South Sudan: The SDF and “Protection of Civilians”

1 BACKGROUND TO THE CONFLICT IN SOUTH SUDAN

In 1956, Sudan gained independence from joint Egyptian and British colonial rule. Since then, Sudan has remained in a serious situation of continuous conflict between the north and the south of the country, where political divisions emerged between local communities of Arab and African origins, between farmers and nomads, and between Muslims and Christians (Uesugi, 2018, p. 209). Following two civil wars, the Comprehensive Peace Agreement (CPA) was concluded in 2005, thereby founding the United Nations Mission in the Sudan (UNMIS). In January 2011, a referendum was held to determine whether the South should secede from Sudan. The outcome was clear, with 99 percent of the votes being in favor of the independence of the South (*South Sudan referendum, 2011*). In July of that year, South Sudan became independent as the youngest sovereign state in the world.

Concurrently, the UNMISS was established to support statebuilding in the young state. In December 2013, however, a fierce power struggle between President Kiir (from the largest ethnic group, the Dinka) and Vice President Machar (from the second largest tribe, the Nuer) escalated into an armed clash (Young, 2019). Before independence, Kiir-led forces and Machar-led forces had joined a united resistance force against Sudan, namely the Sudan People’s Liberation Movement/Army (SPLM/A). Following the creation of South Sudan in 2011, the SPLM was divided, in 2013, into the Kiir-led SPLA and the Machar-led “Sudan People’s Liberation Army-in-Opposition” (SPLA-IO) (Oyama, 2020). The

outbreak of *de facto* internal armed conflict forced many citizens to flee their homes as refugees and IDPs.

In August 2015, a subregional organization in East Africa—the Intergovernmental Authority on Development (IGAD)—brokered a peace agreement (Agreement on the Resolution of the Conflict in South Sudan: ARCSS) between the Kiir and the Machar factions (IGAD, 2015). In April 2016, a transitional government was formed, restoring Machar as vice president. However, neither side was satisfied with the ARCSS, and disagreements again slid back into violent armed conflict in July 2016 (Inoue et al., 2020). Since this armed clash forced Machar to flee the country, the SPLA-IO camp became increasingly fragmented, further complicating the entangled relations among the warring parties. Under such unstable conditions, concerns grew rapidly regarding the possibility of genocide. The IGAD again mediated a new phase of peace talks, and the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) was signed in September 2018 (IGAD, 2018). In February 2020, another transitional government was established, restoring Machar as the first vice president, but deeply rooted political struggle and chronic insecurity still linger in the nation today (Idris, 2018).

2 INTERNATIONAL LEGITIMACY OF UNMISS

2.1 *The Focus on Statebuilding*

When established in July 2011 under UNSCR 1996, UNMISS represented both “integration” and “robustness” (UNSC, 2011). UNMISS was designed to be a full integration mission with special attention to statebuilding, economic development, government support, and SSR (hereafter, we will collectively refer to them as statebuilding). UNMISS’s mission also succeeded the “robust” mandate of UNMIS, emphasizing PoC that had been assigned to its UNMIS predecessor under Chapter VII of the UN Charter. UNMISS thus took on the dual nature of “integration” and “robustness.” During the first two years, however, UNMISS put more emphasis on statebuilding because the local security situation was relatively stable despite spontaneous violence. To implement the mandates above, UNMISS had 7000 military personnel, 900 civilian police officers, and a few thousand civilian personnel.

2.2 *The Focus on the PoC Duty*

The outbreak of *de facto* civil conflict in December 2013 steadily worsened public order and created a massive humanitarian crisis. This made UNMISS shift its focus from statebuilding to its PoC duty, such as providing protection and humanitarian support to civilians. One of the major tasks was to shelter the IDPs in UN bases, which would later be called the PoC sites (United Nations, 2016). To switch UNMISS’s mandate to suit the PoC purpose, UNSCR 2155 in 2014 allowed UNMISS to expand the strength of its uniformed personnel to 12,500 troops and its Formed Police Unit (FPU), an armed police force contributed to a UNPKO (UNPOL, n.d.),¹ to 1323 personnel, while downsizing the civilian presence (UNSC, 2014). The new mandate tasked both uniformed (military and police) and civilian UN personnel with operating the PoC sites and maintaining security to provide humanitarian assistance.

Under Chapter VII of the UN Charter, uniformed personnel were now authorized by UNMISS to take “all necessary means” (i.e., the use of force) against any parties, including the government-controlled SPLA, to defend the peace agreement and to protect civilians. This new authorization placed UN peacekeepers at higher risk of attack by local armed forces. In August 2016, following the reemergence of large-scale violence, UNSCR 2304 was adopted to further enhance the “robustness” of the mission. It increased the maximum size of UNMISS to 17,000 military personnel, including 4000 Regional Protection Forces (RPFs), which were put in place to safeguard public order in the capital, Juba (UNSC, 2016).

