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PROGRAMME



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THE FUTURE OF PROTECTION OF CIVILIANS SITES: Protecting displaced people after South Sudan's peace deal¹²

Memo, February 2019

Overview

This memo addresses the future of the nearly 200,000 residents of the Protection of Civilians Sites (POCS) in South Sudan in the context of the implementation of the current peace agreement which envisages the closure of the POCS and the return of the residents to their former homes. We draw attention to the changing nature of public authority in the POCS during the five years since their establishment, and the significant role these local structures can play as interlocutors between the residents and the United Nations, the international community and (henceforth) the Government.

The memo is based on research in Juba, Bentiu, Malakal and Wau. The memo recommends that: (a) POCS should not be quickly closed and returns should not be coerced; (b) the diverse public authorities in the POCS should be engaged in debates and decisions about protection and returns; (c) those planning for returns should take into account the need to support diverse public authorities to work together; (d) the UN and humanitarians should anticipate future violence against civilians and therefore develop ongoing protection of civilians plans; and (e) all planning should be realistic about the complexities of governing in the POCS.

Introduction and recommendations

The protection of civilians in South Sudan remains deeply uncertain despite the Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) signed in September 2018. The agreement has brought a cessation of hostilities in many areas and has given South Sudanese a new space to demand that fighting stop. Plus, the signatories to the agreement have promised that both refugees and internally displaced people be ensured 'safety and dignity' during returns.³ The agreement has meant that the warring parties, including the SPLA-IO, have new political incentives to encourage rapid returns.

At the same time, the political system remains violent and turbulent, with political and military loyalties rapidly exchanged. The September 2018 peace agreement is the result of a June 2018 deal between the leaders of South Sudan's main warring parties and the Presidents of Sudan and Uganda. This elite pact may last for years if the economic and political conditions of this deal continue to be met. However, South Sudanese are also acutely aware that this elite

¹ This material has been funded by UK aid from the UK government; however the views expressed do not necessarily reflect the UK government's official policies.

² The research for this memo was funded under the UK's Department for International Development grant to the Conflict Research Programme at the London School of Economics (LSE). It is based on research by Peter Bath in Malakal, Jedeit in Bentiu, Gatwech Wal in Juba, and Wol in Wau POCs. The memo was authored by Naomi Pendle with support from Rachel Ibreck and Alice Robinson at LSE

³ R-ARCSS, 2018.

deal does not change the underlying violent and kleptocratic nature of the political system. Even since the signing of the agreement there have been violations, including mass rapes in Bentiu in November 2018.⁴ South Sudanese and their leaders will take this into account as they consider questions of return and protection. The SPLA-IO's political incentives to encourage return mean that they may not prioritise protection in the same way.

The six United Nations' Protection of Civilian Sites (POCS) have become a particular focus as decisions are made about the return of residents and ongoing protection needs. Up to 195,000 people are still seeking sanctuary in these POCS.⁵ The POCS were an extraordinary innovation and have unquestionably saved lives, but there have been several violent incursions into the sites and fierce conflicts inside them over the years since they were established. In the last year alone, we have seen a resurgence of violent clashes between armed youths in the Juba site, claiming the life of one young man and injuring more than a hundred.⁶ There were also protests and threats against aid workers in Malakal and Bentiu on various occasions throughout 2018. In February 2018, 46 UN police were withdrawn from the Wau POC following allegations of sexual exploitation and abuse.⁷ UNMISS has made significant efforts to review and extend its protection capabilities since public failures in its response to a resurgence of violence in July 2016, yet recent incidents illustrate protection gaps and dilemmas even within the heavily securitized spaces of the POCS. Addressing these issues is not only essential for informing policy in South Sudan, but also to provide lessons about the realities and challenges of UN protection of civilians policies worldwide.

This memo is a response to recent incidents within the POCs and to debates concerning their future. It develops previous research that highlighted how community authorities emerged and evolved to promote customary law, collective identity and forms of protection under UN governance within the POCS, albeit with some striking deviations from human rights norms.⁸ The memo examines the characteristics, experiences and influence of such authorities, including in recent conflicts within the sites. It argues that they are diverse and mutable, but they are also central to securing civilian protection, and must be consulted and engaged in any debates about protection and returns. In reality, the future trajectories of the POCS and their residents will rely on decisions made by various institutions including the UN and humanitarians, but also by South Sudanese authorities who have influence over POCS residents. This memo briefly outlines some key dimensions and dilemmas currently surrounding these community authority figures in the POCS.



