Module 3 - UNMISS

UNMISS
Country and Mission Overview

Country overview

1. The Republic of South Sudan is a land-locked country located in Africa, bordered by Ethiopia to the east, Kenya to the southeast, Uganda to the south, the Democratic Republic of Congo to the southwest, the Central Africa Republic to the west, and Sudan to the north. It has an estimated population of eight million, but given the lack of a census in several decades, this estimate may be severely distorted.

2. The modern states of South Sudan and Sudan were part of Egypt under the Muhammad Ali Dynasty, later being governed as an Anglo-Egyptian condominium until Sudanese independence was achieved in 1956. An earlier proposal to unify southern Sudan with Uganda was rejected at the Juba conference in 1947. Most of the people of southern Sudan are Christian, black Africans and they resented being governed by the predominantly Muslim, Arab north. Revolts against the latter's rule led to two civil wars which killed more than two and a half million people and displaced a further five million from their homes.

3. Following the **first Sudanese civil war, from 1955 – 1972**, the Southern Sudan Autonomous Region was formed in 1972 and lasted until 1983. **A second Sudanese civil war** soon developed and ended with the **Comprehensive Peace Agreement (CPA) of January 2005**. The CPA was signed by the Government of Sudan and the Sudan People's Liberation Army/Movement (SPLA/M) and led to the formation of an Autonomous Government of South Sudan. The CPA also provided for a referendum, which was held on schedule in January 2011, with almost 99 per cent of participants voting for independence. **South Sudan became an independent state on 9 July 2011**.

4. South Sudan's economy is predominantly rural and relies chiefly on subsistence farming, although its urban areas have begun to develop in recent years. Oil started being produced in Sudan in the 1990s and has become the mainstay of the economies of the north and south. Most, but not all, of the oilfields are in South Sudan, but the export pipelines, Red Sea export terminal, and refineries are in the north. Agreement to share control over oil resources and revenues was a central part of the 2005 CPA, but there is still considerable controversy over how to divide the industry and its revenue.

5. Only 27 percent of adults are literate and less than half of primary school age children are in school. An estimated 80 percent of South Sudan's population lives without access to any toilet facility, and 38 percent have to make a one hour round-trip by foot to fetch drinking water. The maternal mortality rate of 2,054 per 100,000 live births is the highest in the world.

Mission structure and organization

6. The UN Security Council (UNSC) established the **United Nations Mission in the Republic of South Sudan (UNMISS) in July, 2011 through Resolution 1996.** Its mandate was extended by Resolution 2057 of July 2012. UNMISS took over from the UN Mission in Sudan (UNMIS) which was originally mandated to monitor implementation of the CPA of 2005. UNMIS did have a Protection of Civilians (POC) mandate, however until 2010 this was merely one of a large number of tasks in a sub paragraph. In 2010 POC became a more prominent feature of the mandate, on which the mission began to focus. In 2011 UNMIS was required by Sudan to leave the county once South Sudan became independent and it was replaced by UNMISS.

7. UNMISS is a young mission which is still in the process of establishing structures and staffing positions. It has a mandated force of 7,000 military (which is not yet at full strength) and an 'appropriate civilian component.' UNMISS inherited many resources and staff from the now closed UNMIS and there has been a degree of carry-over of structures and experience from the South Sudan-based structures of the prior mission. **Field Offices will be established in each of the ten States** in South Sudan, namely Northern Bahr el Ghazal, Western Bahr el Ghazal, Lakes, Warrap, Jonglei, Unity, Upper Nile, Western Equatoria, Central Equatoria and Eastern Equatoria. **The offices will each be led by a State Coordinator who will have a high degree of authority to manage day-to-day operations** and coordinate the different functions of the Mission on the basis of joint work plans agreed by the Mission leadership. On this basis, military, police and logistical assets will be controlled at the State level and where possible, with clear mechanisms for tasking assets and requesting such at higher levels, within the organizational policy framework. **Below the State capital**

level, staff will be located in a network of County Support Bases (CSBs) in South Sudan's counties to reach a total of 35 counties by mid-2014. **These will provide a platform for the UN system as a whole and a portal for UN Agencies, Funds and Programmes to support the government in scaling-up the delivery of core governance functions and development dividends**. However, it is forecast that it may take years to build-up to this desired level of presence in the counties. UNMISS's military are neither sufficiently numerous nor structured in such a manner as to achieve as broad a geographical coverage as the intended civilian model.

8. POC is the priority mission mandate for UNMISS. Overall responsibility for it rests with the SRSG; while the POC team holds an advisory role. UNMISS POC activities are focused mainly on maximizing information flow, provision of good offices and urging the Government to deploy additional security forces for the physical protection of civilians. It has also, on occasion, deployed troops to physically protect and/or help evacuate civilians under imminent threat. In June 2012 it adopted a mission-wide POC strategy. This contains substantial detail regarding objectives, activities and indicators. It also has a detailed description of the POC coordination architecture and the divisions of responsibilities between POC actors.

UNMISS Facts and Figures

Strength

Authorized

- Up to 7,000 military personnel
  - Up to 900 UNPOL (IPOs)
  - An appropriate civilian component

Current (30 April 2012)

- 6,215 total uniformed personnel:
  - 5,544 troops
  - 155 military liaison officers
  - 516 UNPOL officers (<u>There is no FPUs in UNMISS</u>)
- 779 international civilian personnel*
  - 1,289 local civilian staff
  - 279 United Nations Volunteers

Parties and conflict dynamic

<u>9. Decades of war have devastated South Sudan, leaving it with little infra-structure and huge humanitarian needs. Independence has not brought peace</u>. Violence increased on several fronts in 2011, leading to over 3,000 deaths and the displacement of between 350,000 and 400,000 people from their homes. Recurring rounds of conflict between the South Sudan and the Republic of the Sudan occur over a number of disputed (and often oil-rich) areas along the border.

<u>10. South Sudan remains a fragile coalition of groups with divergent political and economic interests that are often expressed in the language of ethnicity and against a backdrop of both recent and historical grievances</u>. **Inter-communal violence** has risen sharply in recent years, fuelled by economic and resource competition, and enabled by the widespread availability of small arms and the absence of state authority. The rise in violence has also created a number of specific protection concerns, including conflict-related-sexual violence (CRSV) and gender-based violence (GBV), forced recruitment into the armed forces, destruction of property, arbitrary detention and physical risks linked to extensive re-mining. Beyond these, **South Sudan faces the challenge of trying to govern a new country while being in the early stages of building its state institutions**.

<u>11. There is currently a clear risk of renewed conflict between Sudan and South Sudan</u>. Although the President of Sudan, Omer Al-Bashir, participated in South Sudan's independence ceremony, in 2011, and pledged to work closely with its new President, Salva Kiir Mayardit, to resolve outstanding issues, tensions between the two states remain high. There have been aerial bombardments and incursions within South Sudan from Sudan, including through proxy armed groups. The region of Abyei still remains disputed and a separate referendum will be held in Abyei on whether they want to join North or South Sudan. South Kordofan is also disputed territory and its status should be determined by popular consultations.

12. In May 2011 clashes broke out between militants reportedly affiliated with the SPLA and the Sudanese Army around the town of Abyei, which ended with a large-scale deployment by the Sudanese armed forces in the town. At least 15 Sudanese tanks entered the town and most of Abyei's residents fled southwards. The two countries subsequently agreed to the deployment of a new peacekeeping force for Abyei: United Nations Interim Security Force for Abyei (UNISFA) and a new mechanism for monitoring the border. UNISFA also has a POC mandate.

13. In June 2011, armed conflict broke out between the forces of Northern and Southern Sudan in broader South Kordofan state, ahead of the scheduled independence of the South on 9 July. Although South Kordofan is part of Sudan, it is home to many pro-south communities, especially in the Nuba Mountains. Under the CPA, residents of South Kordofan were to hold popular consultations in 2011 to determine the constitutional future of the state. However, South Kordofan governor Ahmed Haroun – who has been charged with war crimes against civilians and crimes against humanity by the International Criminal Court – suspended the process and violence followed. Some 140,000 people fled the fighting in South Kordofan, in June and July. Aid agency offices were looted, churches ransacked and buildings destroyed. Aid workers say that ethnic Nubans are being targeted by the northern military and Arab militias. The UN has documented numerous violations of human rights and war crimes by both sides, but has concluded that some of the worst atrocities have been committed by the government of Sudan. It has called on the Sudanese government to lift its restrictions on access to the region to allow for a full, independent investigation. Fighting between the two sides has continued, often through proxies, resulting in hundreds of deaths and exacerbating the humanitarian situation.

14. More than 347,300 southerners returned from Sudan between November 2010 and October 2011, with the pace of new arrivals increasing before the referendum and again around the independence period. The *de facto* closure in May 2011 of the main North-South commercial traffic route further compounded hardship for populations along the border areas, leading to shortages and steep price spikes in fuel, food and other basic commodities. Rising food insecurity, disease outbreaks and seasonal flooding continued to worsen humanitarian conditions. An already difficult operating environment was compounded by the re-mining of road networks, particularly in Unity State, and continued interference in aid operations by military and other actors. By mid-year, Renk County in Upper Nile State remained the only fully open road corridor for new returnee arrivals, a situation that led to the build-up of approximately 20,000 people in Renk transit sites as of October 2011.

15. The rise in violence in 2011 was also accompanied by a rise in interference in aid operations, primarily by military actors. By September, relief agencies had recorded 97 incidents of interference in which SPLA or other state actors commandeered relief assets, occupied relief premises, physically assaulted staff or restricted the ability of aid agencies to access populations in need. Another 19 incidents were committed by unknown assailants. Interference with humanitarian operations imposed serious costs on the relief effort in early 2011 in terms of delays, lost funds, lost supplies and by impacting the safety and security of humanitarian personnel. During March 2012, South Sudan accused Sudan of an aerial bombing two of its oil wells. There was more fighting between the two armed forces in the South Sudan state of Unity. South Sudanese forces also seized the Heglig oil fields in the Sudanese province of South Kordofan, although these subsequently withdrew under international pressure. There is a very real prospect that these continued border clashes could escalate into full-scale war.

16. There are also a number of armed groups that have refused to integrate into the SPLA and have clashed with the national army. Activity by rebel militia groups escalated in the weeks after the referendum, with communities in Unity, northern Jonglei and Upper Nile states particularly affected. Although the activities of these groups are diminishing, they still pose a potential threat to civilians. In December 2011, the government announced that the SPLA had killed the militia leader, General George Athor, in Morobo County, Central Equatoria State. Most of his forces have now sought an amnesty and integration into the national army. The South Sudan Liberation Army (SSLA) also remains active in Unity State, although its activities are increasingly limited. Two militia leaders,

Johnson Olonyi and Ayok Ogat, remain active in Upper Nile State, and attacked SPLA forces in November 2011, but a number of fighters associated with the two leaders subsequently surrendered to the County authorities. In January 2012 another militia leader, Peter Gadet, was restored to his position in SPLA and it was announced that his former forces would also be reintegrated. This forms part of an ongoing, and largely successful, process of the integration of militias into the SPLA. UNMISS has provided support to the government through helping with screening, registration and the provision of transport. However, at least five armed groups remained active across the country by the end 2011.

17. Ethnic tensions, competition over resources, land disputes and grabbing, cattle-raiding, and migration, could also lead to serious inter-communal violence in a number of parts of South Sudan. The slow pace of land allocation for returnees in final destination sites for residential and agricultural purposes emerged as a critical problem during 2011. Tensions between IDP and refugee returnees and the receiving local populations remain high in many areas. In particular there has been serious inter-communal conflict between the Lou Nouer and the Murle in Jonglei State, with a significant impact on the civilian populations. April and June 2011 saw large-scale Lou Nuer attacks that left hundreds dead. In August 2011, Murle fighters attacked a number of Lou Nuer towns, including Pieri, Yuai, Motot and Pulchoul, in response. President Kiir directed SPLA to conduct preventive deployments in Jonglei State, which UNMISS supported. UNMISS conducted daily air patrols and deployed a company-size deterrent military presence to the area. The Mission also intensified air reconnaissance operations and sent integrated assessment missions following the violence. The South Sudan Council of Churches, with direct support from UNMISS and local and national political leaders, took the lead in engaging directly with the communities through a series of visits aimed at de-escalation and, eventually, a reconciliation conference.

18. However, this process was suspended in December 2011, as inter-communal violence flared again. A raid on the Dinka village of Jalle in early December left 41 dead, including 11 children and 7 women. Local residents blamed the Murle, which escalated inter-communal tensions. Two smaller attacks followed after which several thousand Lou Nuer youth mobilized for a counter-attack and proceeded to march into Lure territory. UNMISS military forces were deployed into pre-emptive positions in the key population centres of Likuangole, Pibor and Gumuruk to provide deterrence and early warning, which allowed civilians to move out of harm's way. UNMISS committed eight company units, over 50 per cent of its total deployable combat troops in Jonglei State, leaving the bare minimum necessary to cover the demands and threats in South Sudan's nine other States and the Mission's overall force protection needs. It evacuated 180 wounded civilians and 18 humanitarian personnel, while up to 3,500 civilians sought refuge in UNMISS military compounds. Although the UNMISS deployment helped to minimize civilian casualties, more than 140,000 people were forced to flee from their homes during the incident and widespread looting and destruction of property took place. Many families had their herds of cattle stolen, causing serious threats to their livelihoods. Around 150 children were either abducted or became separated from their families.

19. The Government deployed some 1,000 SPLA troops and more than 500 South Sudan Police Service (SSPS) personnel into key locations in Jonglei State. On 3 January, SPLA troops used deadly force to prevent advancing Lou Nuer youth from entering Pibor town. The bulk of the Lou Nuer attackers started to return northward in early January, with large cattle herds, and began to disperse as they reached Lou Nuer areas. Subsequently, Murle youth launched reprisal attacks on Lou Nuer and Dinka settlements, which killed scores of people and wounded many more. Of particular concern were reports that many of the attackers were in SSPS and SPLA uniforms. There are currently an estimated total of 12,000 police and military personnel currently maintain a presence across the State. However, SPLA and the SSPS continue to face logistical challenges in sustaining their forces in the field.

20. In late January 2012 it was also reported that an attack was carried out in Tonj East County, Warrap State. The attackers were from neighbouring Unity State and were reacting to the looting of their cattle the previous September. Initial reports suggested that over 70 people were killed. UNMISS sent an assessment team to the affected area. With support from UNMISS, the Office for the Coordination of Humanitarian Affairs facilitated evacuation and medical support for the injured.

21. On 1 February, a joint UNMISS/Government of South Sudan mission, led by the Deputy Ministers of the Interior and Cabinet Affairs, travelled to the State to explore modalities for protecting the population, preventing retaliatory attacks, and strengthening the capacity of the SSPS and its coordination with other security forces.

22. While the security forces of South Sudan have the principal responsibility for ensuring the protection of civilians, they also continue to be one of the most common threats that civilians face. The SPLA and the SSPS are in need of professional transformation, better training, a more thorough vetting system to root out those previously responsible for human rights violations and a better disciplinary system to combat impunity. The SPLA and SSPS are responsible for the ongoing disarmament of civilian populations. UNMISS has supported voluntary disarmament campaigns, but will not assist the SPLA and SSPS in the forcible disarmament of civilians. It has advocated with the government to address the issue of civilian disarmament in the context of an overall strategy for promoting peace and reconciliation, particularly in areas of ethnic or communal tension, in which voluntary civilian disarmament comes after tensions have been reduced. It has also taken steps, within its mandate and capabilities, to mitigate the risks to unarmed civilians, particularly in areas where only one community has been disarmed.

