South Sudan Crisis, the Potential for Genocide, and Its Relevance in the International Community

1. Introduction

As the newest country in the world, gaining independence from Sudan in July 2011, South Sudan has had a rough beginning. Having been embroiled in a civil war since 2013, it has suffered casualties on a grand scale, systematic ethnic cleansing, and the onset of a full on famine. The situation has become so severe that as of 2016 South Sudan made the second highest score on the Fragile States Index. The rapidly deteriorating situation being seen as having all the prerequisites for a genocide in the near future, having enormous implications for the international community and for the wider world, providing an incredibly similar situation and preconditions as seen in Rwanda twenty-three years ago. The world has spent decades rehashing the failures of inaction that led to the Rwandan genocide. In South Sudan there are ample warning signs now, but the action necessary to forestall another tragedy in the region must be taken soon, with robust diplomacy and clear international commitment. The unique opportunity presented for a second chance gives state entities around the world the moment to distinguish themselves either through their successes in addressing the issue at hand or, alternatively, through their inability to act.

Section 1 provides a brief introduction into the situation in South Sudan and the importance it plays in the international world. Section 2 gives the literature review of the major sources utilized for the purpose of this research paper, outlining their general arguments as well as any strengths and/or weaknesses found which were noteworthy. Section 3 summarizes the country’s complicated history of political and ethnic conflict, and explains how it’s history has come to shape the events that are being perceived now. Section 4 then elaborates on and reviews these current events, parsing out the various factors that contribute to the crisis at hand. Section
5 discusses the future prospects of the state of South Sudan (as experts perceive it) should current circumstances be left unchecked. Section 6 is devoted to exploring international interests in the conflict. With this section being broken down into two sub-sections, sub-section 6.1 addresses the current interests in the region as of now, and what has been done to either mitigate/promote/exploit from the conflict. Whereas sub-section 6.2 concerns the potential interactions from international entities we may soon see, due to the changing scrutiny and attention gradually being directed towards South Sudan. Finally, Section 7 concludes, and presents some possible insights that can be drawn from the unique case of International mediation in South Sudan in the context of past historical examples, contemporary events, and speculation given the changing of events happening at this very moment.

2. Literature Review

D+C “Sliding Towards Genocide- Peter Tibi1

This journal gives an in depth look into the various inter-cultural dynamics happening within South Sudan today, from the various tribes to the regime activities. This article is especially interesting because it shows how it is in a way it’s own unique crisis, with zero world powers having any kind of dog in this fight, explaining how it creates a sort of microcosm that is allowed to manifest by itself. The author also goes on to highlight the parallels between South Sudan and the events of the Rwandan genocide. However, this does not give much insight into possible solutions apart from the retrospect of the latter event.

Small Arms Survey: “Women’s Security and the Law in South Sudan2

This particular article does not give much in the way of useful information for this topic. However, it was able to give good insight into the current condition of law enforcement and justice in South Sudan. Explaining the intricate yet messy process of establishing an effective

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system in a war zone which addresses tribal traditions while simultaneously incorporating [relatively] modern criterion.

ODI: “South Sudan, Root Causes and Implications for the Future.”

These are the revised and published notes of a roundtable discussion held by South Sudan experts on the ongoing crisis. In this the discussions of the root causes of the current situation and its implications for the future of South Sudan are examined. The paper itself outlines the key points of discussion, not getting too overly in depth, but eventually proves its usefulness by proposing recommendations on potential ways forward and how other powers are able to pave the way forward in this endeavor.

Security Council Report: “South Sudan April 2017 Forecast”

This part of a monthly update on the security condition of South Sudan, giving detailed analytical reports on the movements and developments within the state, while also giving critical evaluation of the various policies, legislations, and sanctions that may affect the current status quo. This source has been remarkably helpful in shoring up the aspects of international community involvement, taking it away from purely speculative theory to legitimate bases of action to determine probable prospective activity.

Extractive Industries and Society: Impact of Oil Politics on Nation Building in South Sudan

This article reviews the political economy aspects of the oil sector in Sudan, as well as historical events leading up to the beginning of the world’s youngest nation. Naturally to discuss this they had to incorporate extensive history beyond just the inception of South Sudan, going back to the creation of Northern Sudan and through the various stages of colonialism it has experienced over the years. Beyond this, however, it gives great evidence and reasoning as to

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what may be fueling the current conflict beyond the regularly assumed ethnic and political divisions. Arguing that like many other conflicts, this one may also have an economic side to it as well.

