Finding peaceful resolution to the conflict in South Sudan

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Introduction

Brief history of the newest UN Member State, South Sudan, is mired in the young country’s own divisions. For the estimated 7 to 12 million people of Sudan, independence from (northern) Sudan was not a panacea. Despite a major international effort to help the new country create strong state institutions and the largest humanitarian assistance effort in UN history, war and suffering continue. While the worst fighting appears to have subsided in 2015, the international community faces a grave test ensuring the stability of South Sudan.

After twenty years of engagement in South Sudan, and more than twelve years of direct efforts to make South Sudan peaceful, safer for all its people, and more economically sound, many observers are questioning the UN approach. Things are going somewhat better there at the moment. But facing serious concerns about the robustness of its approach to action in South Sudan, the UN needs to consider alternatives.

Background

South Sudan became independent on 9 July 2011, the result of a peace agreement that ended Africa's longest-running civil war. In a referendum that year, 99 per cent of South Sudanese voters supported independence.¹

The referendum formalized a peace agreement worked out in 2005, ending a conflict with the government of Sudan in Khartoum that had raged on and off since 1955. The fighting had a large religious and ethnic dimension, pitting the Arabic speaking, Muslim north against the Christian and Animist peoples of the south. But independence was not enough to end the fighting within South Sudan.

Independence did not solve South Sudan’s problems. Just two years later, in 2013, fighting started between rival forces of the largest tribe, the Dinka, the second largest Nuer the second largest, the Azande and other ethnicities. Leaders find it much easier to turn to their ethnic communities for support, while agreement with other groups is extremely difficult and controversial.

South Sudan’s ethnic civil war of 2013-15 was extremely violent, with factions turning to neighboring governments for arms and support. The fighting declined in 2015, but never ended.

¹ “South Sudan profile – overview.” BBC.
Finding peaceful resolution to the conflict in South Sudan

The roots of the current situations date back to 1983, when civil war resumed in Sudan, led a southern militia, the Sudanese People’s Liberation Army (SPLA), the military arm of the Sudanese People’s Liberation Movement (SPLM). The Sudanese civil war was hotly fought by all sides. The better armed Sudanese government was accused of massive atrocities in the south. The total number of dead in the twenty-two year war is unknown, by often estimated at 1.5 million dead from fighting, starvation and malnutrition, and 2.2 million people displaced from their homes.

After independence, tribal conflict continued immediately. The government and intelligence services of (northern) Sudan was widely blamed for worsening tensions by applying arms to regional groups and intervening with its own forces.

But many of the worst problems came from South Sudan itself. In December 2013 an outright break within the government arose most immediately from the rivalry between President Salva Kiir, a Dinka and former commander of the SPLA, of the newly established South Sudan accused then-Vice-President Riek Machar, a former commander of the SPLM. President Kiir accused Machar and his supporters of platting to overthrow this government. Machar fled the national capital of Juba, and led the Sudanese People’s Liberation Movement - in Opposition (SPLM-IO).

Throughout the civil war there have been issues of attacks on civilian center, ethnic cleansing, child soldiers, sexual violence, and violence against UN and foreign workers. The country is currently considered the third greatest conflict for refugees, after Syria and Afghanistan. In a country of 7 to 12 million, 3.5 million people have become refugees, with 1.5 of them fleeing to foreign nations, including: Kenya, Sudan, and Uganda. Within the country of Uganda resides the largest refugee camp in the world, Bidi-Bidi Refugee Settlement Camp, where 270,000 South Sudanese refugees reside within 100 square miles.

The Bidi-Bidi Refugee Settlement Camp, in South Sudan.

The United Nations (UN) is tasked with the maintenance of global peace and security, and many responsibilities and powers in pursuit of this are within the purview of its principal security organ, the Security Council (UNSC). The United Nations Mission in the Republic of South Sudan (UNMISS) is the largest and most expensive UN intervention going on today. One of the pillars of the Security Council action is its power to establish, following the conclusion of a conflict, peacekeeping and peacebuilding operations all over the world with the permission of the mission’s host state.

Despite its troubles, South Sudan is not without resources. The country has significant oil reserves. Oil exports fund most of its operations. But export are vulnerable, especially to relations with Sudan to the north, which controls the land-locked country’s access to ports along the Red Sea.