23. A final threat to civilians comes from the Activities of foreign armed groups, such as the Lord's Resistance Army (LRA), which has been active in various parts of South Sudan (including Western Bahr el Gazal and Western Equatoria) and carried out attacks on civilians. The LRA was responsible for 20 attacks in 2011 which left 17 dead and displaced 7,382 from their homes. UNMISS continues to participate in regional coordination and information sharing mechanisms to address threats posed by the LRA and has assisted with the mass distribution of sensitization materials from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to key actors in LRA-affected areas.

Mission strategy for the Protection of Civilians

24. POC is a central part of UNMISS' mandate to support the consolidation of peace and security in South Sudan, and is a key priority of the Mission leadership. The Government of South Sudan has the primary responsibility to provide security and protection for its civilian population**. The role of UNMISS is to advise and assist the government to fulfil this responsibility, but also act independently and impartially to protect civilians when the need arises**. The protection of civilians is a cross-cutting element of UNMISS' mandate that touches upon a number of different mission tasks. The scope of the strategy includes all the PoC-related tasks included in the mandate of UNMISS, which is derived from Security Council resolution 1996 (2011), in particular:

> (iv) Advising and assisting the Government of the Republic of South Sudan, including military and police at national and local levels as appropriate, in fulfilling its responsibility to protect civilians, in compliance with international humanitarian, human rights, and refugee law;
>
> (v) Deterring violence including through proactive deployment and patrols in areas at high risk of conflict, within its capabilities and in its areas of deployment, protecting civilians under imminent threat of physical violence, in particular when the Government of the Republic of South Sudan is not providing such security;

25. This was reaffirmed in Security Council resolution 2057 (2012), which:

> 3. Notes the priority of UNMISS' mandated tasks in resolution 1996 (2011) for the protection of civilians and for the achievement of an improved security environment, urges UNMISS to deploy its assets accordingly, and underscores the need for UNMISS to focus adequate attention on capacity-building efforts in this area, welcomes the development of a protection of civilians strategy and early warning and early response strategy, encourages UNMISS to implement them, and requests the Secretary-General to include progress made in implementing these strategies in his reports to the Council;

4. Calls upon the Government of the Republic of South Sudan to take greater responsibility for the protection of its civilians, and in this respect encourages cooperation with UNMISS;
5. Authorizes UNMISS to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate as set out in resolution 1996 (2011),

26. These operative paragraphs above set out the Chapter VII physical protection mandate of UNMISS to protect civilians under imminent threat of physical violence. This unique ability to use force and provide physical protection, combined with politically engaging the government of South Sudan at the highest levels on its protection responsibilities, give the Mission a comparative advantage as compared to other protection actors. However, given that UNMISS has limited resources and cannot respond to all threats to civilians at all times and in all places, it is important that the Mission prioritises those protection risks to which it will respond. The Mission frequently faces critical gaps in resources, undermining its ability to protect. For example, UNMISS has suffered from a shortfall in troops deployed compared to mandated ceiling; lack of riverine capacity; lack of air assets; and slow progress on setting up County Support Bases. This has significantly hampered its ability to respond to many POC situations.

27. UNMISS is mandated to ensure that all available resources and capacities are used to protect civilians and this requires a continuation prioritization to ensure that its assets are deployed accordingly. This is based on an on-going analysis of the context through the early warning system. **Each situation will be assessed on a case-by-case basis for Mission leadership to decide whether and how UNMISS should respond. The main priority is situations in which civilians face the 'imminent threat of physical violence'.** A threat is imminent from the moment it is identified, until such a time that mission analysis determines that the threat no longer exists. Force should only be used as a last resort when all other avenues have been fully exhausted. Nevertheless, the Mission has authority to take all steps, up to and including the use of deadly force and such actions will be governed by its Rules of Engagement (ROE) and Directives on the Use of Force (DUF).

28. Peacekeepers are authorized to use force to protect civilians against host government forces if necessary. However, UNMISS also needs to work with the Government of South Sudan to create a safe and secure long-term environment, in which the physical integrity and rights of all civilians in are fully respected, protected and promoted. All UN missions operate within the principles of peacekeeping, which include impartiality, maintaining host country consent and non use of force except in self-defence and defence of the mandate. They are also bound by a Human Rights Due Diligence Policy (HRDDP), which means that UN support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law, and where the relevant authorities fail to take the necessary corrective or mitigating measures. Given that the state has primary responsibility for protecting civilians, but also faces significant capacity constraints in doing so, this sometimes requires making difficult decisions about when and how to support the national army and police.

29. There are, therefore significant conceptual and practical challenges in implementing UNMISS's POC strategy. These scenarios are intended to explore these challenges in greater detail.

30. UNMISS has a Senior POC advisor post, supported by several regional POC advisors, which makes it unique, as in other missions where there are POC coordination structures, the designated leads continue to have other responsibilities and belong to other substantive sections or pillars. The mission POC strategy lists the following type of situations, in which such protection might be given:

- Technical advice to GRSS security forces on PoC, including supporting the production of directives and codes of conduct.
- Assistance to the GRSS security forces to protect civilians in accordance with the UN Human Rights Due Diligence Policy (HRDDP).
- Coordination with SPLA/SSPS in relation to their operations.

- Preventive deployment of UNMISS military (including Company and Temporary Operating Bases) in prioritised areas at risk of conflict in order to deter violence against civilians.
- Air reconnaissance, short and long duration patrols, integrated teams of military and civilians, or civilians only.
- Medical evacuation of injured ex-combatants and civilians, according to developed SOP
- Mine action, including the removal of landmines and explosive remnants of war, and mine risk education.
- Engaging with local populations to understand better their protection concerns and self-protection mechanisms that the Mission can without exposing them to greater risk based on do-no harm approaches.
- Refuge for civilians that seek safety at UNMISS bases for which contingency plans should be developed by the military component in situ.
- Engaging with non-state armed groups to remind them of their obligations to protect civilians (not including negotiating humanitarian access).
- Developing a system for civilian casualty and protection incident monitoring.
- As a last resort, use of force (potentially lethal) against any party to the conflict found attacking civilians according to the UNMISS Rules of Engagement.
- Deployment, upon request, of UNMISS military in prioritised areas in which humanitarian operations are planned or on-going.
- Provision of security, including armed escorts as a last resort, to humanitarian convoys and other movements.
- Development – with humanitarian actors – of standard operating procedures for UNMISS providing security for humanitarian movements in accordance with IASC Guidelines on the Use of Military or Armed Escorts for Humanitarian Convoys.
- Sharing security information with humanitarian actors for their response and security planning.
- Ensuring NGOs are invited to Security Management Teams.
- Allowing humanitarian actors to seek refuge and to store assets at UNMISS bases as a last resort

31. Having accurate and timely information on threats of violent conflict is critical for enabling UNMISS to make early interventions aimed at prevention of, mitigation of, and when those measures fail, effective rapid response to threats to the civilian population. To this end, UNMISS was tasked to develop and implement an **early warning network in the mandate**, UNSC Resolution 1996 (2011). It has subsequently developed a **Standing Operating Procedure (SOP) for Conflict Early Warning and Early Response (CEWER)**, which sets out a process for the systematic collection and processing of threat information.

32. The CEWER states that the Chief of the Joint Mission Analysis Centre (JMAC), in consultation with the Protection of Civilians Advisor, heads of mission components and sections, State Coordinators and the UN Country Team (UNCT), shall develop national Priority Information Requirements (PIRs) and a mission-wide Collection Plan for approval by the Mission Leadership Team (MLT). Each State Operations Centre (SOC) shall develop state-specific PIRs and a Collection Plan for approval by the State Coordinator. SOCs will also develop and maintain a list of simple and relevant conflict and protection indicators to guide the collection of information. JMAC and the UNMISS Protection of Civilians Advisor will develop the same at the national level. The national and state level PIRs and conflict and protection indicators shall be disseminated by UNMISS's Joint Operations Centre (JOC) and the SOCs to the UNMISS heads of components and sections, and UNCT elements at the national and state levels. The PIRs and indicators shall be reviewed quarterly by JMAC and partners, in consultation with the SOCs, and submitted for senior management approval.

33. In the course of their regular work, all mission components and sections shall collect information relevant to the PIRs, using the conflict and protection indicators as a guide, and in an integrated team format. An UNMISS staff member who becomes aware of credible information warning of an impending threat must report it to the State SOC and JOC immediately as a Flash Report. UNCT members are also requested to provide information on impending threats. Information relating to longer-term threats shall be reported through regular daily reporting. UNCT staff members at the state level are also requested to provide information relating to State PIRs through existing liaison mechanisms.

34. Immediately upon receipt of a Flash Report on a threat of impending violence, SOC and JOC duty officers shall attempt to verify or corroborate the information contained in it. Information relating to medium and longer-term threats shall be collated and analyzed by JMAC while JOC continues with regular integrated situation reports. The SOCs and JOC shall attempt to verify conflict threat information prior to including it in regular reporting. JOC shall establish and maintain an incident database recording incidences of violent conflict categorized by: type of conflict and conflict motivation, location, actors, weapons used, type of violence and attacks on civilians, number of people killed and injured, details of attacks on civilians, action taken by the government, UNMISS and others.

35. JOC shall produce a current operations conflict and protection early warning matrix, map and proposed mitigating measures by UNMISS, in close collaboration with the SOCs. **JMAC will issue Warning Notes on discrete threats**, and other supporting materials as and when required. JOC and JMAC shall also verbally brief senior leaders on impending threats, and provide weekly briefs for appropriate operational coordination and future planning mechanisms. In partnership with the Protection of Civilians Advisors and the SOCs, JMAC (and J2) shall convene quarterly analytical sessions to undertake joint predictive analysis of potential, emerging and developing threats, highlighting possible "flash points" across South Sudan, to form the basis of longer-term strategic planning.

36. SOCs and JOC shall systematically share threat information with the government of South Sudan at the state and national levels respectively. UN system planning and coordination of responses to longer-term threats shall be undertaken through regular integrated operational coordination and future planning mechanisms at the state and mission HQ levels such as the Protection of Civilians Working Group. Response activities must be implemented consistently within the UNMISS POC Strategy and its implementation, and coordinated with the government response activities through established coordination mechanisms. The SOCs and JOC shall maintain a weekly record of response actions to be taken, which must be included in weekly reporting. Response activity shall be evaluated through the UNMISS Best Practices Unit, supported by the Integrated JOC, and recorded in an integrated conflict database to inform future planning.

37. The Integrated Monitoring Teams (IMTs) were developed as a joint cross-mission mechanism to monitor the disarmament process in Jonglei in March 2012. They are currently coordinated through the JOC. These teams are continuing to evolve; coordination structures, standardized reporting mechanisms and team composition have not yet coalesced into a regular structure. The IMTs have had substantial support from the mission during the disarmament campaign. It is unclear whether the IMTs will continue in their current form or whether the mission will adopt a standing integrated mechanism comparable to MONUSCO's Joint Protection Teams (JPTs).

38. Given that the threats to civilians are not the same across South Sudan, **each UNMISS state office will be required to develop its own action plan during the second half of 2012**. Different mission components, divisions and sections might also choose to develop more specific guidance and directives on POC relevant to their actions. The Mission Concept places strong emphasis on training and ensuring that a POC approach is adopted across all mission components. The UNMISS POC Strategy, is closely informed by recent international POC policy, in particular the framework for developing POC strategies developed by DPKO, and was developed through extensive internal and external consultation.

39. Other efforts to strengthen protection within South Sudan are carried out through the Protection Cluster, which is facilitated by UNHCR and the Norwegian Refugee Council (NRC) in partnership with the Government of South Sudan Ministry of Gender, Child and Social Welfare. This coordinates humanitarian protection activities, which are complementary to, but distinct from the UNMISS POC strategy and activities.

40. The circumstances in which force can be used and the prohibitions against it are described in more detail in the Rules of Engagement for UNMISS's military component. The general principles governing the use of force are proportionality, minimum use of force commensurate with the level of

threat and the requirement to minimize the risk of collateral damage. Any force used must be limited, in its modus, intensity and duration, to that which is necessary to achieve the authorised objective. UNMISS's military component shall, wherever the operational situation permits, make every reasonable effort to resolve potentially hostile confrontation by means other than the use of force.

Module 3 - UNMISS

Scenarios

Important Remarks

1. The following scenarios are based on UNMISS's experiences on Protection of Civilians (POC) issues in South Sudan. Although the scenarios are based on real incidents, they should not be seen as literal descriptions of events that have actually occurred. Places and names have been changed, some incidents have been amalgamated and other details have been added to draw out particular learning points. The scenarios are, therefore, set in the fictional case-study of Carana, which has its own national army, police and rebel groups. For legal reasons it should be clearly understood that the actions described by these fictitious groups in these case-studies do not reflect on the reputations of any real organizations or individuals.

Carana Context (See supporting map)

2. The modern states of Carana and Sumora were governed together in colonial times and granted independence as a single state. Following decades of bitter war Carana gained its independence from Sumora in 2011. The peace agreement which paved the way for independence left some issues unresolved, such as Carana's exact borders with Sumora, how to divide up its valuable natural resources and the costs associated with transporting and processing them. Both northern Carana and southern Sumora contain numerous ethnic minority groups, some of whom straddle the new border. Both countries have accused one another of sponsoring opposition groups and proxy rebel militias within each other's territory.

3. Carana's declaration of independence took place amid escalating violence and conflict along its northern border with Sumora, which led to the displacement of at least 110,000 civilians from southern Sumora, who fled across the new border. Carana also faced enormous challenges during its first year of statehood. These included: disagreements with Sumora over the demarcation of their border and the water and grazing rights of nomadic groups who move across it; unresolved disputes over the sharing of oil revenues; widespread food insecurity; and an internal displacement crisis caused by inter-tribal conflict and fighting between government forces and militia groups inside Carana.

4. The peace agreement specified that some areas of southern Sumora, which contain communities who have strong ethnic and family links to Carana, should be allowed to determine their ultimate constitutional status through referendum or popular consultations. These areas are rich in natural resources, particularly oil, and so both countries are keen to have territorial control over them. The Governor of southern Sumora, who has been indicted for war crimes by an international tribunal, however, suspended the consultation process, following disagreement about who should be allowed to participate in it. Violence resulted, driving 150,000 people from their homes.

Scenario 1: Cross-border clashes

1. Sumora and Carana have been engaged in increasingly serious brinkmanship over outstanding disputes about transitional economic and financial arrangements between the two countries. **Sumora is claiming compensation for loss of oil revenues while Carana is refusing to pay the costs that Sumora demands for transporting and processing the oil that it produces for export**. Currently the only pipelines for Carana's oil run through Sumora and this also contains the only oil processing facilities that Carana has access to. Carana has recently decided to halt all oil production, rather than paying the fees demanded.

