



## **GPC support mission to South Sudan**

*18 June 2013*

### **I. Introduction**

1. From 20<sup>th</sup> May to 1<sup>st</sup> June 2013, the Roving Procap SPO conducted a support mission to the Protection Cluster established in South Sudan. During his mission, the Roving Procap visited two locations, the capital city of Juba where he met and spoke with the Protection Cluster coordination team and partners, as well as Bor, Jonglei state, where he met with Protection Cluster members and partners. In addition, ProCap SPO conducted a training session on Protection Needs Assessments and Monitoring & Evaluation to Jonglei sub-Cluster.

### **II. General context**

2. Since its independence on 9<sup>th</sup> July 2011, South Sudan faces a general situation of inter-communal and political tensions resulting in the presence of at least seven tribally based armed groups in nine of its ten states. Armed non-state actors generally blame the government of planning to stay in power indefinitely, and not fairly representing and supporting all tribal groups while neglecting development in rural areas. Since independence, gross human rights violations and abuses against civilians attributed continue to be reported. These have been attributed to armed non-state actors and to the South Sudan Armed Forces commonly referred to as Sudan Population's Liberation Army (SPLA), during inter-communal, inter-tribal and non-international armed conflict. A common cause of non-international armed conflict includes disarmament campaigns, e.g. those against the Shilluk and Murle tribes. At the end of October 2012, the SPLA suspended its disarmament campaign to focus its efforts on eliminating David Yaw Yaw's armed group<sup>1</sup> sometimes referred to as the South Sudan Democratic Movement (SSDM).
3. In the region bordering Uganda and Democratic Republic of Congo Joseph Kony's Lord Resistance Army (LRA) are alleged to continue operations and reports of abuses on civilian population are still received although at a much diminished rate than years past.
4. In addition, disputes still remain between South Sudan and Sudan around sharing of the oil revenues, as an estimated 80% of the oil is secured from South Sudan. This represents significant economic potential for one of the world's most deprived areas. The region of Abyei still remains disputed and a separate referendum in Abyei on whether the population wants to join Sudan or South Sudan remains under discussion, with the referendum provisionally scheduled for October 2013- although this is not likely to occur. Implementation of interim agreements (e.g., joint administration) remains very limited and is one of the single largest barriers to return movements. In March 2012, SPLA seized the Heglig oil fields in lands claimed by both Sudan and South Sudan in the province of South Kordofan after conflict with Sudanese forces in the South Sudanese state of Unity. SPLA withdrew on 20 March 2012, and the Sudanese Army re-took control of Heglig two days later. Tension between the two countries has continuously increased as Sudan Liberation Army Movement North (SPLM-N) is using South Sudan as its backyard to operation in South Kordofan region. The South likewise claims that the Sudan supports rebels on its territory.

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<sup>1</sup> <sup>1</sup> See Small Arm Survey Report 4<sup>th</sup> June 2013: <http://www.smallarmsurveysudan.org/fileadmin/docs/facts-figures/south-sudan/armed-groups/southern-dissident-militias/HSBA-Armed-Groups-Yau-Yau.pdf>



On 9<sup>th</sup> June 2013, the Sudanese Government announced the suspension of the September 2012 bilateral cooperation agreement on security arrangements that was adopted in April 2013.

5. Despite positive moves toward development, Government capacity remains low, even more so following the shutdown of oil production and introduction of fiscal austerity measures. Many Government institutions, especially at state level, lack the capacity, skills and resources to adequately provide frontline services, develop social safety nets or increase the resilience of the population. Rule of law is weak at every level and endemic corruption hampers institution's capacity development. The justice system remains skeletal, particularly outside state capitals, and the country faces massive security sector reform challenges. Serious ethno-political violence demonstrates deep rifts between communities, exacerbated by an absence of state authority or power sharing at the local level, and a proliferation of small arms. Furthermore, capacity gaps exist in disaster prevention, preparedness and response and the country is chronically affected by seasonal flooding.

