



# International Peace Support Training Centre Nairobi, Kenya

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## ISSUE No.2

FIRST QUARTER



*Sexual and Gender Based Violence in Conflict: Case of the Kivus in Eastern DRC*



*Contribution of the UNMISS to Security Stabilization in South Sudan*

*Effective Strategies for Responding to Contemporary Conflicts in Eastern Africa*



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# Foreword

The International Peace Support training Centre (IPSTC) is a research and training institution focusing on capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security Architecture (APSA) and has developed to be the regional Centre of Excellence for the African Standby Force (ASF) in Eastern Africa. IPSTC addresses the complexities of contemporary UN/AU integrated Peace Support Operations by describing the actors and multi-dimensional nature of these operations. The research conducted covers a broad spectrum ranging from conflict prevention through management to post-conflict reconstruction. The Centre has made considerable contribution in training and research on peace support issues in the Great Lakes region and the Horn of Africa through design of training curriculum, field research and publication of Occasional Papers and Issue Briefs. The Occasional Papers are produced annually, while the Issues Briefs are produced quarterly. The issue briefs are an important contribution to the vision and mission of IPSTC.

The Second Quarter Issue Brief No. 2 (2014) has two titles on peace and conflict in Eastern Africa and the Great Lakes Region: **Sexual and Gender Based Violence in Conflict: *Case of the Kivus in Eastern DRC and The Contribution of the UNMISS to Security Stabilization in South Sudan.*** The Issue Brief provide insights into pertinent peace and security issues in the region that are useful to policy makers and aims to contribute to the security debate and praxis in the region. The articles in the Issue Brief are also expected to inform the design of the training modules at IPSTC. The research and publication of this Issue Brief has been made possible by the support of the Government of Japan through UNDP.

**Brig. Robert Kabage**

**Director, IPSTC**

# Acronyms

<b>AIDS</b>	Acquired Immuno Deficiency Syndrome
<b>ASF</b>	African Standby Force
<b>CAD</b>	Civil Affairs Division
<b>CNDP</b>	National Congress for the Defence of the People
<b>CPA</b>	Comprehensive Peace Agreement
<b>CRU</b>	Clingendael Conflict Research Unit
<b>CSB</b>	County Support Base
<b>DDR</b>	Disarmament Demobilisation Reintegration
<b>DRC</b>	Democratic Republic of Congo
<b>FDLR</b>	Federation for the Liberation of Rwanda
<b>GRSS</b>	Government of the Republic of South Sudan
<b>HCT</b>	Humanitarian Country Team
<b>ICC</b>	International Criminal Court
<b>NBeG</b>	Northern Bahr El Ghazal
<b>NCP</b>	National Congress Party
<b>NGO</b>	Non-governmental Organisation
<b>NLC</b>	National Liberation Council
<b>PoC</b>	Protection of Civilians
<b>PSO</b>	Peace Support Operation
<b>RoL</b>	Rule of Law

<b>UN</b>	United Nations
<b>UNSC</b>	United Nations Security Council
<b>SAF</b>	Sudan Armed Forces
<b>SALW</b>	Small Arms and Light Weapons
<b>SC</b>	Security Council
<b>SGBV</b>	Sexual and Gender Based Violence
<b>SOFA</b>	Status of Forces Agreement
<b>SPLA</b>	Sudan People’s Liberation Army
<b>SPLA/M</b>	Sudan People’s Liberation Army/Movement
<b>SRSG</b>	Special Representative to the Secretary General
<b>SSDC</b>	South Sudan Disarmament Commission
<b>SSDM/A</b>	South Sudan Democratic Movement/Army
<b>SSNPS</b>	South Sudan National Police Service
<b>STI</b>	Sexually Transmitted Infections
<b>STD</b>	Sexually Transmitted Diseases
<b>UNMIS</b>	United Nations Mission in Sudan
<b>UNMISS</b>	United Nations Mission in South Sudan
<b>UNSC</b>	United Nations Security Council
<b>UNCT</b>	United Nations Country Team
<b>UNOCHA</b>	United Nations Organisation for the Coordination of Humanitarian Assistance
<b>WBeG</b>	Western Bahr El Ghazal



# Introduction to the Issue Briefs

The topics in this first quarter issue brief address diverse issues of peace and security concern in the Eastern Africa and Great Lakes region. The first paper examines the problem of sexual and gender based violence in the Kivu region of Eastern Congo; the second looks at the contribution of UNMISS to security stabilization in South Sudan.

The first paper, “*Sexual and Gender Based Violence: Case of the Kivus region in Eastern Congo*” examines the current state of sexual and gender based violence and violations of women’s human rights in Eastern Democratic Republic of Congo. It also highlights the factors and motives that drive belligerents to subject women and girls to SGBV and identifies strategies and policies that can be used to prevent all forms of violence against women and to mitigate effects of SGBV in Eastern DRC. The paper observes that women and girls have suffered disproportionately from the conflicts and wars that Eastern DRC has experienced over the last two decades. Men and boys have also been victims of sexual abuse. SGBV has characterised the conflict and tendencies of sexual assault and abuse do not seem to go down. All sides to the conflict have participated in these atrocities. Rape, mutilation, forced prostitution and forced marriages, among others, are an everyday reality for women and girls. Congo has laws aimed at preventing and protecting victims from such human rights abuses. The implementation of these laws, however, is failing as a result of weak judicial institutions and authorities as well as corruption across government and military ranks.

In the second paper, *The Contribution of the UNMISS to Security Stabilization in South Sudan*, the paper observes that three years on, from the creation of the United Nations Mission in South Sudan (UNMISS), stability and security are elusive in the country. The new country, whose independence had ushered in a new era full of promises, is at the verge of a protracted civil war, with reports indicating large scale killings and human rights violations. This is happening in the full presence of the UNMISS. Thus, the UNMISS has come under scrutiny leading to questions regarding its role and contribution to security stabilisation of South Sudan. This

paper examines the contribution of the UNMISS in the context of its mandate focusing on its core priority areas:-a) Protection of Civilians (PoC) b) contribution towards security operations to facilitate the delivery of humanitarian assistance; c) monitoring and reporting on human rights and; d) foster inter-communal co-existence and national dialogue. The paper concludes that: UNMISS has to a large extent succeeded in the implementation of its mandate particularly with regard to the PoCs. However, the challenges in South Sudan are still daunting. Border disputes, security and humanitarian issues aside there is need to build institutional capacity at all levels. This includes creating a professional armed force and national police service. In addition the UNMISS has its own internal challenges including the array of tasks that is required of it some seemingly contradictory, bringing its impartiality in doubt. Beyond these, there were definite slip-ups by the UNMISS which played into amplifying the suspicion by the Government of South Sudan. Among these is the weapons cache that UNMISS explained was destined for Ghana troops but ended up in Lakes State as a result of error in labelling. Secondly, UNMISS refused entry of government officials to PoC sites where civilians are protected to verify claims of armed anti-government forces. These issues heightened mistrust between the government and UNMISS, causing scrutiny into its operations and restriction of movement of its personnel. This, in turn contributed to challenges of UNMISS to effectively implement its mandate.

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# Sexual and Gender Based Violence in Conflict: *Case of the Kivus in Eastern DRC*

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*Carolyne Gatimu*

## **Introduction**

The Democratic Republic of Congo (DRC) remains an all-too-potent reminder of how human rights violations and their related health, economic and social impacts can devastate individuals, families and communities (Christian *et al.*, 2012). In 1996, Laurent Kabila launched a revolution that unseated the 30-year rule of President Mobutu Sese Seko. At the same time, an influx of armed actors and refugees from the Rwanda genocide (1994) completely destabilised the country, particularly in the eastern region. Here, roughly 20 distinct armed groups have been identified in the past decade. Its strategic importance, as well as bountiful natural resources (raw minerals, land, and fresh water) is a longstanding source of tension within Congo. A 2008 mortality study conducted by the International Rescue Committee estimates the death toll from this conflict at around 5.4 million – making it the deadliest war since World War II (Kelly *et al.*, 2011).

While a peace agreement in 2002 ended the fighting, violence still characterises daily life, especially in North and South Kivu provinces. Efforts were made to demobilize and integrate fighters into a new Congolese force or reintegrate them into communities, yet the project has faced a massive challenge. Continuing violence provides an incentive to return to old allegiances, with numerous desertions from the army and program. The attraction of mineral wealth has posed an additional challenge and provided extra income to rebel groups, armed gangs, and major political players alike – further aggravating institutional disorder which provides ideal circumstances for committing widespread human rights violations without punishment ([www.stoprapeinconflict.org](http://www.stoprapeinconflict.org)).

One of the most vicious and salient features of this conflict is the wide spread sexual violence against women and girls, (men and boys included) in this region. Eastern DRC has been named ‘the rape capital of the world’ for a reason (Kelly *et al.*, 2011; Arieff, 2010; Christian *et al.*, 2012; Pratt, 2004). According to the UN secretary-general’s 27th report to the UN Security Council, more than 1,100 women and girls were raped each month in the east of DRC alone. All sides to the conflict have participated in these atrocities. During the conflict, the incidence of these atrocities escalated to such an extent that local and international human rights organizations, as well as women’s organizations working at the grassroots level, began referring to “a war within a war” and to a “war against women.” From 2003, the United Nations Security Council has condemned all forms of sexual violence against women during armed conflict as weapons of war. Despite the many political and security progress made in the DRC, the security situation in the eastern part of the DRC still gives cause for concern, and sexual violence against women is still widespread.

This paper relies on secondary data sources. It is divided into eight sections. Following this introduction, section two highlights the objectives of the paper followed by a theoretical framework in section three. A history of the conflict is examined in section four while section five looks at the dynamics of sexual and gender based violence in the Kivu region of Eastern Congo. Section six examines the responses so far to the violence by the government of DRC as well as international actors and section seven and eight constitute the conclusion and recommendations respectively.

## **Objectives of the Paper**

This paper is guided by the following three objectives:

- To examine the current state of sexual and gender based violence and violations of women’s human rights in Eastern DRC.
- To highlight the factors and motives that drive belligerents to subject women and girls to SGBV, and
- To identify strategies and policies that can be used to prevent all forms of violence against women and mitigate effects of SGBV in eastern DRC.