2. Fighting through proxies has continued, resulting in hundreds of deaths and exacerbating the humanitarian situation, particularly in the northern provinces of Koloni and Hanno. The government of Carana has vocally stepped up its support to Sumora's opposition groups and threatened to send regular troops to the disputed areas, although most observers agree these would be little match for Sumora's large armed forces. A symbolic strike could, however, weaken the position of Sumora's President and possibly provoke a coup against him. Carana's government may also hope to rally domestic support through such gestures. A much anticipated Sumora-Carana presidential summit was recently abruptly cancelled and the armed forces of both sides are on high alert.

3. A few months ago, the Carana Defence Force (CDF) made a brief foray into southern Sumora, seizing a disputed oil field before withdrawing under international pressure. This cut off almost half of Sumora's oil output, which dealt a further blow to its already reeling economy. Sumora's President faces increasing pressure on political, economic, and multiple military fronts. Demonstrators have taken to the streets of the capital city calling for his resignation, partly inspired by a series of other pro-democracy movements that have brought down dictators elsewhere in the region. However, Sumora lacks a single, legitimate institution that could manage a peaceful transfer of power. The current President seized power over 20 years ago in a military coup. His close associates have fragmented the security services and rely on personal loyalty and increasingly expensive patronage to retain control. His fall could trigger a wild scramble by multiple armed actors that would be hard to restrain. It is quite likely that he would be replaced by an even more hard-line figure and even if there was a transition to democracy the new government might take a more overtly hostile position towards Carana. Under any of these scenarios all-out war between the countries could become increasingly likely.

4. Carana's government has also dangerously exposed itself. The decision to stop oil production cost it 98 per cent of its revenues and could lead to draconian budget cuts, including on the CDF which is a fractious force that includes many former foes. Sumora has a long history of supporting its enemy's enemies and could seriously destabilize the government in Carana, which is already plagued by weak institutions, limited reach and increasingly untenable financial circumstances. Each government, therefore, may reap short-term political benefit from externalizing its problems, but unless the parties can be brought back to negotiations and agreement then a wider conflict threatens. **Carana's government has publicly stated that UNMISS should be prepared to protect its civilian population if it comes under attack from Sumora.**

5. Sumora's air force has just bombed two refugee camps located in the Koloni state, which it claims were harbouring, armed militia groups that had been carrying out cross-border attacks in Sumora. The bombings have led to deaths, injuries and destruction of property. They could also lead to severe food shortages, as farmers are unable to cultivate or harvest crops due to the risk of attack. Carana's president has described this as an unprovoked act of aggression and stated that his country would be legally justified by responding in self-defence. What are the available military tactical options for UNMISS (Infantry Battalion and Company level) and which State level coordination mechanisms should be applied to deal with the most urgent tasks?

Scenario 2: Displacement and return

1. The UN estimates that there around 1.5 million people who were displaced from their homes in Carana whose residency status has yet to be resolved. Many face significant problems in obtaining identity documents to confirm their Caranese citizenship, which would allow them to return home, as well as the permits required to remain in Sumora so that they can conduct business or own property. **Around 400,000 displaced Caranese have returned.** Half have received help, from the government of Carana, the UN Refugee Agency (UNHCR), the International Organization for Migration (IOM), and their NGO partners. The rest of the returns have been spontaneous. Many of the displaced were originally from the three northern provinces of Koloni, Hanno and Fellart, where the fighting between Carana and Sumora was most intense. These provinces have also become transitional areas for the returning refugees from Sumora who are heading further south. While many are returning to their areas of origin, more have chosen to move to urban centres for economic and social reasons.

2. The return is taking place in the context of ongoing violence and insecurity in Carana that has displaced a further 500,000 people from their homes. Some have fled outbreaks of fighting along the border between Carana and Sumora and bombardments of Carana by Sumora's air force. **Other displacements have been caused by clashes between the Carana Defence Force (CDF) and militia groups, inter-tribal violence and attacks by a fanatical guerilla group that has operated across the borders of a number of countries in the region**.

3. Given the ongoing fighting and insecurity in the border states of both countries, there is now only one fully open transit corridor. Special security measures have been put in place along other transit routes, including the escort of trains by Sumora's armed forces. Humanitarian agencies have faced serious logistical challenges that have created bottlenecks both at points of departure in Sumora and at transit sites in the Carana. There is also a shortage of river barges to transport the personal property of the returnees. Other problems include difficulties in obtaining transport for onward travel in Carana, a lack of information as to where returnees wish to settle and confusion over the allocation of land for them. Some returnees have stayed at transit sites because of delays in allocating land on which they can settle permanently, or because there are no services or livelihood opportunities in their villages of origin. Others have been stranded at departure points or transit stations in Sumora, where they face long waiting periods and a lack of services.

4. A growing number of security issues have been reported in the transit camps located in your state, which have become over-crowded and under-resourced. One camp now contains over 60,000 people. The rainy season has compounded transport problems. Although humanitarian organizations launched a comprehensive emergency response, the returnees are still in need of food, water, sanitation and medical care. The food security of the local population is also at risk because the presence of returnees has put further pressure on already stretched resources. A recent flood displaced several thousand people, stretching resources further. **Tension is mounting between the returnees and the local population and there have been a number of violent clashes, which have led several people dead.**

5. You have just received a report that an armed youth group from the local population is mobilizing and preparing to march on one of the camps. The State Governor has requested assistance from UNMISS. What are the available tactical military options (At infantry battalion and company level) and which State level coordination mechanisms should be applied to deal with this crisis in both the short and medium term?

Scenario 3: Response to Rebel Group / Child protection issues

1. The **Christ Renaissance Axis (CRA)** was founded in northern Rimosa at the end of the 1980s. Its stated aim was to overthrow the government of Rimosa and establish a new system of governance based on the 10 commandments. Its leader claims to have mystical powers, which enable him to see into the future and protect his followers from bullets through the incantation of prayers.

2. The CRA was formed amidst a series of bitter conflicts which had taken place within Rimosa, which eventually led to a government that was dominated by southerners. This government backed Carana in its fight for independence from Sumora, which retaliated by backing the CRA in order to de-stabilize Rimosa. **Most of the CRA's recruits are child soldiers, who are often kidnapped from their homes and forced to kill members of their family as an initiation. Hundreds of thousands of people have been displaced from their homes for fear of attack and in some places villagers send their children into towns every night to sleep, to protect them from being kidnapped**.

3. The CRA has suffered a series of military set-backs in Rimosa, which also passed an Amnesty Act that encouraged over 10,000 of its members to come out of the bush and seek reintegration in their communities. Five of its leaders have been charged with crimes by the International Criminal Court (ICC), although none have been arrested so far. **As a result of the pressure it faces in Rimosa, the CRA has moved to neighbouring Katasi and is also increasingly carrying out attacks in Carana as well**. Although it is now thought to number only a few hundred fighters, it remains one of the most ruthless and feared rebel groups in the region and its atrocities have reinforced the mystical aura that surrounds it.

4. The CRA has split into small groups that rarely use electronic communications and operate across huge areas, often in dense bush and forests that make them hard to track. To survive the CRA raids villages for supplies and abduct young men to become fighters and young girls to become sex slaves. The attacks usually come at harvest time when the CRA know that food will be available. The number of CRA-induced displacements is extremely high, with around half a million people currently displaced or living as refugees in the affected areas. The vast majority (350,000) are displaced in the Katasi, while an estimated 80,000 IDPs remain in camps in Rimosa. An increasing number of attacks in Carana have so far displaced 70,000 people from their homes in a single state.

5. The UN has established a regional information sharing mechanisms to address threats posed by the CRA. This has had some success in encouraging CRA members to come out of the bush through its outreach and publicity campaigns. A CRA Regional Task Force has also recently been established to coordinate security operations. However, despite repeated claims that the demise of the group is imminent, the number of attacks that its members are carrying out has increased in recent years.

6. UNMISS has received a report through the Conflict Early Warning and Early Response (CEWER) system, that the CRA has been sighted near to a group of remote and isolated villages in the south west of Tereni state, near to the border with Katasi. Initial reports indicate the CRA has already starting move towards the villages with predatory intentions. The only military element in the State is a UN Infantry Company deployed in Maki approximately 100 km far from the border to Katasi.

7. What are the available military options to prevent the CRA to repeat its devastating previous actions in the region? Which State level coordination mechanisms should be applied? What should be done with any children who are found in the ranks of the militia?

Scenario 4: Civilian disarmament

1. In an effort to improve the internal security and avert inter-communal clashes, the government of Carana has been engaging in civilian disarmament exercises in various states. These exercises have yielded large quantities of weapons, but there have been serious concerns about the way in which they have often been carried out. **The Carana Defence Force (CDF) is one of the few 'professional' institutions in the country, which has a well-defined command structure and is composed of experienced personnel, who have often served in it for many years. However, discipline is often poor and respect for human rights weak**. **Both the CDF and the, more recently created, Carana National Police (CNP) need considerable capacity-building and training to be transformed into fully professional forces.**

2. UNMISS supports the efforts of the Government of Carana to develop sufficient capacity to prevent, mitigate and resolve conflicts and effectively carry out its responsibility to protect civilians. This includes strengthening its justice and law enforcement institutions and preventing the proliferation of privately held weapons. However, it **believes that disarmament exercises should be carried out in ways that fully respect the rights of the civilian population and contribute to establishing a safe and secure environment, in which the physical integrity and rights of all civilians are fully respected, protected and promoted**.

3. Previous disarmament exercises have been marred by accusations of excessive and disproportionate use of force by the security forces which have included: arbitrary killing, arbitrary and prolonged detention, including of children, physical abuse, harassment, intimidation and other forms of ill-treatment, looting and theft, and sexual violence, including rape. The government of Carana accepts that some of these reported incidents have occurred, but claims that these were the work of 'rogue elements' within the CDF and CNP. Another concern is that disarmament exercises are sometimes conducted in a one-sided manner and that members of one ethnic group are disarmed while others are allowed to keep their weapons. This can increase the threats to civilians, since, in the immediate aftermath of a disarmament exercise, these civilians may be at greater risk of attack.

4. The latest ongoing civilian disarmament exercise started in three months ago in Barin state. It was initiated in response to an outbreak of inter-tribal violence which led to hundreds of deaths, widespread displacement and extensive cattle-raiding, looting and destruction. The process has largely been peaceful so far, with over 10,000-13,000 weapons collected. However, there have been cases of reported abuses of human rights by the CDF and CNP, including instances of killings, rape and torture. The government has categorized them as rogue actions by individuals, but there have been allegations of deliberate uneven disarmament targeted against certain ethnic communities. **The government has just announced that, based on the overall success achieved in the civilian disarmament campaign in Barin state, it will be starting a nationwide disarmament campaign. This will be carried out in two phases: Voluntary disarmament (to be conducted by CNP and overseen by local community leaders and state authorities, with UNMISS as observers), and more enforced disarmament including house to house searches (to be coordinated and organized by CDF units specially designated for the task).**

5. UNMISS has started to receive various reports on human rights violations by CDF units through the Conflict Early Warning and Early Response (CEWER) system. **In the State of Leppko, in the city of Mia**, a local Administrator stated that CDF soldiers had carried out beatings and inflicted torture of local youth on the pretext that they had hidden their weapons. A second report highlighted cases of looting of shops, rape of two women and severe beatings of youth by CDF soldiers. <u>The UNMISS State Coordinator met with the CDF Commander-in-Charge and handed over reports documenting these and other cases of human rights violations carried out against civilians</u>. He responded that all allegations would be investigated, but expressed considerable skepticism about their reliability. If such acts had taken place, he said, they had been carried out by rogue elements. The UNMISS State Coordinator sought a meeting with the local Battalion Commander who was directly responsible for the two areas in which the violations were reported. This Commander asserted that some violence and threats are acceptable in order to coerce civilians to disarm. 'How else can we get them to give up their weapons?' he asked, rhetorically. **The following week, 6.**

UNMISS received reports from different sources that an organized assault on armed civilians who may resist the disarmament is being planned by the local CDF infantry battalion near Mia and Kika. The potential clashes will certainly produce many victims, especially women and children.

7. A UN Infantry Battalion is deployed in Muka, 30 km far form Mia and 60 km far from Kika, and a UNPOL team is co-located to support the CNP in Mia. A team of Military Liaison Officers to the CDF operates from Muka. What are the available military and police options to UNMISS to cope with the impending assault and which State level coordination mechanisms should be applied?

Scenario 5: Inter-communal conflict

1. There is a long history of clashes between tribal and ethnic communities in Carana as a result of disputes over land use and cattle grazing rights. **Cattle-raiding is frequent and many clashes have centered on cattle-related issues.** The conflict between Carana and Sumora made these disputes increasingly politicized and bitter. Sumora's armed forces sponsored militia groups in Carana and encouraged them to attack other communities as part of its divide and rule strategy. The conflict also led to the proliferation of automatic weapons in civilian hands.

2. Tensions are particularly high between three ethnic minority groups, the Kori, Falin and Tatsi, in the flash-point State of Barin. This is the largest state in Carana and also among the most underdeveloped regions in the world. Multiple ethnic communities migrate seasonally to sustain cattle and preserve their pastoralist way of life. Access to water and grazing areas, as well as cattle rustling, are thus primary triggers of conflict. Tensions between communities are aggravated by pervasive tribalism and perceptions of state bias against the Tatsi, the virtual absence of roads and infrastructure, widespread food insecurity, land disputes and limited access to justice. There have been repeated cycles of escalating conflict that have sown deep mistrust. **The Church is a voice that is widely respected in the country and its engagement in inter-community reconciliation has been crucial to achieve success**.

3. In December 2011, an estimated 6,000-8,000 armed Kori youth, militarily organized, mobilised in Barin and launched a series of systematic attacks over 12 days on areas inhabited by the Tatsi, ethnic group. From 27 December, smaller groups of armed Tatsi youth began launching retaliatory attacks on Kori and Falin areas which lasted until 4 February. Hundreds were killed or injured and tens of thousands displaced. Many others were unaccounted for, including abducted women and children. These incidents were the latest in a cycle of retaliatory attacks which had escalated in the course of 2011. **The failure of the government to protect civilians from violence, investigate incidents and hold perpetrators accountable** is believed to have contributed to this cycle of attacks which have resulted in increasing numbers of casualties and been marked by acts of deliberate cruelty.

4. UNMISS recorded 612 fatalities in the course of the attacks on Tatsi community settlements between 23 December and 4 January and 276 deaths resulting from the attacks on the Kori and Falin communities between 27 December and 4 February. **UNMISS directly witnessed the devastation to property with hundreds of tukuls (local houses**) burnt to the ground, damaged social and economic infrastructure, and massive displacement. Investigations showed that the attacks were not only aimed at stealing cattle, but targeted entire communities, including women and children, and possibly aimed at destroying their livelihoods and social and economic infrastructure. Hate speech and incitement to violence based on ethnicity – crimes under domestic law and violations of international human rights law – contributed to the violence.

5. UNMISS itself took a number of early action steps in support of the government of Carana through integrated patrols to high-risk areas, including air reconnaissance, in order to deter and later confirm the mobilization of armed youth. In a series of high-level meetings UNMISS shared its assessments and urged the government to preventively deploy adequate security forces to areas where attacks appeared imminent. **UNMISS itself deployed its troops and equipment to those areas**. While the actions of both the Mission and the Carana Defence Force (CDF) contributed to saving thousands of lives, the experience of the crisis indicates that all protection actors must review their capacity to take effective and timely action.

