

Children Of A Lesser God

Report of the investigation into the power politics behind the removal of
the Kenyan Force Commander of the UN Mission in South Sudan
(UNMISS)

November 2016



Children Of a Lesser God

**Report of the investigation into the power politics behind the removal
of the Kenyan Force Commander of the UN Mission in South Sudan
(UNMISS)**

November 2016

Cover graphic images from © Reuters

Table of Contents

Executive Summary.....	iii
List of Acronyms.....	v
Map of the Incidences of Violence.....	vi
1. Introduction.....	1
II. UNMISS—A Politicized Peacekeeping.....	3
III. The Botched Deployment to UNMISS.....	9
1. The Arrival in Juba.....	10
2. The July Crisis.....	10
3. Terrain Hotel Incident.....	11
4. “Orientation” or Trap?.....	12
IV. UNMISS: A Failed Mission.....	13
The Mission in Pictures.....	16
V. Pressure from Washington.....	19
1. Why Were the Americans Targeted?.....	21
2. Echoes from Benghazi.....	23
VI. Conclusion.....	25
VII. Recommendations.....	27

Executive Summary

The November, 2016, decision by the outgoing United Nations Secretary General, Ban Ki-moon, to relieve the Kenyan Force Commander of the United Nations Mission in South Sudan (UNMISS) of his duties has revealed the inherent injustice and decadence in the international governance system in general and the peacekeeping industry in particular. The decision to terminate the contract of Lieutenant General Johnson Mogoa Kimani Ondieki was purportedly based on an “independent investigative report” on the violence against American nationals during the Juba Crisis on July 8-25, 2016. However, as the International Policy Group’s (IPG) investigative report, *Children of a Lesser God*, reveals, the UN Secretary General was economical with the truth. The IPG report uncovers the dirty and ugly circumstances that led the world’s top civil servant to blatantly violate UN procedures, powers and processes. The decision was an expedient political decision by the UN Chief to make the Kenyan soldier into a sacrificial lamb in order to appease, and ward off undue pressures from some Permanent Members of the United Nations Security Council, mainly the United States of America and Britain. The decision smacks of a brazenly shameful misuse of a respected global office to cover up by the American authorities failure to warn and protect its citizens in a war situation. Due to American policy in South Sudan, which was allegedly calibrated to forcibly change the regime in Juba led to US citizens being prime targets during the Juba conflict. As a result, American citizens were deliberately assaulted, some badly wounded, raising a huge hue and cry in Washington and New York. Therefore, the removal of General Ondieki was a move to help a superpower cover-up for its negligence and failure to protect its citizens. This brings back the sad echoes of the Benghazi killing of Americans in Libya. Indeed, a deeper scrutiny of the investigations reveals an ingrained racial profiling and targeting of an African military, reminiscent of the International Criminal Court’s dealing with the African continent. Kenya has protested the decision, pulled out of the Sudan peace process and its troops from UNMISS to defend its citizens, its integrity and honour. There is not an iota of doubt that UNMISS has failed. In view of this, this report makes the following recommendations:

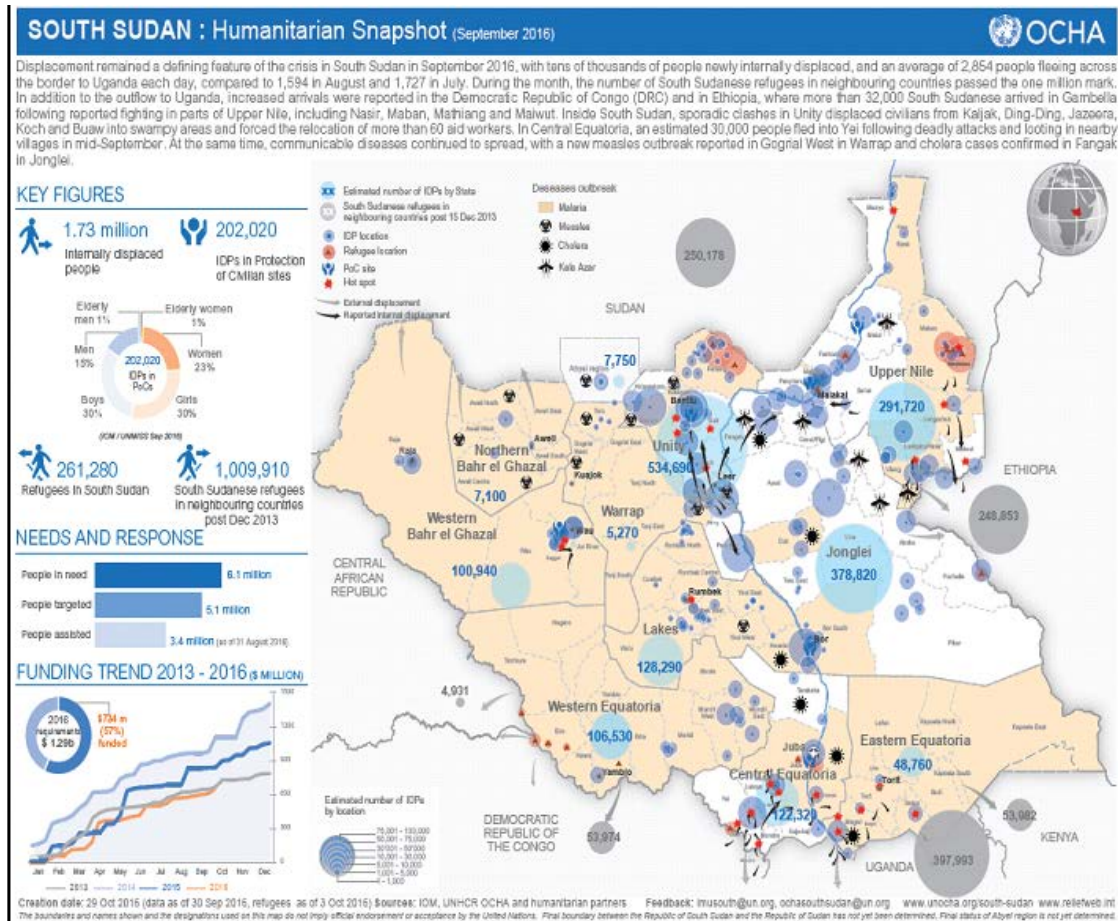
- **UN Reformed to Ensure Effectiveness:** UN Missions in Africa need to be reformed because, without fundamental reforms particularly to counter UNMISS structural and systemic dysfunction, similar crisis are very likely to recur. These reforms are therefore a critical consideration that must feature in future UN mandated missions in Africa.
- **UNMISS with an African forec:** The UN consider replacing UNMISS with an Africa Mission in South Sudan (AMISS) as a more effective alternative to the failed UN mission.

- **Kenya to remain engaged in South Sudan:** Kenya should remain engaged in the peace process and should consider re-joining AMISS if it is formed.
- **UN formally apologize to Kenya:** UN should offer an apology and remedial action to Kenya and to Ondieki in person.
- **Seek legal reprieve:** Ondieki and KDF should examine the prospects of seeking reprieve in the relevant international Court.
- **Pursue resolution on UN Action:** Finally, the African Union and IGAD sponsor a Resolution censuring the action of the outgoing UN SG for the flawed and unjust decision.

List of Acronyms

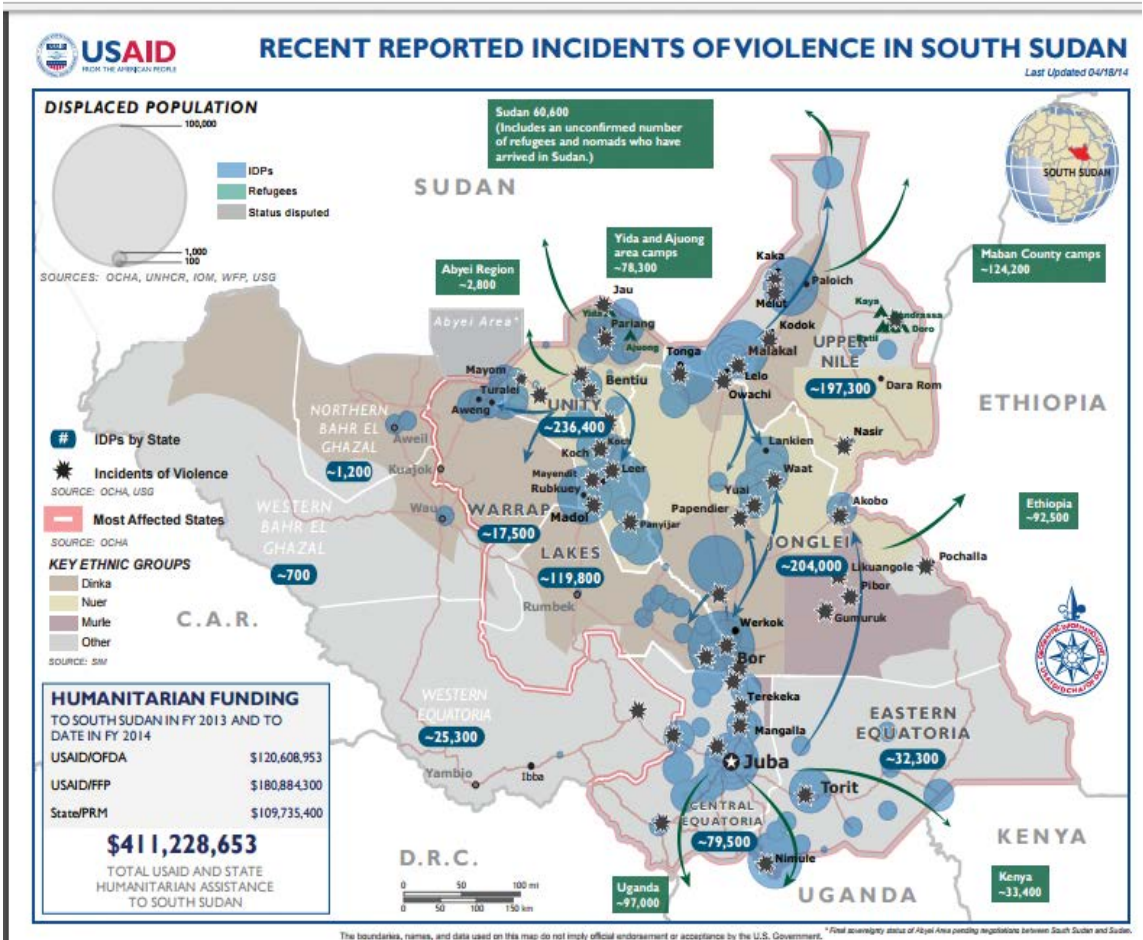
CoGS	Chief of General Staff
CONPLANS	Contingency Plans
DPKO	Department for Peacekeeping Operations
DSRSG HC	Deputy Special Representative of the Secretary General, Humanitarian Coordinator
DSRSG P	Deputy Special Representative of the Secretary General, Political
ETHIBATT	Ethiopian Battalion
FRAG O	Fragmentation Order
FC	Force Commander
FHQs	Force Headquarters
GRSS	Government of the Republic of South Sudan
HoM	Head of Mission
HQ	Headquarters
IDP	Internally Displaced Person
ISI	Independent Special Investigations
JOC	Joint Operations Centre
Lt Gen	Lieutenant General
MILAD	Military Advisor
NEPBATT	Nepalese Battalion
OPCON	Operational Control
OPO	Operational Orders
POC	Protection of Civilians
QRF	Quick Reaction Force
SOP	Standard Operating Procedures
SPLA IO	Sudan People's Liberation Army in Opposition
SPLA	Sudan People's Liberation Army
SRSG	Special Representative of the Secretary General
TCC	Troop Contributing Countries
UN	United Nations
UNDSS	United nations Department of Safety and Security
UNH	United Nations House
UNHQ	United Nations Headquarters
UNMISS	United Nations Mission in South Sudan
UNP5	United Nations Security Council Permanent Members
UNSC	United Nations Security Council
UNSG	United Nations Secretary General