## **Theoretical Framework**

This part examines several prominent theories that seek to explain the relationship between sexual violence and conflict. They include the following:

### **Biology-Impunity Argument**

The classic explanation for sexual violence in war is that “boys will be boys”. Men are more aggressive than women because of their higher testosterone levels and will sexually aggress when they have the opportunity because of an innate biological drive. Rooted in the Darwinian selection process (such that every man is predicted to transgress), this male tendency will be elevated in wartime because opportunity increases as legal rules and social enforcement norms disintegrate. In essence, according to the pure biological paradigm, opportunity and sexual violence should co-vary. In this, male civilians will be just as likely to perpetrate sexual violence as male troops from either side of the conflict given equal opportunity to rape.

The biology-impunity argument is the basis for claims about the association between impunity, conflict, and rape. It will occur when old social systems have been disrupted, but the state has not stepped in to implement a legal system. This argument suggests that some baseline number of men in a society will naturally rape when there are no repercussions. This theory cannot therefore explain sexual violence against men (Lindsey, 2013).

### **Weapon of War Theory**

Most prominent theories about sexual violence in conflict situation developed to counter the biology-impunity hypothesis. Biology-impunity theory’s first main challenge emerged from weapon of war theory, which developed in the wake of sexual violence and the discovery of “rape camps” in the wars in Bosnia. The weapon of war theory suggests that members of armed groups carry out sexual violence in a directed and strategic manner. Women of opposing groups are specifically targeted in order to attack the ethnic, religious, or political group. It can be pursued to disrupt the social structure - for example, publically viewed rape or rape of children and the elderly or for ethnic cleansing purposes.

The theory explains why some women are targeted specifically more than others, but is less powerful for explaining sexual violence against non-aligned civilians. In other words, this argument cannot explain why Allied troops attacked Frenchwomen during the liberation of France in World War II. This argument also failed to explain victimization of men. Viewing sexual violence as a strategy of war requires that groups actually consider it to be strategic; and there is little evidence of this despite its widespread occurrence in war. In some ways, the strategy of war paradigm seems to conflate effect of sexual violence with motivation to perpetrate sexual violence. Some evidence contradicts the idea that sexual violence is understood to be a useful weapon of war. In fact, sexual violence is often deemed as undermining to fighting groups. In their occupation of China and Korea in the 1930s, the Japanese set up brothels because they perceived the rape of civilians undermining their popularity. Similarly the associated sexually transmitted infection of troops was seen as a threat to the health of the group. Interviews with members of the *Mai Mai* militia group operating in the DRC suggest that the group also saw the raping of civilians as undermining to their reputation.

In the Liberian civil war, raping women was considered a direct threat to individual fighters. Involvement of rape would neutralize the ‘magical’ power of the medicine which they took to make them resistant to bullets. As such, the potential for sexual violence to directly weaken the fighter’s abilities in conflict has only amplified over time with the spread of HIV/AIDs and other debilitating STDs. Contrary to weapon of war theory, there are many ways in which conducting sexual violence could undermine (and be perceived to undermine) group success.

In sum, the weapon of war argument either includes significant contextual bias or fails to predict male victimization and female perpetration. Naturally, the Bosnia-Herzegovina conflict serves as the ideal-type case of the weapon of war theory built to describe it. The most compelling evidence from this conflict is that Serb officers allegedly wrote in their plans that raping women and children was a useful method for ethnic cleansing. Yet outside of Bosnia, there have been few broad studies demonstrating that groups perpetrate sexual violence because of its utility in war. While there is some evidence that leaders such as Charles Taylor have ordered troops to rape women in battle, this does not necessarily prove their belief in its

utility. There are several reasons to doubt that rape in the Liberian civil war was the product of a directed top-down strategy. First, there is no record that Taylor made such orders earlier in the war campaign (prior to 1997). Second, his order was to rape women- yet men were also raped. Taylor's orders cannot directly explain why troops would rape men. Third, there is little evidence that Taylor had control over his unwieldy forces when he gave these orders. Instead, such orders might reflect leader's knowledge of what their unwieldy troops will do (or have been doing anyway).

### **Organizational Opportunity Theory**

The latter example represents the third prominent theory of sexual violence in conflict: the organizational opportunity argument. Elisabeth Woods argues that sexual violence will vary with opportunity as constrained by a group's organizational structure and norms. The main contribution of her work is establishing that there is variation in sexual violence across civil wars and across actors in civil wars. Importantly, there is significant variation in group conduct of sexual violence independent of access to civilians, which counters the prediction of biology-impunity theory that all men will rape given access to civilians.

In a sense, Wood's framework adds a new form of idea to the equation: organisational opportunity. She shows how sexual violence varies by group norms and their organizational enforcement. When norms of sexual violence are ingrained in the norms of a fighting group – or even ordered from above – there is not only increased opportunity because of group sanction but also social or disciplinary costs for not following suit. Thus, sexual violence will not vary solely with civilian access as constrained or facilitated by organizational structure and norms. The effect is interactive.

The organizational structure argument is powerful for explaining variation in sexual violence, but alone is unsatisfying precisely because norms and discipline are inextricably linked to opportunity much like the biology- impunity framework. Wood's organizational opportunity paradigm also fails to answer an important question. If other forms of troop behaviour such as banditry and looting do not co-vary with sexual violence, but still vary by similar organizational enforcement

processes, then why does sexual violence warrant separate study? If control of sexual violence is just about discipline and enforcement akin to the dictum of not stealing, then perhaps sexual violence should be lumped into a category of study along with theft (Lindsey, 2013).

In sum, the organizational opportunity argument is useful since it is able to explain variation in violence against civilians across conflicts and conflict actors, but it has less to say about sexual violence in particular. It is also unclear how individual and group motivations interact. While Wood has provided compelling case studies about variation in conduct of sexual violence across groups, organizational dynamics and norms for sexual violence are also incredibly difficult to isolate from other factors for systematic categorization and comparison across cases.

## **Combatant Socialization Theory**

This theoretical argument examines sexual violence as a group phenomenon. Dara Cohen argues that sexual violence is a costly act undertaken by groups that lack social cohesion. Social cohesion is a desired feature in warfare and will be pursued through group perpetration of sexual violence when social cohesion is low. Thus, the combatant socialization theory predicts that sexual violence will be high (pursued) where social cohesion is low and sexual violence will take the form of gang rape. In her dissertation, Cohen takes the abduction of fighters as a proxy for low social cohesion and statistically demonstrates that low social cohesion is positively related to high levels of sexual violence in war as the combatant socialization theory predicts. Yet, the statistical relationship between abduction and rape might be spurious. If rape is conducted during abductions, then group acceptance of sexual violence, and thus, opportunity to perpetrate increases. Abduction is also related to contact with civilians – which, again, is associated with opportunity.

Another difficulty of testing the combatant socialization theory is that Cohen's data does not separate incidents of gang rape from individual rape, thus individually perpetrated rapes are being explained by a group perpetration theory. Finally, how the idea that a group lacks cohesion and should conduct sexual violence to solve the problem remains elusive. This theory also fails to explain why groups that do have bonds within their primary groups also conduct sexual violence more generally. Despite its limitations, her study remains a large contribution in highlighting the



role that sexual violence might serve in in-group bonding – a sought after strategic feature for groups in warfare. In a way, this links back to weapon of war theory. As part of this argument, Cohen also calls attention to the role of females in perpetrating acts of sexual violence in modern African civil wars. The combatant socialization theory can encompass both male and female perpetration and male and female victimization, making it broadly applicable.

In a nutshell, all the above theories vary in their breadth of applicability and consistency. Most apparently, they vary in their ability to explain the gender of both perpetrators and victims of sexual violence. However, relying on perpetrator/victim analysis is unsatisfying in that the result is to lend credence to the most inclusive theory, without examining the breadth of applicability. The theories also disagree about how much group dynamics (as per the weapon of war and combatant socialization arguments) versus individual motivations (as per the biology-impunity arguments) explain behaviour. Finally, they disagree about the extent to which the relationship between sexual violence and conflict is one of opportunity (as per the Biology –Impunity and Organizational Opportunity hypotheses) or of utility (as per the weapon of war and combatant socialization hypotheses).

While valuable, the discussion of these theories together leads to more questions than answers. Perpetrator identity and motivations for conduct continue to remain surprisingly elusive: Is sexual violence undertaken as part of a war strategy or is it the product of unwieldy troop behaviour? Does the motivation to perpetrate stem from group dynamics or from individuals? To what extent do civilians perpetrate sexual violence rather than troops? In order to make progress in the study of sexual violence and conflict, scholars need to mediate between these theories with systematic studies using comparable and well-defined data (Lindsey, 2013).

## **History of the Conflict in Eastern DRC**

In the wake of the 1994 Rwandan genocide, in which an estimated 800,000 Tutsis and moderate Hutus were killed, millions of Rwandan refugees fled into the eastern DRC. As a new post-genocide government was established in Rwanda, more than two million Hutus sought refuge in eastern Congo (Eastern Congo Initiative). The UN High Commissioner for Refugees (UNHCR) estimates that only 7% of these

refugees were perpetrators of the genocide (often referred to as *Interahamwe* or Federation for the Liberation of Rwanda (FDLR)).

In 1996, Rwanda and Uganda invaded the eastern DRC (then called Zaire) in an effort to root out the remaining perpetrators of the genocide hiding there. A coalition comprised of the Ugandan and Rwandan armies, along with Congolese opposition leader Laurent Kabila, eventually defeated Dictator Mobutu Sese Seko and the Congolese army, and Laurent Kabila became president. In 1998, President Laurent Kabila ordered Rwandan and Ugandan forces to leave the eastern DRC, fearing annexation of the mineral –rich territory by the two regional powers. Kabila’s government received military support from Angola and Zimbabwe and other regional partners – the ensuing conflict has often been referred to as Africa’s First World War with nine countries fighting each other on Congolese soil.

President Laurent Kabila was assassinated in 2001 and his son Joseph Kabila was appointed president at the age of 29. In 2006, Joseph Kabila won the presidency in the DRC’s first democratic elections in 40 years. It was during this period that the Tutsi-led militia group, the National Congress for the Defense of the People (CNDP) representing the interests of Tutsis in Congo and led by Laurent Nkunda, became more active in pursuing the FDLR in Eastern Congo. In January 2008, despite the signing of a peace agreement between 22 armed groups, including the CNDP, fighting between the Congolese army, FDLR, CNDP, and other militias continued. Rwandan officials arrested Laurent Nkunda in January 2009, and he remains under house arrest in Rwanda today.