6. Given existing resource constraints how can the various mission components address the challenges that this scenario creates for the protection of civilians at the tactical level (Feel free to use Annex A: POC Action Plan)? As a Battalion Commander or UNPOL element in support to the CNP, what kind of tactical coordination amongst Mission components, the Host State and other national stakeholders is necessary to offer a significant protection response?

Scenario 6: Rebel militia groups

1. Carana and its northern neighbor, Sumora, have both accused each other of harboring and providing logistical support to proxy rebel militia forces operating in each other's territories. While Sumora claims that the Government of Carana is supporting the Sumora Popular Liberation Army South (SPLA-S) and the Equitable Judicial Movement (EJM) in their fight against Sumora's dictatorial government, the Government of Carana alleges that Sumora supports two rebel groups, the Patriotic Movement of Carana (PMC) and the Independent Combatants of South Carana (ICSC) providing them with weapons, training and logistical support. The ICSC is a loose alliance of several rebel groups, which are individually quite weak, but could prove a significant security threat if they coordinated their activity.

2. The recent killing of a rebel militia leader, General Z, who had previously headed the ICSC, split the group into three factions. However, the PMC remains a significant threat and its leader, Marshall W, has gained new prominence. The government of Carana's heavy-handed civilian disarmament exercise has also alienated local populations and boosted recruitment of all of the rebel militia groups (RMGs). Marshall W recently made a broadcast accusing the government of Carana of 'gross corruption' and 'conspiring to exploit the general population of Carana.' Two weeks later **a PMC militia group attacked a CDF barracks in Maron, near to the border with Sumora. An estimated 500 fighters were involved in the attack using small arms, RPGs and mortars**. However, although the PMC managed to surround the barracks they were unable to over-run it.

3. CDF reinforcements eventually arrived and the PMC forces fled towards the border. The CDF reinforcements blocked their retreat and a group of fighters took refuge in the border town of Pfoksol, barricading houses and other public buildings for a last ditch stand. The civilian population – of around 1,000 people – had been reportedly compelled to remain in the town as 'human shields'**.**

4. The nearest UNMISS force deployment is at Akkabar, about 60 km far from Pfoksol, and is currently a platoon strength. The Platoon Commander reported the incidents immediately to the mission hierarchy and requested further assistance and instructions.

5. The CDF threatens to carry out a major operation against the fighters using direct and indirect fire (mortars). The militia fighters are attempting to negotiate escape using local civilians as bargaining chips. However, the CDF demands an unconditional surrender and refuses to call a ceasefire, even to facilitate a humanitarian evacuation.

6. What should UNMISS do now at the State level?
What are the available options for the Platoon Commander in Akkabar? What actions the different components at tactical level should take?

Scenario 7: Land disputes

1. Land disputes have long been a contentious issue in Carana. The current system of dispute resolution is a hybrid of customary and statutory forms, and there is currently no consensus about how the two institutions should relate to one another. Carana's official land laws date back to the colonial period, which vested ownership of all common land in the hands of the state.

2. Customary law is also strong in Carana and is widely used in rural areas, where the official court system was significantly weakened during the war. The official court system is slow, expensive, lacks capacity and widely viewed as corrupt. The customary system is cheaper and more accessible for most people, but is sometimes accused of bias, particularly when it adjudicating disputes between different ethnic groups.

3. Land-grabbing increased during the war, **as people fled from their homes and disputes are increasingly frequent now that millions of refugees and internally displaced people (IDPs) are coming back.** Many have returned to their areas of origin, while others have moved to urban areas for economic reasons. Most of those displaced had previously lived in rural areas only held customary rights to the land where they used to live and many are returning to find that it is now occupied or sold.

4. Arable land is also in high demand, which has led to increasing tension between nomads and pastoralists. Skirmishes between the two groups are becoming increasingly common.

In many cases IDPs have occupied vacant land for up to 15 years and are now refusing to leave it, even though the returning owners have legitimate land titles. In other cases, the original owners lack the appropriate documentation to support their claims, or discover that the same piece of land has been sold or exchanged multiple times so that there are now a number of people who reasonably consider themselves to be the legitimate owners. In other cases land has been sold illegally, without the real owners knowledge, or developed without authorization. In other cases people claim to have been forced to sign over their land at gun-point by CDF soldiers.

5. An UNPOL officer has sent a Flash Report stating that the Carana National Police (CNP) station, to which he has been assigned to mentor and advice, has been asked to deal with a land dispute. He says that earlier that day the police station commander ordered 25 of his officers to carry out an eviction of a group of people who are allegedly illegally occupying a plot of land. They were accompanied by a group of 50 people who claimed to be the rightful owners of the land and who showed him documents which they stated proved that they held legal title. **Some members of this group of civilians were carrying weapons.** However, on arrival at the site he found a second group of around the same number of police officers from another station who had been sent to prevent the eviction saying that it was being carried out without proper authorization. They said that the eviction order had been issued by a customary institution and had no legal force. They also said that the documents which he had been shown were 'worthless'. **The people occupying the land also had weapons and were refusing to leave.**

6. <u>Both sets of police officers have also drawn out their weapons and an armed stand-off has developed. The UNPOL officer has appealed for calm and has managed to convince both sets of police to contact their superiors to receive further instructions</u>. **The lives of 50 civilians are clearly at risk.**

7. The police officer is asking UNMISS for guidance about what he should do next. The confrontation could involve over 100 people, most of whom are armed, and he fears that there will be bloodshed if the eviction goes ahead. What should he do?

Scenario 8: Protection of "non-combatants"

1. Carana and Sumora have been trying to settle a dispute on border demarcation without much success. Last month the fighting erupted near Soda, a village close to the inter-state road to Sureen. **This border area is particularly relevant due to the existence of rich oil fields which are explored by both countries within their territories**. **Carana also accused Sumora to sponsor a rebel groups**, the Patriotic Movement of Carana (PMC) providing it with weapons, training and logistical support. Armed clashes have continued for weeks between the Sumora Army (SA) and the Carana Defense Force (CDF) and left dozens of dead, a new influx of more than 500 IDPs into Carana and a significant number of properties destroyed including oil producing structures and facilities in both sides.

2. The Regional Organization for Peace called on the two countries to withdraw their forces unconditionally from the disputed areas and settle their disputes over oil and boundary issues within three months or face binding international arbitration. **A fragile cease-fire was achieved** between the two countries and the situation seems to stabilize. **The corridor along the Sureen route is being guarded by the Infantry Company and is providing a safe route for hundreds of IDPs.**

3. UNMISS has been paying close attention to all developments with a view to protect civilians in Carana territory. **It employed its Infantry Company deployed in Sureen to intensify patrolling, negotiation and liaison with national authorities as well as to establish a safe corridor for IDPs retreating to Sureen and other locations. The County Support Base (CSB), which includes civilian, police and military, in Sureen also worked hard to monitor the situation and interact with major local stakeholders to calm down the situation and assist people fleeing from the fighting area**. During the conflict peak military personnel assisted in the evacuation of aid workers and mission civilian staff.

4. During the clashes the UNMISS FHQ used to task a team of military liaison officers (MLOs) in Sureen to act as military observers, patrol the area of Mislek (70 Km NW of Sureen) and report on the situation. **Before the border fighting, these same liaison officers were making every effort to build confidence with the CDF and see ways to increase cooperation. From the moment they were witnessing and reporting some misconducts and human right violations committed by CDF troops the MLOs feel that it will be extremely difficult to regain confidence later on**. Despite the established cease-fire between Carana and Sumora, the PMC, however, is not interested in stabilization and sees the situation as favorable to initiate a new offensive in the region by destroying the village of Mislek and killing 35 people.

5. Meanwhile, a MLOs patrol links with a company patrol in the outskirts of Mislek to share information on the area when they are approached by ten unarmed MPC soldiers who are being pursued and alleging that CDF is coming to kill them. The MPC soldiers say they quit the fight and want UNMISS protection. Now a **heavily armed CDF platoon also approaches the UNMISS elements demanding the immediate hand over of the MPC soldiers**. The CDF troops were very agitated and irritated. **The senior MLO, a Major, is the senior officer; he has to make a quick decision and he is concerned that if he agrees to the CDF demand the MPC soldiers will be executed**. **He also know that his decision will generate consequences to future cooperation with the CDF and might be used by both sides to weaken UNMISS position amongst the population. The NCO in charge of the company patrol is trying to contact his superiors for guidance. The situation is quite tense**.

6. What are the available options for the Senior MLO and the patrol commander (Infantry Company)? What coordination would be necessary?

Annex A: PoC Scenario Action Plan

To identify threats and express the mission components`actions to address them

Threat		**Action to be taken** **Tier One (Protection through Political Process)**	**Action to be taken** **Tier Two (Protection from Physical Violence)**	**Action to be taken** **Tier Three (Protection by Establishing a Protective Environment)**
1				
2				
3				
4				
5				

Module 3 - UNMISS

Instructor Guidance Notes and Training Pack Orientation

How to use this pack

1. This pack has been developed as a resource for trainers who are running the UNMISS scenario-based exercises on the Protection of Civilians (POC). The training pack contains 8 scenario-based exercises.

2. The **Scenarios are conceived for a detailed analysis of critical POC situations,** each of them consist of a one page hand out that participants are given to work on in groups of five to eight people. They are tasked with preparing a 10 minute presentation back to the plenary, which will be followed by a general discussion and de-brief. There is some flexibility around the timing of these exercises (depending on whether they are delivered as part of a broader training module or in a stand-alone format, and depending on how detailed the discussions on each scenario should be and obviously depending on the audience), but they will probably take between 1.5 and 2.5 hours to deliver. In addition, **the previous knowledge of the UN Core Pre-deployment training Materials is mandatory and essential**. Module 1 (Introduction to POC) is a pre-requisite before taking the scenarios. This will be broken down as follows:

Introduction	15 minutes
Scenario planning exercise	60 – 90 minutes
Presentations and de-brief	30 - 60 minutes

3. The scenario-based exercises can be cut or reduced if the scenarios are delivered as part of a broader training course, but more time should be allotted to an advanced course, to allow for more detailed discussion. The scenarios can either be run in conjunction with the generic POC pre-deployment modules that DPKO has produced, or with a smaller set of mission-specific materials. The latter consists of:

- **Introductory presentations**: a Map and a power-point presentation on the Carana context.
- **Country and Mission Overview**;
- **Scenario-Based Exercises**;
- **Instructor Guidance Notes and Training Pack Orientation**;
- **Glossary of Acronyms.**

4. Country and Mission Overview consists of a short briefing on South Sudan and the POC challenges that it faces, which should be handed out in advance of the training. Full understanding of the Country and Mission Overview is an essential pre-condition to take the course. A summary of the UNMISS protection strategy is also contained in these Guidance Notes. DPKO has also produced other resource material, such as DVDs/Videos, which are available on request.

5. The scenarios are intended to provide a practical setting to explore the set of issues related to the implementation of POC. Participants need to decide what actions to take at the tactical level, but also to understand the context of their actions for the mission as a whole (operational level). They need to plan and implement actions, understand the impact of this within the overall context of the whole UN operation and be able to coordinate with other actors to ensure a synchronized response. By being pre-deployment training, most of the scenarios are mainly aimed at the military, or police, but all involve integrated planning between all the different elements of the mission. It is particularly important for all components of the mission to have a common understanding of the circumstances under which UNMISS troops may be used to deter attacks on civilians and in what circumstances they would be permitted to use force**.** It is important to understand that better training results will be achieved if the audience is comprised of military, police and civilian personnel**.** If the participants are exclusively military, civilian or police, the trainer/facilitator should remind them to factor the role of other mission components into their planning. This does not involve role-playing, but is intended to ensure that they think about all elements of mission rather than just their own professional discipline. Member States are encouraged to bring civilian representatives to the training sessions (from the UN Country Team, ICRC, NGOs etc).

6. These Instructor Guidance Notes are intended to bring out learning points from the exercise and emphasize certain issues. They are not intended to be a comprehensive list of all of the issues contained in each scenario and hopefully more points will emerge during the discussion amongst the

participants themselves. For some of the scenarios, there is no clearly right or wrong answer and the most important point will be for participants to have understood the dilemmas that the mission is facing and the constraints that it is operating under.

7. The trainer/facilitator should encourage interactive discussion amongst the participants and reflection on learning points that have come out of the modules rather than adopt a directive approach. Most groups of adults learn far more from discussing things amongst themselves than from sitting passively to listen to lectures. The trainer/facilitator should, therefore, use these notes to prompt questions and only interject if participants miss important issues, misunderstand things or state something that is clearly wrong. The trainer/facilitator should see his or her task as being to guide a boat with a rudder rather than to drive a car with a steering wheel.

Which scenarios to use?

8. Despite the fact that the training is more focused on military and police audiences, all of the scenarios are aimed at the tactical level and all contain issues of concern to civilians, police and military. Since the scenarios are all based on real incidents, they contain considerable detail and the trainer/facilitator should ensure that groups have sufficient time to read them through before starting their discussions. Each scenario contains a sufficient number of issues to be run over one or two hours and the easiest way to divide them into levels of complexity is to allow more time for the more advanced scenarios to allow more points to come out in the discussions and de-briefs. The table below gives a rough division of the scenarios by target and level of complexity, but different audiences may respond to each scenario differently. The facilitator/trainer should read them all through and decide which to use.

9. The scenarios have also been designed so that two or more can be run in conjunction with one another. To avoid repetition, much of the detail provided in the Guidance Notes to the earlier scenarios is not repeated in the later ones. The trainer/facilitator should, therefore, read the whole of these Guidance Notes as some of the information given for one scenario will be relevant to others.

10. Although the scenarios are set in a factional country, all of the information contained within them is based on real incidents and challenges which have confronted the UN mission in implementing its POC mandate. Since there will probably not be time to run more than two or three scenarios in any course, the trainer/facilitator could consider giving out the one page descriptions as hand-outs to participants. Some of the scenarios contain inter-related information and so after participants have completed an exercise based on one, the trainer/facilitator could give them another as a hand-out to reflect upon this as well.