## **6. Protection situation**

### **General Protection**

7. South Sudan has been recurrently affected by inter-communal fighting and activities of armed non-state actors, which destabilized communities in multiple locations. With some 200,000<sup>2</sup> newly internally displaced peoples due to insecurity since December 2011 to date, protection risks raised from conflicts included killings, lack of distinction between civilians and combatants by SPLA and armed non-state actors, dispossession and/or systematic destruction/looting of assets and property, physical abuses, abductions and forced recruitments. Vulnerability increased over the past year and national capacity to respond has decreased. In addition, South Sudan lacks commitment in its adherence to international human rights treaties and in developing a human rights based national legislation and policies to respond major protection needs.
8. The situation in Jonglei state is particularly a concern as a large number of people have been affected by inter-sectorial violence since December 2011, when deadly inter-communal fighting in Jonglei cost hundreds of lives, led to widespread destruction of property and assets, and caused significant displacement of civilians. Since December 2012, fighting between SPLA and the *David Yau Yau* group in Pibor county Jonglei State has resulted in direct attacks on civilian populations and resulted in killings, looting/destruction of civilian and humanitarian assets, abduction of women, child recruitment and the displacement of some 15,000 Murle to Juba and an unknown number who scattered in the bush.<sup>3</sup> Both sides in the hostilities are reported to have engaged in such abuses, although recent reports suggest the heavy involvement of SPLA. Despite threats of attacks on the city of Pibor by *David Yaw yaw* combatants, SPLA imposed restrictions on the movement on the civilian population. Allegations were reported of civilian Murle residing at the SPLA compound which has been

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<sup>3</sup> See attached : Inter-Sectoral Working Group communication on the situation in Jonglei 17 May 2013



the target of numerous attacks, and where civilian might face torture and other cruel and inhuman treatment. Attacks on humanitarian assets resulted in civilians lacking access to essential services (including, but not limited to, food, clean water and medical care) exposing women to sexual exploitation and abuses. In addition, protection actors witnessed the presence of children associated with SPLA armed forces and received reports on child recruitment by armed non-state actors. Murle and Nuer youth tribesmen are also reported to be heavily armed and part of armed groups or tribal defence militias. Information on new land mine laying in Jonglei was also reported by civilian displaced thus in addition to pre-existing presence of mines and unexploded remnants of war.

9. On April 30, 2012, a forced civilian disarmament campaign officially began in Jonglei State. This followed a nominally 'voluntary' process that had been underway since March 12. The campaign was a response to large scale presence of small arms. The conduct of disarmament has been variable across the state and coercion has been utilized in many places by SPLA forces. Removing arms from civilians has been more than often accompanied by beatings, intimidation and harassment but also more serious reports of killing, torture, and assault (including sexual abuse) in multiple locations across the state.
10. Displacement as result of conflict or natural disaster in South Sudan has generally been typified by short term, short distance displacements (notably exceptions include Jonglei and displacement in/from Abyei) and, in part as a consequence, baseline data on on-going displacement is limited. Civil Documentation or the absence there-of, has made it difficult for humanitarian actors to identify and track IDP case loads or returnees to ensure that the criteria of durable solutions have been met.
11. The Protection Cluster is also expected to respond to on-going needs of the 110,000 people who were displaced in or from Abyei in May 2011, including those that have started to return. General insecurity and uncertainty of the future of the region affected civilian population's freedom of movement and protection capacity damaging their livelihood and prospects of return in safety and dignity. Increased tension between South Sudan and Sudan also present serious protection risks and may generate further displacement and humanitarian needs, in particular in volatile border areas.

### **Child Protection**

12. In addition to the child protection issues related to the specific situation of Pibor County, the South Sudan Protection Cluster received concerning information related to child abductions and recruitments by Armed Non-State Actors and SPLA throughout the country. Boys and girls are particularly at risk of abduction during periods of nomadic or pastoral migration from January to May. Child abduction, however, is not a homogeneous phenomenon and is related to different factors from criminal abduction during cattle raids, inter-tribal conflict, trafficking and other voluntary abandonment.

### **Gender Based Violence**

13. GBV issues are mainly related to the same pattern of inter-sectorial conflict and violence as introduced in the child protection paragraph. Abduction of girls and women is a common



feature of inter-communal violence, including cattle raids. Forced marriages, trafficking and physical exploitation are commonly reported by affected communities. With the increased presence of modern weapons and the appearance of organized armed groups- including criminal gangs, this situation has been exacerbated and resulted into the impossibility for the communities to mitigate such threat. In the current non-international armed conflict in Jonglei State, SPLA has been identified as human rights perpetrators against women and girls, including rape and other forms of sexual minors. Furthermore, it is almost impossible for women to seek legal assistance and protection from the authorities as law enforcement agencies, justice and security forces lack capacities/competencies or are directly involved in the commission of violations and abuses. In addition, the ineffectiveness of the judicial system or customary habits resulted in GBV survivors being arbitrary detained or imprisoned when seeking assistance and protection. The situation of women and young girls displaced to urban centers is also a particular concern as they lack economic opportunities or face communal discrimination.