⁴ UNMISS, 5 December 2018. Available at: <https://unmiss.unmissions.org/human-rights-investigators-rush-south-sudan's-bentiu-following-spate-rapes>

⁵ United Nations Mission in South Sudan (21 January 2019), *POC UPDATE*. Available at:

https://unmiss.unmissions.org/sites/default/files/poc_sites_update_227_-_21_january_2019.pdf

⁶ This incident resulted in disruption and closure of the POC for more than a week. It was recorded in detail by our researcher within the site, and revealed the salience of longstanding tensions between Bul Nuer from Mayom and those from other clans and how rapidly these can escalate into violence, despite the presence of UN police and peacekeepers. Many members of the former group were eventually forced out of the camp. Also see: <https://reliefweb.int/report/south-sudan/1-dead-inter-communal-fighting-south-sudan-un-camp>

⁷ <https://radiotamazuj.org/en/news/article/unmiss-withdraws-46-police-officers-from-wau-over-sexual-abuse-allegations>

⁸ Ibreck, Rachel and Pendle, Naomi (2016) "Customary Protection? Chiefs' Courts as Public Authority in UN Protection of Civilians sites in South Sudan", *JSRP Paper 34*. Available at: <http://eprints.lse.ac.uk/84472/1/JSRP-34.Ibreck.Pendle.pdf>.

Recommendations

1. POCS should not be quickly closed and returns should not be coerced.

The continuing political contestation surrounding R-ARCSS does not provide sufficient guarantees of security and protection for speedy returns to necessarily be safe. In planning returns, it is important to be aware of pressures from the Government of South Sudan and now from the SPLA-IO on UNMISS to close the POCS as quickly as possible. Also, the POCS are not homogenous and there is a need to be attentive to the politics of who is encouraged to leave, and for what reason. At the time of writing, neither the international community nor the warring parties can guarantee safety for people leaving the POCS. Splitting returns within families and communities is a common strategy among South Sudanese for staying safe during returns. This necessitates that some people are able to stay behind often for many years. Forcing speedy returns would undermine this strategy. UNMISS and humanitarians should be cautious not to coerce returns including through the ways that services and food are delivered.

2. The diverse public authorities in the POCS should be engaged in debates and decisions about protection and returns.

Since December 2013, various public authorities and institutions for law and social regulation have been developed in the POCS. These local institutions have proved themselves to be highly adaptable. Many have been actively involved in the resolution of conflicts that have arisen in the POCS, while some have also contributed to divisions or conflicts. We can expect these authorities to continue to evolve and to remain relevant to the prospects for peace and security within the sites, and to be crucial in perceptions and processes of return. We can also expect that they would seek to renegotiate their role and positions outside the POCS. They must be consulted in debates and decisions about returns to reduce conflict.

3. Those planning for returns should take into account the need to support diverse public authorities to work together.

Public authorities have evolved over the last five years while governing residents in the POCS. They have evolved in different ways in the different sites. At the same time, people from the same communities as those in the POCS, have fled to diverse places, some of them becoming refugees outside South Sudan. If R-ARCSS prompts returns, there will be diverse public authorities with influence over the returning populations. Support needs to be given to the peaceful transition to help these authority structures to work together without conflict.

4. The UN and humanitarians should anticipate future violence against civilians and therefore develop ongoing protection of civilians plans

The current reduced fighting as a result of the 2018 elite pact and R-ARCSS will may last for years and will last as long as the key political and economic components of the deal can be met. However, in reality, R-ARCSS has not changed the nature of the political system which remains violent and turbulent. Therefore, we can expect future violent conflict in South Sudan. It is also foreseeable, after the experiences of the last five years, that South Sudanese will again seek refuge from the UN and will demand protection in POCS. Some of the challenges of the POCS were exaggerated by the lack of committed planning for POCS in South Sudan before December 2013. Better plans should be made for the future that take into account the likely demand for POCS.

