5 # The UNMIS in South Sudan: Challenges & Dilemmas

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Presentation

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Introduction

2009 has been the most violent year in Southern Sudan after the signature of the historic Comprehensive Peace Agreement (CPA) between the government of (north) Sudan and the southern rebel, Sudan People's Liberation Army / Movement (SPLA/M) in January 2005. In the last year the death toll in Southern Sudan has been higher than in Darfur, which threatens to jeopardize important milestones resulting from the CPA, notably, the referendum on southern self-determination in 2011.

To the persistent inter-ethnic violence (linked to the history of the war) and resulting displacement, and the exacerbated high levels of criminality should also be added the increase in the activity of the Lord's Resistance Army (LRA) on Southern Sudanese soil. The Government of Southern Sudan (GoSS) is not well suited to protect civilians in this increasingly violent environment. The Southern Sudanese Police Service (SSPS) lacks the resources, training and equipment to intervene in large-scale armed conflict. The SPLA, though more robustly deployed than police, has also shown limited capacity to handle the violence and "appears to have adopted a policy of not intervening in inter-communal fighting" (Human Rights Watch 2009: 5).

The United Nations Mission in Sudan (UNMIS) is a UN peacekeeping operation established after the signature of the CPA in 2005[1] "to monitor and verify this agreement and to support [its] implementation". Acting under Chapter VII of the Charter, the Security Council decided that UNMIS is authorized to

> *"[...]take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence"* Art. 16 (i) SC Resolution 1590 (2005).

UNMIS' mandate and presence has created the expectation among the local people that they will be protected should violence erupt. But this has not been the case, and reports observe a failure on the part of the mission to communicate its mandate and capabilities to people in the communities in which they have been deployed (Refugees International 2009). UNMIS has largely relied on its "good offices" and CPA monitoring functions (Human Rights Watch, 2009). But critics demand a more effective operationalization of its core mandate to monitor the ceasefire and security arrangements of the CPA and to establish a more dynamic presence on the ground.

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[1] Resolution 1590 in the Security Council on 24 March 2005.

This paper argues that the lack of decisive protection of civilians by UNMIS is not just an operational dilemma. It should be tracked to paradoxes at the heart of its mandate. The CPA, the intervention of the international community, and the mandate of UNMIS are focused in the broader picture of the North-South "post-conflict" peace-building. But the focus in the broader realms has diverted attention from the 'still-present' root causes of conflict at the local level. Today, peace in South Sudan is being jeopardized by inter-ethnic fighting and LRA attacks. The Security Council mandated UNMIS "to support the parties in 'making unity attractive', since secession of Southern Sudan would have an impact on the whole region and could pose potential security threats". But nowadays all stakeholders acknowledge that South Sudan is in the path to secession. Even President Al-Bashir has recently made unprecedented comments; assuring that his party, the National Congress Party (NCP), will be the first to recognise South Sudan's independence should that be the outcome of the referendum.

Thus, not only does the mandate of UNMIS seem to be rooted in unrealistic assumptions (north-south unity), but it has also diverted attention from the need to 'make unity attractive' *within* the south – and the north alike. Consequently, UNMIS lacks the necessary definitions at the strategic and operational level to effect a robust protection of civilians. At the strategic level, UNMIS' mandate fails to recognise the root causes of conflict at the local level and, thus, to put civil protection at the heart of its strategy. As a result, UNMIS is short of the necessary resources, at the operational level, to protect civilians. Given the above-mentioned arguments, I posit that UNMIS will not respond to calls for a more robust and decisive intervention, at least until the referendum takes place in 2011 and the mandate of UNMIS is redefined.

I especially focus in the dynamics, tensions and challenges posed by the context of South Sudan. UNMIS is positioned on both sides of the North-South border, and the former does also face its own tensions and divisions. But the country is so vast and so complex that the regional dynamics of places like Darfur (which, for instance, has its own peacekeeping mission: UNAMID) and East Sudan, to mention some, justify distinctive analyses. Equally, the particularities of the context of South Sudan deserve a specific examination, especially in the light of the coming referendum that will decide its fate as a country.

The first section of the paper will briefly explore the evolution of peacekeeping and the role of the UN performing that task. The current context of South Sudan will be examined in the following section to provide a background to the analysis of UNMIS' role and mandate with regards to the protection of civilians. Making a parallel with Autesserre's study in the Democratic Republic of Congo (2009), this paper concludes that the frame of UNMIS operation, its mandate, obscures the analysis of the root causes of violence in (South) Sudan and thus, thwarts a decisive intervention to tackle the security challenges of the context. As a result, a revision of the mandate (the *frame*) will be needed in order to bring about sustainable peace.

