

At a Glance

AN EDUCATIONAL TOOL BY THE INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT

Q&A: THE RESPONSIBILITY TO PROTECT (RtoP) AND SOUTH SUDAN

This document provides a brief overview of the Responsibility to Protect and the crisis in South Sudan. For more detailed information on these topics, visit our website at www.responsibilitytoprotect.org.

Q: What is currently happening in South Sudan?

A: The current violence was sparked by political conflict at the end of 2013. On 15 December 2013, tensions within the ruling Sudan People's Liberation Movement (SPLM) party led to fighting between members of the presidential guard. Violence quickly spread throughout the capital and beyond. President Kiir – considered 'undemocratic' by some officials – accused ex-Vice-President Machar and others of an attempted coup, arresting eleven. Since December, fighting has continued between Kiir's government forces and rebels who support Machar. The SPLM party split, with rebels forming the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO). What started as a political conflict has gained an ethnic dimension, as Kiir and Machar mobilized the Dinka and Nuer ethnic groups, respectively. Nevertheless, it would be inaccurate to describe what is happening in South Sudan as primarily an ethnic conflict; the crisis is driven more by historic political and economic grievances and exclusions, perpetuated by vast oil revenues.

The political conflict has had serious humanitarian consequences. In November 2014, an estimate by the International Crisis Group put the death toll over 50,000. The most recent Secretary-General report on South Sudan from 18 November 2014 indicates that 1.9 million people have been displaced in the conflict, with some 1.4 million displaced internally. Aid agencies estimate that 3.8 million people are in need of humanitarian assistance. The United Nations designates South Sudan as an "L3 emergency", the UN classification for the most severe, large-scale humanitarian crises.

Q: Why does the international community have a RtoP in South Sudan?

A: In 2005 (see box at right) UN Member States agreed that they had a responsibility to protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing (collectively referred to as mass atrocities). Within ten days of the conflict's beginning, the UN Special Advisers for the Prevention of Genocide and the Responsibility to Protect warned that 'targeted attacks [in Juba and Jonglei] could constitute war crimes or crimes against humanity.' In January 2014, following a visit to South Sudan, the UN Assistant Secretary-General for Human Rights reported that both the government and rebels were responsible for mass atrocities. In May 2014, UNMISS released a comprehensive report detailing human rights violations amounting to crimes against humanity, which were committed by both sides of the conflict. Human Rights Watch also published reports in January, February, and August describing abuses throughout the country that may amount to war crimes and crimes against humanity.

Q: How has the international community upheld its RtoP?

A: The responsibility to protect falls on many actors, including international and regional organizations, states, and civil society.

At the United Nations:

- **Security Council:** When the fighting broke out, the **UN Mission in South Sudan (UNMISS)** was already established, albeit with a mandate to support the government in building a democratic state. The mission reacted to the conflict in an unprecedented fashion, opening its bases to protect civilians. By December 2014, over 100,000 civilians were seeking refuge on UN grounds. In May 2014, the Council passed Resolution 2155 changing the focus of UNMISS's mandate, authorizing the mission to use "all necessary means" to protect civilians, monitor and investigate human rights, and support humanitarian assistance efforts.

Regional organizations:

- The **Intergovernmental Authority on Development (IGAD)** has led six rounds of peace talks between the warring sides since January 2014, resulting in four cessation of hostilities agreements (each of which has been broken). The second round of talks authorized an IGAD Protection and Deterrent Force (PDF) to monitor and enforce the ceasefire. A small group of 90 Ethiopian

THREE PILLAR FRAMEWORK OF THE RESPONSIBILITY TO PROTECT

United Nations (UN) Secretary-General Ban Ki-moon established the three-pillar framework of the Responsibility to Protect (RtoP, R2P), in his 2009 Report *Implementing the Responsibility to Protect*.