5. Planning should be realistic about the complexities of governing in the POCS

Both UNMISS and community authorities have struggled to maintain law and order in the POCS. This is partly because of UNMISS's mandate and legal constraints. It is also related to the social conditions of uncertainty, trauma and deprivation that afflict the everyday lives of residents of the POC, and other South Sudanese, and the socio-legal legacies of successive wars. Public authorities generally uphold patriarchal norms, often in blatant violation of human rights principles. UN policies have interacted with and influenced community authorities in the POC sites to some extent. But UN protection agendas and humanitarian spaces are also being shaped by local political actors and their norms and practices. The future of protection depends on recognising this reality and developing consistent mechanisms to engage with and promote legitimate, stable and protective local authorities. This applies to continuing POCS, the processes of return, and future protection of civilian efforts.

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I. Diverse communities and localities

There are significant differences between and within the POCS. The sites emerged from different contexts and distinct violent processes, and this is reflected in their demographic make-up and socio-political histories. Their population numbers also vary. For example, Bentiu POCS is by far the largest, housing almost 115,000 people, compared to just over 32,000 in UN House Juba and 29,200 in Malakal.⁹ Smaller numbers of people have sought safety in POCS in Bor and Wau. Bentiu POC expanded gradually after an initial, relatively small, urban influx from Bentiu town in December 2013. In the years that followed, many more people have fled to Bentiu POCS from rural areas. In contrast, Juba POCS was rapidly populated at the beginning of the conflict and hosts a predominantly urban population, accustomed to urban services and structures of governance, among them politicians and civil servants from the pre-war government.



The residents within each site are also hugely varied. Residents have a wide variety of political positions, wartime experiences, military training and ideas of 'home'. They include those who had only lived in rural areas until living in the POCS. They also include those who have only ever lived in urban centres, whether they were born and brought up in exile in cities like Khartoum, or whether they were educated decades ago and subsequently held government positions in Juba before December 2013. Some

POCS residents know their urban homes have been occupied or destroyed. Other POCS residents are confident that they can still claim rural land to build a new house, and they instead fear the lack of cattle and livelihoods since wartime raids. Some in the POCS are politically known figures and fear arbitrary arrest or individually targeted killing. Some are active supporters of the opposition or are associated with the opposition because of historic political alignment or employment. Others try to avoid strong political associations despite the polarised political climate or have little influence over public opinion. Humanitarian and UN decisions, including over the futures of the POCs, need to take into account the diversity and wide-ranging protection needs of these populations.

II. Splitting return as a protection strategy

Despite their diversity, many of the communities and families in the POCS do have previous experiences of displacement and return. Many of those who currently live in the POCS were previously displaced during the wars of the 1980s and 1990s (or were born in that period of exile) and returned to South Sudan before its independence in 2011. A common strategy of many families to ensure safety and protection during return was to split. After the 2005 Comprehensive Peace Agreement, displaced families would remain in sites of refuge while individuals (often men) would go ahead to

⁹ United Nations Mission in South Sudan (21 January 2019), *POC UPDATE*. Available at: https://unmiss.unmissions.org/sites/default/files/poc_sites_update_227_-_21_january_2019.pdf

assess security, and cautiously re-establish their homes and livelihoods.¹⁰ A gradual process of return allowed them to plan ahead and minimise the risk to their families.¹¹ Many prioritised remaining in exile, until the point at which remaining in exile could have lost them status and other resources in South Sudan.

Following these historic experiences of return, many South Sudanese are also now splitting their returns to ensure safety and protection. For example, in Bentiu, a few community and family leaders returned in late 2018 to rural areas to assess the situation, but left their families in Bentiu POCS. In Wau, people are increasingly leaving the POCS (and camps adjacent to the POCS) but, again, are leaving others in the camps to maintain their shelters, so they have somewhere safe to run if they need to flee violence.

Therefore, requiring speedy returns by whole families, including through the way that aid and services are delivered, will undermine POCS residents own strategies for protection and return. UNMISS and humanitarians need to be careful to ensure that returns are not coerced. These previous experiences indicate that UNMISS and humanitarians should be wary of assuming or promoting immediate returns by entire families and be careful to ensure that returns are truly voluntary. This includes monitoring subtle forms of pressure for return, including from the warring parties, UN and through the ways that humanitarian aid is delivered.

