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SUDAN: UNMIS MUST BE MORE PROACTIVE IN PROTECTING CIVILIANS

Sudan is entering a volatile period in the implementation of the Comprehensive Peace Agreement. The risk of violent outbreaks is acute. The UN Mission in Sudan (UNMIS) was deployed with a mandate to observe and monitor CPA implementation, and is therefore both ill-equipped and ill-disposed to engage in civilian protection efforts. Given the heightened risk of violence, the UN Secretariat must insist that UNMIS concentrate on proactive measures to prevent conflict and protect civilians. The mission must develop a more comprehensive and inclusive protection planning mechanism. Finally, the Department of Peacekeeping Operations must establish clear rules of engagement to empower UNMIS troops.

A RISK OF NEW VIOLENCE

Sudan and, in particular, southern Sudan are about to enter a difficult period in the six-year transition from war to peace. Signed in 2005, the Comprehensive Peace Agreement (CPA) brought an end to 22 years of intense civil war between north and south Sudan. The agreement, which delineates power and wealth sharing arrangements between the north and the south, as well as the development of government institutions and infrastructure in the south, calls for a country-wide population census, which was recently completed, a national election to be held in 2009, and a referendum on the independence of the south, planned for 2011. The Sudanese are now having to act on commitments made in the agreement, commitments that will affect the balance of power and wealth between the former antagonists. With real power at stake, the risk of new conflicts erupting is increasing exponentially.

The census, which was conducted throughout the country in 2008, has not yet been released. However, certain members

POLICY RECOMMENDATIONS

- ❑ The UN Secretariat must conduct a broad review of the UNMIS military and civilian protection role, emphasize the need for UNMIS to take a more proactive stance towards protecting civilians, and provide guidance to military peacekeepers on protection tasks.
- ❑ DPKO must renegotiate agreements with troop-contributing countries to include a civilian protection role.
- ❑ UNMIS senior leadership must bring together all agencies --- its own units, UN agencies, and NGOs --- involved in protection activities in the north, the contested areas, and the south to identify areas of concern, prioritize the deployment of military and civilian protection staff, and develop concrete strategies to prevent and respond to protection crises.
- ❑ DPKO must provide UNMIS forces with a clear explanation of the rules of engagement so that troops are informed and empowered to use force proactively under difficult and stressful conditions.

of the Government of Southern Sudan (GOSS) are already contesting the results. The results are expected to be highly controversial, particularly in areas such as the Nuba Mountains, where historic political inequalities have tended to favor the northern 'Arab' peoples, and where people's assumptions about the proportional numbers of citizens from various ethnic groups will likely result in accusations of tampering.

The election itself will be significantly behind schedule, and is also likely to produce contested results. The logistical challenges of this election threaten to derail the process. Strong undercurrents of mistrust between the north and the south and amongst southerners themselves make the prospect of holding free, fair and broadly legitimate elections quite daunting.

Ultimately, the census and the elections are just two of the many ambitious tasks designed to lead up to the 2011 referendum, in which southerners will decide whether or not to secede from the north. Referenda have been promised and withheld a number of times in Sudan's history, and for most southern Sudanese the independence referendum is the ultimate goal. Any disruption of the referendum will result in widespread unrest.

A pervasive lack of popular understanding of the CPA will compound these political challenges, especially in the 'contested areas' in Southern Kordofan and Blue Nile states. These states lie on the border between the north and the south, although boundary lines have yet to be officially settled. Many of the communities in the southern areas of each of these states identify as southerners, or, in the case of the Nuba Mountain areas, identify more strongly with the south than with the north. Under the terms of the CPA, however, people residing in Southern Kordofan and Blue Nile will not be offered the opportunity to vote in the referendum. The elections and the popular consultations that follow will determine how, and by whom, they will be governed. Many voters in these states are not yet aware of the fact that they will have no vote in the referendum, and that they may, before long, find themselves cut off from the south by an international border.

All of these factors are further aggravated by inter-tribal violence in southern Sudan, as well as the persistent and grinding poverty faced by the majority of southern Sudanese. After decades of civil war hundreds of thousands of people have returned to Sudan, mainly to the south, from refugee camps in the Democratic Republic of the Congo, Ethiopia, Uganda and Kenya. More still have returned to the south after living as internally displaced persons (IDPs) throughout Sudan. They have returned to a region that is almost

entirely undeveloped. The delivery of basic services is weak, even in urban areas. Infrastructure is virtually non-existent even a small distance outside the central towns.