The Rwanda and Congolese governments began cooperating in early 2009 in joint military operations focussed on rooting out the remaining FDLR genocide perpetrators still in eastern Congo. Although the FDLR have been weakened through this intervention, they continue to perpetuate instability in eastern Congo. In the north eastern region, the Lord’s Resistance Army, an armed militia active in Uganda for the last several years, continues to cause terror and unrest. The peace process in eastern Congo continues to be fragile with multiple armed groups operating throughout the region, terrorizing civilians and blocking the path to long-term peace (Eastern Congo Initiative).

## **Dynamics of Sexual and Gender Based Violence in Eastern Congo (North and South Kivu)**

As stated in the introduction, one of the most vicious and salient features of the eastern DRC conflict is the widespread sexual violence perpetrated on women and girls, men and boys included (Kelly *et al.*, 2011; Arieff, 2010; Christian *et al.*, 2012; Pratt, 2004). Data on the incidence of sexual violence is difficult to collect due to chronic instability, poor infrastructure, and the highly sensitive nature of rape in eastern DRC. Experts agree, however, that sexual assault is a common and pervasive form of violence in this conflict. The United Nations estimates that at least 200,000 cases of sexual violence have been reported since the conflict started, which is thought to be a significantly low estimate. In 2009, more than 15,000 cases of sexual violence were officially reported and in 2010 there were no signs that the trend was decreasing.

A 2011 nation-wide survey published in the *American Journal of Public Health* found that approximately 1.69 to 1.80 million women reported having been raped in their lifetime, with women in North Kivu significantly more likely to report all types of sexual violence than those living in Kinshasa (Kelly *et al.*, 2011). The U.S State department report that in some areas of eastern Congo, two out three women have been victims of some form of sexual violence. In addition, 16% of residents of North and South Kivu have witnessed some form of sexual violence (Eastern Congo Initiative).

Sexual violence in the DRC has been reported in multiple regions, but it is particularly prevalent in the conflict-ridden east, and especially in North and South Kivu, where there is a long running pattern of armed groups and state security forces committing brutal human rights abuses against civilian populations. In the context of recurring conflict in this region, state security forces, rebel groups, militias and combatants from neighbouring countries have inflicted sexual violence upon the civilian population on a massive scale. UN officials have characterised sexual violence in eastern DRC as the worst in the world, ‘a weapon of terror’, and a war crime. The brutality of sexual violence reported is extreme: A 2009 study by the Harvard Humanitarian Initiative noted that sexual violence in this region

‘has features rarely seen in peace-time, or indeed most war-time settings including: forced incest; gang rape; rape in public; rape with foreign objects; and urogenital mutilation’ (Arieff, 2010). In addition, sexual violence survivors also often witness the torture and murder of their children and spouses. The psycho-social and health consequences, particularly for the rural populations of eastern DRC have been devastating: pregnancy, infertility and genital mutilation are common among survivors, as are fear, shame, insomnia and nightmares. Rape is highly stigmatised, frequently resulting in spousal abandonment, inability to marry, expulsion from the community, and homelessness.

## **Sexual Violence against Men and Boys**

Women and girls have suffered disproportionately from the conflicts and wars that Eastern DRC has experienced over the last two decades. However, men and boys have also been victims of sexual abuse. The great reluctance of many men and boys to report sexual violence makes it very difficult to accurately assess its scope. The limited statistics that exist almost certainly vastly under-represent the number of male victims. Despite a lack of hard data, sexual violence against men and boys has been reported in more than 25 conflicts in the past decade and has been recognised as ‘regular and unexceptional, pervasive and widespread’ (Shteir, 2014; Rusell, n.d). For example, a 2010 population-based survey in eastern DRC found that 40% of women and 24% of men reported experiencing sexual violence (Johnson *et al.*, 2010). A population-based survey conducted in Liberia in 2008 of 1666 adults revealed that 32.6% of male combatants had been exposed to sexual violence, including 16.5% who had been forced into sexual servitude (Johnson *et al.*, 2008). Another study on conflict – related violence against refugees and non-refugees in Southern Sudan and northern Uganda suggested that both civilian males and females are victims of SGBV in armed conflicts. Specifically, the study found that ever witnessing or experiencing rape or sexual abuse of a man was reported by both male Sudanese refugees (30.4%) and non-refugees (46.9%) and female Sudanese refugees (39.6%) and non-refugees (35.1%) (Nagai *et al.*, 2008).

Men and boys are vulnerable to a range of gender-specific forms of sexual violence in conflict situations. They can themselves be raped, forced to perform sexual acts on the perpetrator, forced to rape other civilians (including their own family members)

or forced to watch the rape of their kin (Shteir, 2014). Men are also the victims of forced sterilisation through castration and other forms of sexual mutilation. They can also be subjected to genital violence not intended to sterilise, forced nudity and forced masturbation – of the victim and the perpetrator. Male sexual violence is particularly prevalent in detention settings, in the context of military operations, military conscription and abduction, as well as in camps and shelters, where boys are particularly vulnerable (Johnson *et al.*, 2008).

A qualitative study by Christian *et al* (2012) which focussed on sexual and gender based violence against men in the South Kivu region of Eastern DRC reported extensive male rape. Male survivors were either raped at the initial attack by rebels or soldiers in their home or on the road or after being abducted by the armed groups to their camps based in the forest. All the male survivors in this study reported being raped by a group of male rebels or soldiers and the armed groups ranged in size from five to as many as thirty men. They also reported being raped in front of their family and friends and others were raped at the same time as their wives and daughters. The sexual violence reported by the male survivors in the same study included: forced sexual intercourse by the perpetrator in all the body orifices (e.g. nose, ear, mouth and anus); physical torture (e.g. beatings to the genitals and castration); and insertion of objects, such as sticks and guns in multiple orifices. Male rape survivors in eastern DRC report that rape has been used as a strategy to humiliate and emasculate them, as raping a man changes that man to a woman in the eyes of their family and community.

## **Causes of and Motivations for Sexual and Gender Based Violence in Eastern Congo**

The reasons behind sexual violence in Eastern DRC are complex, varying both contextually and geographically (Pratt, 2004). They include the following:

Gender inequality and concepts of manhood – underlying many acts of sexual and gender-based violence in conflict affected environments (and in peace time) are beliefs about the subordinate status of women and girls, as well as expressions of dominance, power and aggression by men. A survey conducted in 2012 in eastern DRC by the Sonke Gender Justice Network, Promundo – US and the Institute for

Mental Health of Goma revealed ‘high degrees of rape-supportive attitudes among the men’ (Shteir, 2014). In the survey, men clearly expressed their right to have sex with their partners and their expectation that women will accept this right, even when forced. These findings are indicative of a clear and widespread belief in the subordination of women.

Sexual assault is sometimes carried out as part of a coordinated armed attack in which the intent appears to be “to terrorise communities into accepting their control or to punish them for real or supposed links to opposing forces” (Arieff, 2010). (For example, Mai -Mai assaults those who are believed to support the RCD; RCD assault those who support the Mai - Mai and so on). Members of all the known armed groups have been identified as perpetrators and members of local police forces.

Sexual violence has also been used to subjugate populations as a means of gaining access to valuable or scarce assets. Such assets are represented by national riches (diamonds, coltan, gold, and timber for example) or domestic goods like livestock, crops, clothing, cooking utensils, water containers and farming implements.

Individual fighters and groups of combatants have also frequently engaged in opportunistic rape of women and girls, at times concurrently with other apparent motives. Human Rights Watch reported in 2007 that in North Kivu “in some cases soldiers raped women as part of the punishment meted out to communities believed hostile to their control. In other cases, soldiers raped women in the course of a theft or looting property” (Arieff, 2010).

While women and girls are the primary targets of sexual violence, men and boys have also been victims. In the region under focus, men are considered the heads of the household and traditional leaders in the community. Christian et al., (2012) in their study found out those rebels or soldiers rape men to destroy their masculinity, their status and role in their own household, extended family and community. Additionally, survivors and other participants in the study stated that men are not meant to be penetrated sexually by another man. As one male survivor stated, ‘the reason for raping women is for sex but one cannot comprehend why they are raping men’.

Superstitions and fetishism also play a role in sexual violence in eastern Congo (Pratt, 2004). It is said that some men believe that sex with prepubescent or post-menopausal women can give strength to or protect fighters from injury or death. The life in the bush of many of the Interahamwe, Mai-Mai and other militias is described as particularly hard: insufficient food, limited sources of potable water, infestations of lice, fleas, and other parasites, frequent displacement, no access to healthcare, and the psychological pressure of constantly being on the alert for counter-attacks. Paid, professional fetishists in Beni and the surrounding area are allegedly taking advantage of the situation, advising their customers, for example, that raping young girls can protect them from harm or improve their business dealings (Pratt, 2004).

Lastly, the continued prevalence of sexual violence has been attributed to the eroded status of women, weak state authority, a deeply flawed justice system, and a breakdown in community protection mechanisms (Arieff, 2010). In addition, sexual violence by the military has also been linked to waves of integration of rebel organisations into the military through successive peace accords, with little accompanying attention to military discipline or the chain of command. Military troops are also poorly paid, and troops deployed in conflict areas are not provided adequate food or supplies, which is thought to encourage looting and other abuses. While most sexual crimes are carried out by members of armed groups in conflict zones, incidents of rape by civilians are also reportedly increasing, as rape may have become trivialised and has been increasingly perpetrated in zones of relative stability.

## **Impacts of Sexual and Gender Based Violence on Local**

### **Populations in Eastern Congo**

To start with, rape and mutilations have severe short and long-term effects on the survivors, perpetrators, families, communities, ethnic groups, region and the ability of the nation to become whole once again. The violence tears flesh as well as souls, and the effective healing of both is not guaranteed (Pratt, 2004; Kelly, 2011). Gang rape and mutilations often result in massive internal tearing and accompanying fistulas. Sometimes the victims contract HIV and other sexually transmitted diseases. Studies show rates as high as 27% among rape survivors in eastern DRC. Serious complications with childbirth, menstruation, urination, and

fecal elimination are also common. Many victims are rendered sterile as a result of the trauma, operations, or scar tissue. Because Congolese women's value is still so closely associated with virginity, wifehood, and bearing children, rape can and often does result in "social murder". Gang rape and the associated perception that women are "contaminated" for example increases women's risk of being abandoned by their husbands. Unmarried girls who are raped have little prospect for getting married, their whole family is deeply shamed by association, and parents will not receive a dowry for their daughters.