Ethnic Tension

Amongst the numerous variables that go into the conflict in South Sudan, ethnic and religious tension plays a heavy part in it. Similar to the other African countries, South Sudan has a wide
Finding peaceful resolution to the conflict in South Sudan

ethnic variety, hosting 60 indigenous ethnic groups, the majority being Christian and a small part being Muslim.

The Dinka, the ethnic group that President Kiir comes from, represents approximately, 35.8% of the population. They are followed by the Nuer, the ethnic group Riek Machar comes from, which makes up about, 15.6%. The remainder of ethnic groups includes the Murle, Luo, Shilluk, Toposa, Otuho, Didinga, Tennet, Acholi, Azande, Moru, Bari, and Baggara. The majority of these ethnicities are Christian, animistic, or some mixture of the two, while a few find themselves to be Arabic-like and Muslim. Most of these ethnicities also find themselves to be agricultural or pastoral, cattle-based; if a man wishes to get married, he must provide a dowry of some amount of cattle to the potential bride’s family. Due to poverty, this often results in theft of cattle from another tribe, leading to inter-tribal tension.

Due to cattle theft, many tribes have created militias to counteract and this leads to a tenser region. Both the Dinka and the Nuer have been accused of actions of ethnic cleansing, and various Nuer armies and militias led or ordered by Machar have been accused of committing the 2014 Benitu Massacre that reached a death toll of more than 400 and the 1991 Bor massacre, committed by the Nuer White Army, an army made of the Nuer people to defend cattle and fight other clans, which had an estimated death toll of 2,000, and Machar later admitted having a contributing part in 2012. The Nuer have also been accused of committing acts of ethnic cleansing against the Murle, and the Nuer White Army is attributed to the Pibor massacre, which reports from the Murle say resulted in the deaths of 3,000 people.

Current Situation

UN has some 17,000 peacekeepers stationed throughout the country, part of UNMISS (United Nations Mission in South Sudan) to help prevent further conflict. They are universally agreed to play and essential role. But they have not been numerous enough, to enforce peace on the country. Nor are they strong enough to engage major combatants. Their home governments generally are not in favor of more military action. At the behest of wary government volunteering troops, UNMISS lacks a Security Council mandate allowing them to fight, except in self-defense.

The major negotiating pressure comes from IGAD+, or Intergovernmental Organization Plus) made up of Djibouti, Ethiopia, Somalia, Eritrea, Sudan, South Sudan, Kenya, and Uganda. Also involved in IGAD+ are the African Union, UN, China, the European Union, Norway, United Kingdom and United States. In August of 2015 a Compromise Peace Agreement was signed. This allowed Machar to return to Juba, the capital of South Sudan. He was reappointed vice president. Fighting started arise again in Juba in July of 2016, albeit on a smaller scale, with soldiers under Machar’s command reportedly attacked by government counterparts. Civilians and UN peacekeepers also were reported killed. Ban-Ki Moon, past UN Secretary General, responded to this latest violence saying,

I am shocked and appalled by the heavy fighting that is currently taking place in Juba. I strongly urge President Kiir and First Vice-President Riek Machar to do everything within their power to de-escalate the hostilities immediately and to order their respective forces to disengage and withdraw to their bases. This senseless violence is unacceptable and has the potential of

2 “Africa: South Sudan.” CIA World Factbook.
Finding peaceful resolution to the conflict in South Sudan

reversing the progress made so far in the peace process...³

While both Sudan and the United States would release statements condemning the violence. In reaction to the violence, Machar said and his SPLM-IO would retreat from Juba into various pockets, such as Kajo Keji, a once peaceful area of Equatoria province. Today the conflict is mostly focused around that region with both the government and opposition forces holding parts of it.

Role of the United Nations

The Member States of the UN have invested enormously in the stability of South Sudan and the welfare of its people. Led by the United States, the European Union, Canada and other major donors, the international community made South Sudan a top priority.

A large peacekeeping force helps maintain stability. UN safe zones are vital to human security in the country. Humanitarian agencies of Member States and the UN itself are heavily involved in meeting the immediate needs of displaced people and helping them reestablish their lives in their old homelands. The peacekeepers are, of course, limited in their actions, and must act defensively and cannot take many actions without permission of the host country. This means the UN must not act aggressively and often times can put peacekeepers in dangerous situations, with limited options.

