

CIVILIANS IN CONFLICT POLICY BRIEF NO. 2 | SEPTEMBER 2015

Establishing Safety and Security at Protection of Civilians Sites

LESSONS FROM THE UNITED NATIONS
PEACEKEEPING MISSION IN SOUTH SUDAN

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Introduction

In December 2013, a civil war broke out in the new nation of South Sudan. As the fighting erupted in the nation's capital and spread through the country, tens of thousands of civilians fled from conflict-affected areas and sought refuge at bases of the United Nations Mission in South Sudan (UNMISS). UNMISS opened its gates to those seeking protection and quickly prepared Protection of Civilians (POC) sites within and adjacent to its bases where people could take shelter from the violence. As of August 2015 – more than a year after the inception of the conflict – about 200,000 people were estimated to reside in these POC sites, and more are continuing to arrive.¹ Although the mission has undoubtedly saved many lives by accepting these civilians onto its bases, the influx of people onto UN premises has presented unique challenges and placed a huge strain on the mission's resources. UNMISS bases were not designed to house and protect such a large number of people over such a long period of time.²

In any environment where large numbers of people are housed together in a relatively small geographic area, criminal activity becomes a concern – and this may be particularly true within displaced communities that have experienced violence or trauma.³ Instances of theft, intercommunal fighting, substance abuse, and sexual violence are known to occur in camps for both internally displaced persons (IDPs) and refugees,⁴ where displaced people from different backgrounds are living in congested quarters, with limited ability to provide for themselves.⁵

UNMISS's POC sites are no exception. Criminal activity, including physical assault and gender-based violence, are known to be perpetrated within the sites. However, it is extremely challenging for UNMISS to respond to this criminal activity. UNMISS is not specifically mandated or configured to address some of these issues, and there are complex questions of jurisdiction and responsibility that have no easy answers under international law. The complexity of the situation stems from the fact that the government of South Sudan does not have the ability or will to fairly prosecute alleged criminals within the sites, and the UN Security Council has not adjusted UNMISS's mandate to directly address law enforcement issues on the premises.

Today, the vast majority of UN peacekeepers serve in missions with POC mandates, and several times in recent years mission sites have become refuges for displaced people seeking protection or assistance in the midst of conflict. The situation in South Sudan also has sparked concern that people may seek long-term refuge in UN bases again, in South Sudan or elsewhere. Formal guidance should be developed by the UN Department of Peacekeeping Operations (DPKO) and the UN Department of Field Support (DFS) in consultation with the Global Protection Cluster (GPC). Guidance on maintaining civilian safety and security within POC sites, or other documents reflecting lessons learned from UNMISS, would help both UNMISS and other peacekeeping operations reduce threats to civilians seeking protection at its bases.

This policy brief examines current approaches to establishing safety and security, and outlines the most challenging internal security issues in UNMISS POC sites to inform future guidance. It focuses on the implications of the UN's lack of judicial authority, the problems associated with indefinite detention, the difficulties of weapon confiscation, the organization of community watch groups, and the particular challenge of gender-based violence. In addition, it draws lessons from safety and security in other IDP and refugee settings that may offer insights for confronting similar challenges in POC sites.

Background

The civil war in South Sudan erupted on December 15, 2013, triggered by political tensions within the ruling Sudan People’s Liberation Movement (SPLM) party. Fighting broke out between the president of South Sudan and his former vice president, and the country split along ethnic lines. Dinka security forces loyal to President Salva Kiir and Nuer forces loyal to Vice President Riek Machar were pitted against each other. As the conflict spread throughout the country, ethnicity became intertwined with politics as the motivation for killings. Both sides have committed rampant violations of humanitarian and human rights law.⁶

UNMISS was established after South Sudan gained independence from Sudan in July 2011. The mission was initially mandated to “consolidate peace and security, and to help establish the conditions for development in the Republic of South Sudan, with a view to strengthening the capacity of the Government of the Republic of South Sudan to govern effectively and democratically and establish good relations with its neighbors.”⁷

After the violence in December 2013, the UN increased UNMISS’s authorized troop strength from 7,000 to 12,000.⁸ In May 2014, the Security Council modified UNMISS’s mandate to prioritize the protection of civilians in response to the widespread conflict and to suspend capacity-building activities in light of reports that both the government and the opposition were deliberately committing violence against civilians. Per this new mandate, UNMISS was to avoid any support to the South Sudanese government or security sector, except for limited engagement with the national police for the purpose of safely relocating displaced people seeking shelter at POC sites.

Sheltering so many civilians at the POC sites has been both a huge challenge and a significant accomplishment for UNMISS, but it is important to keep in mind that these civilians represent only a small fraction of those displaced by the conflict. As of August 2015, an estimated 1.6 million people were displaced within South Sudan.⁹ Some of these displaced populations cannot be safely accessed by humanitarian organizations because of deliberate obstruction by parties to the conflict and concerns that the populations may be attacked if their locations are revealed. In addition, more than 600,000 people have fled to neighboring countries as a result of the violence that began in December 2013.¹⁰