3. History of South Sudan

South Sudan got its start by gaining independence from Sudan on 9 July 2011 following a referendum that passed with 98.83% of the vote. This was the outcome of a 2005 Comprehensive Peace Agreement (CPA) that ended Africa's longest-running civil war, which claimed the lives of at least 1.5 million people and more than four million displaced. Quickly following this Salva Kiir, (a member of the ethnic Dinka tribe) became president of South Sudan (then still part of Sudan) and head of the Sudan People's Liberation Movement (SPLM) in 2005, succeeding the long-time rebel leader John Garang, who was killed in a helicopter crash. The newfound independence and peace did not last, as South Sudan was again engulfed by civil war when President Kiir sacked his entire cabinet and accused then Vice-President Riek Machar (a member of the ethnic Nuer tribe) of instigating a failed coup.

There is no clear side to take on this split, due to neither Kiir nor Machar being an angel; both have been accused of war crimes. But when Machar made his Presidential ambitions known Kiir bristled, leading to political tensions mounting, as well as lingering grudges over past atrocities committed by one ethnic community against another which had never been redressed through reparations or any form of justice. As a result of these accusations, Kiir’s soldiers carried out systemic ethnically directed violence against defenseless Nuer civilians. A Nuer oriented rebel movement backing Machar then reacted by killing thousands of others (mostly Dinka).

The Civil War, which began in 2013, and everything else happening now, is happening within the context of the Comprehensive Peace Agreement (CPA) signed in 2005. This document ostensibly ended the decades long civil war between the Sudan and the region which

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8 This came about after Machar made his own presidential intentions known. No one knows how much truth there is to the coup accusations, seeing as both Kiir and Machar have been accused separately of war crimes.
would eventually become South Sudan. However, the CPA was largely a failed document whose failings are still being felt today due to security arrangements not being instituted before the formation of a transitional government, leaving many layers of anger and distrust ignored. On the other hand, Hilde Johnson, the former chief of the United Nations mission to South Sudan, there may be another factor at play. She claims that because the nation’s political leaders, all war veterans or originating from a military background, lacked the basic diplomatic skills necessary to solve everyday political dilemmas through negotiation. And, had so much unaccountable money not been at stake, these leaders might’ve been able to settle their differences without conflict, but the ensuing competition over riches, combined with the impatience with tedious negotiation that Johnson describes, made the meltdown almost inevitable.

4. Current situation

As things stand currently in South Sudan, it is a deluge of bad news with few to none positive remarks. To begin with, the levels of corruption in the country is among the top-five highest in the world (ranked number 173 out of 177 by Transparency International), a sign commonly associated as symptomatic of inadequate laws and institutions. The preeminent case being when multitudes of both former and current South Sudanese government officials stole over 4 billion US dollars of aid money.

At the street level, ethnic tensions are at an all time high, inter-tribal dehumanization and incitement is taking place, with hate speech at all levels, including social media. This combined with the extreme proliferation of black-market arms allows for the mobilization of militias along ethnic lines, effectively dividing South Sudan’s sixty-four tribes. Most dangerous of all, there


has been an effective crackdown by the governmental regime in which there has been consistent leveling of villages, resulting in untold numbers of dead throughout the state.¹³

Most recently (as of February 2017) a famine has been declared among multiple authorities in various regions of South Sudan as part of what the UN characterizes as a “man-made catastrophe caused by civil war and economic collapse.”¹⁴ Reports estimate that by this point the famine has hit 100,000 people in South Sudan, where over 40 percent of the population is in urgent need of food aid.¹⁵¹⁶ This has allowed for the systematic ethnic cleansing underway between tribes. Utilized through targeted starvation, gang rape and arson. As well as through the persistent violence perpetuated throughout the state as Kiir’s men continue to “eliminate” pockets of resistance inside the country. At this stage anyone suspected of loyalty to Vice-President Machar puts their life in jeopardy; many innocent men, women, and children are again being massacred. This has created an extensive humanitarian crisis. While not on the same level as the one caused by the Syrian civil war, there are still more than 500,000 people who have been forced to flee their homes (this figure is believed to be a gross underestimate). At least 413,000 are displaced within South Sudan, and 75,000 refugees have begun to evacuate to neighboring countries.¹⁷¹⁸

