

South Sudan Monitor

August 2011



Secretary General Ban Ki-Moon addresses Independence Day celebrations in Juba by UNMIS/Paul Banks

UNMISS: A second chance for UN peacekeeping in South Sudan

With the transition to independence came the end of the United Nations Mission in Sudan (UNMIS). Established in 2005, UNMIS has faced difficulty in implementing a mandate which ranged from monitoring the peace agreement to police reform and rule of law, technical assistance to humanitarian co-ordination and the protection of civilians. But the end of UNMIS heralds the start of a new opportunity for the UN in South Sudan, to take lessons from the previous mission and build on successes in a new capacity.

Although institutional capacity building and the protection of civilians were part of the UNMIS mandate, the primary task was one of monitoring and promoting the implementation of the Comprehensive Peace Agreement. However, it

was the protection mandate that has received the most attention and criticism. There was a reasonable expectation that the presence of large numbers of international peacekeepers would result in some kind of military intervention when violence erupted. Unfortunately, when people turned to UNMIS for protection especially in South Kordofan and Abyei, they were found lacking. The inability of UNMIS to engage militarily was the result of several factors – some political and some practical. There were times when the movement of mission personnel was severely curtailed by the Government of Sudan and action could not be taken. There were also instances where the lack of offensive capability and the severe logistical constraints under which the mission operated hindered the taking of effective action.

‘The lack of an active and effective address to the threats to the population and security challenges of the context is a risk to the legitimacy and credibility of the mission itself.’

Nahuel Arenas-García, *The UNMIS in South Sudan, Challenges and Dilemmas*

UNMISS: A second chance for UN peacekeeping in South Sudan...*cont.*

The inclusion of the protection mandate without the manpower or equipment to realise it, sets false expectations and contributed to negative imaging of the mission. This image has not been helped by the perceived lack of communication and information sharing both within the mission and between the mission and other UN agencies, international actors and local stakeholders. On a more positive note, UNMIS contributed to the successful hosting of elections in 2010 and the 2011 referendum. The successor mission has and will continue to play a crucial role in providing essential logistical support in a country with severe infrastructure impediments.

The UN Mission for South Sudan (UNMISS) was established through Security Council Resolution 1996 on 8 July 2011. UNMISS has been instigated with a military function packaged this time not within the implementation of a peace agreement but within the context of peace consolidation and state-building. The protection component of the mandate will undoubtedly remain one of the most controversial and contested parts of the legacy of UN peacekeeping in South Sudan and the ability or inability to intervene militarily will always be a standard against which their performance is measured. It sets an unfair yardstick for those personnel deployed to South Sudan if there is neither the political acumen nor logistical support to fulfil that task.

UNMISS staffing component

Up to 7,000 military personnel

900 civilian police personnel

An appropriate civilian component

Initial period of one year with review in 3 and 6 months to allow for reduction of military personnel to a level of 6,000

Peace consolidation forms the central pillar of the new mandate. Although a vague concept, peace consolidation as set out in the mandate reads similar to state-building and is focused on the development of state structures in three broad areas: (1) governance; (2) conflict prevention, mitigation and resolution and; (3) rule of law and security sector reform (SSR).

The governance aspect of the mandate relates to the provision of advice and support on political transition and the establishment of state authority and promoting popular participation in political processes including through the constitutional making process, elections and an independent

media. Although some missions (such as previous missions in Namibia and Kosovo) have had similar political and governance functions, UNMISS has been given more substantive tasks some of which are not usually associated with peacekeeping missions.

The conflict prevention, mitigation and resolution component is focused on:

- Assisting authorities to anticipate, prevent, mitigate and resolve conflict
- Establishing and implementing a mission-wide early warning capacity
- Monitoring, investigating, verifying and reporting on human rights abuses and potential threats against the civilian population
- Advising and assisting the Government of South Sudan in fulfilling its responsibility to protect civilians
- Deterring violence through proactive deployment and patrols in high-risk areas

Outside of the early warning component, these are tasks that UNMIS was fulfilling in various degrees. The inclusion of an early warning capacity is interesting and brings the importance of information sharing and improved communication to the fore. Fulfilling this part of the mandate will, however, entail the significant promotion of a free flow of information.

The rule of law and security and justice elements of the mandate retains the focus on disarmament, demobilisation and reintegration, police reform and demining but adds items relating to the development of strategies relating to SSR and developing a military justice system. SSR (in various manifestations) has been underway in South Sudan since 2005 and the lack of a comprehensive strategy and approach to reform remains a central challenge. How UNMISS navigates the range of actors and interests (both domestic and foreign) in the SSR domain will determine the level of impact and positive influence that they can have.