Maps



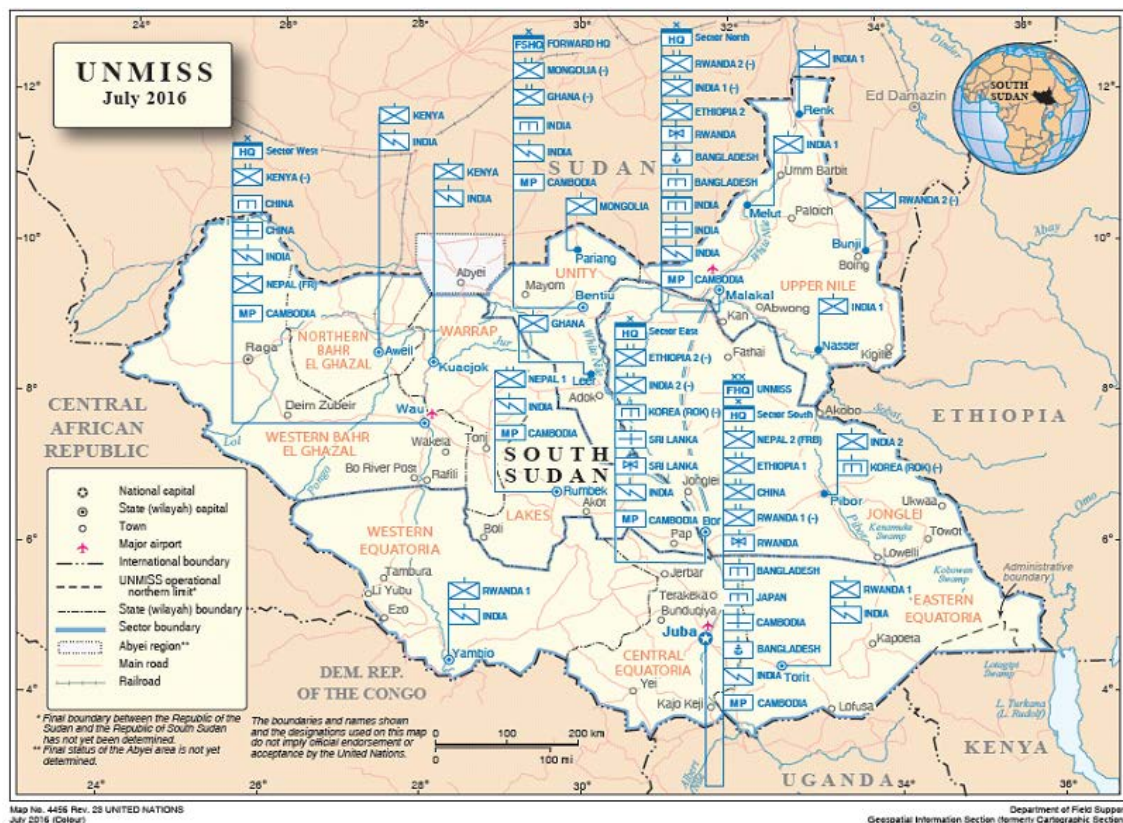
Map 1 - Humanitarian Snapshot (Map Obtained from UNOCHA)

Maps



Map 2 - Violent Incident Reports (Map obtained from USAID)

Maps



Map 3 - Location of UNMISS Forces by Country (Map obtained from UNMISS)

I. Introduction

On November, 2016, the outgoing United Nations Secretary General, Ban Ki-moon, announced that Kenya's Lieutenant General Johnson Mogoa Kimani Ondieki had been relieved of his duties as the Force Command of the United Nations Mission in South Sudan. The decision by the Secretary General was argued to have been made based on an independent investigative report conducted by the Danish Major-General Patrick Cammaert on the violence that had occurred in Juba from July 8 to 25 2016. However, after a careful investigation of the situation that surrounded the conflict, the independent report and its recommendations, and the systematic problems in the UNMISS framework, it is evident that the firing of Lieut-Gen Ondieki was not only unorthodox and a blatant violation of UN procedures, powers and processes, but was also an expedient political decision by the Secretary-General to turn the Kenyan soldier into a sacrificial lamb in order to appease and ward off pressures from some Permanent Members of the United Nations Security Council, mainly the United States of America and Britain. Further, investigations have revealed that the termination of Lt-Gen Ondieki's contract was a shameful misuse of the United Nations by the American authorities to cover up for egregiously putting its citizens in harm's way and failure to warn and protect them in a war situation, fully aware that US citizens were prime targets during the conflict because of its policies that were widely perceived as aimed at forcibly changing the regime in South Sudan. As a result, American citizens were sexually abused and others badly wounded, raising a hue and cry in Washington.

The attack happened in the Terrain Hotel compound that served as a safe house for humanitarian and covert Intelligence activities.ⁱ A few hours after the fighting in Juba had ceased, rogue units from the Sudan People's Liberation Army (SPLA) converged on the compound and specifically targeted American citizens. In view of this, it then comes as a surprise that the United Nations would put full blame on a highly decorated officer from a developing nation who had been posted to the theatre of war only three weeks before the attack took place for no other reason but to help a superpower cover up for its negligence that brings back eerie echoes of the massacre of Americans in Benghazi, Libya.ⁱⁱ

The Government of Kenya has since written to protest the UNSG decision, stressing that the investigation process lacked transparency and omitted prior consultation on actions taken.ⁱⁱⁱ Indeed, a deeper scrutiny of the investigations reveals an ingrained racial targeting,

i. IPG interview with senior SPLA official in Juba, November 7, 2016

ii. This coordinated attack against the US government facilities in Benghazi was carried out by members of the Islamic Militant group, Ansar al-Sharia on September 2012, resulting in the deaths of the US ambassador in Libya J. Christopher Stevens and foreign service information management officer, Sean Smith.

iii. 'Kenya angry at sacking of South Sudan Peace keeping Chief', BBC November 2, 2016.

reminiscent of the International Criminal Court's dealing with the African continent. The Kenya Government stated that the process by which Lieut-Gen Ondieki was fired lacked respect for Kenya and its decades-long role in the South Sudan peace process. Kenya effectively rejected the decision to dismiss Lieut-Gen Ondieki as well as the offer to name a replacement. Kenya also withdrew its forces in South Sudan, and stopped engagement in contributing to the regional protection force and disengaged from the South Sudan peace process. Although the action may appear drastic, internal knowledge of the circumstances of why the Kenyan soldier was humiliated kindled anger and desire to restore national honour. "If a Kenyan general is not good enough, then its soldiers cannot be better," went the clarion call as Kenya embarked on pulling its soldiers from South Sudan.^{iv} The discriminatory nature of the UNSG decision truly demonstrated that the Africans are indeed scorned by incorrigible racists as the children of a lesser God. The SG has flouted his own "Do No Harm" principle by scapegoating Lieut-Gen Ondieki, who was not only defended by the SGSG of the Sudan mission, but also by the DPKO for his leadership, bravery and intervention in the Juba crisis.

Independent investigations into the Juba conflict have revealed a clear cover-up, with the USA mishandling the safety of its citizens and agents by not offering the proper protection when requested, leading to the violation in the Terrain compound. This investigative report on the circumstances leading to the removal and replacement of Lieut-Gen Ondieki as UNMSS force commander relied on a comprehensive review of official and non-official documents from the United Nations available on its website, UN documents on rules of engagement and procedures governing the code of conduct and dismissal procedures were consulted. We reviewed debates that took part in the UN Security Council on the matter. We held interviews with the governments of Kenya and South Sudan. We also held interviews with key informants and relevant officers in the UNMISS staff. Two of our researchers visited Juba between November 6 and 8, 2016, where they held interviews with members of the peacekeeping force and the relevant embassies and government SPLA officers. A thorough desk top review, including online media reports on the investigations, has also been undertaken.