5. Prospects for Future of State

The future prospects of South Sudan are about as bleak and tenuous as everything else covered thus far. With South Sudan being home to roughly sixty-four tribes, there is a predisposition to fall back on customary laws and traditions. Because of the almost constant state of conflict and chaos, customary law became of significant importance during the war, as


¹⁶ Famine is declared when, among other criteria, two or more people out of 10,000 die every day.


¹⁸ These figures have risen considerably since the roundtable was held.
family and formal structures were disrupted, people relied heavily upon customary practices to help bring some semblance of normalcy into their lives. However, with each tribe essentially having their own laws and practices they adhere to, the national law enforcement services have become weak, and the police undertrained and under-resourced to the point of ineffectualness. This state of free reign thereby given on the national scale has given an open door to any and all possibilities of further escalations in violence and targeted prejudices. This uneasiness has prompted UN Secretary-General Ban Ki-moon to speculate that a genocide of one or more ethnic tribes in South Sudan is imminent.

This prediction while dramatic, is backed by further events taking place. At the moment both government and rebel forces are methodically forcibly recruiting young gunmen [child soldiers] ahead of the dry season, when fighting typically intensifies, along with increasing the mass procurement of usable weapons. This active preparation in itself lends credence to the theory that many expect the violence to escalate in very short order.

Additionally, there are new participants coming into this conflict all the time. The most recent being Thomas Cirillo Swaka, the former Deputy Chief of the General Staff for Logistics of the Sudan People’s Liberation Army (SPLA). On March 6, he announced that he was forming a rebel organization under the name of the National Salvation Front (NSF) with the sole purpose of ousting President Salva Kiir from power. While this has been largely ignored in media news sources, it is remarkable due to the rapid expansion in the number of similar groups to the NSF. The vast majority of these militias emerging out of the disarray caused by the July 2016 fighting in Juba between forces loyal to either Kiir or Machar. Ultimately, the goal of ensuring any form

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These militias almost always take on anti-government stances in consideration of general disassociation with Kiir and Machar and the two main ethnic groups they represent.
of fundamental guarantees of human rights and equality, to date, remains a distant and unlikely hope.

6. Role of International Community

6.1 Current

It comes as no surprise that there’s bound to be some form of response from either neighboring states or the international community as a whole, however, it has often not been in the form that one would expect. To begin, there has been an incredibly pronounced amount of interference from Uganda. Yoweri Museveni, Uganda’s President, had for a long time previously seen Salva Kiir as a protege of his and through extension, Machar a rival. Therefore almost immediately following the outbreak of violence between Kiir and Machar, thousands of Ugandan soldiers crossed the border to fight Machar, effectively propping up Kiir. The citizens of South Sudan, having been in conflict for decades without respite, reasonably had aversive sentiments, seeing Uganda’s presence as a foreign occupation. The South Sudanese were not alone in this, Ugandans too, who themselves had suffered for thirty years under Museveni’s corrupt rule, wondered what their military was doing on foreign land, without parliamentary approval.23

At roughly the same time, there were UN Kenyan troops within South Sudan as part of a peacekeeping mission. But when violence broke out in July in Juba, the Kenyan commander was let go due to his inability to protect civilians during the clashes. This led to the withdrawal of Kenyan peacekeeping troops soon after. As a replacement, Japanese peacekeepers are set to arrive soon. This will mark the first time in nearly seventy years that Japan has deployed soldiers overseas with a mandate to use force if necessary.24

Beyond the African continent, there are some movements to start addressing the issue at hand, however, many of these end up falling short of their goals, proving to be just half measures. For instance, Samantha Power, the American Ambassador to the U.N., and her French and British counterparts together urged the UN Security Council to impose sanctions, including arms embargoes, against Kiir’s government. These measures, had they been successful, could

have cut back Kiir’s Ugandan supply of arms and ammunition and forced all factions into serious negotiations sooner. These measures also garnered the support of Secretary of State John Kerry and dozens of humanitarian groups.\textsuperscript{25} There were promising signs that even Russia and China could have been persuaded to support it as well. But the entire movement was sidelined and all overruled by Susan Rice, the (then) head of Obama’s National Security Council, who had a history of being sympathetic towards Uganda’s President, Museveni. According to Foreign Policy magazine, Rice maintained that such an embargo would’ve been misplaced, due to Machar also being guilty of war crimes, and that in any case, Uganda would’ve ignored such measures.\textsuperscript{26}