Competition for resources and services has therefore created tension between local communities and returnees. Conflicts over land tenure and grazing rights, as well as common crime and inter-communal violence, are also omnipresent. These conflicts are sustained by a highly armed population, many of whom have known nothing but war and instability.

MANDATE, RESOURCES AND EXPECTATIONS

Upon the signing of the CPA, the UN Security Council authorized the deployment of UNMIS, the UN peacekeeping mission in Sudan, to support the implementation of the agreement. UNMIS is fundamentally a monitoring mission, and thus has more in common with traditional peacekeeping deployments, such as in Cyprus, than with recent, more aggressive missions, such as in Congo and Darfur. UNMIS does not have a strong mandate to intervene militarily in Sudan. Rather, UNMIS was deployed and equipped as a lightly armed peacekeeping operation under Chapter 6, with troops sent primarily to protect UN staff and property, as well as to facilitate the delivery of humanitarian assistance.

The core priority of the mission continues to be the promotion of the CPA. But the mandate also includes a Chapter 7 element by the Security Council that gives the mission permission, although not the capacity, to protect civilians under imminent threat of violence.

In spite of the severe limitations on the mission's protection capacity, the mere presence of large numbers of international military peacekeepers creates expectations among the local people that they will be protected if violence should erupt. In Sudan this expectation has been compounded by a failure on the part of the mission to communicate the UNMIS mandate and capabilities to people, and by a general failure on the part of UNMIS forces to positively interact with the communities in which they have been deployed.

The violence that erupted in Abyei in March 2008 is a perfect illustration of expectations outstripping UNMIS capabilities. This outbreak of violence between the Sudan People's Liberation Army (SPLA) and the Sudanese Armed Forces (SAF) in the town of Abyei, an oil rich and contested area on the border between the north and the south, started as a small incident between individual soldiers at a military checkpoint that snowballed quickly into a full scale military confrontation. The incident resulted in the displacement of

the entire population of Abyei and its surrounding areas, and the town itself was razed to the ground.

In the aftermath of the crisis, UNMIS faced a huge backlash from local communities, international advocates, and representatives of Security Council member states for its failure to diffuse the situation before it escalated, and for failing to protect civilians and prevent their displacement. A UN review of the incident found that the Mission had acted more-or-less appropriately under the circumstances and cited a lack of military capability to intervene robustly and severe limitations on movement imposed by the Sudanese Government of National Unity. Nevertheless, situations like this one, in combination with the inability and occasional unwillingness of the UNMIS military to engage with local people, has led some to insist that UNMIS really stands for “Unnecessary Mission in Sudan.”

Mission officials are quick to defend their actions. They argue correctly that with roughly 10,000 troops deployed across a vast territory, severe logistical constraints, and a primarily non-interventionist mandate, their resources are insufficient to provide civilians with the sort of protection that they may eventually need, especially if violence increases throughout the region as the election approaches.

While these practical limitations are real, there is also a prevailing attitude within the mission that protection is not its responsibility. There is a widespread inclination to do less rather than more, and an unwillingness to be proactive, although the threat of a resumption of hostilities is widely acknowledged. Given the probability of increased violence and the reality of civilian expectations, UNMIS needs to take a more proactive, preventative stance with regards to civilian protection.

NON-MILITARY PROTECTION ACTORS

The UNMIS military needs to work more closely and systematically with civilian protection experts, and the variety of actors who focus on protection in south Sudan need to work more collaboratively. There is a long list of bodies and organizations that claim responsibility over protection activities and their coordination, but there has been little success in bringing these actors together for the joint contingency planning that will be necessary over the next volatile years.

There have been some efforts to bring together these actors. A protection working group, comprised mainly of NGO representatives, exists in Juba, but this group has little formal communication with the mission. UNMIS itself is an integrated mission, comprised of military and civilian ex-

perts ostensibly coordinating the full range of UN activities within the mission’s area of purview. The information, analysis, and planning efforts of each of the units and the military are meant to be informed by all of the others. In reality, each of the units within the mission operates in relative isolation from the others.