The ISI investigative report does not in any way lay the blame on Lieutenant General Ondieki but points to huge systemic and logistical issues on the whole in UNMISS that need to be addressed.

iv. IPG interview with kenyan officers, November 6, 2016. See also PSCU, "Kenya unapologetic about pulling troops from South Sudan," says Uhuru. Nairobi Star, November 3, 2016.

II. UNMISS—A Politicized Peacekeeping

The UN Security Council set up UNMISS through Resolution 1996 of July 8, 2011.¹ The Mission was established for an initial period of one year to replace the United Nations Mission in Sudan (UNMIS,) whose mandate had ended the same day South Sudan gained Independence from the Republic of Sudan.²

Following the practice when a new peacekeeping mission³ is established, the UN Secretary General appointed former Norwegian International Development Minister Hilde Johnson as the first Head of Mission.⁴ The Head of a Mission is officially known as the Special Representative to the Secretary General (SRSG) and reports to the Under-Secretary-General for Peacekeeping Operations at UN Headquarters. The SRSG is responsible for implementing the mission's mandate. In integrated missions, the SRSG is also the overall coordinator of the UN system and is expected to play a leading role in coordinating the overall international effort on the ground. Because modern peace operations are complex and multi-faceted, the SRSG is the lead mediator in the post-peace agreement mediation efforts and any emerging post-peace agreement disputes. Therefore, the SRSG is generally the person with overall responsibility for UN operations, including security and safety in the country where the mission is deployed. As the Head of Mission, Ms. Johnson led several peace initiatives in South Sudan as the country confronted the challenges of peacebuilding following its separation in July 2011.⁵

When Johnson's term expired in July 2014, the UNSG appointed Ms. Ellen Margrethe Løj, a former Denmark ambassador to the UN, as Head of Mission. Ms. Løj had served in the Danish Foreign Affairs Ministry, as the Danish ambassador to the UN, the Danish ambassador to the Czech Republic, as well as the SRSG for Liberia. At the time of the attack in Juba in July 2016, Løj, was Head of Mission in Juba.

The UN Secretary-General also appointed UNMISS's force commander, Major General Moses Bisong Obi of Nigeria, who was the UNMIS force commander from June 2010.⁶ Major Obi had been with the Nigerian Army for close to three decades and he completed

1. See, United Nations Security Council (UNSC) Resolution, RES 1996, July 28, 011.

2. For details on UNMIS, see <http://www.un.org/en/peacekeeping/missions/past/unmis/>

3. All the peacekeeping missions which have been established after 1992 are complex, multidimensional operations involving military, civilian police and civilian components. Their mandates are also very broad, covering a broad range of issues from traditional peacekeeping, to civilian protection to post-agreement peacebuilding.

4. For details on her previous involvement in Sudan before South Sudan separated in July 2011, see Hilde F. Johnson (2016), *South Sudan: The Untold Story from Independence* Hilde F. Johnson (2011), *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*. Brighton: Sussex Academic Press. to *Civil War*, London: LB Tauris & Co. Ltd; Hilde F. Johnson (2011), *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War*. Brighton: Sussex Academic Press.

5. For details on these challenges, see Hilde F. Johnson (2016), *South Sudan: The Untold Story from Independence to Civil War*, London: LB Tauris & Co. Ltd.

6. For the appointment of Major Obi as UNMIS force commander, see <https://www.un.org/press/en/2010/sga1247.doc.htm>

his assignment at UNMISS on November 11, 2012. He was replaced by a decorated Ghanaian soldier, Major-General Delali Johnson Sakyi, who was appointed on December 11, 2012.⁷ General Sakyi's assignment ended on July 4, 2014. On July 17, 2014, the UNSG appointed Lieutenant General Yohannes Gebremeskel Tesfamariam of Ethiopia as the force commander.⁸ General Tesfamariam had accumulated experience from previous assignments in peacekeeping missions. He completed his term on June 17, 2016 and was replaced by Lieutenant General Johnson Mogoa Kimani Ondieki of Kenya, who was appointed by the UNSG on May 13, 2016. At the time of attack in Juba from July 8-11, 2016, General Ondieki was the force commander. As the head of the Military Component, the Force Commander (FC) is the principal military adviser to the Head of Mission and exercises operational control (OPCON) over all military contributions, including military contingents and Military Observers/Staff Officers.⁹ He provides leadership, direction and guidance to the Force HQ Staff, and is also responsible for organising training of Force HQ Staff for adaptation to the mission operational environment. Further, the FC is responsible for personnel, including activities to ensure the observance of the UN Code of Conduct and associated disciplinary matters within the limits of the UN OPCON authority level.

Among the main responsibilities of an FC are aligning the Military Component Operations with Political Objectives set by the SRSG and the Mission's mandate; carrying out military assessments and providing military perspectives to the SRSG; defining military objectives, benchmarks, missions and tasks, and issuing necessary orders and guidance to the Military Component and Plan and organising Military Component operations, including establishing mechanisms and procedures for execution of responsibilities and contingency planning. Others responsibilities of the FC include maintaining effective situational awareness; maintaining a high state of operational readiness by the Military Component; providing direction and priorities for preparation of the Military Component's framework for successive annual budgets; preparing the Military Component to prevent any ill-fated incident and handling crisis situations; ensuring effective administration and management of the Military Component. All the FCs from Obi to Ondieki were required to perform these responsibilities with a view to achieving UNMISS's mandate.

7. For General Sakyi's appointment, see <https://www.un.org/press/en/2012/sga1381.doc.htm>

8. United Nations, Secretary-General Appoints Lieutenant General Johnson Mogoa Kimani Ondieki of Kenya Force Commander, United Nations Mission in South Sudan, Secretary General - Appointments, May 13, 2016. Accessed: 06-11-16, <http://www.un.org/press/en/2016/sga1658.doc.htm>

9. United Nations Force Headquarters Handbook, <http://dag.un.org/bitstream/handle/11176/89596/United%20Nations%20Force%20Headquarters%20Handbook.pdf?sequence=1&isAllowed=y>; UN Military Roles and Responsibilities, <http://www.iddrtg.org/wp-content/uploads/2013/05/IDDRS-4.40-UN-Military-Roles-and-Responsibilities.pdf>; Handbook on United Nations Multidimensional Peacekeeping Operations, https://www.un.org/en/peacekeeping/documents/Peacekeeping-Handbook_UN_Dec2003.pdf.

Interestingly, the question of civilian protection has consistently haunted UNMISS FCs as deadly violence has been documented in various regions of South Sudan during the life of the mission. In December 2013, the country returned to a deadly civil war, despite the presence of UNMISS.¹⁰ By September 2016, the civil war had taken thousands of lives, at least 1.73 million people were internally displaced, at least 200,000 were in Protection of Civilian (PoC) sites, at least one million were refugees in neighbouring states, while at least six million people were in need of food aid.¹¹ Moreover, monitoring of violence shows that many regions of the country experienced incidences of violence whether by the main warring factions, SPLA and SPLA-IO, or local militias in the states. For the 2013-2014 incidents of violence in the country see Map 2.

The UN's response to these developments was to surge UNMISS's Military Component and to expand its mandate. In July 2011, UNMISS was authorised to have up to 7,000 military personnel, 900 civilian police, and an appropriate civilian component.¹² After the escalation of civil war in 2013, the UNSC passed Resolution 2132 of December 24, 2013, which increased the Military Component to 12,500 and civilian police to 1,323. Yet violence escalated and the parties breached the ceasefire agreement of January 2014. Subsequently, the parties breached the ceasefire agreement of May 2014. In turn, the UN passed Resolution 2155 on May 27, 2014, which increased UNMISS's personnel to 13,000 military personnel, 2,000 civilian police, and an appropriate civilian component. In practice, however, UNMISS had 11,342 military personnel, 193 military liaison officers, 1,157 civilian police, 769 international civilian personnel, 1,204 local civilian staff, and 409 UN volunteers by June 30, 2015.

Moreover, Resolution 2155 outlined the mandate of the expanded mission and authorised it to use all necessary force to protect civilians, monitor and investigate human rights, create the necessary conditions for delivery of humanitarian assistance, and support the implementation of the cessation of hostilities agreement. Despite the changes, there were incidents of violence in many parts of the country. The UN responded to the violence by extending the mission's mandate and bolstering it through Resolution 2252 of December

10. Hilde F. Johnson (2016), *South Sudan: The Untold Story from Independence to Civil War*, London: LB Tauris & Co. Ltd; Mahmood Mamdani (28 June 2016), *Who's to Blame in South Sudan?* <http://bostonreview.net/world/mahmood-mamdani-south-sudan-failed-transition>; South Sudan: the state that fell apart in a week, <https://www.theguardian.com/world/2013/dec/23/south-sudan-state-that-fell-apart-in-a-week>; The descent into civil war, <http://www.economist.com/blogs/baobab/2013/12/south-sudan>

11. UN OCHA September 2016, <http://www.unocha.org/south-sudan>; See also Map 1.

12. UNSC Security Council, Res 2155 (2014), *Extending Mandate of Mission in South Sudan, Bolstering its Strength to Quell Surging Violence*, <http://www.un.org/press/en/2014/sc11414.doc.htm>

15, 2015. Nonetheless, violent incidents did not only continue, but civilians living in PoC near UN camps were targeted. (For UNMISS troops deployment locations as at July 2016, see Map 3). For example, from February 16 to 18, 2016, an attack on a PoC site in Malakal, which was hosting at least 40,000 displaced people, led to the killing of 30 people, with 123 being injured.¹³ Despite the gruesome attack, there were 1,200 UNMISS troops from India, Rwanda and Ethiopia in Malakal at the time.