Scenario	Description	Target	Level of complexity
1	**Border clashes**	Mainly military	Basic/Intermediary
2	**Displacement and return**	Military and civilians	Basic/Intermediary
3	**Response to Rebel Group / Child protection issues**	Mainly military	Basic/intermediary
4	**Civilian disarmament**	Military, police and civilians	Intermediary/Advanced
5	**Inter-communal conflict**	Military, police and civilians	Intermediary/Advanced
6	**Rebel militia group**	Military, police and civilians	Intermediary/Advanced
7	**Land disputes**	Military, police and civilians	Advanced
8	**Protection of non-combatants**	Mainly Military	Advanced

General Guidance Points

Mission strategy for the Protection of Civilians

11. POC is a central part of UNMISS' mandate to support the consolidation of peace and security in South Sudan, and is a key priority of the Mission leadership. The Government of South Sudan has the primary responsibility to provide security and protection for its civilian population**. The role of UNMISS is to advise and assist the government to fulfil this responsibility, but also act independently and impartially to protect civilians when the need arises**. The protection of civilians is a cross-cutting element of UNMISS' mandate that touches upon a number of different mission tasks. The scope of the strategy includes all the PoC-related tasks included in the mandate of UNMISS, which is derived from Security Council resolution 1996 (2011), in particular:

> (iv) Advising and assisting the Government of the Republic of South Sudan, including military and police at national and local levels as appropriate, in fulfilling its responsibility to protect civilians, in compliance with
> international humanitarian, human rights, and refugee law;
>
> (v) Deterring violence including through proactive deployment and patrols in areas at high risk of conflict, within its capabilities and in its areas of deployment, protecting civilians under imminent threat of physical violence, in particular when the Government of the Republic of South Sudan is not providing such security;

12. This was reaffirmed in Security Council resolution 2057 (2012), which:

> 3. Notes the priority of UNMISS' mandated tasks in resolution 1996 (2011) for the protection of civilians and for the achievement of an improved security environment, urges UNMISS to deploy its assets accordingly, and underscores the need for UNMISS to focus adequate attention on capacity-building efforts in this area, welcomes the development of a protection of civilians strategy and early warning and early response strategy, encourages UNMISS to implement them, and requests the Secretary-General to include progress made in implementing these strategies in his reports to the Council;
> 4. Calls upon the Government of the Republic of South Sudan to take greater responsibility for the protection of its civilians, and in this respect encourages cooperation with UNMISS;
> 5. Authorizes UNMISS to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate as set out in resolution 1996 (2011),

13. These operative paragraphs above set out the Chapter VII physical protection mandate of UNMISS to protect civilians under imminent threat of physical violence. This unique ability to use force and provide physical protection, combined with politically engaging the government of South Sudan at the highest levels on its protection responsibilities, give the Mission a comparative advantage as compared to other protection actors. However, given that UNMISS has limited resources and cannot respond to all threats to civilians at all times and in all places, it is important that the Mission prioritises those protection risks to which it will respond. The Mission frequently faces critical gaps in resources, undermining its ability to protect. For example, UNMISS has suffered from a shortfall in troops deployed compared to mandated ceiling; lack of riverine capacity; lack of air assets; and slow progress on setting up County Support Bases. This has significantly hampered its ability to respond to many POC situations.

14. UNMISS is mandated to ensure that all available resources and capacities are used to protect civilians and this requires a continuation prioritization to ensure that its assets are deployed accordingly. This is based on an on-going analysis of the context through the early warning system. **Each situation will be assessed on a case-by-case basis for Mission leadership to decide whether and how UNMISS should respond. The main priority is situations in which civilians face the 'imminent threat of physical violence'.** A threat is imminent from the moment it is identified, until such a time that mission analysis determines that the threat no longer exists. Force

should only be used as a last resort when all other avenues have been fully exhausted. Nevertheless, the Mission has authority to take all steps, up to and including the use of deadly force and such actions will be governed by its Rules of Engagement (ROE) and Directives on the Use of Force (DUF).

15. Peacekeepers are authorized to use force to protect civilians against host government forces if necessary. However, UNMISS also needs to work with the Government of South Sudan to create a safe and secure long-term environment, in which the physical integrity and rights of all civilians in are fully respected, protected and promoted. All UN missions operate within the principles of peacekeeping, which include impartiality, maintaining host country consent and non use of force except in self-defence and defence of the mandate. They are also bound by a Human Rights Due Diligence Policy (HRDDP), which means that UN support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law, and where the relevant authorities fail to take the necessary corrective or mitigating measures. Given that the state has primary responsibility for protecting civilians, but also faces significant capacity constraints in doing so, this sometimes requires making difficult decisions about when and how to support the national army and police.

16. There are, therefore significant conceptual and practical challenges in implementing UNMISS's POC strategy. These scenarios are intended to explore these challenges in greater detail.

17. UNMISS has a Senior POC advisor post, supported by several regional POC advisors, which makes it unique, as in other missions where there are POC coordination structures, the designated leads continue to have other responsibilities and belong to other substantive sections or pillars. The mission POC strategy lists the following type of situations, in which such protection might be given:

- Technical advice to GRSS security forces on PoC, including supporting the production of directives and codes of conduct.
- Assistance to the GRSS security forces to protect civilians in accordance with the UN Human Rights Due Diligence Policy (HRDDP).
- Coordination with SPLA/SSPS in relation to their operations.
- Preventive deployment of UNMISS military (including Company and Temporary Operating Bases) in prioritised areas at risk of conflict in order to deter violence against civilians.
- Air reconnaissance, short and long duration patrols, integrated teams of military and civilians, or civilians only.
- Medical evacuation of injured ex-combatants and civilians, according to developed SOP
- Mine action, including the removal of landmines and explosive remnants of war, and mine risk education.
- Engaging with local populations to understand better their protection concerns and self-protection mechanisms that the Mission can without exposing them to greater risk based on do-no harm approaches.
- Refuge for civilians that seek safety at UNMISS bases for which contingency plans should be developed by the military component in situ.
- Engaging with non-state armed groups to remind them of their obligations to protect civilians (not including negotiating humanitarian access).
- Developing a system for civilian casualty and protection incident monitoring.
- As a last resort, use of force (potentially lethal) against any party to the conflict found attacking civilians according to the UNMISS Rules of Engagement.
- Deployment, upon request, of UNMISS military in prioritised areas in which humanitarian operations are planned or on-going.
- Provision of security, including armed escorts to humanitarian convoys and other movements.
- Development – with humanitarian actors – of standard operating procedures for UNMISS providing security for humanitarian movements in accordance with IASC Guidelines on the Use of Military or Armed Escorts for Humanitarian Convoys.
- Sharing security information with humanitarian actors for their response and security planning.
- Ensuring NGOs are invited to Security Management Teams.
- Allowing humanitarian actors to seek refuge and to store assets at UNMISS bases as a last resort

18. Having accurate and timely information on threats of violent conflict is critical for enabling UNMISS to make early interventions aimed at prevention of, mitigation of, and when those measures fail, effective rapid response to threats to the civilian population. To this end, UNMISS was tasked to develop and implement an **early warning network in the mandate**, UNSC Resolution 1996 (2011). It has subsequently developed a **Standing Operating Procedure (SOP) for Conflict Early Warning and Early Response (CEWER)**, which sets out a process for the systematic collection and processing of threat information.

19. The CEWER states that the Chief of the Joint Mission Analysis Centre (JMAC), in consultation with the Protection of Civilians Advisor, heads of mission components and sections, State Coordinators and the UN Country Team (UNCT), shall develop national Priority Information Requirements (PIRs) and a mission-wide Collection Plan for approval by the Mission Leadership Team (MLT). Each State Operations Centre (SOC) shall develop state-specific PIRs and a Collection Plan for approval by the State Coordinator. SOCs will also develop and maintain a list of simple and relevant conflict and protection indicators to guide the collection of information. JMAC and the UNMISS Protection of Civilians Advisor will develop the same at the national level. The national and state level PIRs and conflict and protection indicators shall be disseminated by UNMISS's Joint Operations Centre (JOC) and the SOCs to the UNMISS heads of components and sections, and UNCT elements at the national and state levels. The PIRs and indicators shall be reviewed quarterly by JMAC and partners, in consultation with the SOCs, and submitted for senior management approval.

20. In the course of their regular work, all mission components and sections shall collect information relevant to the PIRs, using the conflict and protection indicators as a guide, and in an integrated team format. An UNMISS staff member who becomes aware of credible information warning of an impending threat must report it to the State SOC and JOC immediately as a Flash Report. UNCT members are also requested to provide information on impending threats. Information relating to longer-term threats shall be reported through regular daily reporting. UNCT staff members at the state level are also requested to provide information relating to State PIRs through existing liaison mechanisms.

21. Immediately upon receipt of a Flash Report on a threat of impending violence, SOC and JOC duty officers shall attempt to verify or corroborate the information contained in it. Information relating to medium and longer-term threats shall be collated and analyzed by JMAC while JOC continues with regular integrated situation reports. The SOCs and JOC shall attempt to verify conflict threat information prior to including it in regular reporting. JOC shall establish and maintain an incident database recording incidences of violent conflict categorized by: type of conflict and conflict motivation, location, actors, weapons used, type of violence and attacks on civilians, number of people killed and injured, details of attacks on civilians, action taken by the government, UNMISS and others.

22. JOC shall produce a current operations conflict and protection early warning matrix, map and proposed mitigating measures by UNMISS, in close collaboration with the SOCs. **JMAC will issue Warning Notes on discrete threats**, and other supporting materials as and when required. JOC and JMAC shall also verbally brief senior leaders on impending threats, and provide weekly briefs for appropriate operational coordination and future planning mechanisms. In partnership with the Protection of Civilians Advisors and the SOCs, JMAC (and J2) shall convene quarterly analytical sessions to undertake joint predictive analysis of potential, emerging and developing threats, highlighting possible "flash points" across South Sudan, to form the basis of longer-term strategic planning.

23. SOCs and JOC shall systematically share threat information with the government of South Sudan at the state and national levels respectively. UN system planning and coordination of responses to longer-term threats shall be undertaken through regular integrated operational coordination and future planning mechanisms at the state and mission HQ levels such as the Protection of Civilians Working Group. Response activities must be implemented consistently within the UNMISS POC Strategy and its implementation, and coordinated with the government response activities through

established coordination mechanisms. The SOCs and JOC shall maintain a weekly record of response actions to be taken, which must be included in weekly reporting. Response activity shall be evaluated through the UNMISS Best Practices Unit, supported by the Integrated JOC, and recorded in an integrated conflict database to inform future planning.

24. The Integrated Monitoring Teams (IMTs) were developed as a joint cross-mission mechanism to monitor the disarmament process in Jonglei in March 2012. They are currently coordinated through the JOC. These teams are continuing to evolve; coordination structures, standardized reporting mechanisms and team composition have not yet coalesced into a regular structure. The IMTs have had substantial support from the mission during the disarmament campaign. It is unclear whether the IMTs will continue in their current form or whether the mission will adopt a standing integrated mechanism comparable to MONUSCO's Joint Protection Teams (JPTs).

25. Given that the threats to civilians are not the same across South Sudan, **each UNMISS state office will beis required to develop its own action plan during the second half of 2012**. Different mission components, divisions and sections might also choose to develop more specific guidance and directives on POC relevant to their actions. The Mission Concept places strong emphasis on training and ensuring that a POC approach is adopted across all mission components. The UNMISS POC Strategy, is closely informed by recent international POC policy, in particular the framework for developing POC strategies developed by DPKO, and was developed through extensive internal and external consultation.

26. Other efforts to strengthen protection within South Sudan are carried out through the Protection Cluster, which is facilitated by UNHCR and the Norwegian Refugee Council (NRC) in partnership with the Government of South Sudan Ministry of Gender, Child and Social Welfare. This coordinates humanitarian protection activities, which are complementary to, but distinct from the UNMISS POC strategy and activities.

Use of force and the physical protection of civilians

27. The UNSC resolution gives UNMISS the authority to act independently to protect civilians within their capabilities and areas of deployment, where the government is unable or unwilling to fulfil its responsibility to do so. UNMISS is mandated to ensure that all available resources and capacities are used to protect civilians; this requires a continuous prioritization of risks to civilians to ensure that its assets are deployed accordingly. All components of the mission should have a common understanding about the overall approach.

28. UNMISS will deploy its military forces according to the priority threats to civilians identified by the mission. This means that the Force will be placed on high alert, ready to deploy additional reinforcements at short notice in places where attacks seem likely or are already underway. In such situations the Force Commander will review the Mission's Rules of Engagement for the Force, and issue any necessary clarifications. Bearing in mind that all UN missions operate within the principles of peacekeeping and in accordance with the mandate, missions are authorized to use force against any party, including elements of government forces, where such elements are themselves engaged in physical violence against civilians. Only a reasonable belief in hostile intent is required before the use of force can be authorized. Whether or not hostile intent is being demonstrated must be determined by the on-scene commander based on his or her professional judgement on the basis of one or a combination of the following factors:

- the capability and preparedness of the threat;
- the available evidence which indicates an intention to attack; and
- historical precedents within the Mission's Area of Responsibility (AOR), depicting patterns of behaviour exhibited by parties to the conflict which may require the application of a worst case scenario.

29. The circumstances in which force can be used are described in more detail in the Rules of Engagement for UNMISS's military component. The general principles governing the use of force are proportionality, minimum use of force commensurate with the level of threat in terms of modus,

duration and intensity in view of the minimization of the risk of collateral damage. UNMISS military component shall, wherever the operational situation permits, make every reasonable effort to resolve potentially hostile confrontation by means other than the use of force (e.g. through negotiations or assistance from local authorities). Force may be used only if other means remain ineffective or without any promise of achieving the immediate objective. Before resorting to the use of force, every reasonable step must be taken to deter any person or group from demonstrating a hostile intent or committing a hostile act. When force is used, all feasible precautions are to be taken with a view to avoiding and in any event minimising collateral damage. Any confrontation involving the use of force or detention is to be reported to the chain of command immediately upon occurrence whether it results in casualties or not.

30. Short of the actual use of force, the basic elements of a strategy to protect civilians from imminent threat of violence could include: a) provide early warning through their leaders to civilian populations in areas which may come under attack so that they could remove themselves from harm's way; b) continue to help deter violence against civilians through physical presence in heavily populated areas where attacks are expected; c) evacuate highly vulnerable civilians, and d) provide life-saving medical assistance to wounded civilians. Civilians who have gathered around any UN bases for protection and are under imminent threat of attack should be allowed in and protected. Care should be taken to ensure that they are unarmed (or are disarmed) and UN facilities should not be used as a base for political or military activity by any parties to a conflict. UNMISS is only mandated to protect civilians, not combatants, but the distinction between the two may sometimes be difficult to draw. Possession of a weapon, or previous participation in hostilities, does not necessarily make someone a combatant. Other scenarios and options might include the following:

- **Civilians being attacked seek refuge at a location with UNMISS's Area of Responsibility** – The UN, in coordination with the national army and police, and other friendly forces, will protect civilians with the minimum force necessary and, where possible, provide them with a safe corridor to leave the affected area. This depends on prior liaison and detailed passage of information to all concerned parties.

- **Attackers are seen to be looting and burning civilian property but the UN forces do not believe civilians are under threat**- UN forces will continue to monitor the situation and constantly check for any danger to civilians. The use of deadly force is not permissible unless there is a physical threat to UN personnel or civilians. However in many cases property is essential to the physical survival of civilians and seeing peacekeepers doing nothing to prevent its looting or destruction impacts on their credibility and may embolden perpetrators. In any event, active engagement to dissuade such perpetrators (e.g. show of force) or other measures not implying the use of deadly force is encouraged.
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- **Attackers approach UN position to take individuals they suspect of having fought prior to taking refuge with the UN** – UN forces will protect all civilians seeking refuge with the minimum force necessary.

- **UN personnel witness or suspect imminent physical violence against civilians** – UN forces will protect all civilians seeking refuge with the minimum force necessary.

- **UN personnel believe killing or physical violence is being visited inflictedupon civilians not within their immediate area of influence** – The Senior UN Commander on the ground must make an assessment of his/her options with the forces available. It is possible that leaving the current position might weaken it to such an extent that civilians already being protected would be at additional risk. At a minimum, the Commander should alert HQ to establish whether another friendly force can intercede.

