

## Future Plans for the Malakal Protection of Civilians Site

### *1. Executive Summary*

Five years from its initial establishment, the Malakal Protection of Civilians' (POC) Site remains a temporary refuge for civilians who still refer to external threats and food insecurity as the reasons for their continued presence in the POC site. Although some POC site residents insist that there are threats outside the POC site such as rape and murders, possible reprisals from those occupying their houses as well as the militarization of Malakal town, the outside environment suggests otherwise. Apart from a few cases of criminality, no notable pattern in physical protection incidents has been observed since 2017.

To demonstrate its willingness and ability to protect its own citizens, to date the Central Upper Nile Government has taken some meaningful steps to create a safe environment for IDPs to return to Malakal town. However, skepticism, mistrust and perceived lack of political will by the POC residents on what they claim to be the national government's lack of commitment to fully implement the Revitalized Peace Agreement, coupled with the non-resolution of tribal boundaries, are contributing factors that seem to continue to keep IDPs in the POC site.

The long-term dependency on, and ease of access to humanitarian assistance also seem to have contributed to the IDPs' perceptions of food insecurity in places of origin to the extent that some feel that there is nothing to go back home for. Positive steps taken so far by the UNMISS Field Office include facilitation of the joint Declaration of Commitment by Upper Nile Governors and senior Government and Opposition military commanders in April 2019 to create a conducive environment for safe, voluntary and dignified returns, facilitation of "go-see-come-tell" visits of IDPs to some areas of origin as well as the establishment by both UNMISS and humanitarians of a Solutions Strategy are yet to lead to the desired impact as to whether they are enough to convince POC site IDPs that their places of origin are now safe to return to.

This report recommends, among others, that a demonstrated political will at the national level, speedy resolution of ethnic boundaries as well as further bold steps by the Central Upper Nile State government such as increasing the ethnic balance in the State government and its institutions can be essential to convincing most Malakal POC Site residents to leave the POC site and return to their places of origin. Additionally, whenever there are POC site residents wishing to voluntarily return to their places of origin, UNMISS will increase patrols to such areas and humanitarian recovery actors, through the Solutions Working Group, should be able to concretely advise on what return packages will be available to support them with livelihoods and stabilization programs.

Finally, the report observes that the Malakal POC Site's continued existence in the absence of the reasons for which it was established presents a strategic and operational dilemma and brings to the fore the need to interrogate and appreciate the conceptual difference in the understanding of protection of civilians within the realm of peacekeeping against that of the IASC. From a peacekeeping perspective, this dilemma needs serious policy attention because it has far reaching strategic, operational and resource allocation implications which are likely to have an impact on the effectiveness of the rationale behind the concept of protection of civilians in UN peacekeeping.

### *2. The Report's Aims and Objectives*

The present report has been prepared pursuant to Security Council Resolution 2459 (2019) paragraph 36 which directs UNMISS to submit a report on future plans for its protection of civilians' sites. The requirement further stipulates that in doing so, UNMISS should conduct an assessment of each protection of civilians site, a review of the current model for providing security to the protection of civilians sites as



well as recommendations clarifying the roles and responsibilities of UNMISS and other relevant stakeholders, and recommendations for steps necessary to foster a secure environment for the safe, informed, voluntary and dignified return or relocation of residents of protection of civilians sites, with a view towards durable solutions for all displaced persons. Coincidentally, the above requirement is in tandem with the Upper Nile Field Office's operational priorities and strategic objectives, namely creating an enabling environment for durable solutions, reconciliation and peace building.

### *3. Background of the Malakal POC Site*

The Malakal POC Site came into existence when armed conflict broke out in December 2013. At the time, civilians were fleeing from imminent threats of physical violence and their only place of safety was the UN Base in Malakal. The Mission responded within its capacity and mandate to protect civilians and opened its gates to the fleeing civilians and provided immediate protection within its Base as a last resort.

