



Priorities for civilian protection in South Sudan

The establishment of the Revitalized Transitional Government of National Unity on 22 February 2020 marked an important step forward for South Sudan. As the African Union statement pointed out, however, this is only an initial step in a challenging reform process: ‘The people of South Sudan have endured enough war and displacement and deserve a safe, secure and peaceful country.’¹

The months since have given rise to renewed concerns. Widespread violence has returned to Central Equatoria, Jonglei, Lakes, Warrap and other parts of the country. On 11 June the European Union noted ‘the regrettable stalling of the implementation of the peace agreement and the high proliferation of arms in the country’. The South Sudanese population, already acutely vulnerable from years of war, is now menaced by the COVID-19 pandemic.

Both the September 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) and the 2017 Cessation of Hostilities Agreement (CoHA) accord necessary prominence to the protection of civilians. However, civilian protection has not been given sufficient attention by the South Sudanese authorities to date. Political agreement over the composition of states (sub-national entities) represents an opportunity, but needs to be accompanied by clear divisions of responsibilities – and accountability – for public goods.

This briefing presents ten priorities for civilian protection in South Sudan, drawn up by the Community Empowerment for Progress Organization and the CEASEFIRE Centre for Civilian Rights. The recommendations are addressed to the Revitalized Transitional Government of National Unity (RTGoNU), non-state armed groups party to the conflict in South Sudan, and intergovernmental organizations tasked with supporting the peaceful transition in South Sudan, including the Intergovernmental Authority on Development (IGAD), the African Union (AU), the United Nations including the Security Council and the UN Mission in South Sudan (UNMISS), and UN member states including the Troika (the United States of America, the United Kingdom, and the Kingdom of Norway).

1 Early warning

Effective early warning of armed violence or other threats to human security is essential for civilian protection. Action by both the South Sudanese authorities and international actors on armed violence in South Sudan is predominantly *reactive*, as if each new outbreak of violence were a surprise. As the patterns of recurring violence since the CoHA was signed in 2017 have become clear, more effort

¹ Statement of HE Moussa Faki Mahamat, Chairperson of the AU Commission, 22 February 2020.

should have been invested in identifying and addressing both proximate and underlying structural causes of this violence. Where early warning has taken place, it has enabled the engaged international community to support South Sudanese to respond quickly to, or even preempt, localised outbreaks of violence.

Early warning should involve monitoring threats and actual violence against civilians and tracking movements of armed actors, ensuring that impartial information from the ground is made available in real time both to local communities and to authorities or duty-bearers with a mandate to act. Effective dissemination of early warning information can have a transformative effect on early preventive action, including peaceful settlement of local grievances, curtailment of abuses by armed actors, and holding parties to conflict to account. There is an opportunity to build on the experience and regional expertise established by IGAD, including the Conflict Early Warning and Early Response mechanism (CEWER).

2 COVID-19 response

The support of the international community will be needed for South Sudan to emerge from the direct and indirect effects of the Coronavirus pandemic, but such support should explicitly address wider protection needs.

South Sudan's health infrastructure is poorly equipped to deal with the impact of the pandemic. International humanitarian agencies provide basic healthcare to a significant proportion of the population and will likely bear a significant burden in the emerging public health crisis. Large numbers of people living in poor conditions, especially IDPs (including those in POC camps), are extremely vulnerable. The economic shock created by lockdown measures has already triggered communal violence, banditry and sexual and gender-based violence (SGBV).

COVID-19 presents not just a public health crisis for South Sudan, but also a protection crisis. In addition to the 1.5 million IDPs and degraded WASH infrastructure, conflict-related vectors of vulnerability include the relative inaccessibility of large parts of the country due to the threat of violence; community mistrust of medical /public health personnel; discrimination in access to protection equipment or medical treatment; and the instrumentalization of pandemic fears by conflict actors to stigmatize communities or foster hate.

3 Ensuring humanitarian access

The denial of humanitarian access to certain parts of the country is unacceptable and impediments to the free movement of humanitarian actors should be removed.