Male survivors also report shame and stigma for self and family, resulting in isolation. Shame and stigma is related to 'no longer being considered a man', the rape 'transforming' him into a woman in the view of self, family and village. They say 'two women cannot live in a household together as intimate partners' therefore most of the male survivors have the urge to leave their homes and village, rather than live with the shame, stigma and face discrimination (Christian, 2012).

Parents of young children who are raped suffer tremendously. They are wracked with guilt that they weren't able to protect their children, and terrified that their children might be infected HIV or other STIs. Husbands, often encouraged by their own parents reject their wives when they learn they have been raped, leaving them to fare for themselves in a society that rarely allows women to own or manage productive assets. The babies that result from rapes are frequently rejected by their mothers. They ask 'what if the baby looks like my rapist?' In parts of North Kivu, children suspected or known to be rape children are teased at school and called 'Hutus'. It is unknown how many such children there are in eastern Congo. Abortion is illegal in DRC, and the traditional capacity and willingness of Congolese families to adopt orphans or unwanted children have been extremely diminished by the current levels of poverty throughout the country, and especially the eastern provinces (Pratt, 2004).

Victims of sexual violence are at a greater risk of different psychiatric diagnoses, including major depression, alcohol abuse, drug abuse, obsessive-compulsive disorder, generalised anxiety disorder, eating disorders, multiple personality disorders, borderline personality syndrome, and post-traumatic stress disorder. Male survivors for example report loss of memory, nightmares, anger, loss of appetite,



loss of sleep, sadness and shouting as some of the mental health consequences of sexual abuse (Christian, 2012).

The fear of sexual violence is also at least partially responsible for malnutrition in some areas (because women are afraid to work in their fields) and the associated negative impacts on local economies, as well as for the interruption of children's education when they are kept home to keep them safe from attacks. In a society that relies heavily on its women to produce food, raise children, and try to maintain peace and order in a community, these effects represent an alarming burden on a nation trying desperately to unite, ethnic groups struggling to cohabit peacefully, communities attempting to regain social mores and order, families seeking to regain their livelihoods and escape lives of fear and desperation, and survivors hoping to heal (Pratt, 2004).

## **Responses to Sexual and Gender Based Violence in Eastern Congo**

A multitude of actors, both local and international have responded to sexual and gender-based violence in eastern Congo differentially. Their responses are discussed below:

### **National Responses**

The near-total impunity for perpetrators of sexual assaults and other human rights violations is a major reason for the persistent and endemic nature of gender-based violence in eastern DRC. The Congolese justice system is dysfunctional, under-sourced and – staffed, and highly politicised due to frequent interferences by political and military authorities (ITUC, 2011). Different forms of sexual violence are crimes against humanity under the Congolese Military Penal Code as well as under international law. Furthermore, military courts and tribunals have the sole authority over international crimes, including crimes against humanity and war crimes committed by members of armed forces, the police and civilians.

The lack of independence, however, has rendered most cases go uninvestigated, unprosecuted, or unconvicted. Prison escapes and extractions are also not uncommon. Officers protect their soldiers from justice by failing to comply with

arrest warrants, interfering during investigations and trials, and by assisting in prison escapes. In addition, as a result of extremely low salaries, courts frequently release alleged rapists on bail, often under suspicious circumstances and in violation of penal procedures.

In order to address sexual violence more systematically, the government adopted a new law on sexual violence in 2006. It provides an important legal framework to prosecute acts of sexual violence. For the first time, sexual mutilation, the use of instruments, and sexual slavery are specifically criminalised. Rape punishment is between five and twenty years in prison. When a public official or a group commits rape, when a weapon is used, or the victims are kept in captivity, the years of penalty get doubled. The law also defines sexual relations with underage children as sexual violence. It has also improved some penal procedures – such as speeding up preliminary investigations and prohibiting the settling of cases by ‘friendly’ resolutions.

However, this law also has some deficits. It is a mere list of sanctions and definitions without concrete measures of application, making a judgement based on the law difficult. Law enforcement and justice authorities have been unable, but in many instances also unwilling to implement the law. Denunciation and reporting also remain limited, due to the victims’ continuing lack of trust in the system. Overall, the adoption of the law has not led to any significant improvements in bringing soldiers to justice for sexual crimes (Rodrigues, no date).

Given the problematic state of the military justice system, the government provides for the option to establish Military Operational Courts in the context of military operations. Such a court was established in North Kivu in late 2008 to prosecute crimes committed by soldiers. A small number of low-ranking soldiers and officers have been prosecuted, but many of those charged escaped detention and were tried in absentia, undermining the tribunal’s impact.

In order to improve access to the justice system, mobile courts that focus on gender crimes were launched in October 2009 and are being set up in small cities and rural areas in eastern Congo. The courts conduct military and civilian trials, depending on the crimes committed. So far, mobile courts have been the most successful instrument to treat crimes under international law in DRC.

While impunity continues to be the rule, and justice an exception, despite all efforts, the government has taken few other measures to combat sexual violence in the country. For example, the President wife, Olive Kabila, launched a country wide campaign in 2007 to raise awareness of the issue. The high level involvement raised the profile of sexual violence to a certain degree. More importantly, the Ministry of Gender, Family Affairs and Children, the main government department dealing with sexual violence, adopted a national strategy to fight sexual violence in 2009. The strategy is supported by the UN and receives bilateral and multilateral funds. It is implemented in the East under the UN framework of the Comprehensive Strategy on Combating Sexual Violence in DRC. The strategy provides for a common framework for action and coordination of all stakeholders involved in the fight against sexual violence in the country (ITUC, 2011).

## **International Responses**

The United Nations Security Council Resolution (UNSC) 1856 of December 2008 made the protection of civilians in the two Kivus (north and south) the highest priority of the peace keeping mission MONUC (Mission de l'Organisation des Nations Unies en République Démocratique du Congo). In various resolutions, the UNSC requested furthermore that MONUC pays particular attention to sexual violence. Despite these strong mandates and resolutions, however, MONUC has often been criticised for failing to adequately protect civilians (ITUC, 2011). MONUSCO has been lacking logistical resources and rapid response and mobility capabilities and has failed to sufficiently train its troops. The mission's difficulty to fulfil its protection mandate became apparent again during the mass rape in the summer of 2010 in a part of North Kivu where more than 380 civilians were raped. The mission, however, is a crucial instance in eastern DRC nevertheless. It provides important on-the-ground information essential for efforts to fight impunity and it saves lives by allowing humanitarian workers to operate in dangerous areas.

Humanitarian assistance for victims of sexual violence in DRC is available from local and international non-governmental organisations (NGOs). Most health-related organisations now include sexual and gender based violence programmes as part of their primary healthcare interventions. Panzi hospital in South Kivu – one of only two referral centres for fistula treatments in the east of DRC- offers

a comprehensive package of assistance to victims referred for care. Yet, despite the long-term presence of international and national agencies in the area, the basic referral system has never worked effectively due to lack of coordination and adequate funding (Rodrigues, no date). There is little willingness on the ground to collaborate. Medical NGOs have their own, varying protocols and standards, as do agencies focused on psycho-social assistance and reintegration. Lack of collaboration is exacerbated by the ‘remote control’ nature of programmes – programmes managed by local partners but directed from abroad - and the fact that some agencies focus on emergency assistance, others on development. This has led to duplication in some fields while other areas of need have been left uncovered, to considerable discrepancy in standards and lack of accountability.

The UN Special Rapporteur on Sexual Violence in Conflict, Margot Wallstrom, has also been vocal about and criticising Congo’s deep-rooted impunity and has emphasised the need to bring perpetrators to justice. She points to the fact that rape is not cultural, but criminal and should be treated as such. Her advocacy for these issues in the Congo has helped to raise international awareness and it is important that such high-level attention is maintained to achieve real impacts on the ground (ITUC, 2011).

Whereas the national justice system has largely failed to bring perpetrators of sexual violence to justice, there has been some traction at the international level. The government referred the situation of the country since 2002 to the International Criminal Court (ICC) IN April 2004. The court started its investigation two months later. Four out of the five arrest warrants that the court has issued so far are against rebel leaders from Ituri in Province Orientale, north of North Kivu, for war crimes and crimes against humanity committed in 2002 and 2003. Germaine Katanga and Mathieu Ngudjolo, both on trial, are accused of sexual slavery and rape among other allegations. An arrest warrant has been issued for the executive secretary of the FDLR, Callixte Mbarushimana, who is in pre-trial detention, for war crimes and crimes against humanity, including rape, committed by the FDLR in North and South Kivu in 2009. While these international prosecutions support justice in the Congo, bringing a larger number of perpetrators, of low and high rank, to justice at the national level is essential to bring a definite end to impunity in the country (ITUC, 2011).

## Conclusion

From the preceding discussion, we can observe that women and girls have suffered disproportionately from the conflicts and wars Eastern DRC has experienced over the last two decades. Men and boys have also been victims of sexual abuse. Sexual and gender based violence has characterised the conflict and tendencies of sexual assault and abuse do not seem to go down. Members of illegal armed groups and army soldiers target civilians specifically during military operations, but also in the course of plundering and looting sprees on villages. Rape, mutilation, forced prostitution and forced marriage among others are an everyday reality for women and girls. Congo has laws aimed at preventing and protecting victims from such human rights abuses. The implementation of these laws, however, is failing as a result of weak judicial institutions and authorities as well as corruption across government and military ranks.

Law and justice are essential in bringing an end to the widespread human rights abuses and violence. Efforts have been undertaken by the Congolese government and the United Nations to strengthen the judicial system and reform the security sector, both important aspects in the fight against impunity; however, justice remains the exception and impunity the rule. It is thus necessary that the government with support of the UN continues to genuinely improve the workings of and access to the justice system and to professionalise and build capacity of the security forces to perform their duty to protect civilians.