The presence of civilians inside the Base, whose number was in excess of 40 000 was initially envisaged as a temporary measure to afford protection inside the UNMISS base to enable the security situation to stabilize in the hope that the civilians would go back to their homes in the near future. Unfortunately, with the continuing clashes in and around Malakal town, the civilians felt unsafe to leave the UN Base. Over time, the number of civilians in the Malakal POC Site continued to increase due to the frequency with which the control of Malakal town exchanged hands as well as ongoing clashes on the west bank of the Nile at the time. At the peak of the conflict in 2015, Malakal POC Site was host to more than 50 000 displaced persons comprising the main tribes in the region: Shiluk, Dinka and Nuer.

Following the attack on the Malakal POC Site in February 2016, Dinka IDPs left the POC site to go and live in Malakal town. Members of the Shiluk and Nuer tribes who remained in the POC site perceived the State government at the time to be supporting the Dinkas hence the continued animosity between the Dinkas on one hand and the Shiluks and Nuers on the other. To date, the demographic composition of the Malakal POC Site population remains predominantly Shiluk and Nuer. Currently there are 32 608<sup>1</sup> IDPs residing in the Malakal POC Site with the majority being Shiluk.

Since the beginning of 2017 however and with the assumption of office by the previous Governor, James Monybuny in March 2017, the security situation in and around Malakal town has greatly improved. Shiluks and Nuers who could not venture outside the POC site due to insecurity started to do so and majority of POC residents started visiting Malakal town during the day and coming back to the POC site before dusk. The security situation continued to improve to the extent that currently between 4000 and 5000 POC residents go to spend the day in Malakal town. The new Governor, Peter Chol Wal, who assumed office in June 2019 has committed to further improve security outside the POC site to enable POC site residents to return to their homes in Malakal town. As can be seen in the following paragraphs, one can safely conclude that the continued presence of IDPs in the POC site is not entirely due to security and safety considerations.

### *4. Profile of Malakal POC Site*

As already mentioned, since the departure of the Dinka IDPs from Malakal POC Site in February 2016, two predominant tribes remain in the POC site: Shiluks and Nuers. They continue to peacefully co-exist due to the apparent political dynamics that bring together their political leaders as members of the Opposition. This is likely to continue for as long as the Opposition political leadership remains united. With over 90% of supporters, the SPLM-IO has the biggest political base in the POC site which includes both Nuers and Shiluks. As already mentioned, this cohesion is grounded on the continued unity of the mainstream SPLM-

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<sup>1</sup> Source: DRC June 2019 headcount



IO with Aguelek Movement of Johnson Olony which has a following of approximately 80% of the Shilluk community. The remaining 20% of Shiluks appear to support the NDA. As for the Nuers, the SPLM-IO is their only vanguard they count on to keep at bay what most Nuers perceive to be an existential threat from the current government. Judging from past patterns of behavior and in the event that the SPLM-IO disintegrates, violence is likely to occur inside the POC site along ethnic lines with devastating consequences. The SPLM-IO/Aguelek alliance and the National Democratic Movement seem to hold the key to whether POC site residents continue to reside in the POC site or go back to their places of origin. It will take only an announcement from these forces to empty the entire POC site within weeks if not days.

In terms of ethnic composition, the Shiluk tribe forms approximately 85% of the Malakal POC Site population. The majority (approx 60%) of the Shiluk population in the POC site fled from Malakal town. The next largest Shiluk group came from Makal County and the third group came from Ogod County which includes Wau Shiluk, Detang, Lelo and Ogod (under the 32 States arrangement) while the fourth/last group came from the rest of the villages<sup>2</sup> on the west bank of the Nile.