The mandate of UNMISS is ambitious but offers significant room for flexibility in implementation. Revitalising the image of UN peacekeeping in South Sudan will entail offering some form of improved protection. But this new mandate is more heavily geared towards post-conflict reconstruction under the rubric of peace consolidation than towards military intervention. Staffing UNMISS with the personnel with the skills and experience to realise this mandate will be essential. Crafting the right balance of having the military power capable to be used in extreme circumstances with speed and efficacy as well as having the largely civilian capacity to support state-building processes will be fundamental to the success of UNMISS. 

Community policing in South Sudan

The objective of ensuring community security through community policing is shared by the South Sudan Police Service (SSPS) and other local and international actors in South Sudan. There has been an increasing focus on supporting community policing initiatives. This, in part, stems from a history, particularly in a peace operations context, of promoting community policing in post-conflict societies as a means to address insecurity and instability.

Community policing is however an essentially contested concept, where actors define community policing very differently. The International Association of Chiefs of Police defines community policing as "a philosophy that guides an entire police department's approach to policing . . . The law enforcement works in partnership with a community to solve the problems of crime and disorder. A police department must be pro-active, reaching out to a community with whom it will work". Community policing in essence, is a police partnership with the public so that communities can have input into policing and, in return, participate and give support. It is a philosophy which permeates a police department.

However, in implementation it has been defined in a multitude of ways. It is often used as a substitute for terms such as crime prevention, foot patrols and police–community relations. It has been used interchangeably with 'problem-oriented policing' and 'problem-solving policing'; and to describe horse patrols, neighbourhood police offices, intensified enforcement of drunk-driving laws, prompt response to emergency calls for service, tightened disciplinary procedures, statements of departmental values and objectives, liaison with ethnic groups, and victim support. It has been perceived as transforming communities from passive consumers of police protection to active co-producers of public safety. In effect community policing is applied to a range of policing tools from management strategies and means of developing communication with the public and interest groups to visions of communities strong enough to police themselves. In a post-conflict context the problems of implementing community policing are exacerbated by the range of different actors and their definitions of community policing and the complex and multifaceted context in which it is implemented.

Currently there is no common understanding or definition of community policing in South Sudan. It

is spoken about in terms of Police Community Relations Committees¹; Chiefs' Police²; voluntary community police officers; SSPS as a community police service; and broader less specific references to community policing. Thus it is both referred to as an institutional approach and philosophy; and sometimes it is used to refer to auxiliary or supplementary police capacity at the local level. There are therefore varying interpretations of what is needed and it is crucial to set out a community policing policy that reflects the needs of the SSPS and the communities they serve in South Sudan.

Southern Sudan Police Act, 2009

15. Community Policing.

- (1) There shall be established under this Act, Community Police to help the Police Service in the performance of its functions and duties and to mobilize the people for the preservation of law and order.
- (2) Without prejudice to the generality of the foregoing subsection, the Community Police shall endeavor to achieve the following.
- (a) create partnership between the community and the police with a view to preventing crime.
 - (b) develop and enhance relations between the Police and community.
 - (c) enhance respect of human rights.
 - (d) enhance the role of the community in crime prevention.
 - (e) study the nature of the problems and factors in connection with crime and delinquency; and.
 - (f) provide assistance to crime victims.
- (3) The regulations shall determine the powers, functions and duties, obligations, the selection of members and procedures to ensure better performance of tasks of the Community Police.

One reason for the use of 'community policing' as an auxiliary police capacity is rooted in the fact that many communities in South Sudan are facing security vacuums where public security forces are largely absent. (This interpretation of community policing is also largely reflected in the Southern

¹ A concept promoted and established by UNMIS

² In 2009 the President of Southern Sudan, H.E. Salva Kiir Mayardit, agreed to proposals by Chiefs from across Southern Sudan at the Bentiu Chiefs and Kings Conference, to the recruitment of 10 Chiefs' Police in each Boma.

Community policing in South Sudan...cont.

Sudan Police Act 2009.) Local communities face security threats that can be summed up as: cattle-raiding, murder, looting/theft, political violence, abductions, revenge attacks.



Communities are vulnerable to various sources of insecurity

In many places these vacuums are filled by non-state actors functioning as security providers or by armed community members operating beyond state control. Although these actors may provide security in certain cases, they may also pose a threat to community security. There is a need to fill this security gap. It is acknowledged that the SSPS will not have the resources to deploy effectively throughout the country for some time to come and therefore there have been a range of proposals to address the absence of effective local level policing in many areas. Critically, community consultations have established that communities are, in general, in support of state public security forces providing a secure and stable environment³.