ESTIMATED NUMBER OF CIVILIANS IN UNMISS POC SITES

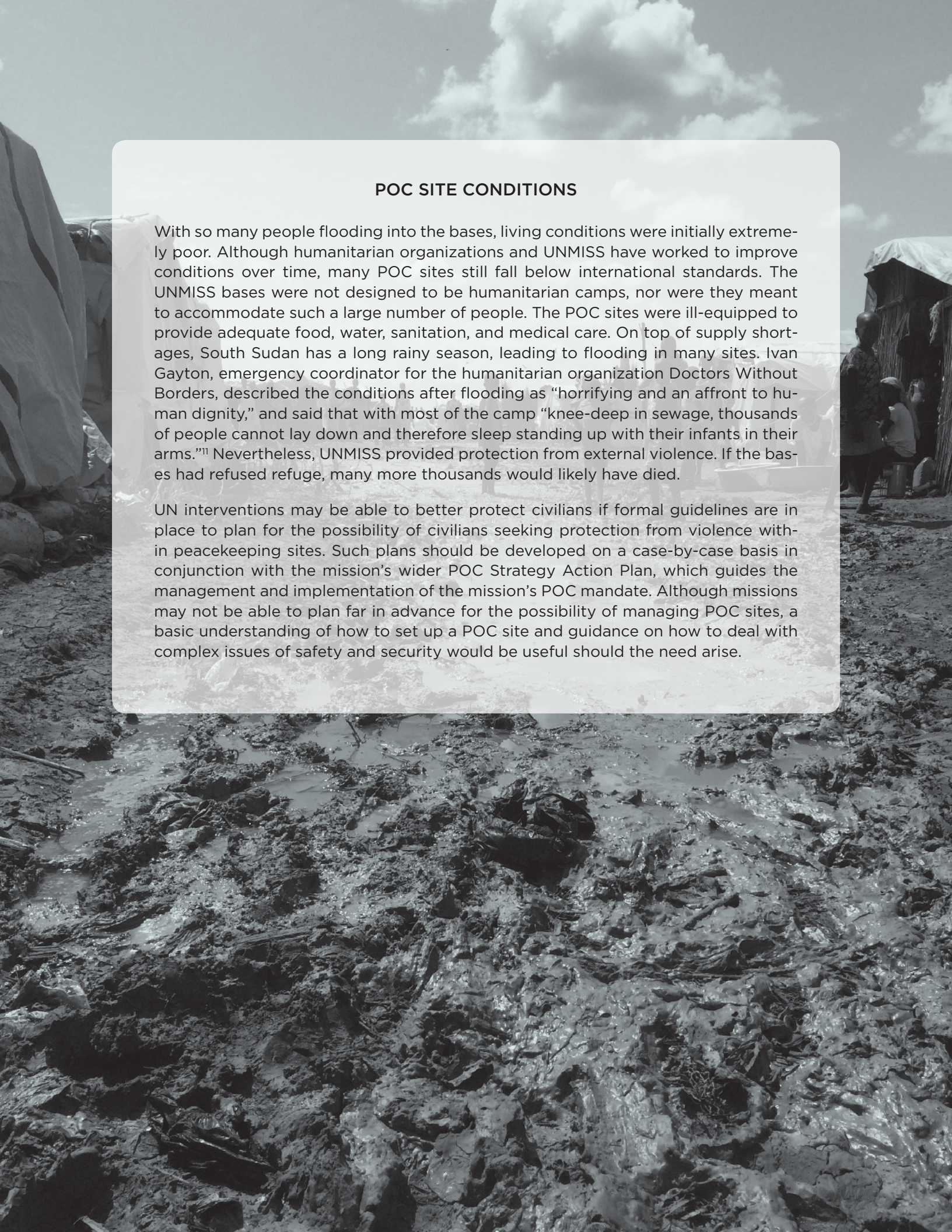
STATE	LOCATION	Number of civilians seeking protection
Central Equatoria	UN House POC 1 and 2	8,011
	UN House POC 3	20,652
Jonglei	Bor	2,289
Upper Nile	Malakal	48,840
	Melut	723
Unity	Bentiu	121,194
Western Bahr El Ghazal	Wau	202
TOTAL		201,911

Source: UNMISS Media & Spokesperson Unit, POC Site Update, August 31, 2015.

POC SITE CONDITIONS

With so many people flooding into the bases, living conditions were initially extremely poor. Although humanitarian organizations and UNMISS have worked to improve conditions over time, many POC sites still fall below international standards. The UNMISS bases were not designed to be humanitarian camps, nor were they meant to accommodate such a large number of people. The POC sites were ill-equipped to provide adequate food, water, sanitation, and medical care. On top of supply shortages, South Sudan has a long rainy season, leading to flooding in many sites. Ivan Gayton, emergency coordinator for the humanitarian organization Doctors Without Borders, described the conditions after flooding as “horrific and an affront to human dignity,” and said that with most of the camp “knee-deep in sewage, thousands of people cannot lay down and therefore sleep standing up with their infants in their arms.”¹¹ Nevertheless, UNMISS provided protection from external violence. If the bases had refused refuge, many more thousands would likely have died.

UN interventions may be able to better protect civilians if formal guidelines are in place to plan for the possibility of civilians seeking protection from violence within peacekeeping sites. Such plans should be developed on a case-by-case basis in conjunction with the mission’s wider POC Strategy Action Plan, which guides the management and implementation of the mission’s POC mandate. Although missions may not be able to plan far in advance for the possibility of managing POC sites, a basic understanding of how to set up a POC site and guidance on how to deal with complex issues of safety and security would be useful should the need arise.



Current Guidelines for Establishing Safety and Security

UN peacekeeping missions need formal guidance for setting up safety and security mechanisms when civilians seek protection on or around UN bases. Although the scale and longevity of POC sites on UNMISS bases is unprecedented, UN peacekeeping missions have allowed civilians onto their bases to protect them from violence in the past. In 2014, 3,000 people took refuge inside the African Union/United Nations Hybrid Operation in Darfur (UNAMID) compound in South Darfur, and UNAMID engineers began work to construct a new camp adjacent to the mission's base.¹² In 2009, ongoing clashes and aerial bombardment resulted in 10,000 civilians gathering around the perimeter of a UNAMID camp.¹³ In 2008, the United Nations Mission in Sudan (UNMIS) and United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)¹⁴ were faced with similar situations in Abyei and the Kivus.¹⁵

Additionally, in the years leading up to South Sudan's civil war, a large number of civilians sought shelter at various times in UNMISS compounds. During intercommunal violence in the state of Western Bahr El-Ghazal in December 2012, UNMISS sheltered 5,000 over the course of three days, and on several occasions in 2012 and 2013 the mission sheltered thousands on its bases in Pibor County.¹⁶ Following these incidents, the UN developed guidelines outlining the responsibilities of UNMISS officials and coordination with humanitarian agencies.¹⁷ According to the guidelines, providing protection on UNMISS bases was to be temporary and a last resort.¹⁸

The UN Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS) should look to best practice in these prior cases and in other IDP and refugee camps when developing their own formal guidelines on safety and security. Not only must POC sites provide access to essential services, but the protection of displaced people includes preserving their legal rights and physical safety. Three helpful resources include the UN High Commissioner for Refugees (UNHCR) *Operational Protection in Camps and Settlements*, the Norwegian Refugee Council (NRC) *Camp Management Tool*, and the Inter-Agency Standing Committee (IASC) *Guidelines for Gender-based Violence Interventions in Humanitarian Settings*. Best practice in the administration of justice, providing physical security, and preventing sexual and gender-based violence is described below.

