Planning From the Future

Component 2. The Contemporary Humanitarian Landscape: Malaise, Blockages and Game Changers

Case Study:
The Violence in South Sudan, December 2013 to Present

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**Acronyms**

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<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>CNCPC</td>
<td>China’s State-owned National Petroleum Corporation</td>
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<td>LRA</td>
<td>Lord’s Resistance Army</td>
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<td>CAP</td>
<td>Consolidated Appeals Process</td>
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<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
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<td>LAPSSET</td>
<td>Lamu Port-Southern Sudan-Ethiopia Transport Corridor</td>
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<tr>
<td>G-10</td>
<td>Armed Group, “Former Detainees”</td>
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<td>GOS</td>
<td>Government of Sudan</td>
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<td>GRSS</td>
<td>Government of the Republic of South Sudan</td>
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<td>HC</td>
<td>Humanitarian Coordinator</td>
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<td>JEM</td>
<td>Justice and Equality Movement</td>
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<td>OLS</td>
<td>Operation Lifeline Sudan</td>
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<td>ROSS</td>
<td>Relief Organization of South Sudan</td>
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<td>SPLA</td>
<td>Sudan People’s Liberation Army</td>
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<td>SPLM</td>
<td>Sudan People’s Liberation Movement</td>
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<tr>
<td>SPLM-IO</td>
<td>Sudan People’s Liberation Movement in Opposition</td>
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<td>SSDM</td>
<td>South Sudan Democratic Movement</td>
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<tr>
<td>SRSG</td>
<td>Special Representative of the (UN) Secretary General</td>
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<td>SRRC</td>
<td>Sudan Relief and Rehabilitation Commission</td>
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<tr>
<td>UNCT</td>
<td>UN Country Team</td>
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<tr>
<td>UNISFA</td>
<td>United Nations Interim Security Force for Abyei</td>
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<tr>
<td>UNMISS</td>
<td>United Nations Mission in the Republic of South Sudan</td>
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<td>UPDF</td>
<td>Uganda People’s Defense Force</td>
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Planning from the Future—the Project

Kings College (London), The Humanitarian Policy Group at the Overseas Development Institute (HPG/ODI) in London and the Feinstein International Center at Tufts University (FIC) are partnering on a 15-month research project “Planning from the Future: Crisis, Challenge, Change in Humanitarian Action.” The research looks at the past, present and future of humanitarian action:

- HPG leads the analysis of the blockages in the past and how these have led to changes in the humanitarian architecture (Component 1).
- FIC identifies the key blockages and game changers in the humanitarian landscape today (Component 2)—and at urgent measures to reform it that could immediately be taken (Component 3).
- Kings College looks at the future and asks whether improvements contemplated today will be adequate to meet the growing vulnerabilities, dimensions and dynamics of humanitarian crises in the longer-term (Component 4).
- The three partners will then come together to provide a synthesis of their findings and recommendations in a final report to be issued in early 2016 (Component 5).

Component 2—The Humanitarian Landscape Today

Despite impressive growth, institutionalization and professionalization the humanitarian system is facing an existential crisis. While time-tested tools, funds and capacities are readily available, the system has succumbed to a widespread malaise and is not delivering. Recent crises from Afghanistan to Somalia, Haiti, Sri Lanka and Pakistan as well as current emergencies—Syria, South Sudan, Central African Republic, among other less visible crises, question the very foundations of humanitarianism and of the galaxy of institutions that pursue humanitarian goals. The intractable nature of many crises and the instrumental use of humanitarian action to cover up for the political failures of the so-called international community are leading to a growing realization that the humanitarian system as presently constituted is not fit for purpose—and growing dissonance about what the purpose should be.

As part of component 2, FIC is producing a series of papers that capitalize on recent or ongoing research. These include Case Studies that will analyze blockages and game changers affecting humanitarian action in recent crises—and what these crises tell us about the state of the humanitarian enterprise. FIC will also be preparing background papers on emerging or under-researched policy, operational or systemic issues that need to be better understood because of how they affect the changing humanitarian landscape.

The South Sudan case raises a number of questions for the future of humanitarian action. These are detailed in the case study that follows. They include the tragic return to violent
conflict of a country that everyone hoped was beyond conflict and on the road to development and institution building. This is a case of humanitarian action in the context of a complex and long-running conflict that involves internal factors difficult for outsiders to understand and a high level of regional political gamesmanship—both of which led directly and indirectly to the resumption of violent conflict, whose magnitude and level of violence almost everyone in the humanitarian and international political communities did not foresee. It also highlights extreme constraints on access—both physical and political; the use of aid—sometimes deliberately, sometimes inadvertently—to legitimize different actors in the conflict including non-state actors; a high level of insecurity for humanitarian workers, particularly national staff (who are often better able to navigate security challenges in other contexts); and the mixing of peace-keeping, security-sector capacity building and civilian protection in the aftermath of the December 2013 events—the so-called "Protection of Civilians" sites that UNMISS bases have become from the days immediately following the resumption of widespread violent conflict in December 2013 until the time of writing.

**Introduction: South Sudan’s Return to Violent Conflict**

South Sudan became the world’s newest country in July 2011, following a referendum that capped a six-year interim period following a negotiated peace after nearly a half century of conflict between South and North. The country, the region, and the international community expressed optimism in the aftermath of independence, but this positivity masked over many of the substantial divisions that remained in the new country, and in retrospect led to a period of "blind optimism" on the part of the international community that these divisions could easily be overcome. Internal divisions within the ruling party led to—or as some observers note were actually just a long-term continuation of—a long-term power struggle within the SPLM—centered mainly around a dispute between the President and the Vice President—and an incomplete integration of a variety of militias into the Sudan People’s Liberation Army (SPLA).¹ The SPLA had grown substantially since the end of the war, in part due to on-going security concerns vis-à-vis the North, but also as the price of containing internal rebellions in the South.² Partly as a result of this, the army was not under unified command, and indeed some of its units were directly answerable to the President. On the evening of December 15, 2013—in the midst of a political showdown that deeply divided the country’s leadership, an attempt to disarm part of one such group led to a shoot-out that quickly took on an ethnic dimension with many ethnic Nuers killed in Juba, and many ethnic Dinka killed in Greater Upper Nile. The fighting spread all over the capital in the ensuing 24 hours, with the group aligned with the Vice President fleeing Juba to Jonglei state. This group formed the SPLM-In Opposition (SPLM-IO).
Today, nearly half of South Sudan’s population is directly affected by this conflict—an estimated 6 million people. The political and economic fallout of the political crisis and the ensuing conflict affects much of the rest of the country. An estimated 2 million have been displaced—mostly internally but with nearly half a million in neighboring countries, particularly Uganda, Kenya and Ethiopia. Over a hundred thousand people are stranded in the so-called “Protection of Civilian” sites—UNMISS bases that became camps for IDPs under UN protection in the aftermath of the renewed fighting.