The challenges of peacebuilding and the responsibility to protect

"Our job is to intervene: to prevent conflict where we can, to put a stop to it when it has broken out, or – when neither of those things is possible – at least to contain it and prevent it from spreading". Kofi Annan, "Reflections on Intervention", June 26, 1998[2].

Article 2 (1) of the UN Charter enshrines the principle of sovereignty and, as a consequence, Article 2 (7) expressly prohibits the organization from intervening in affairs that are "essentially within the domestic jurisdiction of any state". The legal identity of a state, the Westphalian concept of sovereignty, empowers it to exercise exclusive and total jurisdiction within its territorial borders. The internal affairs of a state, thus, should be out of the reach of the intervention of other states. The exception to this rule can only be mandated by the Security Council under Chapter VII of the UN Charter. Article 42 of that Chapter authorises to take "action by air, sea, or land forces as may be necessary to maintain or restore international peace and security".

The UN Charter was signed in 1945. But since the end of the Cold War period, almost all new armed conflicts have not been between sovereign states but have occurred within their territories. This fact presented the UN with the challenge of, on one hand, respecting member states' sovereignty and, on the other, fulfilling its core mandate of maintaining international peace and security. According to a report of the International Commission on Intervention and State Sovereignty, the 'voluntary' membership of the UN implies a re-characterization of sovereignty: from *sovereignty as control* to *sovereignty as responsibility* (ICISS, 2001).

The advancement of international human rights and the introduction of the notion of human security have had an impact on the understanding of state responsibilities. The latter imply the protection of the safety and lives of citizens and the promotion of their welfare, as well as the accountability – both internal and to the international community - of their acts of commission and omission. This re-conceptualization of the notion of security, from the traditional narrow perception of state security to a wider vision of security of human beings – which implies security against threats to life, health, livelihood, personal safety and human dignity –also had an impact on the debates around intervention (ICISS 2001:15). The Commission recommends shifting the focus of the debate from "the right to intervene" to "the responsibility to protect". The latter implies "an evaluation of the issues from the point of view of those seeking or needing support, rather than those who may be considering

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[2] In Kofi Annan (1999) "The Question of Intervention", New York: United Nations, p4; cited by Doyle and Sambanis (2006: 4).

intervention" (ICISS 2001:17). Without failing to acknowledge that it is the State the primary responsible for civil protection, the international community should act in its place if the State is unable or unwilling to fulfil that responsibility. And finally, the responsibility to protect does not only mean the "responsibility to react", but also and most importantly, the "responsibility to prevent" (ICISS 2001).

The changes in conceptions of sovereignty and intervention have affected the development of different approaches to peacekeeping. Doyle and Sambanis (2006) identify three generations of peacekeeping strategies: a *first generation* (traditional) peacekeeping, which refers to the deployment of an unarmed or lightly armed force to monitor a truce; a more ambitious *second generation* operations that rely in the acquiescence of parties and implement multi-dimensional peace agreements – primary in post-civil war contexts- aimed at building the foundations for a self-sustaining peace (includes the engagement in police and other civilian tasks); and a *third generation* of operations that may not have the consent of all parties but rely on a Chapter VII mandate. These are the so-called "peace enforcement" operations which have the objective of protecting the delivery of humanitarian assistance, enforcing cease-fires and providing "authoritative assistance in the rebuilding of [...] failed states" (Doyle and Sambanis 2006: 14). The fact that between 1977 and the start of the Gulf War, the Security Council adopted only two resolutions under Chapter VII, whereas between 1990 and 1998 the Council approved 145 Chapter VII resolutions is a reflection of the changing nature of international conflicts and UN response (Voeten 2005).

In 1992 former UN Secretary General Boutros Boutros-Ghali presented, in his "Agenda for Peace", the different roles the UN could play in the context of post-Cold War international politics: i) *preventive diplomacy,* to prevent disputes from arising and / or escalating, based on confidence-building measures, fact finding and early warning, but also including the possibility of 'preventive deployment'; ii) *peace enforcement*, involving more heavily armed contingents authorised to act without the consent of one of the parties involved to force to achieve purposes other than self-protection (Chapter VII); iii) *peacemaking*, involving various initiatives "to bring hostile parties to an agreement", including judicial settlements, mediation, negotiation, etc. (Chapter VI); iv) *peacekeeping*, where UN presence in the field is meant to be a confidence-building measure to monitor a truce or the implementation of a peace agreement. It implies the consent of parties involved[3]; and v) *post-conflict peacebuilding*, "to strengthen and solidify peace" by fostering economic and social cooperation (Paris and Sisk 2009, Doyle and Sambanis 2006). In brief, whereas traditional peacekeeping operations focused on ending fighting and hostilities through observing peace agreements and monitoring the separation of the fighting parties; today we see multidimensional and complex operations that take in nation-building tasks, which seek to

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[3] "Unlike combat units, peacekeeping forces are not designed to create the conditions for their own success on the ground; those conditions must pre-exist for them to be able to perform their role" (Ruggie 1993: 3).

tackle the structural problems and the roots of the conflict, such as economic recovery, institutional building, political stability, more equal distribution of wealth, etc. (Ammitzboell 2007).

