



Guidelines

Civilians seeking protection at UNMISS bases

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**UNMISS GUIDELINES ON
Civilians seeking protection at UNMISS bases**

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A. PURPOSE

1. In the context of the UNMISS Protection of Civilians (PoC) mandate and strategy, this document provides guidance to UNMISS personnel for responding to situations in which civilians may seek, or are actively seeking, protection from the imminent threat of physical violence at an UNMISS base.
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B. SCOPE

2. There are many situations in which UNMISS might need to protect civilians under imminent threat of physical violence. These guidelines address the specific situation when civilians seek protection at UNMISS bases and the preferred options of deterring the violence or facilitating protected passage for civilians to move away from danger to another location are not feasible. They do not create legal obligations for UNMISS or encourage the Mission to proactively invite civilians to seek protection at its bases, but rather provide guidance for managing a situation when civilians come to an UNMISS base of their own accord and ask for protection. The safety and security of UN personnel, premises and assets is paramount and will not be undermined while dealing with such a situation.
3. The guidelines attempt to cover the range of situations in which civilians may seek protection at UNMISS bases, from when it involves only a handful of individuals to potentially several thousand people. Given the diversity of such scenarios, however, it is important that the guidelines are applied on a case-by-case basis, with a flexible and practical approach depending on the situation encountered.

4. The guidelines apply to all UNMISS bases where the Mission has the capability to provide physical security to civilians under imminent threat of physical violence who have sought protection at the base. They are primarily intended to assist State Coordinators, County Support Base (CSB) County Coordinators and Military Commanding Officers, who may be required to coordinate responses to such situations. They are also applicable to all components and sections that might be involved in such a response. A division of suggested roles and responsibilities is outlined in Annex II. It is expected that for some components and sections, further guidance and directives might be required to implement their role outlined in the guidelines.
5. The guidelines do not apply to the actions of the Humanitarian Country Team (HCT), made up of UN and NGO humanitarian partners in South Sudan. However, close coordination with these actors is an essential element of responding to these situations.

C. RATIONALE

6. UNMISS has a mandate for protecting civilians under imminent threat of physical violence, within its capabilities and in its areas of deployment, and in particular when the Government of the Republic of South Sudan (GRSS) is not providing such security.¹ The UNMISS PoC Strategy outlines a number of key activities under the second tier of the DPKO/DFS Operational Concept on PoC related to providing protection from physical violence, including "refuge for civilians that seek safety at UNMISS bases."² However, the Strategy does not provide operational guidance on how to respond to such a situation and there is no DPKO guidance on this issue available.
7. The devastating unintended consequences of the UN's failure to protect designated "safe havens" in Srebrenica in 1995 have led to a general reluctance within UN peacekeeping to create such areas without the adequate capabilities to defend them. It is not considered likely that UNMISS bases in which civilians have sought protection will be overrun by armed actors in the same way as in Srebrenica. It is, however, recognized that in emergency situations UN peacekeeping missions such as UNMISS must be prepared to respond to situations in which civilians are likely to seek protection at their bases.
8. The Mission, therefore, needs to be prepared to respond to such situations and has already done so on a number of occasions in South Sudan since the start of the Mission. For example, in December 2012, more than 5,000 civilians sought protection at UNMISS' base in Wau and on more than six occasions, between October 2012 and March 2013, civilians have arrived at the UNMISS base in Pibor and requested protection.
9. The development of these guidelines was a recommended action from the UNMISS Mission Seminar in June 2012.

D. GUIDELINES

Guiding principles

¹ Security Council resolution 1996 (2011)

² UNMISS Protection of Civilians Strategy (2012)

10. There is a diverse range of situations in which UNMISS may have to respond to civilians seeking protection at its bases. Given the complexity of the issues involved it is important that each situation be dealt with on a case-by-case basis and that the guidelines below are applied flexibly by those concerned.

11. The main guiding principle to be applied in such circumstances, however, is that allowing civilians to seek protection at UNMISS bases should be viewed as a last resort once other preferred options to prevent such a situation from occurring have been exhausted.