## Recommendations

Experts agree that to combat sexual and gender based violence in eastern DRC, there is need, now more than ever to employ a multi-faceted approach (Keralis, 2010; Rodriguez, no date; Shteir, 2014; Pratt, 2004). This approach should include some of the following:

First, the government of DRC should enforce existing laws and end impunity: DRC has an established legal framework to hold perpetrators of sexual violence responsible for their crimes. The government must work to enforce those laws to ensure that aggressors are no longer able to act without fear of punishment. Additionally, an actively working legal system might encourage more victims to come forward.

Second, the DRC military and UN peacekeeping forces working in the region need to integrate education on civilian protection and sexual violence into military training. In addition, compliance with international humanitarian law should be enforced among all members of the armed forces. Both officers and lower-ranking soldiers should receive regular and comprehensive training on civilian protection, including protection of women and girls. This training should be evaluated regularly to determine its impact, and modified according to the results.

Third, the humanitarian aid organisations need to create new protection interventions specifically for North and South Kivu. Aid organisations should work with local communities to devise protection interventions which are specific for the area and based on evidence of typical patterns of attack.

Fourth, the DRC government together with the civil society active in the country should work together towards changing the culture of sexual violence in the DRC. Advocacy, cultural awareness and re-education are crucial to both encouraging victims to come forward and helping them to heal. A key step in this process would be clear and audible condemnation of the violence by Congolese government which is too often silent on the issue.

Fifth, there is need for coordination of humanitarian assistance and more humanitarian funding by the international organisations, NGOs, religious organisations, human rights advocates, and women groups who are doing what they can to address the problems associated with insecurity, displacement, and sexual violence in the DRC. The many facets and ramifications of rape and mutilations – e.g. medical, psycho-social, economic, and judicial – are closely interrelated, and they need a holistic, multi-sectoral approach with close coordination among sectors. While some organisations have tried to employ this approach, others have not and therefore more needs to be done. In addition, resources in all sectors are insufficient to meet the enormous needs. For example, in Eastern provinces there are only two referral hospitals for women who are suffering from injury and infection caused by violent rape. Requests for assistance are also expected to increase geometrically as improvements in security allow for greater access to services, and as more victims are encouraged to come forward.

Lastly, the Congolese government together with the civil society active in DRC need to advocate and facilitate social reintegration and livelihoods for the victims of sexual violence. Until citizens feel secure enough to access agricultural fields and trade routes freely, the economy in the East will not recover sufficiently to provide employment opportunities for the victims and perpetrators of the violence. Survivors of violence – especially women and girls who have been rejected by their families – have become among the most vulnerable of individuals, with no means of economic support and often no place to live. Because local traditions encourage the belief that the raped have lost all value to the community, helping women re-engage in productive or income-generating activities enables them to feel socially worthy and useful again, mitigating their feelings of guilt, shame, and worthlessness.

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# Contribution of the UNMISS to Security Stabilization in South Sudan

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*Catherine A. Onekalit*

## Introduction

In July 2011, South Sudan became the world's newest nation, having seceded from its now new neighbour and 'former nemesis' in the North, Sudan. Prior, the country had witnessed decades of civil war that ended after the signing of the Comprehensive Peace Agreement (CPA) in January 2005 between the two warring Sudan's. The CPA agreement set a road map for democratic governance and sharing of resources. It also presented a timetable for a referendum to determine the independence of South Sudan. Soon after independence, the United Nations Security Council (UNSC) authorised the United Nations Mission in South Sudan (UNMISS). The UNMISS mandate is based on chapter VII of the UN Charter.<sup>1</sup> The new multidimensional mission was tasked to 'consolidate peace and security' and help foster 'conditions for development' of the new nation. However, UNMISS was not created in a vacuum. Between March 2005 and July 2011, the United Nations Mission in Sudan (UNMIS) monitored and promoted the implementation of the CPA. In July 2013, UNMISS saw an extension of its mandate and more recently a renewal through the UNSC resolution 2132 (2013) and later resolution 2155 (2014). This followed the onset of a political and security crisis in the country.

On the night of 15 December 2013, South Sudan's Capital Juba was plunged into a crisis when fighting erupted within the presidential guard between forces loyal to President Salva Kiir and those aligned to the former Vice President Riek Machar (Crisis Group, 2014; UNMISS Human Rights Report, 2014). The incumbent government labelled this an 'attempted coup d'état'. The violence quickly extended to other parts of the country unfolding into what many termed an 'ethnically motivated brutality' (Osborn, 2014; Hulton, 2014; Raghavan and Deyoung, 2013).

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<sup>1</sup> See United Nations Security Council Resolution 1996 (2011) <http://www.un.org/en/peacekeeping/missions/unmiss/mandate.shtml>; accessed on 26 June 2014

Soon, it spread like wild fire to six of the country's ten states and compromised security, particularly the Protection of Civilians (PoC) one of the priority areas of the UNMISS mandate. Currently, reports indicate that after about six months the violence has claimed over a thousand lives, displaced 900,000 people and forced some 167,000 to flee across national border into the neighbouring countries of Kenya, Ethiopia, Central Africa Republic and Uganda (SG Report on South Sudan, 2014).<sup>2</sup>

The UNSC and South Sudan's neighbours and international partners feared that the country was sliding to a protracted civil war. The question frequently asked is who is to blame for the terrible turn of events. One fact is clear: the international community and the many players who have been supporting the transition of South Sudan are not free from blame (Pantuliano, 2014). How did such heinous violence occur and persist despite the presence of the UNMISS? What is the UNMISS' mandate? How has the mission contributed to the restoration of security and stabilisation of South Sudan? Are there challenges and limitations with regard to the operations of the UNMISS in implementation of its mandate? Inversely, are there unresolved security concerns in South Sudan that impact on the UNMISS operations? Are there any misconceptions of the mandate? If so, how best can the UNMISS work to enhance security and stabilisation of South Sudan? What are the failures of the UNMISS; perceived or actual, that could have contributed to insecurity? These are some of the questions that this paper attempts to answer and to offer recommendations. It is also worth noting that the paper is informed by the authors experience formerly working with the UNMISS.

## **Conceptualising Security Stabilisation**

Before efforts are made to answer the above questions, this paper endeavours to understand the concepts of security and stabilisation. This is necessary in order to present an informed analysis in regard to the expectations relating to the specific role of UNMISS in the stabilisation of South Sudan. The concepts of security and stabilisation are words that are mutually reinforcing and enable the establishment of safe and secure environment to support stability.

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<sup>2</sup> Report of the Secretary General on South Sudan (UNMISS) for the member states of the Security Council (S2452/537) 2014

Although this concept is clearly defined in handbooks and mission statements, it has been vaguely conceptualised by practitioners, resulting in missed opportunities and unexpected consequences (Carter, 2013). Broadly speaking, the concept of stabilisation is frequently associated with fragile states. State fragility relates to the diminished capacity of the state/government to contribute to its security (Jackson and Gordon, 2007). The concept is premised on the assumption that violent conflict, weak governance, political instability, internal conflict, youth unemployment and associated poverty and underdevelopment pose direct threat to peace and security of a country. In a broader context, they pose a direct threat to international peace and regional security (Galtung, 1969; Knopf, 2013). Once such challenging conditions emerge in a country, the drivers of instability and conflict tend to bolster one another, creating a vicious cycle in which conditions may deteriorate and human insecurity, intensify. Such developments can, eventually, destabilise the political, economic and social systems that make up the fabric of a society. In essence then, acts that pose a threat to security in a country should be addressed if stability is to be realised.

The concept of stabilisation therefore is firmly rooted in the security agenda. Its focus is to reduce or eliminate threats to international peace and security (Azeng and Yogo, 2013). However, over the last decade, due to accumulated international engagement and intervention, stabilisation efforts have emphasised on the need to integrate military, political, development and humanitarian action to end conflicts and foster peace and development (ASF/PSO Doctrine, 2006). As a result of this, peace keeping/peace support operations have become multidimensional in nature drawing in the military, the police and a range of civilian expertise. It is against this background that the UNSC is primarily responsible for maintenance of international peace and security. In fulfilment of this responsibility, and having determined that the situation in South Sudan constituted a threat to international peace and security, the UNSC authorised the establishment of the UNMISS. The peace mission is, thus, a stabilisation strategy consented to by the Government of South Sudan to address concerns that constitute a threat to peace and security within the country.

## Understanding the Parameters of the UNMISS Mandate

It is critical to understand the parameters of the UNMISS mandate in order to present an informed analysis of its contribution to the security and stabilisation of South Sudan. The UNSC resolution 1996 adopted on 8 July 2011, sets the parameters of the UNMISS mandate. The UNMISS mandate is restricted to the official territorial boundaries of South Sudan. Its tasks are geared towards peace building, helping to establish conditions for development and extension of State authority over the territory. The UNSC decided that the mission strength would ‘consist of up to 7,000 military personnel, 900 civilian police personnel and an appropriate civilian component.’ This multi-dimensional force would engage in various activities ranging from human rights expertise, early warning, conflict prevention, management and mitigation, and Protection of Civilians (PoC). The aim is so as to assist the Government of South Sudan in building, accountable governance justice and security structures. The number of personnel eventually authorised was based on the understanding that UNMISS will have the capacity to actively engage in PoC activities (Hermmer, 2013). It was further decided that the mission, acting under Chapter VII of the UN Charter, could take ‘all actions necessary’ including the use of force in self-defence to protect civilians and its own personnel and humanitarian workers. However, the Special Representative of the Secretary General (SRSG) of South Sudan has been categorical that UNMISS mandate does not involve the defence of South Sudan’s territory or sovereignty of its territory.

In July 2013, the UNSC resolution 2057 extended the mandate of UNMISS for another year. The mandate was further reviewed in December 2013 by resolution 2132 following the eruption of a political and security crisis. The UNSC resolution authorised and doubled its ‘military component of up to 12,500 troops and police component up to 1,323, including formed police units’. Apparently, with the eruption of the security crisis, the UNMISS has adjusted its approach from peace building, state building and extension of state authority to strict impartiality with regard to relations between the government and forces opposed to it. The mission has reprioritised its tasks refocusing attention to new priority areas pending the resolution of the conflict in a comprehensive way. Its new areas of focus include: a) Protection of civilians; b) Contributing to the creation of security conditions

conducive for the delivery of humanitarian assistance; c) Monitoring and reporting on human rights; d) Fostering inter-communal co-existence and national dialogue; and e) Support to the Intergovernmental Authority on Development (IGAD) mediation process, monitoring and verification and political dialogue, if requested.