III. Community authorities

Despite their differences, the POCS share common governance challenges that emanate from their unique legal and political context. UNMISS has overarching authority within these spaces but is constrained by its mandate; the Status of Forces Agreement (SOFA) with the Government of South Sudan; and the political and legal pressures to respect South Sudan's sovereignty. UNMISS's capacity to regulate law and order within the sites is limited, since it has neither an executive mandate to administer populations nor the legal authority to prosecute criminals.¹² At the same time, UNMISS personnel have tried various different measures in different sites to try to maintain peace and security in a way that does not explicitly infringe their mandate or the SOFA, including processes to hold suspects accused of crimes and to determine if they should be excluded from the camp. It has also involved community actors in various

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¹⁰ Hovil, Lucy. 2010. Hoping for peace, afraid of war: the dilemmas of repatriation and belonging on the borders of Uganda and South Sudan (research paper no.196); Harild, N., Christensen, A., and Zetter, R. (2015), *Sustainable refugee return: Triggers, constraints, and lessons addressing the development challenges of forced displacement*. Washington DC: The World Bank. Available at: <http://www.rsc.ox.ac.uk/publications/sustainable-refugee-return-triggers-constraints-and-lessons-on-addressing-the-development-challenges-of-forced-displacement> , p. 132

¹¹ Harild, N., Christensen, A., and Zetter, R. (2015), *Sustainable refugee return: Triggers, constraints, and lessons addressing the development challenges of forced displacement*. Washington DC: The World Bank. Available at: <http://www.rsc.ox.ac.uk/publications/sustainable-refugee-return-triggers-constraints-and-lessons-on-addressing-the-development-challenges-of-forced-displacement> , p. 134

¹² Stern, Jenna (2015). Establishing Safety and Security at Protection of Civilians Sites: Lessons from the United Nations Peacekeeping Mission in South Sudan. Civilians in Conflict Policy Brief no. 2 September, p. 10. https://www.stimson.org/sites/default/files/file-attachments/CIC-Policy-Brief_2_Sept-2015.pdf.

administration and policing of the sites, both formally and informally. Formal assistance to community authorities has also run into the problem that the practices and decisions of chiefs' courts in the POCS are often in violation of the human rights commitments that the UN is required to uphold.

People in the POCS are also subject to plural authorities that include customary leaders, political figures (often aligned to the SPLA-IO), Community High Committees (CHC), Community Watch Groups (CWG), Community Emergency Response Teams (CERT) and even societal authorities including clan leaders, spiritual authorities, youth and women's leaders and teachers. Some of these authorities were newly reconfigured in the POCS, while others have multi-generational histories but are being reshaped in the POCS context. Residents must negotiate these dissonant and competing claims over authority. UNMISS must also contend with them, and yet remains wary of acknowledging certain authorities, including because of its reliance upon the permissions of the *de jure* sovereign authority of the South Sudan government. Our research suggests that community authorities must be evaluated over time and in specific localities to establish their degree of legitimacy; their roles in governance; and their potential to promote protection. With this in mind, the following sections discuss three key authorities: chiefs' courts; the Community High Committee in Bentiu; and the SPLA-IO leaders.

Chiefs' courts

Chiefs' courts exercise considerable authority over the everyday lives of POCS residents, as detailed in previous research.¹³ The chiefs' authority, the courts structures and number, and their relationships to UN and other authorities differ over time and space, but they routinely manage to receive cases and wield authority, as illustrated by the example of a court case (below). In addition, chiefs' courts have adapted to life in the POCS in various ways. For example, in Juba POCS, a chief's court was established with a panel of sixteen including members from each Nuer community. These communities are based on Nuer sub-sections that describe territorial and administrative divisions in South Sudan that have evolved over the last century. This court panel deals with cases that cannot be resolved within these Nuer sub-sections. Above this was a high court, initially formed of four chiefs – one from each of Greater Nasir, Greater Akobo, Greater Fangak and Greater Bentiu. However, after 2016, the 16-chief court was expanded to include Dinka, Shilluk and Equatorial chiefs, becoming a 19-chief court, and the number of chiefs sitting on the high court was increased from four to seven. The 19-chief court now sits every weekday and receives cases from all communities in Juba POCS.