The GRSS has the primary responsibility to protect civilians, and only if they are unable or unwilling to protect the affected population should UNMISS intervene. Indeed, civilians might be seeking protection from GRSS security forces, which might in some cases be perceived as the source of the threat, and the affected civilians might therefore prefer to seek protection from UNMISS in such cases.

12. A further guiding principle is that providing protection to civilians at UNMISS bases should only be considered if the Mission has the capability to provide physical security and it should be a temporary measure, with the civilians preferably not admitted inside the base, except in extreme situations. If the civilian population is likely to be displaced for more than a few days, it is preferable for them to be provided physical protection in another settlement or with host families in consultation with GRSS authorities, as well as somewhere where they may be able to access humanitarian assistance. In the event that civilians do seek protection at an UNMISS base the Mission should avoid providing any unwarranted incentive that might lead to a long-term presence of the civilians or induce a pull factor for further civilians to come to the base.

13. If UNMISS does not have the military capability to provide physical security to civilians seeking protection at its bases, consultations should take place with the affected population and GRSS authorities in order to find an alternative solution.

14. The safety and security of UN personnel, premises and assets must not be compromised while dealing with such situations and the security plans approved by the Designated Official for UNMISS bases must be implemented. The Designated Official for Security nationally and the Area Security Coordinator at the state level remain accountable and responsible for safety and security of UN personnel, premises and assets with advice provided by the Chief Security Adviser as required.

Coordination, decision-making and delegated authority

15. The UNMISS response based on these guidelines will be implemented consistent with existing procedures for coordination, decision-making and delegated authority, in particular related to the provision of physical security.³ In this regard, at State Offices and County Support Bases (CSB) State Coordinators and CSB County Coordinators respectively will be responsible for coordinating the Mission's overall response with all components and sections.⁴ Existing coordination mechanisms should be used as well as the activation of crisis management procedures if required.⁵

³ See DPKO Policy on 'Authority, Command and Control in UN Peacekeeping Operations', February 2008

⁴ See the State Coordinators Directive and CSB Directive from January 2013 for an elaboration of the roles and responsibilities of these two positions.

⁵ See UNMISS Crisis Management SOP, October 2011

16. However, the authority for the provision of physical security and the potential use of force is exercised by the military component and the Military Commanding Officer present. This is particularly important in relation to the decision on whether the Mission has the capability to provide physical security to civilians at UNMISS bases, and whether they should be let into the bases or not (see below). At military bases with no civilian staff present, the Military Commanding Officers will be responsible for all tasks.

Specific guidelines

17. With the above considerations in mind the specific guidelines are divided into four temporal phases:⁶

Assurance and prevention: measures aimed at preventing an escalation of the threat of violence against civilians that might cause them to seek protection at UNMISS bases.

Pre-emption: measures to prepare in advance of civilians seeking protection at UNMISS bases.

Response: actions that may be taken while civilians seek protection at an UNMISS base.

Consolidation: follow-up activities to facilitate a durable solution once civilians have left the UNMISS base.

a) Phase one: Assurance and prevention

18. In this phase, UNMISS routine patrols and activities should deter any potential attacks against civilians that might cause them to seek protection at UNMISS bases while reassuring the population of the Mission's intent to protect them. In particular, the Mission should seek to increase the capacity and understanding of the GRSS, the Sudan People's Liberation Army (SPLA) and South Sudan National Police Service (SSNPS) of the State's responsibilities to protect civilians in such situations.