This case study report is based on an extensive desk review, independent field work carried out in South Sudan, and on findings from ongoing research in South Sudan under the “Secure Livelihoods Research Consortium,” managed by ODI and funded by DFID and Ireland Aid. The Feinstein International Center leads work in South Sudan under that program.3

The case study is structured as follows. The first section is a brief introduction to South Sudan and the current conflict, which broke out in December 2013 following internal disputes over leadership of the Sudan People’s Liberation Movement. The second section is a brief stakeholder analysis, noting the major actors in the crisis, including the main belligerents in the conflict in South Sudan; the main governmental and non-state actors; the regional actors; the humanitarian actors; and local communities caught in the crisis. The third section is the analysis of the main game changers and blockages that grow out of both a historical analysis of South Sudan and the current conflict.

Background

South (and previously, Southern) Sudan has a long history of armed struggle. The first civil war stretched from 1956 to 1972, and ended with the historic Addis Ababa Agreement that introduced substantial changes in the relationship between the dominant North and the historically marginalized and geographically isolated South. A variety of grievances on the part of Southerners fueled renewed rebellion in 1983 under what became the Sudan People’s Liberation Movement (SPLM). These included the planned but never implemented rerouting of the Nile, but particularly the dissolving of the southern regional government and the imposition of Islamic Sharia Law in the non-Muslim South. Originally with backing from the Marxist Derg regime in Ethiopia, the SPLM eventually became a cause célèbre in the West, particularly after an Islamist regime came to power in Khartoum in 1989 and the war took on an even stronger religious dimension. The international community was horrified by the level of human suffering in war-induced famines in 1988 and 1989, which led to the founding of Operation Lifeline Sudan (OLS), a UN operation that coordinated humanitarian efforts in both North and South for much of the ensuing two decades of conflict, until the Comprehensive Peace Agreement (CPA) was signed in 2005.
Operation Lifeline Sudan became something of a humanitarian cause célèbre itself, albeit a highly controversial one, with many accusations that it led inadvertently to increased aid dependency, that it was a thinly disguised way of lending political legitimization to an armed non-state rebel movement (the SPLM), and that it relieved both the SPLM and the Government of Sudan of their obligations towards the population of South Sudan by substituting international action for what should have been internal obligations to protect and provide for civilians. All these accusations have been challenged, but to some degree they have taken on a life of their own.4

The CPA led to a six-year interim period in which the fighting between North and South mostly ceased—the exception being clashes at the border between Sudan and South Sudan. A semi-autonomous southern government was established with its own President, who simultaneously served as First Vice President in the Government of National Unity. The CPA did not address several key questions, including the border between South Sudan and Sudan, as well as the status of oil-rich Abyei, or the “two areas” of Southern Blue Nile state and South Kordofan. A different conflict raged in the Nuba Mountains between the government in Khartoum and a local rebel movement that aligned itself with the SPLM/A —making for an extremely awkward situation in which part of the SPLA was still in place in the “North” even after the SPLM/A and the government of Sudan had reached a peace accord in the South. Patronage networks that grew up during the long war with the North became institutionalized in what Alex de Waal referred to as a “kleptocracy” as South Sudan began to establish governmental institutions after the CPA and corruption became more entrenched after independence.5

The wartime leader of the SPLM, Dr. John Garang, had long promoted the idea of a unified Sudan, in which the South would be equally represented. He died in a helicopter crash shortly after the signing of the CPA, and was replaced by Salva Kiir Mayardit, a senior SPLA military commander and the Vice President at the time who, like most Southerners, favored the course of independence for the South. In the end, a referendum on independence in January 2011 overwhelmingly supported the latter course, and South Sudan became independent on July 9, 2011.

Many parts of the new country however, remained mired in local conflict—particularly Jonglei state, which saw as many as four different armed rebellions between 2010 and 2013. Northern Jonglei, in addition to parts of Upper Nile and Unity States has subsequently become the operational base for the SPLM-IO after the conflict was renewed. As a result, although there was a large swing towards development funding and state building in the aftermath of the CPA and particularly after Independence, there has always been an on-going humanitarian effort in South Sudan. This effort was quickly ramped up in the aftermath of December 15, 2013.6
A variety of ceasefire agreements were signed in 2014 and 2015, most of which fell through almost immediately upon signing. Both groups signed an internationally backed peace agreement in August 2015, although with much protest from the GRSS side that it imposed too many concessions on them. Despite the peace agreement, fighting continues and there have been numerous accusations of violations of the ceasefire by both sides.\(^7\)

**Stakeholder Analysis**

Key actors engaged in the crisis in South Sudan include the belligerents in the conflict (including internal, external and regional actors), the major humanitarian and political actors, and other South Sudanese groups. Each is briefly summarized below.