Recognising the extent of atrocities, on 27 May 2014 the UNSC revised the mandate to give priority to civilian protection, thus authorising the mission to use ‘all necessary means’ to protect civilians. In doing so, the UNSC requested the UNMISS to focus and streamline its activities across its military, police and civilian components with a view to achieving progress. This new approach recognised that ‘certain mission tasks will, therefore, be ceased’ (UNSC resolution 2155, 2014).

## **The UNMISS Role in Security Stabilisation of South Sudan**

The role of UNMISS in the security stabilisation of South Sudan has been intensely debated. Analysts have noted that the dire security conditions in South Sudan have hardly allowed for a quiet inception phase for UNMISS operations (Hemmer, 2013; Awolich, 2013; Azikiwe, 2014). The challenges are daunting, and range from security and humanitarian tasks to building institutional capacity and dealing with festering conflict.

In 2011 and 2012, hardly a year since the inception of UNMISS operations, ethnic violence engulfed Jonglei, the country’s largest and most populous state. In June 2011 tensions flared between the Murle, Dinka and Lou Nuer ethnic groups, which have a long history of hostilities and violent conflict (Clingendal Institute Policy brief, 2013; Enough Project). Between April 2011 and January 2012, retaliatory attacks spiked, claiming well over 3000 lives, mainly in Pibor and Uror counties (Leff, 2012; Rands and LeRiche, 2012). Other South Sudanese states were not spared of such violent trends relating to cattle, land and governance. In Upper Nile, Lakes, Warrap, Unity and Western Bahr El Ghazal, the former originally perceived as peaceful experienced ethnic conflict (Amnesty International, 2013). In essence, South Sudan’s volatility has become a litmus test for the UNMISS response capacity. However, the mission continues to play a ‘significant’ role. It has remained a vital force in the advancement of activities that enhance security stabilisation in South Sudan. This is specific to civilian protection, the political process, physical protection and creating a protective environment.

## **Protection of Civilians (PoC)**

The UN leadership has explicitly placed PoC at the centre of UNMISS operations. In this regard, it has developed a separate PoC strategy policy document to realise this goal. In June 2012 the Special Representative of the Secretary General, (SRSG) Ms. Hilde F. Johnson, endorsed and approved the final draft of UNMISS PoC strategy. The blueprint seeks to ‘prevent and reduce the threat to the civilian population from armed conflict and violence by building the capacity of the Government of South Sudan (GRSS), UNMISS will act independently to prevent harm to civilians within its resources and capabilities’. Correspondingly, three tiers were conceived as the operational base for the strategy’s action plan. These are: a) Protection through the political process; b) Providing physical protection; c) Establishing a protective environment. These tiers will form the basis for the discussion of sections of this paper.

### **Protection through the Political Process**

The South Sudan society has always been a fragile one. This situation was worsened by the onset of the December 2013 political/security crisis. As a result, more damage has been done to the social fabric of society. Unfortunately this is not only within the political leadership but also at grass root levels (SG Report on South Sudan, March 2014). Committed to its mandate and through its protection strategy UNMISS has utilised its ‘good offices’ to prevent the occurrence or recurrence of violent incidents within localities. As such, its representatives at State and County Support Bases (CSBs) shuttle between state authorities, traditional and church leaders and civil society. They aid efforts to mitigate political and civil tensions including advocacy and dialogue. In addition they support state and local peace actors and liaise with communities for conflict prevention and mitigation. UNMISS has received praise for such efforts.

For example, between January and June 2014 its Civil Affairs Division (CAD) used its specialised budget expenditure to convene capacity building workshops to mitigate and resolve local conflicts. During one of the workshops that trained and equipped women with conflict mitigation skills in Western Bahr El Ghazal state, a participant remarked that: ‘this training will enable me pass knowledge to other women in my payam (village), we will prevent conflicts, and we will never be the same again.’

Participants appreciated the role of the UN facilitating staff. Similar remarks have been registered in peace initiatives conducted by UNMISS civil affairs officers all over the country (South Sudan Institute, 2013; SG report on South Sudan, March 2014).

## **Providing Physical Protection**

Through its PoC strategy, UNMISS is devoted to the protection of civilians under imminent threat when the government is unable or unwilling to protect. It has sheltered an estimated 67,498 civilians displaced in December 2013 in eight of its PoC sites located in Juba and UN house, Malakal, Bor and Bentiu. The SRSG has described this decision as her ‘most important achievement’ in her three year tenure as head of UNMISS.<sup>3</sup>

Through its police component, UNMISS has conducted 300 patrols within the PoC sites and in towns throughout the country (Relief Web, 2013). It has also provided security coverage during food distribution and protection during relocation efforts. UNMISS’s Public information section has indicated that these patrols heighten safety measures with check points at entrance and exits of PoC sites.<sup>4</sup>

In 2012, between 19-22 December, UNMISS sheltered some 5000 civilians and 70 UNMISS national staff and their families inside UNMISS compounds in the Western Bahr El Ghazal state. This followed a state decision to transfer a county headquarter, which resulted into confrontation between government troops and opposing groups registering a number of fatalities. In 2011/2012, following a flare-up of internal communal clashes that disrupted lives in Pibor County in Jonglei State UNMISS played a major role in the physical protection of civilians. In the words of a local government official in Pibor, “UNMISS is also doing patrols in the area (and when). People see the patrols, they feel safe’ (Relief Web, 2013). A Crisis Group report (2014) has categorically stated that: ‘UNMISS’s actions saved – and continues to save – many thousands of civilian lives.’<sup>5</sup>

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3 UNMISS, Media and Spokesperson Unit, Communication and Public Information Office, April 2014

4 The International Coalition for the responsibility to protect, a group of eight regional and International Non Government organisation giving credit to UNMISS for opening its gates to civilian.

5 International Crisis Group. Africa report no.217, 2014; available at <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/south%20sudan/217-south-sudan-a-civil-war-by-any-other-name.pdf> accessed on 27 June 2014



## Establishing a Protective Environment

Early warning is essential to preventive action to prevent violence and protect civilians. UNMISS early warning efforts seek to promote political engagement and military response and to encourage the GRSS to act. As the SRSG stated, ‘UNMISS has been having extensive talks with the South Sudanese government on conflict early warning systems’ and will continue to share these alerts with the government. UNMISS also provides support to efforts to strengthen the security and Rule of Law (RoL), build institutions, Disarmament, Demobilization and Reintegration (DDR) to support the creation of a protective environment. One of such responses was its collaborative effort with the South Sudan Disarmament Commission (SSDC) that saw the construction of a training facility for former-combatants in Mapel, in WBeG. The initiative was later praised as one that would ‘boost ex-combatants with their return to civilian life’<sup>6</sup>.

UNMISS has also brought together members of the Sudan Liberation Army (SPLA) with representatives of the South Sudan National Police Service (SSNPS) providing them a platform that will enable sharing of views on security challenges to strengthen collaborative efforts towards the creation of a protective environment. In appreciation, the South Sudan Deputy Defence Minister remarked that: ‘I appreciate the initiative of UNMISS and urge them to maintain such collaborative efforts with the uniformed units of the country’<sup>7</sup>.

UNMISS continues to partner with the South Sudan National Police Service (SSNPS) on community policing to support the creation of a protective environment. As such, a two week UNMISS supported training on gender, child and vulnerable persons protection was completed in Aweil, Northern Bahr El Ghazal (NBeG). A graduate representative Lt Samuel Garang Deng remarked in his speech that: ‘we have learnt how to train our colleagues’. And a representative of the State Police commissioner is reported to have stated ‘This is given to us free of charge, but it is very expensive to get knowledge’<sup>8</sup>.

6 UNMISS homepage, <http://unmiss.unmissions.org/Default.aspx?ctl=Details&tabid=3465&mid=6047&ItemID=50777> accessed on 01 July 2014

7 Sensitisation seminar in held in Juba March 2012, UNMIS PIO UNIT <http://www.unmiss.unmissions.org/LinkClick.aspx?link=Documents%2FUNMISS+News+Edition+6.pdf&tabid=3489&mid=7360&language=en-US> accessed on 01 July 2014

8 Relief Web, Aweil Police learn Community policing , vulnerable groups protection <http://reliefweb.int/report/south-sudan/aweil-police-learn-community-policing-vulnerable-groups-protection> accessed on 01 July 2014

## **Contributing to Safe and Secure Passage for Delivery of Humanitarian Assistance**

The UNMISS has contributed to the creation of an enabling security environment for delivery of humanitarian assistance. In December 2013, it worked with the United Nations Country Team (UNCT) to develop guidelines, which were endorsed by the Humanitarian Country Team (HCT) and Senior management team of the UNMISS and the SRSG. The crisis in Jongolei State and Pibor county in particular is a good case of how UNMISS supported the HCT following inter-ethnic clashes between the Lou Nuer and Murle communities in 2011/2012. Recognising the need to return humanitarian actors to Pibor, it was reported that ‘the only constant international presence in Pibor Town is UNMISS’ and they have substantially contributed to ‘rescue of civilians, evacuation of civilians, and also helped deter violence’ and later paved way and ‘mounted a massive emergency support programme’ (UNOCHA, 2012; Relief Web, 2013 ).

## **Monitoring and Reporting on Human Rights**

The Human Rights Division (HRD) of the UNMISS also has a mandate to monitor, investigate and report on violations of international humanitarian and human rights laws. To this end, UNMISS has representatives in the ten states of South Sudan who pursue this mandate. Consequently, UNMISS has produced two reports that highlight human rights issues. One is an ‘Interim Report on the crisis in South Sudan’ (February 2014); the other is titled ‘Conflict in South Sudan’ (May 2014)<sup>9</sup>. These reports informed the decision of the UNSC to authorise its latest resolution on South Sudan and UNSC resolution 2155 (2014).

The reports have also been utilised by the UNSC to reinforce the UNMISS mandate and to ensure further investigation so that perpetrators and instigators of human right violations are brought to justice. Human rights violations, impunity can breed contempt further causing instability.