31. Obviously not all scenarios can be predicted in advance and it will be up to the Senior Mission Leadership and leaders on the scene to decide how to respond to specific situations. Most Rules of Engagement authorise detaining, searching and disarming individuals in all situations where the use of armed force or unarmed force is authorized. All detained persons must be treated in compliance with human rights standards and handed over to the appropriate local authorities as soon as possible within the time limits and conditions foreseen in the procedures on detention by UN personnel. However, hand over must not be carried out if there are substantial grounds to believe that the person runs a risk of being subjected to certain violations of his or her fundamental rights, in particular torture or cruel, inhuman or degrading treatment or punishment; arbitrary deprivation of life (including as the result of a death sentence pronounced without fundamental guarantees of fair trial); persecution on account of race, religion, nationality, membership of a particular social group or political opinion.

32. Military units also have an 'inherent right to use force in self-defence' which can include 'pre-emptive self defence against an anticipated attack'. The use of force should be governed by the principle of military necessity, which 'authorises the use of only that force which is required to achieve the authorised objective. Military necessity does not authorise acts otherwise prohibited under international law, including international humanitarian law (IHL), sometimes referred to as the laws of armed conflict.' When force is used, all feasible precautions are to be taken with a view to avoiding and in any event minimising collateral damage. Any confrontation involving the use of force or detention is to be reported to the chain of command immediately upon occurrence whether it results in casualties or not. The force used should be minimum and proportional to the threat. However, in some cases the force used to respond to a threat may have to be higher in order to minimise United Nations casualties and civilian casualties. Evacuation of aid workers and civilian staff of the mission should be a priority, so long as this can be done with available capacity and without diverting resources that could be better used to protect greater numbers of civilians from attack.

33. Even when a UN force cannot impose its will on the parties to a conflict, its visibility may have a calming effect. Mobile patrols may deter parties from committing crimes or human rights violations and can also be used to gather evidence of these which can subsequently be pursued through in-depth investigations by the mission's human rights component or referral to the International Criminal Court (ICC). If clashes escalate into all-out conflict, the Security Council will need timely and accurate information on which to base its decisions. The concept of 'protection by presence' is, however, a controversial one – as it sometimes cuts against a strategy of threatening to withdraw from an area where the Mission is being prevented from fulfilling its mandate. There are also circumstances where it could be directly counter-productive to the mission mandate. Peacekeepers can be taken hostage and their presence in an area may also inhibit the UN from taking more forceful action to protect civilians, such as air strikes. Civilians may also believe that the presence of UN peacekeepers will provide them with protection even when the force has neither the means nor mandate to do so. This could increase their vulnerability by encouraging people to stay in an area, which cannot in fact be protected.

34. It should be stressed that this is general guidance about the broad parameters of how the Chapter VII mandated powers that the UN Security Council has given to UNMISS to ensure the physical protection of civilians might be carried out at the tactical level. In all circumstances, the Head of Mission/Special Representative of the Secretary-General will have the discretion to interpret these powers and orders will be issued through the usual chain of command.

Military and civilian cooperation

35. Some of the following scenarios involve primarily a military response, some primarily a policing response and some primarily a civilian approach. All require the civilian, military and police elements of the UN mission to cooperate closely together and one of the intended learning outcomes is for the different components of the mission to gain a better understanding of how military, police and civilian peacekeepers/units plan, coordinate and implement actions in a given situation with the ultimate objective of protecting the lives of civilian populations against violence.

36. UN civilian staff cannot physically protect people from violence as this can only be done by the military or police. However, as the scenarios demonstrate, civilians have a tremendously important role in monitoring, reporting and political advocacy. Given the constraints which the mission is operating under, it is obvious that such monitoring, reporting and advocacy will be important in helping to prevent violence against civilians. The civilian component of the mission has a number of specific tasks which involve building close links with both local communities and the state authorities at a national and local level. Many civilians have also spent longer amounts of time in the mission, since they are not subject to regular rotations, and so have built up experience and contacts which the military often do not possess. They should, therefore, be seen as a valuable resource to draw on and partners to work with.

37. Civilians often have training in taking statements (particularly from traumatised or vulnerable people), writing reports and investigating incidents, which some soldiers may not possess. Equally, soldiers and police may come across information or witness events the civilian component of the mission may not. Sharing such information and ensuring that it is reported properly – while obviously respecting issues such as confidentiality and informed consent – will be a vital part of the mission's work during any crisis and the different component of the mission must work together to achieve this.

38. In any major crisis, consideration should be given to the establishment of a Joint Operations Room, to act as a hub of information-gathering and decision-making during a crisis, is a vital necessity. The civilian and military leadership of the Mission must coordinate effectively at Sector level. Too often the various components of a mission 'stove-pipe' their decision-making processes, fail to share information and coordinate and sometimes even cut across one another, which can have life-threatening consequences on the ground. Setting up one room, through which all information is passed and where all major strategic decisions get made is vital and should be amongst the first responses to a crisis.

Working with humanitarian actors

39. The humanitarian actors that the mission is likely to encounter (both UN and non-governmental) are likely to have been in place before the establishment of the mission, and will continue their functions after its departure, so will have considerable experience that can be drawn on. They can also play a critical bridging role between the mission and external protection actors including civil society and NGOs. It is important for military actors to understand the complex network of humanitarian assistance. This includes international organizations and local, national and international NGOs that work with national staff and local partners. Humanitarian access to a conflict zone is also largely dependent on acceptance by the parties to the conflict so humanitarian actors must remain independent and impartial at all times.

40. Humanitarian actors often use the term 'protection' as well, but it has a very different sense from the POC concept. The humanitarian conception of protection, sometimes referred to as a 'Rights Based Approach', encompasses 'all activities aimed at obtaining full respect for the rights of the individual in accordance with international humanitarian, human rights and refugee law.' This includes issues such tackling poverty and food insecurity, which are not POC concerns. While there are obvious links between the two issues, the differences between them need to be understood and some of the scenarios are designed to illustrate this point.

41. Humanitarian responses are increasingly coordinated through a 'cluster approach', which has been designed as a way of addressing gaps and strengthening effectiveness through building partnerships. Protection is defined as a specific cluster and agencies involved in protection activities meet regularly to coordinate their activities. The Global Protection Cluster (GPC) is chaired by the UN High Commissioner for Refugees (UNHCR), which is the global lead agency for protection. Other UN agencies – including UNICEF, UN-Habitat and the UN Office of the High Commissioner for Human Rights (OHCHR) act as focal points within it. Some UN agencies maintain separate field offices in countries where the Security Council decides to deploy such missions. Others, such as OHCHR, are normally fully integrated into the Mission, with the head of the human rights component acting as a direct advisor to the Head of Mission, as well being a member of the UN Country Team and the Humanitarian Country Team. The International Committee of the Red Cross (ICRC) can also

provide invaluable expertise relating to the protection of civilians, while it is a neutral and independent organization whose mandate derives from the Geneva Conventions and its own statute, both of which emphasize its independence and impartiality.

Human rights and humanitarian law

42. Though UN peacekeepers are not generally considered parties to armed conflict (), the Secretary General's Bulletin on the Observance by United Nations forces of International Humanitarian Law (ST/SGB/1999/13) stipulates that peacekeepers will, when involved in hostilities, adhere to the principles of IHL as it relates to the use of force and the treatment of civilians and other non-combatants, as well as persons placed hors de combat. UNMISS's RoEs and DUFs have been drafted to ensure compliance with IHL. UN peacekeepers are also bound at all times by international human rights law, including its stipulations regarding the use of force.

Scenario One - Border clashes

1. UNMISS is not mandated to defend 'Carana' from attacks by any other country or to intervene on its behalf in an international armed conflict. Should cross-border clashes escalate into an all out war, it would be up to the UN Security Council to determine an appropriate response. **UNMISS also does not have weaponry, such as anti-aircraft guns, to protect civilians against aerial attack. This point needs to be clearly understood and communicated by all components of the Mission, since any misconception could potentially lead to an escalation of the crisis. UNMISS's role in the first scenario will, therefore, be limited to monitoring the situation and advocating for all sides to de-escalate the crisis and return to peaceful negotiations.**

2. The importance of monitoring and reporting and political advocacy, however, should not be under-estimated and the most direct and immediate source where such information is gathered is that the tactical level. If the clashes escalate into all-out conflict, the Security Council will need timely and accurate information on which to base its decisions. Such a scenario could quickly turn into a full-scale human rights and humanitarian crisis and unless urgent action is taken, the result could be an extremely large-scale loss of life. The UN Security Council would probably convene an urgent session to discuss responses and it is obviously vital that this receives as accurate, comprehensive and up-to-date information as possible from UNMISS. It will be for the UN Security Council to decide on what response to take to the current situation. There are a number of steps short of military intervention, such as sanctions or travel bans on named individuals or a reference to the International Criminal Court (ICC) which it might consider.

3. UNMISS's extensive presence on the ground and its direct lines of communication with UN headquarters, means that it will take on an increasingly crucial monitoring and reporting role during any escalation of the conflict. International humanitarian law prohibits attacks on civilian populations and requires specific measures to distinguish between military and civilian objects. Intentionally launching an attack in the knowledge that it will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural and cultural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated is a war crime. **Collecting reports and eye witness statements and carrying out on site inspections of targeted areas will be a crucial task**.

4. The bombings have led to deaths, injuries, destruction of property. They also could lead to severe food shortages, as farmers are unable to cultivate or harvest crops due to the risk of attack. UN agencies such as UNHCR and WFP may be providing emergency assistance. Individual non-governmental organizations may also be intervening**. UNMISS has a mandate to protect the humanitarian workers who are delivering this assistance and could also provide logistical support such as transport on request. UNMISS is not mandated to deliver such assistance itself**. It also should not attempt to interfere with the work of the humanitarian actors, or in any way jeopardize their independence and impartiality. Coordination mechanisms for humanitarian distribution already exist and UNMISS should work with these and ensure that appropriate staff members attend the appropriate Cluster group meetings at the state level.

5. The POC issues in this scenario are those that directly involve threats to civilians. A key point to bring out of the discussion of this scenario is that the POC mandate is narrower than the mandate for the mission as a whole, but it often requires a mission-as-a-whole approach to addressing the challenges that it raises. DPKO have developed a three tier model of POC, which should have already been explained during the presentations. Tier I - Protection through Political Process, Tier II - Protection from physical violence, Tier III – Establishing a protective environment. **Those working at the tactical level will mainly be concerned with Tier II actions (protection from physical violence), but they should be aware of how their own actions contribute to, and often inform the development of the whole of mission POC strategy.**

6. In the current situation the initial military response would be to augment troops` presence in the conflict area to amplify the situation awareness and as an attempt to produce a calming effect by showing presence. Certainly the undertaken of an UNMISS investigation on the bombing sites would require special supporting security measures by the UN infantry battalion in the area. It

might be necessary to intensify **contingency planning** and take into consideration **additional measures on force protection**. Planning for possible evacuation of UN staff and humanitarian actors as well as to secure evacuation routes for the civilian population, protection of displaced people, amongst other operational options must be carried out and eventually rehearsed. Liaison with local leadership and management of expectations on the local troops` possibilities is vital in the context but it is also important to reach out government bodies in the area to understand their posture and purposes. **After considering military options and receive guidance from the FHQ, the discussion and coordination of responses should be conducted within the State level POC Task Force**.

Scenario Two - Displacement and return

1. The two most immediate and obvious challenges in this scenario are **how to protect the IDPs who may be under imminent threat of attack and how to do more to protect the IDPs in more general terms from the hostility that appears to be growing amongst the local population** and which has already led to a number of violent clashes.

2. It is the primary responsibility of the government itself to protect its own population and to enforce the rule of law within its own territory. **UNMISS should, therefore, liaise with the national and local authorities, share information about the threat with them and attempt to coordinate a joint response. UNMISS may need to provide logistical support to its national counter-parts**. Note should be taken of UNMISS's Human Rights Due Diligence Policy (HRDDP) to ensure that no support is provided to units or individuals with a record of human rights violations (HRVs).

3. UNMISS, in coordination with the national army and police, and other friendly forces, should be prepared to protect civilians in the transit camps with the minimum force necessary and, where possible, provide them with a safe corridor to leave the affected area. Any non-essential civilian humanitarian aid workers in the camps should be evacuated from any areas at immediate risk.

4. UNMISS may also take independent action to protect civilians under imminent threat when the need arises. A decision on whether to do so will be made by the Force Commander, who will also issue directives regarding the use of force. The Chapter VII mandate provides UNMISS with the authority to use force, up to and including lethal force, to protect civilians. The precise circumstances in which force can be used will be described in more detail in the Rules of Engagement for UNMISS's military component. General guidance on the Use of Force is provided above.

5. Clearly, conditions in the camp need to be improved and this is also the primary responsibility of the government, assisted by humanitarian agencies. UNMISS has a mandate to protect the humanitarian workers who are delivering this assistance and could also provide logistical support such as transport on request. As discussed above, UNMISS should not attempt to interfere with their work or do anything that may jeopardize their independence and impartiality. However it **should liaise with them** to ensure that vulnerable groups, such as women and children, are provided with sufficient security both within the camps and should they need to leave these, for example, to fetch fuel or water. **The area outside the site(s) should also be subjected to regular security patrols. The military should not patrol inside the camp, since this is a police function, unless there are exceptional circumstances and civilians are under threat.** It could also be suggested, through the appropriate humanitarian structures, that every effort should be made to ensure that aid is distributed in ways that helps to build links and trust between the settled community and the IDPs and returnees.

6. A large migration of this type could lead to disputes over land ownership, occupation and usage, which could potentially generate more violence and so UNMISS should also be monitoring this issue. **UNMISS should also engage in outreach to traditional, community and religious authorities** and to support initiatives to defuse inter-community tensions. It should also actively seek information about any new threats.

7. As discussed above, UNMISS field staff also have an important role in monitoring and reporting on the conditions facing returnees, since they may be used for advocacy purposes at the operational and strategic level. Refugees have a right to return in safety and dignity and on the basis of informed consent. If these conditions are absent people should not be pressurised into return. **This monitoring should extend beyond the camps, since many returnees are returning to their areas of origin, where they will probably be seeking to settle on their own land, or else moving to urban areas. The logical military option is to intensify patrolling to highlight UNMISS presence, reach out and support the activities undertaken by returnees when out of the camp**. If a decision is made to create safe corridors or protected areas, infantry battalion and companies must be prepared to provide security. **Besides, knowing on the imminent attack, the infantry battalion should plan for intervention which would consider improved and quick information gathering, direct negotiation with parties, pre-positioning of troops, defence of the**

camp perimeter and interposition operations. After conducting thorough planning and receiving FHQ advice and authorization, military operations shall also be discussed and coordinated during the State level POC Task Force meetings to ensure that a multidimensional protection response will be delivered at State level

Scenario Three – Response to Rebel Group / Child protection issues

1. It is the primary responsibility of the government itself to protect its own population and to enforce the rule of law within its own territory. **UNMISS should, therefore, liaise with the national and local authorities, share information about the threat with them and attempt to coordinate a joint response. This may involve conducting joint mobile patrols or reinforcing fixed positions such as police stations, military barracks or check-points. UNMISS may need to provide logistical support to its national counter-parts.** Note should be taken of UNMISS's Human Rights Due Diligence Policy (HRDDP) to ensure that no support is provided to units or individuals with a record of human rights violations (HRVs).