Although access improved with the formation of the Revitalized Transitional Government in February, humanitarian workers continue to face unacceptable risks from ambushes and other attacks. A total of 24 ambushes were recorded in the first quarter of 2020, according to UN OCHA. Bureaucratic impediments and attempts by local authorities to raise additional revenue from humanitarian operations also present practical obstacles to ensuring effective access.

With South Sudan facing the COVID-19 pandemic, the effect of COVID restrictions and other major threats to life and livelihoods such as floods and locust invasion, the need to ensure unfettered humanitarian access to all parts of the country is paramount.

4 Monitoring of violations

Violations monitoring should be grounded in civilians' experiences of the conflict and should prioritize holding to account those responsible for ongoing violations.

Multiple bodies are engaged in monitoring and documenting violations of human rights and international humanitarian law, including the important work of the UNMISS Human Rights Office and the UN Commission for Human Rights in South Sudan. The development and protection of South Sudanese civil society monitors should now become a priority. Such civilian rights defenders are best placed to reflect the lived experience of civilians on the ground.

The monitoring of ceasefire violations falls within the remit of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) which has pursued its mission under difficult circumstances. However, the process for approving and implementing early *action* on the results of monitoring should be strengthened.

As renewed outbreaks of violence and associated violations have been widespread and are ongoing, more needs to be done to hold those responsible for violations to account, in order to discourage future violations and protect the civilian population.

5 Observance of international humanitarian law (IHL)

Immediate, concrete measures should be taken to improve IHL observance. This should not be left for 'the day after'.

The war in South Sudan has been marked by the widespread targeting of civilians as a main objective of military operations. Atrocities against civilians have included murder; torture, mutilation and other forms of cruel treatment; collective punishments; outrages upon personal dignity, including rape and other forms of SGBV; pillage; and the recruitment of child soldiers. Civilians have been forced to flee their homes and lands, in order to secure control over territories. These are violations of the Geneva Conventions Common Article 3 and Additional Protocol II and of fundamental principles of IHL, including the principle of distinction. Parties to the CoHA and R-ARCSS committed serious violations of IHL against civilian populations even after they signed.

Measures to strengthen IHL observance should include: instruction in, and recommitment to, the basic rules of IHL at all ranks (including senior commanders) of the unified national army and national security service; reform of the military justice function to support prompt, impartial and effective investigation of alleged IHL violations and prosecution and punishment of those responsible; and support for CTSAMVM to undertake not just monitoring of negative compliance (violations) but also

positive compliance, through auditing military systems for ensuring IHL observance. Disseminating knowledge of IHL widely among the civilian population will also be beneficial.

6 Transitional justice

The Commission for Truth, Reconciliation and Healing (CTRH), the Hybrid Court for South Sudan (HCSS) and the Compensation and Reparation Authority (CRA), the three institutions of transitional justice stipulated in the R-ARCSS, should now be established without delay.

Transitional justice is needed to draw a line under the violations of the past and is a prerequisite for the establishment of a justice system that is credible and legitimate in the eyes of South Sudanese. It is likely to be a key factor in encouraging the voluntary return of refugees and the displaced.

The mandate of the Commission for Truth, Reconciliation and Healing (CTRH), must be sufficiently broad to enquire into the causes and drivers of the conflict, and document flows of pillaged resources and other illicit flows of wealth. The Compensation and Reparation Authority (CRA) should be equipped and resourced to manage an extensive programme of reparations with priority accorded to reparation for natural persons, including individuals, families and communities who have suffered, over corporations and other legal persons who may have lost money due to the conflict. .

The African Union Commission should now move to establish the Hybrid Court without delay. It is critical to demonstrate that violation of IHL has tangible consequences and those most responsible for war crimes in South Sudan must be held to account. The court should make special arrangements to investigate and prosecute crimes of sexual- and gender-based violence which have been widespread in the South Sudanese conflict but for which those responsible have enjoyed almost complete impunity.

7 Re-directing 'cantonment' towards disarmament and demobilization

The cantonment process should be re-oriented in order to focus on disarmament and demobilization, and to remove incentives for new recruitment, mobilization and corruption.

The recent renewal by the UN Security Council of the arms embargo is welcome, but the sheer number of fighters under arms across South Sudan is a threat to security at the national and local level.