2.3 *UN Peacekeepers’ Negligence of Their Duties*

Despite the expanded mandate and strength, the UNMISS could not properly fulfill its PoC mandate. When armed clashes resumed in July 2016, many civilians, both the international personnel and the local population, sought help from the UN peacekeepers in vain. In November of the same year, an independent special investigation shockingly revealed the appalling facts; for example, a Chinese peacekeeping battalion abandoned some of its defensive positions at the PoC site in the midst of attacks. Additionally, a Nepalese FPU did not stop the IDPs from looting inside UN House (UNSG, 2016, p. 4). Moreover, the government’s SPLA often acted as a perpetrator in armed clashes in South Sudan. For

instance, they assaulted dozens of UN civilians and humanitarian aid workers in their residential accommodations in Juba and committed various appalling acts/crimes, such as murder, looting, intimidation, and sexual violence (UNSG, 2016, p. 4). The international personnel immediately called for help from the UN peacekeepers located nearby, but no rescue came.

On the one hand, these outrageous disclosures necessarily damaged the credibility of this UNPKO, especially in terms of the “robust” mandate for the PoC purpose. On the other hand, however, some justifications could be found to explain this negligence. There was already a risk that UNMISS peacekeepers might be perceived as one of the warring parties if they executed military sanctions against local combatants. Next, and not surprisingly, the persistent caution and hesitation of troop-contributing countries intensified. Their hesitation was not just due to the traumatic 1993 Mogadishu incident where peacekeepers were brutally murdered in Somalia. It was also due to the acute rise in the number of fatalities in the recent UNPKOs, as the *Cruz Report* would later warn in 2017 (see Chaps. 1 and 9). Caution was especially pronounced when the size of a governmental armed force overwhelmed that of UN peacekeepers, as was the case in South Sudan (Kiya, 2019). Finally, South Sudanese forces were equipped with heavy weapons, including mortars, rocket-propelled grenades, helicopter gunships, and battle tanks (*South Sudan: Killings, rapes, looting in Juba*, 2016), while UN peacekeepers are usually equipped only with light arms (Berman et al., 2017, p. 9). These considerations underscored the structural problems and limitations that face contemporary UNPKOs.

3 POLITICAL BACKGROUND TO JAPAN’S PARTICIPATION

3.1 *Supporting the US*

The consideration given to its US ally was one of the GoJ’s main incentives leading to the deployment of an SDF contingent to South Sudan. Just as in the case of Haiti, the DPJ government was facing the need to strengthen its alliance relationship with the US in order to make up for the abrupt termination of refueling support in the Indian Ocean in 2010 (see Chaps. 3 and 7; Uesugi, 2018).

The independence of South Sudan was a cherished goal of the US government, mainly for two reasons. First, support for South Sudan was

important for Washington as a part of its global counterterrorism efforts. Sudan was suspected of being a base for the international terrorist group Al Qaeda, which was in charge of the 9/11 attacks in 2001. With this backdrop, the US began working in earnest toward a resolution of the Sudanese problem, placing considerable pressure on Sudan to allow a referendum on independence in South Sudan. Second, the prospect of eventual US withdrawal from Afghanistan and Iraq with very limited counterterrorism success motivated the Bush administration to push for South Sudanese independence as a means to leave its historical legacy. For these reasons, the US had a keen interest in supporting the independence of South Sudan. This in turn motivated the DPJ government to support the new African nation in the hope of pleasing the US ally.

3.2 *Supporting Conflict-Affected Countries*

Since the end of the 1990s, and especially after the 9/11 terrorist attacks, the GoJ had become increasingly eager to support war-torn countries (see Chaps. 3 and 6). For this reason, the GoJ had already begun its support to Sudan even before the arrival of the DPJ government in 2009. Following the 2005 signing of the CPA, Japan provided various types of support to facilitate peace between North and South Sudan. At the Oslo donors’ meeting in April 2015, for example, the GoJ pledged to provide the financial assistance of a total sum of USD 100 million both to the North and the South (MoFA, 2005).

Although JICA had already begun to provide infectious disease prevention support to children in Sudan as early as 2003, it expanded the range of supports after the signing of the CPA in 2005, for example, supporting food aid, demining and the Disarmament, Demobilization and Reintegration (DDR) of ex-combatants (MoFA, 2021a). Since civil construction works, such as road restoration, were also carried out in tandem with international organizations such as the work of the World Food Programme (WFP),² JICA had already accepted the experience of infrastructure development in Sudan, even before the independence of South Sudan in 2011 and the subsequent deployment of the JEG in 2012. Under the PKO Act, two SDF personnel were also dispatched to the UNMIS field headquarters in Khartoum to assist with the fulfillment of the CPA from 2008 to the independence of South Sudan in 2011 (Cabinet Office, n.d.-c).

3.3 *Utilizing Japan's Engineering Capability for Peacekeeping*

A request from the UN also paved the way for the GoJ to dispatch the SDF to South Sudan. In 2010, a year before the independence of South Sudan, UNSG Ban Ki-moon asked the GoJ three times to contribute the SDF helicopters to South Sudan, but the GoJ declined to do so, given the high risk of danger to the SDF personnel (Handa, 2018). In August 2011, immediately after its independence, Ban Ki-moon made another request to Prime Minister Naoto Kan of the DPJ-led government to contribute a 300-man JEG contingent to South Sudan, while highly praising the JEG's role in infrastructure development in Haiti (see Chap. 7) at the same time (UNIC, 2011).