A UN investigation on the attack showed that it took UN peacekeepers more than 12 hours to intervene, despite being next to the camp. Moreover, the investigation found that the Indian contingent refused to deploy troops or heavy armor to the area of fighting to defend civilians; the Ethiopians slept through the entire incident; while the Rwandan contingent insisted on written approval before acting. Finally, it is only the Rwandan contingent that responded to the violence and protected civilians. The investigation committee recommended several changes to the mission. Whether the UN or UNMISS implemented the recommendations is remains unclear: What is clear is that no action was taken against the Force Commander, the SRSG, or any other senior mission staff.

Two weeks after the investigating committee issued its report on the Malakal incident, another round of deadly violence took place in Juba from July 8 to 11.¹⁴ The violence involved the government army, SPLA, against soldiers loyal to the former vice-president, Dr Riek Machar. According to media reports, the war was close and intense. The warring factions used heavy weapons, including artillery and helicopter gunships. The war took place around the UN compound and one of the PoCs around the UNMISS HQ which had 27,000 displaced people. Even UN buildings were hit by bullets, mortars and rockets. The violence had all the characteristics of ‘new wars’ as it involved looting, sexual violence against civilians, killings of civilians, and attacks on local and international humanitarian staff, especially in the Terrain camp. On August 16, the UNSG responded to the violence by appointing an investigation committee led by a retired Dutch military officer, Major General Patrick Cammaert.¹⁵ On October 31, the committee issued its report and some recommendations.

13. See UN says Response to Violence in its South Sudan Camp Marred by Confusion, <https://www.theguardian.com/global-development/2016/jun/22/malakal-camp-south-sudan-un-united-nations-says-response-violence-marred-by-confusion>.

14. South Sudan clashes ‘leave dozens dead’ in Juba, <http://www.bbc.com/news/world-africa-36754666>; ‘South Sudan leaders, international community at fault for latest violence’, <http://www.france24.com/en/20160713-south-sudan-violence-juba-peace-agreement-conflict-un-civil-war-kiir>; Deadly clashes in Juba rock South Sudan’s brittle peace to the core, <http://www.theworldweekly.com/reader/view/storyline/2016-07-14/deadly-clashes-in-juba-rock-south-sudans-brittle-peace-to-the-core/8640>.

15. U.N. to investigate peacekeepers’ response to South Sudan hotel attack, <http://www.reuters.com/article/us-southsudan-security-un-idUSKCN10S0C9>; Secretary-General Appoints Major General Cammaert of Netherlands to Lead Investigation into July 2016 Violence in South Sudan, Response of United Nations Mission, <http://www.un.org/press/en/2016/sga1677.doc.htm>

The committee targeted the UN Secretariat, the UNSC, UNMISS, the Government of South Sudan and TCCs in its recommendations. Interestingly, the committee blamed the inability of the UNMISS troops to protect aid workers on 'lack of leadership'. Why the committee specifically chose international aid workers at the Terrain camp while thousands of South Sudanese people were at risk raises more questions than answers. Moreover, the committee blamed the general 'leadership' without specifying who should carry the blame. Interestingly, the SRSG, Ellen Margrethe Løj, resigned as SRSG a week before the release of the report.¹⁶ It is highly conceivable that someone leaked to Løj the contents of the report before it was released. Her decision to resign as HoM was probably a tactic to avoid taking the blame. The UNSG's response to the Juba report was to sack the Kenyan FC, Johnson Ondieki. It is this sacking which has prompted Kenya to pull its contingent out of UNMISS. The fact that these incidents of violence have been taking place continuously means that the main problem with the mission is not necessarily one of leadership.

16. UNMISS Head Ellen Margrethe Løj Resigns, <http://talkofjuba.com/news/unmiss-head-ellen-margrethe-loj-resigns/>; UNMISS chief in Juba steps down, <http://www.theinsider.ug/unmiss-chief-in-juba-steps-down/#.WCD6MsbfrIU>; UN top envoy to South Sudan quits next month, <http://www.sudantribune.com/spip.php?article60611>.

III. The Botched Deployment to UNMISS

Lt-Gen Ondieki is a decorated Kenyan officer with over 35 years of military service and experience. Before his appointment to head AMISS, he had served on other UN missions with distinction, including the Kenya Battalion 10 in Sierra Leone as a commanding officer and, later, in 2010 and 2011, as the sector commander in Sudan. He was nominated by the Kenyan Government in April 2016 for the position of force commander of UNMISS. In May 2016, Lieut-Gen Ondieki was appointed the Force Commander of the UN Mission in South Sudan.¹⁷ This placed him as the lead commander of a military unit that comprised five states with roughly 12,000 troops. He learnt of his appointment through the SRSG UNMISS in May 2016. The deployment of Lieut-Gen Ondieki was unusual in that the UN did not give him any orientation nor were there any formal instructions or handing over of duties from the former commander.¹⁸ In fact, he was told in May 2016 to report to Juba without any in-processing at UNHQ or any other orientation location. He took over after the Ethiopian commander, Lt-Gen Yohannes Gebremeskel Tesfamariam whose appointment ended on June 17, 2016.

However, soon after his appointment, Lieut-Gen Ondieki was relieved of his duties by UN Secretary General Ban Ki-Moon. The reasons given by the Secretary General were that Lt-Gen Ondieki had failed on the mandate to protect civilians from violent militias, especially the Americans in Terrain Compound. The removal of Lieut-Gen Ondieki occurred after a special UN investigation argued that lack of leadership led to the lack of response in the violent conflict between July 8-11. Although the official UN investigative report stated that this was a systemic problem that needed system- wide reform in regard to the lack of an effective command structure, the blame for the undermanned Chinese battalion, the Nepalese Formed Police Unit, and the Ethiopian Battalion's lack of response was placed squarely on Lieut-Gen Ondieki by Secretary General Ban Ki-Moon.¹⁹ As one officer explained, "We must not forget the fact that the very authorities responsible for the protection of its civilians and the guests in its country hold the responsibility for these crimes, and the guilty parties must be held responsible by the government... the heavy presence of SPLA soldiers, armoured vehicles, and tanks on Yei Road might have prevented even the most determined and well-organized attempts by the Mission to intervene."²⁰ Despite having American and international personnel in the area, with UN forces only a mile away, the US Embassy refused to respond to American desperate calls

17. United Nations, Secretary-General Appoints Lieutenant General Johnson Mogoia Kimani Ondieki of Kenya Force Commander, United Nations Mission in South Sudan, Secretary General - Appointments, 13 May 2016 Accessed: 06-11-16, <http://www.un.org/press/en/2016/sga1658.doc.htm>

18. United Nations, UN Official Report on Accounts by the Force Commander, 2016.

19. Interview with an UNMIS officer, Juba, November 6, 2016.

20. United Nations, Confidential Independent Special Investigation on the Violence in Juba South Sudan, November 2, 2016.

for help, leading to the sexual violence targeting American women.”²¹ Pressure from the UNP5, especially members from USA and UK, made the SG to make the decision without taking into consideration the investigations or recommendations made. The evidence, points to a clear gross violation and misconduct by the Secretary General’s decision, which was not only discriminatory against Lieut-Gen Ondieki, but was also an expedient political decision violating UN procedures and regulations. The SG’s decision has not only tarnished the reputation of a war hero, but is also demotivating other commanding staff in other UN missions, and places the peace and security of the South Sudanese people in jeopardy.

1. The Arrival in Juba

The Lieut-Gen Ondieki arrived in Juba on June 10, 2016, where he met the outgoing commander but there was no handing over ceremony; it was just a simple “meet-and-greet” affair. There was a clear issue in leadership from the outset that Lieut-Gen Ondieki faced as he arrived in South Sudan: Upon his arrival Ondieki did not find any Standing Operational Procedures (SOP), Operational Orders (OPO) or Contingency Plans (CONPLANS), and had to work with staff to find out whether they existed, but later realized he had to create current copies of each of these most crucial documents in order to succeed in UNMISS.²² Immediately, Lieut-Gen Ondieki went on field visits to familiarize himself with the on-the-ground situation by visiting different deployments, and completed his visits on June 24, 2016. By the time he returned to Juba a violent conflict occurred in Wau and Lieut-Gen Ondieki promptly demonstrated high-level leadership and the situation was contained, despite the overwhelming number of IDPs which was a challenge to the number of troops available.²³

2. The July Crisis

While busy in the UNHQ, the Lieut-Gen Ondieki heard that intense fighting had erupted between the SPLA and SPLA-IO which lasted from July 8 to 11, 2016, demonstrating a lack of proper early warning systems. Lieut-Gen Ondieki quickly went into action, since all the senior officials were not present, including the SRSg, DSRSG P and DSRSG HC.²⁴ By morning hours, Lieut-Gen Ondieki realized the lack of coordination in the force with the Sector South Command being cut off and UNH not having a coordinated command. Therefore, he convened a coordination meeting to examine the sequencing of operations.

21. The Guardian, “Attack on aid workers in South Sudan: There was incredible naivety”, October 17, 2016, <https://www.theguardian.com/global-development-professionals-network/2016/oct/17/attack-on-aid-workers-in-south-sudan-there-was-incredible-naivety>

22. United Nations, UN Official Report on Accounts by the Force Commander, 2016.

23. United Nations, Confidential Independent Special Investigation on the Violence in Juba South Sudan, November 2, 2016.

24. Ibid

3. Terrain Hotel Incident

The heaviest fighting and the presence of SPLA tanks on July 11 2016 prevented extractions from UN House East. As argued above by the confidential UN report of November 2, 2016, “The heavy presence of SPLA soldiers, armoured vehicles, and tanks on Yei Road might have prevented even the most determined and well-organized attempts by the Mission to intervene”.²⁵ Because of the undermanned force, the Chief of JOC informed Lt-Gen Paul Ondieki that the NEPBATT, which had been given the work of extracting trapped personnel, had been diverted to IDP control at UNH. Therefore, Lieut-Gen Ondieki was informed that the Ethiopian Battalion were to assemble for the task of extracting trapped personnel. Upon inquiring on the process of the extraction, he was informed that the ETHBATT had not yet assembled; therefore, he gave a direct verbal order for assembly.²⁶ In a show of cooperation, Lieut-Gen Ondieki called the SPLA Chief of General Staff (CoGS), General Malong, and requested assistance to facilitate the UNMISS QRF to proceed to the Terrain Compound, and the CoGS agreed.