Because “[c]rime rates tend to rise during displacement,”¹⁹ mechanisms must be put in place for redress, such as fair hearings and appropriate penalties. Administration of justice can take many forms in different contexts, including:

- resident rules or bylaws specifying agreed-to codes of behavior;
- formal grievance committees where residents can arbitrate minor disputes among themselves;
- formal and informal conflict resolution or dispute resolution and mediation mechanisms ranging from ad hoc intervention by community leaders to formalized resident mediation committees with elections, bylaws, and sanctions for offences;
- traditional, non-state systems of justice imported into the sites;
- the state system of justice under whose jurisprudence residents legally fall.²⁰

Ensuring the physical security of displaced people is an essential aspect of protection. Sites should be free of violence. Best practice in security and site management includes:

- designing sites, to the extent possible, to take into account security-based planning;
- empowering the community, including community leaders, to play a constructive role in security;
- sensitizing and, where appropriate, strengthening the capacity of local police to discharge responsibilities effectively;
- establishing minimum standards of security that should exist in the community, and developing and disseminating POC site rules;
- establishing effective, objective, and safe channels for the dissemination of information;
- establishing an administration system that is participatory and representative, particularly of women and special needs groups, and which includes dispute-resolution mechanisms;
- establishing a fair and effective relief distribution system;
- expanding education opportunities and programs for the young;
- developing effective, objective, and safe reporting and compliance mechanisms;
- holding regular consultations with site residents, including community leaders and security committees, on security-related issues.²¹

The risk of sexual and gender-based violence increases during displacement, where community structures are destroyed, resources are scarce, and vulnerabilities increase.²² Best practice in preventing and responding to sexual and gender-based violence includes:

- ensuring that needs assessments, evaluations, and reports identify vulnerabilities to sexual exploitation and abuse, providing a basis for improved programming and protection processes that minimize risks of sexual abuse and exploitation;
- ensuring that the physical layout of the POC site minimizes the potential for sexual abuse and exploitation;
- involving the displaced community, including women, in the provision of its own security;
- ensuring adequate levels of monitoring and supervision of programs for prevention and protection from sexual abuse and exploitation, including through physical presence, and to support staff at the field level to implement concrete programs of action;
- training actors (including protection and community services staff, medical personnel, police, and non-governmental organization [NGO] legal partners) in how to respond to the needs of survivors;
- creating a legal system response, with appropriate access guarantees.²³

UNMISS's Current Approach to POC Site Safety and Security

In the early days of the conflict, with an extraordinary number of civilians seeking shelter at UNMISS bases, UN personnel and humanitarian organizations were scrambling to provide basic services. Internal security issues took a backseat to protecting civilians from outside violence and finding the resources to provide for as many people as possible. These challenges were compounded by the fact that the mission's police component had originally been tasked with building the capacity of the South Sudanese police, and had to reorient itself without the appropriate skill set and with little guidance to deal with the influx of civilians onto UNMISS bases. Now that UNMISS has recognized that these civilians will not be able to return to their homes any time soon, the mission is finalizing a review of this past year's safety and security practices. The internal security situation has taken UNMISS into uncharted territory.

The presence of former combatants, the availability of weapons, intercommunal tensions linked to the civil war, poverty, and congestion have generated significant security and safety concerns. Criminal behavior within POC sites includes alcohol-related assault, sexual violence, murder, possession and smuggling of illegal drugs, gang violence, violence in the course of theft or burglary, and violence in the course of disputes between individuals, families, or communities.

Judicial Authority

Crime is a problem in most IDP and refugee settings, and it is usually the responsibility of the host country to enforce laws and prosecute cases. However, because POC sites are on UNMISS bases, and thus under the control and authority of the UN rather than the South Sudanese government, the matter becomes much more complicated. UNMISS does not have the legal authority to prosecute criminals; that remains the legal responsibility of the host state. However, the government of South Sudan has been accused of violating the human rights of its citizens and has targeted groups based on ethnicity.²⁴ Many of those living in the POC sites are seeking protection from violence inflicted by the government. Moreover, even if the safety and human rights of the alleged criminals were not at risk, South Sudan's criminal justice institutions are weak in some areas and nonexistent in others.

UNMISS does not have an executive mandate, which would allow UNMISS peacekeepers to fully administer the territory.²⁵ An executive mandate authorizes a peacekeeping mission to undertake the ordinary functions of the state, including legislative, executive, and judicial functions.²⁶ The most recent missions to receive such mandates were the missions in Kosovo and Timor-Leste. The United Nations Interim Administration Mission in Kosovo (UNMIK) had the authority to pass new laws, deploy international judges and prosecutors to work in the domestic justice system, create a system for judicial appointments, and build detention facilities and staff prisons.²⁷ A similar transitional administration mission, UNTAET, was established in Timor-Leste. The Security Council mandated UNTAET to "provide security and maintain law and order, throughout the territory" and "establish an effective administration."²⁸ Most peacekeeping missions have nonexecutive mandates, in which the mission may at most be tasked with supporting national authorities to strengthen their judicial systems. Executive mandates are extremely rare because of political sensitivities, particularly in countries with a colonial history, and because the UN is usually reluctant to take on the burden of administering state functions.

The new UN peacekeeping operation in the Central African Republic, MINUSCA, demonstrates that executive authority can exist on a spectrum and that it may be possible to negotiate quasi-executive mandates, depending on the context. MINUSCA's mandate included authorization to adopt "urgent temporary measures on an exceptional basis . . . to maintain basic law and order and fight impunity."²⁹ This mandate gives MINUSCA greater law enforcement authority than missions usually have, including the authority to conduct arrests under certain circumstances. This quasi-executive mandate has proven useful in the context of the Central African Republic, where state security forces, including police, are extremely weak. However, core peacekeeping principles require that peacekeeping missions operate with the strategic consent of the main parties to the conflict,³⁰ and the South Sudanese government is highly unlikely to consent to such a mandate, so there is little possibility for UNMISS to be granted greater law enforcement authority.