The different sections that make up the Shiluk community in the POC site have always peacefully co-existed and seem united. As things stand, the majority of the Shiluk population (those who came from Malakal town and those from Makal County villages on both the eastern and western side of the river) do not seem eager to permanently leave the POC site and go back to their homes in and around town despite some significant improvement in the security situation, the main reasons being the unresolved land dispute with the Dinkas and the political uncertainty with the implementation of the peace agreement for which they are regularly asking to see some of the concrete results and dividends. It remains to be seen whether the Shiluks from the west bank will stand in solidarity with their tribesmen from Malakal town and Makal County and remain in the POC site or they will choose to go back to their villages on the west bank. To date, the few Shiluks that have tried to go back to their villages seem to be doing it on an individual/household basis rather than as a result of a fully-fledged communal and collective decision.

The Nuer community largely forms the remainder of the population in the Malakal POC Site. They can generally be divided into four main groups. The group from Nassir is the largest followed by those from Fangak, Bentiu and Akobo. They are mainly composed of businessmen, ex-combatants, NGO workers and former government officials the majority of whom are previous residents of Malakal town. In the event they leave the POC site, they are all most likely to go back to Malakal town. This assertion is supported by the fact that for instance, the security situation in Akobo has generally been calm but the Akobo Nuer community has not shown any interest to go back to their original villages there, preferring instead to wait and see how the final implementation of the peace process will unfold so that they can go back and live in Malakal town. The other reason is that those who are currently working for NGOs would rather move back to Malakal town than go back to their villages because they will continue to benefit from employment opportunities as long as the POC site continues to exist. Otherwise unlike the Shiluks, the departure of the Nuer from Malakal POC Site is not incumbent upon the resolution of land disputes between the Shiluk and the Dinka tribes.

##### *5. Current Security Arrangements for Malakal POC Site*

The length of time the Malakal POC Site has existed inside the UN Base has come with its own challenges. Some IDPs have capitalized on the inviolability of the UN premises and think they have immunity from their own government to the extent that they can engage in illegal activities which they would otherwise not have done had they been living outside the POC site. On the other hand, the government through its own informants, seems to be aware of some these illegal activities and has on numerous occasions

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<sup>2</sup> *Tonja, Owachi, Pakang, Palo, Lelo, Warjock, Ditang, Patour and areas of Adhydiang*



accused UNMISS of harboring criminals in its premises. In order to regulate the behavior of IDPs and when it became apparent that the IDPs were likely to remain in the POC site for some time, the Field Office introduced POC Site Ground Rules in 2014. These Ground Rules have only been effective to the extent that those engaging in unlawful activities have sometimes been positively identified and apprehended, and where necessary, handed over to the authorities.

Activities that have presented the most challenges in dealing with because of the clandestine nature with which they are done include recruitment, breaching of the perimeter fence (mostly at night), incitement to commit acts of violence, hostility towards peacekeepers - usually seen through throwing stones and other objects at patrol units. Following the signing of the peace agreement in September 2018 and the resumption of freedom of movement across the region, recruitment inside Malakal POC Site has been on the increase under the guise of voluntary military service and there is no evidence that none of the parties to the peace agreement are not involved in the recruitment. Ex-combatants that had been accepted into the POC site as civilians and on condition that they would not rejoin their forces have also been leaving the POC site, sometimes with sizeable numbers of young men. In order to manage the above internal challenges as well as external threats, the Field Office established two layers of security: UNPOL and military respectively. An additional challenge is that due to IDPs not having positive identification papers, it has never been possible to positively distinguish legitimate residents of the POC site from non-legitimate ones. Entitlement to humanitarian assistance in the POC site is based on the documents that only bear the name of the head of the beneficiary household and not all family members.

In terms of providing protection to POC residents, up until May 2019, approximately 60% of the Field Office's troop strength was dedicated to protecting the POC site. Protection by the military was mainly through static duties at observation posts around the POC site as well as mobile patrols around the POC site which is home to 3% of the whole of the Upper Nile region's population, 964 353 (2008 census). Essentially, from a protection of civilians' perspective, this means that because of the commitment of these troops to the POC site, 93% of the region's population was not covered by the Field Office. There are places in Upper Nile such as the south-eastern corridor and the west bank of the Nile which require regular UNMISS visibility and which the Field Office can now visit more often due to the improved security situation which has allowed a drawdown of troops manning the POC site to be possible.

