Prioritization and Sequencing of Security Council Mandates: The Case of UNMISS

Introduction

The UN Security Council is expected to renew the mandate of the United Nations Mission in South Sudan (UNMISS) in March 2021. In this context, the International Peace Institute (IPI), the Stimson Center, and Security Council Report organized a virtual workshop on February 10, 2021, to discuss UNMISS's mandate and political strategy. Similar workshops were held in February 2019 and 2020 in advance of the Security Council's previous renewals of UNMISS's mandate. This workshop offered a forum for member states, UN staff, and outside experts to develop a shared understanding and common strategic assessment of the situation in South Sudan. The session was intended to help the Security Council make informed decisions with respect to the strategic orientation, prioritization, and sequencing of UNMISS's mandate and actions on the ground.

Nearly one year after the creation of a transitional government in February 2020, the main pillars of the June 2018 permanent cease-fire and September 2018 peace agreement continue to hold, but their implementation has progressed at a worryingly slow pace. UNMISS's mandated four pillars of protecting civilians, supporting implementation of the peace agreement, facilitating the delivery of humanitarian aid, and monitoring and investigating human rights violations have enabled the mission to adapt to changing conditions on the ground, despite frequent violations of the status-of-forces agreement in recent months. Most visibly, this includes a shift to a more mobile posture to address and prevent intercommunal violence around the country, with UN forces currently in more than fifteen locations. This enhanced mobility has been enabled in part by the controversial redesignation and gradual transition of three of the five protection of civilians (POC) sites from UNMISS's control to the control of national authorities. Within the Security Council, there continues to be unity on the way forward for South Sudan, but neighboring UN member states and multilateral organizations, which are essential partners in supporting the country's transition, have not been as engaged as they could be.

Against this backdrop, the workshop's deliberations focused on the political and security dynamics in South Sudan, as well as on UNMISS's current mandate and priorities for the coming year. Participants also discussed the findings of the independent strategic review of UNMISS, which were shared

with the Security Council in December 2020.[1]

Conflict Analysis

While widespread, large-scale political violence has declined, wavering political will among South Sudan's governing parties has slowed implementation of the September 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). This limited progress has been compounded by an oversaturated security sector, a deteriorating economic situation, and widespread corruption.[2] As the implementation of the agreement lags, progress on political and security reforms, the establishment of effective transitional justice mechanisms, and the promotion of human rights and gender inclusivity has stalled.[3]

The Political Transition and Governance

Participants underscored that the R-ARCSS remains the only viable roadmap for a peaceful political transition. A year into the unity government headed by President Salva Kiir and Vice President Riek Machar—the leaders of the primary coalitions in the conflict—some power-sharing arrangements have come into place, though at a much slower pace than anticipated.[4] Expectations are high for the imminent appointment of a full Revitalized Transitional Government of National Unity as a starting point for advancing other reforms set out in Chapter II (transitional security arrangements), Chapter IV (institutional reforms), and Chapter V (transitional justice) of the R-ARCSS.

In this context, the long-term trajectory of governance in the country is uncertain, especially considering that South Sudan is expected to hold national elections in 2022 or 2023.[5] The establish-

ment of a transitional legislature, the setting up of subnational governance structures, and the promulgation of administrative reforms are seen as vital prerequisites for these elections. Progress on these priorities is also intended to create momentum for the drafting of a new constitution. While the South Sudanese opposition coalition has signaled its willingness to move forward with the constitution-drafting process, the transitional government has not yet reciprocated this commitment.

Tensions over these governance questions are exacerbated by the continued politicization of ethnic identities and the unequal distribution of power and resources among the country's elite institutions. Slow progress on many areas of reform foreshadows the divisions that will likely surround preparations for the upcoming elections, which could derail the country's fragile political stability if poorly implemented.