### 6.2 In the Future

As for the potential interactions from the international community that may soon be seen, it’s at times difficult to tell how much interaction will actually take place. First, the future of humanitarian responses is uncertain as the freedom of movement of UNMISS personnel continues to be significantly hindered. Recently, more than 200 peacekeepers were forced to jump through extreme hoops in the form of bureaucratic delays in order to enter the country. The South Sudan government announced in early March that work permits for foreign aid workers would rise to $10,000 US per person, where they had originally been $100 US per person.\textsuperscript{27} These kinds of impediments to the activities of UNMISS and other humanitarian organizations has been discussed with President Kiir, who’s since claimed that such situations will not happen going forward. However, despite similar assurances in the past, there have been plenty of other violations of the Status of Forces Agreement which have been consistent problems. Meanwhile, on a larger scale, the United Nations applied for a minimum of $4.4 billion by the end of March 2017, which they said was the minimum needed to have any hope of averting a wider-spread


famine. This quota was never met, and to the best of knowledge no further petitions have been forwarded.28

Beyond the scope of humanitarianism, there has largely been only mere speculation into what could be done, and theories as to what would be most effective. In particular, the Human Rights Council’s (HRC) Commission on Human Rights in South Sudan met on March 14. The Commission’s latest report, titled: (A/HRC/34/63), covers the period from July 2016 to February 2017. In this there was the recommendation for the “immediate establishment of an international, independent investigation, under the auspices of the United Nations, into the most serious crimes committed in South Sudan since December 2013”. The report also made the addition in which they concluded that there had been a “massive increase in gross human rights violations and abuses” since the outbreak of violence in July 2016 and that a “process of ethnic cleansing” was underway in South Sudan.29 All fluff aside, this essentially means nothing beyond an admission that such atrocities are underway. The most clear cut solutions/responses to the problems that have been expressed are as follows:30

— Impose an arms embargo on South Sudan, given the continued violence in the country.31
— Authorize the establishment of an independent investigatory mechanism to collect and preserve evidence of violations of international humanitarian and human rights law that could be used by the Hybrid Court for South Sudan envisioned in the August 2015 peace agreement.

Above all else however, the limitations on international peacekeepers have to be lifted to allow them to enact more aggressive responses to the violence. Targeted sanctions against South Sudanese leaders on both sides are now a necessity in order to curb their hold on the region. Additionally, International media organizations need to highlight what is going on in South Sudan. And lastly, an effective peace building effort, based around accurate conflict assessments

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31 In late 2016, a draft resolution pursuing targeted sanctions and an arms embargo did not receive the requisite support to be adopted. Any further efforts to pursue an arms embargo separately from targeted sanctions has not been attempted.
(including analyses of conflict drivers) of the state’s situation are all needed in conjunction with each other in order to effectively and gradually diminish the scale of violence.

7. Conclusion

The current crisis seen today in South Sudan is all happening within the context of a civil war that began in December 2013 which has since then devolved into a tribal conflict between the two majority ethnic groups, the Dinka and Nuer, and other minority ethnic tribes. As a result, there has been intertribal violence, authoritarian rule, a failing economy and an overfunded military which have all come together to create an explosive mix that has contributed to the steady and rapid increase of ethnic based cleansing. It’s ultimately these drivers of instability and more which must be addressed through an inclusive mediation process, reconciliation and nation-building. Greater, more inclusive thinking is needed concerning the intervention needed by the international community in insuring a successful cessation of violence and reintegration of civil society.

Ultimately, genocide doesn’t happen overnight. It begins with small injustices, power grabs, and callous dismissals of the rule of law. Even more important than the responsibility to protect is the responsibility to prevent, and in this, the international community has failed before. The opportunity to prevent a second Rwandan-scale genocide is now available, given the proper and necessary actions are taken.
Bibliography