The United Nations can also act as a mediator/mediator for peace talks or other discussions. Most controversially, the United Nations may also hold international court for declared and guilty war criminals. Prosecution of South Sudan leaders for war crimes is the most sensitive issue facing the international community.

United Nations Actions and Resolutions

The mandate for UN peacekeeping operation in South Sudan comes from two key resolutions. These resolutions are the current legal mandate for UN action in South Sudan:

Security Council

S/RES/1996 (2011): “The situation in South Sudan.” This resolution designated the situation in South Sudan as “a threat to international peace and security in the region and established the United Nations Mission in the Republic of South Sudan (UNMISS) to consolidate peace and security and to help establish conditions for development.”⁵

S/RES/2155(2014):⁶ This resolution “reinforced UNMISS and reprioritized its mandate towards the protection of civilians, human rights monitoring, and support for the delivery of humanitarian assistance and for the implementation of the Cessation of Hostilities Agreement.”⁷

General Assembly: Since 2011 the GA has predominantly passed resolutions to financially continue its mission in South Sudan. It has left the question of security up to the Security Council.

³ Ban-Ki Moon. “Statement by the Secretary-General on South Sudan.”

⁵ “Protecting civilians, monitoring human rights and supporting implementation of cessation of hostilities agreement.” UNMISS.
⁷ UNMISS.
Because it relies on contributions of the 192 sovereign Member States and the support or acquiescence of the government of South Sudan, also a Member State, the UN must tread a careful path. Merely coordinating the work of so many donors is difficult. As a result, UN operations can be slow and inefficient, contributing to the sense of frustration.

A sign designating a United Nations safe zone in South Sudan.

Country and Bloc Positions

**South Sudan** – There is a mixture of feelings from South Sudan on the United Nations involvement in the conflict. On one hand, it is evident that the South Sudanese government is accepting of United Nations involvement. Their permission, as host government, is essential for all UN operations. Many of the displaced citizens seems to have some level of gratitude for the safe zones set up by the United Nations, as this is a region that they might seek protection without ethnic persecution.

But there also is resentment of the large foreign presence, the relative of wealth of UN personnel and foreign aid workers, the distortion they cause in the local economy, and the power they take from the government in Juba. The legitimacy of United Nations involvement has been weakened when peacekeeping soldiers are accused of sexual harassment and assault. To some critics, the effect is a form of neo-colonialism, which is a great fear of many African nations after so much of their recent history is one form of European colonialism or another.

**Canada** is a major actor in South Sudan, where supplies much of the humanitarian assistance, sustains non-governmental organizations and works with the South Sudan government to improve its competence and ability to deliver basic services. Canada also palsy an important role mediating conflicts between Sudanese factions.

**China** – In keeping with United Nations ideals, the faces that make up the peacekeepers are diverse, and many are Chinese. This makes China an important actor in South Sudan. The vast majority of the peacekeeper fatalities in the conflict in Juba were Chinese peacekeepers and so this has made China more hesitant in its roll in aiding the country of South Sudan, especially with men on the ground. China has, in agreement with Russia, stated that an arms embargo, supported by the European Union, the United States and other donors, would not solve anything and would violate the sovereign rights of the government of South Sudan.

**European Union** – The EU is committed to improving the conditions of South Sudan, while trying to stay as impartial between warring factions. The European Union has established a compound in the interest of creating humanitarian aid. One of the major points of the mission of the delegation is to halt child labor and child soldiers and to educate children. The 28 Member States of the EU and the EU diplomatic service play vital role mediating between rival factions in South Sudan, working with neighboring government to stop arms dealing, and coordinating assistance by the UN Member States, NGOs and recipients.

**Neighboring governments**: play a crucial role in conflict resolution in South Sudan. Sudan (northern) is especially important, since it continues to have open territorial issues with South Sudan, sponsors ethnic and regional militias and has been accused of supplying arms
Finding peaceful resolution to the conflict in South Sudan

and even direct military intervention in South Sudan politics and fighting.

Other neighbors such as Ethiopia, Kenya and Uganda have been supportive of peacekeeping and conflict resolutions. Their cooperation is essential to conflict resolutions, since it is through their borders that combatants get essential supplies and sometimes find refuge. But neighboring states have been known to make their own deals with the South Sudan government, with donors and even with the combatants, sometimes undermining efforts to achieve international consensus.

