



# Security Council

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## Future planning for the protection of civilians sites in South Sudan

### Report of the Secretary-General

#### I. Introduction

1. The present report is submitted pursuant to Security Council resolution [2459 \(2019\)](#), in which the Council decided to extend the mandate of the United Nations Mission in South Sudan (UNMISS) until 15 March 2020 and requested a written report, within 180 days, on future planning for the protection of civilians sites. Accordingly, the report contains an assessment of each site, the security and assistance provided thereto and recommendations on the roles and responsibilities of UNMISS and other stakeholders and on the steps necessary to foster a secure environment for the safe, informed, voluntary and dignified return or relocation of internally displaced persons.

2. The complexity of the issues surrounding the protection of civilians sites evoke strong sentiments and, consequently, often diverging views on the way forward. While the country has come a long way from the violence that resulted in the need for the creation of the sites, the legacy of that violence prevails. Delays in implementing key benchmarks of the peace deal may fuel uncertainty among the South Sudanese. The continued prevalence of intercommunal violence, sexual and gender-based violence and criminality, as well as the weak rule of law, remain the reality. Years of conflict and underdevelopment have left almost two thirds of the population in need of some form of humanitarian assistance and protection. Those factors both act as a deterrent for internally displaced persons and refugees to return home and, in some places, provoke further displacement.

3. Notwithstanding those conditions, the prospect of hope provided by the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed in September 2018, has encouraged spontaneous return movements of both internally displaced persons and refugees. With the revitalized peace process progressing, albeit slowly, opposition leaders continue to travel across the country without restrictions, while numerous rapprochement initiatives at the subnational level have cemented collaboration between Government and opposition forces and local authorities.

4. As the security environment has improved, the priorities for physical protection afforded by UNMISS have evolved. Improvements in access and a reduction in political violence have also enabled both UNMISS and humanitarian partners to



broaden actions related to the protection of civilians and to ensure that assistance and basic services reach further afield, thus enabling internally displaced persons to receive assistance and protection in areas of return.

5. Among all stakeholders there is consensus on the need to enhance efforts to avoid protracted displacement. Despite the best efforts of humanitarian partners and UNMISS, the situation within the protection of civilians sites is untenable, and their entrenchment generates increasing protection and security risks. The present report presents a picture of the current situation, challenges and considerations. Importantly, the process of its formulation has brought all stakeholders together for the first time to consider how to chart a way forward that optimizes the collective efforts and capacities of all partners to ensure the protection of the most vulnerable civilians of South Sudan and to make concrete progress in the creation of conducive conditions for durable returns.

6. In preparing the report and the observations and recommendations contained herein, comprehensive consultations were conducted with a broad range of stakeholders, including discussions with humanitarian actors facilitated by the joint humanitarian task team of UNMISS and the humanitarian country team; extensive dialogue with civil society organizations; engagement with the Government of South Sudan; engagement with local communities; in-depth assessments in the form of 61 focus group discussions with residents of the protection of civilians sites led by the South Sudan Protection Cluster; and internal deliberations involving the military, police and civilian components of UNMISS.

## **II. History of the protection of civilians sites**

7. As detailed in previous reports to the Security Council, the UNMISS protection of civilians sites were established as a measure of last resort, when civilians were forced to flee their homes as a result of widespread and systematic violence, often committed along ethnic lines, when conflict broke out in South Sudan at the end of December 2013. The scale of the atrocities perpetrated against civilians at the outbreak of the conflict compelled the Mission to take urgent measures to protect civilians on an unprecedented scale. By opening its gates and allowing civilians of all ethnic backgrounds under imminent threat of physical violence to take refuge at UNMISS bases, thousands of lives were undoubtedly saved. Following further waves of violence associated with the breakdown of the Agreement on Cessation of Hostilities between the Government of the Republic of South Sudan (GRSS) and the Sudan People's Liberation Movement/Army (in Opposition) (SPLM/A in Opposition) of 23 January 2014 and the breakdown of the peace process in July 2016, additional displacement occurred. By 2016, a total of 224,000 people had sought sanctuary at UNMISS bases in Bentiu, Bor, Juba, Malakal, Melut and Wau. At present, more than 4 million people, or one third of the total population, are displaced, including 1.83 million within the country and 2.3 million outside the country.

8. In September 2015, when national authorities granted *prima facie* refugee status to all its residents and the Office of the United Nations High Commissioner for Refugees supported the residents in relocating to various towns and refugee camps, UNMISS was able to close one of the protection of civilians sites in Juba that was hosting foreign nationals. In December 2017, the Melut site was closed following the relocation and return of internally displaced persons with support from UNMISS and partners. Finally, in Wau, one of the two sites was closed in March 2019 following the provision of support for the return and relocation of its residents.

9. More than five years after the outbreak of the conflict, the legacy of that noble decision to establish such sites remains, with approximately 180,000 internally

displaced persons (88,736 female and 91,630 male) still residing at the sites in Bentiu, Bor, Juba, Malakal and Wau.

### **III. Legal status of the protection of civilians sites**

10. The UNMISS protection of civilians sites are located within or adjacent to UNMISS bases, which, under paragraph 15 of the 2011 Status of Forces Agreement between the United Nations and the Government of the Republic of South Sudan concerning the United Nations Mission in South Sudan, enjoy the status, privileges and immunities of the United Nations in accordance with the 1946 Convention on the Privileges and Immunities of the United Nations. Whether located within UNMISS premises or adjacent to them and deemed extensions of such premises, they are, therefore, inviolable and subject to the exclusive control and authority of the United Nations. Furthermore, the sites operate under the purview of the Security Council mandate given to UNMISS to protect civilians under imminent threat of physical violence.