Box 1. Public authority and chiefs' courts in Bentiu POCS

The power of these courts was seen in a recent case in Bentiu in 2018. During raids on IO areas near Leer in 2016, pro-government forces kidnapped a girl and killed the family members she was staying with. The girl was given to a pro-government general to be his wife. The general was later killed during fighting. The girl ended up as his widow and living with his family in Bentiu POCS. Members of her own extended family also lived in Bentiu POCS. They recognised her and immediately took the general's family to court to demand her return. The situation was potentially inflammatory with the ability to violently divide an already politically tense POCS community. However, the chiefs' court was able to peacefully resolve the situation. The court ordered that the girl be returned to her own family. As no cattle had been paid for her marriage, the general's family had no grounds to object and they accepted the decision. The court also ordered that other cases relating to compensation for other family members killed should be suspended until the time people returned home from the POCS.

This case demonstrates the power of the chiefs' courts in two ways. Firstly, the chiefs' court was able to hear a case concerning the powerful family of a general and even to find against them. Secondly, the chiefs' court was able to prevent a politically difficult case from creating conflict or disunity in the POCS. The family of the girl accepted the chiefs' court ruling despite their other grievances relating to the killing of family members.

Since their inception in Southern Sudan in the early 20th century, chiefs' courts have always operated in negotiation with some form of higher authority, such as the government or military authorities. They have generally been at the heart of conflict mitigation and peace-making in South Sudan. Their power and reach has varied over time, and governments and warring parties have been best able to exploit the moral and social logic of violent revenge¹⁴ when

¹³ Ibreck, Rachel and Pendle, Naomi (2016) "Customary Protection? Chiefs' Courts as Public Authority in UN Protection of Civilians sites in South Sudan", *JSRP Paper 34*. Available at: <http://eprints.lse.ac.uk/84472/1/JSRP-34.Ibreck.Pendle.pdf>.

¹⁴ Pendle, Naomi Ruth (2018) "The dead are just to drink from': recycling ideas of revenge amongst the western Dinka, South Sudan," *Africa* 88:1 (2018), pp. 99-121.

there is a lack of judicial redress for grievances. The courts rely on mediation, negotiation and compensation to resolve disputes, but they also generally administer punishments, including fines and imprisonment. UNMISS has recognised the authority of some chiefs' courts (even if they have preferred to refer to them as informal mediation and dispute resolution mechanisms or something that does not imply legal authority). However, the courts are also shaped by a patriarchal system in which women and young people are subordinated to the interests of male elders.¹⁵ UNMISS has understandably tried to limit punitive measures by the chiefs' courts that might violate human rights.

In practice, UNMISS has engaged in different ways with different law and order practices at different times in different POCS, highlighting its struggles to prevent conflict in the POCS while also grappling with the limits of its power.

Box 2. Punishment and authority

UNMISS has also opposed lashing and sought to limit other punitive measures across the POCS, including fines and imprisonment. Yet inside Juba POCS, chiefs' courts have continued to administer fines and some also issues punishments of lashes before 2015. Moreover, other authorities, in particular the community security team, the CERT, continue to administer lashes, issuing extrajudicial punishments that have on occasion contributed to inflaming tensions between communities, including in the recent outbreak of violence in Juba in August 2018. Similarly, there are reports of lashes being administered covertly in Malakal POC. UNMISS has also struggled to outlaw practices of detention. For more serious offenses, the accused are handed over to UNPOL who can imprison or expel those accused. But in some cases when UNPOL have refused to be involved, chiefs' courts have placed people under house arrest and the aggrieved party has the responsibility to ensure that the culprit does not violate this arrest. Additionally, informal detention cells may be used for brief periods. For instance, the CWG in Malakal POCS has its own court room and adjacent detention cell as a temporary measure from which people will either be fined and released or referred to UNMISS if the crime is more serious.

The 2018 peace agreement has brought new opportunities for UNMISS and for chiefly and community authorities to promote the administration of law and order through interactions with the judiciary and statutory authorities. For example, since late 2018, in response to overcrowding in detention facilities in Malakal POC and town, a mobile court was established in Malakal town's High Court, supported by UNMISS, with senior judges brought from Juba to adjudicate serious cases. Meanwhile, in Bentiu in late 2018, the chiefs' court itself initiated the use of courts in Bentiu town to solve a case. The case concerned a trader who accused a UN employee of committing adultery with his wife. The wife was in Bentiu town, but refused to come to the POCS. The chiefs' court suggested, and the parties agreed, that the case be taken outside the POCS to the Bentiu town courts. This was the first example of the POCS chiefs referring a case to the Bentiu town court.