Cantonment has incentivized military recruitment and produced force concentrations that are a threat to the local population, that could facilitate a rapid return to widespread violence if the peace process falters, or prove a temptation for opportunistic commanders to lead local rebellions. Reducing the number of those carrying arms across the country, including those currently in cantonments, will reduce the potential for violence and enhance the security of civilians.

Reductions in force size should be the overarching aim of the process of DDR (Disarmament, Demobilization and Reintegration), with adequate up-front verification to avoid the potential for power imbalances and abuses. Fighters should be encouraged to return to their communities and retrain as soon as possible, with any monetary incentives tied closely to those goals rather than to their status as fighters.

Consideration should be given to expanding the capacity of the international Regional Protection Force to include VIP protection in Juba as an alternative to a joint security force, as the conflict and the breakdown of the first peace agreement both started with infighting between rival factions within security forces in Juba.

8 Assistance and voluntary return for internally-displaced persons (IDPs)

Humanitarian assistance and protection for IDPs should be improved and the conditions to facilitate voluntary returns established.

As forced mass displacement has been a key modality of the conflict in South Sudan, the protection of those displaced and the facilitation of their voluntary return should be a key focus of the peace process. The scale of displacement - over four million have fled their homes, around one in three South Sudanese – makes this a central test of responsibility for the sovereign RTGoNU and not for just the international humanitarian agencies.

The ‘Protection of Civilians’ sites provide necessary protection for some IDPs but are neither perfect nor sustainable in the longer term, as recent episodes of communal violence at the sites have demonstrated. IDP returns and resettlement should be entirely voluntary; no-one should be forced to return or accept resettlement in a location without their consent. Returns and resettlement should be conducted in a safe and dignified manner, and returnees should be provided with continued services, including in particular protection and support for survivors of SGBV.

To facilitate returns and resettlement, the UN and other international actors should assist in collecting disaggregated data about those displaced and their destroyed properties, which is cited as a primary reason preventing return. As mentioned above, an effective Compensation and Reparations Authority can play an important role in facilitating returns.

9 International refugee protection

The international community should share the burden of hosting South Sudan’s 2.3 million refugees; no refugee should be refouled.

Most refugees from South Sudan are hosted in neighbouring states, including Uganda and the Republic of Sudan. Forced returns to South Sudan should cease. Other states, including states outside Africa, should share the burden of hosting refugees.

10 Continued active international engagement

The international community needs to remain actively engaged in South Sudan.

The peace process has faltered over the last two years and, on several occasions, has appeared in danger of collapsing completely. Only the robust engagement of the international community has prevented this potentially catastrophic outcome. The respective roles of IGAD, the AU and the UN are acknowledged but better coordination of their efforts would now support the international stewardship of the peace agreement, safeguard the role of independent civil society in the peace process, and ensure that the protection of civilians is prioritized.

At a time when many international and regional actors may be distracted dealing with their own COVID-19 crises, the international community needs to remain seized of the fragile situation in South Sudan. For South Sudan to slip off the list of priorities would put at risk all that has thus far been invested in the peace process and in rebuilding the country.

Community Empowerment for Progress Organisation (CEPO) is a South Sudanese civil society organisation based in Juba with a country-wide network of activists that works to develop South Sudanese society and civil society. CEPO's activities include community engagement, peacebuilding, conflict mitigation, democratic transformation, defending and strengthening human rights and the rule of law, developing viable livelihoods and humanitarian work. www.cepo-southsudan.org

CEASEFIRE Centre for Civilian Rights is an international initiative to develop civilian-led monitoring of violations of international humanitarian law or human rights; to secure accountability and reparation for those violations; and to develop the practice of civilian rights. CEASEFIRE is currently working in a number of conflict-affected jurisdictions, including Iraq, Syria, Yemen and South Sudan. CEASEFIRE is registered in the UK as a charity, no. 1160083. www.ceasefire.org

CEASEFIRE and CEPO are running a joint project to strengthen the ability of civil society to implement a system of early warning and preventive advocacy on identity-based violence. The project is supported by UKAID Direct and complements the IGAD/South Sudan Peace and Reconciliation Committee Conflict Early Warning and Early Response (CEWER).