Reform efforts have also been hampered by the limited inclusivity of governance institutions. The transitional government has not met the R-ARCSS's requirement to appoint women to 35 percent of cabinet positions and governorships. Political activities, civic organizing, and independent journalism continue to face heavy restrictions, surveillance, and repressive measures from the government.[6] And some non-signatory armed groups involved in intercommunal violence in Central Equatoria and Upper Nile states are directly and indirectly marginalized from some political processes.

Much of the country's historical political progress has come as a result of concerted pressure by South Sudan's neighbors, as well as from the Inter-governmental Authority on Development (IGAD) and the African Union (AU). In particular, IGAD facilitated the negotiations that led to the signing of the R-ARCSS and is a guarantor of many of the

1   The independent strategic review was mandated to assess "the challenges to peace and security in South Sudan and [provide] detailed recommendations for the possible reconfiguration of the UNMISS mandate and its civilian, police, and military components." UN Security Council, *Letter Dated 15 December 2020 from the Secretary-General Addressed to the President of the Security Council*, UN Doc. S/2020/1224, December 15, 2020.

2   UN Security Council, *Report of the Secretary General: Situation in South Sudan*, UN Doc. S/2020/1180, December 9, 2020, para. 19; UN Doc S/2020/1224, pp. 22, 24.

3   Reconstituted Joint Monitoring and Evaluation Commission, "Quarterly Report to IGAD on the Status of the Implementation of the R-ARCSS from 1st July to 30th September 2020," October 2020.

4   For instance, the appointment of governors and deputy governors in the ten states has taken place, but the appointment of the seventy-nine county commissioners has yet to happen. See also: UN Doc. S/2020/1180, para. 3.

5   International Crisis Group, "Toward a Viable Future for South Sudan," February 10, 2021.

6   Human Rights Watch, "What Crime Was I Paying for?," December 14, 2020.

agreement's provisions. But despite regional actors' strong record of engagement throughout South Sudan's political process, their leadership has been absent in recent months; countries and regional organizations throughout the Horn of Africa have been preoccupied with several crises, including the ongoing conflict in Ethiopia's Tigray region, the recent elections in Uganda, Kenya's diplomatic dispute with Somalia, and the fragile political transition in Sudan. These overlapping crises have led to a diplomatic vacuum on South Sudan, as well as a lack of necessary pressure from those in the region to fully implement the R-ARCSS.

Conflict Dynamics and the Humanitarian Situation

Over the past two years, conflict dynamics across South Sudan have evolved from large-scale political violence to flare-ups of localized violence, with the hotspots currently in Maban, Warrap, and some locales in Jonglei.[7] While there has been an overall reduction in violence since the signing of the R-ARCSS, intercommunal violence rose in 2020, accompanied by an alarming increase in conflict-related sexual violence.[8] The structural drivers of this violence are latent and are fueled by politicized disputes over land and resources (especially cattle-raiding), as well as "grievances over past atrocities, arms trafficking, displacements and unresolved governance-related issues."[9]

UNMISS has turned its attention to addressing this localized violence, including through local reconciliation efforts supported by the South Sudan Multi-Partner Trust Fund for Reconciliation, Stabilization, and Resilience.[10] UNMISS has also worked to build analytical and programmatic linkages between various conflict-resolution efforts, including by supporting subnational

dialogue and by giving local actors a voice at the national level, both by bringing them to Juba and through Radio Miraya, the UN radio station. These linkages are important because subnational conflict dynamics are often an extension of political competition among government actors at the national level and risk taking on a national dimension.[11]

UNMISS's efforts to redesignate some of its protection of civilians (POC) sites have been among the most visible aspects of its efforts to put the responsibility for protecting civilians back on the South Sudanese government. Since the Security Council adopted Resolution 2514 in 2020, UNMISS has completed the redesignation of three POC sites as internally displaced persons (IDP) camps (Bor, Wau, and Juba); the mission is planning to redesignate the remaining two sites (Malakal and Bentiu) over the coming months. The mission's police have shifted their focus from static protection to supporting the training and professionalization of the local police forces that will be entrusted with protecting the sites and the civilians living in them. Despite the mission's reports of a smooth transfer, civil society actors remain concerned about whether the government has the political will to protect civilians and whether civilians will accept the South Sudanese police forces. These concerns are exacerbated by the rise in gender-based violence, which has increased displacement in Upper Nile and Equatoria states.[12]