### **IV. Mandate and challenges with respect to the protection of civilians sites**

11. Although the UNMISS protection of civilians mandate is often interpreted only in terms of the provision of physical protection from imminent harm, it is, in fact, composed of eight related protection tasks: (a) to protect civilians under threat of physical violence; (b) to deter violence through proactive deployment; (c) to implement a mission-wide early warning strategy; (d) to maintain public safety within the protection of civilians sites; (e) to deter and prevent sexual and gender-based violence; (f) to exercise good offices in support of protection, including as a means to facilitate the prevention, mitigation and resolution of intercommunal conflict; (g) to foster a secure environment for the safe, informed, voluntary and dignified return or relocation of internally displaced persons and refugees; and (h) to support the facilitation of the return or relocation of internally displaced persons from UNMISS protection of civilians sites.

12. A broad range of actions related to the protection of civilians mandate, such as those involving conflict resolution, good offices and local peace initiatives, therefore include substantial non-military forms of protection and are undertaken by civilian components of the Mission. Regarding the UNMISS police and military components, the provision of perimeter security to the protection of civilians sites and the enforcement of law and order within the sites disproportionately consume the available capacity for protection of civilians tasks, leaving fewer resources for patrolling in conflict hotspots or areas of return.

13. Of the total 11,200 personnel belonging to Mission infantry units, 14 per cent (1,545 personnel), or 6 out of 46 infantry companies, are currently performing duties directly associated with the protection of civilians sites. A total of 61 per cent (6,881 personnel) are available to undertake patrolling activities outside the sites in support of broader protection of civilians mandated tasks. The remaining 25 per cent of the infantry units are dedicated to other relatively permanent tasks, such as securing UNMISS bases and installations and providing protection for logistics operations and humanitarian convoys of the Mission, upon request. The remainder of the Mission personnel perform command, engineering, logistics or administrative functions or those related to the operation of the UNMISS headquarters.

14. In terms of policing, of the 2,101 personnel that comprise the authorized UNMISS police strength, 1,320 personnel within six formed police units are exclusively tasked with performing duties at the protection of civilians sites, including the primary responsibility for enforcing law and order with support from the local community. Another 703 are assigned as individual police officers, of whom 491 are deployed to the sites to screen incoming internally displaced persons in order to prevent the entry of prohibited items and to provide a protective presence through patrolling and the apprehension of those who violate rules and regulations or commit other serious crimes. In addition, 78 corrections officers manage and operate three UNMISS holding facilities used for the secure and humane detention of individuals suspected of having committed serious violations within the sites, until such cases can be handed over to national counterparts for investigation and prosecution. In total, 90 per cent of United Nations police personnel are directly committed to performing tasks related to the protection of civilians sites.

15. Although the protection of civilians sites were explicitly established to isolate and safeguard civilians from imminent external threats to their safety, the Mission increasingly dedicates time and resources to address protection risks emanating from within the sites. As in many other camp settings, the high population density, tensions among different communities, limited economic opportunities and unoccupied young people create numerous social problems, among which is crime. Residents of the sites experience gang-related intimidation and, at times, outbreaks of violence fuelled by alcohol and drug use and the presence of weapons. Despite the best efforts of the Mission to provide security, the residents continue to report incidents of sexual and gender-based violence, theft, assault and disorderly conduct. From January to July 2019, there were 505 incidents at the five site locations, including 378 instances of assault, fighting and domestic violence; 86 incidents of theft and burglary; 21 reports of sexual assault or harassment; and 20 assaults specifically on UNMISS uniformed personnel.

16. Over time, changing power structures and conflicting and competing claims over authority within the protection of civilians sites have also created tensions. Alternative leadership structures have taken root, dominating camp governance and interfering with the equitable delivery of services. Former members of opposition military forces, including officers and former combatants, reside within the sites, as they are entitled to protected status under international humanitarian law principles having ceased to actively participate in hostilities. While not armed or in uniform, their camp arrangements, along with those of political figures, often aligned with the Sudan People's Liberation Army in Opposition, to varying degrees and across different sites, are organized according to a military command structure. The Mission has undertaken efforts to maintain the civilian character of the sites and enforces a set of ground rules. Persons who engage in activities that are inconsistent with the civilian status are expelled from the site.

17. Mission and humanitarian personnel providing services and support have also been exposed to threats and targeted violence, including incidents of stone throwing and vandalism of property. National staff are not immune from such violence and have, on occasion, been targeted because of their ethnicity. At the Malakal site, threats to the safety of national humanitarian workers emanating from within the site have had an impact on the access of the entire population of the site to health and other services for more than a year.

18. Controlling access into and out of the protection of civilians sites also remains a challenge. Perimeter fences span several kilometres and can be breached, in particular at night. Some individuals who are expelled from the sites for criminal acts have managed to re-enter despite the security measures in place. The Mission is working to strengthen accountability measures and reduce the recurrence of expelled

persons re-entering the sites. Those measures include establishing mechanisms for people suspected of having committed serious offences within the sites to be referred to national authorities for investigation and prosecution under South Sudanese law, including for investigation and prosecution on criminal trespass charges of expelled persons who had attempted re-entry. At the time of reporting, 119 criminal cases had been referred to national justice institutions.

19. UNMISS has acted to progressively improve the processes under which individuals are detained in holding facilities, assessed and released or handed over, as well as to improve the security, structural and material conditions at the facilities.

20. The detention of individuals at the holding facilities is undertaken in line with the interim standard operating procedures on detention in United Nations peace operations, as well as Mission-specific guidance and policies developed by the United Nations. The continued improvement of the process under which persons are detained, released and handed over to national counterparts or expelled has decreased the number of persons in the facilities from an average of 50 detainees per day in 2016 to 20 currently in all holding facilities and has, in turn, improved detention conditions.

21. Since 2016, the security in towns and cities where the protection of civilians sites are situated has evolved favourably. With the exception of a considerable setback and derailment of the peace process, the immediate risk of any politically or ethnically motivated targeting of residents of the sites has decreased. However, despite evident improvements to the threat environment, the UNMISS security posture has remained largely unchanged.