However, it should be noted that the distinction between the different mission types is not clear cut. Examples of the blurred distinction between the above definitions, in practice, are those operations called "Chapter VI and a half": between traditional methods of resolving disputes peacefully (implying the consent of parties, the impartiality of troops, and measures such as negotiation and mediation) under Chapter VI, and more forceful action (authorised to resort to force for self-defence) as authorized under Chapter VII. As Pouligny notes, "the blurring of boundaries goes far in illustrating how the traditional dichotomy between operations under Chapter VI and those under Chapter VII of the Charter now seem less explanatory" (2006: 7).

According to Boutros-Ghali's lexicon, the operation in Sudan can be broadly labelled as 'post-conflict peacebuilding'. But as the following sections will observe, this "frame" risks obscuring features of the conflict that call for 'peacemaking', 'peacekeeping', and even 'peace enforcing' approaches. Given the overlap of different approaches, in this paper I will refer to peacekeeping in a broader sense, encompassing the different challenges of today's peace operations.

The challenges of peacekeeping are vast, but the overall perspectives seem to be encouraging. After analysing a data set encompassing cease-fires in all civil wars from 1989 to 2000, in-depth case studies and interviews to the "peace-kept", Fortna (2008) found that peacekeeping indeed works. Taking into account cases in which peace survives after the time of deployment, the risk of war recidivism falls by at least 75%-85%. If only the time lapse of deployment is taken into consideration, the presence of peacekeepers is then found to contribute to reducing the risk of war by 55% to 60%. The author goes further to explore the reasons for success, which include peacekeepers' actions to (1) change the incentives for aggression relative to maintaining peace, (2) alleviate fear and mistrust so as to reduce security dilemmas, (3) prevent or control accidents or 'involuntary defection' by hard-liners, and (4) dissuade either side (and particularly the government) from excluding the other from the political process. These actions, prompted by peacekeepers, are based in the assumption that the resumption of conflict can be brought about by "aggression, fear and mistrust, accident or the actions of rogue groups within *either side*[4], and political exclusion" (Fortna 2008: 175).

Contrary to Forna, Autesserre (2009) observes that more than half of the civil wars that ended in negotiated peace agreements lapsed back into war within a few years. According to this author, the reason behind the recurrence of violence lies in the neglect, by international actors, of the local causes of violence. This seems to be the case in the context

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[4] Emphasis added.

of South Sudan where; first, the main peace spoilers and other sources of violence are not, by themselves, representatives of the different *sides*; they are not the signatories of the Peace Agreement. Some sources argue that the parties of the CPA are indeed fuelling inter-tribal fighting (see Pax Christi 2009, for example); but this is not formally confirmed and, thus, cannot be openly addressed. Additionally, it might not be the reason behind all eruptions of violence (see next sections). Secondly, the ethnic violence that is increasingly observed in South Sudan is not primarily related to the causes that Fortna identifies as conducive to war recidivism but mainly as a result of local historical struggles coupled with peace dividends not being visible for the majority of Southern Sudanese. In fact, any attempt to bring lasting peace in Sudan should encompass an analysis of the different layers of the conflict. In other words, the peacekeeping mission in Sudan should not be based in *making unity* -between North and South - *attractive* (which now seems out of date), but should move towards defining its mandate as making unity attractive *within* the South. The same observation could be equally applied to the North, where the central government in Khartoum struggles to control Darfur in the West and contain the grievances of the rebels in the East (i.e. Gedaref and Kasala), among other sources of destabilisation. Making unity within the South attractive entails, in line with Autesserre, addressing the local causes of peace process failures that might threaten the macro-level settlements (2009:250). The next section will examine in more detail the context of Sudan, with a primary focus in the security challenges present in the South.

The CPA and the New South Sudan

Sudan's civil war was the longest running in Africa and covered most of its life as an independent country. The Southern region, with a population of around 6 million and a predominantly rural, subsistence economy, was negatively affected by neglect, lack of development, destruction and displacement. Armed insurrection in the south broke out as soon as the share of power and resources promised when Britain terminated its rule in 1956 was disregarded. After fifteen years of exhausting fighting, both parties accepted to sit at the negotiation table chaired by the Ethiopian Emperor Haile Selasie, who secured the Addis Abeba Agreement in 1972.