Beyond the challenges posed by South Sudan's conflict dynamics, the country's already high level of humanitarian need has become even more acute because of intense flooding in 2020, which has affected half a million people in Pibor and Jonglei alone.[13] UNMISS continues to help facilitate humanitarian access and the delivery of humani-

7   UNMISS, "Near Verbatim Transcript of SRSG/Head of UNMISS David Shearer's Press Conference," February 9, 2021, https://unmiss.unmissions.org/near-verbatim-transcript-srsghead-unmiss-david-shearers-press-conference-0 , paragraph 7.

8   The independent strategic review notes an 88 percent increase in cases of conflict-related sexual violence during the third quarter of 2020. See UN Doc. S/2020/1224, p. 18.

9   Human Rights Watch, "Joint Letter to UN Human Rights Council: Extend the Mandate of the UN Commission on Human Rights in South Sudan," February 5, 2021.

10 UN Multi-Partner Trust Fund Office, "South Sudan Multi-Partner Trust Fund for Reconciliation, Stabilization, Resilience," available at http://mptf.undp.org/factsheet/fund/SSR00 .

11 UN Doc S/2020/1224, p. 19.

12 UNMISS, "Near Verbatim Transcript of SRSG/Head of UNMISS David Shearer's Press Conference," February 9, 2021, para. 13, available at https://unmiss.unmissions.org/near-verbatim-transcript-srsghead-unmiss-david-shearers-press-conference-0 ; UN Office for the Coordination of Humanitarian Affairs, "South Sudan Humanitarian Snapshot," December 2020, available at https://reliefweb.int/sites/reliefweb.int/files/resources/south_sudan_humanitarian_snapshot_december.pdf .

13 Sam Mednick, "Floods, Fighting, Famine: Inside South Sudan's Triple Crisis," *The New Humanitarian*, February 8, 2021.

tarian assistance across the country, even as access has sometimes been denied by the transitional government and other armed actors.

Security Sector Reform and Transitional Justice

Virtually no progress has been made on the reorganization and deployment of a national army. The unification and training of forces is lagging, despite consistent pushes from UNMISS. The transitional security arrangements face hurdles at the policy and operational levels, including inadequate living and sanitary conditions in the cantonment areas and a lack of proper training. Some participants in the workshop attributed the transitional government's limited political will to implement these reforms to narrow political interests, because of their concern that a more ethnically diverse security sector will likely diminish certain factions' authority in the command-and-control structure. These delays make it harder for South Sudan to develop a credible, legitimate army capable of protecting all of the country's population.

Moreover, South Sudan has not yet established many of the transitional justice mechanisms envisioned by the R-ARCSS, particularly the Hybrid Court for South Sudan and the Commission for Truth, Reconciliation and Healing (under Chapter V of the R-ARCSS). These delays have contributed to widespread impunity for crimes committed during the civil war and for ongoing human rights violations. Support to transitional justice processes remains a priority for UNMISS, which is striving to make tangible progress while deferring to the independence and sovereignty of domestic institutions. One speaker at the workshop emphasized that there is a pervasive culture of insecurity and impunity, as individuals are increasingly targeted by government forces and lack access to effective remedies and opportunities for justice. The government recently approved the establishment of the Hybrid Court for South Sudan, a long-overdue mechanism.[14] However, some participants were skeptical that the government would follow

through with the steps needed to ensure its full operationalization.

Prioritization and Sequencing of UNMISS's Mandate

Participants largely agreed on the continued relevance of UNMISS's strategic priorities as identified in Security Council Resolution 2514 (2020). Some participants encouraged small adjustments to parts of the mandate in order to consolidate the mission's ongoing initiatives and support the country through its political transition and the implementation of the R-ARCSS. But they emphasized that the Security Council should not significantly alter the mandate, which has given UNMISS the flexibility to respond to the country's evolving conditions. A few participants suggested that the UN and its member states start looking to the next stages of the political transition by considering different conflict scenarios and attempting to reinforce the mission's overarching political strategy.