Basic principles of community policing include⁴:

- Policing by consent, not coercion
- The police are part of the community, not apart from it

- The police, public and other organisations work together in partnership to prevent and fight crime
- Active public support in policing
- Policing oriented to meet specific community safety and security needs
- Empowerment of the community to prevent crime and build a crime free society

It is likely that in the immediate future in many communities in South Sudan, policing responses will be informal and/or community led initiatives – linking these to formal policing structures to ensure accountability will be imperative. Some of the proposals being made under the heading of community policing are perhaps better described as ‘informal’, ‘auxiliary’ or ‘interim’ policing solutions. Thus there is a need to clarify what community policing means to the different actors; how they perceive community policing will develop; and what initiatives they will support. Co-ordinating international efforts in this area is crucial for ensuring community security in South Sudan.

One reason for the use of ‘community policing’ terminology as reference to an auxiliary police capacity is rooted in the fact that many communities in South Sudan are facing security vacuums where public security forces are largely absent.

It is critical that the debate around community policing does not become polarised and that any solutions found strengthens safety and security and access to justice for local communities. There is therefore a distinct need for the SSPS and other relevant stakeholders to clarify and agree on these issues and to develop a locally relevant and locally supported policy and implementation strategy on community policing. 

³ Saferworld & Safety and Access to Justice Programme, *South Sudan Community Policing Study*, June 2011. Saferworld and the South Sudan Bureau for Community Security and Small Arms Control (SSBCSSAC), *Report of consultations on community-level policing structures in Jonglei and Upper Nile States, Southern Sudan*, October 2010.

⁴ In 2003, Saferworld and South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons produced a report on *Philosophy and principles of community-based policing* (http://www.seesac.org/uploads/studyrep/CBP_ENG_3rd_edition_FINAL.pdf)

Oil and conflict timeline: Export to exploitation

We continue our Oil and Conflict timeline in 2000, the year when Sudan became an oil exporter and Riek Machar resigned from the government and returned to South Sudan calling for the creation of an independent southern state. In this edition, we look at 2000-2002 which saw some of the fiercest fighting around the oil areas. Civilians were increasingly targeted through aerial bombardments by the pro-government forces and oil revenue enabled a significant increase in military expenditure. USAID estimated that there were more than 4 million internally displaced people and more than 1 million south Sudanese living as refugees in neighbouring states by the end of 2002 which amounted to more than half of the civilian population of the south being forced to flee their homes because of the war.

Feb 2000 Lundin reports that lack of road infrastructure is hampering development of Block 5A in Unity state. A dry season offensive by the government including aerial assaults and the use of militia groups enables construction to begin. Machar's Sudan People's Defence Forces fight together with the SPLA aligned forces of Peter Gadet Yak to counter the offensive.

March 2000 Khartoum signs new oil exploration agreement for the Upper Nile area around Melut near the Ethiopian border with a consortium of Gulf Oil Company (Qatar) and al-Ghanawa (Sudan) with a 46% stake, three unnamed Canadian and European companies with 46%, and Sudapet with 8%. WFP estimates that 60-70% of the population of Western Upper Nile require food aid.

June 2000 After a short-lived alliance, Gadet and Machar's forces (under Peter Paar) fall out and intense fighting between the Nuer factions leading to massive displacement and civilian casualties in Unity and Western Upper Nile state. By July, the 'war of the Peters' had urged more than 60,000 people to seek refuge in Bentiu and left them vulnerable to attack by government forces.

July 2000 The town of Nhialdiu, then controlled by Gadet is attacked by government militias, who burned everything and displaced all the residents, including the estimated 11,000 displaced persons from the oil road who had sought refuge there.

Feb 2001 Gadet's forces attack Machar's (and the UN's) relief hub at Nyal, Western Upper Nile/Unity

State in Block 5B. In Khartoum, the clash between Bashir and Turabi was concluded as Turabi was arrested after signing a peace agreement with the SPLM in Switzerland. Bashir consolidated power over parliament, the military and other arms of the security apparatus.

Aug 2001 The 'war of the Peters' reaches a standstill and the inter-Nuer conflict comes to an end. SPLA capture Heglig and ambush oil-supply related barges seriously threatening the oil export installations.

Oct 2001 Increased rebel activity and an increased need for oil roads, forces another government offensive with helicopter attacks to clear areas around Block 1 and 4 in Unity and Western Kordofan leaving tens of thousands of civilians displaced.

Jan 2002 After 11 years, Riek Machar formally joins what is left of his SPDF forces with the SPLM/A. With the combined forces of Machar and Garang, the SPLA increasingly attack convoys in the Unity concession areas. The government retaliates with a counter-offensive to drive civilians from the oil road and from the area of Lundin's desired operations. Ironically, Lundin was forced by insecure conditions to suspend work in Block 5A.

