

Forum: Security Council

Issue: Considering an arms embargo and other measures to prevent a resurgence of violence in South Sudan

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INTRODUCTION

On July 9th, 2011, South Sudan celebrated its independence after enduring Africa's longest-running civil war. However, the celebration was short-lived as in December 2013, as President Salva Kiir Mayardit accused his vice president of an attempted coup d'état, which ignited political infighting in the streets of Juba, South Sudan's capital. This was the start of a destructive war that displaced 2.2 million people and a famine that threatened the lives of thousands. After many failed peace talks and treaties, a peace deal was signed in September 2018, in which the leaders of both factions agreed to a compromise and put an end to this devastating civil war.

Despite this, South Sudan still has a long way to go to achieve peace. There have been many reports of human rights violations, specifically in the disputed Abyei region. Recently, aid workers have been targeted, with around 6 healthcare workers being killed in May 2020. No groups have taken responsibility for the attacks, raising suspicion of funding of the perpetrators by the South Sudanese government and opposition forces from the UN and the Intergovernmental Authority on Development (IGAD).

The current issues in South Sudan consist of the constant supply of arms and impunity from the side of the South Sudanese government regarding perpetrators of such crimes and human rights violations. To tackle the first issue, the USA sponsored a resolution in the Security Council to impose an arms embargo on South Sudan, including dual use technology, which passed and was renewed until 31st May 2021. On May 28th, 2021, the Security Council agreed on another renewal of the embargo until 31st May 2022. However, evidence of illicit trade of arms in South Sudan was uncovered recently. As for the latter, after years of demand, a hybrid court was finally established in January 2021. Nevertheless, since it is a new establishment, developments must be made for it to be effective as soon as possible to prevent and deter further violence.

KEY TERMS

Arms Embargo

An arms embargo is a limitation or a collection of sanctions that applies either exclusively to weaponry or likewise to "dual use technology". An arms embargo is usually administered for the following reasons:

- Indication of disapproval with regards to the conduct of a specific actor.
- To perpetuate neutrality in a progressing conflict.

- Acting as a peace mechanism that is essential to a peace process resolving an armed conflict.
- Restricts the capacity of an actor to dispense violence on others.
- Debilitation of a country's military capabilities before third-party interventions.

The 3rd and 4th bullet points apply to South Sudan.

Demilitarisation

The removal of (all) military forces from a specific area.

Civil conflict

A conflict between a state and one or more non-state actor in that specific state's territory, i.e., the South Sudanese government against the SPLM-IO in South Sudan's territory.

Dual Use Technology

This is technology that can be used for both peaceful and military purposes. The items normally can be used by civilians but can also be applied by militaries.

State actor

An entity representing/affiliated with a government or a state which has significant political influence. The police force and military for example are state actors.

Non-State actor

An entity which has significant political influence but is not affiliated to any country, government or state. Examples of non-state actors include self-defence militia and paramilitary groups.

BACKGROUND INFORMATION

Events leading up to the civil war

In January 2005, the Sudan's People Liberation Movement (SPLM) and the government of Sudan signed a peace agreement which ended the war for independence for South Sudan between the SPLM and the Sudanese government, which had been going on since 1983. Under the conditions of this agreement, South Sudan was to remain an autonomous state run by the SPLM for six years until a referendum were to be hold in 2011. This referendum did eventually administer South Sudan as an independent nation, with 98% of the votes

choosing independence. However, during those six years of autonomy, tensions did rise between members of the SPLM regarding the distribution of oil revenues, as from 2006 – 2009, the Southern Sudan Autonomous Region earned 2.1 billion dollars in profit off of oil sales.

A combination of these disagreements and the disputed 2010 election stimulated a rebellion against the ruling government of the autonomous state by the South Sudan Democratic Movement. Many factions were created under this movement, and eventually the members were either reintegrated into the national army, exiled, or had signed the 2011 ceasefire.

South Sudan is home to over 60 ethnic groups. Thus, many of the clashes were kindled after a mistreatment of one ethnic group by another, and the factions were formed under the basis of these ethnic groups. For example, the Cobra Faction, formed after the prejudice of the Murle people by the government which was mostly consisted of the Dinka people, and the Upper Nile Faction, formed after widespread abuses of the Shilluk people, rebelled against the government, which mainly consisted of the Dinka people, who are the most populous ethnic group in South Sudan. Nuer is the second-most populous ethnic group in South Sudan.

Around early 2013, President Kiir began reforming the government and his cabinet, which many claim to be an abuse of power. This already deepened the fragments between SPLM factions. He dismissed countless members of parliament, eventually dismissing his entire cabinet, including his vice president, Riek Machar, accusing him of conspiracy to commit mutiny.