The Agreement gave the southern regional government a high level of autonomy, but under the umbrella of a central government based in Khartoum. Although Islam was adopted as state religion, Christianity and other indigenous beliefs, mainly practised in the South, were permitted. Additionally, southern militias would be dismantled, integrating fighters into a national army. Again, the South expected to benefit from a more generous share of resources for development. But the flow was limited and diverted from development ends to feed patronage and political competition, as the central government tried to exploit local cleavages to gain more control – especially in the areas where oil resources were discovered (Esman, 1995).

The fact that the South has a greater variety of peoples than the north, with more than 60 different tribal groups present in the region[5], has also contributed to a greater fragmentation (Mosely Lesch 1998). Following Esman and Telhami (1995), ethnic distinctiveness does not necessarily generate conflict, but perceived threats from outside can generate collective reactions which can be mobilized and politicized by 'ethnic entrepreneurs' who capitalize these grievances to build a constituency in pursuit of political ambitions. The tribes in the so-called Three Areas[6] were located among the frontlines during the North-South civil war and have not only been valued targets of clientelism and patronage but have also been particularly hit by the decades of warfare. New political alliances in Khartoum led to renewed efforts to spread *shariah* law to the whole territory, including the south, which undermined the peace agreement. A new civil-war broke in 1983 between the Southern Peoples' Liberation Army (SPLA) and the Government of Sudan. The

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[5] The largest of the many Black African tribes of the Sudan is the Dinka, who along with the Shilluk and the Nuer, are among the Nilotic tribes. In the West, The Azande, Bor, and Jo Luo are "Sudanic" tribes, and in the extreme south live the Acholi and Lotuhu, extending into Uganda.

[6] Abyei, Blue Nile and Southern Kordofan are three border areas over which the North and the South Sudan have long disputed concerning border demarcation, ethnic issues and oil. The CPA established e Road Map for the resolution of these conflicts. Indeed, these areas are critical to long-term stability and economic development in Sudan because of their geographic location and wealth of natural resources (not only oil, but also agricultural land, water, Gum Arabic, and minerals).

Comprehensive Peace Agreement (CPA) signed in January 2005 between the northern National Congress Party (NCP) and the southern rebel, the Sudan People's Liberation Movement/Army (SPLM/A) formally ended the 22-year civil war that killed around two million people and displaced near four million Sudanese.

The CPA provided a political framework for a ceasefire and it also recognised that the unequal development of the peripheral areas and the distribution of wealth are issues at the root of Sudan's civil war[7]. It laid out a major role for the international community to monitor the agreement, assist on the reform of the security sector, as well as the support for the return of refugees and the organisation of elections.

But the main focus of the CPA is in the tensions between the North and the South, the distribution of wealth and power between the two, and development at the macro-economical level. Internal southern dynamics equally related to power and wealth distribution and political participation are less stressed. A few years after the signature of the CPA some locals were already expressing that they felt more insecure now than they did before. A survey undertook in 720 households of Lake State[8] observed that more than half of respondents felt that their personal security had deteriorated since the signing of the CPA. It is not surprising, in a context like this, that "most people carry some kind of weapon for personal protection" (Small Arms Survey 2007: 34-35).

The disarmament campaign led by the Government of South Sudan (GoSS) has had limited positive effects, and even some negative ones. As the government has been unable to provide adequate protection, communities are reluctant to disarm. Moreover, in some cases it was the GoSS who authorized some groups to hold weapons. For example, as armed insurgent groups such as the Lord's Resistance Army (LRA) continue to operate in South Sudan, the State of Western Equatoria (bordering the D.R. Congo and Central African Republic) promoted the creation of 'community defence forces'. In Lakes State the government authorized the use of weapons to a group of cattle guards previously armed by the SPLA and formally

Source: Cook 2009

linked to the state's security forces. As a report puts it, "this suggests that disarmament can usefully be seen as an effort to bring particular groups under the control of the state, both by removing weapons from some groups seen as posing a local threat and by authorizing the use of arms by others" (Small Arms Survey 2009: 5). In fact, the same report observes that communities do perceive disarmament as being targeted along ethnic lines, which has in turn intensified local divisions.

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[7] See Johnson 2003, and Kulusika 1998 for a deep analysis of the development-related causes of Sudan's civil war.

[8] One of the ten States that compose South Sudan.

Other sources of conflict derive directly from the perceived delays or insufficient implementation of certain aspects of the agreement[9]. The failure to fully tackle aspects of border demarcation in the Three Areas has generated uncertainty, tension and violence. Another survey carried out in these regions in 2008 has observed that the lack of development and insecurity in Southern Kordofan have led to wide dissatisfaction with the implementation of the CPA (Cook 2009). Equally, as most survey participants believe that the root causes of conflict in Blue Nile remain unresolved, inter-ethnic relationships have deteriorated.