22. With more than 1.83 million people displaced within the country, at-risk populations spread across an expansive terrain and refugees and internally displaced persons looking to UNMISS to establish security and stability in areas of return, the continued dedication of UNMISS resources to the protection of civilians sites at current levels is disproportionate when considered alongside broader protection requirements. The situation constrains the Mission's capability to meet its broader mandated responsibilities for the protection of civilians, which require a proactive and preventive deployment of its military forces beyond the sites. In the 2019 report on the humanitarian needs overview for South Sudan, the Office for the Coordination of Humanitarian Affairs identified 5.7 million South Sudanese women, men and children facing protection risks. The Mission's uniformed capacity to provide protection to those people equates to 1 uniformed peacekeeper for every 832 civilians. For the protection of civilians sites, the ratio is 1 uniformed peacekeeper for every 53 civilians.

## **V. Protection of civilians sites and a changing political context**

23. In 2017, the Intergovernmental Authority on Development launched mediation efforts to revitalize the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan. Those efforts concluded with the signing of the Revitalized Agreement on 12 September 2018. The Revitalized Agreement stipulates a permanent ceasefire between parties and a pre-transition period leading to the formation of a transitional government of national unity, to govern during a three-year period, culminating in elections.

24. The Revitalized Agreement has had some notable positive outcomes. The permanent ceasefire continues to hold, with a significant drop in political violence across the country, except for pockets of Central Equatoria where the National Salvation Front has been in armed conflict against the South Sudan People's Defence

Forces and the Sudan People's Liberation Army in Opposition, resulting in violations and displacement.

25. Senior opposition figures reside in Juba without threat and move freely to attend peace talks. At the subnational level, at least 128 rapprochement initiatives between the Government and opposition forces, including military forces, have been undertaken since the signing of the Revitalized Agreement, including 24 in greater Bahr el-Ghazal, 60 in greater Upper Nile and 44 in greater Equatoria. At least 14 events included the participation of internally displaced persons from the protection of civilians sites in Bentiu, Malakal and Wau. The resulting enhanced trust and confidence among the parties to the conflict have led to improved freedom of movement in contested areas and contributed to increased humanitarian access in regions previously inaccessible owing to insecurity. Data from humanitarian displacement tracking and monitoring also indicate increases in same day, local movements in and around the sites for purposes such as employment, livelihood activities, visiting markets and visiting friends and family.

26. The changing situation has encouraged some displaced persons to explore options for returning home. The International Organization for Migration reports that, since the signing of the Revitalized Agreement, 534,082 people have returned to their places of habitual residence. The number of returnees per month increased from an average of 17,900 prior to the signing of the Agreement to 76,000 after its signing. In May 2019, in a survey of intentions and perceptions conducted at the Malakal site, it was found that, of the 44 per cent of households expressing an intention to leave the site, 60 per cent cited improvements in security as influencing their decision-making, although nearly half of those intending to leave were uncertain about the timing of their planned departure. Data from a longer-term trend analysis for the Wau site also indicated that, for 70 per cent of internally displaced persons who had chosen to leave the site, the perception of life now being better at the return or relocation destination was the main motivation.

27. In consultations regarding intentions to return, many internally displaced persons expressed continuing anxiety about the peace process. Since the signing of the Revitalized Agreement, the parties have made slow progress in implementing the Agreement and several benchmarks that would enable the timely formation of a transitional government have been missed. People living in the protection of civilians sites display a level of caution, primarily related to the outcome of past peace initiatives. In discussions, men and women alike stated that they needed to have further assurances that peace was real before leaving.

28. Since the signing of the Revitalized Agreement, the total population of the protection of civilians sites has fluctuated, with an overall net population decrease between November 2018 (195,747) and August 2019 (178,923) of approximately 17,000. Overall trends show that, while South Sudanese people are exploring solutions to displacement, population flows remain fluid, characterized by the simultaneous movement of displaced persons into and out of the sites. While some internally displaced persons have decided to permanently leave, others leave for temporary, prolonged periods to assess the situation and then return. In some instances, for example at the Bentiu site, internally displaced persons have divided their families, with some family members remaining at the site to observe progress in the implementation of the Revitalized Agreement and retain access to services and others leaving for areas of origin or other destinations. In interviews with 130 individuals leaving the Bentiu site in April 2019, the respondents indicated their intention to permanently leave, while, at the same time, 88 per cent reported that they were leaving family members behind.

29. At the same time, new arrivals continue to appear at the sites. The Juba, Bentiu and Malakal sites are recording an increase in arrivals from neighbouring countries. The trend is a cause for concern considering the existing internal protection challenges, the overcrowding and the capped provision of food assistance at the sites. In Juba, the population has grown on average by 500 to 600 individuals a month in 2019. UNMISS interviews conducted with new arrivals to the Juba site in 2019 indicated that about half of all individuals were returning from Ethiopia, Kenya, the Sudan and Uganda. Similarly, in data from displacement tracking and monitoring of new entries at the Bentiu and Malakal sites, most arrivals were identified as coming from the Sudan.

30. In June 2019, 17,288 individuals reportedly returned from the Sudan to Unity, the majority of whom were women and children. The increase in spontaneous arrivals from the Sudan was motivated by two factors: the political situation, which affected many South Sudanese refugees, and the signing of the Revitalized Agreement. While some returnees have returned to their location of habitual residence, often in Rubkona County, others have entered the Bentiu protection of civilians site, both for family reunification purposes and to assess and wait for favourable conditions to pursue onward travel to their counties of origin, in particular Koch, Leer and Mayendit.