According to the UNMISS Status of Forces Agreement (SOFA), the government of South Sudan agreed to provide UNMISS "for as long as may be required such areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of UNMISS."³¹ The agreement states that "all such premises remain territory of South Sudan," but "shall be inviolable and subject to the exclusive control and authority of the United Nations."³² Throughout the POC sites the law of South Sudan applies but can only be enforced with the mission's consent, since the mission retains the right to deny entry to anyone, including government officials. The standard procedure covered by the SOFA allows UNMISS to detain alleged criminals and hand them over to the government of South Sudan once human rights assurances are received.

Before an alleged criminal can be handed over to the government of South Sudan, a "handover risk assessment committee," made up of UNMISS personnel from different sections, in consultation with both community leaders and the individual in question, determines whether the detainee's human rights may be violated.³³ If the committee determines the detainee's safety would not be in jeopardy, the national authorities are authorized to take the individual into custody. However, if the committee determines that the detainee's human rights may be subject to the death penalty or human rights abuses, UNMISS cannot hand over the detainee.

On October 14, 2014, UNMISS submitted a draft memorandum of understanding (MOU) to the government of South Sudan's Ministry of Justice.³⁴ The MOU concerned the transfer of cases and suspects to national authorities. According to the International Law Commission, UNMISS seeks to cooperate with the national authorities in connection with offenses that may have been committed within the POC sites.³⁵ However, as discussed above, UNMISS is barred from handing over suspected criminals to the government of South Sudan if their human rights are in danger of being violated.³⁶ Although all human rights are of concern, the main point of contention is the death penalty.³⁷ UNMISS requires a clear commitment by the government of South Sudan that the death penalty, if issued, will not be carried out. If agreed to, the MOU would have given UNMISS the assurance it needed to hand over alleged criminals from the POC sites. The draft MOU was rejected outright by the Council of Ministers. Although UNMISS did not receive any formal reason for the rejection, some mission personnel believe that while the government was willing to respect most detainee human rights, it was unwilling to commit to not applying the death penalty.³⁸

Given these challenges, the mission has turned to community leaders within the POC sites to handle minor incidents. UNMISS has established an Informal Mediation and Dispute Resolution Mechanism (IMDRM), comprising selected members of the communities living in the POC sites, to mediate and resolve minor disputes that do not involve sexual or gender-based violence and which do not pose

serious threats to safety and security within the sites.³⁹ This mechanism is not a court and lacks the authority to hand down binding decisions or to detain, arrest, or sentence. Traditional justice cannot function within the POC sites in the same way it functions outside the sites because some traditional crimes and punishments conflict with UN standards. For example, in a focus group conducted by the Stimson Center at a POC site in Juba, participants said that members of the informal justice system within the camp sometimes detained people for adultery, “but UNMISS is releasing the man because he hasn’t broken any law. But to the culture it has broken the greatest law.”⁴⁰ Traditional punishments often include whipping or other corporal punishment, which are not permitted by UN standards.

The more difficult question is how UNMISS should handle individuals alleged to have committed serious violent criminal offenses, such as rape and murder, and who thus pose a threat of physical violence to the other POC site residents. UNMISS is barred from handing such people over to the government of South Sudan without an MOU assuring that their human rights will be respected and that the death penalty will not be administered, and traditional justice mechanisms are not equipped to handle serious criminal offenses in ways that meet international standards.

JUDICIAL AUTHORITY: LESSONS FROM UGANDA'S REFUGEE CAMPS

Between December 2013 and April 2014, more than 100,000 South Sudanese refugees entered northern Uganda.⁴¹ In Uganda, a refugee's rights are determined by the Refugee Act of 2006.⁴² According to the Act, all refugees in Uganda receive the same constitutional protections typically accorded to Ugandan aliens.⁴³ Moreover, the 1951 Refugee Convention stipulates that refugees must have the same access to formal justice as host nationals.⁴⁴ Refugee dispute resolution and formal legal remedies have been increasingly available in the Adjumani refugee camps. A camp official described the process as follows: "I selected ten refugees for the traditional justice system in the camp. They will review cases referred by the security power I set up, but they will only take care of simple cases. Big cases - like rape - will go to the police."⁴⁵ However, Uganda's NGO community has realized refugees are often not aware of available resources to pursue formal justice. To remedy this, NGOs launched sensitization programs and a telephone hotline to provide information on the legal system and pro bono services.⁴⁶

Uganda's Nakivale is one of Africa's oldest refugee camps; the settlement was established in 1957 when Rwandans fled the Hutu Revolution. Today, an estimated 60,000 refugees from Rwanda, the Democratic Republic of Congo, and Somalia live in the camp.⁴⁷ In April 2013, a pilot mobile court project was launched, through collaboration among the UNHCR, the Refugee Law Project, the Uganda Human Rights Council, and the Ugandan government, to improve refugee access to justice.⁴⁸ Because the nearest court of law is 50 kilometers away from the camp, access to justice had been a problem. The mobile courts are staffed by volunteer lawyers who provide services to refugees free of charge. Three sessions are held per year, with each session hearing up to 30 cases. The first session heard a variety of cases that included robbery, attempted murder, and sexual violence.⁴⁹

UNMISS has already utilized traditional justice mechanisms for minor offenses, similar to those used in Uganda's refugee camps. However, while formal legal remedies, including mobile courts, may be an option in many IDP and refugee contexts, they would not work well in the case of UNMISS's POC sites. In South Sudan, justice institutions are weak and the government itself has committed human rights abuses.

Detention of Alleged Criminals

“We have isolated the offenders. We try to isolate them as much as possible and when we isolate them, we speak to them, we tell them this is bad and we tell them if you can’t be a part of this community, then we are sorry, you may leave and go and find somewhere else to be.”

—UNMISS Police Commissioner Fred Yiga⁵⁰

UN Police (UNPOL) are present in POC sites, and may support fact-finding regarding security incidents.⁵¹ Under Resolution 1996, the Security Council has authorized UNMISS to “use all necessary means” to protect civilians and UN personnel.⁵² This authorization extends to holding people in UNMISS custody as long as they pose a threat of physical violence to others at the POC sites.⁵³ Standard UN procedure requires UN police to hold suspects for no more than 72 hours, until a determination can be made as to whether it is feasible to hand them over to the national authorities.⁵⁴ A determination of feasibility is made by a “handover risk assessment committee” of UNMISS personnel and community leaders.⁵⁵ If the committee determines the detainee may be subject to the death penalty or vulnerable to human rights abuses, UNMISS is not authorized to hand the detainee over to national authorities.