In Abyei, the Ngok Dinka believe that crisis like the one in May 2008, which ended with near 20 civilians dead and 60,000 displaced[10], could have been prevented had the Abyei protocol[11] been implemented. In July 2009 the Permanent Court of Arbitration ruled in the South's favor by placing most of the disputed area within Abyei borders. Both north and south Sudan have said that they will adhere to a ruling from the Hague-based Permanent Court of Arbitration (PCA) over the demarcation of the disputed borders of oil-rich Abyei. The Ngok Dinka and Messeria, both native tribes of the region, have a history of animosity towards one another. Demonstrations by Misseriya tribesmen came less than a week after the ruling. Misseriya leaders said they planned to bypass Sudanese authorities and hold direct negotiations with the Ngok Dinka to assure their land rights.

In other southern regions the tension is also mounting. Pax Christi observes that political leaders in the north and in the south are taking advantage of ethnic divisions to undermine the CPA. The organization reports that during the Collo-Dinka conflict in Malakal, early in 2009, an interviewed Collo leader mentioned that "if the Dinka get arms from their brothers in Juba (i.e. GOSS/SPLM), [the Collo] can get arms from Khartoum" (Pax Christi 2009: 8). They equally present testimonies of community leaders and church-related persons that argue that "politicians and intellectuals" from Juba are also trying to undermine the CPA. These are some examples of the political, but also historical tribal tensions at play in South Sudan. Deadly clashes between and within tribes have also taken place in Lakes, Warrap, Upper Nile, Unity, and Central and Eastern Equatoria states[12].

But a central source of violence is the result of the slow delivery of peace dividends, which has caused competition for resources and fighting among ethnic groups. In January of this year at least 140 people had been killed and 90 wounded during an attack on the Wunchai region of Warrap State, as several thousand cattle have been stolen[13]. In February, cattle

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[9] Mid-Term Evaluation Report of the Comprehensive Peace Agreement, Assessment and Evaluation Commission, July 2008.

[10] Human Rights Watch, "Abandoning Abyei. Destruction and Displacement", May 2008.

[11] Protocol between the Government of the Sudan and the Sudan People's Liberation Movement Army on the Resolution of the Abyei Conflict.

[12] Joint NGO Briefing Paper, "Rescuing the Peace in Southern Sudan", January 2010.

[13] Declaration of Lise Grande, the UN Deputy Resident and Humanitarian Coordinator in Southern Sudan., reproduced in Irin News.

raiding between the community of Cuebeit and Reg Dinker in the same State led to 24 dead and 40 injured[14]. In the last year, brutal massacres have occurred in Jonglei (450 people killed in March in Pibor County, 250 killed in April in Akobo County, 180 people killed in June in Mareng) and in Upper Nile (100 people killed in June, and 70 in August) to cite some examples. As the governor of Jonglei State reportedly met with the GoSS president to request support from the SPLA to stop further attacks, the perception among certain tribes (i.e. the Murle) is that the state authorities were behind the attack[15]. Humanitarian resources have also been victims of attacks: in June 2009, an attack to a World Food Programme (WFP) convoy carrying 735 MT of food destined for 19,000 people in Akobo resulted in 40 people dead and 41 injured. In sum, violence and resentment escalate as frustration over the lack of development grows.

Overall, around 2,500 people were killed and 359,000 displaced in South Sudan since 2009 as a result of inter-tribal fighting and LRA attacks [16], which makes it the most violent year after the signing of the peace agreement, and a greater human toll than occurred in Darfur. In South Sudan, more than 90% of the population lives on less than a dollar a day and more than 1.5 million people are currently receiving emergency food assistance. 97% of the population has no access to sanitation. More than 90% of women cannot read or write, and a 15 year old girl has a higher chance of dying in childbirth than of finishing school. The level of infrastructure available outside central towns is practically non-existent. In the entire region, an area the size of France, there are fewer than 50km of tarmac road[17]. Should South Sudan become independent in 2011, it will automatically become the poorest country in the world.

The international attention paid to the resolution of the North- South conflict diverts attention from the vast internal pressures that the GoSS should address within the South. The CPA endorsed a vision of "making unity attractive", between North and South. But the same challenge is faced within each of the regions. Divisions and community security concerns within the South are equally or even more destabilizing. Even within the SPLA serious divisions exist, as well as risks of defections by former militia, as the government fails to pay soldiers' salaries (Small Arms Survey 2009). Thus, it is not unknown to have SPLA soldiers involved in corruption, bribery and even crime. Following Call and Barnett, the development of "civilian, apolitical police forces that are composed of different political contingents and ethnic groups, and who will protect citizens, uphold the rule of law and help maintain order within a minimum of force" is crucial for the transition from civil war to civil

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[14] Reported on Miraya FM (UNMIS operated radio) and reproduced in ReliefWeb.int (UN OCHA).

