



Introduction and recommendations

The protection of civilians in South Sudan remains deeply uncertain despite the Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) signed in September 2018. The agreement (n)20()44(r)829q0.000008866 0 5

during returns.³ The agreement has meant that the warring parties, including the SPLA-IO, have new political incentives to encourage rapid returns.

At the same time, the political system remains violent and turbulent, with political and military loyalties rapidly exchanged. The September 2018 peace agreement is the result of a June 2018 deal between the leaders of South Sudan. This elite pact may last for years if the economic and political conditions of this deal continue to be met. However, South Sudanese are also acutely aware that this elite

ant to the Conflict

Research Programme at the London School of Economics (LSE). It is based on research by Peter Bath in Malakal, Jedeit in Bentiu, Gatwech Wal in Juba, and Wol in Wau POCs. The memo was authored by Naomi Pendle with support from Rachel Ibreck and Alice Robinson at LSE

³ R-ARCSS, 2018.

deal does not change the underlying violent and kleptocratic nature of the political system. Even since the signing of the agreement there have been violations, including mass rapes in Bentiu in November 2018.⁴ South Sudanese and their leaders will take this into account as they consider questions of return and protection. The SPLA- / K [• % } o] š] incentives to encourage return mean that they may not prioritise protection in the same way.

The six U v] š E š Protection of Civilian Sites (POCS) have become a particular focus as decisions are made about the return of residents and ongoing protection needs. Up to 195,000 people are still seeking sanctuary in these POCS.⁵ The POCS were an extraordinary innovation and have unquestionably saved lives, but there have been several violent incursions into the sites and fierce conflicts inside them over the years since they were established. In the last year alone, we have seen a resurgence of violent clashes between armed youths in the Juba site, claiming the life of one young man and injuring more than a hundred.⁶ There were also protests and threats against aid workers in Malakal and Bentiu on various occasions throughout 2018. In February 2018, 46 UN police were withdrawn from the Wau POC following allegations of sexual exploitation and abuse.⁷ UNMISS has made significant efforts to review and extend its protection capabilities since public failures in its response to a resurgence of violence in July 2016, yet recent incidents illustrate protection gaps and dilemmas even within the heavily securitized spaces of the POCS. Addressing these issues is not only essential for informing policy in South Sudan, but also to provide lessons about the realities and challenges of UN protection of civilians policies worldwide.

This memo is a response to recent incidents within the POCs and to debates concerning their future. It develops previous research that highlighted how community authorities emerged and evolved to promote customary law, collective identity and forms of protection under UN governance within the POCS, albeit with some striking deviations from human rights norms.⁸ The memo examines the characteristics, experiences and influence of such authorities, including in recent conflicts within the sites. It argues that they are diverse and mutable, but they are also central to securing civilian protection, and must be consulted and engaged in any debates about protection and returns. In reality, the future trajectories of the POCS and their residents will rely on decisions made by various institutions including the UN and humanitarians, but also by South Sudanese authorities who have influence over POCS residents. This memo briefly outlines some key dimensions and dilemmas currently surrounding these community authority figures in the POCS.



⁴ UNMISS, 5 December 2018. Available at: [https://unmiss.unmissions.org/human-rights-investigators-rush-south- • μ v\] Bentiu-following-spate-rapes](https://unmiss.unmissions.org/human-rights-investigators-rush-south- • μ v] Bentiu-following-spate-rapes)

⁵ United Nations Mission in South Sudan (21 January 2019), *POC UPDATE*. Available at: https://unmiss.unmissions.org/sites/default/files/poc_sites_update_227_-_21_january_2019.pdf

⁶ This incident resulted in disruption and closure of the POC for more than a week. It was recorded in detail by our researcher within the site, and revealed the salience of longstanding tensions between Bul Nuer from Mayom and those from other clans and how rapidly these can escalate into violence, despite the presence of UN police and peacekeepers. Many members of the former group were eventually forced out of the camp. Also see: <https://reliefweb.int/report/south-sudan/1-dead-inter-communal-fighting-south-sudan-un-camp>

⁷ <https://radiotamazuj.org/en/news/article/unmiss-withdraws-46-police-officers-from-wau-over-sexual-abuse-allegations>
Ibreck, Rachel and Pendle, Naomi (2016) ^ μ • š } u Œ Ç W Œ } š š] } v M Z] (• – } μ Œ š • • W μ o] μ š Z
•] š •] v ^ } μ š ZSRP Paper 34 Available at: <http://eprints.lse.ac.uk/84472/1/JSRP-34.Ibreck.Pendle.pdf> .

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assess security, and cautiously re-establish their homes and livelihoods.¹⁰ A gradual process of return allowed them to plan ahead and minimise the risk to their families.¹¹ Many prioritised remaining in exile, until the point at which remaining in exile could have lost them status and other resources in South Sudan.

Following these historic experiences of return, many South Sudanese are also now splitting their returns to ensure safety and protection. For example, in Bentiu, a few community and family leaders returned in late 2018 to rural areas to assess the situation, but left their families in Bentiu POCS. In Wau, people are increasingly leaving the POCS (and camps adjacent to the POCS) but, again, are leaving others in the camps to maintain their shelters, so they have somewhere safe to run if they need to flee violence.

Therefore, requiring speedy returns by whole families, including through the way that aid and services are delivered, will undermine POCS residents own strategies for protection and return.

there is a lack of judicial redress for grievances. The courts rely on mediation, negotiation and compensation to resolve disputes, but they also generally administer punishments, including fines and imprisonment. UNMISS has recognised the authority of som

the Bentiu CHC and

(including from the POCS) as they seek to rapidly repopulate their constituencies in preparation for any census, elections and referendum. However, the SPLA-IO cannot be assumed to represent the interests and fears of those in the POCS.

Despite the SPLA-IO leadership is able to directly control the WK ^X &} Æ u%o U µ Æ] v P % Æ] } • } ([P Z š] v P] v v š] µ WK U Z] apparently not immediately adhered to. Therefore, it is not clear the extent to which POCS residents and community authorities will respond to SPLA-IO pressure to return.

IV. Conflicts