Support to the Political Transition

Participants agreed on the centrality of the R-ARCSS as the primary vehicle for the country's transition and highlighted the political role of UNMISS across many areas. They emphasized that the Security Council should reinforce good offices and technical support to governance processes, which are the mission's primary tools for political engagement. Some participants underscored that UNMISS was uniquely positioned to foster inclusive governance and build more systematic linkages between national and local political initiatives.

Discussions also gravitated toward two issues where the UN may have to gradually strengthen its support: the constitution-drafting process and elections. One participant suggested that the Security Council could put additional political pressure on the transitional government to

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14 Michael Chege, "South Sudan to Begin Establishing Hybrid Court, Institutions for Transitional Justice," *JURIST*, February 2, 2021.

mobilize support for the constitution-drafting process. Others also noted that UNMISS and the UN country team in South Sudan may have to begin long-term preparations for the elections. But some cautioned the Security Council against immediately expanding UNMISS's mandate to focus on elections; they instead encouraged a more gradual approach that begins with an assessment of conditions on the ground and what would be required for South Sudan to successfully hold elections before determining the specific contours of UN support.

Participants also discussed the importance of enhanced political coordination on South Sudan between the UN system, regional organizations (including the African Union and the Intergovernmental Authority on Development), and neighboring countries in order to influence and support the implementation of the R-ARCSS. They encouraged the mission to sustain close contact with regional envoys based in Juba and to work with other UN entities that have overlapping mandates. The independent strategic review of UNMISS suggested that establishing a "strong compact with the region and the African Union" could help overcome challenges related to "political will and the capacity of South Sudanese actors and institutions."[15] Some participants used this as a launching point to discuss how the UN system could reinforce these partnerships, even if they are often difficult to sustain in practice. Another participant underscored that the Security Council should use the mandate as an opportunity to reaffirm its political unity on South Sudan. Although UNMISS is not the international guarantor of the political process, it plays a role in demonstrating international support for the process.

Protection of Civilians

Participants discussed ways to ensure that UNMISS can continue to adjust its footprint and protection strategies to meet the changing security environment. They highlighted how in recent months the mission has strived to remain flexible and responsive as it shifted to a more mobile posture to respond to rising intercommunal violence and disengaged from providing static protection at three POC sites. Participants encouraged the mission to continue making this shift and reinforcing its integrated approach to mobile protection activities across its civilian, police, and military components.

Some participants also acknowledged the need for continued coordination between UNMISS and the South Sudanese transitional government in advance of the impending redesignation of the last two POC sites. The broader objective for UNMISS and the Security Council is to encourage the transitional government to eventually assume full protection. Nonetheless, participants urged the Security Council and UNMISS to sustain attention and resources for the redesignated POC sites, only fully transitioning them when UNMISS ascertains that there is sufficient political will and policing capacity to protect the civilians in the sites. They also highlighted that UNMISS should keep protection as a central pillar of its work and further refine its protection strategies to leverage its interlinked political engagement at the national and local levels.

Other participants discussed the independent strategic review's proposal to reduce UNMISS's troop and police ceilings. They highlighted that this proposal was in part motivated by a desire to maintain a steady budget in order to give the mission greater mobility. They emphasized that the mission's shift toward a more mobile posture and away from some of the POC sites made such reductions more feasible and urged the mission to identify how this could be done without detracting from the mission's performance. Others warned that UNMISS's ability to effectively protect civilians, irrespective of its posture, requires robust tools and sustainable resources and that a gradual reduction in formed police units should be tied to increased confidence in the South Sudanese police. They called upon the Security Council, the General Assembly's Fifth Committee, troop-contributing countries, and the UN Secretariat to address challenges related to financial resources and troop capabilities in a more cohesive way.