Despite, all these efforts an hour later after he had given the verbal command, the Lieut-Gen Ondieki would be informed by Gen Malong that the QRF had not arrived, thus the ETHBATT area commander had left. The Joint Operations Centre (JOC) also informed him of the same, demonstrating clear defiance by the ETHBATT and the flawed command structure and framework of UNMISS. In fact, two hours later, ETHBATT had not yet reached the Terrain Hotel and was still assembling troops, and Lieut-Gen Ondieki ordered an investigation of the matter, since the ETHBATT had defied orders and the SPLA had to come in and carry out extractions. Despite Lieut-Gen Ondieki’s orders to UNMISS troops from China, Ethiopia, and Nepal to engage, and to the ETHBATT, who were only a kilometer from the conflict, defiant refusal to follow his orders led to violence, including rape. According to the UN official investigation, despite the JOC making multiple requests to stand up a quick reaction force to respond to the crisis, the request was turned down by every UNMISS force that was in the area, each arguing that their troops were fully committed.²⁷

25. Ibid

26. United Nations, UN Official Report on Accounts by the Force Commander, 2016.

27. United Nations, Major General (ret) Patrick Cammaert, Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS Response, 2016

4. “Orientation” or Trap?

Lieut-Gen Ondieki was given a formal induction and intense orientation course when he departed for New York on October 16, 2016, late by five whole months. Lieut-Gen Ondieki would come to learn that the “planned” orientation was only a ruse to get him to New York and inform him that he was relieved of his duties, without being afforded the opportunity of examining or responding to the allegations, and without any consultation with his government. The manner in which the firing was done was against UN regulations and procedures regarding dealing with allegations of misconduct by any UN staff. Considering that Lieut-Gen Ondieki had no proper orientation, inherited an organization that was in disarray, and the vast improvements he had put in place in record time, this was a clear violation of his human rights and demonstrated the gross discrimination that the Secretary-General and his staff used in thwarting justice for political expedience in a situation that appears to have been a clear setup against the Kenyan military hero.

In fact, the USA representatives accompanied by their UK counterparts went to see SG Mullet to place blame on Lieut-Gen Ondieki and to agitate for his removal as the CF UNMISS, despite the SMSG and DPKO strongly defending Lieut Gen Ondieki before the UN. This was a clear cover-up, with the USA mishandling their staff and not offering the proper protection their citizens need, which led to the targeted violence against them. The hastily and biased nature of Ban Ki-moon’s decision to fire Lieut-Gen Ondieki, who had been the commanding leader for only three weeks before the attack, while take no disciplinary action against his two deputies from Britain and China, demonstrated gross discrimination, truth distortion and an irregular political response to the conflict. In fact, the official UN report recommended disciplinary action on the countries that were close to the Terrain compound - Ethiopia, China and Nepal – arguing, “inaction by peacekeepers when civilians are attacked within one kilometer of a peacekeeping base should be promptly investigated and peacekeepers, commanders and relevant troop-contributing countries should be held accountable for failures to protect.”²⁸

Lieut-Gen Ondieki had no direct control of deployment or response of the troops who were in the areas, according the UNMISS commanding framework. According to the rules of engagement, Lieut-Gen Ondieki could only send an order to the lead commanders who were in Juba, but they did not accept it. Therefore, Ban Ki-moon’s dismissal of Lieut-Gen Ondieki is not only an error in judgment, it is also unjust discrimination and a gross violation of his rights.

28. United Nations, Major General (ret) Patrick Cammaert, Independent Special Investigation into the Violence Which occurred in Juba in 2016 and UNMISS Response, 2016

IV. UNMISS: A Failed Mission

From the outset, the UNMISS mission in South Sudan has faced continuous systematic failures contributed to by its framework and mandate. As argued by Hutton (2014) as early as 2013, many systemic issues were discovered in the UNMISS framework that have contributed to the ongoing South Sudan civil war and the violent occurrences in July 2016. Lack of a proper understanding in theoretical assumptions on the South Sudan conflict and state building, coupled with the lack of operational capabilities have led to the systemic failure of the mission. Central to these systemic failures in the UNMISS framework is a failure to conceive the true nature of the conflict and of the actors involved.²⁹ There was little emphasis on examining the on-the-ground situation. For instance, the understanding that the SPLA is not a central command fully professionalized army but is made of different factions and militias who at time set their own agenda, was taken for granted. Therefore, the assumption that the Government of South Sudan (GOSS) was going to help with internal control of security forces was grossly over-optimistic under the UNMISS framework. The mission assumed that the SPLA was a central command army and that the GOSS was able and willing to work in tandem with UNMISS in civilian protection and peace-keeping.

Furthermore, as early as 2013, when the civil war broke out, there was little to no cooperation between the mission and the government. The UNMISS framework assumed that the GOSS was willing to work with UNMISS, and the mission did not foster a working relationship with the GOSS and its security organs, meaning that there was mistrust and lack of the convergence of security forces from the outset. In addition, the lack of cooperation between the GOSS and UNMISS has created mistrust and friction, with even President Salva Kiir at times arguing that the mission is violating South Sudan's sovereignty. The GOSS did not feel invited to the table to deliberate on the mission's mandate therefore it has had little to no buy in on the UNMISS mandate.³⁰ The lack of relationship building and peace engagements by the UNMISS has made it lack the capability to create a working relation with South Sudan security organs who are crucial for peace building and citizen protection. Hutton (2014) argues that the UNMISS soldiery are simply barrack forces whose presence does not routinely go beyond UN bases. This problem was pointed out by the International Refugee Rights Initiative, that there is no engagement of the UNMISS outside the bases and PoCs.³¹ It is therefore not surprising that many violent conflicts, including those in July 2016, have occurred close to these bases with no response from the Military Component of the mission. In fact, Lieut-Gen

29. The Guardian, "Attack on aid workers in South Sudan: There was incredible naivety", 17 October 2016.

30. Stina Hartikainen, South Sudan, UNMISS and international responsibility, Human Security Centre, Policy Unit, Issue 3, No. 4. 2014.

31. International Refugee Rights Initiative, "Protecting some of the people some of the time: Civilian perspectives on peacekeeping forces in South Sudan", Dec. 2015.

Ondieki worked to improve relations during the conflict in Juba, including working with the SPLA, to coordinate extractions of personnel.³² Furthermore, despite his short stay, Lieut-Gen Ondieki put in place an SOP and issued a Frag O that the UNMISS force would have an outward-looking posture instead of an inside-looking posture by having patrols within camps/PoC sites, and patrolling inside and outside the fence.

Another problem with the UNIMSS framework is the lack of clarity on the mandate and targeted groups.³³ The small deployments have been faced with mixed mandates while, at times, expected to engage troops who form part of the army under the ruling host government. Thus, engaging them would in part be an offensive against the GOSS, causing greater conflict between the troops and the government. Lieut-Gen Ondieki also worked to systemize and organize the force with a work plan that would record activities step-by-step, show time purpose, distances, finding and making recommendations for future patrols, which was appreciated and applauded by MILAD. Lieut-Gen Ondieki also synchronized and reorganized FHQS and improved working relations between the Force and other pillars in the mission.

Another major problem with the UNMISS framework was a lack of an early warning system in case of a conflict occurrence. As early as three years ago, at the onset of the civil war, the Special Representative of the Secretary General, Hilde Johnson, asserted that the UN could not detect the outbreak of conflict. The lack of an early warning system in the UNMISS framework is a key contributing factor to the systemic failure of the mission.³⁴ Without an early warning system, the build-up and eruption of conflict becomes greater than UNMISS can handle. As Hutton points out, there is lack of information gathering and relationship building in order to detect conflicts before they occur. With the lack of an early warning system, the conflict and size of mobilized combatants becomes greater than the military components that UNIMSS is willing to engage. Furthermore, because of the structure of command most of the uniformed forces have explicitly refused to engage in the civil war where they are under-resourced, lack combat-related information and are undermanned. The UNMISS forces have relatively small deployments that are expected to engage mass mobilization of combatants.³⁵ From the onset of the civil war in 2013 to the present time, these small deployments have refuted the commander's calls to engage

32. United Nations, UN Official Report on Accounts by the Force Commander, 2016.

33. International Refugee Rights Initiative, "Protecting some of the people some of the time: Civilian perspectives on peacekeeping forces in South Sudan", Dec. 2015.

34. Lauren Hutton, "Prolonging the agony of UNMISS: The implementation challenges of a new mandate during a civil war", CRU Report - Netherlands Institute of International Relations, 2014

35. Lauren Hutton, "Prolonging the agony of UNMISS: The implementation challenges of a new mandate during a civil war", CRU Report - Netherlands Institute of International Relations, 2014

conflicting forces. The lack of early warnings systems and refusal to engage by UNMISS troops was clearly demonstrated in 2016 as Lieut-Gen Ondieki's request to engage was ignored and rejected by forces on the ground in Juba. In fact, Lieut-Gen Ondieki worked to correct his problem by creating security and contingency plans which were in place and in use before his departure. He went a step further and created a country-wide contingency plan that was to be finalized with UNDSS.

Clearly, the UNMISS did not correct its systemic problems from the onset of the ethnic-based civil war three years ago, greatly crippling the function and effectiveness of its Military Component.³⁶ The mission lacks a proper theoretical understanding of state building in the South Sudan context, but has rather attempted to pass a mandate without consulting the existing government and a proper examination of the legacy of the ongoing historical conflict in the area.³⁷ The lack of a proper examination of the conflict dimensions coupled with the undermining and the lack of engagement with the government in Juba have led to a systemic failure of the UNMISS mandate in South Sudan.