This has left the mission with no choice but to detain some individuals indefinitely. UNMISS is mandated to “protect civilians under threat of physical violence, irrespective of the source of such violence.”⁵⁶ Thus, UNMISS cannot release the accused back into the POC site if the person poses a security threat to the community. Expulsion from the POC site is either ineffective, where the accused can easily re-enter, or impossible, where the accused will be put in physical danger outside the UN compound. This leaves indefinite detention as the only option – but this option contravenes international human rights law, which guarantees the right to due process.⁵⁷

In May 2014, after realizing that in some cases UNMISS would have no choice but to detain alleged criminals, UNMISS began to erect “holding facilities” for people accused of criminal behavior. Previously, the mission had detained violent individuals in makeshift detention areas, such as containers, which fell far below international standards.⁵⁸ Subsequently, the UN set up a fenced-in area with air-conditioned trailers, but detention remained ineffective; detainees could simply walk out because the UN would not use force to keep them inside. The construction of the holding facilities, together with the deployment of corrections officers to manage them, have helped to remedy these practical problems, but the legal challenges posed by indefinite detention remain.

UNMISS DETAINEE CHALLENGES

When POC site residents are alleged to have committed serious offenses, all existing options of detention and release are unsatisfactory.

Option 1: Informal mitigation and dispute-resolution mechanisms

Problem: Traditional justice mechanisms can only handle minor offenses, and some traditional crimes and punishment are not recognized by the UN and often do not meet international standards for due process.

Option 2: Handover to the government of South Sudan

Problem: There is no MOU assuring UNMISS that the detainee's human rights will not be violated and the death penalty will not be administered.

Option 3: Release back into POC site

Problem: UNMISS has a mandate to protect all civilians, including those in the POC sites, and releasing those suspected of violent crimes back into the site threatens the safety of POC site residents.

Option 4: Expel from POC site

Problem: At many POC sites it is easy for suspects to re-enter sites if expelled. At sites where it is more difficult to re-enter, many suspects cannot be expelled because they are in physical danger outside the site.

Option 5: Indefinite detention

Problem: International law requires prompt notice of the nature and cause of criminal charges and trial without undue delay.⁵⁹

Weapons Confiscation

UNMISS is committed to maintaining the civilian character of the POC sites. Before entering mission compounds, all civilians and ex-combatants seeking protection must undergo UNPOL security checks, and are forced to surrender all weapons in their possession. The government has accused UNMISS of harboring potential adversaries and has publicly expressed concern over the number of weapons believed to be hidden in the sites. UN officials have assured an apprehensive government of South Sudan that all weapons are subsequently inventoried and securely stored.

UNMISS has also instituted periodic searches of the protection sites. In December 2014, UNMISS publicly destroyed weapons confiscated from IDPs living in the POC sites.⁶⁰ UNMISS used a weapons-shearing machine to render 25 firearms and hundreds of knives and machetes unusable, and more than 1,500 rounds of ammunition recovered from IDPs were detonated.⁶¹ According to UNMISS head Ellen Margrethe Løj, the mission “decided to destroy these items in full public view” in order to “reassure all concerned parties that the weapons and ammunition will never be used to commit any acts of violence including human rights violations.”⁶² However, weapons, often smuggled in through porous perimeters, continue to be found and confiscated in POC sites, including hand grenades and assault rifles.

Community Watch Groups

UN police have worked together with informal community structures within POC sites to maintain a safe and secure environment. Community watch groups (CWGs) work with UNPOL to prevent security incidents and enhance safety within POC sites. Volunteers for the CWGs are selected by communities in different sections of each POC site and are required to report to UNPOL. According to UNMISS Police Commissioner Fred Yiga, UNPOL works with CWG members “to patrol the areas, to identify any kind of misconduct and misbehavior among the people around,” and “to make sure that the patrols are properly directed and that whatever happens is properly reported to UN Police.”⁶³

Community watch groups conduct foot patrols and informal fact-finding, resolve minor disputes, and teach safety measures to IDPs. They report serious matters, including incidents involving the threat or use of violence, to UNPOL. UNMISS provides training on a wide variety of subjects for the groups. For example, in January 2015 UNPOL advisors taught a four-day course focused on gender, child protection, local justice, dispute resolution, and the benefits of visible patrols and community reassurance.⁶⁴ Other training subjects have included conflict avoidance and mitigation techniques, and HIV/AIDS awareness. UNPOL has also provided some groups with equipment to assist them in carrying out their duties. For example, in October 2014 a Bentiu watch group received rain gear and flashlights.⁶⁵ Watch group member Peter Gatjuat Kuol explained that the equipment would help reduce crime because the watch group would be able to move around the POC site more easily.⁶⁶ However, UNMISS has been unable to procure equipment for CWGs consistently because of challenges with the UN budget request process.