[15] Small Arms Survey (2009) "Conflicting Priorities. GoSS Security Challenges and Recent Responses"; HSBA Issue Brief No. 14, Geneva: Small Arms Survey, May.

[16] Secretary General's Report S/2010/31, January 2010.

[17] Press Conference by Lise Grande, UN Deputy Resident and Humanitarian Coordinator for Southern Sudan, "Humanitarian challenges in Southern Sudan", 12th August 2009, UNMIS HQ, Khartoum; Joint NGO Briefing Paper, "Rescuing the Peace in Southern Sudan", January 2010; and Secretary General's Report S/2010/31, January 2010.

society (1999: 44). But Southern Sudan police forces are under-trained, insufficient in number, and under equipped; which makes them unable to deal with the challenges of public order in the region. The last Secretary General's Report on UNMIS notes that "the Southern Sudan Police Service is ill-equipped to carry out its policing functions and continues to suffer from severe resource constraints, administrative delays and difficulty in finalizing proposed policy changes"[18].

The GoSS has been reluctant to use the army to cover the gap in public order for two main reasons. On one hand, the government seems aware that the militarization of public space should be avoided as much as possible[19]. But on the other hand, it is often former militias who participate in inter-ethnic fighting, and many of the SPLA troops stationed in those areas are also from former local militia. Thus, if the government is not perceived neutral, intervening can even exacerbate conflict (Pax Christi 2009). Probably for these reasons the government and army refused to intervene in many of the killings occurred at the beginning of 2009. But seeing that insecurity and killings rapidly escalated, and under great public pressure, the SPLA did try to intervene to stop fighting. As a result SPLA soldiers have been killed trying to intervene and stop inter-tribal violence. However, SPLA is now trying to change its policy and carry out preventive deployment in areas were reprisals are expected, and securing the access to major towns.

The failure to emphasize the reform of the security sector at the early stages of the operation has also been recognized by senior UN officials as a setback for the mission[20]. The failure of the GoSS to provide essential services, the lack of alternative livelihoods, and the rise in criminality can lead to a loss of confidence in both the government and the CPA. The so-called "humanitarian perfect storm" of South Sudan, composed by the spiralling inter-tribal conflict and LRA-related violence, an alarming food gap, and the GoSS budget crisis; cannot only jeopardize the CPA, but also all the development efforts in place since 2005.

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[18] Secretary General's Report, S/2010/31, January 2010.

[19] As mentioned by Lise Grande, UN Deputy Resident and Humanitarian Coordinator for Southern Sudan, in a lecture at London School of Economics, 7 October 2009.

[20] Lise Grande, UN Deputy Resident and Humanitarian Coordinator for Southern Sudan, in a lecture given at London School of Economics, 7 October 2009.

UNMIS and Civilian Protection in Sudan

The creation of UNMIS was established in 2005 by resolution 1590 of the Security Council. The Council decided that the tasks of UNMIS, among others, would be: to support implementation of the CPA; monitor and verify the implementation of the Ceasefire Agreement and to investigate violations; to observe and monitor movement of armed groups and redeployment of forces in the areas of UNMIS deployment in accordance with the Agreement; to assist in the establishment of the disarmament, demobilization and reintegration programme as called for in the CPA, to assist the parties in the mine action sector; and to assist the parties in the promotion of the rule of law. The mission would be composed by 10,000 military personnel and supplementary civilian component, including 715 civilian police personnel[21].

But specifically, article 4 (b) mandates UNMIS "to facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions"; and article 4 (d) mandates UNMIS "to contribute towards international efforts to protect and promote human rights in Sudan, as well as to coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups including internally displaced persons, returning refugees, and women and children, within UNMIS's capabilities and in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations".

Given this mandate, not only the local population, but also NGOs and other international stakeholders demand a more robust presence of UNMIS. In other words, they demand from UNMIS an active and robust operationalization of its mandate in regards to the protection of civilian populations. For example, UNMIS failure to prevent the Abyei incident in May 2008 from escalating resulted in open criticism from various angles, including members of the Security Council (Refugee International 2009). Last February, the U.S. Ambassador to the United Nations, Susan Rice, expressed that the U.S. is ... "very concerned that UNMIS take on board and fully implement the portion of its mandate – the critical portion of its mandate – that relates to the protection of civilians"[22].