The lack of communication and coordination within the mission makes coordination with the NGO working group very challenging. As one NGO official explained, “You can’t ask if there is a representative from UNMIS at the meeting, you have to ask if there are ten – one for each unit – because they don’t talk to each other.” In addition, both the NGOs and the UN Country Team have a tendency to operate as though the north, the south and the contested areas are three distinct countries (four, if you include Darfur, which is outside UNMIS core remit), which presents clear barriers to comprehensive protection planning and coordination.

Ultimately, the responsibility for the protection of civilians lies with the government, particularly the police and other justice sector institutions that promote and defend the rule of law. In southern Sudan, however, these institutions are weak at best, and at worst non-existent in many places. In the long term it is essential that international donor governments continue to invest in the reform of security sector institutions like these to provide for sustainable community-level security in the south. However, in the short-term it is clear that international actors will continue to play a critical role in the protection of civilians.

Another barrier to effective protection planning in southern Sudan and the contested areas is the number of organizations involved in protection, as well as the numerous interpretations of what ‘protection’ really means. There are a number of international NGOs with a focus on civilian protection each with their own perspectives, approaches and levels of expertise. Within UNMIS, there are also a number of units — specifically Protection, Child Protection, and Human Rights — dedicated to protection, but all approach the issue with very different objectives in mind. While the Protection unit is frequently held up as an example for other missions to follow, the reality is that this is just one of a number of protection actors in Sudan, and not the central focal point that one might expect.

Under the cluster leadership approach, the UN High Commissioner for Refugees (UNHCR) has the lead role within the UN system for civilian protection. In southern Sudan, UNHCR has identified key protection concerns such as gender-based violence and the marginalization of minority groups. UNHCR’s protection capacity in south Sudan is low, however, particularly given the huge geographical areas

it must cover and the high numbers of returnees. It does not devote sufficient resources to returnee monitoring, an essential protection role. UNHCR also takes a very long-term view of protection, focusing on employment generation and the delivery of services such as sanitation, education, and health care. While these issues are important, the approach is contradictory to that of UNMIS, which focuses on short-term issues of physical security.

A WAY FORWARD

UNMIS, especially its military component, must overcome the attitude that protection is not its job. While robust civilian protection of the sort expected in places like the Congo or Darfur is not within the realm of UNMIS capability, improved conflict prevention efforts and the diffusion of tensions are roles that the mission can and should play more effectively. In cases where violence cannot be prevented, there needs to be context specific contingency planning to pool the creative ideas of UNMIS military and civilian protection staff, as well as NGOs with specific knowledge of communities at risk. UNMIS needs to communicate its aims and capacities more effectively to moderate unreasonable expectations and make its concrete protection strategies clearer. Given high risks and limited resources, UNMIS must identify areas where specific, targeted action can minimize the impact of violence on civilians.

This fundamental shift in attitude will need to originate with the UN Secretariat and the Security Council. Having authorized a mandate that places civilian protection at the bottom of the list of priorities, the UN Secretariat needs to re-assess the UNMIS mandate with reference to the changing circumstances in Sudan, formally recognizing that the threat of violence in the coming years presents a real threat to the survival of the CPA and to the Sudanese people. The Security Council must insist that UNMIS take a proactive approach to protection, within the limitations of the mission. Further, DPKO must secure agreement for this shift in priorities from Troop Contributing Countries to ensure that UNMIS troops are receiving common messages from New York, Khartoum and their own home capitals.

Within the mission itself, senior management needs to institute a coordination mechanism that allows UNMIS, UN agencies and NGOs to maximize their combined protection capabilities by prioritizing areas at risk and developing concrete contingency plans. The Special Representative of the Secretary-General should initiate a protection working group that includes representatives from all UNMIS Protection, Child Protection, Human Rights and Civil Affairs, as well as UNMIS military operations staff, and representa-

tives from UNHCR and key protection-focused NGOs. This working group could incorporate the findings of the August 2008 military capabilities study to prioritize areas of concern, clarify confusion over UNMIS capabilities, identify concrete protection tasks and strategies, and delineate a division of labor to maximize the individual protection capacities available. It would also have the benefit of creating shared civilian and military ownership of the protection strategy, and shared responsibility for its implementation.

Finally, at the level of DPKO in New York, efforts must be made to simplify the rules of engagement so that troops in the mission feel informed and empowered enough to be proactive in difficult situations.

Peacekeeping Advocate Erin Weir and Press & Information Officer Vanessa Parra assessed the UN Mission in Sudan in November 2008.