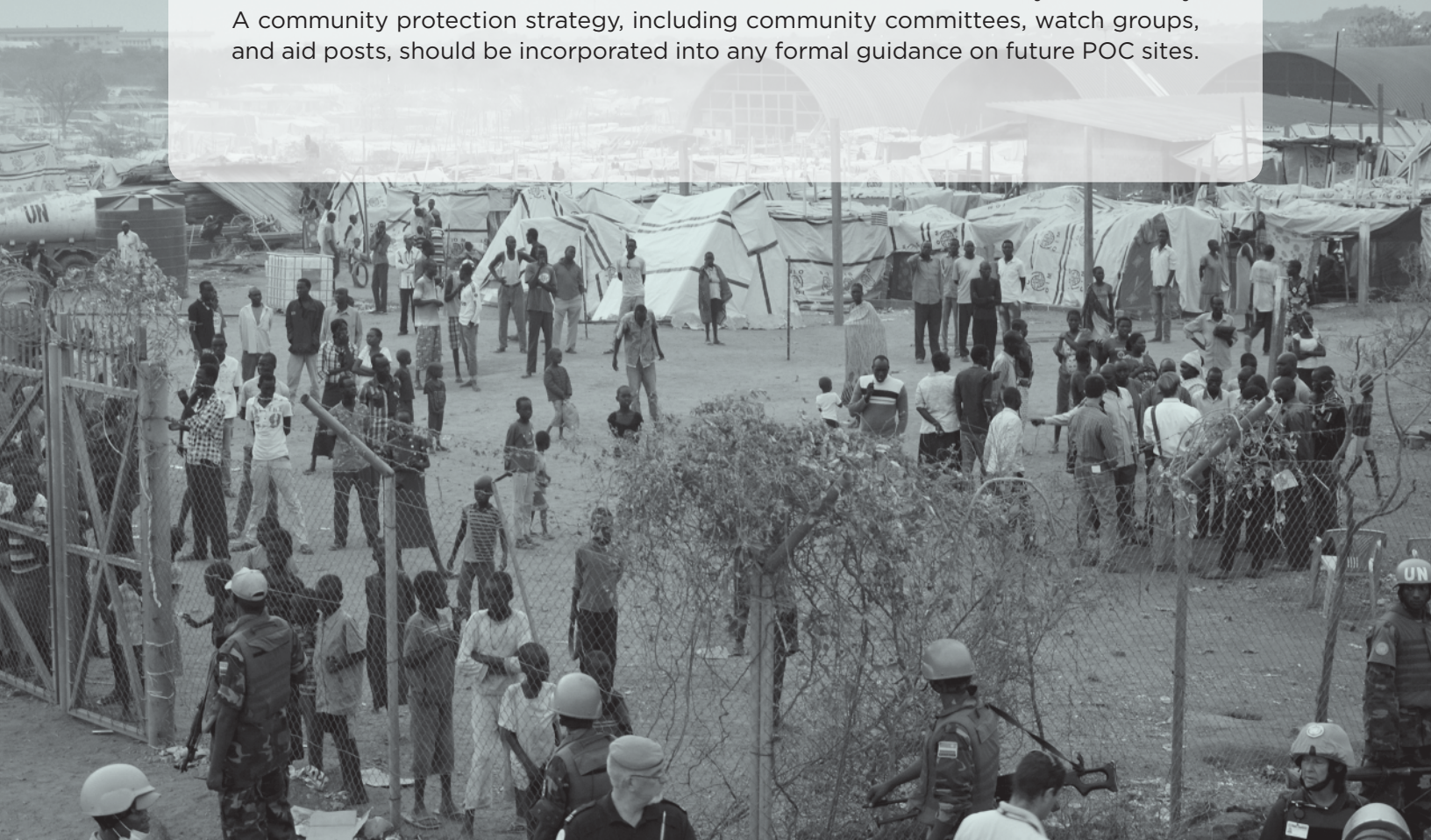
CWGs play important roles in maintaining security and safety within POC sites, especially given the small numbers of UNPOL personnel deployed to manage such large numbers of people. However, CWGs have also given rise to some significant challenges. Some CWG members are known or suspected to have engaged in abuses of authority, ranging in severity from relatively minor (such as demanding payment from the community for services that are supposed to be freely available) to quite serious (such as detaining individuals in dangerous conditions or inflicting physical punishment for violations of traditional laws and norms). UNPOL has removed CWG members known to have committed serious abuses, but accountability measures are difficult to enforce as members of the community may be reluctant to identify perpetrators within CWGs.

COMMUNITY SAFETY COMMITTEES: LESSONS FROM SUDAN'S IDP CAMPS

Following more than two decades of civil war, which displaced thousands from the South and Darfur regions of Sudan, camps sprung up throughout North Sudan and Khartoum. In the Al Baraka IDP camp in Khartoum, Sudan, many IDPs resorted to criminal activities, perhaps because they had no other source of income.⁶⁷ Such activities included petty thefts, bootlegging, extortion, and, in some cases, violence. Before UNPOL instituted community safety committees in the camp, there was no effective policing strategy to deal with typical law and order issues. UNPOL's committee model empowered IDPs to play an active role in enhancing their own security and to work with police in preventing crimes. The government of Sudan and the IDP community both approved the plan.⁶⁸

UNPOL set up community safety committees in the camp to oversee all security issues.⁶⁹ UNPOL, with United Nations Development Program support, also set up community aid posts, which provided the infrastructure for the committees to meet and were initially staffed by community safety monitors.⁷⁰ UNPOL has particularly focused on women and children's safety, and trained and deployed female government of Sudan police officers throughout the camp.⁷¹ The UN found that these initiatives reduced the number of camp raids and allowed NGOs and donors greater access to the camps.⁷²

The community safety committee model is similar to the community watch groups active in UNMISS's POC sites. Both involve residents in their own safety and security. A community protection strategy, including community committees, watch groups, and aid posts, should be incorporated into any formal guidance on future POC sites.



Protection from Sexual and Gender-based Violence

“It is too much. They attack us at the place of the toilets at night where we collect water.”
— Julie Frances, Malakal⁷³

While women and girls may be largely protected from external fighting and violence while they are within the POC sites, many become targets of sexual and gender-based violence.⁷⁴ Although there are no reliable statistics, humanitarian groups say violence against women, including rape, beatings, harassment, and domestic violence, exist in all of the larger protection sites. According to the inter-agency Global Protection Cluster (GPC), between January and June of last year there were 28 reported cases of sexual assault in the Malakal site alone.⁷⁵ However, the actual number is expected to be much larger because the majority of sexual assaults go unreported.⁷⁶ Instances of “survival sex” have also been reported, where women use sex to earn an income and supplement assistance packages.⁷⁷

Because the POC sites were built quickly to provide basic shelter to those fleeing violence, many were built haphazardly, resulting in many routes with inadequate lighting.⁷⁸ At some POC sites latrines were built outside the camps, forcing women to travel outside the sites and making them more vulnerable to sexual assault. Many women are also at greater risk of sexual violence when they temporarily leave the sites to access goods and services – for example, to go to market or to collect firewood.

The sites also suffer from overcrowding, inadequate funding, and an inadequate number of security personnel. At the time they were built, security concerns specific to women and girls were not fully considered. However, the UN is working to alleviate this problem. Extensions to the POC sites constructed in the towns of Malakal and Juba included women’s bathrooms in well-lit areas and separate from men’s bathrooms.⁷⁹ Since April 2015, a resurgence of violence in the state of Unity, along with other factors, were prompting an influx of new arrivals to POC sites, exacerbating concerns about overcrowding.