**Conflict Actors**

The main actors in the current conflict are on one side the SPLM/Juba—who remains the political party dominating the government of the Republic of South Sudan (GRSS) and the SPLA, the army, led by the President, Salva Kiir Mayardit; on the other side the SPLM/A In-Opposition (SPLM-IO), led at least nominally, by the former Vice President, Dr. Riek Machar. A third group of politicians that had initially been suspected of supporting the opposition was detained by the SPLM-Juba for a number of months in 2014 before finally being released. This group, known as the G-10 or the “former detainees,” does not have any fighting forces in the field, but is considered influential to any settlement.\(^8\)

However, other important internal actors at any time may be operating in conjunction with the main groups, or may be operating independently. Two forces allegedly fighting alongside SPLA troops include the Justice and Equity Movement (JEM)—a Darfur-based rebel group, and the SPLA-North. Several other groups are operating in a quasi-independent vein. The first of these is a Shilluk militia led by Johnson Olony. At one point aligned with deceased South Sudan Democratic Movement (SSDM) leader George Athor, his forces had joined the GRSS forces (SPLA-Juba, as some accounts label it) fighting in northern Jonglei and southern Upper Nile states, but he noisily defected from his alliance with the GRSS in 2015, without explicitly joining the SPLA-IO either. Several SLPA-IO commanders, notably Peter Gadet (formerly of the South Sudan Defense Forces during the civil war) who had been a senior SLPA commander in Jonglei prior to December 2015 and who defected to join Machar’s group in opposition, defected from the opposition and could play a powerful role as spoilers in any peace deal.\(^9\) The SSDM “Cobra Faction” led by David Yau Yau had led a largely Murle rebellion in southern Jonglei throughout much of 2011–13. That group reached an accord with the GRSS after the current conflict broke out, was granted an own administrative area, and has largely resisted getting involved in the fight against other Jonglei based rebel movements.\(^10\) There are other, less clearly defined armed non-state groups including the “White Army,” made up of independent groups of armed
youth coming from Nuer communities mostly in northern Jonglei and Upper Nile. White Army fighters from northern Jonglei were responsible for some of the worst atrocities committed against the Murle community at the height of the “Cobra Faction” rebellion.\textsuperscript{11} And there are “local defense forces” across the country. In Western Equatoria “arrow boys” emerged in response to the Lord’s Resistance Army (LRA). In other regions, armed cattle camp youth also engage as “local defense forces.” Although most parts of Equatoria have not been pulled into the current conflict, there has been fighting between SPLA and local youth causing displacements in Maridi, Mundri and other areas hinting that tensions are simmering in Equatoria as well.

Regional Actors

Neighboring states and regional actors have inevitably been pulled into the conflict. The government of Sudan in Khartoum has long been suspected of capitalizing on any internal conflict in South Sudan to undermine national unity and lead to the collapse of the country. It was widely suspected of supporting the Yau Yau rebellion in 2012–13, and there are accusations that it has been funneling support to the SPLM-IO in the current conflict. A dispute over fees and oil revenue sharing had led to the shutdown of oil exports from South Sudan in 2012–13, causing a severe financial crisis for the GRSS. The Government of Sudan (GOS) in Khartoum denies any involvement in the current fighting, and of course has an economic interest in the continued flow of oil from South Sudanese oilfields because. To date, the only way for South Sudan to export crude oil is through the pipeline that goes to Port Sudan in the North.

Uganda has openly supported the GRSS, including the deployment of Ugandan troops in the immediate aftermath of the December 2013 outbreak of fighting (indeed, many observers attribute the fast action by Uganda as the key factor that enabled Kiir’s faction to hold onto power in Juba) and subsequently in the battle to recapture the town of Bor, the capital of embattled Jonglei state.\textsuperscript{12} Uganda has the strongest trade ties with South Sudan of any country in the region, and the only paved road access to South Sudan is via Uganda. There is a long history of ties between the ruling party in Uganda and the SPLM, and personal ties between the leaders of the two countries. This makes Uganda a key regional player, but not an “honest broker” in any peace talks. Uganda also hosts a large number of refugees in the current crisis.

Kenya has strong economic ties to South Sudan in the banking and commercial sector. Kenya had been the launching pad for Operation Lifeline Sudan in the 1990s and early 2000s, and also the host of the bulk of wartime refugees in the camp at Kakuuma. In 2015, Kenya’s leader Uhuru Kenyatta engaged personally in the search for a peace deal.

Ethiopia currently hosts close to 200,000 South Sudan refugees in the far western region of Gambella who have fled from conflict-affected Jonglei state. And the Prime Minister of
Ethiopia, Haile Mariam Desalegn, who succeeded long-time Ethiopian leader Meles Zenawi when the latter died in 2012, has played a direct role in repeated attempts to negotiate a peace agreement. Neither Kenya nor Ethiopia has any direct involvement in the fighting on the ground. Nearly all the countries in the region have substantial populations living and working in South Sudan—a source of tension particularly in urban labor markets. The number of Ugandans living and working in Juba was cited as one of the reasons for Uganda’s muscular response to the fighting in December 2013.

The Intergovernmental Authority on Development (IGAD) has been the main actor leading the peace process. Although member states all have their own agendas, IGAD remains deeply committed to stability—both political and military—in the Horn of Africa region, and has remained involved in the peace talks despite having been effectively blown off by both the major parties to the South Sudan conflict multiple times in the past 20 months. Finally, the LAPSSET project (Lamu Port-Southern Sudan-Ethiopia Transport Corridor), has the strong backing of all the countries in the region with the notable exception of Sudan, because it would offer not only transportation alternatives but also an alternative means for South Sudan to export crude oil.\footnote{13}

The other main international actor, which occasionally finds itself mired in the conflict, is the UN Mission to South Sudan (UNMISS). It was originally mandated in 2011 to support South Sudan in consolidating the peace and help with security sector reforms and state building—albeit with a Chapter VII mandate in civilian protection. The UN Security Council changed its mandate in the aftermath of renewed conflict, with civilian protection as its primary mandate (and the “Protection of Civilian” sites as its major headache).

**Humanitarian Actors**

The UN is also the major humanitarian actor, with a fairly conventional set-up in South Sudan—a Special Representative of the Secretary General (SRSG) who also is the head of UNMISS, a Humanitarian Coordinator (HC) and UN Country Team (UNCT) and the usual panoply of UN emergency and development agencies round out the UN presence in South Sudan. The ICRC and a small number of purely humanitarian NGOs (MSF) are also present. A large number of international NGOs—many with presence stretching back to the civil war, come together in an NGO forum, that also includes many South Sudanese agencies. Although relations have been tense between the UN and the GRSS (the former humanitarian coordinator, Toby Lanzer, was declared *persona non grata* for criticizing the government), relations between the UN and international NGOs have been cool over differences in relations with the GRSS.

