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 and crisis page.

Q: What is currently happening in South Sudan?
A: The current violence was sparked by political conflict at the end of last year. 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 conflict has gained an ethnic dimension, as Kiir and Machar mobilize the Dinka and Nuer ethnic groups, respectively. There have been worrying reports of ethnic killings, including the massacre of 200-300 Nuer on 16 December 2013. Despite these reports, it would be inaccurate to describe what is happening in South Sudan as 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. As of 20 March 2014, the United Nations (UN) estimates that 4.9 million people are in need of humanitarian assistance. An estimate by International Crisis Group puts the death toll over 10,000 as early as January. The latest figures from the UN Refugee Agency state that over 204,000 have already fled South Sudan, with the number of refugees expected to rise to 340,000 by 2015.

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 in South Sudan, 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. Human Rights Watch also published reports in January and February, describing abuses throughout the country that may amount to war crimes.

Q: How has the international community upheld its RtoP?
A: It is important to note that upholding RtoP does not necessarily mean forceful intervention; fact-finding missions, diplomacy, and sanctions are all integral to RtoP. Military measures may be pursued only when other options have been exhausted, and only when authorized by the UN Security Council. Here, we list how some actors have responded to the crisis.

At the United Nations:

- 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, with over 68,000 civilians seeking refuge on UN grounds. As mentioned previously, UNMISS is also operating as a fact-finding mission.
- On 24 December 2013, the **Security Council** passed Resolution 2132, almost doubling the UNMISS troop size to 14,000. These troops will be deployed in phases through 2014.

Regional organizations:

- The **Intergovernmental Authority on Development (IGAD)** has led peace talks between the warring sides since early January 2014. The first round of talks resulted in a ceasefire agreement, signed on 23 January. Unfortunately, fighting has continued. The second round of talks was delayed, but ultimately authorized an IGAD Protection and
Deterrent Force (PDF) intended to monitor and enforce the ceasefire, which deployed in mid-April. Talks resumed on 25 March 2014, after a slight delay.

- 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 is expected to submit its report within three months.

The International Criminal Court:
In many cases, the ICC can open a preliminary examination itself (as in the Central African Republic), but to launch an investigation in South Sudan – a country outside the court’s jurisdiction as South Sudan is not a party to the Rome Statute – would require a Security Council resolution. On 7 February, President Kiir said he would welcome an investigation, but no further action has been taken.

Member States:
- On March 19, in the interim between the second and third round of talks, the United States, Britain, Norway and the European Union threatened to impose targeted sanctions on any party that undermined 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 states that it is acting in accordance with an existing status of forces agreement. 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.

Civil Society:
- Organisations 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.

Q: What is likely to happen in the future?
A: There is no way to predict what will happen in South Sudan in the coming months, but there are three efforts watch. The first is the renewal and probable modification of the UNMISS mandate before July 2014. The Secretary General has recommended a shift in focus from peacebuilding to the protection of civilians. On 18 March 2014, the Security Council discussed the issue. At the meeting, Hervé Ladsous, Head of Peacekeeping, expressed concern at the relationship between UNMISS and the Government of South Sudan, saying violations of the status of forces agreement might force UNMISS to draw down to an ‘absolute minimum’.

The second is the deployment of the PDF. There are many who are worried that the IGAD troops will worsen the fighting, rather than enforce the ceasefire.

The third and most important efforts are the IGAD mediated peace talks. These have experienced serious delays, and have often been stalled. While Western sanctions may keep the parties at the table, it is unclear how much progress will be made. Some worry that regional interests may undermine the peace process. Despite these difficulties, a political solution is the only way to bring peace to South Sudan, as analysts have been saying since January.