31. While insecurity outside the protection of civilians sites remains the impetus for some arrivals, reunification with family and access to services are increasingly given by new arrivals as reasons for entry. In interviews with new arrivals at the Bentiu, Malakal and Juba sites conducted by humanitarian entities and the United Nations police between December 2018 and May 2019, the primary reason for entry was reunification with family. The increase in movements associated with family reunification has come at the same time as increased mobility across parts of the country and likely explains the increased movements of internally displaced persons who have been observed exiting one protection of civilians site to enter another.

32. The exception has been in Wau. Between March and June 2019, the Wau site experienced a 35 per cent increase in arrivals (about 4,500 new arrivals) during clashes between pastoralists and farmers in Kuarjena and Rocrocdong, in the Jur River area. Of all new arrivals during that period, 97 per cent cited conflict- or protection-related reasons as the primary motivation for arrival, while access to services was most commonly cited as the secondary reason.

33. Although political violence has decreased since the signing of the Revitalized Agreement, violence associated with intercommunal clashes and cattle raiding has worsened. Acts perpetrated by community-based militias and armed elements have increasingly involved actors such as State defence and security forces. This trend has had a significant impact on the security environment, which has resulted in an increase in civilian deaths since the signing of the Agreement and has both prompted new displacement and deterred returns.

## **VI. Provision of humanitarian assistance**

34. The delivery of humanitarian assistance inside the protection of civilians sites is managed by humanitarian entities on the basis of Inter-Agency Standing Committee guidelines. At present, residents of the sites are eligible for humanitarian assistance based on their status as individuals who face direct physical threats and lack freedom of movement. As a result, a range of services is available inside the sites, including food, shelter, water, sanitation, schools, hospitals and communal facilities operated by humanitarian entities. The distribution of assistance is routine and access to services is uninterrupted. In contrast, assistance to those displaced outside the sites, and often to communities immediately adjacent to the sites, is provided on the basis

of need. This imbalance has contributed to animosity related to issues of equity among vulnerable communities.

35. There are comparative advantages for identifying and serving vulnerable communities in protection of civilians sites. In contrast, there are significant obstacles to the provision of humanitarian assistance to displaced populations dispersed across South Sudan, ranging from geographical and seasonal operational constraints to issues of insecurity and bureaucratic impediments, leaving civilians, aid workers and assets exposed to harm.

36. Despite those challenges, over the past year, humanitarian partners have significantly scaled up services across the country to serve remote populations. Food assistance distributions are organized at over 200 locations, and, in the first six months of 2019, humanitarian actors reached 3.4 million people in counties without protection of civilians sites.

37. The increasing stability and better access to many parts of the country provide opportunities to work with partners in local areas to restore services and build resilience. The non-humanitarian activities of the United Nations country team, including the launch of large-scale basic service programmes, increased steadily in 2017 and 2018. Despite those efforts, coverage of basic services remains extremely limited. More than 4.4 million people have insufficient access to health services and approximately 2.8 million children do not have access to education.

38. Consequently, the access, availability and quality of services are important factors in the decision-making of internally displaced persons, both those arriving at the protection of civilians sites and those evaluating conditions before deciding to return home. Access to assistance and basic services, in particular health and education that may not be available elsewhere, is cited among the reasons given by new arrivals entering the sites. New arrivals interviewed at the Bentiu site in April 2019 cited access to services as the main reason for entry, secondary to rejoining family. Data collected between July 2017 and March 2018 also indicated that 5 per cent of new arrivals to the Bentiu site were seeking education opportunities.

39. Similarly, the prospect of return to areas where there is limited or no access to services influences the decisions of internally displaced persons and can pose a risk of prolonging displacement and deepening dependence on humanitarian assistance. In profiling exercises of approximately 98,000 internally displaced persons conducted countrywide between April 2018 and January 2019, the lack of access to basic services and employment or livelihood opportunities was identified as the second most significant impediment to voluntary return or relocation for internally displaced persons from both the protection of civilians sites and displaced communities within urban settlements. Focus group discussions undertaken for a survey of intentions and perceptions among internally displaced persons at the Malakal site in May 2019 also revealed that a major challenge to returning to places of origin or other villages where security is improved is that people would not be able to sustain themselves owing to the lack of shelter, food, clean water, employment and basic infrastructure, including health and education facilities.

40. Humanitarian partners have sought to scale up support in response to spontaneous returns and enable others to act on their intentions to pursue alternative solutions to their displacement. An allocation of \$11 million from the Central Emergency Response Fund is bolstering health, education, water and sanitation activities, as well as protection services in areas of return. The Mission, the United Nations country team and partners are working directly at the local level to promote localized priority setting and area-based joint programming to support the long-term needs of returnees as they arrive in host communities.

41. Multi-agency solutions working groups for each protection of civilians site have been formed to facilitate more durable solutions for internally displaced persons. Transport by road, barge and air is also being provided by the United Nations Humanitarian Air Service and UNMISS. In all situations, humanitarian actors are guided by international humanitarian principles, Inter-Agency Standing Committee guidelines, and processes established by the humanitarian country team, including the principles on the search for durable solutions as outlined in the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons of 2010; the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) of 2009 and, in particular, article 11 thereof; articles 2 and 12 of the African Charter on Human and Peoples' Rights; and the Guiding Principles on Internal Displacement.

42. Under the Revitalized Agreement, all parties committed to creating an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection to ensure the right of refugees and internally displaced persons to return in safety and dignity. The Ministry of Humanitarian Affairs and Disaster Management and the Relief and Rehabilitation Commission have been engaged in developing policies and planning for the return of displaced populations to their homes. A national framework for the safe and dignified return of all people displaced by conflict has been developed for approval by the Cabinet and the allocation of resources.

## VII. Site-by-site assessment of the protection of civilians sites

43. While all protection of civilians sites share common attributes, each site has a distinct character. On average, the sites comprise approximately 50 per cent women and girls and 50 per cent men and boys, including a significant number of young people.