Donors, and especially the “troika” (the US, the UK and Norway) played a special role in fostering South Sudan’s independence. During the civil war, US assistance, be it humanitarian or otherwise, was particularly slanted towards the SPLM and against
Khartoum. This group led high-level support for the newly independent country, but rapidly backed away from supporting the GRSS after the renewed conflict broke out in 2013.

Many international NGOs have operated in South Sudan throughout the civil war period, the CPA period and the post-Independence period, shifting their emphasis over time away from war-time humanitarian support towards resettlement, reconstruction, statebuilding, peacebuilding and economic development activities. This was highlighted by a gradual increase in collaboration with the GRSS in various sectors. This shifted in the aftermath of renewed conflict in December 2013 when large numbers of displaced people required urgent assistance and protection. Much of the NGO world distanced itself from both the GRSS (SPLM-In Juba) and the SPLM-IO, leading to widespread accusations by the GRSS of state-avoiding behavior on the part of the humanitarian community—a tension that remains unresolved.14 The churches in South Sudan have been quite active, engaging in peace building, service provision and reconciliation. Many local NGOs and CBOs play a role in humanitarian assistance, but also in service delivery, peace building and advocacy.

Other important stakeholders in South Sudan include local chiefs who engage in local justice, local administration allocation of aid, local support mechanisms, rule of law, conflict resolution and community mobilization, and reconciliation.

**Other Key South Sudan Stakeholders**

Several previously little-known entities have risen to prominence in the current crisis, including the Jieng Council of Elders—a Dinka group of politicians and officials that appears to hold significant sway over senior members of the current GRSS, which is dominated by Dinka politicians. The decision to reject an IGAD peace proposal earlier in 2015 was apparently heavily influenced by the Jieng Council—an indication of the group’s power.15

The refugee camp at Kakuuma and Kenya and Uganda as a whole have long served as an external “anchor” in difficult times in South Sudan—children were sent there for schooling even after the civil war ended, and indeed many civil servants and South Sudanese international agency staff quickly moved their families to Kakuuma and other locations in Uganda and South Sudan when conflict broke out again in Juba. South Sudanese have such connections all over the East African region, and the better off have family connections farther afield. There is a South Sudanese diaspora that is very active on social media—and indeed social media and an active cell-phone network were instrumental in fanning the flames of ethnic conflict and retaliatory killings in Juba and beyond in December 2013. Phone networks are largely confined to towns and their near hinterlands—much of the country does not have cellphone access. It is not clear how important a role the diaspora play in responding to humanitarian emergencies.
Major Themes Emerging from the South Sudan Case Study

Component 2 of “Planning from the Future” is organized around the notion of “game changers” and “blockages.” “Game changers” here refers to major factors that emerged from the crisis or were relatively new—factors to which the international humanitarian community is either unaccustomed or ill-prepared to deal with, or both—that underpin or trigger a crisis, or emerge in the response to the crisis. “Blockages” is a slightly more elusive concept—it can refer to things that are blocking humanitarian action in a given context, but it can refer to longer-standing problems that have yet to be dealt with—and which in some manner significantly shape either the crisis or the response. The following are the main factors that fall into those categories, but as will be noted, some of the factors that emerge from an analysis of the South Sudan context contain elements of both game changers and blockages.

Inability of Outsiders to Understand Political Dynamics on the Ground

The conflict that broke out in Juba in December 2013 caught almost everyone off guard. It was clear that there were deep political divisions within the SPLM, and that an old divide between the Machar faction and the Kiir faction of the ruling party had reached new levels of intensity. But almost no one—including apparently the two leaders themselves or their immediate allies—anticipated the kind of horrific violence that manifested itself in the second half of December 2013. With only a tiny handful of exceptions, no one in UNMISS or the humanitarian community expected or foresaw this either. In retrospect, of course, the situation looked different: This was not the first split within the SPLM—the same factions and indeed for the most part, the same personalities split in the early 1990s with similar atrocities committed.

Clearly there was an internal rebellion and falling out within the SPLM in late 2013. But more subtle perhaps was Alex de Waal’s analysis of a “turbulent political marketplace”16 in which the President and leader of the SPLM was able to keep the peace internally only by dividing the oil revenues “to secure the loyalties of members of the political elite” a system he refers to as “licensing the theft of public funds as the basis for internal political cohesion.”17 This worked okay as long as the oil was flowing and revenues were increasing. But the oil stoppage of 2012 and declining production were bound to undermine this approach to controlling “rent-seeking rebellion.” In 2013 senior members of the SPLM including Kiir and Machar, but also Pagan Amum and Rebecca Nyandeng had contested for the party chairmanship and for the SPLM presidency for the 2015 elections. A number of politicians and senior SPLA members (Amum, Machar) were dismissed in 2013 and the cabinet reshuffled allegedly to get rid of rivals and political opponents of Kiir. The clashes in December 2013 developed in relation to political tensions over the elections. Of course, this set of observations only explains the falling out among the political elite—it doesn’t necessarily explain the horrific levels of violence committed against civilians, nor the rapid
spread and build up to those levels of violence in the days and weeks that followed December 15, 2013. One must overlay the “political marketplace” on the plethora of local grievances, conflict over resources, and practices around traditional conflict resolution (and the way in which these customary conflict resolution methods had been undermined by years of armed conflict).

Even with all this, it still isn’t clear that a predominantly western-based humanitarian community could or would have been prepared for the renewal of widespread violence. Although there were a number of very long-serving senior staff in the humanitarian community—many of whom had happily moved to more developmental roles in the post-independence era—much of the international staff of the humanitarian community in South Sudan are relatively short-term, high-turnover people who did not have that sense of history or that level of understanding of local politics. One encouraging response the confusion of late 2013 in the humanitarian community has been the launch of the South Sudan Humanitarian Project—an organized, inter-agency analysis group that seeks to go beyond simply needs assessment to promote a deeper understanding of the context—and make its findings widely available in print but also on the web and in social media.