Jan 2002 Under US negotiation, a six-month internationally-monitored humanitarian ceasefire in the Nuba Mountains is signed by the government and the SPLM/A.

July 2002 The government and SPLM sign the Machakos Protocol creating a framework for peace negotiations and for the first time recognising the right of the people of South Sudan to self-determination through a referendum.

Sept 2002 The ceasefire agreed to in the Machakos Protocol fails to hold and intense fighting occurs in Eastern and Western Equatoria. Khartoum shuts down the delivery of humanitarian aid to the south.

Oct 2002 Canadian company Talisman announces the sale of its 25% share in the Greater Nile Petroleum Operating Company (GNPOC) to ONGC Videsh Ltd, a subsidiary of India's national oil company, for US \$758 million. The SPLM and government sign a memorandum of agreement on the cessation of hostilities. With hopes of moving forwards on negotiations between the north and south, another front in the Sudanese civil war opens up in Darfur as infighting for political power in Khartoum leads to conflict and massive displacement.

Dec 2002 Peter Gadet and his forces align with Khartoum.

Sudan oil revenue and military expenditure, 1999-2002

	1999	2000	2001	2002
Total govt revenue	\$ 799.9 mil	\$ 1.267 bn	\$ 1.415 bn	\$ 1.798 bn
Govt oil revenue	\$ 61.1 mil	\$ 547.4 mil	\$ 572.6 mil	\$ 805.1 mil
Govt oil revenue as % of total govt revenue	7.64%	43.18%	40.45%	44.76%
Govt expenditure	\$ 884.4 mil	\$ 1.359 bn	\$ 1.534 bn	\$ 1.923 bn
Govt military expenditure	\$ 242 mil	\$ 250.9 mil	\$ 345 mil	\$ 312.7 mil
Military expenditure as % of oil revenue	27.38%	45.8%	60.25%	38.8%

The early years of oil export were some of the highest and the economic growth rate could not be sustained without further expansion of the concession areas into export production sites. Military expenditure as a percentage of government spending declined in 2002 largely because of expectations of lower oil revenue. However, export revenue in 2002 exceeded expectations on the back of an increase in the international price of oil from \$ 21.5 per barrel in 2001 to \$ 23.2 per barrel in 2002⁵. Had the oil revenue not increased in 2002, military expenditure would have been closer to 50% of total government spending for that year. The increase in revenue from 2000-2002 allowed for the regeneration of the Sudanese defence forces with the 2001 purchase from Russia of 22 armoured combat vehicles and 12 attack helicopters and the 2002 purchase of another 8 armoured combat vehicles and 4 attack helicopters from Russia and 14 large-calibre artillery systems from Belarus. The increase in oil revenue enabled the government to expand and modernise its offensive capability. Khartoum however failed to utilise the increased revenue to meet debt repayments and the national debt had soared to \$23 billion by the end of 2002.

www.hrw.org/en/node/12243/section/26 (In US dollars converted from Sudanese Dinar)

Bombing incidents 2000-2001

	Number of bombs	Number of incidents	Number of civilians injured	Number of civilian dead
Jan-Dec 2000	1012-1055	155	253-288	54-63
Jan-Dec 2001	610-645	156	98-101	106-109

This data is a conservative estimate taken only from confirmed reports. The numbers of bombs, injuries and deaths is expected to have exceeded that which is listed here. Various sources working in the Nuba mountains region, Western Upper Nile and Unity state reported a dramatic increase in bombing incidents in 2000. The number of incidents is thought to have been much higher than indicated in the figures above as most relief agencies and efforts were severely hampered in these parts throughout 2000. A vicious cycle had been created in which increased oil revenue enabled increased military expenditure which enabled the clearing of more areas for oil exploration and exportation which in turn enabled continued spending on the military. This cycle was broken by a combination of increased resistance by southern rebels, a weakening in the international oil price and the decreased production from some of the concessions by 2005. These factors combined with international pressure and massive financial mismanagement in Khartoum created conditions conducive for peace negotiations beginning in 2002 and leading to the signing of the Comprehensive Peace Agreement in 2005.

<http://www.hrw.org/en/node/12243/section/39>

Copyright © Saferworld, August 2011

SAFERWORLD www.saferworld.org.uk

SUDAN OFFICE Hamza Inn, Juba Town, Juba, South Sudan · Phone: +249 (0)924 430042/+249 (0)955 083361

UK OFFICE The Grayston Centre, 28 Charles Square, London N1 6HT · Phone: +44 (0)20 7324 4646 · Fax: +44 (0)20 7324 4647

UK Registered Charity no 1043843 · Company limited by guarantee no 3015948

⁵ IMF Staff Country Report, No. 03/273, September 2003, p 6 and Table 3, p 24.