But UN personnel highlight that the resources allocated to the mission are more in line with the "monitoring and support" part of the mandate, than with an active intervention in the context of escalating violence. Perhaps the issue that better exemplifies UNMIS crossroad

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[21] As at 31 December 2009, 9,569 of the authorized 10,000 UNMIS military personnel were deployed in the Sudan, including 476 military observers, 200 staff officers and 8,893 troops (Secretary General Report, S/2010/31, January 2010.

[22] 19th February 2010, ReliefWeb.

between the security challenges in the field, its mandate and its resources is its response (or lack of it) to LRA attacks. Since end of 2008, 80,000 people were displaced as a result of LRA attacks in Sudan[23]. According to a UN Commissioner for Human Rights (OHCHR) report, ninety-one LRA-related incidents took place in Sudan between December 2008 and August 2009, of which sixty-three were confirmed by OHCHR. The attacks target mainly villages where "civilians were systematically targeted with and subjected to brutal violence without regard for age, sex or ethnicity". As well as killing, causing serious injury and mutilating, the LRA also abducts people, including children, whom it forces to work as child soldiers. More than 200 people where killed and more than 150 abducted during these assaults[24]. In 2006 the resolution 1663 of the Security Council "strongly [condemned] the activities of militias and armed groups such as the Lord's Resistance Army (LRA), which continue to attack civilians and commit human rights abuses in the Sudan; and [urged] in this regard UNMIS to make full use of its current mandate and capabilities"[25]. But later on in the year the Secretary General reported to the Council that

> "UNMIS operates with the usual Chapter VI force composition and configuration and has very few robust assets at its disposal. [...] Further, the 700 UNMIS soldiers spread thinly in 10 locations throughout [Western] Equatoria — an area the size of Austria — are essentially deployed to provide protection to United Nations installations and personnel and military escort to United Nations military observers and logistics, mine clearance, contingent-owned equipment and humanitarian convoys."

And, furthermore;

> "The present configuration of UNMIS allows the Mission to undertake regular patrolling by military observers, in known LRA areas. These patrols are escorted by small protection elements which, due to their size, scope and mandate, are limited to carrying out a minimum defensive capability"[26]

Lise Grande, the UN Deputy Resident and Humanitarian Coordinator for Southern Sudan, recently highlighted the big gap existing between what is expected from UNMIS, and what it is able to do. She observed: "We are often given mandates which are so complex that even highly efficient and really well organised and politically empowered colonial regimes wouldn't figure out how to do it, let alone the UN, ripped apart by political interests with

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[23] According to Lise Grande, UN Deputy Resident and Humanitarian Coordinator for Southern Sudan; "How to be Humanitarian? UN Intervention in Post-Conflict Societies", lecture at the London School of Economics, 7 October 2009

[24] Attacks on civilians in Western and Central Equatoria States, Southern Sudan, between 15 December 2008 and 10 March 2009 by the Lord's Resistance Army (LRA); Twelfth periodic report on the situation of human rights in the Sudan; OHCHR, December 2009.

[25] Security Council Resolution 1663 (2006).

[26] Report of the Secretary-General pursuant to resolutions 1653 (2006) and 1663 (2006), S/2006/478; 29th June 2006.

very dysfunctional administrative systems"[27]. In fact, although UNMIS' mandate includes a Chapter VII element, it was designed and resourced to act more as a Chapter VI mission, monitoring the implementation of the peace agreement and facilitating the delivery of humanitarian assistance. Threats and spoilers to the peace agreement were expected to be addressed to by political means only. A recent study commissioned by the UN Department of Peacekeeping Operations (DPKO) analysed the mandate of UNMIS and observed this dichotomy, noting that "on the one hand, the Council created a mission mandate under Chapter VI focused primarily on assisting the implementation of the CPA, with the protection of civilians conceived as a task for a dedicated civilian component whose focus would be on coordination of other civilian mission components and partners. On the other, it provided a clear mandate under Chapter VII for the mission to use force to protect itself, humanitarian workers, and civilians, without acknowledging the dilemmas and paradoxes such dualism would create for the mission" (Holt and Taylor 2009: 321).

Wills (2009) argues that the ambiguity of Security Council mandates is a tool to secure the necessary consensus to get resolutions adopted. But ambiguity is difficult to operationalize, and coupled with the fear of committing mistakes, it creates a disincentive to innovative action to protect civilians (Wills 2009). This is why Holt and Taylor's report to DPKO recommend that the Security Council "clarifies its expectations regarding the implementation of peacekeeping mandates to protect civilians" and that the role of peacekeeping missions as protection actors is "operationally defined to clarify what missions do and the roles of individual actors within missions" (2009:10-11).

