elections in 2023. In this context, it is vital that international actors adopt a “do no harm” approach and take steps to mitigate the risks that their activities could negatively affect civilians. But while the concept of DNH is well developed in the humanitarian field, it is less present in UN peacekeeping policy and practice—at present, missions often lack clear, context-specific guidance to effectively and fully adopt a DNH approach. Missions should urgently embrace this approach in their work and continue to develop policies and practices that operationalize DNH in their contexts.

UNMISS has begun this process—some Mission officials and sections have offered trainings to their staff on the concept, incorporated it into section guidance, and promoted DNH thinking. But the Mission should take additional steps to effectively mainstream DNH across its military, police, and civilian components. As observed in the 2020 Independent Strategic Review of UNMISS, “The credibility of UNMISS, and the United Nations more broadly, requires a ‘do no harm’ approach.” This need will only grow if the UNSC continues to increase UNMISS’s capacity-building role and as the country moves toward planned elections. Without a systematic approach on how to meaningfully apply DNH, the Mission risks endangering the very civilians it is mandated to protect.
Cover Image:
April 28, 2021, Terekeka, Central Equatoria, South Sudan: The UNMISS Force Commander visited Terekeka to better understand the security situation in the area. UNMISS peacekeepers established a temporary base in response to outbreaks of violence.

Credit: Gregorio Cunha/UNMISS


8. The relationship between DNH and CHM is not yet clearly defined in UN policy. It is possible to conceptualize CHM and DNH as overlapping concepts which may require different tools for implementation. Alternatively, CHM could be understood as a more specific subset of DNH which is most relevant for military and police operations. DPO specifically asserts, for instance, that, “when carrying out any military and/or police operations UN peacekeeping operations must take steps to protect civilians and mitigate potential harm to civilians which might arise from those operations, before, during or after.”

9. DNH and CHM—and the relationship between them—are discussed further in this policy brief, specifically in the textbox entitled “Do No Harm”: A Brief Overview.

10. The Human Rights Due Diligence Policy (HRDDP) is a UN policy that regulates the support that UN bodies provide to national security forces and civilian officials with authority over national security forces. All UN actors—including peacekeeping missions and UN agencies, funds, and programs (APFs)—are required to implement the policy. The HRDDP is discussed in detail below.


12. DPO, The Protection of Civilians in United Nations Peacekeeping Policy, November 1, 2019, paras. 35, 81. Per section 10.2, the DPO’s 2020 POC Handbook provides further guidance on DNH, including analysis of the different types of direct and indirect harm missions can cause and the specific risk mitigation steps they can take.

13. For example, as noted in footnote 11, the principle of “Do No Harm” in medical ethics dates back to the Hippocratic oath.


15. F3E, Incorporating the principle of “Do No Harm,” 0.

16. Inter-Agency Standing Committee, Introduction to Humanitarian Action: A Brief Guide for Resident Coordinators, October 2015, 26. The Conflict Sensitivity Hub’s particularly detailed definition underscores the stakes of effective DNH: “Aid—and how it is administered—can cause harm or can strengthen capacities for peace in the midst of conflict-affected communities. All aid programs involve the transfer of resources ... into a resource-scarce environment. Where people are in conflict, these resources represent power and wealth, and they become an element of the conflict. Some people attempt to control and use aid resources to support their side of the conflict and/or to weaken the other side. If they are successful or if aid staff fails to recognize the impact of their programming decisions, aid can cause harm.” Conflict Sensitivity, Conflict Sensitivity Community Hub, https://www.conflictsensitivityhub.net/index.php/conflict-sensitivity/.


26. UNMISS has asserted that the redesignation of the POC sites has allowed the Mission to increase its mobility and engage in direct protection efforts in other areas beyond the former POC sites. “UNMISS Refocuses Peacekeeping Approach to be Fit-For-Purpose in South Sudan,” United Nations Mission in South Sudan, March 3, 2021, https://unmiss.unmiss.org/peacebuilding-and-conflict-sensitivity/how-are-we-doing/.
Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), CIVIC interview with civilian, #60, Malakal, October 2021; CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #64, Malakal, October 2021.