- **Pillar One:** The state bears the primary responsibility to protect their population from genocide, war crimes, crimes against humanity and ethnic cleansing.
- **Pillar Two:** The international community, i.e. the UN, regional organizations, governments and civil society, must assist states in fulfilling their protection obligations
- **Pillar Three:** When a state manifestly fails to protect its population or is in fact the perpetrator of these crimes, the international community has a responsibility to take collective action in a timely and decisive manner to prevent or halt the commission of mass atrocities. Such action must be on a case-by-case basis using a broad range of political, economic, and humanitarian measures, and should peaceful means prove inadequate, coercive measures, including the use of force as authorized by the Security Council and in accordance with the UN Charter.

peacekeepers was deployed in July as part of the PDF. The most recent agreement from 9 November 2014 was broken within 48 hours, despite IGAD warnings that any violation of the ceasefire would result in sanctions and the deployment of an IGAD regional force to end the conflict. Despite the warnings, IGAD has yet to take any punitive action against the warring parties.

- The **African Union (AU)** has established a commission of inquiry to investigate violations of humanitarian law in South Sudan. The commission was sworn in on 12 March 2014 and submitted its first preliminary report on 27 June 2014. In the report, the commission requested more time to verify the crimes it had found and determine whether they constitute international crimes. A final report of the commission is pending.

Member States:

- The **U.S.**, **Canada**, and the **EU** have imposed limited sanctions on military commanders on both sides of the conflict for human rights violations and obstructions of the peace process.
- Troops from **Uganda** have been present in South Sudan since shortly after the fighting began in mid-December 2013. The Ugandan military stated that it is acting in accordance with an existing status of forces agreement, and has indicated that it will only withdraw once the PDF is present to fulfil security gaps. Many states have called for Ugandan troops to withdraw, citing concerns that the crisis could spill over into a regional conflict. Others have noted that, since Uganda is a member of IGAD, its presence in South Sudan could impact the mediating role of the regional organization.
- In an effort to promote reconciliation within the SPLM, **Tanzania** hosted internal SPLM dialogue in Arusha from 15 October to 18 October. On 20 October high level officials representing the SPLM and the SPLM/A-IO signed a framework document committing themselves to intra-SPLM dialogue. Although the Arusha talks are separate and distinct from the IGAD peace process, the two are mutually reinforcing.

Civil Society: Organizations such as **Amnesty International** and **International Crisis Group** have called on the international community to facilitate negotiations, and ensure that the Government of South Sudan protects vulnerable populations. As mentioned above, **Human Rights Watch** has produced detailed reports on violence in the country, providing much needed information about mass atrocities in South Sudan. The **Sudan Consortium** released a statement calling for free and open dialogue between concerned parties in December 2013. On 4 November 2014, more than 50 NGOs signed a petition urging members of IGAD impose a comprehensive arms embargo on South Sudan.

Q: What is likely to happen in the future?

A: Though there is no way to predict what is going to happen in the future, several actors have the potential to contribute to the solution or worsening of the conflict. First, even though the Security Council has renewed and changed the focus of the UNMISS mandate to protection of civilians in an effort not to undermine the peace process, it has refrained from taking more forceful actions, such as imposing sanctions or an arms embargo. Given the most recent failure of both sides to uphold the any ceasefire agreement, it is unclear whether the Security Council will take any further action to bring a peaceful solution to the conflict.

Second, the presence of Ugandan troops in South Sudan could lead to more tension as the rebels accuse them of taking sides and demand their withdrawal before peace talks can resume. Uganda recently met with rebel forces but has refused to withdraw until a sufficiently large PDF force is able to take their place. Other regional actors, such as Tanzania's efforts to promote reconciliation within the SPLM and the African Union's Commission of Inquiry could contribute to finding a political solution of the crisis.

Third, it remains to be seen how IGAD will react to the most recent violations of the ceasefire agreement from 9 November by following through on its warnings to impose sanctions and deploy a regional peacekeeping force. While sanctions may keep the parties at the negotiating table, it is unclear how much of an incentive sanctions can provide to the two parties to come to a political solution.

ICRtoP

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The ICRtoP convenes and collaborates with civil society, Member States, and regional and sub-regional organizations to: strengthen normative consensus for RtoP; further understanding of the norm; push for strengthened capacities to prevent and halt RtoP crimes; and mobilize NGOs to push for action to save lives in RtoP country-specific situations.

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