36. Stina Hartikainen, South Sudan, UNMISS and international responsibility, Human Security Centre, 2014.

37. Lauren Hutton, "Prolonging the agony of UNMISS: The implementation challenges of a new mandate during a civil war", CRU Report - Netherlands Institute of International Relations, Policy Unit, Issue 3, No. 4. 2014

The Mission in pictures



Same regional CDFS meeting with president Salver Kiir at J1 one Juba after Jul crisis.



Special Representative of the Secretary General(SRSG) and other South Sudan officials during UN peacekeepers day in Juba in the month of October 2016.



A filed visit to Kuajok Warrap State in September 2016. The lady is the Head of Field office in Kuajok



Special Representative of the Secretary General(SRSG) and other South Sudan officials during UN peacekeepers day in Juba in the month of October 2016.



Lieutenant General Johnson Mogoa Kimani Ondieki.



United Nations Secretary General, Ban Ki-moon.

The Mission in pictures



A filed visit to Kuajok Warrap State in September 2016. The lady is the Head of Field office in Kuajok



At the office attending to media interview after the Jul crisis.

*The Kenyan Peace Keeping
Contingent prepares to
withdraw from South Sudan.*



*The Kenyan Peace Keeping
Contingent arrives in Nairobi
following the decision by the
Kenya Government to withdraw
them from South Sudan*

V. Pressure from Washington

Despite previous incidences where fighting has broken out in South Sudan with civilian casualties and the lack of appropriate response by the UNMISS, the attacks of July 8-11 have received special and atypical attention. One finds that fighting has broken out before in other parts of Sudan, including, Wau³⁸ and Malakal³⁹, but without the kind of response and action the Juba July 2016 attacks have received. In the July conflict, one specific attack stands out as the outlier and the action it has received counts as an extraneous factor that has put undue influence on the UN investigation team and the Secretary General in particular – the Terrain Compound attack. The Terrain attack on the evening of July 11, where Americans said to be aid workers were attacked has elicited a furore and follow-up by the American representation at the UN that points to an extra hand weighing in on the UN systems.

In its budget request for 2017, the American State Department asked for \$131.9 million for civil society and peace-building programs in South Sudan.⁴⁰ This was on top of another \$30 million for military support and another \$6 million for governance and rule of law support. A lot of the money was channelled through USAid to American NGOs and other civil society organisations present in South Sudan on varied missions. Furthermore, America's presence in the civil society space in South Sudan is huge, with a few hundred staff. In a witness account to the Associated Press, "On July 11, South Sudanese troops, fresh from winning a battle in the capital, Juba, over opposition forces, went on a nearly four-hour rampage through a residential compound popular with foreigners, in one of the worst targeted attacks on aid workers in South Sudan's three-year civil war. They shot dead a local journalist while forcing the foreigners to watch, raped several foreign women, singled out Americans, beat and robbed people and carried out mock executions."⁴¹ The rampage took place in the Terrain compound.

The AP interviewed by phone eight survivors, both male and female, including three who said they were raped. The other five said they were beaten; one was shot. Most insisted on anonymity for their safety or to protect their organizations still operating in South Sudan.⁴² The names or organisations of the victims have never been released, save for

38. The attacks began on June 24, where dozens were killed and more than 120,000 displaced.

39. The attacks took place on February 17 and 18 in a UN Protected site for three hours, where more than 20 people were killed, including foreign aid agencies workers.

40. Department of State, Congressional Budget Justification, Feb 9, 2016, <http://www.state.gov/documents/organization/252179.pdf>, pp. 152

41. Jason Patinkin, "Rampaging South Sudan troops raped foreigners, killed local", Associated Press, Aug 15 2016, <http://bigstory.ap.org/article/237fa4c447d74698804be210512c3ed1/rampaging-south-sudan-troops-raped-foreigners-killed-local>

42. Jason Patinkin, "Rampaging South Sudan troops raped foreigners, killed local", Associated Press, Aug 15 2016, <http://bigstory.ap.org/article/237fa4c447d74698804be210512c3ed1/rampaging-south-sudan-troops-raped-foreigners-killed-local>

Jesse Bunch, an American Vermont-based contractor who was shot in the leg. More than two dozen aid workers had taken shelter in the grounds of the Terrain Hotel, most of whom were from the United States, Australia and the Philippines.⁴³ The Terrain block had been built as a “safe house” with metal gates on the balconies and steel-reinforced doors. According to an anonymous source to the Sunday Nation “...the main cause of American anger was the fact that one of the women who was raped by rampaging South Sudanese soldiers and several of the men who were beaten on July 11 were agents of the Central Intelligence Agency.”⁴⁴

Unable to respond to calls by its citizens to send a rescue mission, the US Ambassador to South Sudan, Mary Catherine Phee, asked the South Sudanese Government to send troops to intervene. The aid workers were finally rescued by the government’s National Security Forces.⁴⁵ According to Foreign Policy magazine, “Embassy staff had to move to bunkers more than once during that day due to mortar and small-arms fire around the embassy compound...with the capital engulfed in violence, the primary mission of the security team — as in other embassies around the world — was to protect embassy staff and classified material.”⁴⁶

The US Ambassador to the UN, Samantha Power, condemned the attack in a statement and was the first to demand an inquiry into the response of the UN peacekeepers. Power said the United States is “deeply concerned that United Nations peacekeepers were apparently either incapable of or unwilling to respond to calls for help. We have requested and are awaiting the outcome of an investigation by the United Nations and demand swift corrective action in the event that these allegations are substantiated.”⁴⁷

“We didn’t have the personnel with the mission or the capacity to respond to such a wide-scale event...our response was to engage the government that had the capability to do so,” a senior American administration official told *Foreign Policy* on condition of anonymity.⁴⁸

After the outbreak of fighting in Juba and the July 11 attack, the United States helped secure medical treatment for victims of the hotel rampage and organized flights out of the country for 80 US nationals. The State Department also scaled back the embassy’s footprint to a skeleton staff.

43. Jason Beaubien, “U.N. Report Addresses Gang Rape Of Aid Workers In South Sudan”, NPR, Aug 23, 2016, <http://www.npr.org/sections/goatsandsoda/2016/08/23/491057541/gang-rape-of-aid-workers-in-south-sudan-is-a-turning-point>

44. Walter Menya and Aggrey Mutambo, “Machar associate issues threat to Kenyans living in S. Sudan”, Daily Nation, Nov. 5, 2016, <http://www.nation.co.ke/news/machar-associate-issues-threat-to-kenyans-in-south-sudan/1056-3442234-7d4sj1z/index.html>

45. Colum Lynch, Dan De Luce and Paul Mcleary, Being Beaten and Targeted by Its Troops: A brutal assault on American and other foreign aid workers in Juba marks a new low for a supposed U.S. ally and the state of U.N. peacekeeping, *Foreign Policy*, Aug. 16, 2016, <http://foreignpolicy.com/2016/08/16/the-u-s-helped-birth-south-sudan-now-americans-are-being-beaten-and-targeted-by-its-troops/>

46. Ibid

47. Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, “Statement on the Attack on the Terrain Compound in Juba, South Sudan”, Aug. 15, 2016, <http://usun.state.gov/remarks/7402>

1. Why were the Americans targeted?

South Sudanese Government Army spokesman Lul Ruai, speaking to the AP, did not deny the attack at the Terrain but said it was premature to conclude the Army was responsible. He asserted, “Everyone is armed, and everyone has access to uniforms and we have people from other organized forces, but it was definitely done by people of South Sudan and by armed people of Juba.”⁴⁹ It is clear the attack was executed by forces aligned to the government of President Kirr. The *Foreign Policy* magazine article⁵⁰ alludes to a deteriorated relationship between America and South Sudan, where America has been the chief sponsor of the state and peace building process. “The violence highlighted the degree to which South Sudanese President Salva Kiir has evolved from a valued US friend to the leader of a rampaging army that has now targeted American nationals.”⁵¹

The efforts by various American advocacy groups and some in Congress to have an arms embargo on the government have further deteriorated the relationship between President Kirr’s forces and the Americans. These lobbyists believe that far more forceful US action is required, especially against Kiir and the sitting government; they have repeatedly cited tougher sanctions and an arms embargo as potential tools to address the conflict in South Sudan.⁵² In an op-ed⁵³, US Reps Michael Capuano (D-Mass), and Brian Higgins (D-NY), lobbied for the arms embargo as a way to “blunt the fighting in the medium term and put warring parties on notice that they cannot continue ignoring the peace agreement.” US Rep Thomas Rooney, R-Fla., sponsored legislation on South Sudan⁵⁴ to bring attention to the conflict and support actions like an arms embargo or expanded sanctions on warring parties. At an appropriations hearing in February, Rooney asked Secretary of State John Kerry about US plans with the international community to impose such an arms embargo and tougher sanctions on “individuals who’ve committed violations of international humanitarian and human rights law” in South Sudan.⁵⁵ “I don’t think South Sudan has a better friend than the United States,” Kerry responded, adding that if the nation’s leaders continue to fail on delivering its commitments in the peace agreement, “the international community is absolutely prepared” for individual sanctions.⁵⁶ These efforts among others

49. Jason Patinkin, “Rampaging South Sudan troops raped foreigners, killed local”, Associated Press, Aug 15, 2016, <http://bigstory.ap.org/article/237fa4c447d74698804be210512c3ed1/rampaging-south-sudan-troops-raped-foreigners-killed-local>

50. Ibid

51. Colum Lynch, Dan De Luce and Paul McLeary, Being Beaten and Targeted by Its Troops: A brutal assault on American and other foreign aid workers in Juba marks a new low for a supposed U.S. ally and the state of U.N. peacekeeping, *Foreign Policy*, Aug. 16, 2016, <http://foreignpolicy.com/2016/08/16/the-u-s-helped-birth-south-sudan-now-americans-are-being-beaten-and-targeted-by-its-troops/>

52. Patrick Madden and Erin Quinn, “Has \$2.1M Spent Lobbying U.S. Lawmakers Derailed Peace Process In South Sudan?”, WAMU, July 14, 2016, http://wamu.org/news/16/07/14/has_21m_spent_lobbying_us_lawmakers_derailed_the_peace_process_in_south_sudan

53. Michael E. Capuano and Brian Higgins, To End The Civil War, It’s Time For An Arms Embargo In South Sudan, WBUR, May 20, 2016, <http://www.wbur.org/cognoscenti/2016/05/20/arms-embargo-in-south-sudan-michael-e-capuano-brian-higgins>

54. U.S. Congress, H.R.2989 - South Sudan Peace Promotion and Accountability Act of 2015, Introduced 07/08/15, <https://www.congress.gov/bill/114th-congress/house-bill/2989/text>

55. Individuals who’ve committed violations of international humanitarian and human rights law

have highly escalated anti-American sentiment in Juba. Earlier on the night of July 7, 2016, a well-marked US diplomatic convoy had been attacked, allegedly by President Kirr's Special Guard. In the cars were seven US diplomats including James Donegan, the second highest ranking US official in South Sudan. A US Marine rapid response team from the embassy had to fetch three of the waylaid Americans and their South Sudanese driver.