Meanwhile, UNPOL provides internal security for IDPs in the POC site. Of the 90 individual police officers (IPOs) who are always on duty in Malakal Base, 60 are committed to the POC site while the remaining 30 perform support duties. The 60 IPOs conduct static duties such as manning the entry points into the POC site and patrolling inside showing their presence and responding to incidents that breach peace and public order inside the POC site. In performing their duties inside the POC site, IPOs are supported by a contingent of 240 FPU officers. Essentially the whole UNPOL and FPU component is devoted to the POC site. A major challenge for UNPOL, particularly for minor criminality and which POC site residents have capitalized on is that individual IPOs do not have executive powers to take tactical and/or physical interventions against IDPs whereas they are entitled to assess and advise on the situation and FPUs officers have the executive powers for tactical and/or physical interventions through IPOs' instructions (including apprehension of suspects and all other activities aimed at keeping the peaceful and civilian nature of the POC Site). With the return of a County Court (second grade) judge and prosecutor to Malakal in 2017 and the regular visits of the High Court judge from Renk and the circuit judge who sometimes comes from Juba, suspects are now being formally handed over to the authorities for due process.

While some residents express concerns inside the POC site over issues such as domestic violence against women and girls and youth delinquency, it is important to mention that these are the results of lack of livelihood activities and opportunities, which in turn has brought about despondency and loss of hope in



life sometimes leading to suicide incidents. (Suicide is generally not a culturally acceptable practice for communities in Upper Nile and its occurrence should thus be seen as the manifestation of high levels of hopelessness). Important to highlight that domestic violence and youth delinquency could still happen even if the IDPs were living in their places of origin. UNPOL however receive all reported cases and complaints and apprehend suspects and where necessary, formally refer suspects to the authorities for due process after all due diligence has been done.

In addition to the above physical and internal security arrangements, the Field Office, including the Head of Field office, the Sector Commander, the Senior Military Observer and substantive sections also regularly engage and encourage the authorities to continue addressing protection concerns outside the POC site that are raised by POC site residents.

6. *Current Opportunities to further improve an environment for safe, informed, voluntary and dignified returns*

- i. Since the assumption of office by the immediate past Governor in 2017 and due to advocacy by the Field Office, the authorities have taken steps to improve the security situation in and around Malakal and the State generally. For instance, the Governor issued an order for the demilitarization of Malakal town, a decision which was immediately implemented. This resulted in the significant decrease of soldiers from the streets and the dismantling of all roadblocks and military checkpoints on the route between the POC site and Malakal town. Trading activities picked up in the town market creating a perception of improvement in the security and safety of POC site residents and they started to visit the town in ever increasing numbers. Currently around 3600<sup>3</sup> POC site residents visit the town during the day. In addition, in order to improve the security in town, the Central Upper Nile Government authorities also introduced night patrols in Malakal town from 23:00 to 06:00 hrs daily.

Despite these efforts however, there have been three incidents around Malakal town where Shiluk people have either been reportedly killed or attacked by alleged Dinka suspects outside the POC site. Some POC site residents see the attacks to be the work of Dinka spoilers who are bent on creating a perception of insecurity outside the POC site so that Shiluks and Nuers remain in the POC site while others take it a step further and see the attacks as part of a broader and well-planned Dinka strategy to take Shiluk ancestral lands. It remains to be seen if the arrest of the Dinka suspects by the authorities is enough to convince the Shiluks in the POC site that it is safe for them to permanently leave the Malakal POC Site.