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<sup>9</sup> UNMISS Human Rights Report 2014. <http://unmiss.unmissions.org/Portals/unmiss/Documents/PR/Reports/HRD%20Interim%20Report%20on%20Crisis%202014-02-21.pdf> accessed on 30 October 2014

## **Fostering Inter-communal Co-existence and National Dialogue**

In continuing to foster inter-communal dialogue, co-existence and national dialogue UNMISS senior management hold a number of meetings and conduct trainings thorough its civil affairs officers deployed in the states and CSBs. On 23 May 2014, the head of UNMISS, the SRSG, met with David Yau Yau, the head of the South Sudan Democratic Movement/Army (SSDM/A). It may be recalled that Yau Yau was the leader of the Murle insurrection against the South Sudan government in Jonglei state - before an agreement was reached between SSDM/A and GRSS on 9 May 2014 in Addis Ababa. The meeting between Yau Yau and the SRSG underscores the UNMISS' commitment to support national dialogue, which will ultimately lay the foundation for durable peace for communities in Pibor and surrounding counties.

## **Outstanding Security Concerns of South Sudan Beyond**

### **UNMISS**

Most security concerns of South Sudan are beyond the purview of the UNMISS mandate. Yet, these concerns form part of the criteria by which UNMISS accomplishments are measured. In this section I highlight and expound upon security challenges that I consider as beyond the mandate of UNMISS, but are still unresolved and which remain critical to the stability of South Sudan.

## **The 2005, IGAD Led Comprehensive Peace Agreement (CPA)**

The 2005 IGAD- brokered CPA ended the 1983-2005 second civil war in Sudan. The agreement was negotiated between the Sudan People's Liberation Movement/Army (SPLM/A), practically the largest Southern Sudan Party, and the National Congress Party (NCP)/Sudan Armed Forces (SAF), the ruling party and incumbent government of Sudan (Clingendael Conflict Research Unit, 2014). However, the agreement excluded many other military and opposition groups both in the North and Southern Sudan. In the years after the CPA, other militia and opposition groups in Southern Sudan had no alternative but to either join SPLM/A or else be left out in the cold. Consequently, while a number of opposition and militia groups were absorbed into the SPLM/A, no efforts were made to constitute an inclusive platform for the diverse groups and shades of opinion. This led to continuous silent dissatisfaction within the rank and file of the SPLA/M.

After 9 July 2011, it is alleged that this frustration increased and many South Sudanese blamed the government for not delivering on the much anticipated security and development agenda (Alwolich, 2014). Meanwhile the military and communities of South Sudan are divided along ethnic loyalties rather than allegiance to the new nation. The newest conflict that erupted on 15 December 2013 evolved along these communal lines, with respective communities backing their own military faction within the SPLA. Although the conflict is seen as anti-government/pro-government, it has taken on an ethnic character which gives the conflict a dangerous trait that maybe beyond the mandate of UNMISS to efficiently address.

### **Ethnic/Inter-communal Complexities in South Sudan**

South Sudan is a multi ethnic society that has struggled with cyclical ethnic and inter-communal violence (Dawaal, 2014; Jok, 2011). Such realities should have been reflected, at least, in the establishment of key national institutions including the military. This would avoid past experiences of ethnic rivalry over political offices (domination). As well allegation of uneven distribution of state resources and opportunities as well as rivalries over access to water points, grazing land and cattle rustling. Besides this, many ethnic groups have easy access to Small Arms and Light Weapons (SALW). Subsequently, rival communities engage in retaliatory attacks over perceived grievances such as marginalisation and past incidents of retribution. A case in point is the ethnic conflict that erupted in Central Equatorial (Juba) in 2014.

The clashes were sparked by political disagreement between the Nuer against the Dinka and Shilluk, which quickly evolved into an ethnic revenge and spread to other states in the Greater Upper Nile (Jonglei, Unity & Upper Nile) and Greater Bhar El Ghazal (Lakes and Warrap). The official death toll has not been released, but estimates indicate that about 10,000 people were killed by January 2014 (International Crisis Group 2014:10). Recognising the extent of ethnic divisions in South Sudan, UNMISS can only continue to encourage South Sudanese to avoid such a divide. As the SRSGs, noted ‘South Sudan is your tribe.’ Beyond this, the UNMISS is encumbered.

## **The Sudan People's Liberation Army (SPLA)**

The SPLA is a combination of the South Sudan Defense Forces (SSDF), other armed militia forces, fighters who rebelled against their various commanders and southerners who left the Sudan Armed Forces (SAF). Some analysts have argued that close to the end of the CPA period the SPLA commanders were as well listing disgruntled youth simply to stop them from joining forces that were anti SPLA (Alwolich, 2013; African Research and Resource Forum, 2013). Other writers allude that the SPLA eventually absorbed militia groups that basically were tribal in outlook (Crisis Group, 2014; Enough Project, Dewaal, 2014; Paterno and Morgan, 2014). Arguably, by its very nature of the SPLA structure, reflected an army whose loyalty was split among its various ethnic commanders. This resulted in large number of mainly ethnic Nuers owing their allegiance to their own ethnic commanders like Riek Marchar. Even then, SPLA has many professional soldiers who have remained firm protecting the sovereignty of their country. Yet, issues regarding the military structure, composition and discipline of the SPLA are beyond the UNMISS ambit, which can only offer technical advice and only if it is consulted.

## **Internal Politics within South Sudan's SPLM Party**

Trouble in South Sudan started in July 2013 when the President Salva Kiir who is also the chairman of the ruling SPLM issued a decree relieving the Vice President Riek Machar of his duties and dissolved the cabinet. He also issued another order that called for the investigation of the conduct of the Party Secretary General, Pagan Amum, who was accused of 'inciting violence and criticising the President's actions'. This opened a new chapter in the power struggle at the top echelons of the SPLM, deepening internal divisions within the ruling party. In March 2014, speaking to an SPLM party meeting in Western Bhar El Ghazal, Vice President Paul Wani alluded to a meeting of the National Liberation Council (NLC), the highest organ of the SPLM. He said political disagreements led to rising tensions within the party between President Kirr, his former deputy Machar and several other key SPLM leaders. Disagreement escalated and took a violent turn as the NLC was in progress.

A disagreement within the party later triggered the initial fight that later rapidly spread to other states. UNMISS had earlier indicated that power struggles within the SPLM could destabilise the country. Other than its preventive diplomatic role, the UNMISS was in no position to deter it, for this was beyond its foot print.

## **The Sudan South Sudan Relations**

Bilateral relations with Sudan officially started on 9 July 2011, when South Sudan became independent. Sudan was one of the first countries to recognise an independent South Sudan, but a relation between the two Sudan's remained frosty. A number of disputes put to serious test the relations between the two neighbours in the Horn of Africa. Again, the mandate of UNMISS does not allow it to address these issues.

### **a) The Abyei Area**

One of these disputes is over Abyei, an oil-rich area that straddles the border of South Sudan and Sudan. Abyei remains jointly administered by the two countries until a referendum that will determine its status whether to remain in the North with a special status or to join the south. Until such a time, Abyei remains a focus as violence, escalating tensions and displacement persists<sup>10</sup>.

### **b) The Kafia Kingi Enclave**

Kafia Kingi is yet another disputed area on the border between Sudan and South Sudan. This contested area has contributed to the deteriorating relations between the two countries. Sporadic clashes and accusations and counter accusations of supporting rebels in each other's territories.

### **c) The Heglig/Pathou Oil Field**

Sudan has laid claim to the Heglig or Pathou area which South Sudan also claims is located within its boundaries.<sup>11</sup> Thus the area has witnessed several battles with the latest being in April 2012 when South Sudan occupied it. In response, the Sudan

<sup>10</sup> A number of incidents, including killing of the areas paramount chief and confrontations between the Dinka Ngok and the Misseriya, continue to be witnessed. These have directly impacted on the security environment of Abyei. Additionally political leaders from both countries also openly accuse each other of perpetrating violence against its citizens

<sup>11</sup> In July 2009, the Permanent Court of Arbitration (PCA) indicated that the Heglig or Panthou area is not part of Abyei but never indicated that it belonged to Sudan or South Sudan. However Sudan claimed that the area is part of its territory, declaring that it would not share the oil revenue with the Government of South Sudan.

government publically vowed to keep control of the area stating that its part of its territory. Such rhetoric has continued often spiralling to a full blow war between the two countries. In June 2012 the mediation of the African Union ended the war but the area has remained volatile. While presently under the jurisdiction of Sudan it remains highly disputed.

#### **d) Oil Transit Fees**

South Sudan ceased producing oil stating that Sudan was ‘misappropriating’ its oil that passed through the Sudan pipe line. In response Sudan stated that it was reacting to South Sudan’s none payment for utilising its oil pipe line.

### **UNMISS Actions that Heighten Insecurity**

To a large extent the UNMISS has successfully carried out its mandated tasks. However, there were some blunders on its part that heightened tensions and caused mistrust between it and the Government of South Sudan. In response, the Government’s security forces have increased surveillance, scrutiny and restriction of movement of the UNMISS personnel, undermining its ability to implement its mandate. The government’s security agents seized an arms-cache in Lakes state in March 2014 which, contained assorted arms, including banned landmines. This happened at a time when anti-UNMISS sentiments were high, increasing tensions and making the Mission appear like it was complicit in supporting anti government forces. Indeed, the Government of South Sudan made this accusation stating that the UNMISS was smuggling arms and aiding the rebels, allegations it firmly denied. The UNMISS, instead acknowledging a ‘regrettable’ labelling error on its part, stated that the weapons were a consignment for its Ghanaian contingent which should have been delivered by land rather than by air. However, this did not satisfy the government.

Further accusations that UNMISS was harbouring armed anti-government forces within its PoC sites led to demands from the Government to gain access to these sites and to verify these claims. UNMISS officially responded stating that admission to the civilian PoC sites was limited to strictly persons without arms. These only caused further suspicion and heightened restriction of movement of UNMISS personnel and scrutiny into the services of humanitarian agencies. Correspondingly, it

undermined effective delivery of assistance to the affected populations. Additionally, by UNMISS referring to the rules and safety measures in the civilian PoC sites only increased suspicion of the mission, leading to more anti-UNMISS sentiments.

## **Challenges and Limitations in Implementation of its Mandate**

The role of the UNMISS in peacekeeping and PoC has always been questioned on media and public relations discussion forums. Before the December 2013 crisis, the UNMISS's response capability and effectiveness in carrying out its PoC mandate and supporting the government's state building were questionable. The mission encountered a number of challenges, including deteriorating relations with the host government, its main partner in the efforts to consolidate peace and security as pre-conditions for development and a crucial part of its mandate. A number of factors continue to slow down the Mission's efforts to implement its mandate.