On a UNSC visit to Juba on September 4, Ambassador Samantha Power "...very forcefully raised the threat to US citizens and the specific incident in which US diplomatic vehicles had been fired upon by government military personnel, expressing her grave concern", her spokesman, Kurtis Cooper, said.⁵⁷ One of the interviewees in the AP witness account of the Juba attacks said that after the violence, the soldiers said "You tell your embassy how we treated you."⁵⁸ Other survivors told the AP that soldiers specifically asked if they were American. "One of them, as soon as he said he was American, he was hit with a rifle butt," said a woman to AP.⁵⁹ One soldier ranted against foreigners. "He definitely had pronounced hatred against America," Gian Libot a Filipino said, recalling the soldier's words: "You messed up this country. You're helping the rebels. The people in the UN, they're helping the rebels."⁶⁰

The attacks at the Terrain Camp against civil society workers and the diplomatic convoy in July were directly aimed at Americans. These attacks have coincided with a surge in anti-American and anti-UN sentiments within President Kirr's forces for pressing him into a power-sharing agreement with his bitter rival, former vice-president Riek Machar. The largely held view in Juba is that America and the UN are anti-government and on Riek Machar's side. They read regime change intent by the Americans. The Terrain Camp attack took place a few hours to the declaration of a ceasefire. Riek Machar's forces had completely been driven away from the city by forces aligned to President Kirr. These soldiers had specifically come out of the normal course of their attacks against Riek Machar's forces to prosecute a specific motive and are intentionally against Americans as confirmed by witness accounts. These facts point to a clear mission to target Americans.

56. Patrick Madden and Erin Quinn, "Has \$2.1M Spent Lobbying U.S. Lawmakers Derailed Peace Process In South Sudan?", WAMU, July 14, 2016, http://wamu.org/news/16/07/14/has_21m_spent_lobbying_us_lawmakers_derailed_the_peace_process_in_south_sudan
57. UNMISS, Security Council Visit to South Sudan Press Briefing - September 4, 2016: Ambassador Samantha Power and Ambassador Fodé Seck, Relief Web, Sept. 05, 2016, <http://reliefweb.int/report/south-sudan/security-council-visit-south-sudan-press-briefing-september-4-2016-ambassador>

58. Jason Patinkin, "Rampaging South Sudan troops raped foreigners, killed local", Associated Press, Aug 15 2016, <http://bigstory.ap.org/article/237fa4c447d74698804be210512c3ed1/rampaging-south-sudan-troops-raped-foreigners-killed-local>

59. Ibid
60. Ibid

2. Echoes from Benghazi

The incident carried potentially damaging political overtones for the Obama Administration and the then Democratic Party Presidential Candidate Hillary Clinton, who has faced controversy and criticism over how she handled a 2012 attack on an American diplomatic outpost in Benghazi, Libya.⁶¹

On September 11, 2012, the US mission in Benghazi, Libya, was attacked and burned. An attack later that night involved mortar and rocket fire against a US diplomatic annex in the city. US Ambassador Christopher Stevens and three other US nationals were killed in the attack. Initially, the attack was thought to be perpetrated by an angry mob responding to a video made in the United States that mocked Islam and the Prophet Mohammed, but it was later determined to be a terrorist attack.

In Juba, we find the same irresponsible response by the US concerning its citizens abroad. According to Jesse Bunch, the American Contractor, who was shot and beaten in the attack, the US Embassy failed to let staff know how bad the violence was: “If somebody had told me how badly it was going on Wednesday [6 July] I would have been out of there.” Jesse told *The Guardian*.⁶² Issues of negligence in the part of the aid organisations and the American State Department also arise on the security plans for its staff and organisations. An American woman who spoke to NPR said “There was a lot of military activity on the road outside of our compound. We were told [by our head office] that they were trying to evacuate us but there were too many checkpoints along the road. That it wasn’t safe and that we just need to just sit there and wait.”⁶³ The grim details of the attack have raised questions about why the nearby US Embassy didn’t send American troops to rescue those trapped at the hotel — and why Washington kept silent about the incident for more than a month until it was revealed by the AP’s report. Several witness statements to the *Guardian* indicate that the aid workers and the NGOs they worked for had escape plans that never relied on the UN coming to the rescue.⁶⁴ The US Embassy didn’t have the resources to dispatch a rescue team. Private security companies also said the streets were too dangerous to reach the Terrain Hotel.⁶⁵ A spokesperson for the US Africa Command told FP that there

61. Colum Lynch, Dan De Luce and Paul McLeary, *Being Beaten and Targeted by Its Troops: A brutal assault on American and other foreign aid workers in Juba marks a new low for a supposed U.S. ally and the state of U.N. peacekeeping*, *Foreign Policy*, Aug. 16, 2016, <http://foreignpolicy.com/2016/08/16/the-u-s-helped-birth-south-sudan-now-americans-are-being-beaten-and-targeted-by-its-troops/>

62. *The Guardian*, “Attack on aid workers in South Sudan: There was incredible naivety”, 17 October 2016, <https://www.theguardian.com/global-development-professionals-network/2016/oct/17/attack-on-aid-workers-in-south-sudan-there-was-incredible-naivety>

63. Jason Beaubien, “U.N. Report Addresses Gang Rape Of Aid Workers In South Sudan”, *NPR*, Aug 23, 2016, <http://www.npr.org/sections/goatsandsoda/2016/08/23/491057541/gang-rape-of-aid-workers-in-south-sudan-is-a-turning-point>

64. *The Guardian*, “Attack on aid workers in South Sudan: There was incredible naivety”, 17 October 2016, <https://www.theguardian.com/global-development-professionals-network/2016/oct/17/attack-on-aid-workers-in-south-sudan-there-was-incredible-naivety>

65. Jason Beaubien, “U.N. Report Addresses Gang Rape Of Aid Workers In South Sudan”, *NPR*, Aug 23, 2016, <http://www.npr.org/sections/goatsandsoda/2016/08/23/491057541/gang-rape-of-aid-workers-in-south-sudan-is-a-turning-point>

are American military “assets positioned within the region that are capable of providing a wide variety of responses when requested by the ambassador” but declined to go into detail about what capabilities are available.⁶⁶ It is clear the US Embassy had no rescue or evacuation plans for its citizens in South Sudan. US officials have admitted the embassy had a small security contingent that was not equipped to carry out a major combat and rescue operation against dozens of armed and disorderly South Sudanese troops.

Two days after the attack at the Terrain Camp, America rushed dozens of American troops to beef up security for the embassy there. Another 130 American troops were deployed to nearby Djibouti as a quick reaction force.⁶⁷ In a statement to the US Congress⁶⁸ Obama said “In response to the deteriorating security situation in South Sudan, I have ordered the deployment of additional US Armed Forces personnel to South Sudan to support the security of US personnel, and our Embassy in Juba. The first of these additional personnel, approximately 47 individuals, arrived in South Sudan on July 12, 2016, supported by military aircraft. Although equipped for combat, these additional personnel are deployed for the purpose of protecting US citizens and property. These deployed personnel will remain in South Sudan until the security situation becomes such that their presence is no longer needed. Additional US Armed Forces, including approximately 130 military personnel currently pre-positioned in Djibouti, are prepared to provide support, as necessary, for the security of US citizens and property, including our Embassy in South Sudan.”⁶⁹ Despite this early recognition by the US and specifically President Obama that UN peacekeeping missions had an effectiveness and efficiency deficit, the US has taken upon itself to further malign UNMISS by placing the blame of the Terrain Camp attacks on it and specifically on Lieut-Gen Ondieki. All the evidence and the knowledge point to the fact that anti-American sentiments had festered in forces aligned to President Kirr. The State Department had failed to come up with a security and evacuation plan for its citizens in case of an attack on them, witness statements to various media houses on the nature of the attack and responses to their call for help ultimately led to the conclusion that America failed to protect its citizens and has passed on that failure to UNMISS – and specifically to Lieut-Gen Ondieki.