19. Assurance and prevention should also involve close coordination with GRSS authorities and community representatives to identify possible routes by which the civilian population could move away from potential or actual violence to safer areas that would negate the need for them to seek protection at UNMISS bases. When UNMISS receives credible information about an impending threat of violence, the Mission should discreetly share the information with GRSS authorities, community representatives and humanitarian actors, simultaneously notifying mission leadership. This early warning action should seek to mobilize the GRSS to take action to address the situation and/or encourage civilians to voluntarily move away from the identified danger, which would be a preferred option to them seeking protection at UNMISS bases.

b) Phase two: Pre-emption

20. All UNMISS bases should develop a 'contingency plan' for such a situation (see Annex I for template). Planning should include consultation with GRSS officials, the SPLA, the SSNPS, humanitarian actors and community representatives, notably including women. The following aspects should be covered:

⁶ These are the four phases of activities to provide protection from physical violence, as set out in the DPKO/DFS Operational Concept on the Protection of Civilians in UN Peacekeeping operations (2010)

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- Threat and vulnerability analysis and formulation of scenarios and associated 'triggers' that might result in civilians seeking protection at the UNMISS base, including estimated numbers and social profile (e.g. ethnic group, age or political affiliation). This analysis should include an assessment of the risk that the population seeking protection might be seen as a target for attack.
- The measures that could potentially be taken to avoid civilians seeking protection at UNMISS bases. Failing these, identification of an area – in consultation with GRSS officials if required - very close, and ideally adjacent, to the UNMISS base where arriving civilians can be received and provided with physical security by the military component. The identified area should, at a minimum, include capacity for a recognizable and secure perimeter that is tactically defensible by the troops present. Very basic sanitation arrangements such as pit latrines and water for hand washing should also be considered.
- The preparation and maintenance of up-to-date contact lists for local government authorities and humanitarian partners.
- The development of procedures on how to receive arriving civilians, including the identification of the most vulnerable individuals (e.g. women, children - particularly those who are unaccompanied -, the elderly, sick and disabled).
- The identification of potential minimal relief assistance, namely water and medical assistance, required to provide for the basic needs of the civilians for a limited period of time (preferably not more than 72 hours) until they can access humanitarian assistance from other actors.
- Proposals for an alternative longer-term solution for protecting the civilians away from the UNMISS bases, in the event that a crisis persists for more than a few days.

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Where are these?

21. All civilian and uniformed personnel should be briefed and made aware of their respective roles and responsibilities (suggested division of labour set out in Annex II) as part of the contingency plan.

22. The pre-emption phase occurs if measures under phase one have proved insufficient and heightened threats to civilians are detected that make pre-emptive action necessary. In such situations UNMISS must be prepared for the potential arrival of civilians at its base in search of protection and rehearse the contingency plans that have been put in place. However, the Mission must first of all be sure that it has the capability to provide civilians with physical security in such situations otherwise it could place them in greater danger by promising to do so and not being able to deliver.

c) Phase three: Response

23. This phase occurs once civilians under imminent threat of physical violence have arrived at the base and have requested protection. As stated above, the provision of such protection near or inside an UNMISS base should be a temporary measure (preferably no longer than 72 hours) until the threat has subsided or more suitable, longer-term solutions have been found. Although it is a last resort measure, failure to provide protection to civilians in these circumstances could have a serious negative impact on the credibility and perception of the Mission.



Providing a protected area⁷ outside the base

⁷ The term "protected area" has been used instead of "safe haven" or "safe area" as these terms convey the unrealistic expectation that UNMISS will be able to guarantee the safety of civilians which is not the case as its ability to do so is constrained by the Mission's means and capabilities.

24. UNMISS should anticipate that civilians facing the threat of violence may seek protection by establishing temporary settlements near or adjacent to an UNMISS base. This arrangement may be preferable to admitting civilians inside the base as it provides the opportunity for communities to move freely to collect food, water and firewood if the security situation permits.
25. In such a situation the establishment of a protected area should include a clearly defined perimeter and measures, such as a berm or other physical barrier, to protect civilians from bullets or blasts, and with a controlled entry and exit. It is important that measures are taken to avoid placing civilians at risk from any exchange of gunfire between armed actors. UNMISS should aim to create a secure environment (within the limits of its capacities) to ensure the freedom of movement of the civilians to safely collect firewood, water and food. The UNMISS security measures should be planned in consultation with the affected population to ensure they respond to their needs and requirements.