JEG contribution sounded more feasible in comparison with previous requests for dangerous air transport provision. Moreover, the GoJ had become more interested in utilizing its engineering capacity for the IPC purpose (see Chaps. 3 and 4). Nevertheless, the Kan government remained cautious toward the proposed JEG deployment to South Sudan, partly because the JEG was already deployed to Haiti at that time (see Chap. 7). The political tides turned when Yoshihiko Noda, another DPJ politician, succeeded to the Japanese premiership in September 2011. While visiting the UN Headquarters immediately after his inauguration, Noda pledged to Ban Ki-moon that he would deploy two staff officers to UNMISS. He also promised to dispatch an advance survey team to examine the possibility of eventually contributing the JEG (“Minami-sudan e riku-ji 2-ri,” 2011).

UNMISS seemed to be an ideal destination to take advantage of potential JEG contributions in the context of the early 2010s. Around that time, few UNPKOs had focused on statebuilding duties and UNMISS was almost the only statebuilding-oriented mission to take advantage of the JEG's engineering skills. On the other hand, contributing the JEG to UNMISS would necessarily raise legal questions regarding whether or not the volatile situation in South Sudan upheld the Five Principles. It was very difficult for the GoJ to decide what to prioritize: meeting UN demands or risking the violation of Japanese legal requirements.

4 LEGAL BASIS OF JAPAN’S PARTICIPATION

4.1 *The PKO Act*

In November 2011, the Noda government decided to deploy a 300-person JEG contingent to UNMISS, concluding that the local situation met the criteria of the Five Principles (*Minami-sudan-PKO*, 2011). For this purpose, the three types of UNPKO for the application of the new Five Principles, freshly inserted in the 2015 amendment, were used to determine whether the local conditions satisfied the Five Principles or not. For South Sudan, the second item, (b), was applied: Operations conducted with the consent of the host nation when an armed conflict has been concluded and warring parties have ceased to exist and the consent from a host nation and warring parties concerning the acceptance of such operations (see Chap. 4). The GoJ insisted that item (b) was applicable, mainly because the aforementioned CPA, the peace agreement between the North and the South of Sudan, was concluded in 2008. Even from a practical point of views, moreover, it was not too irrational to apply item (b) to the situation of South Sudan in the early days after it had gained independence. Indeed, the local situation was relatively stable for the first two years from its independence in July 2011 to the outbreak of *de facto* civil war in December 2013.

The logic of “the nonexistence of an armed conflict” was previously employed in Haiti (see Chap. 7) before the 2015 amendment to the PKO Act. Now it was possible for the GoJ to apply the same reasoning to South Sudan, but it had a firmer legal basis, resting on item (b). If this item was applicable, the GoJ could make a decision about deployment more easily because it would suffice if only the second, fourth, and fifth items of the Five Principles were met, evading the necessity to fulfill the first (“Agreements on a ceasefire have been reached among the Parties to Armed Conflict”) and the third (“The operations shall be conducted without partiality to any of the Parties to Armed Conflict”).

On the other hand, the application of item (b) also meant that the SDF dispatch was now under a tighter legal constraint. As long as the façade of “nonexistence of an armed conflict” could be maintained, item (b) reasonably legitimized the military deployment to South Sudan. Once local security was rapidly lost, especially from the end of 2013 onward, however, it grew increasingly difficult for the GoJ to maintain such a sophistic logic. Indeed, South Sudan was not free from security concerns even soon

after the independence (United Nations, 2011). Following the outbreak of *de facto* civil war in 2013, moreover, very serious insecurity soared in the young country. In this situation, it seemed highly questionable that the basic assumption of item (b)—that is, the nonexistence of an armed conflict—was true. However, the GoJ employed sophistry to claim that, first, armed conflict was nonexistent, according to the GoJ’s own definition (see below); second, there were therefore no warring parties or a cease-fire agreement; and third, the first of the Five Principles (i.e., the existence of a cease-fire agreement) did not need to be met (Fujimura, 2011).

The GoJ maintained such devious logic even after power shifted from the DPJ to the LDP at the end of 2012. The second Abe administration continued to insist that strict adherence to the Five Principles was being upheld, even after the outbreak of *de facto* civil conflict in South Sudan in December 2013 and the recurrence of armed clashes in July 2016. The GoJ never admitted the existence of an armed conflict in South Sudan until the end of JEG deployment in May 2017. Reliance on such tricky logic further expanded the gap between the Japanese legal system and the reality of UNPKOs.

4.2 *The Controversial Definition of an “Armed Conflict”*

In particular, the GoJ’s rhetoric around the JEG’s deployment to UNMISS highlighted the inexplicability of the GoJ’s definition of an “armed conflict.” In 2002, the GoJ defined the term as follows: “an armed conflict in Article 9 of the Constitution refers to the situation in which a state or quasi-state organization has disagreements, do not concede to each other and are opposed” (see Chap. 4; Prime Minister of Japan and His Cabinet, n.d.).