In order to make POC sites safer for women, UNMISS has worked to identify areas of concern within the POC sites and increase protective forces in those areas, light communal areas after dusk, establish a women’s center where women will be comfortable seeking help, and ask the local population what additional measures are needed to reduce violence against women.⁸⁰ NGOs have also tried to address some of these issues; for example, Oxfam recently provided 6,400 solar lamps to people in Malakal, making it safer for women to use the latrines after dark.⁸¹ UNMISS also conducts “hot spot patrolling” around the perimeters of some POC sites, including Bentiu, targeting areas identified by women as posing greater security risks, and readjusting the timing and locations of patrols monthly based on regular input about threats.⁸² However, protective accompaniment outside the POC sites does not happen consistently, and varies depending on conflict dynamics (such as restrictions on the mission’s movement imposed by the parties to the conflict), as well as the willingness of specific troop contingents to undertake these activities.

Community trainers across the POC sites are educating both women and men about gender-based violence. The United Nations Development Program, the International Organization for Migration, the United Nations Children’s Fund, and UNPOL are training teams of IDPs to act as trainers.⁸³ These trainers are then employed to travel the country to teach other displaced people living in the POC sites about their rights and what to do if they witness abuse or are themselves victimized.⁸⁴

NGOs have also tried to address some of these issues; for example, Oxfam recently provided 6,400 solar lamps to people in Malakal, making it **safer for women** to use the latrines after dark.



PROTECTION OF WOMEN: LESSONS FROM TURKEY'S REFUGEE CAMPS

Since the outbreak of the Syrian civil war in 2011, approximately 1.8 million refugees have crossed the border into Turkey.⁸⁵ Turkey's Disaster and Emergency Management Authority currently hosts more than 200,000 Syrians in more than 20 camps.⁸⁶ Turkey's management of its refugee camps has been impressive. Six of the camps house residents in "container cities," made up of shipping containers converted into housing units. Containers include running water and flat-screen televisions. The camps also offer a wide range of services, including grocery stores, clinics, banks, playgrounds, and schools. In addition, one such camp is now in its second year of a pioneering voting initiative. The camp allows residents to elect their own neighborhood community representatives. According to the camp's assistant director, this was the first time that Syrians have been able to vote freely.⁸⁷

Overall security in both the container and tent refugee camps is also quite impressive. The government of Turkey has made camp security a top priority. Policing is conducted by the military and by privately contracted officers, and every camp security detail includes female security personnel. Further, after female residents expressed discomfort with single males roaming the campgrounds, certain areas of one camp were cordoned off for single males to occupy on their own.⁸⁸ One female refugee reported the camps are "fully safe" and said, "There's guards everywhere. At night, the lights are like daylight. I can go out alone at 4 a.m., 3 a.m."⁸⁹

The creation and maintenance of such safe refugee camps does not come cheap. Turkey has spent more than \$5 billion on Syrian refugees since 2011.⁹⁰ With no end to the Syrian conflict in sight, the burden of taking care of so many refugees is causing resentment among the Turkish people.

Although UNMISS does not have resources that come close to those of the government of Turkey, there are lessons to be drawn from the success of Turkey's refugee camps. Turkish police have sought out women in the community to share their safety and security concerns, and have tailored security procedures based on their findings. Turkey also deployed female security personnel, effectively dispersed security personnel throughout the camp, and adequately lit the entire site. Formal guidance from the UN on POC sites should include similar measures.

Conclusion

POC site safety and security raises complex questions in the context of South Sudan. The civilians residing on UN bases require protection from not only external violence, but also internal criminal activity. Arrest and prosecution of alleged criminals will require an agreement with the government of South Sudan. Current options for detention are inadequate under both UNMISS's POC mandate and international law. However, UNMISS's current security measures, including confiscation of weapons, support of community watch groups, and protection from sexual and gender-based violence, are all working toward reducing criminal activity.

DPKO and DFS must plan ahead for situations where civilians fleeing violence seek protection on UN bases. Although the UN considers the formation of POC sites on its bases a last resort, the UN must do a better job of planning for large scale and medium- and long-term displacements in case other missions are faced with similar situations. Formal guidance or other informal documents reflecting lessons learned from UNMISS's experience with POC sites should be developed. For example, POC site formal guidance could avoid creating alleyways and far-off latrines that are dangerous for women to travel to, and could prohibit neighborhoods from being built up against perimeter fences, which permit easy smuggling of contraband. Further, POC site formal guidance could require the construction of holding facilities that meet international standards earlier on, once it becomes apparent that displaced people will be on the UN base for a longer period. The UNHCR, NRC, and IASC guidelines outlined in this brief provide a useful starting point for establishing safety and security formal guidance for POC sites. Further, the UN should draw from lessons learned in other IDP and refugee settings. Clearer guidance from the UN on maintaining civilian safety and security within POC sites would also help UNMISS address these complex security problems and reduce threats to civilians seeking protection at its bases.

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RESEARCH METHODOLOGY

This brief draws upon interviews, focus groups, and desk research. Interviews were conducted from Washington, DC, in February 2015 with individuals within the United Nations Mission in South Sudan (UNMISS) and the US Department of State. Additionally, Stimson staff conducted interviews in August 2015 in Juba, South Sudan, and in June 2015 in Juba and Bentiu, South Sudan. These interviews included a range of stakeholders, such as UNMISS personnel, humanitarian staff working on POC sites, South Sudanese and international analysts, and internally displaced persons living in the Bentiu POC site. The focus groups were conducted by the Stimson Center with internally displaced persons living in two POC sites in Juba in August 2014. (For more information about the methodology of these focus groups, please see Aditi Gorur, *Perceptions of Security Among Internally Displaced Persons in Juba, South Sudan*, Washington, DC: Stimson Center, 2014.) The desk research focused on UN resolutions, academic scholarship, news sources, and both internal and external UN policy documents.