Protection inside the base

26. In extreme situations, civilians (in particular the most vulnerable) may request protection inside an UNMISS base. In line with the guiding principles set out above the Mission should be prepared to allow the entry of civilians into its base only if they face imminent threat of serious injury, death or other serious violations of human rights and there is no other practical way of providing physical protection.
27. This is the option of last resort as the presence of large numbers of civilians inside an UNMISS base may create its own security problems for UNMISS personnel and assets.⁸
The decision to allow civilians to enter the base must be taken based on an assessment of the potential risk this may incur to civilians themselves, the wider community and UNMISS troops and staff.
28. The relevant actors must take into consideration their accountability and responsibility towards the safety and security of UN personnel and assets when taking these decisions. If circumstances allow, the decision should be made after consultation with mission leadership.

Entry/exit procedures

29. For the purpose of these guidelines, a civilian is a person who is not a member of the GRSS security forces or armed group, and who is not taking a direct part in hostilities. Armed civilians that have abandoned their weapon(s) and have sought protection at an UNMISS base should also be provided with protection.
30. UNMISS security measures must prevent the entry by armed individuals into the protected area or base. The military component should be assisted by UNPOL and UNMISS security officers at the base in implementing these measures. No armed person should be permitted inside UNMISS bases. UNMISS should not provide storage of weapons to enforce this provision.

⁸ These guidelines do not address security management arrangements in such situations which are covered by existing security policies and plans. See for example Chapter IV Section E of the UN Security Management System Security Policy Manual – 'Security of UN Premises', November 2012

31. Once a decision is taken to provide protection around or inside the base, UNMISS should admit all civilians seeking protection, within the limits of its resources and capabilities. In a scenario where a base is overwhelmed by the number of civilians seeking protection preference should be given to the most vulnerable groups. If however, the base does not have the military capability to ensure physical security and adequate space available to provide temporary shelter, this should be reported to mission leadership and an alternative solution found immediately.

32. While individual screening may not be practical, the most vulnerable groups (women, children - particularly those who are unaccompanied – the elderly, sick and disabled) should be prioritised as part of the entry procedures. Formal registration of civilians should, however, be avoided as this could raise expectations of access to humanitarian assistance. It is nonetheless important to assess the number and social profile of the civilians (e.g. ethnicity, age, community identity) and identify vulnerable groups.

33. It should be borne in mind that some civilians that might have sought protection at UNMISS bases may be considered to be criminals that the GRSS authorities legitimately wish to take into custody. In such circumstances transfer must be formalized through mutually-agreed mechanisms, including the production of valid arrest warrants or assurances that the individual or group will be treated in accordance with international humanitarian and human rights law. As a minimum, UNMISS should ensure it records the following:

- the identity of the person or people transferred to GRSS custody
- the date, time and place of the transfer
- the reason given by GRSS for the need to take custody of the civilian(s)
- the specific identity of the GRSS senior officer and authority seeking custody of the civilian(s)

UNMISS shall not transfer a civilian to the custody of a GRSS authority if there are substantial grounds for believing there is a risk that the civilian will be tortured or ill-treated, persecuted, subjected to the death penalty or arbitrarily deprived of life.

34. UNMISS shall not force any civilian to leave the protected area or base, and must not allow armed actors (including GRSS security forces) to pressure civilians to leave the base for any reason.

The use of force

35. UNMISS is authorised to use all necessary means, up to and including the use of deadly force, to protect civilians “under imminent threat of physical violence”.⁹ The use of force should be in accordance with the Rules of Engagement (RoE).

Relief assistance

36. Civilians seeking protection at UNMISS bases may require minimal relief assistance, especially if they remain beyond 72 hours for several days. In crisis situations, it is unlikely that they will be able to access assistance from humanitarian organizations that may have relocated from the area because of security concerns. Even if humanitarian organizations are present, they should not be expected to provide assistance in or around UNMISS bases as this would undermine the distinction between humanitarian

⁹ UNSCR 1996 Op 3. b) v)

and military actors, required by international humanitarian law. Therefore, while UNMISS is not specifically mandated to provide humanitarian assistance, the Mission must be prepared to provide minimal relief assistance, especially water and medical treatment.