It had, however, already been noted by various observers that fragile and conflict-affected countries that manage to reach some kind of negotiated settlement to a conflict stand a high of falling back into conflict. The key to preventing such a slide revolves not only around key economic indicators such as growth and youth employment, but especially around corruption and the legitimacy of political institutions. None of these observations necessarily condemned South Sudan to a return to violent conflict, but certainly the totality of these observations should have led to an approach that anticipated the high likelihood of the re-emergence of widespread violent conflict than was, in fact, the case. Many in the humanitarian community spoke of being “blinded by optimism” in the post-Independence era.

It wasn’t as if humanitarians were the only ones blinded by optimism—the donors were equally blinded. South Sudan had been selected as one of the participating pilot countries implementing the five Peacebuilding and Statebuilding Goals (PSBs) of the New Deal for Engagement in Fragile States. In December 2012, an interim assessment noted that South Sudan had made adequate progress towards these goals. While the political situation clearly deteriorated in 2013, all the underlying problems can be traced well back into history. Indeed the lack of attention to and understanding of history explains a lot of the current predicament of aid agencies and donors. There is little appreciation of the longevity of the crisis and the factors that drive it.

In addition to the above factors, humanitarian information systems are not as well developed for South Sudan as they are in neighboring countries. Information about conditions on the ground, humanitarian needs, current status indicators, and other
information are often not available or not available in the kind of detail necessary for updating planning and allocating scarce resources. Information constraints have particularly dogged the Integrated Food Security Phase Classification process, which in turn has meant on at least a couple of occasions that clear messages about the severity of the situation were not transmitted to donors.\textsuperscript{23}

\textbf{Protection and the POC Sites: Mix of Peacekeeping and Civilian Protection}

When the violence in December 2013 started, UNMISS was quick to serve as a place of refuge. They had done so, and so had the churches, in the past. The expectation was that the violence would blow over and that those taking refuge at the UN bases would rapidly return home. UNMISS was unprepared for a massive inflow of close to 100,000 people (a fact made worse by many staff having already left for their Christmas vacations). UNMISS had been present in South Sudan since July 2011. After the violence in December 2013 UNMISS increased the military capacity of the mission.\textsuperscript{24} At the same time, the institutional capacity-building mission of UNMISS—specifically working with the army and the police to build internal governance institutions—was dramatically scaled back. This was understood to be a signal of donor anger at the GRSS and the SPLA specifically for failing to contain the political crisis.\textsuperscript{25} Initially UNMISS was praised for establishing “Protection of Civilian” (POC) sites under the protection of the UN.\textsuperscript{26} Eight sites were established in UNMISS compounds across South Sudan.\textsuperscript{27} Eventually however it became more complicated for UNMISS to fulfill its differing roles.

UNMISS has always viewed the Government of the Republic of South Sudan (GRSS) as primarily responsible for the security and protection of its population. Initially the Protection of Civilians Strategy was seen as the option when GRSS was unable to fill this duty. One aspect of UNMISS’s peacekeeping mandate had been to work alongside the government in more of a partner role.\textsuperscript{28} In contrast to the partner role, UNMISS was also a “watchdog” and was required to monitor and report on human rights violations and misconduct in the country.\textsuperscript{29}

Not only is UNMISS’ role unique, but the level of responsibility it has taken on in protecting civilians has been called “an unprecedented situation and in a role for which it was not prepared.”\textsuperscript{30} UNMISS thought it would be called on to provide temporary safe-havens during intense conflict, but assumed that eventually civilians would return to their homes.\textsuperscript{31} However, civilians have remained in the POCs to continue to seek protection, but these sites were not designed to host large numbers of people over long periods.\textsuperscript{32}

Actors in the conflict have not viewed the UN protection sites as the safe havens they aim to be and are entitled to be under international humanitarian law.\textsuperscript{33} There have been attacks at UNMISS bases in different areas across South Sudan which have killed civilians and peacekeepers.\textsuperscript{34} The SPLA have been involved in some of these attacks, as have other
forces. The fact that UNMISS has an unprecedented role both as a protector of civilians and as a watch dog over actors in South Sudan has been a new dynamic of a humanitarian crises. A key challenge has been the disrespect for peacekeeping bases as safe havens in the conflict.

The POC sites have doubtlessly saved the lives of thousands of people. But they were initially expected to provide short-term protection to people caught in the wrong place at the wrong time—they were never expected to continue to be a source of protection for nearly two years! A recent report refers to the POCs as “untenable yet seemingly intractable,” and predicts that the number of people seeking refuge in POC sites may go up, not down. But the preoccupation with the POCs, the horrible conditions in the sites, and the constant external threat to them, has effectively tied down a great deal of the operational capacity of UNMISS, meaning that it is difficult for UNMISS to provide much at all in the way of protection outside the POCs. The POCs are increasingly dangerous for both the IDPs sheltering there and the UN peacekeepers.

Dealing with this combination of factors is without doubt one of the most intractable situations that humanitarian agencies, and especially protection agencies, have faced in recent times: no one can figure out what should be done. To make matters worse, the IDPs sheltering in the POC sites only constitute some 8 percent of the total number of IDPs and an even smaller percentage of those stuck in their villages. Because of their high visibility, tensions with the GRSS on the nature of the people sheltering there, differences in analysis between UNMISS, UN humanitarian staff and NGOs on the way forward, various people have noted that the POC sites were “sucking up 90 percent of everybody’s time.”

Lack of contextual understanding, of strategic understanding of key humanitarian issues—in particular in relation to protection—and high turnover of young and often-inexperienced staff compound the problem. A combination of security concerns and confusion over “what is to be done” result in very little assistance reaching those most in need outside the POC sites.

**Humanitarian Aid: Prolonging the Conflict? Legitimizing Political Actors?**

Few countries have as long a history of humanitarian engagement over the past three decades as South Sudan. Operation Lifeline Sudan was a tripartite agreement between the Government of Sudan (GOS) the SPLM/A and the UN. At its core were the so-called “ground rules”—the negotiated rules that governed humanitarian access to affected civilians within the conflict areas, and which also provided for the security of humanitarian workers and infrastructure. OLS operated in both northern and southern Sudan, but did not cover all areas of the South—only those controlled by the SPLA or other parties that signed up to the ground rules.
When conflict broke out again in 2013, many humanitarian agency staff interviewed noted that they were determined to not to “repeat the mistakes of OLS,” but there was no agreement on what those “mistakes” had been. During the OLS era, the discussion had been around the unsustainable nature of humanitarian aid, aid dependency, and the disempowering impact of aid on local communities—and the presumption was that humanitarian aid had been provided at much higher levels during the civil war than it had been in the post-war period (an assumption not borne out by the data). 