Studying the Democratic Republic of Congo's transition from war to peace and democracy (2003–2006), Autesserre found that labelling the Congo a "post-conflict" situation instead of a "war" made a specific set of policies and procedures (such as elections organization) seem natural and appropriate while it made another set of strategies (such as work on local conflicts) seem inappropriate and illegitimate. Equally, the major focus in the "post-conflict" North-South dynamics, the elections and the referendum is obscuring local dynamics at the heart of Sudan's violence that can jeopardize those benchmarks and that ultimately hold the key to a sustainable peace. So, is it possible for UNMIS to succeed in its mission to support the implementation of the CPA without actively addressing the protection of civilians and the security dilemmas of the context of South Sudan? The protection of civilians is central for the success of the mission for two main reasons: First, assuring the protection of civilians is a key element of the legitimacy of the mission. Local populations expect peacekeepers to effectively keep peace and protect people at risk. As we have noted above, communities that have observed grave surges of violence are already expressing disenchant for UNMIS and for the CPA. Related to this is the fact that protecting civilians is crucial for a sustainable political peace: "neither a legitimate state nor efforts

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[27] "How to be Humanitarian? UN Intervention in Post-Conflict Societies", lecture by Lise Grande, UN Deputy Resident and Humanitarian Coordinator for Southern Sudan, London School of Economics, 7 October 2009.

for a stable peace can be founded on a political settlement or government that leaves a population at risk of systematic or extreme violence (Cook 2009:2-3)". This needs more than "good offices" and will require, first of all, a revision of UNMIS' overall strategy and, subsequently, a substantial shift in the focus of current assets and human resources.

According to Lise Grande there are two operational basic approaches to peacekeeping: a "*forward-leaning and mobile*" approach, where patrols move around permanently, taking deterrent action as a way of protecting civilians; and a "*superior and static*" approach, where action is not taken unless there is a 'factor 4' superiority of forces (e.g. 8,000 peacekeepers would be necessary to face a 2,000 men militia). From the 10,000 peacekeepers mandated for Sudan, around 8,900 are effectively available to be deployed for ground operations. The main approach employed in South Sudan is the 'superior and static' model, but in some cases UNMIS seems to be moving towards the 'forward-leaning and deterrent' approach. More proactive patrolling of key areas is currently beginning to take place. For example, in response to violence in Jonglei, in May 2009, UNMIS began establishing Temporary Operating Bases in Akobo and Pibor and putting air assets and vehicles at the disposal of its teams (Small Arms Survey 2009). In December 2009 pre-emptive patrolling was undertaken by UNMIS in cooperation with the MONUC[28] within Western Bahr el Ghazal and Western Equatoria States to mitigate the effects of reported LRA activity[29]. This movement towards the 'forward-leaning and deterrent' approach explains why, according to Grande, UNMIS is "doing better in some cases than in others". But the operational aspects of the mission need to derive from a revised strategy that fully embraces the concept of the "responsibility to protect", involving the commitment and "responsibility to prevent", and based in a deep analysis of local grievances.

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[28] United Nations Organization Mission in the Democratic Republic of the Congo

[29] Secretary General's Report, S/2010/31, January 2010.

Conclusion

The report commissioned by DPKO highlights that "as seen in Rwanda, the Balkans, Sierra Leone, Haiti, DRC and Darfur, among others, peacekeeping operations that are ill-prepared to address large-scale violence directed against civilians will falter and may even collapse" (Holt and Taylor 2009:3). Unclear and unrealistic objectives create disillusionment (Donnelly 1995). But also the lack of an active and effective address to the threats to the population and security challenges of the context is a risk to the legitimacy and credibility of the mission itself, and will doom peacebuilding efforts.

According to Autesserre, '*frames*' organize knowledge and shape one's understanding of the object or processes and how one acts toward or within them. "Frames can account for what shapes the international understanding of the causes of violence and of the interveners' role, and how this understanding makes certain actions possible while precluding others" (2009: 252). In the case of Sudan, the CPA and the mandate of UNMIS provide the 'frame' for the peacebuilding operation. As we noted above, especially in relation to UNMIS mandate, this frame not only fails to effectively address local dynamics and agendas but it is also ambiguous regarding the role of UNMIS to protect civilians. A more active operationalization of the mandate will probably translate in more active patrolling and a stronger emphasis in deterrence. UNMIS also has space for improvement in its communication and exchange of information with local populations. But fully tackling the root causes of violence in South Sudan requires a new frame. Given that less than a year is left for the referendum to take place, that new frame will likely be triggered by the creation of a new Sudan. Until then, the radical strategic shift needed to build a sustainable peace is not likely to happen. By that time the demands and challenges posed by the local agendas, grievance and tensions will have to be unavoidably dealt with. Let us hope it won't be too late.

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Appendix: Map of Sudan