#### **HLP**

14. South Sudan is a complex ethnic and tribal mosaic<sup>4</sup> with a long history of violent inter-communal relationship. Almost half of the South Sudanese population finds its source of livelihood into nomadic or pastoral activities that have been hindered during three decades of conflict, population movements and the closure of its border with Sudan since the independence. These different factors, combined with climate changes, modified considerably the social fabric and communal dynamic of the country and the way inter-tribal conflicts were mitigated. Furthermore, the tribal dynamic within the government and SPLA forces and its lack of objective governance in favor of tribal interest exacerbated preexisting tension between the different groups and resulted in high level of violence (see paragraph on Jonglei state).
15. Land and property management is still customarily ruled and differs among tribal and regional entities. Regardless of the development (pending ratification) of a national land policy in February 2013 addressing post-war conflict over land rights, informal settlements in cities and towns, as well as conflicts over access to land with pasture and water remain challenges. While returnees and IDPs formally have access to land and security of tenure, in reality costs associated with surveying, allocating and registering land is providing prohibitive to many returnees and IDPs achieving durable solutions. Governmental response remains insufficient and state level land offices are reported to lack proper channels and procedures to apply the land policy (as well as the December 2010 Return Procedures Policy which guarantees access to land free of charges/taxes, etc.) and are sometimes accused of arbitrary application by claimants.
16. In addition to conflict related displacement, the country faces a generalized internal economical driven migration to the capital city of Juba and other urban centers from rural areas. Assistance and integration of populations into services and housing by local and

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<sup>4</sup> See attached: OCHA map on Distribution of Ethnic Groups in South Sudan.



national authorities remains slow and can be subject to tribal and ethnical disputes, with minority groups facing social discrimination. Urban and development related displacement is likely to increase in South Sudan, in a competition of resources between the Government and the population of South Sudan.

### **UNMISS/Protection of Civilian**

17. There are serious concerns about UNMISS' interpretation of its Protection of Civilian strategy<sup>5</sup> and mandate<sup>6</sup>, as well as its compliance with the UN Secretary General's Human Rights Due Diligence Policy when supporting the Government of South Sudan. On March 12, 2012, when the disarmament campaign in Jonglei began, UNMISS released a press statement<sup>7</sup> supporting South Sudanese authorities in this process. UNMISS officials also reported, in a public meeting with INGOs in Juba, that they exerted considerable effort to caution the Government about the pitfalls of civilian disarmament in such a volatile environment and highlighted the other processes that should be prioritized, such as the Jonglei Peace Process. In this and other contexts, and despite reports referring human rights violations to UNMISS, both public and material support continued to be , including by facilitating the flights of government officials and militaries to remote locations, raising concerns both of the Mission's neutrality but also the impact on the perception of the neutrality of humanitarian actors The Protection Cluster also expressed its concern with regards to State Security forces participation in UNMISS "integrated teams" when conducting assessment mission and information sharing by the mission on sensitive information collected by the mission's teams. Here, the main concern is a lack of confidentiality and associated risks to persons of concern given that SPLA are among the main perpetrators.
18. Other issues are more related to the use of physical protection measures by UNMISS peacekeeping forces when civilian population is under imminent threat, especially in the recent context of Pibor town where UNMISS did not provided physical protection to civilian and humanitarian asset, nor were they able to facilitate the populations freedom of movement.
19. Direct support provided by UNMISS to GRSS increased challenges for the mission to provide effective protection to the civilian population as they are perceived by non-state armed actors and the civilian population in Jongeli as a direct support for one party to the conflict. This situation present serious protection risk to the civilian population when seeking physical protection to the UNMISS "Protection of Civilian areas" and result to the impossibility for UNMISS troops to access areas under ANSA control. In addition, UNMISS peacekeeping forces often face restrictions of movement imposed by state security forces, especially to sensitive areas (Jonglei, Western Bahr-Al-Ghazal, Unity and Upper Nile States).

### **III. Protection response**

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<sup>5</sup> <http://unmiss.unmissions.org/LinkClick.aspx?link=Documents%2FProtection+of+Civilians.pdf&tabid=3465&mid=6921&language=en-US>

<sup>6</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1996\(2011\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1996(2011))

<sup>7</sup> "Peaceful disarmament key to end violence in Jonglei " UNMISS Press Statement (March 12, 2012): <http://unmiss.unmissions.org/LinkClick.aspx?fileticket=P7yFe0n84H0%3D&tabid=4041&mid=6878&language=en-US>