33. UNMISS correspondence with CIVIC, May 2022.

34. In correspondence with CIVIC, UNMISS asserted that the Mission’s support is particularly critical given that support from other external actors remains quite limited. UNMISS correspondence with CIVIC, May 2022.


36. Efforts by the Mission to push the SSNPS to diversify their ranks, including encouraging the SSNPS to recruit from different ethnic communities and from the POC site; Tracking 16 senior officers within the SSNPS, including their origin, rank, place of deployment, and human rights record; Training officers on human rights, gender-based violence, protection of civilians and other topics.

37. In correspondence with CIVIC, UNMISS asserted that the Mission continues to advocate with the Government on the need to ethnically diversify SSNPS in and around Malakal. To this end, the Governor has brought SSNPS officers from the 13 Counties. UNPOL capacity building of SSNPS in Malakal has thus intensified since the start of the arrival of the officers from the 13 Counties. In total, 69 SSNPS were brought to Malakal from different counties.” UNMISS correspondence with CIVIC, May 2022.

38. UNSC, Report of the Secretary-General: Situation in South Sudan, UN Doc. S/2021/566, June 14, 2021. For more information on the POC sites, see Lauren Spink, “In South Sudan, Keep UN Peacekeepers Focused on Evolving Risks for Civilians,” Just Security, December 17, 2021. As observed in the article, “the sites were created when, eight years ago this month, South Sudan descended into a violent civil war, and hundreds of thousands of civilians across the country fled to UNMISS bases to escape ethnic and politically motivated killings. For years afterward, civilians resided in the sites, which served as a refuge while repeated attempts to broker peace in the country faltered. At their peak, the sites held more than 165,000 individuals, and before the start of redesignations in October 2020, more than 165,000 individuals were still living in the sites.”

39. CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with UNMISS police official, #90, Bentiu, October 2021; CIVIC interview with UNMISS civilian official, #92, Bentiu, October 2021; CIVIC interview with humanitarian, #93, Bentiu, October 2021; CIVIC interview with UNMISS civilian official, #103, Bentiu, October 2021; CIVIC interview with UNMISS civilian official, #109, Bentiu, October 2021; CIVIC interview with civilian, #113, Bentiu, October 2021; CIVIC interview with civilian, #114, Bentiu, October 2021.