According to this limited definition, a situation of prolonged intensive violence would *not* be considered an “armed conflict” unless “state” or “quasi-state” organizations were involved. The definition of these terms, especially that of a “quasi-state” organization, is highly contested and may be subject to arbitrary interpretation. In 2003, as seen earlier, the GoJ defined the term “quasi-state organizations” as those that satisfy all or some of the three requirements of a state or that can be actors in an intentional conflict, albeit with formal recognition from the other states (see Chap. 4; Ishiba, 2003). In the armed clashes of July 2016, however, heavy weapons, such as tanks and helicopter gunships, were used and some 300

people were killed in just four days, yet the GoJ never admitted that this was an armed conflict (Fuse & Miura, 2018).

Behind this argument lay the question of whether or not the Machar-led SPLA-IO was equivalent to a quasi-state organization. After the July 2016 armed clashes, Minister of Defense Tomomi Inada (2016) clearly refused to classify Machar’s faction as a quasi-state organization: “Mr. Machar [...] has fled the country and has not been able to return to South Sudan. [It is] not a systematic organization nor an established control (over territory). Therefore, [it is] not an armed conflict.”

Nevertheless, it was very difficult to sustain such a disingenuous logic in reality. First, the Machar-led SPLA-IO, which was formerly part of the government-led SPLA, was neither a scattered guerrilla force nor an unorganized militia but instead kept a certain level of chain of command as an organized armed force (Oyama, 2020). Moreover, they had effectively controlled some geographic areas, especially in the northeast areas of South Sudan where the Nuer tribes made up the majority (Fuse, & Miura, 2018). Furthermore, the SPLA-IO under Machar was one of the formal signatories in two IGAD-sponsored peace agreements, that is, ARCSS in 2015 and R-ARCSS in 2018. Considering these factors from both a legal and a practical point of view, it seems very likely that Machar’s armed faction should indeed be defined as a quasi-state organization and as one of the warring parties. If so, then the situation in South Sudan deserves to be classified as an armed conflict, even according to the GoJ’s peculiar definition of the term.

From the ground, it seemed hard to follow the GoJ’s official position of denying the existence of an armed conflict. In the midst of the fighting in 2016, for instance, one of the JEG personnel stationed in Juba muttered: “This is absolutely ‘out,’ isn’t it?” (Oyama, 2020). In the Japanese usage, the term “out” here has a specific connotation, which originally comes from baseball terminology, to suggest that something is unsuccessful, invalid, or against a rule. In other words, this candid comment from an SDF member in the field implied that the situation in Juba did indeed seem to be an armed conflict, and, if so, this clearly violated the Five Principles. Regardless of how the political logic contradicted reality, however, the GoJ has never, to this day, accepted the reality of an armed conflict in South Sudan (MoFA, 2021b). After all, until the withdrawal of the JEG in May 2017, the government had never abandoned its reasoning based on the allocation of item (b).

This sophism caused persistent public skepticism regarding the legitimacy of the JEG presence in South Sudan. This was particularly the case since the 2015 Peace and Security Legislation was prepared in parallel with the JEG's deployment to South Sudan. This legislation primarily aimed at fortifying the bilateral alliance relationship with the US in order to strengthen Japan's national defense capability in East Asia. When both the Japanese government and the public became increasingly preoccupied with national defense in and around its territory, the peacekeeping issue was more or less thought of as a marginal issue within the Peace and Security Legislation's broader remit. Meanwhile, US alliance fortification primarily meant improving preparedness for the future, which would not be accompanied by immediate tangible action. By contrast, the 2015 amendments to the PKO Act were expected to reflect immediately upon the JEG's ongoing tasks in South Sudan. This raised the possibility that the JEG might use weapons for the purpose of "coming-to-aid" duty, which was very likely to provoke controversy related to the constitutional ban on the use of force. This is why newly added roles for JEG peacekeepers attracted more attention, provoking a heated debate about their legitimacy.

5 OVERVIEW OF JAPAN'S ACTIVITIES ON THE GROUND

5.1 *Before the Crisis of December 2013*

The first set of JEG corps arrived in South Sudan in early 2012. In total, 11 sets of JEG forces were assigned, with half-year cycles of rotations over five years from 2012 to 2017. The first four teams had the maximum strength of approximately 330 people, while the size of units dispatched later was expanded to 410 men at maximum (Cabinet Office, 2020). The engineers engaged in facility renovations in the UN camps and also the construction and restoration of public facilities and infrastructure, such as roadbuilding in Juba to support UNMISS-related activities.

The first two years, from 2012 to 2013, when UNMISS put the greatest emphasis on statebuilding, served as the golden era of the "All Japan" approach (more details below). When the JEG arrived at the beginning of 2012, JICA had already begun operations on site, which facilitated a quick start to civil-military cooperation, not only regarding construction duties but also direct support to the local population. Throughout this initial period, the JEG often communicated with miscellaneous locals who

expressed thankfulness (Oyama, 2020). One of the JEG officers later praised himself: “It was indeed an activity for the people of South Sudan.”