- ii. As part of its Good Offices and advocacy endeavors, between 2-4 April 2019, the Upper Nile Field Office convened a Governors' and Senior Commanders' conference in Malakal town to explore ways to effectively implement the peace agreement at the local level as well as creating a safe environment for the return of IDPS. The conference was attended by all the Governors and military commanders from both the Government and the Opposition based in the Upper Nile region. The most significant outcome of this conference was a declaration of commitment by all parties to the conference to create an environment conducive for the return of all displaced persons to their places of origin, freedom of movement for both people and goods and the promotion of peaceful coexistence between all tribes.

Since the above declaration, there has been evidence of commitment by the authorities in Malakal in holding perpetrators of atrocities to account for violations perpetrated against

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<sup>3</sup> Source: IOM/DTM



civilians. For instance, the arrest by the authorities of four Dinkas suspected of the killing of a Shiluk in Dolieb Hill (30 km south of Malakal) on 1 April 2019 is one such example. Investigations in this case are still ongoing. Additionally, in order to demonstrate the Central Upper Nile Government's non-tolerance of intercommunal hostilities, the Locality Commissioner of Atar (under which Dolieb Hill falls) and the Commissioner of Akoka (under whose jurisdiction the killing of one Shiluk occurred on 21 March) are both currently under investigation with the possibility of dismissal for either being complicit in the killings or incitement and abating an environment for the killings to have occurred.

- iii. In 2018, UNMISS and humanitarian partners established the Upper Nile Solutions Working Group as part of a strategy to support durable solutions for all displaced persons, including those in the Malakal POC Site. Since its establishment, the Solutions Working Group has proved to be viable as 3324<sup>4</sup> IDPs were recently supported to return from Melut IDP camps (Dingtoma1 and Khor-Adar) to their places of origin in Baliet County (Baliet town, Adong and Riangnom villages). The Field Office has also facilitated go-and-see visits by allowing IDPs, at their own request, to join UNMISS DAPs to places of intended return. As a result of these go-and-see visits, two families comprising ten individuals have expressed the wish to return to their places of origin and the Solutions Working Group is exploring ways to support them;
- iv. In April/May 2019, humanitarian partners conducted an intentions-perceptions survey in the Malakal POC site. This survey found out that at the time that 44% of those interviewed (statistically almost half of the POC site population) intend to leave the POC site, one third of them in the next three months. The majority indicated they will only leave permanently, if security is permanently guaranteed and the peace process holds, including housing and other property rights issues are addressed. The most preferred areas of return for these individuals are all around Malakal and include Malakal North, Malakal South, Malakal East and Malakal West. Also significant from the findings was the fact that 73% of those who claimed to be undecided on leaving the POC site cited "good conditions" and easy "access to services" as the main reason for their continued stay in the POC site – which is a clear indication of the comfort levels and the dependency syndrome that has been nurtured by their prolonged stay in the POC site.

The intentions survey also established that 21% of those interviewed indicated that more family members will be coming to join them in the POC site. These anticipated new arrivals are presumed not be coming to the POC site for physical protection but for family re-union and access to services – and that is not the *raison d'être* for POC sites. A real challenge therefore exists, that for as long as conditions in the POC site are good and services continue to be provided, there is a significant number of individuals who are likely to remain in the POC site indefinitely even if there is genuine peace and other IDPs leave the POC site;

## 7. Challenges with fostering a safe environment for returns

### i. Dependency syndrome:

With the improvement in the security situation in and around Malakal, the reason for which IDPs were allowed into the POC site has long ceased to exist and so has the strict legal obligation for UNMISS to provide physical protection to them in the current manner. However, the Mission continues to provide physical protection simply because the IDPs

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<sup>4</sup> Source: UNHCR Malakal Sub-Office



continue to reside inside its Base. Inadvertently though, their extended stay in the Malakal POC Site has to some extent created a dependency syndrome. Despite an improvement in the security situation outside the POC site, including in some places of origin, there seems to be little evidence of livelihood activities by the POC residents outside the POC site. In providing humanitarian assistance therefore, humanitarians need to ask themselves whether the POC site caseload still remains in crisis/emergency mode - five years down the line and whether or not by continuing to provide this assistance inside the POC site and not encouraging livelihood activities outside the POC site, there is a danger of exacerbating the dependency syndrome which, in the long-term, might have a lasting negative impact on the economic development of the Region. Note should however be taken that humanitarians are providing services to communities living in Malakal town and beyond across the whole region but paradoxically, IDPs continue to come to the Malakal POC Site in search of better services.