However, several criticisms of OLS do seem worthy of consideration, particularly in the current context. First was the observation that the persistence of aid helped to prolong the conflict. A major evaluation of OLS in 2000 suggested that the continuous provision of aid in the conflict constituted “the programmatic expression of the acceptance of continuing violence.” This was not only because it “relieved” the warring parties of their own obligations to address the civilian suffering caused by the war, but also simply the injection of humanitarian resources into an extremely resource-poor context meant competition for aid, and the manipulation of the delivery of that aid, in effect became part of the war economy. There was no counter-factual evidence (i.e. that a cut-off in aid might have shortened the war or made belligerent parties more concerned with civilian impacts—indeed it was the near total lack of protection and assistance to civilians that prompted OLS in the first place). The manipulation of when and where aid could be delivered—a key outcome of the negotiated access—in turn determined where civilian populations gathered, and raised questions about the unintended harms that aid could cause.

But more importantly—particularly in the current context—was the conferral of recognition and political legitimacy to non-state actors. In particular, by recognizing and negotiating with the SPLM/A over access and providing assistance through their coordinating mechanism. Various reports note that this contributed to the international standing of the SPLM and enabled them to claim that they were the legitimate political representatives of the people of South Sudan. This probably both prolonged the conflict, but made it possible eventually to have a negotiated settlement.

Both these points are highly relevant to the current conflict—and not lost on either of the main belligerent parties (the GRSS and the SPLM-IO) and to humanitarian actors. First, there has been an attempt to resurrect a set of “ground rules” based on similar principles as the OLS ground rules. This has enabled, for example, the provision of aid to IO-held territory from Juba—as opposed to aid corridors into opposition areas from other countries. There is much discussion about the harmful impacts of aid in the current crisis, and attempts to study and prevent these harmful impacts. But while attempts are made to negotiate with parties to minimize harmful impacts, both the major warring parties try to use aid to legitimize political positions.
The SPLM-IO introduced its own humanitarian wing—based at least in part on the Sudan Relief and Rehabilitation Commission (SRRC) that was instituted by the SPLM/A during the civil war to manage humanitarian aid. The SPLM-IO, through its Relief Organization of South Sudan (ROSS), has made a major push to control aid going into territory it controls, and indeed attempted in mid-2015 to negotiate separate registration with humanitarian organizations—an attempt vigorously opposed by the UN Country Team and humanitarian agencies. As a result, the ROSS agreed not to insist on separate registrations for the time being, but all parties agreed that information sharing was important. Nevertheless, the way in which all parties to the conflict see the “legitimizing” role of humanitarian assistance and who controls it, continues to be an important part not only of humanitarian calculus, but also of broader political and military strategies. In this case, the humanitarian community has learned from its previous experience.

The question of whether humanitarian assistance is prolonging the conflict is much more difficult to parse. Evidence does exist that provision of assistance—given the obvious ways this is done, such as airdrops or helicopter deliveries—draws the attention of warring parties to civilian recipients of such aid, and at times the decision was made not to deliver aid for fear of putting the recipient communities at risk of greater harm. However, as is almost always the case when such accusations are made, there is no counter-factual against which to judge the likelihood that the conflict would wind down more rapidly were the overall aid program to be shut down.

**Regional Political Gaming**

Regional actors have historically been involved in the conflicts in the South Sudan region by supporting different armed groups operating in the region. However, in the most recent conflict regional dynamics have influenced the conflict dynamics (for example by giving actors no reason to try to stop the violence) as well as had an effect on the international peace process.

There is a mix of motives for different regional actors to be involved in the South Sudan crises ranging from: interests in oil wealth, desire to reduce refugee flow, private citizens’ business interests in South Sudan, regional dominance, and port access. A continuance of the current conflict in South Sudan could actually benefit certain regional actors, which makes it challenging to work towards a resolution.

Sudan is one of the nations who some argue stands to benefit from a protracted civil war in South Sudan. Sudan is interested in maintaining its status as a dominant power in the region and is concerned about the competition created by an oil rich South Sudan. It is also concerned about the emerging links between South Sudan and Uganda and is threatened by the presence of Uganda in South Sudan. However, economic collapse in South Sudan would hurt the economy of Sudan because the two countries’ economies are
closely linked. Nevertheless, there are rumors that Sudan is supporting South Sudan opposition forces that would continue to fuel the conflict.

Uganda is another country that has played an active role in the conflict in South Sudan. At the request of President Kiir of South Sudan, Uganda sent in its military forces, Uganda People’s Defense Force (UPDF) into South Sudan in December 2013. Uganda has publically stated that it has 3,000 troops in South Sudan, but other sources suggest this number is actually much higher. Initially, the UPDF was deployed to help evacuate foreign citizens, securing the airport in Juba, and assisting South Sudanese government capture Bor. Because of this initial assistance, countries such as the U.S., have viewed Uganda’s engagement in South Sudan favorably. However, many argue that Uganda is clearly taking a side in the conflict by supporting President Kiir and because of their support, the government of South Sudan has no reason to meet the demands of the armed opposition. Uganda “holds the trump card over the government of South Sudan.”

Finally, Ethiopia is the other key player in the conflict dynamic in South Sudan. Ethiopia has tried to be a neutral player in the conflict and is the chief IGAD mediator. However, Ethiopia also brings its own strong interests to the situation and has had some tension with Uganda over the presence of its troops in the country. Ethiopia not only plays the key role in the IGAD mediation process for South Sudan, but it is also the largest troop contributing country in Africa and its forces command the UNMISS peacekeeping missions in South Sudan. The conflict in South Sudan has security implications for Ethiopia because of the large number of refugees flowing from South Sudan into Ethiopia, as well as concern with spillover effects between ethnic group conflicts in South Sudan.