5.2 *After the Crisis of December 2013*

The outbreak of *de facto* civil war in December 2013 unexpectedly interrupted the JEG’s ongoing activities, especially in terms of the “All Japan” approach. Given the sudden onset of fighting, more than 10,000 locals rushed toward the UNMISS camp for protection, which forced UNMISS to open up their camp and provide shelter. According to one of the SDF officers, the JEG constructed toilets and built tents within the UN base for the IDPs (Handa, 2018, p. 112). At that point, the duties of UNMISS personnel, including the JEG, were virtually transformed from statebuilding to PoC, although it took half a year for the UNMISS mandate to formally switch (UNSC, 2014). Accordingly, the JEG’s main focus had shifted to PoC-related activities, such as remodeling part of the UN camp to become a PoC site and fortifying the UN facilities. The JEG also provided water, quarantine facilities, and healthcare support to the IDPs.

Given these drastic on-site changes, it became much more difficult for the JEG to focus on implementing the “All Japan” approach. Their civilian counterparts, such as the JICA staff and Japanese NGO workers, had to evacuate outside of South Sudan and did not return until 2014. The same situation would happen again in the wake of recurrent armed violence in 2016. Moreover, the worsening local security situation made it dangerous even for the armed JEG to operate outside of the UN compound, especially immediately after the outbreak of armed clashes in 2013, and again later in 2016. Following the outbreak of *de facto* civil war in December 2013, therefore, the JEG operated more frequently within and around UN facilities.

However, the JEG sometimes operated outside of the UN camp even after the 2013 crisis—to restore the roads, for example—but it basically focused on assisting UNMISS’s PoC mandate rather than on civil affairs support, that is, direct assistance to the locals. As a result, the JEG had fewer opportunities to communicate with the locals (Oyama, 2020). Greater emphasis on the PoC mandate thus substantively altered the nature of the JEG’s work; yet the Japanese government and media continued to highlight UNMISS’s statebuilding mandate instead, as if nothing had changed. To illustrate the GoJ’s intention, interactive events with the

locals were still carried out even after the crises in 2013 and 2016 (such as JEG visits to orphanages and various sports events; Kiya, 2019).

Additional features were also highlighted in the wake of the crisis in 2013. First, deteriorating security highlighted the issue of protecting Japanese nationals on site. In the crisis of July 2016, for example, an automobile carrying four JICA personnel was shot in the city center of Juba (“Minami-sudan de,” 2016). Although fortunately nobody was injured, the incident again accentuated the long-standing issue of protecting Japanese nationals in an emergency abroad (Oyama, 2020). The question of the JEG’s land transportation capacity to evacuate Japanese nationals from South Sudan in a potential emergency was also discussed, although this was never realized in practice. Second, the GoJ continued to provide support to the local police in South Sudan, even under conditions of insecurity and after the large-scale violence in 2016. In partnership with the UNDP, for example, the GoJ renovated three community aid posts for the Joint Integrated Police so that they could provide regular patrols and rapid responses (UNDP, 2017).³

6 OUTCOMES AND CHALLENGES OF JAPAN’S ACTIVITY

6.1 *The “All Japan” Approach*

As far as the first two years were concerned, the “All Japan” approach was carried out in a more elaborated manner than in earlier cases (Hanatani & Urakami, 2016). We can point out two distinctive features here. First, the interagency collaboration system was developed in South Sudan. While preparing for JEG deployment to UNMISS, a tripartite intragovernmental meeting among the Cabinet Office, the MoFA, and the MoD/SDF was held in Tokyo to examine how the “All Japan” approach might be implemented in South Sudan (Hanatani & Urakami, 2016, p. 185). Once the JEG arrived in the field, the Cabinet Office, the Japanese Embassy in Juba, the JICA, and the JEG regularly held “ODA-PKO Liaison/Coordination Meetings” on site. In this way, the 3-D (Diplomacy, Development and Defense) partnership was constituted in both Tokyo and Juba to facilitate the “All Japan” approach in South Sudan. Moreover, NGOs sometimes attended these routine ODA-PKO field coordination meetings for information-sharing purposes.

Second, some 30–40 SDF personnel were also contributed to run the “Coordination Office for Local Support” in Juba. As the “uniformed *corps*

diplomatie” (Handa, 2018, p. 82), they were tasked with investigating local beneficiaries’ needs and connecting with them as part of UN duties and then encouraging the UNMISS side to assign this work to the JEG. A senior JICA official in Juba highly praised their coordinating function as follows: “When levelling the ground, it usually takes time for us to choose a constructor and for them to actually begin their work. If we ask [the coordination officers], the SDF will do it very quickly and free of charge” (Handa, 2018, p. 83).