53. CIVIC interview with civilian, #113, Bentiu, October 2021.
54. CIVIC interview with humanitarian, #110, Bentiu, October 2021; CIVIC interview with civilian, #114, Bentiu, October 2021; CIVIC interview with civilian, #116, Bentiu, October 2021.
55. CIVIC interview with humanitarian, #110, Bentiu, October 2021.
56. CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #18, Juba, September 2021; CIVIC interview with civilian, #100, Bentiu, October 2021; CIVIC interview with humanitarian, #110, Bentiu, October 2021; CIVIC interview with humanitarian, #111, Bentiu, October 2021; CIVIC interview with civilian, #112, Bentiu, October 2021.
57. CIVIC interview with civilian, #57, Malakal, October 2021; CIVIC interview with civilian, #58, Malakal, October 2021; CIVIC interview with civilian, #58, Malakal, October 2021; CIVIC interview with humanitarian, #87, Malakal, October 2021; CIVIC interview with humanitarian, #87, Juba, October 2021; CIVIC interview with civilian, #123, Bentiu, October 2021; CIVIC interview with humanitarian, #110, Bentiu, October 2021.
58. In correspondence with CIVIC, UNMISS asserted, “UNPOL is co-locating [with JPF] on daily basis and human rights and protection cluster representatives are providing human rights training on regular basis. Many IDPs come to [UNMISS], including the IDP leaderships, requesting to give JPF mobility support i.e. vehicles, boats, torch lights, rainboots etc. so they can patrol the camp/ neighborhood and catch criminals effectively.” UNMISS correspondence with CIVIC, May 2022.
59. UNMISS correspondence with CIVIC, May 2022.
60. CIVIC interview with UNMISS civilian official, #103, Bentiu, October 2021; CIVIC interview with humanitarian, #87, Juba, October 2021; CIVIC interview with UNMISS police officer, #33, Juba, October 2021; CIVIC interview with UNMISS police officer, #69, Juba, October 2021; CIVIC interview with UNMISS civilian official, #76, Juba, October 2021; CIVIC interview with humanitarian, #80, Juba, October 2021. In correspondence with CIVIC, UNMISS officials also asserted that the Mission is supporting governmental oversight mechanisms, including the South Sudan Anti-Corruption Commission, the National Audit Chamber, and the South Sudan Information Commission. UNMISS correspondence with CIVIC, May 2022.
61. United Nations Secretary-General, Report on the independent strategic review of the United Nations Mission in South Sudan, December 15, 2020, para. 120.
62. In correspondence with CIVIC, UNMISS noted that while the Mission is “taking a comprehensive approach” toward supporting the justice chain, UNMISS has had to be selective in terms of its areas of engagement. UNMISS correspondence with CIVIC, May 2022.
64. CIVIC interview with UNMISS civilian official, #76, Juba, October 2021; CIVIC interview with civilian, #100, Bentiu, October 2021. UNMISS asserted that it is currently monitoring detention capacities and is supporting efforts to prevent the detention of women and children alongside other detainees. UNMISS correspondence with CIVIC, May 2022.
65. Protection through Dialogue: How UNMISS is Linking Local Engagement with a National Peace Process in South Sudan, CIVIC, June 2020. In correspondence with CIVIC, UNMISS noted that, in 2021 and 2022, it has “assisted 16 nationally constituted and led mobile and special courts, both civilian and military.” UNMISS correspondence with CIVIC, May 2022.
67. UNMISS correspondence with CIVIC, May 2022.
68. UNMISS correspondence with CIVIC, May 2022; CIVIC interview with humanitarian, #87, Juba, October 2021.
69. CIVIC interview with humanitarian, #79, Juba, October 2021.
70. UNSC, Resolution 2625, March 15, 2022, para. 3(a)(vii).
73. For more information on durable solutions in South Sudan, see Elisia Buchanan, No Simple Solutions: Women, Displacement, and Durable Solutions in South Sudan, Oxland International et al., September 2019.
74. CIVIC interview with humanitarian, #20, Juba, September 2021; CIVIC interview with humanitarian, #27, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #35, Malakal, September 2021; CIVIC interview with humanitarian, #43, Malakal, September 2021; CIVIC interview with humanitarian, #99, Bentiu, October 2021; Daniel P. Sullivan, “No Confidence: Displaced South Sudanese Await ‘Real Peace,’” Refugees International, October 2019. In correspondence with CIVIC, UNMISS asserted, “Sometimes - and on a willing and voluntary basis - UNMISS has provided logistical support to those IDPs who wish to visit their areas of origin for them to assess the situation on the ground on their own in terms of security and availability of services.” UNMISS correspondence with CIVIC, May 2022.
76. As Joshua Craze states, “Population Engineering...would reflect a long history of displacement being used as a tool of war in South Sudan. Military forces in the country have often prevented people from returning to the lands from which they fled, and then brought in more pliable populations in their place... Government manipulation of returns is a looming problem for the humanitarian sector, whose assistance has long been used as a tool of war by the country’s various belligerent parties.” See Joshua Craze, “Why the Return of Displaced People is Such a Thorny Issue in South Sudan,” The New Humanitarian, January 5, 2021, https://www.thenewhumanitarian.org/analysis/2022/3/5/why-return-displaced-people-thorny-issue-South-Sudan. See, also, Daniel P. Sullivan, “No Confidence: Displaced South Sudanese Await ‘Real Peace’” Refugees International, October 2019.
79. CIVIC interview with civilian, #99, Bentiu, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021; CIVIC interview with humanitarian, #80, Juba, October 2021; CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with South Sudan expert, #26, Juba, September 2021.
81. CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #38, Malakal, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021.
82. CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #38, Malakal, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021.

83. CIVIC Interview with humanitarian, #25, Juba, September 2021; CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #98, Bentiu, October 2021; CIVIC interview with humanitarian, #99, Bentiu, October 2021.

84. CIVIC interview with humanitarian, #80, Juba, October 2021.


86. Ibid., 4.

87. CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #37, Malakal, October 2021; CIVIC interview with humanitarian, #45, Malakal, September 2021.


89. UnMISS officials asserted that HLP issues are not particular to Malakal and are unlikely to be resolved in the near future. They questioned whether the resolution of HLP issues should be a relevant criterion for determining whether or not a PoC site should be redesignated. UNMISS correspondence with CIVIC, May 2022.