One of these challenges is the training of security forces, particularly the South Sudan Police National Service (SSNPS). The formal security force sector, including the SPLA, remains under-equipped, unskilled and unmotivated. The police for instance are suspected to be involved in cattle raids (by themselves or through renting of their uniform and weapon to raiders). Rampant cases of drunkenness further compromise the forces' ability to protect civilians. Although UNMISS should increase its training and offer material support to the security forces, this should not be done without increasing oversight. The division of labour and responsibilities between the police and army is not often clear, although the police are expected to provide security for communities and the army to safeguard national security. The military and police components of UNMISS are hardly sufficient to provide military and police services.

From the onset, UNMISS was beset with problems including having a reluctant partner in the form of the GRSS as the primary guarantor of security and civilian protection. The Government's capacity has been weakened by confrontations with Sudan over disputes relating to borderline territories and oil transit fees. This has tended to shift the burden of providing security and stabilization to UNMISS. Yet as well, the Government has not been an effective partner to UNMISS who is capable of providing the necessary Security Sector Reforms (SSR) and the judicial and Rule of Law, reform that are urgently required.



UNMISS has the challenge of managing the population's high expectations. UNMISS is expected to not only defend the sovereignty of South Sudan but also to take charge of the security of its citizens. These are solely a responsibility of the GRSS. This misconception has paved the way for a rise in anti-UNMISS sentiments which have oftentimes affected the ability of its personnel to ably carry out their duties because of fear of public reactions. For example, anti-UNMISS demonstrations in Central Equatorial (Juba), Western Equatorial (Yambio) and WBeG (Wau) states were highly inflammatory with political rhetoric calling for the expulsion of UNMISS.

UNMISS dual mandate as a partner of the government and as a watchdog appear contradictory and in clashing. This brings its impartiality into doubt. However in one of her press briefing, , the UNMISS head, the SRSG, maintained that pre-empting government authorities before raising a concern publicly can navigate tensions and with support of the international community such engagement can foster greater accountability. However, with over 60,000 civilians seeking refuge in UNMISS camps around the country, the mission appeared to be left in a predicament over how to uphold its mandate of protecting civilians against the government troops it is supposed to support. UNMISS has opted for civilian protection, a decision that has contributed to hostilities with the government which insists that 'UNMISS was protecting rebels in its camps'.

Although Troop and Police contributing countries (TCCs/PCCs) are supposed to be self-sustaining, in most cases they are not. Therefore, they rely on the UN to provide certain services without re-imburement. With inadequate resources in the Mission, this poses a serious challenge to the provision of the much needed support. This problem is exacerbated by the lack of infrastructure in the Mission area such as all- weather roads to enable it move and reach the remotest areas for patrols and surveillance purposes.

Lengthy procurement procedures and delays have contributed to lack of timely availability of resources. This has undermined the deployment of troops to places where they are badly needed. Coupled with this is the fact that mission priorities are frequently changing making it difficult for the Mission to adjust where resources are lacking.

A related challenge is the transportation of troops and heavy military equipments. Swampy terrains render land impassable for almost eight months in the year. Whereas the mission may use helicopters, they are limited and there is a lack of fixed-wing aircrafts. Yet, some heavy military equipment cannot be transported by air and hence must be moved overland in swampy areas to reach the place where it is needed. Such limitations affect the mission's capacity to respond quickly to threats.

Whereas a failure to protect may be evident to civilian and other stakeholders, success in preventing attacks is less noticeable. Thus, UNMISS is often criticised even where its preventive diplomacy has averted violent incidents. This poses the classic dilemma of defining success: is it the prevention of violence or absence of conflict?

## Conclusion

The immediate objective of establishing the UNMISS is to support in the consolidation of peace and security in South Sudan. Thus, for a crisis to break out and spread with the UNMISS within South Sudan, was something inconceivable in many corridors. More unimaginable was that the UNMISS could be caught off guard by the scale and rapid spread of violence. Consequently, its role in security stabilisation of South Sudan will continue to be debated for many years to come. However, this paper to the extent to which it could, has highlighted actual cases that go to show the UNMISS's role and contribution towards security stabilisation of South Sudan. Most notable has been its physical protection of thousands of civilians in protection sites all over the country. Its preventive diplomatic role which averted a number of violent incidents however remains unvoiced, as it is less noticeable.

That said in the climate of greater scrutiny of peace keeping operations, the UNMISS will remain an important test case of response to new challenges in peace keeping. Other peacekeeping and peace support operation mandates will likely be shaped as per lessons from the UNMISS.

## Recommendations

These recommendations are to address the deteriorating security situation. In addition, offer support in the aid of return to normalcy in South Sudan.

### a) To the UN Security Council

- Signal and hold the various warring parties (government and opposition) accountable for their actions. More specifically hold the parties accountable for harm against the civilian population.
- Signal to the warring parties that any interference with the UNMISS interventions and humanitarian operations may give rise to sanctions.

### b) To UNMISS

- Continue to communicate to all parties of the conflict, including the citizens the parameters of the mandate. More specifically, the protection of civilian responsibility so as to create awareness.
- While protection of civilians has been prioritised as per the last Security Council resolution, continue to play a key role in supporting the achievement of lasting peace and security. Support justice and reconciliation initiatives so that victims access psychosocial assistance. This will assist the healing process and avoid any relapse into conflict.
- Specifically through the civil affairs component coordinate efforts to revive stalled reconciliation and peace building initiatives. Also first tract these initiatives so as to enable an inclusive national dialogue.
- Beyond the decision of the Security Council that saw an increase in uniformed personnel to nearly double the previous numbers, continue to use the current capacity based on priorities on the ground. For example, with over 60,000 displaced people in PoC sites ensure that these persons are well protected until such a time when reinforcement is actualised.

- The PoC strategy leaves a wide room for interpretation especially its rules of engagement with regard to the civilian component. Such can cause misconceptions and inconsistencies. With emerging new concerns, offer more clarity on how PoC should be prioritised and implemented. Besides, continue to be seen as acting impartial than being perceived as a party to the conflict whenever carrying out PoC activities.

**c) To the Government of South Sudan , Armed opposition groups and other armed actors**

- Enable humanitarian access to populations in need.
- Comply with International humanitarian law and halt targeting of civilians. In addition stop combat operations in areas where civilians cannot clearly be distinguished and or targeted.

**d) International actors**

- Support efforts that contribute to the realisation of peace in South Sudan. For example the IGAD led peace initiative.

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## Highlights of Key Messages in the Issue Briefs

This fact sheet is a quick reference guide regarding issues discussed in the two papers. The key messages include:

### Sexual and Gender Based Violence in Conflict: Case of the Kivus in Eastern DRC

- Women and girls have suffered disproportionately from the conflicts and wars Eastern DRC has experienced over the last two decades. Men and boys have also been victims of sexual abuse. Sexual and gender based violence has characterised the conflict and tendencies of sexual assault and abuse do not seem to go down. All sides to the conflict have participated in these atrocities. Rape, mutilation, forced prostitution and forced marriage among others are an everyday reality for women and girls.
- SGBV have severe short and long-term effects on the survivors, perpetrators, families, communities, ethnic groups, region and the ability of the nation to become whole once again. The violence tears flesh as well as souls, and the effective healing of both is not guaranteed. Gang rape and mutilations for example often result in massive internal tearing and accompanying fistulas. Sometimes the victims contract HIV and other sexually transmitted diseases. Serious complications with childbirth, menstruation, urination, and fecal elimination are also common. Many victims are rendered sterile as a result of the trauma, operations, or scar tissue.
- Law and justice are essential in bringing an end to the widespread human rights abuses and violence. Efforts have been undertaken by the Congolese government and the United Nations to strengthen the judicial system and reform the security sector, both important aspects in the fight against impunity; however, justice remains the exception and impunity the rule. It is thus necessary that the government with support of the UN continues to genuinely improve the workings of and access to the justice system and to professionalise and build capacity of the security forces to perform their duty to protect civilians.

## The Contribution of the UNMISS to Security Stabilization in South Sudan

- The role of UNMISS in the security stabilisation of South Sudan has been debated. More so as the circumstances in South Sudan hardly allowed for a quiet inception phase for UNMISS operations. Hardly a year of UNMISS operations, ethnic violence continued to engulf the country with Jonglei South Sudan's largest and most populous state worst hit. Between April 2011 and January 2012, a spike in retaliatory attacks claimed well over 3000 lives, mainly in Pibor and Uror Counties. Such violence tendencies were as well in other states even though the magnitude differed. The volatility in South Sudan then, became a litmus test for UNMISS's response capacity.
- UNMISS has prioritised its mandated tasks and refocused on the following areas a) Protection of civilians; b) Contributing to the creation of security conditions conducive for the delivery of humanitarian assistance; c) Monitoring and reporting on human rights, d) Fostering inter-communal co-existence and national dialogue and e) Support to the Intergovernmental Authority on Development (IGAD) mediation process, monitoring, verification and political dialogue, if requested. Recognising the extent of atrocities UNSC on 27 May 2014 revised the mandate of UNMISS to give priority to PoC. In doing so, the UNSC requested UNMISS to focus and streamline its activities, across its military, police and civilian components in order to achieve progress (UNSC resolution 2155 2014).
- The UN and UNMISS leadership have explicitly placed PoC at the centre of its operations. They have in addition developed a separate PoC strategy policy document to underscore this ambition. Correspondingly, three tiers forming an operational basis for its action plan were conceived, namely: - a) Protection through the political process; b) providing physical protection and c) Establishing a protective environment.

- The UNMISS to a greater extent succeeded in the implementation of its mandate. In particular, with regard to PoC. However challenges in South Sudan are daunting. Border disputes, security and humanitarian issues aside there is need to build institutional capacity at all levels. This includes professionalising the uniformed forces. In addition, UNMISS has its own internal challenges including the array of tasks that is required of it some seemingly contradictory, bringing its impartiality in doubt. Beyond these, there were definite mistakes by UNMISS like the weapons labelling error in Lakes State. The refusal of entry to government officials to PoC sites to verify claims of armed anti government forces. These heightened mistrust causing scrutiny into UNMISS operations and restriction of movement of its personnel.

## About the Authors



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