2. UNMISS may also mount patrols independently. **Operational and Logistic considerations should be taken into account to decide on the deployment of troops to conduct a military operation against the CRA. The CRA operates fluidly in the area and the UN troops` capacity to seize and maintain terrain and to protect civilians might be temporary. Availability of air assets and flight hours to give the necessary mobility to conduct such kind of operations is a scarce resource in UNMISS. On another note, for any planned course of action to tackle the CRA, the risk of retaliatory attacks must always be analysed.** A decision on whether to do so, and whether to seek to engage directly with the armed group, will be made by the Force Commander, who will also issue directives regarding the use of force. This responsibility can be delegated and a local commander should not have to wait for permission to engage with armed actors who represent an imminent threat to civilians if such a delay would put their lives at risk. The Chapter VII mandate provides UNMISS with the authority to use force, up to and including lethal force, to protect civilians. The precise circumstances in which force can be used will be described in more detail in the Rules of Engagement for UNMISS's military component.

3. UNMISS soldiers have authority to arrest disarm and detain members of the armed group and to use reasonable force, up to and including lethal force, if it is absolutely necessary to do so. The prisoners should then be handed over to the national authorities as soon as is practicable (subject to the qualifications above concerning their likely treatment). UNMISS police and civilians do not have authority to use force and possibly would not be deployed. However, **it might be useful to deploy a mixed military and civilian team to the village to liaise with the local community and state authorities**.

4. If child soldiers are found amongst the militias, after they have been disarmed and detained, these should be separated from the adults and handed over to the appropriate social services immediately. The moment that they are disarmed they should be treated as children and are entitled to the rights and protections guaranteed under the UN Convention on the Rights of the Child (CRC). **They should not, for example, be interrogated by adult soldiers. Prior to their disarmament, however, they should be treated in the same way as the armed adults.** Recruitment of child soldiers is a particularly serious crime and it will be important to identify those responsible for this so that charges can be brought. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The protocol prohibits any recruitment of children under 18 by armed groups distinct from the armed forces of a state and obliges governments to take measures to prevent and criminalize such practices.

5. State level coordination must be undertaken through the State POC Task Force, the UNMISS structure to deal with POC related challenges under the State Coordinator. Obviously, the Company Commander in Maki, after having his own reading on the situation, would inform and receive guidance on how to act from the Battalion and ultimately from the FHQ).

6. Even when the military response is the main way to address a challenge like this, some degree of coordination with the POC Task Force will be necessary for the sake of having a proper and desirable multidimensional protection response. While it is simple to describe this possible course of action as a feasible one, there are huge challenges to timely reach the CRA location and respond accordingly. Difficult terrain couple with bad roads and logistical constrains may hinder the deployment. The FHQ may decide to send a quick reaction force to

have a combined action with the company and also to deploy attack helicopters. All these operational possibilities should take into account the consequences of action and inaction to the threatened populations, including the risk of retaliatory attacks by the CRA.

Scenario Four - Civilian disarmament

1. The general principles surrounding the circumstances in which force can be used are discussed above. More detailed instructions are described in more detail in the Rules of Engagement for UNMISS's military component. Given the seriousness of the situation, a decision on how to interpret these powers will probably be taken by the Head of Mission/Special Representative of the Secretary-General, with orders issued through the usual Force chain of command. The following points should, therefore, be used by the trainer/facilitator as a general guide to a discussion of the sort of issues that arise from this scenario.

2. The language of the two Security Council Resolutions mandating UNMISS to protect civilians states that its tasks include **'Deterring violence including through proactive deployment and patrols in areas at high risk of conflict, within its capabilities and in its areas of deployment, protecting civilians under imminent threat of physical violence, in particular when the Government of the Republic of South Sudan is not providing such security'**. This is the priority task of the mission and it is mandated to use 'all necessary means' to carry out. This could include the use of lethal or non-lethal force if necessary, to stop the incident and rescue any victims as well as to detain the culprits if on the scene. Such action can be taken against rebel groups, militias and other non-state actors as well as against elements within host government forces if necessary.

3. UNMISS is mandated to protect civilians, not combatants, although the distinction between these two groups may sometimes be difficult to draw. Possession of a weapon, or previous participation in hostilities, does not necessarily make someone a combatant. However, someone using a weapon to participate in hostilities at the time could lose their civilian status and so not be entitled to protection. **The POC mandate does not require UNMISS to place its troops between two armed groups who are firing at one another**.

4. In this scenario the planned assault will take place on a group of 'armed civilians' and might result in the deaths of dozens of people (both armed and unarmed), including women and children. **Civilians are clearly under 'imminent threat' and so UNMISS should act on its mandate to physically protect them if it is within its capabilities to do so. However, force should only be used if other means remain ineffective or without any promise of achieving the immediate objective**. Before resorting to the use of force, every reasonable step must be taken to deter any person or group from demonstrating a hostile intent or committing a hostile act**.**

5. UNMISS through the UN Infantry Battalion in Muka should, therefore, immediately dispatch patrols to the scene (Mia and Kika) to observe and report back. The patrols should have sufficient personnel and equipment to intervene, if it sees unarmed civilians being attacked, to stop the attack. However, it should make every reasonable effort to resolve the confrontation by means other than the use of force. Possibly the simple presence of UNMISS troops may have a calming impact.

6. At the same time, the national authorities should be contacted, to inform them of the situation and UNMISS's actions. Also remember that UNMISS has teams of Military Liaison Officers (MLOs) to interact with the CDF and also has UNPOL teams co-located with the CNP to provide training, guidance and advice. These MLOs will have an essential task in negotiating and trying to dissuade the CDF Commander from conducting a full attack to the villages.

7. If Both the government and the CDF's commander in chief have been stating that only 'rogue elements' of the security forces would attack civilians, they so should order such attacks to cease at once and take action against those responsible. **UNMISS should make it clear that if it takes independent action against these rogue elements from the CDF, this should not be construed as an attack on the host state's own armed forces**. **This is an extremely difficult situation that will be sent through the military chain of command to the Mission leadership who will ultimately make a decision on how to proceed since the whole episode might have consequences on the host country consent.**

8. It is useful for participants to think through the precise meaning of the POC language in such situations and how the challenges that it throws up impact on other concepts related to peacekeeping such as **the importance of host-state consent and non-use of force.** Finally, the incident outlined in the scenario needs to be investigated thoroughly, with a view to bringing disciplinary proceedings and/or criminal prosecutions against them and this will be a task which the civilian and police components may lead on.

Scenario Five - Inter-communal conflict

1. This is again a real scenario and all of the events described in it are public knowledge. There is no simple answer to the question given and the purpose of this exercise is to provide participants with a realistic insight into the dilemmas that the POC mandate poses to the mission.

2. It is the primary responsibility of the government itself to protect its own population and to enforce the rule of law within its own territory. UNMISS cannot be expected to protect all civilians at all times and nor is sustainable for it to attempt to do so.

3. The basic strategy of the mission in this case was to support a Church-led inter-community reconciliation process. When it was clear that this process was faltering UNMISS intensified engagement with Government officials, alerting them to the potential conflict. **Advocacy with the national political and military leadership** before and during the crisis contributed to a shift in Government policy from disengagement to active intervention to protect civilians. UNMISS helped to avert the loss of hundreds and arguably thousands of civilian lives by pressuring the Government and military to deploy additional troops and to take decisive action to protect lives and property. UNMISS also strengthened its own preparedness to deal with possible large-scale violence against civilians, revising its military posture to deploy the maximum possible number of forces in response to the threat. This directly helped to deter violence against civilians, in a number of places.

4. The Mission provided early warning to at-risk communities; evacuated highly vulnerable civilians; and provided life-saving medical support to wounded civilians. UNMISS soldiers performed well under difficult circumstances and UNMISS civilian components, although stretched to the limit of their capacity, supported all aspects of the operation. Mission intent was regularly reviewed and lines of action were adjusted based on changes in the situation, threats and risks, and available resources.

5. The crisis clearly exposed areas of weakness in UNMISS's capacity. A large number of civilians lost their lives and Mission staff members were exposed to a high degree of danger at certain times during the operation. This shows the need for better logistics capability, more flexibility in the use of some procedures during emergencies, and the importance of the Mission reaching its mandated strength as quickly as possible. The purpose of this exercise, however, is not to discuss what went wrong. The trainer/facilitator should help participants to bring out some broad learning points from the scenario. What should the government do to ensure a greater security presence at the local level and to ensure that its forces behave in a professional and impartial manner? How can civilians be disarmed without risking an escalation of the violence? How does security sector reform fit into this picture? Participants may well have their own experiences from elsewhere to draw on, but the trainer/facilitator should try to keep them focussed on what can be done at the tactical level.

6. It is relevant to note the importance of **having reliable and update information**. If **information sharing mechanisms are in place and good communication and leadership are present, the State Coordinator should be capable to run regular meeting with the State POC Task Force and eventually when crisis arises put into functioning the State Operations Center (SOC)**. Mission structures, particularly the JOC, will take action on the grounds of the analysis made at state level and will offer courses of action to the mission leadership based on what the tactical level is seeing. From this point mission enablers should be used as done with air reconnaissance.

7. In addition, coordination at mission level will be also done taking into consideration the assessment conducted by the elements at tactical level. **Coordination at state level (tactical) starts as a routine through meetings with the basic purpose of sharing information and devise critical POC scenarios in which a coordinated response will be necessary**. Having this inter-communal conflict as a priority scenario, mission elements at state level like **Infantry Battalion, UNPOL in supporting to CNP, county support bases and civilian components (Human Rights, Civil Affairs etc) would work together as the POC Task Force, under the State Coordinator leadership, to prepare a protection response that might include the need of support from mission (actions and assets).** The County Support Base (CSB) are structures created by UNMISS

to support peacebuilding efforts by co-locating joint teams (military, police and civilian) with the government and communities to work in priority projects.

8. Battalion and Company Commanders are key elements in the collection, flow and processing of information, especially regarding early warning. First signs of increasing in tension between communities must trigger intensive patrolling and information gathering. The Force Headquarters as well as the State Coordinator and colleagues from other areas at State level shall be fully informed on new developments on the ground. Information sharing amongst police, military and civilian at tactical level is crucial to have a more precise picture of what is really happening. Scenarios like this indicate permanent planning for pre-emptive tactical movement and interposition operations as well as intensive patrolling, liaison and outreach to local leadership. UNPOL officers and military liaison officers must engage with CNP and CDF counter-parts respectively to ensure coordination and transparency.

Scenario Six - Rebel militia groups

1. This scenario involves investigating an incident in which violations of international human rights or humanitarian law may have been committed by both rebels and the country's armed forces. Monitoring, investigating, verifying, and reporting regularly on human rights as well as actual and potential violations of international humanitarian and human rights law, is explicitly listed in the UNMISS mandate. The mission is also tasked with working as appropriate with the Office of the High Commissioner for Human Rights (OHCHR), bringing these to the attention of the authorities as necessary, and immediately reporting gross violations of human rights to the UN Security Council.

2. The rebel group which barricaded itself into 'Pfoksol' appears to use civilians as 'human shields'. The 'CDF' appears to have little concern regarding the distinction between civilian and military targets. Both of these are violations of International humanitarian law and defined as crimes within the statute of the International Criminal Court (ICC). They are also likely to be defined as offences under 'Carana's' domestic law. It seems quite possible that more serious offences, such as summary executions may also have occurred.

3. Previously to the pick of crisis, an imminent final attack by the CDF, elements at tactical level have to explore possibilities of negotiating with both parties in an attempt to avoid civilian losses. Timely and accurate information sent back to the UNMISS HQ could provide elements for better judgment on the employment of mission assets.

4. The issues surrounding military options by UNMISS and an intervention by the Platoon Commander are discussed also in the guidance to scenario four. He has to obviously report the incidents immediately to his Battalion Commander through the chain of command and request for further assistance and instructions. The Battalion Commander might dispatch the platoon to Pfoksol to acquire additional information to make a quick decision on send or not more troops or even request mission support. He needs more details on who are the civilians, how many they are and the dimension of the threat against them. Mobility is essential here and the Battalion might request air support to deploy other tactical elements or the FHQ might deploy a quick reaction force. An accurate reading out of the situation is quite relevant for the risk analysis (threats and vulnerable population) and consequent Force / Mission intervention.

5. The State Coordinator should call on the SOC representatives to come up with a possible joint response to the crisis, including the views of human rights, civilian affairs, humanitarians, police, military etc. It is not only a matter of reporting; it is extremely important that the tactical level structures conduct a quick analysis of the situation to figure out if they can, should or must intervene and what kind of advice / request will be made to the mission level (operational level).

6. It should be stressed that the UN is under no obligation to protect the rebel militia group, who were the main focus of the military action. Direct interference could have also given a military advantage to them, perhaps enabling its members to escape. Nevertheless, every effort should have been made to protect civilians, by persuading the 'CDF' to take care to avoid civilian casualties, pointing out to their commander that he can be held accountable for his actions and intervening directly to protect civilians under imminent threat, when this is within UNMISS's capabilities.

7. A detailed investigative report shall be compiled by the mission under the lead of the human rights component. It will require inputs from other mission staff including UN Military which has specific expertise on the military related aspects of the incident. All of the points made above about accurate, clear and objective reporting and follow up advocacy, in relation to scenario one, therefore, apply. UNMISS should also monitor the treatment of the members of the rebel militia who have now been taken into custody

Scenario Seven - Land disputes

1. UNPOL support host-state police and law enforcement agencies in the execution of their functions and their duties are defined by the mandates that the missions are given. **In this particular case UNPOL only have advisory functions**. **They are not considered as law enforcement officers under the legislation of the host country and their prerogatives are consequently limited**. As an initial approach to the issue, the UNPOL officer should be told not to intervene directly if the eviction goes ahead, but to instead observe and report.

2. Most of the points regarding military deployments and advocacy have been covered in previous scenarios. It is the primary responsibility of the host state to protect its own civilians and UNMISS should only substitute for this protection as a last resort. UNMISS should contact the state authorities conveying the information that they have received from the UNPOL officer in the first scenario and ask for an intervention.

3. The UNPOL Officer could try to contact his counterpart to the other police station (second group of police officers) to get his own view of the circumstances and verify if a colleague co-located to that station could come to the scene. Negotiation with all involved requires more than one person and the UNPOL Officer might also contact the County Support Base to have a team capable to gain time and find a peaceful solution to the stand-off. **If the situation escalates after the negotiation phase and civilians might be at risk of physical harm he should stay to provide accurate and timely information needed for any kind of intervention that might include military deployment.**

4. As discussed above, UNMISS may take independent action to protect civilians under imminent threat when the need arises. A decision on whether to do so will be made by the Senior Mission Leadership and so it is vital that they receive accurate and up to date information as fast as possible.

5. In many post-conflict situations, returnees list access to land and recovery of their property as their biggest single concern. A failure by the authorities to deal with this effectively can seriously weaken the rule of law and feed a sense of grievance. The root of this problem is a governance one: that the local justice mechanisms cannot be relied upon to uphold people's land and property rights and arbitrate any disputes that arise in a fair and transparent manner. The long-term solution is to strengthen the institutions that uphold the rule of law, primarily the courts and police force, through monitoring and capacity-building. Part of that development should include a strategy for ensuring that the customary and official legal systems work together, increasing access to justice, while respecting the principles laid down in international human rights law, such as right to a fair hearing and non-discrimination.