94. It should be noted that the UN Policy on preventing and responding to conflict-related sexual violence in field missions states the following: “In all circumstances and at all times, mission personnel and all those working on CRSV, have an obligation not to jeopardise or further jeopardise the life, physical and psychological safety, freedom and well-being of victims/survivors of CRSV or others whenever they enter into contact with them in the framework of their work. In all interactions with victims/survivors of CRSV, United Nations personnel should be aware of the potential risk of further harm to victims/survivors, including retraumatisation, stigma, violence and marginalisation at the hands of alleged perpetrators or their own families and communities.” DPO, United Nations Field Missions: Preventing and responding to Conflict-Related Sexual Violence, January 1, 2020, para. (16).

95. As CIVIC has noted in the past, information-sharing on CRSV among international actors must be done in a way that upholds survivors’ rights. It is a complicated undertaking that can be undermined by mistrust, incomplete understanding of available guidance on this issue, and lack of coordination between international actors. “We Have to Break the Silence Somehow”: Preventing Conflict-Related Sexual Violence through UN Peacekeeping, CIVIC, October 2020, 21.

96. For more information, see “We Have to Break the Silence Somehow”: Preventing Conflict-Related Sexual Violence through UN Peacekeeping, CIVIC, October 2020, 21–24.


98. UNSC, Resolution 2625, March 15, 2022, para. 15.


100. For more information on different types of dialogues organized by UNMISS, see Let Us be a Part of It: Community Engagement by the UN Peacekeeping Mission in South Sudan, CIVIC, December 2019.


103. CIVIC interview with UNMISS civilian official, #2, Juba, September 2021; CIVIC interview with UNMISS civilian official, #12, Juba, September 2021; CIVIC interview with UNMISS civilian official, #9, Juba, September 2021; CIVIC interview with UNMISS civilian official, #91, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #94, Malakal, September 2021; CIVIC interview with humanitarian, #79, Juba, October 2021; CIVIC interview with UNMISS military official, #131, Juba, October 2021.

104. CIVIC interview with UNMISS civilian official, #2, Juba, September 2021; CIVIC interview with humanitarian, #21, Juba, September 2021; CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021.

105. CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021. In correspondence with CIVIC, UNMISS noted that induction training is also obligatory for civilian staff. UNMISS correspondence with CIVIC, May 2022.

106. While CIVIC’s interviews in 2021 did not focus on CAD’s checklist or community engagement strategy, UNMISS officials have regularly discussed both of these elements with CIVIC researchers over the past several years.


108. CIVIC interview with humanitarian, #47, Malakal, October 2021; CIVIC interview with humanitarian, #10, Juba, September 2021; CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #36, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #39, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #129, location undisclosed, October 2021; CIVIC interview with UNMISS military official, #105, Juba, October 2021.

109. CIVIC interview with humanitarian, #9, Juba, September 2021; CIVIC interview with humanitarian, #10, Juba, September 2021; CIVIC interview with UNMISS civilian official, #14, Malakal, September 2021; CIVIC interview with UNMISS military official, #30, Malakal, September 2021.

110. CIVIC interview with UNMISS military official, #29, Malakal, October 2021; CIVIC interview with UNMISS civilian official, #19, Juba, September 2021; CIVIC interview with UNMISS civilian official, #39, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #70, Juba, October 2021; CIVIC interview with UNMISS civilian official, #129, location undisclosed, October 2021; CIVIC interview with UNMISS civilian official, #14, Malakal, September 2021.


114. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021; CIVIC interview with humanitarian, #79, Juba, October 2021. Although the development of the HRDDP SOP is a positive step, it should be noted that the SOP requires a technical risk assessment analyzing the risks of providing—or not providing—support in a particular instance. The SOP does not mandate, for example, broader conflict analysis or analysis of whether UN support is provided in a conflict-sensitive way. UNMISS, SOP: Implementation of the United Nations Human Rights Due Diligence Policy (HRDDP) on Support to Non-UN Security Forces by the UN in South Sudan, Ref UNMISS 2021.21, June 8, 2021.