## **A. Protection Cluster**

### **a. Coordination structure**

20. The Cluster Process was rolled out in what was then Southern Sudan on 31 May, 2010, several months after a similar non-Khartoum centralized Cluster Process was established in Darfur. As the process was already largely “independent” and focused entirely on Southern Sudan, no specific changes were made when South Sudan gained independence on 9 July 2011. The first South Sudan CAP was initiated in 2012. Since its inception, UNHCR has co- led the Protection Cluster together with the Norwegian Refugee Council (NRC). The Protection Cluster currently has three formal Sub Clusters – Child Protection (co-led by UNICEF and the Ministry of Gender, Child and Social Welfare), GBV (co-led by UNFPA and the International Rescue Committee(IRC)) and Housing, Land & Property (co-led by NRC and UNHABITAT). The Protection Cluster also benefits from “affiliated” relations with several working groups including: (a) Mine Action, co-led by UNMAS and the Danish De-Mining Group (DDG), and now a Cluster in its own right; (b) Conflict Reduction, led by PACT and DDG; (c) Rule of Law, co-led by UNDP and IRC; (d) the Land Coordination Forum led by NRC. The Protection Cluster has nine field sub-clusters within the country including in the Abyei region.
21. Concerns were raised by Protection Cluster members with regard to co-leadership of the Protection Cluster’s technical working groups by GRSS, especially with regard to sensitive protection information in the new protection paradigm in South Sudan (appearance of organize armed groups and involvement of SPLA in the commission of gross human rights violations). In addition, Protection Cluster members consider that these forums, especially at field level, have challenges in establishing priorities between humanitarian needs and long term developmental issues.
22. There is no fully dedicated Protection Cluster Coordinator and the UNHCR Senior Protection Officer is ensuring this role. A CHF Monitoring and Reporting Officer is fully dedicated and deployed to the Protection Cluster through CHF funding and coordinated by OCHA and UNDP. Although the incumbent’s focus is CHF, the context allows wide scope in being able to support the Cluster more generally. UNHCR’s Information Management Officer (IMO) also supports the Cluster in addition to her Agency responsibilities. The UNHCR SPO and Assistant Representative for Protection together with NRC Protection Cluster co-lead expressed the need for the deployment of a dedicated Senior Protection Officer to ensure Protection Cluster coordination as well as the need to deploy a Protection Cluster IMO. None of the nine field sub-clusters has fully dedicated protection resources. Dedicated SPO for Protection Cluster coordination has proved its added value in such operational context. The roving Procacp supports the need to deploy dedicated resource that will benefit to the Protection Cluster for its response.
23. The Protection Cluster has establish a substantial and positive protection dynamic with the inter-sectorial working group (inter-cluster) especially for addressing high protection concern (e.g. Inter-Sectorial Working Group communication on the situation in Jonglei 17 May 2013). However, the Humanitarian Country Team is reported as relatively weak in supporting



advocacy and is not particularly viewed by its members as a “decision making” body. That said, the Cluster, leveraging its strong voice in the ISWG, has been able to inspire some traction in stronger advocacy from the Humanitarian Coordinator/Deputy Special Representative (HC/DSR) through a more unified ISWG voice. Permanent representation of Protection Cluster coordinator within the HCT may be beneficial for improving the overall humanitarian response and advocacy taking in consideration the country specific protection situation.

24. Engagement between the Protection Cluster and UNMISS represents an especially good practice, particularly in the context of Protection of Civilians (PoC). At the State level, Protection Clusters are invited to UNMISS State level PoC Working Groups, and UNMISS PoC colleagues are invited to Cluster meetings. Humanitarian Protection and PoC responses are discussed and, where appropriate/applicable, harmonized. At the National level, UNHCR (in both its Cluster and Agency roles, and together with OCHA) is an active participant in the UNMISS PoC Technical Group (day-to-day response level), the UNMISS PoC Working Group (senior policy level) and the daily UNMISS Joint Operations forum. In these and other fora, UNHCR is able to voice the interests/perspectives of the Protection Cluster, as well as share the views of other Clusters and, as at state level, supports information exchange, risk analysis, and response planning and implementation. In these regards, the Cluster is often consulted both by UNMISS PoC and other functional units (e.g., Civil Affairs and Human Rights), strengthening the overall “protection voice” within the Mission. The Cluster also has on several occasions been directly called upon by the DSR/HC to support specific advocacy initiatives or provide its analysis of specific issues.