### **Bentiu (greater Upper Nile)**

#### *Evolution of the site*

44. The Bentiu site is the largest in South Sudan. Over the years, its size and composition have changed considerably. On 18 December 2013, Government and opposition forces clashed over the control of Bentiu, displacing thousands of Dinka who sought refuge at the UNMISS base. In January 2014, Government forces retook Bentiu, resulting in the Dinka exiting the base, only to be replaced by then-displaced Nuer. As fighting intensified, the number of internally displaced persons seeking physical protection increased to 91,540 in July 2015, reaching 120,278 in February 2016.

45. At present, 103,424 internally displaced persons (49,424 female and 54,000 male), primarily Nuer and some Shilluk, reside at the site. The majority of the displaced come from opposition-controlled areas. Tracking and monitoring of the flow of internally displaced persons entering the site between December 2018 and May 2019 revealed that a majority came from the Sudan. The new arrivals cited their primary reason for entry as family reunification, as well as stopping temporarily at the site while waiting to move on to their counties of origin once they could determine that it was safe and viable to do so.

#### *Current status*

46. A total of 43 humanitarian entities are providing 41 different services at the site. Internally displaced persons continue to move freely into and out of the site, ranging

from short excursions to collect firewood or check and repair their properties, to trips lasting several months. In addition, members of local communities outside the site enter the site for medical care at the UNMISS level II hospital.

47. Since the signing of the Revitalized Agreement, improved security and freedom of movement in Unity has contributed to a more stable environment. Nevertheless, residents of the site noted perceptions of insecurity external to the site, due to cattle raiding, criminality, military presence in civilian areas and physical and sexual and gender-based assault, as well as concerns related to risks associated with a collapse of the Agreement. Within the site, internally displaced persons report threats such as armed robberies, communal clashes and arson. Former combatants expressed fear of forced recruitment and targeting by the Government and its supporters.

48. Despite such circumstances, between October 2018 and March 2019, there was a decrease of 15,084 internally displaced persons at the site. In a survey of intentions conducted in January 2019, it was found that 63 per cent of respondents had discussed leaving the site, with 55 per cent considering returning to their places of origin. Moreover, since its inception, the solutions working group has helped 3,000 internally displaced persons identify land and shelter in Bentiu town and Rubkona to enable their relocation out of the site. In a survey undertaken in September 2018 exploring possible tensions between the host community residing in the towns and returnees and internally displaced persons, it was also found that host communities actively support returnees and internally displaced persons, specifically through the sharing of food. UNMISS and humanitarian partners continue to engage with internally displaced persons to provide information about areas of return so as to enable them to make informed decisions. However, several impediments to return remain. Internally displaced persons at the Bentiu site note, in particular, perceptions of insecurity, the scarcity of food in return areas and limited education opportunities.

### **Bor (greater Upper Nile)**

#### *Evolution of the site*

49. When conflict erupted in December 2013 and spread to Bor, 18,000 civilians from various ethnic groups sought physical protection at the UNMISS base. The control of Bor town changed hands several times, and Government forces eventually consolidated their position in January 2014. As a result, many Dinka who had initially sought sanctuary exited the site and returned to town. Ethnic tensions endured and, in April 2014, a suspected Dinka militia attacked the site, resulting in the death of 47 internally displaced persons and 98 injuries. Currently, 2,000 internally displaced persons (1,034 female and 966 male), predominantly Nuer, remain at the site.

#### *Current status*

50. A total of 13 humanitarian entities are providing 14 services at the site, compared with 20 humanitarian organizations in Bor town that provide a similar level of services. Most internally displaced persons do not intend to relocate to the town and remain concerned about the availability of services in their areas of origin.

51. Following the signing of the Revitalized Agreement, security in Bor has improved considerably. Efforts by the local governor, church leaders and UNMISS to facilitate peacebuilding activities have contributed to fostering a sense of security. As a result, UNMISS transitioned from a static presence around the site to a more mobile posture in April 2019, expanding its protective presence to adjacent communities. In an assessment, UNMISS identified three primary threats to internally displaced persons living inside the site – political uncertainty, criminality, and tensions around housing, land and property – the same issues as those identified by communities outside. Within the site, internally displaced persons identified sexual harassment and

forced marriages as threats. External threats perceived by internally displaced persons relate to the proximity of military barracks and police training camps, as well as the risk of illegal detentions, abductions and sexual and gender-based violence.

52. Over the past six months, some 192 individuals (82 female and 110 male) entered the Bor site to visit family for short periods. The visitors, who mainly came from northern Jonglei, also noted the use of the site as a stopping point while heading to Juba or onwards to Kenya or Uganda and vice versa. UNMISS data confirm that internally displaced persons leave the site to engage in livelihood activities on a daily basis, the majority of whom return in the evening when they feel less secure. Participants in focus group discussions acknowledged that the site is not conducive to a prolonged stay. While many intend to return or relocate, they are closely following national political developments before deciding. Other barriers include a lack of services in return locations and the destruction or occupation of their homes. From early 2016 onwards, the solutions working group has supported the voluntary and dignified return of 902 internally displaced persons (481 female and 421 male) from the site to several locations across the country.

### **Juba (greater Equatoria)**

#### *Evolution of the sites*

53. When conflict broke out in Juba on 15 December 2013, tens of thousands of civilians escaping violence gathered at UNMISS bases in Jebel Kujur (United Nations House) and Tomping seeking physical protection. Two protection sites were established at the United Nations House and one at Tomping. A year later, the internally displaced persons at the Tomping site were relocated to the United Nations House sites. When conflict erupted again in July 2016, nearly 7,000 newly displaced civilians sought refuge at the United Nations House sites, while an additional 4,000 entered the Tomping site and were later transported to the United Nations House sites. In August 2018, clashes between Bul Nuer and Leek Nuer clans at the site known as United Nations House POC 3 resulted in 3,379 Bul Nuer moving out of the site, under duress. They were supported by UNMISS and humanitarian partners to relocate to the Mangateen collective site in Juba city. Currently, two protection of civilians sites exist in Juba, with a combined population of 29,327 (14,772 male and 14,555 female), primarily of Nuer ethnicity.