At first, this coordination function had been located outside of the UN framework, but it was absorbed within the JEG from the end of 2013 onward. This scheme was a device to avoid the criticism that the JEG worked outside of the UN framework, as had happened in the preceding cases, such as in East Timor (see Chap. 6). For this purpose, the coordination officers were also located outside of the UN framework in Haiti, which proved useful in connecting the “All Japan” approach with UN tasks (see Chap. 7). In South Sudan, this method was further enhanced.

Thanks to these efforts, the “All Japan” approach achieved quite a few positive results in South Sudan for the first two years. Outcomes included, for example, construction of a community road, ground leveling for a water purification plant, cleanup of the riverport, and the expansion of a waste repository, which were all carried out in Juba (Hanatani & Urakami, 2016, p. 197; MoD, 2017; Embassy of Japan in South Sudan, 2017). In addition, nonconstruction assistance was also provided under the “All Japan” approach: for example, to clean up a community road and to provide vocational training for the local youth. Some challenges also arose, such as overcoming the differences among concerned agencies and obstacles to institutionalizing the collaboration scheme.

6.2 *The Rising Necessity of the Joint Defense of a Camp*

The occurrence of large-scale fighting in 2013 and 2016 highlighted the impending danger surrounding the JEG in South Sudan. Under these chaotic conditions, violence touched not only the locals but also UN personnel. In the 2013 armed clashes, thousands of locals flooded into UN Tongping, the UN base where the JEG was stationed, which was very dangerous for the peacekeepers (Oyama, 2020). In fact, two Indian peacekeepers were killed in attacks by Nuer armed groups because Dinka citizens were sheltering inside the UN base (Fuse & Miura, 2018).

During this emergency, UNMISS ordered its troops on December 23, 2013, to tighten various defensive security measures, such as the construction of a watchtower and a gate. The JEG carried out most of these measures, except for “cooperation for shooting,” which meant to fire in unison with fellow peacekeepers from other countries in the shared base camp (Handa, 2018). The GSDF’s internal records, which were published a year later, commented on the “cooperation for shooting” measure as follows:

The “cooperation for shooting” aims to prevent of intrusion by armed groups into the UN Tongping base. To increase the effectiveness [of the cooperation for shooting], mutual assistance is essential among the neighboring contingents. Nevertheless, it would constitute the use of force, which the Constitution bans, and therefore the cooperation for firing with the troops from the other countries was considered as impractical [for the SDF]. But a lawmaking in the future may make it possible [for the SDF] to cooperate with the troops from the other countries [in this issue]. (Handa, 2018, p. 113)

In the recurrence of large-scale violence in July 2016, anti-government forces began to shoot at the UN Tongping base from higher floors of an adjacent building. To stop this misconduct, the Bangladeshi engineering team began to fire back at them (Oyama, 2020). In the midst of this confusion, the JEG locked themselves in the camp. Fortunately, there were no fatalities among the Bangladeshi and Japanese engineers after this incident, but it left a serious concern for the Japanese side: should the JEG be allowed to just hide themselves while their fellow engineers actively fight to defend their common base?

Before this question actually arose in July 2016, the 2015 amendment had already added the “joint defense of a camp” duty to the PKO Act. The amended PKO Act now authorized SDF peacekeepers to use weapons for the joint defense of a camp (see Chap. 4). However, during the armed turmoil in July 2016, the JEG had not yet been tasked with this new duty. At that time, the JEG was not yet permitted to use weapons to defend the base they shared with fellow peacekeepers and thus had no other options except to stay hidden. Four months later, the “joint defense of a camp” duty was officially assigned to the JEG, along with the “coming-to-aid” duty, as part of the 2015 amendment to the PKO Act.

From a legal point of view, this amendment allowed the JEG to use weapons in joint defense of a camp alongside peacekeepers from other countries. Practically, however, it remained uncertain whether or not they could actually perform such a duty. Unlike the “coming-to-aid” duty discussed earlier, the “joint defense of a camp” duty was authorized under the category of self-preservation, thereby allowing the JEG to use weapons even against a state or quasi-state organization (see Chap. 4). This ran the risk of dragging the JEG into full-scale active combat, which could exceed its capacity and provoke political controversy.

Even after the “joint defense of a camp” duty was assigned, meanwhile, there was still a discrepancy between the practical and detailed regulations to determine when to fire (Rules of Engagement: ROEs) between the UN standard and in Japan’s peculiar legal frameworks. To carry out the PoC mandate, UNMISS allowed its uniformed peacekeepers (both military and police) to use lethal force preemptively, but SDF peacekeepers were not allowed to use weapons in such a way, even in joint defense of a camp. The Japanese ROEs permit SDF peacekeepers to fire only in a restrained and gradual manner. The different ROEs would prevent a joint action between the SDF and the fellow UN peacekeepers from other countries, even after having introduced the authorization for joint defense of a camp (Oyama, 2020).