66. Colum Lynch, Dan De Luce and Paul McLeary, Being Beaten and Targeted by Its Troops: A brutal assault on American and other foreign aid workers in Juba marks a new low for a supposed U.S. ally and the state of U.N. peacekeeping, Foreign Policy, Aug. 16, 2016, <http://foreignpolicy.com/2016/08/16/the-u-s-helped-birth-south-sudan-now-americans-are-being-beaten-and-targeted-by-its-troops/>

67. Colum Lynch, Dan De Luce and Paul McLeary, Being Beaten and Targeted by Its Troops: A brutal assault on American and other foreign aid workers in Juba marks a new low for a supposed U.S. ally and the state of U.N. peacekeeping, Foreign Policy, Aug. 16, 2016, <http://foreignpolicy.com/2016/08/16/the-u-s-helped-birth-south-sudan-now-americans-are-being-beaten-and-targeted-by-its-troops/>

68. The White House, Letter from the President -- War Powers Resolution, Office of the Press Secretary, July 13, 2016, <https://www.whitehouse.gov/the-press-office/2016/07/13/letter-president-war-powers-resolution>

69. Diplo pundit, U.S. Embassy Juba: 47 Troops Ordered to South Sudan, 130 Pre-Positioned in Djibouti, 2016, <https://diplo pundit.net/2016/07/14/u-s-embassy-juba-47-troops-ordered-to-south-sudan-130-pre-positioned-in-djibouti/>

VI. Conclusion

Secretary-General Ban Ki-moon launched the Independent Special Investigation (ISI) on the United Nations Mission in South Sudan (UNMISS) response to the unfortunate crisis in Juba, South Sudan, in July on August 23, 2016. The investigation was led by led by Major General (ret) Patrick Cammaert of The Netherlands.⁷⁰ The ISI was mandated to examine the violence against civilians, including sexual violence, within or in the vicinity of the UNMISS Headquarters, known as “UN House” and its two adjacent Protection of Civilians” sites, which house more than 27,000 internally displaced persons . It was also expected to investigate the attack on the Terrain camp, a private compound where UN personnel, aid workers and local staff were allegedly robbed, beaten, raped and killed by armed soldiers.

The mandate also included determining whether the Mission and its contingents responded appropriately; assessing the UN security plans and procedures and the Mission’s role in them; and, with regard to the attack on the Terrain camp, and determining the perpetrators. The Secretary-General mandated the Special Investigation to put forward recommendations, under both areas of focus, including remedial actions, with regard to, inter alia, underperformance of UNMISS personnel, if necessary.⁷¹ On receiving the report, he SG said he was deeply distressed by these findings and alarmed by the serious shortcomings identified by the Special Investigation. However, the investigation does not appear to have objectively and comprehensively covered the crisis with the necessary rigour. Furthermore, the methodology did not capture the full scope of the incident. Even more critical is the fact that the report did not at any point specifically single out Lieutenant General Johnson Mogoia Kimani Ondieki for lack of leadership, particularly considering that he had only just a few weeks earlier been appointed as Force Commander and had yet to go through the proper handing-over procedures.

The quality and veracity of the report are therefore highly doubtful, the use of internal mechanisms to deal with the matter and the lack of exercise of due process is also brought into question. The quality of the investigation, including the ability to establish important facts, preserve evidence during the independent investigation, legitimacy of conclusions and validity of the recommendations when drawing conclusions, are extremely suspect. There is also concern about the manner in which the investigation ordered by the Secretary-General was initiated and conducted⁷² and the fact that Lieut. General Ondieki’s submissions in regard to the crisis appear to have more or less been ignored. Furthermore, the decision to relieve Lieut-Genl Ondieki just before SG Ban Ki-moon’s term comes to

71. United Nations, UN Official Report on Accounts by the Force Commander, 2016.

72. Ibid

an end, and the sudden departure of his Special Representative to the Mission in South Sudan, Ms Ellen Margrethe Løj, soon after the incident, appears to have been made with the objective of scapegoating and shifting the blame in a bid to sanitize those who hold the highest responsibility from any liability. Russia has criticized the UN chief's decision to fire the Kenyan peacekeeping commander in South Sudan as premature and lamented that the South Sudan mission there was now "in ruins" after Kenya vowed to withdraw all its troops in response to the move.

Kenya wrote to the UN Security Council to withdraw its troops from South Sudan following the removal of the Kenyan UNMISS Force Commander and has maintained that this decision is irreversible unless LieutGen Ondieki is reinstated. The government has also stated that it has rejected an offer to nominate a replacement for the Force Commander. While the move is controversial and likely to cause a diplomatic crisis, it will reduce further the reputational risk following the ouster of General Ondieki. The withdrawal of 1,000 troops of Kenya Defense Forces troops and disengagement from the peace process in South Sudan could have a devastating impact on peace and democracy in South Sudan. Due to the SG's precipitate actions followed by Kenya's response of pulling out its contingent, it is very likely that the law and order and peace process situation will be massively adversely affected. This effect underscores the fact that the SG's rash decision did not take into account the long-term consequences for the people of Southern Sudan.

VII. Recommendations

Arising from the foregoing, this report makes the following key recommendations aimed at addressing the decadence in the international governance system signified by the recent decision by the UN Secretary-General; suggesting remedial actions and steps that must be taken to restore the integrity of Kenya's military, whose professionalism is recognized worldwide; and the alternative pathway to achieving sustainable peace in South Sudan.

UN Reformed to Ensure Effectiveness: UN Missions in Africa need to be reformed because without fundamental restructuring, particularly to counter UNMISS structural and systemic dysfunction, similar crises are very likely to recur. These reforms are therefore a critical consideration that must feature in future UN mandated missions in Africa.

AMISS – African Mission in Southern Sudan: An Africa Mission in Southern Sudan should be formed to replace UNMISS. A UN and AU-mandated Africa Mission in Southern Sudan (AMISS) may be the best mechanism for peace operations today. Such a mechanism will be more responsive and better anticipate emerging trends and solutions therein and in line with the African Union's maxim of "African solutions to African Problems".

Kenya to Remain Engaged in Peace Process: Kenya should not completely pull out of the peace process, in order to ensure a sustainable solution to the recurring violence in South Sudan as part of its long-term interests. In so doing it should continue to remain engaged in the process of finding concrete and sustainable solutions to peace in Southern Sudan. President Kenyatta has been actively engaged in this process, particularly since 2013, and this commitment should not be abandoned despite the circumstances.

UN to offer an Apology to Kenya and to Ondieki in Person: In view of the foregoing, the Kenya Government and Lieutenant General Ondieki deserve a blanket apology from the UN SG. This crisis deserved a fuller and more objective consideration of the findings, adherence to due process and consultations with the Kenya Government. Consequently, it would be most appropriate if the UN issued an apology and took immediate remedial action to rectify the situation.

Ondieki and KDF to Consider Seeking Reprieve in International Court: Furthermore, the Kenya Government and LieutGen Ondieki should consider legal action in response to the SG's nonprocedural actions. Proper procedures were not adhered to and appropriate corrective action was not taken in regard to the conduct of LieutGen Ondieki. This has resulted in potential loss of reputation and standing for both him and the Kenya

Government, the nominating authority. Both the Kenyan g-Government and Lieut-Gen Ondieki therefore reserve the right to take legal action and should do so if other conflict resolution mechanisms do not bear fruit.

African Union and IGAD Sponsor a Resolution Censuring the Action of the SG: Kenya should also spearhead AU and IGAD resolutions against the actions of the outgoing UN Secretary General. A resolution to condemn and review the UN SG's actions should be taken before the AU and IGAD for adoption. These resolutions should reiterate the determination of both organizations that urgent remedial action be undertaken in both reinstating Lieut-Gen Ondieki and issuing an apology and remedial action from the UN.

About The International Policy Group

The International Policy Group (IPG) is a nongovernmental organization dedicated to sustainable Peace and Justice. Its mission is to generate and share knowledge on peace and justice to positively influence policies and politics. IPG is primarily concerned with the governance, policy and institutional dynamics that impact on Peace and Justice, especially in poor countries worldwide.

Broadly, IPG is motivated by the recognition that the existing global peace and justice policy system has not adhered to the principle of equality of nations. It largely reflects the hegemonic structure of the post-1945 world order and has not adjusted to the reality of fundamental changes in the international system. The rise of new powers and the mounting influence of non-state actors have provided opportunities to promote peace and justice, but also posed new challenges that might endanger these values. Scholarly and policy communities need to be informed of the challenges and opportunities for sustainable peace and justice.

The IPG pursues its mandate by:

- Engaging in research aimed at promoting peace and justice by addressing specific national, regional and global challenges and sharing knowledge through books, articles, reports, and other outlets;
- Convening influential policymakers and scholars working on issues of peace and justice to debate the merits of the frameworks through which peace and justice are promoted;
- Hosting roundtable series to inform the policy and scholarly communities of emerging challenges and solutions to peace and justice at national and regional levels;
- Providing a dynamic Web presence as a resource for researchers and policy communities on the issues related to the future of peace and justice.

Other Reports by IPG

The Dragon's Trap: Kenya's Politicized Anti Corruption Architecture. July 2015

Peace Betrayed: The ICC Politics of Victimhood and the Threat of Instability in Kenya. October 2015.

©International Policy Group, November 2016

Children Of A Lesser God



The International Policy Group's (IPG) investigative report, *Children of a Lesser God*, reveals, the UN Secretary General was economical with the truth. The IPG reports uncovers the dirty and ugly circumstances that led the world's top civil servant to blatantly violate UN procedures, powers and processes. The decision was an expedient political decision by the UN Chief to turn the Kenyan soldier into a sacrificial lamb in order to appease, and ward off undue pressures from some Permanent members of the United Nations Security Council, mainly the United States of America and Britain.

The International Policy Group (IPG) is a nongovernmental organization dedicated to sustainable Peace and Justice. Its mission is to generate and share knowledge on peace and justice to positively influence policies and politics. IPG is primarily concerned with the governance, policy and institutional dynamics that impact on Peace and Justice, especially in poor countries worldwide.

Broadly, IPG is motivated by the recognition that the existing global peace and justice policy system has not adhered to the principle of equality of nations. It largely reflects the hegemonic structure of the post-1945 world order and has not adjusted to the reality of fundamental changes in the international system. The rise of new powers and the mounting influence of non-state actors have provided opportunities to promote peace and justice, but also posed new challenges that might endanger these values. Scholarly and policy communities need to be informed of the challenges and opportunities for sustainable peace and justice.