115. CIVIC interview with UNMISS civilian official, #133, location undisclosed, November 2021; CIVIC interview with UNMISS civilian official, #76, Juba, October 2021; CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021; CIVIC interview with UNMISS civilian official, #13, Juba, September 2021.

116. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with UNMISS civilian official, #21, Juba, September 2021; CIVIC interview with UNMISS civilian official, #31, Malakal, September 2021.

117. For more information on the HRDDP and the importance of adequate capacity, see Enabling Support While Mitigating Risk: MONUSCO’s Implementation of the Human Rights Due Diligence Policy, CIVIC, June 2020.

118. CIVIC interview with UNMISS civilian official, #92, Bentiu, October 2021.

119. UNMISS Correspondence with CIVIC, May 2022. UNMISS also indicated in correspondence with CIVIC that the speed of the process is due, in part, to the “multiple steps required for approval and endorsement following the receipt of a complete risk assessment,” which includes approval from multiple officials within UNMISS and UNDP.

120. OIOS, “Audit of the human rights programme in the United Nations Mission in the Republic of South Sudan,” REPORT 2020/044, November 27, 2020, para. 35. Given that conditions were meant to ensure that support did not facilitate violations of international law, OIOS noted that “insufficient monitoring and reporting as to whether or not the imposed conditions were being met may be seen to accept impunity” (para. 36).

121. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with UNMISS civilian official, #33, Malakal, September 2021; CIVIC interview with humanitarian, #20, Juba, September 2021; CIVIC interview with humanitarian, #79, Juba, October 2021. In correspondence with CIVIC, UNMISS officials noted that the Mission has placed more importance on monitoring mitigating measures, including “quarterly reports in 2022 to monitor implementation of mitigating measures.” The Mission is also, they noted, “creating an online dashboard to track progress on the implementation of mitigating measures.” UNMISS Correspondence with CIVIC, May 2022.

122. CIVIC interview with UNMISS civilian official, #35, Malakal, September 2021; CIVIC interview with humanitarian, #75, Juba, October 2021; CIVIC interview with humanitarian, #79, Juba, October 2021; CIVIC interview with UNMISS civilian official, #92, Bentiu, October 2021. It should be noted that a low number of rejections of requests for support does not necessarily indicate a weakness in HRDDP implementation. In certain cases where there is some risk that recipients of UN support could commit violations, UN entities can implement mitigating measures to reduce the risk and still provide support. Moreover, one of the goals of the policy is to “encourage respect” for international law by beneficiaries of the UN’s support. However, as discussed above, the HRDDP requires that UN entities reject requests for support in incidents in which: 1) there is a high likelihood that beneficiaries will commit violations of international human rights, international humanitarian, or international refugee law and; 2) UN interventions, or the application of mitigating measures, cannot sufficiently reduce this likelihood. Particularly in contexts in which national security forces have been responsible for serious violations of international law—including intentional targeting of civilians—it is vital that UN entities are willing to reject support when it cannot be provided safely. For more information, see Enabling Support While Mitigating Risk: MONUSCO’s Implementation of the Human Rights Due Diligence Policy, CIVIC, June 2020.

123. CIVIC interview with UNMISS civilian official, #13, Juba, September 2021; CIVIC interview with humanitarian, #20, Juba, September 2021; CIVIC interview with UNMISS civilian official, #107, Bentiu, October 2021.

ABOUT CENTER FOR CIVILIANS IN CONFLICT (CIVIC)

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians in conflict. CIVIC envisions a world in which no civilian is harmed in conflict. Our mission is to support communities affected by conflict in their quest for protection and strengthen the resolve and capacity of armed actors to prevent and respond to civilian harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Honoring Marla’s legacy, CIVIC has kept an unflinching focus on the protection of civilians in conflict. Today, CIVIC has a presence in conflict zones and key capitals throughout the world where it collaborates with civilians to bring their protection concerns directly to those in power, engages with armed actors to reduce the harm they cause to civilian populations, and advises governments and multinational bodies on how to make life-saving and lasting policy changes.

CIVIC’s strength is its proven approach and record of improving protection outcomes for civilians by working directly with conflict-affected communities and armed actors. At CIVIC, we believe civilians are not “collateral damage” and civilian harm is not an unavoidable consequence of conflict — civilian harm can and must be prevented.