#### *Current status*

54. A total of 34 humanitarian organizations provide services inside the sites. In a humanitarian assessment of services in adjacent areas conducted in February 2019, no humanitarian actors assisting the communities in the immediate vicinity of the Juba sites were identified.

55. Security in Juba has improved considerably. UNMISS reports that thousands of residents of the sites are commuting daily to town for employment, the pursuit of livelihood activities and higher education. The presence and unrestricted movement of senior opposition leaders in Juba attest to the improved security environment. While some individuals inside the sites have specific security concerns, much of the population of the sites face comparable risks to those borne by civilians living outside. The participants in the focus group discussions noted that inside the sites, the threats they face include the presence of gangs, the politicization of communities and tensions at water points. Specific perceptions of external threats reported include military presence at checkpoints outside the sites, along with a lack of trust in public security forces. Former combatants who deserted the Sudan People's Liberation

Army<sup>1</sup> and former politicians affiliated with the opposition expressed fear of retribution. At the same time, the presence of senior political and military opposition figures could constitute a significant risk if fighting was to resume.

56. From September 2018 to June 2019, UNMISS recorded 6,265 internally displaced persons arriving at the sites, with the majority citing family reunification as their main reason for entry. Interviews conducted with new arrivals in 2019 indicated that about half were returning from Ethiopia, Kenya, the Sudan and Uganda.

57. In a profiling exercise conducted in September and October 2018, it was found that 38 per cent of internally displaced persons in the site known as United Nations House POC 1 and 43 per cent in United Nations House POC 3 were considering leaving the sites to return to places such as Leer, Mayendit, Panyinjar, Rubkona, Ayod, Fangak, Koch, Akobo, Uror and Juba. In considering whether to return, concerns about security and a lack of services in return areas were the impediments most commonly cited. By June 2019, 577 households, or 1,589 internally displaced persons, from the sites had registered with protection desks for assistance with voluntarily return. In 2019, the Mission and humanitarian actors supported the return of 14 internally displaced persons to Uror, 84 to Yuai and 36 to Akobo.

### **Malakal (greater Upper Nile)**

#### *Evolution of the site*

58. On 21 December 2013, conflict spread to Upper Nile, with Government and opposition forces clashing over control of Malakal town. As the fighting intensified, 20,000 internally displaced persons entered the UNMISS base seeking physical protection. Control of the town changed hands several times, with the Sudan People's Liberation Army subsequently consolidating its position. In July 2015, displaced Dinka, Nuer and Shilluk were relocated to a protection of civilians site adjacent to the UNMISS base. Renewed fighting created additional displacement, boosting numbers at the site to over 40,000. In February 2016, following an attack on the site by a suspected Dinka militia that resulted in the killing of at least 40 Shilluk and Nuer internally displaced persons, the Dinka internally displaced persons left the site for Government-controlled Malakal town, while the Nuer and Shilluk remained. Currently, 32,608 internally displaced persons (16,784 female and 15,824 male) inhabit the site, a majority being Shilluk.

#### *Current status*

59. A total of 15 humanitarian entities are providing 30 different humanitarian services inside the site. The same number of entities are operating in Malakal town.

60. The security situation in Malakal has improved to the extent that, on average, up to 5,000 internally displaced persons visit the town daily to engage in a range of activities. However, most return to the site at night owing to the presence of military and perceptions of vulnerability. Despite an overall improvement in security, in two separate incidents, in March and April 2019, members of the Shilluk community were allegedly killed or attacked by suspected Dinka assailants outside the site.

61. During focus group discussions, participants identified sexual and gender-based violence and criminality as perceived threats inside the site. Women further indicated not feeling safe at night. Concerns about external threats centred around risks of physical and sexual violence, the presence of soldiers and fear of revenge killings and harassment. Former combatants expressed fear about venturing outside the sites.

<sup>1</sup> In October 2018, the Sudan People's Liberation Army was renamed the South Sudan People's Defence Forces.

62. Between October 2018 and June 2019, the number of individuals at the site increased by 3,418. In addition, during interviews conducted with new arrivals between December 2018 and May 2019, hunger due to conflict and natural disaster and family reunification were cited as the primary reasons for entry. Since early 2018, however, there has been a significant upward trend in intentions of internally displaced persons to leave. A survey of intentions conducted in May 2019 established that 44 per cent of those interviewed intended to leave the site. Of those, one third intended to leave within three months. UNMISS and humanitarian partners have facilitated visits to areas of return by internally displaced persons and encouraged them to share their experiences to provide the community with information on conditions in areas of return. As a result, families have expressed interest in returning to their places of origin and requested humanitarian support to help them to rebuild their lives.

63. While the Central Upper Nile Government has taken numerous steps to create a safer environment, scepticism and mistrust of the parties' will to implement the Revitalized Agreement persists. A lack of services and livelihood opportunities, as well indiscriminate arrests of young people, including children, are also compounding concerns about returns. Most of the Shilluk internally displaced persons are reluctant to return home owing to unresolved land disputes with the Dinka. The significant presence of Government and opposition military forces in the Wau Shilluk area is also exacerbating concerns about returning to the area.