While the chiefs' courts have long histories, other community authorities have been specifically created within the POCS. For example, as the population in the Bentiu POC grew, a high committee of local leaders (the CHC) was formed as a broker between the camp residents, and UNMISS and the humanitarians. The Bentiu CHC came to particular attention after its sustained conflict with IOM that interrupted the provision of services to those in the POCS. The Bentiu CHC challenged IOM's employment practices that appeared to be intentionally designed to avoid IOM's obligations to its employees. To challenge this policy, the CHC stopped IOM operating in the POCS. There have been various other conflicts between the Bentiu CHC and humanitarian organisations, particularly over the employment of humanitarian staff. The history of the Bentiu CHC can provide insights into broader shifting dynamics of authority in the camp.

Community High Committees (CHCs)

The chiefs' courts in the POCS have been formed since 2013 but reference institutions with long histories. Other authorities have been specifically created in the POCS. For example, as the population in the Bentiu POC grew, a CHC was formed as a broker between the camp residents, and UNMISS and the humanitarians.

The Bentiu CHC has come to particular attention in recent months. This is particularly after its sustained conflict with IOM that interrupted the provision of services to those in the POCS. There have been various other conflicts between

¹⁵ See for instance <https://www.independent.co.uk/news/world/politics/south-sudan-sexual-violence-new-female-chief-rebecca-nyandier-chatim-womens-rights-a8383861.html>

the Bentiu CHC and humanitarian organisations, particularly over the employment of humanitarian staff. The history of the Bentiu CHC can provide insights into broader shifting dynamics of authority in the camp.

At its inception in 2014, the CHC was predominantly made up of former politicians from the state or local government. These individuals were already senior politicians figures and some have since returned to political appointments outside the camp. For example, one former CHC member joined Taban Deng's IO faction in 2016 and was appointed as a commissioner.

To an extent, the powers of the CHC that were developed in these early years have remained. In Bentiu, the CHC has merged executive and judicial powers, mirroring historical laws and practice in South Sudan. The CHC has an executive role through its intermediary relationship with UNMISS. Plus, the CHC and its members regularly collect sums of money from camp residents and particularly from local NGO staff. This can appear to mirror executive authority to collect tax. The CHC also has a judicial role as it acts as the highest court of appeal above the chiefs' courts, which operate at the block and sector levels. Cases involving relocatable NGO workers also go directly to the CHC in its capacity as a court. This merging of powers does not happen in the same way in other POCS.

In late 2016, there were reforms to the selection process for the CHC members. Instead of a permanent membership, the CHC and its chair were to be selected every six months with the chairmanship going to a different county every month on a rotational basis. At this time, the structure and mandate of the CHC was codified. Expectations included the CHC's membership having a good grasp of written English. This reflected perceptions of the CHC as the broker between UNMISS and humanitarians (who worked in English) and the camp residents (the majority of whom do not speak English).

This formal change in CHC selection also prompted an informal shift towards a different emphasis on CHC selection. It marked a growing preference for CHC members who had prior experience in the NGO sector, reflecting a broader socio-political change in favour of educated people. The main source of income in the POCS is through NGO employment. Individuals with a secondary or higher-level education have gained jobs, economic capital as NGO workers, in comparison to people who were politically powerful before December 2013, but lacked a similar level of education. NGO workers have been able to marry, build shelters and support other members of their extended families, and have thereby established social relationships, authority and status in the POCS.

Surprisingly, however, the NGO-savvy CHC members have not proved more sympathetic to international agencies, and instead have levelled critiques and challenges at the humanitarian system. For example, the CHC perceived that IOM were acting in a legally ambiguous way in terms of employment practices in the Bentiu POCS. They perceived that IOM's practice of only retaining some staff for three months at a time was an IOM tactic to avoid obligations that employers have to employees after three months in South Sudanese law. The new CHC was aware of South Sudan employment laws and practices, and used this knowledge and confidence to question IOM's practice. It is also notable that the politics of the POCS is visibly informed by politics across South Sudan. For example, a member of the CHC in Bentiu was explicit that having watched news of protests in Maban about relocatable staff, the CHC in Bentiu was inspired to strengthen its stance.

As humanitarian agendas evolve in response to the peace deal, and the future of residents of Bentiu POC is considered, the CHC is likely to play a powerful role in shaping what is politically possible in the POCS and how POCS residents perceive protection and returns.