37. In line with the guiding principles set out above, the provision of relief assistance should be temporary in nature and kept to minimal levels to avoid raising unrealistic expectations that may attract civilians to UNMISS bases or discourage them from eventually leaving. For example, UNMISS should not provide food as this would make it very hard to encourage the civilians to leave the base. The assistance should be provided from existing stocks at the base. In extreme circumstances humanitarian partners may provide UNMISS with relief items to be distributed to the civilians at its bases, however, this should not be relied upon and UNMISS cannot task humanitarian partners. Mission Leadership should be informed about any such circumstances in order to coordinate with the heads of humanitarian agencies if required.

Coordination

38. A delineation of roles and responsibilities of UNMISS components and sections is set out in Annex II. At the earliest opportunity, UNMISS should identify representatives amongst the protected civilian population with whom to coordinate. As part of this coordination UNMISS shall provide information on the security situation and potential threats to civilians inside the protected area as well as the logistical and practical arrangements to manage their stay in or around the UNMISS base. To the extent possible, UNMISS must maintain close liaison with GRSS officials, including SPLA and SSNPS, to address quickly the cause of violence and support the GRSS to assume its responsibility to protect its civilian population and find a long-term solution. UNMISS (and JOC as focal point) should engage with humanitarian organizations, through OCHA and existing civil-military coordination mechanisms, if the threat to civilians is likely to be protracted and necessitate humanitarian assistance. Those responsible for coordinating the UNMISS response should provide regular reports and up-dates to mission leadership and others concerned.

d) Phase four : Consolidation

39. This phase should be considered as soon as the Mission has decided to provide civilians with protection at its bases and it is complete once a longer-term solution is found, allowing them to return to their homes or relocate elsewhere. The provision of protection in or next to an UNMISS base should preferably not exceed a 72 hour period and UNMISS must avoid inadvertently creating a spontaneous IDP settlement. However, UNMISS should not force any civilian to leave its base, nor allow the GRSS to pressure them to do so if they have legitimate ongoing concerns for their safety. The civilians should leave voluntarily once the situation is secure.
40. If civilians consider they are still under threat once the immediate crisis has subsided and do not feel that the conditions are adequately safe to return home, UNMISS should consult and liaise with representatives of the civilian population, local authorities, OCHA and UNHCR to facilitate the transition of the civilians to an alternative settlement or within a host community.

Public information

41. The development of a communication strategy is an integral part of the response. It is important that UNMISS clearly communicate its role of protecting civilians at its bases to

the population, GRSS and other partners in order to manage expectations and avoid accusations of not acting impartially. The message should not include an offer by UNMISS to provide protection at its bases, however, it should include the actions the Mission is taking to address the situation.

E. TERMS AND DEFINITIONS

For the purpose of this guidance, the following definitions shall apply:

UNMISS base: all UNMISS compounds, with a military deployment (Battalion Headquarters and Company Operating Bases) and civilian (State Offices and County Support Bases) bases which are co-located with a military presence. Presence of UNMISS military is essential for a base to consider providing protection to civilians under imminent threat of physical violence.

Civilian: a civilian is a person who is not a member of the GRSS security forces or armed group, and who is not taking a direct part in hostilities. Armed civilians that have abandoned their weapon and have sought protection at an UNMISS base will also be provided with protection.

Protected area: a site close, or ideally adjacent, to an UNMISS base where UNMISS may plan to provide physical protection to civilians under imminent threat, within the limits of its capabilities and as a last resort if alternative and other preferable measures are not feasible.