Other countries have key economic stakes in the conflict in South Sudan. Kenya has close ties with South Sudanese government and the two countries have become trade partners over time. Kenyan banks are said to be the “backbone” of the South Sudanese economy. Finally, Kenya is planning a new port at Lamu, which would have an oil pipeline from South Sudan. The presence of this port could transform Kenya’s role in the region. Kenya is also providing one of the three IGAD mediators helping to resolve the conflict.

Finally, countries like Egypt and China both have economic and political interests in the South Sudanese conflict. China’s state-owned National Petroleum Corporation (CNCPC) owns forty percent of South Sudan’s oil extraction facilities. Since violence broke out in December 2013, China has had to evacuate hundreds of oil workers from the region. Egypt shares a border with Sudan and has economic interests in maintaining its power in the region and over the Nile.

**Extreme Physical Access Constraints**

While constraints on humanitarian access are numerous, due to security considerations and the political calculus of the warring parties, extreme physical constraints also hamper
access. South Sudan is a vast country with a limited road network; large areas of the country are flooded during the rainy season. For this reason, there has been a heavy reliance on airdropping humanitarian assistance—particularly food aid—in less accessible parts of the country for much of the time since the conflict was renewed. Virtually all the global capacity for airdropping of food aid was deployed to South Sudan for much of 2014 and 2015.61 There is limited access to some conflict affected areas by river barge but even clearly labeled humanitarian river traffic has come under fire. All this means that physical constraints to humanitarian access are as critical as political constraints. Nevertheless there are significant security constraints on humanitarian actors—with extreme dangers for national staff.

**Danger to Humanitarian Workers: International and Local Staff**

The recent violence in South Sudan has illustrated an interesting reversal of a common belief in international organizations that international staff is at greater risk than national staff in humanitarian crises. A study on this phenomenon by the Advanced Training Program on Humanitarian Action (ATHA) notes that international staff receives greater attention in terms of security training and security measures.62 This discrepancy in security measures for international staff is believed to be in part because of heightened security risks for internationals compared to national staff.63 Statistics support this claim globally in terms of per capita rate of attack because international staff makes up less than 10 percent of average aid workers, yet suffered 13 percent of attacks in 2014.64 This assumption of the safety of national staff rests on the idea that a national staffer would stand out less, is not seen as visibly foreign, and is more able to negotiate local security issues.65

Humanitarian Outcomes has started to track trends in dangers to humanitarian workers globally. In their 2014 report, they highlight an increase in attacks on humanitarian aid workers, which they note was driven mainly by the conflicts in Syria and South Sudan.66 They also note that the majority of aid worker victims were national staff working for national NGOs or Red Cross/Crescent Societies in their countries.67 According to the Aid Worker Security Database,68 in the years from 1997 to 2012, 20 national staff had been killed and 3 international staff in South Sudan. A total of 43 serious security incidents involved national staff and 11 involved international staff. Since 2013, 35 national staff has been killed and 90 serious incidents have been reported involving national staff; 4 international staff have been reported killed and 13 serious incidents reported. This demonstrates a clear shift towards the targeting of national humanitarian aid workers.69 The database doesn’t make clear the causes of these incidents, but numerous interviews make it clear that much of the killing is directed at South Sudanese aid workers who are from a different area or of a different ethnic origin than a local population. Some interview data suggests that the actual numbers may be three times higher than the reported figures—with concerns about negotiating the return of kidnapped aid workers part of the
reasons for the under-reporting.\textsuperscript{70} It is important to note here that the risk to international staff is still present and recent cases of attacks on international staff have been increasing despite the fact that international staff rarely move far beyond their aid compounds.\textsuperscript{71}

**Lessons Learned and the Implications for Humanitarian Action**

While the South Sudan crisis is still being played out, much can be learned from this complex case. The following are some of the key points and their implications for humanitarian action in the future.

1. *Complex and protracted conflict.* The conflict in South Sudan and the response to it makes it clear that history matters and analysis of that history matters. Much better conflict analysis, and a much better sense of history, are important to humanitarian action. In many ways, South Sudan in 2012 seemed like a relatively straightforward case: a long liberation struggle, newly won freedom, but crippling poverty and very limited infrastructure. This simplistic view was part of the phenomenon of being “blinded by optimism.” Few in the international community at large—not just the humanitarian community—were prepared for what happened in December 2013, or the viciousness of the violence that has ensued since. There has been some questioning of Collier’s famous finding that countries emerging from civil conflict stand a 50–50 chance of falling back into conflict,\textsuperscript{72} but clearly the humanitarian systems needs to be prepared for that possibility, even while working to prevent it from occurring. External involvement in South Sudan by regional actors has been high—some in very partisan support to political allies; some in the interests of trying to keep the country divided; some in the attempt to find a peaceful solution; all in defense of self interests. This makes navigating the possible humanitarian courses of action even more tricky.

*Implications.* Repeatedly, analysts bemoan the high turnover of staff, the inexperience, and the lack of historical insight in the ranks of humanitarian decision-makers. Turnover of staff—particularly international staff, remains high. One clear implication—particularly for crises like South Sudan, is how to build in the incentives that will build longevity and a long-term perspective in humanitarian leadership. There are some long-serving humanitarian leaders in South Sudan—both international and South Sudanese (and many of the international staff are from neighboring countries). Their leadership has been important, and there are lessons to be learned from them in how to build a more experienced field leadership in humanitarian response. Internal conflict can have negative spillover affects to regional neighbors, yet there is minimal analysis on the incentives regional countries might have in being involved in and even sustaining conflict. This has
implications for determining the most appropriate peace processes, as well as for gaining a more complete picture of the extent of the conflict dynamics.

2. Challenges to civilian protection. Even in the absence of “war on terror” dynamics that have created many blockages for humanitarian action in other conflicts, the conflict in South Sudan has seen horrific violence against civilians, and a very limited ability of humanitarian or political actors to influence the parties to the conflict to either come to a peace agreement or at least abide by humanitarian law. Thus South Sudan has seen many of the same issues: extreme violence against civilians, blocked access, and potentially contributing to greater risk in addressing humanitarian needs.