#### **b. Information management**

25. Despite innovative tools developed by the Protection Cluster and its IMO (website<sup>8</sup>), the current information management system is not yet able to fully respond to the complexity of protection information needs in the country. As mentioned before, the Cluster benefits only from a single non-fully dedicated IMO and lacks harmonized approaches for collecting, managing and analyzing information. This gap resulted in limiting the capacity of the Protection Cluster and its members to establish and review its baselines when planning and evaluating its responses. That said, it must also be recognized that in South Sudan generally there is very limited actual baseline data with regard to most sectoral areas and, therefore large gaps in even the most basic data. Traditional development and social welfare actors (e.g., UNDP) already existing in South Sudan are likewise only beginning the process of systematically developing baseline information across sectors. While a challenge, it also presents an opportunity for the Protection Cluster (assuming enhanced resources) to be a key player in gathering and organizing baseline data which would support not only current Cluster activities, but also contribute to a better fact-based eventual transition to a stronger development framework.
26. Field protection sub-clusters reported lacking communication procedures or reporting system with the national Protection Cluster. Technical working groups also lack formal referral mechanisms with the Protection Cluster with the exception of the coordination meeting’s

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<sup>8</sup> <http://southsudanprotectioncluster.org/>



exchanges. This result in delay for addressing specific protection needs when identified (e.g. child protection and GBV).

### **c. Gaps and challenges**

27. Security constraints in the areas affected by the conflict and armed violence conditioned directly humanitarian assistance and protection response. In addition, the poor road condition and flood affecting part of the country limit or make impossible mobility to the most affected population from June to November.
28. Protection and humanitarian actors also face severe administrative and political barriers from the GRSS. NGOs are subjected to increase bureaucratic impediments and threats to be expelled from the country when advocating on sensitive protection issues. This situation affects humanitarian actors at national and state level.

## **IV. Follow-up and recommendations**

### **• Strengthening of information management capacity**

29. With regard to the challenges face by the Protection Cluster in its approach for information management and response planning, discussions were held with the Protection Cluster coordination team on strengthening protection needs analysis and strategic baseline. The team agreed on developing harmonized tools and methodology adapted to the specific context of the country and the existing cluster capacities, commensurate with staff resources. The Jonglei field sub-Protection Cluster was identified as a key target for the support of a Protection/IMO expert to pilot the development and implementation on protection needs assessment tool and methodology to evaluate and analyze:
  - Major protection threats and needs;
  - Profiling of affected population and mapping of specific vulnerable groups and situation conducting to high protection threat<sup>9</sup>;
  - Community protection strategies and coping mechanisms;
  - Institutional capacity and commitment to protect.
30. The GPC will assist the Protection Cluster in developing referral mechanisms with thematic working groups in order to support priority planning and rapid response to the most urgent needs.

### **• Protection Cluster coordination**

31. Revise strategic priorities and coordination modalities of Protection Cluster sub-working groups in accordance to the existing national context and applicable legal framework, especially in the aspect of its controversial coordination with GRSS.
32. Update coordination tools and mechanisms (e.g. Protection Cluster ToRs, activity mapping, etc...) and improve strategy and response planning accordingly with the national humanitarian calendar.

### **• Global Protection Cluster**

33. Support the capacity of South Sudan Protection Cluster through the deployment of a dedicated Senior Protection Officer and a dedicated Information Management Officer.
34. House, land and property constitute a major protection challenges in South Sudan and remains under represented in the country. HLP A.o.R should support HLP programmatic response through the rapid deployment of HLP specialists to update response baseline and develop adequate response strategy.

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<sup>9</sup> This may include a tribal conflict mapping.



- **UNMISS/Protection of Civilian**

35. As described before, the hostilities between GRSS and ANSAs places civilian populations at risk of serious protection threats and there are evidences of direct targeting of specific civilian populations and lack of distinction between civilians and combatants by the different parties. The roving ProCap proposes the following recommendations:

- UNMISS must stress its strategic and legal obligation to act in accordance to its protection mandate acted under the Chapter 7 of the UN Charter. Ensure substantial Human rights monitoring, advocacy and physical protection to civilian under imminent threat.
- UNMISS must ensure is full compliance with both the letter and spirit of the UN Secretary General Human Rights Due Diligence Policy, and must stop any interaction and support to the GRSS and prevent the use of UNMISS assets, including helicopter flights for government and military officials in operation and context where the integrity and security of civilian population is not protected or when allegation of Human rights violation by GRSS security forces are being reported.
- Collaboration and support to a party to a conflict in intelligence gathering constitutes a breach of UNMISS mandate under Chapter 7 of the UN Charter obligations. UNMISS must suspend any participation of state security forces in their “integrated teams” conducting assessment mission in conflict areas. UNMISS civilian and military component must prevent sharing sensitive information or reports with Governmental Officials that might result in putting civilian populations at risk.
- UNMISS must develop mechanisms to monitor and evaluate the impact and effectiveness of its Protection of Civilian mandate and strategy.