The authority of the SPLA-IO in the POCS

Since 2013, the existence of the POCS has been important for the SPLA-IO's claims to legitimacy and their framing of the conflict as a response to government aggression. The POCS were a physical recognition by the UN and international community that people needed protection from both the government in Juba and rebel forces. During the wars from 2013-2018, the SPLA-IO also had various other reasons to support the POCS, such as the material benefits to some of their supporters. Plus, the POCS have hosted some SPLA-IO members.

In 2018, the elite peace deal and rapid shifts in politics changed the SPLA-IO's interests in the POCS. All of the POCS have now organized peace celebrations. For example, in December 2018, the Bentiu CHC left the POCS for the first time to meet leaders in Bentiu town. Now the peace is signed, the SPLA-IO has incentives to encourage rapid returns

(including from the POCS) as they seek to rapidly repopulate their constituencies in preparation for any census, elections and referendum. However, the SPLA-IO cannot be assumed to represent the interests and fears of those in the POCS.

Despite the SPLA-IO's interests in the POCS, it is also unclear that the SPLA-IO leadership is able to directly control the POCS. For example, during periods of fighting in Bentiu POC, Riek Machar's direct orders to stop fighting were apparently not immediately adhered to. Therefore, it is not clear the extent to which POCS residents and community authorities will respond to SPLA-IO pressure to return.

IV. Conflicts

The POCS remain sites of violent conflict. These include conflicts among POCS residents, which are often informed by identity politics and the shifting alliances in the political market, as seen in the example in Box 3.

Box 3. Conflict in Juba POCS

In August 2018, deadly conflict erupted between groups in Juba POCS. This conflict resulted in multiple fatalities and a large number fleeing the site for safety. After the theft of a phone, a CERT member falsely accused the wrong person of theft and summarily beat the accused. The father of the accused was angered by this beating and hit back at a member of CERT. The communities of the accused and of the CERT member quickly polarised and mobilised against each other along sectional lines. The accused and his father were from Leek, and the CERT member from Bul. These sectional divisions imitated new notions of identity that had been created from political divisions in the wars since 2013.

In addition, there have been repeated episodes of conflict between those who claim to represent the camp residents (such as the Bentiu CHC), and the UN and humanitarians. These conflicts have increasingly, whether explicitly or implicitly, been about salaries and employment policies of UN and NGO workers. Within the POCS, one of the only sources of monetary income is through NGO or UN employment. Salaries are often spent supporting a large family network, as well as offering opportunities to extend personal socio-political status. Plus, local authorities have sometimes been quietly taxing POCS residents employed in NGOs. These practices mean that competition for NGO jobs and salaries have collective consequences and are easily interpreted along group lines. There has often been opposition to employment of staff who are not from the local area (including both relocatable staff and those living in the POCS) as salaries might then flow away from communities who claim to be 'local'. This conflict has grown over time as competition for these jobs has increased. For example, tension over employment in Malakal increased after the opening of the airstrip to commercial flights, which facilitated easier access to Malakal for people seeking NGO jobs. These conflicts have resulted in institutions such as the CHC stopping humanitarian activities including service delivery to camp residents.

Departures from the POCS are also likely to be accompanied by various conflicts. Some of these will concern residents' land and property. For example, many residents of the Juba POCS know that they no longer have access to their homes in Juba city that they lived in before December 2013. Some of their homes are currently occupied by others. In areas of the city, land has been resurveyed and previous dwellings destroyed. Some POCS residents have documents evidencing their ownership of house. However, POCS residents have little confidence that they will have fair judicial redress available to them to allow them to reclaim access to these properties. These individual land disputes have wider political implications. In Juba, fears that the government is excluding Nuer from Juba feeds into wider narratives about ethnic victimisation. In Malakal, much of the war has been fought over political claims to Malakal Town and individual land disputes are interpreted in this light.

In addition, departures from the POCS are likely to result in more fundamental conflicts about the nature and structure of authority. The public authorities inside the POCS and the relationships between them have evolved separately from the authorities outside of the POCS, including those that were displaced to other locations. Disputes are likely when communities come back together with different ideas of power, legitimacy and authority. For example, people in Bentiu POCS come from areas from which people have also fled to Juba, Sudan, Uganda and Kenya. Others have remained. Authority structures have developed differently in each of these locations.