There are two other consequences that are linked to this dependency syndrome:

- a) a limitation in the resources needed to provide protection to civilians outside the PoC site and in remote areas and villages;
- b) the emergence of a new generation of IDPs who will not be willing to go back to their places of origin as their place of upbringing and for some, place of birth is the POC site, which is the only reality that they will know and associate with.

ii. *Commitment of majority of force/UNPOL resources to the POC site:*

The mere fact that a significant amount of the Field Office's resources, including 100% of UNPOLs are committed to providing physical protection to the POC site which only represents 3% of the region's population and a few patrols in Malakal town diminishes the Field Office's strength and capability to cover the rest of the Field Office's area of responsibility to allow the effective creation of a safe environment for returns – even if guided by the principles of resource prioritization.

iii. *Implementation of the peace process implementation at the national level:*

Although the IDPs fled from insecurity in search of safety and protection in 2013, their perceptions on security and protection have gradually become intertwined with political developments in the whole country, particularly in Juba. Some continue to doubt the political commitment by signatories to the peace agreement and cite the events of July 2016 in Juba as an example. Outstanding tribal land disputes in Upper Nile and the possibility of inter-communal clashes ensuing from these disputes also contribute to the wider political considerations for the POC residents;

iv. *Major civilian settlements remain militarized:*

Although the authorities managed to demilitarize Malakal town, there are other civilian settlements that continue to be militarized on the west bank of the Nile from where many POC residents originally came. IDPs from such places as Wau Shiluk, Detang, Owachi etc, will continue residing in the POC site until these areas have been fully de-militarized and likewise, humanitarians will have no choice but to continue providing assistance to them inside the POC site;

v. *Housing and property rights:*

Some residents of the Malakal POC Site keep raising the issue of their houses in town being occupied by new comers to the town. It is worth mentioning that when the Governor ordered



the de-militarization of Malakal town, the order also came with the requirement for SSPDF soldiers to vacate civilian houses they were occupying and almost all houses were vacated by the soldiers. This however did not see POC site residents moving back into their houses in town. Moreover, previous efforts by mandated humanitarians to look into housing and property rights issues in Malakal town did not attract the expected numbers. For instance, one project tried to assist individual cases with accessing their housing and property rights and only 13 individuals were prepared to participate in the exercise while it had been anticipated that many individuals would come forward. In addition, the Government formed a Housing and Property Reclamation Committee headed by the Mayor of Malakal and which is known by all POC site residents but still no one is making use of this mechanism. This might be indicative of the fact that although there might be people in the POC site who might want to go back to their homes in town, the over-riding consideration for them is the political uncertainty that could create insecurity at any time resulting in them coming back to the POC site to seek physical protection;

- vi. The creation of two states on the west bank by both the Government and the Opposition (Federal State of Fashoda and Fashoda State respectively) and the fact that the two are former antagonistic belligerents who could resume fighting any time has apparently created perceptions of uncertainty with the security situation;