Finally, one participant encouraged UNMISS to remain prepared for the possibility of a rapid

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15 UN Doc S/2020/1224, p. 8.

deterioration of security conditions. Another responded by emphasizing the importance of indefinitely sustaining the existing capabilities of the mission's quick-reaction force.

Transitional Justice and the Rule of Law

UNMISS was encouraged to continue undertaking initiatives across South Sudan to strengthen the rule of law and improve human rights conditions and transitional justice. Considering the difficult climate for national human rights activities, some participants emphasized the continued importance of the mission's less visible work on opening domestic civic space and supporting accountability for human rights violations. Participants also acknowledged that the mission is in position to play a supportive role in the more politically sensitive aspects of South Sudan's transitional justice efforts, including the operationalization of the hybrid court and the establishment of the proposed truth and reconciliation commission.

Participants also highlighted the importance of UNMISS's continued work on security sector reform (SSR). They underscored the broader goal of having an integrated, aligned, and inclusive security sector, as envisioned in the R-ARCSS. However, there was concern about asking the Security Council to give UNMISS an expansive mandate to bolster government capacity for SSR. Participants reflected on the underlying political nature of SSR and the tensions between different parts of the country's security services and noted that other actors like the UN country team may be better positioned to focus on capacity building. They suggested that UNMISS instead take a lighter approach rooted in good offices and policy advice.

Other participants highlighted the importance of strengthening UNMISS's work with the South Sudanese police. They encouraged a more holistic approach to engaging the police beyond immediate protection priorities, instead building them up as a credible domestic institution—especially compared with the South Sudanese military—as part of broader efforts to promote accountability. UNMISS's support to the expansion of mobile courts was seen by some participants as a particularly valuable practice that improved access to justice at the community level, especially for survivors of sexual and gender-based violence. Expanding access to justice and promoting accountability in regions where intercommunal violence is prevalent were considered priorities for the coming months that could be more strongly reflected in the upcoming mandate. Participants also highlighted the important linkages between efforts to strengthen judicial institutions, foster a culture of criminal accountability, and reduce the prevalence of gender-based violence. Participants pointed to recommendations from the independent strategic review on how to strengthen UNMISS's mandate to respond to conflict-related sexual violence.

Humanitarian Access and Mandate Delivery

Multiple speakers underscored the threat posed by the government and armed actors' repeated denials of humanitarian access to UNMISS and humanitarian organizations. Even though some impediments have been resolved through closer dialogue between the mission and the transitional government, participants urged member states to recognize this fundamental challenge during the upcoming mandate discussion and to include more forceful language against these violations of the UN status of forces agreement with the South Sudanese government.

Conclusion

South Sudan has reached a critical juncture. While the cease-fire and the R-ARCSS continue to hold, the country's systemic fragility and underlying drivers of violence have not been resolved. Without sustained efforts by the South Sudanese parties to continue implementing the R-ARCSS, localized violence will likely persist and may exacerbate tensions at the national level. While there are coalitions of international partners that can support this phase of South Sudan's transition, it is important that they sustain coherent engagement with all regional, national, and local stakeholders over the coming months.

Overall, UNMISS's mandate remains relevant to the current political and security environment.

There are opportunities to continue adjusting the mission's mandate to the changing conditions on the ground without altering its four main pillars, including the protection of civilians. UNMISS's efforts to shift toward a more mobile posture for protection and to link local initiatives with national political developments are important starting points. The mission's additional efforts to strengthen support on justice, the rule of law, and security sector reform will continue to position the UN to engage effectively throughout the country.

Moving forward, the UN will need to engage more deeply and systematically to help South Sudan address these underlying challenges. Encouraging South Sudanese ownership of the peace process and the country's long-term sustainability is imperative. Doing so will require the Security Council, the UN Secretariat, and UNMISS to map out a coherent political strategy rooted in critical benchmarks and a clear understanding of how to leverage international partners and to map out options for UN support to the political transition.

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