F. REFERENCES

- UNMISS PoC Strategy (June 2012)
 - DPKO-DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations (2010)
 - Memo from UNMISS SRSG to Force Commander and Jonglei State Coordinator "Guidance on PoC Response Plan in Pibor Town" (Sept 2012)
 - UNMISS After Action Review of Inter-Communal Violence in Jonglei from December 2011 to January 2012 (March 2012)
 - DRAFT UNMISS SOP on Medevacs (2012)
 - DPKO-DFS Interim SOP *Detention in UN Peace Operations*, Ref 2010.6, 25 (January 2010)
 - UNMISS Military Component Rules of Engagement (ROE)
 - UNMISS Mission Seminar Report, June 2012
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G. MONITORING AND COMPLIANCE

42. Compliance with these guidelines shall be monitored by Best Practices Unit on behalf of mission leadership.
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H. CONTACT

43. The focal point for these guidelines is the Senior Advisor, Protection of Civilians.

I. HISTORY

44. This is the first version of these guidelines in UNMISS. No amendments or revisions have been made. However, a variety of documents were consulted in the development of this document, including:

- UNMIS FRAGO 032/10 to OPO 1/08 Operation Safe Refuge (June, 2010)
- Memo from UNMISS SRSG to Force Commander and Jonglei State Coordinator "Guidance on PoC Response Plan in Pibor Town" (Sept 2012)
- Interviews with 10 UNMISS staff about lessons learned from experiences of civilians seeking protection from UNMIS in Kadugli (June 2011), Abyei (May 2008), Pibor (December 2011, October and December 2012 and January 2013) and Malakal (2006 and March 2010).
- Wau crisis After Action Review (April 2013)

APPROVAL SIGNATURE:

DATE OF APPROVAL:

Annex I

TEMPLATE

Contingency plan for civilians seeking protection at an UNMISS Base

Timeframe

The timeframe of the Contingency Plan should be one year, reviewed during this time if there are significant changes in the context.

Scenarios

An analysis of the scenarios and triggers which may lead to situation where civilians seek protection at the UNMISS base, including the potential number and profile (e.g. ethnic group, age, gender).

Protected area

Identification of a site close, or ideally adjacent to, the UNMISS base – in consultation with GRSS if necessary – where entry and exit of civilians seeking protection can be controlled by UNMISS and minimum perimeter security as well basic sanitary arrangements can be provided.

Entry/exit procedures

Procedures for allowing civilians in and out of the protected area as well as identifying the most vulnerable individuals and how civilians will be admitted, including security arrangements for disarmament, securing and storage of any weapons.

Security arrangements

A description of perimeter security arrangements, how internal security within the UNMISS base or "protected area" will be assured and area patrols by the military component that establish a secure environment allowing civilians to move freely to collect firewood, water and food.

Logistics

Identification of logistical support required including medicine, sanitation, drinking water, etc. to provide a basic level of relief assistance for a limited period until the civilians relocate or gain access to organized humanitarian assistance. .

Coordination

Coordination arrangements with community representatives of the protected population, GRSS authorities and humanitarian organizations. This section should include up-to-date contact lists.

Longer-term solution

Identification of a potentially more sustainable solution, in the event that a crisis persists for more than a few days.

Communication strategy

A communication strategy that will inform the affected population and all key stakeholders of the UNMISS role in such circumstances. The message should not include an offer by UNMISS to provide protected areas, which remains the option of last resort.

Annex II

Roles and Responsibilities

Phase	Activity	Responsible actors and coordinating partners
1. Assurance and prevention	Regular patrols to deter possible violence towards civilians	Military
	Coordination with local authorities and advocacy to remind them of responsibility to protect civilians	SCs, CAD, HRD, Military
	Early warning and consultation with civilian population	CAD, HRD, UNPOL, Military
2. Pre-emption	Development of contingency plan	SCs, CSB County Coordinator, Military Commander
	Preparation for the potential influx of civilians	SCs, CSB County Coordinator, Military Commander
3. Response	Establishment of a protected area and security arrangements	Military, UNPOL, MSD
	Put in place entry/exit procedures	Military, UNPOL, MSD, UNDSS
	Profiling of civilian population seeking protection	CAD
	Provision of relief assistance	RRP, MSD, Military, UNPOL
	Coordination	SCs, CSB County Coordinator, Military Commander
4. Consolidation	Consultation with the civilian population about durable solution	CAD
	Liaison with state authorities and humanitarian partners to find a durable solution	SCs, CSB County Coordinator, Military Commander