6.3 *The Assignment of the “Coming-to-Aid” Duty*

Following the amendment to the PKO Act in September 2015, the “coming-to-aid” duty was also assigned to the JEG in November 2016. This task was highly controversial, not just because such missions would allow the JEG to use weapons beyond the narrow scope of self-preservation (see Chap. 4), but also because the large-scale armed clashes had recurred in South Sudan only four months earlier. The new duty attracted public attention both in Japan and outside the country. Foreign media reports sometimes confused the “coming-to-aid” duty with full-fledged security duty. When the “coming-to-aid” duty was assigned in November 2016, for instance, the front page of a local paper in Juba reported, “Japan’s rescue mission peacekeepers arrive in Juba” (Oyama, 2020).

In reality, however, Abe’s intention was much more modest and limited. When assigning the “coming-to-aid” duty to the JEG, the Abe government issued a document titled “The fundamental point of view concerning the addition of a new task” (Cabinet Secretariat et al., 2016).

From this document, we can see how the recurrence of violence in Juba in July of that year led to the GoJ's decision to assign such "coming-to-aid" duty. First, the document emphasized that order in South Sudan should be maintained by the local police and armed forces, supplemented by UNMISS's infantry force. Then, it clarified that although the SDF contingent in South Sudan was an engineering force, which was not in charge of security missions as its primary duty, the GoJ had dared to assign them this "coming-to-aid" duty to prepare for an emergency if the UN infantry unit was not available and the NGO personnel and others were in imminent danger (Cabinet Secretariat et al., 2016, p. 1). This text was written in a hypothetical manner, but it obviously assumed a situation that had actually happened four months earlier in Juba, as seen above in this chapter.

Indeed, this view was reconfirmed by Abe's words in March 2017 when the GoJ announced the withdrawal of the JEG from South Sudan. He stated that it was necessary to take all possible measures, including the assignment of "coming-to-aid" duty, since Japan already had the legal system in place and the SDF was there (Abe, 2017). He concluded, "I judged that the assignment of 'coming-to-aid' duty was natural in light of our experience of [the armed clash in Juba] in July."

Next, the document also expressed concern for the safety of Japanese nationals in Juba and concluded, "It would be impossible for the SDF to do nothing when they exist in the field and possesses the capacity to rescue" (Cabinet Secretariat et al., 2016, p. 2). Furthermore, it pressed the importance of a legal framework to authorize the "coming-to-aid" duty, mentioning the earlier bitter experience in East Timor: in these cases, the SDF personnel had to perform *de facto* "coming-to-aid" duty in East Timor as well as Zaire without a formal mandate (see Chaps. 3 and 6).

In sum, we can say that the Abe government decided to assign the "coming-to-aid" duty partly due to concerns for the safety of Japanese nationals in Juba and partly due to the intention to resolve the gap between the reality of UNPKOs and the national legal constraints. In the meantime, the GoJ reaffirmed that the JEG could perform only "as an emergency and temporary measure" (Cabinet Secretariat et al., 2016, p. 1) and their target of protection was restricted to international personnel, especially the Japanese nationals. One of the observers noted, "[T]he Abe government assigned a new mission, *kaketsuke-keigo* [the 'coming-to-aid' duty], to the SDF, *in spite of* military clashes and the worsening security situation in South Sudan" [emphasis added] (Akimoto, 2018, chap. 7).

The truth was that Abe did so *because of* increasing insecurity there, albeit only very cautiously.

Despite such a restrictive and circumspect decision, the “coming-to-aid” duty was often regarded as a sign of Abe’s military ambition, especially by observers outside Japan. Presumably, it was not only because the legal logic was too complicated but also because such a concept did not exist outside of Japan, causing serious misunderstanding among foreigners. This risked causing serious confusion once the “coming-to-aid” duty was actually performed, due to the gap between international expectations and what the domestic legal framework allowed the JEG to do. One of the most serious problems related to the “coming-to-aid” duty was that the JEG were prohibited from using weapons against a state organization, even though the SPLA was often responsible for disturbing the peace. Even if the SPLA attacked the international personnel, as had actually happened, the JEG would not be able to fire against them: doing so would constitute the use of force.

6.4 *The Sudden Withdrawal of the JEG*

In March 2017, the Abe government abruptly announced that the JEG would withdraw from South Sudan by May of that year. To contextualize this decision, the GoJ referred to the deployment of a new regional force, intended to strengthen the PoC ability, and emphasized political progress in ongoing stabilization efforts before articulating the following reason for withdrawal:

The JEG had been deployed [to the UNMISS] for more than five years, which marked the longest contribution of a [Japanese] engineers’ unit. They accumulated the greatest achievements in our IPC to date, exemplified by the road restoration in and around the capital, Juba. The situation allowed us to close their engineering activities in Juba. [...]. We judged that our country should shift our emphasis from the JEG’s engineering activities to the support of South Sudan’s self-reliance. (Cabinet Office, 2020, p. 5)⁴

This official clarification seemed not just nebulous but even contrived, since it did not mention local insecurity. It seemed almost certain that security concerns lay at the heart of this decision, which posed a dilemma for the GoJ. On the one hand, if the GoJ admitted the existence of insecurity on site, it would contradict the existing official explanations. On the

other hand, if the JEG remained deployed in South Sudan, they might face an unpredictable situation compelling them to use weapons under the new duties authorized by the amended PKO Act.