#### **Wau (greater Bahr el-Ghazal)**

##### *Evolution of the site*

64. The Wau protection of civilians adjacent area was established, adjoining the UNMISS base, in 2016, following the outbreak of violence in Juba that spread to Western Bahr el-Ghazal. In May 2017, fighting in Wau resulted in a major influx of internally displaced persons to the site, with UNMISS subsequently providing physical protection to 39,165 internally displaced persons. As a result of the efforts of the Government, UNMISS and United Nations entities, 25,535 left, and only 13,630 remained as at February 2019. However, an increase in intercommunal violence caused new displacements between March and June 2019, with 4,928 new internally displaced persons entering the site. As at July 2019, the site hosted 13,007 internally displaced persons (6,939 female and 6,068 male).

##### *Current status*

65. A total of 24 humanitarian organizations provide 41 different services at the site. There are 21 humanitarian organizations operating in areas beyond the site, and, while services available in town are comparable, those available further afield are extremely limited.

66. Following the signing of the Revitalized Agreement, UNMISS supported rapprochement efforts between the Government, the South Sudan People's Defence Forces and the Sudan People's Liberation Army in Opposition to build trust and confidence among communities. Those efforts resulted in an improved security environment, enabling the return of internally displaced persons to Wau town. Significant developments have included the withdrawal of the South Sudan People's Defence Forces, the removal of all checkpoints and the institution of night patrols by the National Security Service and the South Sudan National Police Service. However, ongoing intercommunal violence in the Jur River area, coupled with ethnic tensions between Luo and Dinka tribes, continues to create an atmosphere of mistrust among various ethnic communities.

67. Improved security has enabled internally displaced persons to gain access to markets outside the site and participate in livelihood activities, while some visit their areas of origin to check on or repair their houses. Between December 2018 and May 2019, the International Organization for Migration interviewed 1,404 internally displaced persons returning from or embarking on journeys outside the site. A total of 67 per cent of the travellers were women. Almost half were planning to be out for less than a week, while 19 per cent intended to spend more than four months away. Family visits were the most common reason for travel.

68. Within the site, internally displaced persons identified criminality, the prevalence of gangs and sexual and gender-based violence as threats. Some participants expressed fear of revenge attacks and killings, while the elderly felt vulnerable to violence because of their unaccompanied status. Perceived external threats recorded include the presence of armed groups outside, tensions among ethnic groups and alleged arrests of young people by Government forces. The participants perceived the lack of humanitarian organizations in town as an indication of insecurity.

69. Since the signing of the Revitalized Agreement, an estimated 4,324 internally displaced persons have left the site. A survey of intentions conducted in December 2018 indicated that 40 per cent of respondents intended to leave the site. Between April 2016 and August 2019, 282 individuals (214 female and 68 male) have been helped to return, and efforts are under way to support additional relocations to Raja.

70. The politicization of the site continues to be a concern, as prominent Fertit and Luo leaders have claimed that the site is the only viable means for survival. Other communities accuse the Mission of harbouring criminals and opposition supporters within the site. Such rhetoric compromises the Mission's impartiality and creates mistrust and discontent among the communities. General scepticism among internally displaced persons about the commitment of parties to the Revitalized Agreement further impairs returns. Other barriers include the destruction of homes or land and the lack of access to livelihood opportunities in areas of return.

### **Leer temporary protection area (greater Upper Nile)**

#### *Evolution of the site*

71. In November 2015, UNMISS established a temporary operating base in Leer to protect civilians amid increased hostilities between Government and opposition forces. In 2016, violent clashes resulted in displaced civilians seeking protection at the base for periods ranging from a few hours to a day. When conflict in Leer intensified in 2018, a new temporary protection area was established to accommodate civilians seeking refuge. As at May 2018, the area hosted 1,995 individuals. At the time of reporting, there were 589 individuals.

#### *Current status*

72. The humanitarian footprint in greater Leer remains minimal, although efforts are under way to increase presence. UNMISS and partners continue to explore all possible measures to support internally displaced persons and facilitate their return, as requested.

73. Inside the area, participants in focus group discussions reported criminality as the primary concern. The participants reported generally reduced protection risks outside the area following the signing of the Revitalized Agreement. Concerns cited related to the presence of armed young people in areas of return, criminality, military presence in Leer town and sexual and gender-based violence.

## VIII. Observations and recommendations

74. Each protection of civilians site and each area of return presents unique conflict, ethnic and social dynamics. Individuals within the sites and their motivations for staying or leaving are similarly diverse. Planning regarding the future of the sites must take such diversity into consideration, guaranteeing close consultation and communication with affected communities and ensuring that increasing protection responsibilities are assumed by the State. The continued role of the multi-agency solutions working groups will be essential in that regard.

75. The signing of the Revitalized Agreement in September 2018 has generated cautious optimism in South Sudan. The ceasefire has continued to hold in most parts of the country, ushering in a changed protection environment and prompting a number of spontaneous returns. Many internally displaced persons at the protection of civilians sites, as revealed in surveys of intentions, express an increasing willingness and desire to return home. However, several impediments exist, including uncertainty about the peace process, insecurity in home areas and the absence of basic services in places of return.

76. That said, facilitating returns when conditions are conducive is an integral part of humanitarian action and the UNMISS mandate. While the current situation may not be conducive to large-scale organized returns, displaced people are opting to move spontaneously from the protection of civilians sites and other displacement centres or neighbouring countries. Although people with resources are acting independently, many others lack the means to do so as a result of years of protracted displacement. It is incumbent upon the entire international community to respect the fundamental rights of displaced persons who seek solutions to their displacement and enable them to act on their expressed intentions, by addressing the challenges outlined in the present report.

77. In that regard, I reiterate that the Government of South Sudan must uphold its primary responsibility to establish conditions enabling internally displaced persons to return voluntarily in an informed manner, in safety and in dignity, to their homes or to other parts of the country. Once adopted, the national framework will offer a pathway for safe and dignified return.