Beyond these observations are the particularly thorny problems of the POC sites; even though these are a dominant feature of humanitarian discourse and endeavor much of the debate is focused on UNMISS-Humanitarian agency relations. There is broad acknowledgement that the POC sites detract from attention to, and investment in, protection issues of the bulk of the humanitarian caseload. In fact, it seems that “POC” has come to mean physical protection by the UN such that humanitarian staff do not see that they have a role in challenging the impact of war on civilians. Also the functions of the POC sites have changed: when the gates were opened, they were a safe haven for people fleeing for their lives. Now they have become a part of the war economy: by many accounts, combatants and political leaders shelter there and even allegedly direct military operations from there; criminals and other “dangerous people are staying there” at night; they have become magnets and markets. There is a danger that they may contribute to ethnic polarization. They are also an anomaly: technically they are not IDP camps, but UN facilities that benefit from the privileges and immunities accorded to the UN, and thus escape South Sudanese sovereignty much to the irritation of the government. They have become a “wicked problem” with no easy solution.

Implications. Issues around civilian protection and the nature as well as the conduct of the conflict have had severe implications for the ability of the humanitarian community to intervene and, more generally for the respect for humanitarian principles. The lack of foresight and contingency planning by the donor and aid communities have been mentioned above. This general lack of preparedness and blindness to what was brewing outside the aid compounds exacerbated protection problems in the POC sites where all manner of abuse, violence, forced recruitment and gender-based violence are rife. Moreover, the near total focus on the POC sites by most aid agencies (as well as UNMISS and the donors) has resulted in the undermining of the overall impartiality of the aid effort: a huge proportion of people in need, whether displaced or marooned in their villages are not being reached. Interviews in Juba and elsewhere highlighted a tangible sense of paralysis over
“what is to be done”. The lack of presence on the ground, security threats and the short-termism of most staff compound the problem: agencies are not there neither to assist, advocate, let alone protect, nor to document the nature of the war. Agency presence would not necessarily have ameliorated situations of vicious and generalized violence particularly against women, girls and children, but a case can be made that absence has severely hampered the documenting and profiling of violence against civilians and possibly remedial protective action on issues such as forced recruitment or GBV.

3. The use of aid to legitimize non-state actors. During the OLS period, it was fairly clear that aid was being deliberately used to legitimize non-state armed groups—the SPLA in particular. This was in some ways believed to have prolonged the conflict, but also made a stronger CPA possible.

Implications. Both the GRSS and the SPLM-IO are aware of the potential of aid to legitimize non-state actors, and both have sought to control aid for their own purposes. Looking back to the OLS era provides some ideas for how to negotiate these issues. One clear lesson is that relying on local authorities—rather than non-state actors—as the bridge between humanitarian actors and affected communities leads to better outcomes. Another is having some kind of “ground rules” as the basis for negotiated access. There have been “ground rules” suggested in the current conflict. But the danger of manipulation of humanitarian assistance for political and security ends remains.

4. Nature of international engagement. The nature of the relationship between donors and GRSS changed with the outbreak of the December 2013 crisis; and the relationship between donors, international NGOs and GRSS became very difficult. Given the pressure to sign the peace agreement and the threat of sanctions by some donors, the UNSC on one side and the continuing fighting between GRSS and SPLM-IO on the other side, the relations have probably not improved. These tensions affect current and future humanitarian engagement. The general sense is that after the CPA, the nature of international engagement shifted from a humanitarian focus (and a state-avoiding mode of intervention) to a development focus working more in partnership with the new state. After the return to conflict in December 2013, the popular narrative is that the focus has shifted back to humanitarian assistance and the state-avoiding tendencies have returned.

Implications. In fact, the data suggest a much more complex set of longer-term relationships, but the question—particularly for humanitarian actors—of how to engage with the state in complex emergencies in which the state is a party to the conflict, remains. Recent developments suggest that the international humanitarian
community has been able to successfully engage with different armed groups without being seen to endorse them.

5. **Severe access constraints.** Some of the constraints on access in South Sudan have been similar to other crises—being blocked by belligerent parties and/or staff security concerns. South Sudanese national staff in particular are working at great risk, and agencies are doing their best to ensure that staff are assigned to work only in areas where their identity will not put them at risk—although this raises problems about impartiality and independence.

These have been complicated in South Sudan by extreme physical access constraints as well. Logistical planning has helped to prevent this from becoming a bigger problem, but recent attacks suggest that the combination of constrained physical access and political constraints may be combining to make the access problem worse (for instance, helicopter delivery of aid to people trapped in the Sudd, which is noisy and very obvious, is feared to make the people who receive the assistance from the helicopters more vulnerable to attack).

*Implications.* A variety of do-no-harm analyses have been conducted, but of course, doing *no harm* is not an option, when the trade-off is providing assistance versus making people vulnerable to attack. There are huge downsides to both potential courses of action.

6. **Confusion of objectives.** Although the data are not entirely clear, the popular narrative from interviews is one of a pendulum swinging from humanitarian engagement during the OLS period to development and state-building in the post-CPA and independence era, and back to a large scale humanitarian operation post-December 2013. Donors have severely cut back on support for capacity building or service delivery, even in areas of the country unaffected by the current conflict, and at least anecdotally GRSS service delivery funding has been cut as well. Ironically this increases the pressure on some humanitarian agencies to provide services *outside* the conflict-affected areas, which makes little sense. But there is no consensus on how to engage with the GRSS, and no consensus on funding for development or service delivery outside the conflict-affected areas.

*Implications.* Stronger policies need to be devised to deal with “friendly” governments who suddenly fall into “belligerent” status. At a minimum, hard won “peace dividends” in other parts of the country shouldn’t be sacrificed.

**Conclusion**

This case study has briefly analyzed the causes, effects, and implications of the South Sudan crisis that erupted into renewed conflict in December 2103. It has necessarily highlighted some elements of that complex emergency, but has not analyzed all of it. Some of the
lessons learned and implications from this crisis have broader implications for humanitarian action globally, and much can be learned by in-depth analysis. The points raised in this case study will be synthesized in the final report for Component 2 of PFF, and will be further explored in Components 3 and 4.
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