In light of this dilemma, the sudden disclosure of the JEG's hidden daily reports directly resulted in the GoJ's decision to withdraw with haste. These secret reports, which the GoJ had initially insisted did not exist, were first discovered at the end of 2016 and their contents were disclosed in February 2017 (Fuse & Miura, 2018). This disclosure was the final political blow that terminated the JEG's deployment to South Sudan, partly because such suppression seriously damaged public trust toward the Abe government. But it was also because the covert diaries confirmed the reality of daily "fighting" in South Sudan even though the government had continued to deny the occurrence of such fighting.

What would have happened if this disclosure had not occurred? This counterfactual question will continue to puzzle historians for decades. From a hypothetical point of view, it seems likely that the Abe government would still have terminated the JEG's UNMISS deployment sooner or later, because this deployment had almost reached an impasse, in terms of both "integration" and "robustness" in 2016 and 2017. While dispatched to South Sudan, the addition of two new tasks, namely the "coming-to-aid" and "joint defense of a camp" duties, marked certain qualitative developments in Japan's pursuit of "robustness." In reality, as seen above, it was never easy for the JEG to carry out these duties while serious security concerns lingered in South Sudan. The questions related to "robustness" entailed particularly difficult problems, potentially causing both practical difficulties (e.g., the loss of Japanese personnel) and legal questions (e.g., the JEG's excessive use of weapons beyond the constitutional ban on the use of force). These problems would be too politically risky for the Abe government, especially when it aspired to amend the Constitution. We will revisit this issue in Chap. 9.

On the other hand, the JEG's activity also remained low in "integration," especially following the 2014 shift in UNMISS's mandate from statebuilding to PoC. The JEG had been proud of its engineering support: not only its high-quality construction work but also its considerable assistance to the local population through the "All Japan" approach. Following the outbreak of armed conflict in 2013, the JEG's work was largely confined under the PoC mandate and to mission support within the UN camp. In this regard, it might be true that the GoJ concluded that there was little scope left for the JEG to carry on in South Sudan.

7 SUMMARY OF CHAP. 8

Initially, the JEG deployment to UNMISS seemed like an ideal example of “integration,” combining the use of Japan’s sophisticated engineering capability with the “All Japan” approach for the purpose of statebuilding. From the end of 2013 onward, however, as local security conditions deteriorated, the nature of UNMISS increasingly shifted toward “robustness.” This widened the gap between the JEG’s initial expectations regarding its role in “integration” and the actual demands on site, which were dogged by the call for “robustness.” In the meantime, the two new tasks, added by the 2015 amendments to the PKO Act, slightly pushed the JEG’s role toward “robustness.” Nevertheless, the newly added missions expanded the leeway of SDF peacekeepers only to a limited extent and the Japanese peacekeeping framework was still left far behind and struggled to cope with the very intensive UN demands for “robustness” in South Sudan. The situation became even more complicated because the GoJ never acknowledged the existence of armed conflict in South Sudan. All of these elements eventually became too politically complex, resulting in the JEG’s sudden withdrawal from UNMISS in May 2017.

NOTES

1. UNDPO defines an FPU as follows: “An FPU consists of approximately 140 Police Officers, trained and equipped to act as a cohesive unit capable of accomplishing policing tasks that individual Police Officers could not address. Well-trained FPUs can operate even in “high-risk” environments.”
2. In 2007, for example, JICA financed WFP to restore roads and also supports UNHCR to build schools.
3. Another noteworthy event was the transfer of ammunition from the JEG to the South Korean peacekeepers. In late December 2013, following the outbreak of *de facto* South Sudanese civil war earlier in the same month, the JEG transferred 10,000 bullets to the South Korean engineers deployed in South Sudan through UNMISS Command (Cabinet Office, [n.d.-b](#); “Kankoku-gun ni judan teikyo,” [2013](#)). Under tense conditions, the South Korean contingent was running short of ammunition and asked the JEG to transport supplies to them. Technically, such a transfer of ammunition can be legitimated under the category of “material cooperation” in the PKO Act, but the GoJ had never authorized the transfer of military material with the capacity for lethal force until that time (Cabinet Office, [n.d.-a](#)). This was partly because the GoJ had taken a position of excluding weapons,

ammunition, and other military-related equipment as parts of “material cooperation” in the PKO Act (see Chap. 3) and partly because the Three Principles of Japanese Arms Export, established in the late 1960s, did not allow such transfer at that time. Upon request from South Korea via UNMISS, however, the GoJ approved it as an exception on the grounds of urgency and humanitarian concern (Kutsunugi, 2015). This became the first case of “material cooperation” on the transfer of ammunition. The following year, the ban was remodeled as the “Three Principles on the Transfer of Defense Equipment and Technology,” relatively relaxing the restriction on the transfer of military-related equipment and technology.

4. In addition, the arrival of a UK engineering contingent in June 2016 as a part of UNMISS might also have facilitated the GoJ’s decision to withdraw the JEG. Upon departure in May 2017, the JEG donated all used equipment and leftover material, valued at approximately USD 24 million.

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