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Civilians in Conflict envisions a world in which the international community, nation-states, and local communities effectively eliminate violence against civilians in conflict-affected societies. As a contribution to this ambitious vision, the project works to expand and improve international efforts to develop effective prevention and response mechanisms. The Civilians in Conflict project looks at a number of areas that continue to perplex policymakers and practitioners and undermine strategies to protect, including: engaging communities in protection strategies; using force to protect civilians; working with humanitarian actors; building civilian capacity; combining political, other civilian, and military resources to protect effectively; and tailoring strategies to protect civilians to specific contexts. For more information on Civilians in Conflict, please visit www.stimson.org/research-pages/civilians-in-conflict.

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Jenna Stern is a former visiting fellow in Stimson's Future of Peace Operations program. Before joining Stimson, Stern worked with the United Nations Department of Field Support's Conduct and Discipline Unit in New York. She has also worked with the US Department of State's International Organizations Bureau and the US Mission to the United Nations' Legal Office. Stern holds a Juris Doctorate from Vanderbilt Law School and a Bachelor of Arts in history and political science from the University of Florida. Stern is currently a contract attorney with the US Department of Justice's Criminal Division.

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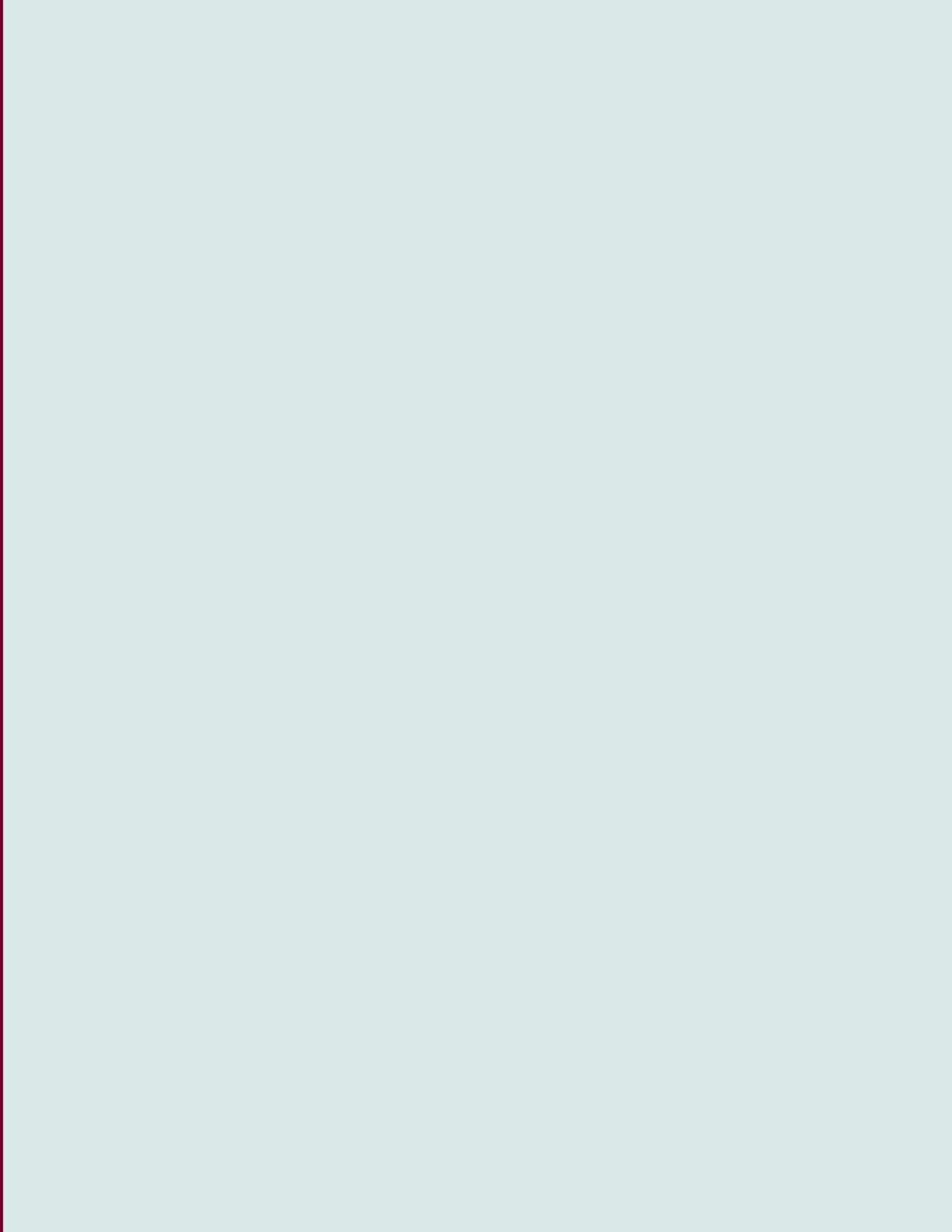
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Establishing Safety and Security at Protection of Civilians Sites

LESSONS FROM THE UNITED NATIONS PEACEKEEPING MISSION IN SOUTH SUDAN

This year, a high-level independent panel appointed by the UN Secretary-General undertook a comprehensive review of UN peace operations. This review is the first of its kind since the groundbreaking “Brahimi Report,” published in 2000, which laid the foundation of modern peace operations. Like the Brahimi Report, the panel’s findings could change the course of peace operations. This policy brief is the second in a series of Stimson’s Civilians in Conflict project publications, which will explore issues relevant to the review and its implementation, with a focus on how UN interventions can better protect civilians.

The United Nations Mission in South Sudan (UNMISS) is protecting about 200,000 displaced people at its bases. Although many UN peacekeeping missions have briefly sheltered civilians at their bases at one time or another, the creation of Protection of Civilians (POC) sites on such a large scale is unprecedented. In order to provide for the safety of civilians seeking protection at its bases, UNMISS must address criminal activity taking place within these POC sites. However, there are complex questions of jurisdiction and responsibility that have no easy answers under international law. This policy brief suggests that the United Nations must plan ahead for situations where civilians fleeing violence seek protection at UN peacekeeping bases. Formal guidance developed by the UN Department of Peacekeeping Operations and the UN Department of Field Support, in consultation with the Global Protection Cluster on maintaining civilian safety and security within POC sites, would help both UNMISS and other peacekeeping operations reduce threats to civilians seeking protection at its bases.

