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Revisiting the Dismissal of the UNMISS Force Commander in South Sudan

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RECOMMENDATIONS

- **The UN and Troop Contributing Countries (TCCs) should focus on improving** UNMISS conditions and rules of engagement.
- **The UN and TCCs should be guided by the overall purpose** and mandate of UNMISS, as well as the security and dignity of its personnel, rather than political considerations.
- **TCCs should refrain** from undermining the integrity and performance of UNMISS.
- **The UN should implement** the Special Investigation's recommendations to improve UNMISS's performance.
- **Future UN investigations should holistically review** the overall performance of a mission, rather than focusing on isolated incidents.
- **The UN should conduct periodic appraisals** of current and future missions to prevent potential issues from escalating.

This policy briefing note examines the implications of the altercation between the United Nations (UN) and Kenya following the dismissal of the Force Commander of the United Nations Mission in South Sudan (UNMISS), Lieutenant General Johnson Ondieki, a Kenyan citizen. An Independent Special Investigation established by the UN blamed poor leadership and judgment for the attacks on Terrain camp—a UN facility in Juba, the capital of South Sudan—in July 2016, which led to several deaths. Although the UN promptly requested that Kenya appoint a replacement, the country considered the dismissal of its citizen unnecessarily punitive and refused.

UN INDEPENDENT SPECIAL INVESTIGATION

The investigation's assignment was to consider the UNMISS response to "violence against civilians, including reported acts of sexual violence," within and around the UNMISS Headquarters and the UN Protection of Civilians (POC) sites,¹ and to investigate the attack on Terrain camp. The panel accused UNMISS of not being decisive enough to fend off the attacks and of an overall lack of leadership, preparedness, and integration among the various units of the mission. It concluded that UNMISS's command and control arrangements were ineffective and grossly inadequate, and that the mission's "risk-averse

¹POC sites in South Sudan have hosted hundreds of displaced citizens since the outbreak of violent hostilities on Dec. 15, 2013. They were housing more than 27,000 internally displaced persons (IDPs) at the time. "Executive Summary of the Independent Special Investigation into the Violence which Occurred in Juba in 2016 and UNMISS Response" (New York: UN, Nov. 2016), http://www.un.org/News/dh/infocus/sudan/Public_Executive_Summary_on_the_Special_Investigation_Report_1_Nov_2016.pdf, 1.

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or ‘inward-looking’ posture” led it to be distrusted by humanitarian organizations and the local population.²

The investigation acknowledged that UNMISS faced “an extremely challenging set of circumstances,” as it was caught in the crossfire, but was unable to verify claims that peacekeepers failed to respond to acts of sexual violence committed in their presence during the same period. It did not consider the possibility that the casualty levels could have been much higher had the peacekeepers not been present. Furthermore, the investigation did not pay enough attention to the fact that UN Security Council Resolution 2132, adopted on December 24, 2013, considerably expanded the original mandate of UNMISS without corresponding increases in its capacity and the resources allocated to fulfill said mandate.³

KENYA'S RESPONSE

Kenya has been a major interlocutor in the long-running efforts to facilitate peace in South Sudan. The country hosted the first Intergovernmental Authority on Development (IGAD) Summit to set the stage for the historic Addis Ababa Agreement on the Resolution of the Conflict in the Republic of South Sudan in 2015, and served alongside Ethiopia and Sudan as tripartite Special Envoys to South Sudan.⁴ Soon after the July 2016 crisis, Kenya also hosted the IGAD Council meeting that proposed the idea of a Regional Protection Force (RPF).⁵

Given its contributions to the peace process in the region, the Kenyan government felt that the UN's decision to dismiss Lt. General Ondieki was unduly punitive. Nairobi responded by withdrawing its 1,300-person contingent from UNMISS, and staying action on its pledged contribution to the RPF⁶ and any future initiatives in South Sudan.⁷ The UN foreclosed any room for negotiation by promptly appointing UNMISS's Deputy Force Commander, Major General Chaoying Yang, a Chinese citizen, as replacement.⁸ However, discussions

² Ibid., 5.

³ For more information on UNMISS's original and revised mandate, see: UNSC, Resolution 1996 (2011), [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1996\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1996(2011)); and UNSC, Resolution 2304 (2016), [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2304\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2304(2016)).

⁴ The three special envoys were Ambassador Seyoum Mesfin of Ethiopia, General Lazaro Sumbelwo of Kenya, and General Mohammed Ahmed Mustafa al-Dabi of Sudan.

⁵ “Communiqué of the 56th Extra-Ordinary Session of the IGAD Council of Ministers on the Situation in South Sudan” (Nairobi, Kenya: July 11, 2016).

⁶ Ethiopia and Rwanda, among other countries, have agreed to contribute to the 4,000-person RPF for important installations in South Sudan during this transition period.

⁷ President Uhuru Kenyatta, “Speech to Kenyan Defence Forces” (Lanet, Nakuru, Kenya, Nov. 3, 2016).

⁸ Kevin J. Kelley and Caroline Wafula, “UN Replaces Kenyan Commander in South Sudan,” *Daily Nation* (Nairobi, Kenya), Nov. 3, 2016, <http://www.nation.co.ke/news/UN-replaces-Kenyan-commander-in-South-Sudan/1056-3439826-ea6hhv/>.

between Kenyan President Uhuru Kenyatta and UN Secretary-General António Guterres at the sidelines of the Summit of the African Union (AU) in January 2017 were followed by an announcement that Kenya would re-engage in the peace operations in South Sudan.

IMPLICATIONS OF THE STALEMATE

The impasse occurred at a most inopportune time, when UNMISS should not have been distracted from addressing the dire situation in South Sudan. While the stalemate lasted, it adversely affected relations between African governments and the UN on matters beyond the management of peace operations on the continent. In the end, the UN's recent announcement that it had offered Kenya the command of the African Union-United Nations Mission in Darfur (UNAMID) may lead to a thawing of relations as both sides sit down to further negotiate Kenya's return to UN peace operations in South Sudan. There is cautious hope that the people of South Sudan will benefit from the rapprochement and re-opening of the window of opportunity to nurture sustainable peace.

POLICY RECOMMENDATIONS

- Both parties—the UN and Troop Contributing Countries (TCCs)—should focus on improving UNMISS conditions and rules of engagement. Through dialogue and proactive engagement, they should explore measured responses that would bring South Sudanese citizens some respite.
- Decisions and actions of the UN and TCCs should be guided by the overall purpose and mandate of UNMISS, as well as the security and dignity of its personnel, rather than political considerations.
- TCCs, and countries close to the theater of conflict, should refrain from any actions or decisions that would undermine the integrity and performance of UNMISS. The UN should implement the key recommendations of the Special Investigation to improve the performance and efficiency of UNMISS and avoid future altercations with TCCs.
- Future UN investigations should holistically review the overall performance of a mission, taking into consideration the challenges that it faces, rather than draw conclusions on the basis of isolated incidents.
- The UN should conduct periodic appraisals of current and future missions to ensure continuous improvement in their performance and identify issues before they escalate.