78. A commitment to address major protection risks, as well as to extend and strengthen the rule of law to prevent and respond to serious crimes in areas outlying the protection of civilians sites and areas of return, must be demonstrated by the State. The Government must take the measures necessary to ensure the security and protection of internally displaced persons and returning refugees, including by facilitating humanitarian access. It must promote respect for universally accepted protection principles throughout its institutions and assume accountability for serious human rights violations and abuses that fuel conflict and trigger displacement. Holding to account perpetrators of violations, including State security forces, is essential to instil confidence among displaced populations to return home. In that regard, I welcome the ratification by the Government of the Kampala Convention and call for the Convention to be adopted into national legislation.

79. I also acknowledge the early steps taken by the signatories to the Revitalized Agreement to establish a humanitarian coordination unit under the National Pre-Transitional Committee. When fully established, this joint mechanism of the Government and opposition will be essential to secure access across the entire country to civilian populations in need of humanitarian assistance and protection and to uphold the rights of refugee returnees and internally displaced persons who have chosen to return. Recent improvements in access must be sustained and all obstructions to humanitarian assistance eliminated. The United Nations will support

the humanitarian coordination unit during the pre-transitional period and the eventual humanitarian coordination arm of the transitional government.

80. UNMISS, for its part, should continue to reprioritize the work of its uniformed personnel to better align with civilian protection requirements. While the Mission will, in coordination with humanitarian actors, continue its commitment to physically protect and support the provision of life-saving assistance at the protection of civilians sites, the imperative remains to provide protection to the most vulnerable, wherever they are located. In determining its continued approach to protecting civilians, the Mission will take into account the report of the Secretary-General on the protection of civilians in armed conflict (S/2019/373).

81. In that regard, I welcome the approach of UNMISS to strengthen its early warning and surveillance capabilities and its shift to a more mobile and robust posture to match the prevailing threat environment while retaining flexibility to adapt to changing circumstances. I encourage the Mission to pursue options for more remote and sustained long-duration patrols, which will contribute to a secure environment and build confidence in areas of return. The Mission's intention to ensure that its projected presence is reinforced by non-military forms of protection to maximize community engagement, human rights monitoring and confidence-building is also encouraging. In addition to the reprioritization of resources, I encourage broader engagement in integrated peacebuilding initiatives, in coordination with humanitarian and development partners, and broader support for subnational reconciliation, conflict resolution, security sector reform, and the strengthening of rule of law institutions.

82. The protection of civilians sites should remain a place of last resort for the protection for civilians under imminent threat, including the most vulnerable. I encourage the continued efforts of all partners and stakeholders to address protection concerns emanating from within the sites. In that regard, UNMISS uniformed personnel will maximize efforts to respond to and remove from the sites any combatants, including persons organizing military activities and persons inciting violence that might jeopardize the safety of residents. UNMISS civilian components will continue to work closely with uniformed personnel and national authorities to prevent and respond to criminality and violent acts through the national justice system. Residents of the sites must also meet their civic responsibilities and uphold the civilian nature of the sites.

83. The provision of humanitarian assistance outside the protection of civilians sites has been and must remain a priority. With 7.2 million people estimated to be in need of some type of assistance or protection, the humanitarian community must continue to routinely assess how services are provided, where they are provided and what level of services is available. Five years after the establishment of the sites, maintaining a status-based determination for the provision of assistance to internally displaced persons solely on the basis of people's residential status within a site raises questions of equity. I urge all stakeholders to consider whether the current model of support to populations inside the sites aligns with the principle to do no harm. Steps need to be taken to avoid reliance on assistance offered within the sites and to mitigate perceptions within host communities of inequity in the provision of assistance. Initiatives should be pursued to ensure local area development, trust-building and reconciliation between communities inside and outside the sites.

84. In assessing whether an environment is conducive to returns, internally displaced persons have stated that they consider livelihood opportunities and the availability of education and health services alongside security guarantees. To create conditions for durable solutions, the Government and all partners must invest in physical, material and legal safety in places of return or resettlement. Humanitarian actors must continue to engage both host communities and returnees in open dialogue

to understand and monitor the situation carefully and to allow them to express their own needs and challenges. I call upon international partners to do their part and provide resources in an effective manner for the comprehensive humanitarian, protection and development actions necessary to enable voluntary returns, including activities to build resilience and sustainable development.

85. All efforts to support durable solutions must be undertaken in accordance with the operational guidance note for humanitarian support to returns, relocations and the local integration of internally displaced persons in South Sudan updated in 2019 and the Framework on Durable Solutions for Internally Displaced Persons. Returns must be safe, dignified, voluntary and informed, and appropriate to considerations relating to age, gender and specific needs. I call upon the parties to the Revitalized Agreement to respect the rights of displaced persons to freedom of movement and to choose their own residence, and refrain from pressuring or forcing displaced persons to settle in specific areas for reasons including those associated with political and/or ethnic preferences.

86. As we approach the deadline for the formation of the Transitional Government of National Unity, I urge the South Sudanese parties to remain committed to the full implementation of the Revitalized Agreement. As detailed in the present report, the benefits of peace are evident. While challenges remain in the implementation of the Agreement, the spontaneous return of refugees and internally displaced persons, including from the protection of civilians sites, is reflective of the population's overwhelming desire for peace. I therefore urge the parties to remain steadfast and for the leaders of South Sudan to come together to form a transitional government by 12 November. The presence of party leaders, including Riek Machar, working alongside the President, Salva Kiir, as part of that government, will have the most profound impact on the confidence of internally displaced persons and refugees to return home.

87. Finally, I would like to convey my sincere appreciation to my Special Representative for South Sudan, David Shearer, the UNMISS military, police and civilian components, the United Nations humanitarian and country teams and non-governmental organizations for their continued dedication to assist the considerable displaced population of South Sudan. Going forward, I urge all stakeholders to continue to work together, to consult and coordinate, respecting distinct roles and responsibilities, while collectively pursuing the common objectives to protect civilians and enable people to safely return home and resume their lives.