#### 8. *Recommendations:*

- i. Going by the findings of intentions survey mentioned above, the 44% of interviewees who expressed their intention to leave the POC site statistically represent a significant portion of the POC site community. Statistically, this means that close to 13 000 individuals want to voluntarily leave the POC site for either their places of origin or of choice. The intentions survey authors recommend that humanitarian partners should address the wishes of the IDPs who want to return. This should be taken seriously as it is centered around the IDPs' right to return, a fundamental right enshrined in the Guiding Principles on Internal Displacement. Not supporting the IDPs to fulfil their wish to return simply means denying them their right and making it impossible to decongest the Malakal PoC Site. The Solutions Working Group, while exercising due diligence, should do everything within its capability, including securing funding to support the government - which bears the primary responsibility for durable solutions, in ensuring that those IDPs wishing to return are supported to enjoy this right. The Kampala Convention<sup>5</sup> to which South Sudan is a State Party provides that States shall cooperate with international organizations in the course of seeking durable solutions for IDPs. The South Sudan authorities at all levels must be reminded of their obligations in this regard and take the lead in finding durable solutions for their own internally displaced persons;
- ii. There is need at the highest level of government to take the necessary policy steps to build confidence and trust and promote a spirit of collective national identity while at the same time shunning ethnic divisions between communities. Steps should also be taken to ensure that the full implementation of the peace agreement also reflects such policies;
- iii. There has to be a push on the Central Upper Nile authorities for more ethnically balanced government structures that reflect the ethnic balances in and around Malakal. The same should be for the joint South Sudan police force and other uniformed forces once they are deployed;

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<sup>5</sup> Article 11 (3): *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*



- iv. Remaining militarized civilian settlements such as Wau Shiluk, Detang, Awarjok and Owachi will have to be fully de-militarized with their barracks erected far away from villages, if civilians are to go back to their homes in these villages;
- v. Although the 2019 intentions survey concluded that there is regular communication between some POC residents and their friends and relatives in places of origin about the improved security situation in their places of origin, POC site residents do not seem too keen to go and verify for themselves. UNMISS should therefore continue to facilitate go-and-see visits to such areas, should the IDPs themselves so request;
- vi. The Field Office has developed a draw-down plan on static protection of the POC site and is also in the process of exploring joint modalities with the local authorities on the possible role of the SSNPS to assist with preventing suspected contraband from entering the POC during daytime. In addition to adding a layer of security outside the POC site by SSNPS, such a measure will gradually remind the IDPs of the temporary nature of their stay in the POC site and that although they continue to live inside the POC site, they effectively remain the subjects of the South Sudan government and that it is their own government that has the primary responsibility to protect them. When the joint SSNPS is formed, the government could be encouraged to explore the composition of such officers who would respond better to the realities on the ground;
- vii. In addition to the presence of humanitarian services and other facilities, the POC residents may have forged relationships and camaraderie over the years which would be difficult to break. The POC site has evolved from a temporary displacement settlement into a township, different from the villages the IDPs originated. It should thus be reasonably expected that a significant number would prefer to relocate to Malakal town where conditions will be similar to those in the POC site. Consequently, in planning for eventual returns, Malakal town must be programmed as the single most important/largest place of return by Malakal POC Site IDPs;
- viii. It might be a human rights dilemma for UNMISS, but in planning for durable solutions, it is important to uphold, and in the case of Malakal POC Site IDPs, possibly support their right to exercise any of the three options for durable solutions enshrined under the Guiding Principles on Internal Displacement: local integration, relocation and return to places of origin. In their case, and assuming there is no plan to withdraw service provision from the POC site as well as the right of an IDP to choose his or her domicile, UNMISS must respect their right to remain in the POC site since it is their current place of displacement/settlement and from which they are not prepared to move away despite there being no imminent threat of physical harm to them for over two years. Were this right to be granted, this would entail that the Malakal POC Site will be established as a new township outside the UNMISS Base. Although this might not be a good idea given its proximity to the UNMISS Base, it is however possible that a sizeable number will not be permanently moving out of the POC site anytime soon. In the circumstances and after a joint assessment by UNMISS, humanitarians, the government and POC site community leaders, of the security and other medium to long-term implications of such a move, UNMISS should be prepared to remove all its multi-layered perimeter security arrangements and other installations and cede part of its land to the new community. Additionally, and should the situation demand, UNPOL, jointly with SSNPS would have to establish a small police outpost inside the township for the traditional maintenance of law and order.