6. UNMISS needs to have developed a good understanding of both state and customary law in relation to land rights and the mission should include some specialists on the subject. Some non-government organizations (NGOs) have projects working on land rights, mediation or rule of law issues. Human rights officers may also engage in building capacity of civil society to address and claim land rights and assist victims in filing complaints. Without a thorough understanding of the context, however, **UNMISS should not involve itself in mediating land disputes beyond making general appeals for calm and resolving disputes through dialogue.**

Scenario Eight - Protection of "non-combatants"

1. This is a very difficult situation. The environment is poisoned by the recent clashes between countries and the presence of rebel groups. The language of the two Security Council Resolutions mandating UNMISS to protect civilians states that its tasks include 'Deterring violence including through proactive deployment and patrols in areas at high risk of conflict, within its capabilities and in its areas of deployment, protecting civilians under imminent threat of physical violence, in particular when the Government of the Republic of South Sudan is not providing such security'.

2. The employment of patrols by the Infantry Company is vital to assist in collecting information and in providing a calming effect. **On the other hand, military liaison officers acting as military observers may harm the delicate relationship they are trying to build with the national army. Nevertheless the Mission is fully focused on protect by presence and assess the operational environment to conduct a proper analysis and develop new course of action**.

3. IDPs are also object of worries and keeping the corridor safe is essential. Coordination with Mission civilian personnel is required and should be also a task for the Battalion CIMIC Officer. The information collection is also another reason for coordination between the civilian and military tactical elements. **In the same line, coordination with the CDF is quite important and by principle they are responsible actor for escorting IDPs and protecting the safe corridor**.

4. It is relevant to say that UNMISS is not mandated to protect armed groups and their combatants. UNMISS is mandated to protect civilians, not combatants, although the distinction between these two groups may sometimes be difficult to draw.

5. However, in this particular situation the MPC soldiers are unarmed and ceased to participate in the hostilities by then acquiring the status of civilians. A highly complicate situation like this requires quick judgment on the factors and possible consequences. Some of the factors are: keep the MPC soldiers at the location or transport them; to whom and when a handover is feasible; command and control on the ground.

6. The CDF soldiers are convinced that they must take the MPC soldiers as prisoners. On the other hand, the legal conduct to be taken by UNMISS personnel is to protect the ex-combatants and hand them over to legal authorities. The CDF might not be the adequate body to receive the MPC soldiers in face of circumstances and the national police should be contacted to receive the detainees but guidance from higher headquarters is necessary on this point.

7. A considerable effort of negotiation and the ability of convincing the CDF to trust on the UNMISS representatives will be necessary even if that might pose an additional hurdle in the relationship. **The UNMISS elements on the ground at the moment are all military but they belong to different entities (CSB and Infantry Battalion) so the Senior MLO can not give orders to the patrol commander**. **Naturally, the Senior MLO needs to discuss with the company patrol commander to agree in detaining the MPC soldiers and that also requires good coordination with the Company Commander**. A very important and rapid military coordination is required and guidance from senior military authorities essential.

8. MLOs have sensible and difficult tasks directly related to build confidence with the CDF. It means offering assistance in non combat functions as administration, management and conduct and discipline training, for example. MLOs should refrain to try be too assertive and to orientate CDF because it might create a wrong perception.

Annex A: PoC Scenario Action Plan

To identify threats and express the mission components` actions to address them

	Threat	**Action to be taken Tier One (Protection through Political Process)**	**Action to be taken Tier Two (Protection from Physical Violence)**	**Action to be taken Tier Three (Protection by Establishing a Protective Environment)**
1				
2				
3				
4				
5				

Module 3 - UNMISS

Glossary of Acronyms

UNMISS Glossary of Acronyms

CEWER	Conflict Early Warning and Early Response
CNP	Carana National Police
CPA	Comprehensive Peace Agreement
CRA	The Christ Renaissance Axis
CRC	UN Convention on the Rights of the Child
CRSV	Conflict-related-sexual violence
CSB	County Support Base
DUF	Directives on the use of Force
GBV	Gender Based Violence
GPC	Global Protection Cluster
GRSS	Government of the Republic of South Sudan
HRDDP	Human Rights Due Diligence Policy
ICRC	The International Committee of the Red Cross
IHL	International Humanitarian Law
JMAC	Joint Mission Assessment Centre
JOC	Joint Operation Centre
JPT	Joint Protection Team
ICC	International Criminal Court
ICSC	The Independent Combatants of South Carana
IDP	Internally Displaced People
IMT	Integrated Monitoring Teams
IOM	International Organization for Migration
LRA	The Lord's Resistance Army
MLO	Military Liaison Officer
MLT	Mission Leader Team
MONUSCO	The UN Organization Stabilization Mission in the Democratic Republic of Congo
NGO	Non Governmental Organization
NRC	Norwegian Refugee Council
OHCHR	The Office of High Commissioner of Human Rights
PIR	Priority Information Requirements
PMC	The Patriotic Movement of Carana
ROE	Rules of Engagement
RPG	Rocket Propelled Grenade
SOC	State Operation Centre
SOP	Standing Operation Procedure
SPLA/M	The Sudan People's Liberation Army/ Movement
SSLA	The South Sudan Liberation Army
SSPS	South Sudan Police Service
UNCT	UN Country Team
UNHCR	UN High Commissioner for Refugees
UNISFA	United Nation Interim Security Force for Abyei
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in the Republic of South Sudan

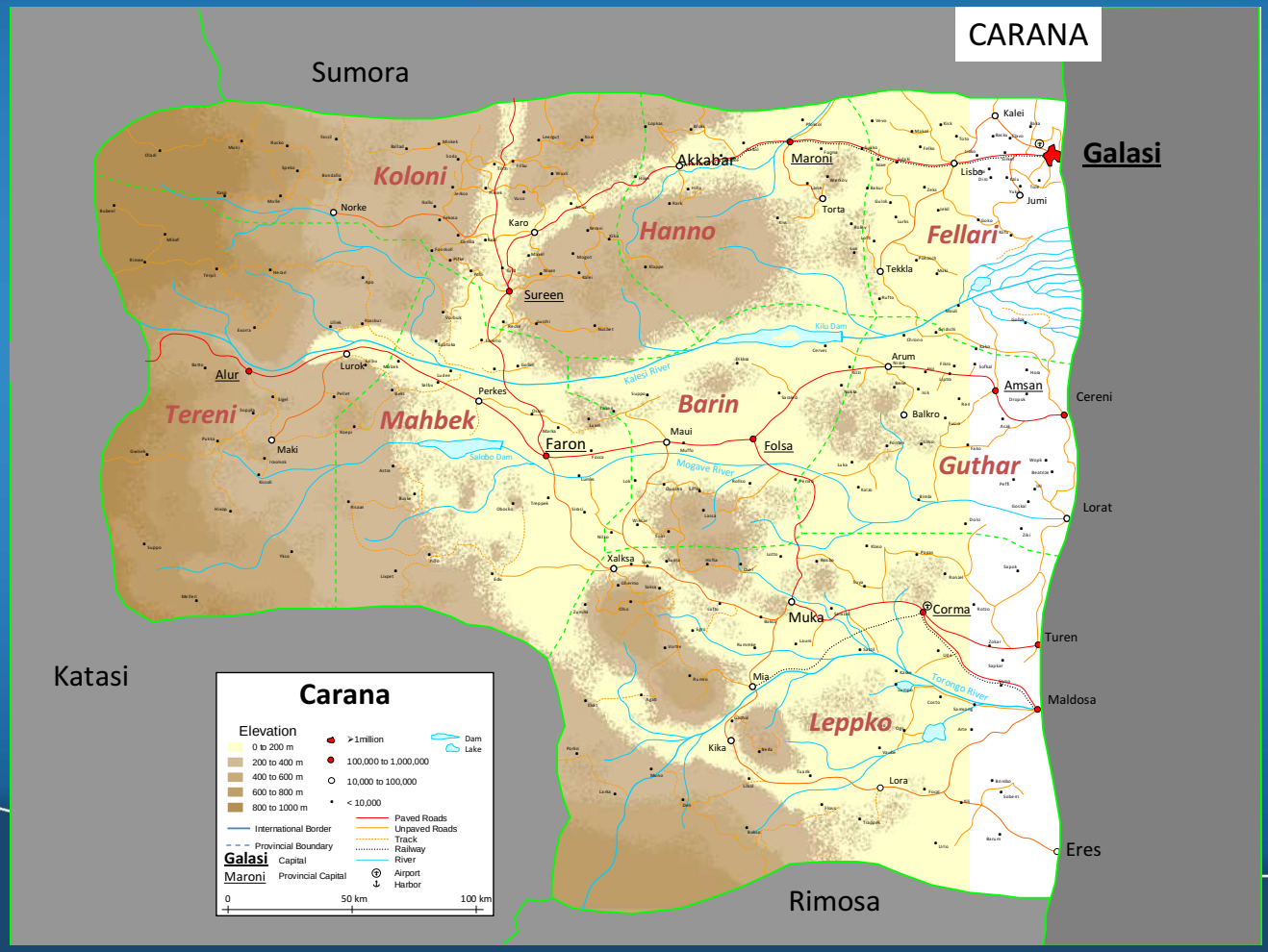
UNSC	UN Security Council
WFP	World Food Program
FHQ	Field Head Quarter
HRV	Human Rights Violation

Carana Context

Carana Context

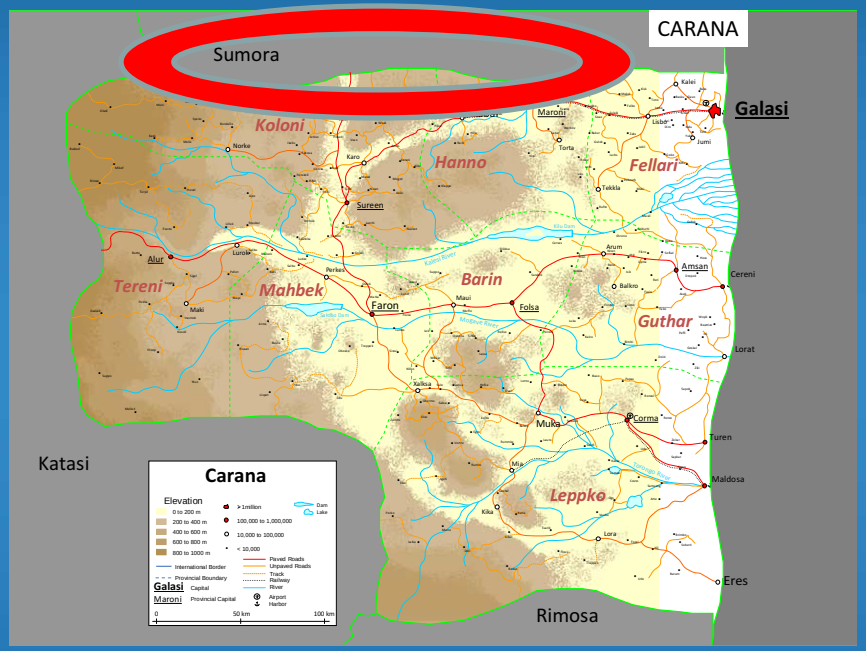
- Scenarios) were developed on the grounds of a fictitious country named Carana
- Although the scenarios are set in a fictional country, all of the information contained within them is based on real incidents and challenges which have confronted UNMISS in implementing its POC mandate
- Despite being mission-specific training materials, the scenario-based exercises can not furnish sensitive or classified information. They portray realistic situations but they do not use real names, locations and events

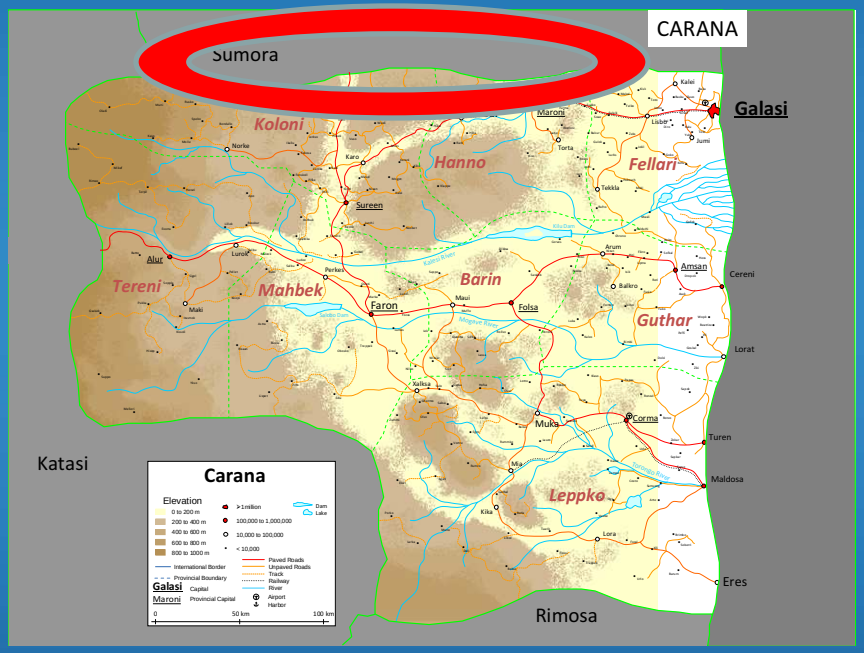
Carana Map


CARANA
Sumora
Galasi
Koloni
Hanno
Fellari
Tereni
Mahbek
Barin
Guthar
Leppko
Katasi
Rimosa
Akkabar
Maroni
Kalei
Lisbo
Jumi
Torta
Norke
Karo
Tekkla
Sureen
Kilu Dam
Kalesi River
Arum
Amsan
Cereni
Alur
Lurok
Perkes
Balkro
Maki
Faron
Maui
Folsa
Salobo Dam
Mogave River
Lorat
Xalksa
Muka
Corma
Turen
Mia
Torongo River
Maldosa
Kika
Lora
Eres
Carana
Elevation
0 to 200 m
200 to 400 m
400 to 600 m
600 to 800 m
800 to 1000 m
International Border
Provincial Boundary
Galasi Capital
Maroni Provincial Capital
>1million
100,000 to 1,000,000
10,000 to 100,000
< 10,000
Dam
Lake
Paved Roads
Unpaved Roads
Track
Railway
River
Airport
Harbor
0
50 km
100 km

Module 3 - UNMISS

- Carana and Sumora formerly single state
- Decades of bitter war – Carana independence in 2011.
- Outstanding issues – exact borders, natural resources, cost of transportation and processing resources.
- Numerous ethnic minority groups straddle the border between northern Carana and South Sumora.
- Countries accuse each other of sponsoring opposition militia and proxy militia.



UNMISS

- Violence – displacement of 110,000 civilians from South Sumora to North Carana.
- Other challenges – water and grazing rights for nomadic groups, food insecurity, inter communal conflict.
- Consultations/referendum for residents of parts of South Sumora to determine their status on hold following disagreement on who should be allowed to participate leading to violence and the displacement of 150, 000 people. These areas are rich in natural resources.