Russia – Clashing with the United States on the arms embargo, Russia has taken a very neutral stand point towards the conflict, leaning towards more of an idea of less international involvement is better. Meanwhile Russia has already established it has every intention of becoming economic allies with South Sudan, and stated when the conflict in the country is closer to being resolved, of building a Russian embassy in Juba.

United States – The United States has made a clear declaration that is in strong support of finding the most peaceful solution to the conflict in South Sudan, and has denounced the violence, saying both parties needed to, “immediately restrain their forces from further fighting, return them to barracks, and prevent additional violence and bloodshed.” The United States has also made calls for arms embargos on South Sudan, hoping to slow the violence and fatalities in the country, which has caused friction with other members of the Security Council. But the United States refuses to supply soldiers for peacekeeping, and is a modest aid donor compared to other countries.

Medicines Sans Frontiers (MSF) – While not a state, MSF is an example of the prominent Non-Governmental Organizations (NGOs) that play essential roles in South Sudan. MSF runs clinics and bring medical services through much of the country. It has not been afraid to criticize the United Nations when they feel it is not doing enough, insufficiently protecting the people, aiding basic living conditions in UN compounds, or allegations of sexual assault and abuse by UN peacekeepers.

Proposals for Action

After almost twenty years of engagement in South Sudan, and more than twelve years of direct efforts to make South Sudan peaceful, safer for all its people, and more economically sound, many observers are questioning the UN approach. Things are going somewhat better there at the moment. But facing serious concerns about the robustness of its approach to South Sudan, the UN needs to consider alternatives. Whether to do more or do less is up to the Security Council. Some major proposals to be considered include:

Rewrite the UN mandate: For the United Nations to consider a revaluation of its mandate for action in South Sudan, funding and staffing of the United Nations Mission in the Republic of South Sudan (UNMISS) whether this means reallocation and/or increase or decreasing of funds. Although relative peace was reestablished in 2015, it remains fragile.

Many agree the UN program in South Sudan is not working as well as it should. Some donors complain of ‘donor fatigue’. Others see unprecedented opportunities of conflict resolution, or unprecedented dangers of withdrawal. They urge redoubling international efforts.

Authorize a new study of the conflict by the UN Secretary-General: the least intrusive and least demanding response is to study the issue. Especially for Member States unsure of what to do, or trying to avoid a sharp decision, further study is tempting. But studies have effects. The conclusions can force member States to do things they may not like. So the terms of reference for a study are of highest importance.
Finding peaceful resolution to the conflict in South Sudan

Raise the role of the government of South Sudan: Others—including some in the South Sudan government, as well as leaders of less powerful tribes and even some NGOs—complain decision-making is dominated by donor governments.

Reduce UN engagement: The mandate could be diluted. At a minimum, the Member States of the Security Council could choose to reduce their engagement in South Sudan, to minimize the role of peacekeeping and reduce assistance. This could lead to increased violence and might provoke even a greater humanitarian catastrophe. But it would permit Member States to reallocate their resources to other problems. A major problem to be overcome first is how to isolate South Sudan, to ensure its instability and its people do not carry problems to neighboring countries.

Reevaluating the arms sale ban. The most symbolically important UN measure to conflict in South Sudan is the ban on arms sales. This affects all sides. But there have been many violations. Many sides appear to getting arms with cooperation of neighboring states, including the intelligence services of (northern) Sudan. Ending the arms embargo would help the sides with easiest access to international airports or supportive neighbors. It would inflame the conflict in the short run, and might precipitate a humanitarian disaster, and make a definite choice on if this would be beneficial to the country.

It is important to weigh all the risks before relaxing the arms embargo. What of the impact on all sides? On civilians? Could it fuel black market shipments, furthering international crime and crimes against humanity?

Investigation into allegations of ethnic cleansing and making actions towards persecuting war criminals, and those charged with ethnic cleansing. How important is justice in resolving the conflict? Can war be ended for good it the commanders responsible for it remain at large? What if those commander are currently in the government? Is peace possible without justice? The United Nations has been accused of acting too slowly in times of ethnic cleansing and genocidal acts, this often due to international law, and respecting a country’s sovereignty. Measures might include recommending prosecution of war crimes by the International Criminal Court.
Finding peaceful resolution to the conflict in South Sudan

Where the action is: the provinces and neighboring states of South Sudan
Finding peaceful resolution to the conflict in South Sudan

Bibliography