Course of the conflict

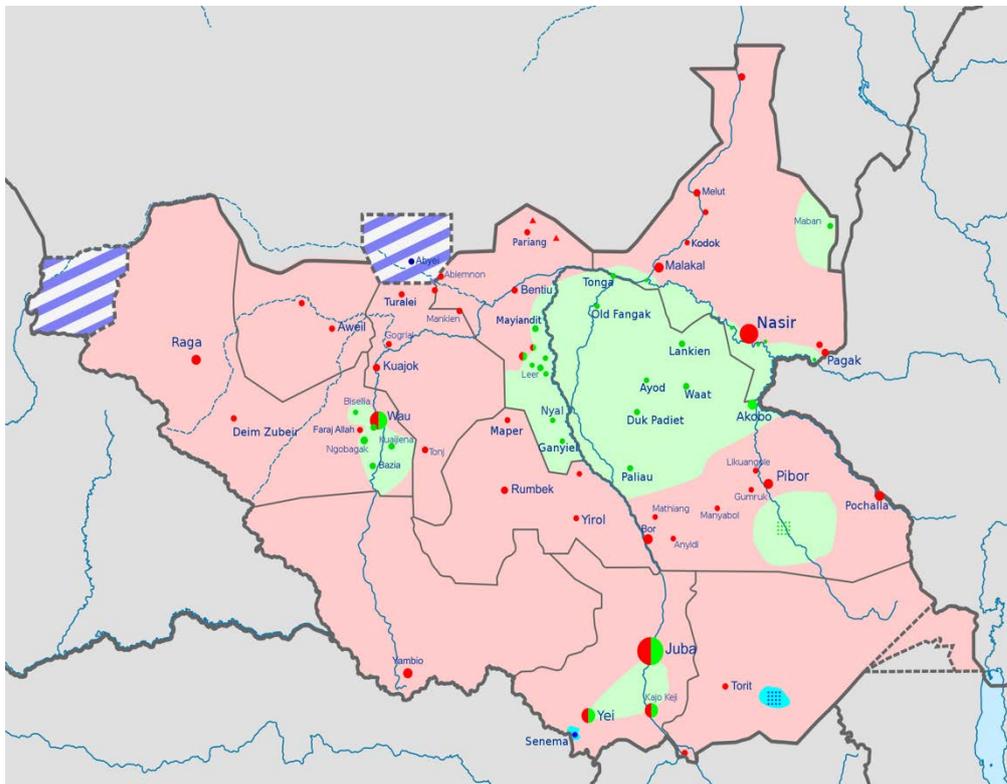
The civil war began when three opposition leaders, including Riek Machar, boycotted a meeting of the National Liberation Council on 15th December 2013. A day before that, clashes had already broken out between Nuer and Dinka presidential guards. After the failed meeting, Kiir called for a disarming of weapons from all ethnic groups except Dinka. Of course, the Nuer did not approve of this, leading to a series of skirmishes which would then lead the Nuer to taking control of the headquarters, until SPLA troops arrived the next day for reinforcement.

The Sudan People's Liberation Movement – In Opposition (SPLM-IO) soon seized control from the government in several regional towns. Nuer and Dinka tirelessly battled against each other in these areas, which had already caused the internal displacement of 1000 people. These battles carried on, spreading throughout South Sudan, until a ceasefire agreement was made in January 2014, mediated by the Intergovernmental Authority on Development (IGAD). Nevertheless, over subsequent weeks, this ceasefire agreement was broken, and the violence leaves more than a million people displaced by the end of April. In May 2014, however, the South Sudanese government signed a peace agreement with the Cobra faction.

In August of 2014, peace talks in Ethiopia were being conducted, all the while that the fighting continued. By the 17th of August 2015, the final draft of the Agreement of the Resolution of the Conflict in the Republic of South Sudan was signed by the government, the SPLM-IO and other non-state actors, either part of the rebellion or the defence. This agreement did propose a permanent ceasefire, but that condition did not sustain as clashes between ethnic groups remained frequent, so frequent that in fact President Kiir was accused of ethnic cleansing.

In February 2017, a famine was declared in South Sudan as a result of the civil war, deepening the country's economic collapse. At this point, inflation rates had risen up to 300% and South Sudan had almost little to no political stability. The famine also further fuelled fights between ethnic groups.

In May 2017, President Kiir called for a unilateral ceasefire, in which he engaged in peace talks leading up to the 2018 peace deal signed by the president, Riek Machar, and various other rebel groups to put an end to this war once and for all.



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Figure 1 displays a map of South Sudan during the civil war. The red areas represent places under control of the South Sudanese government and the green areas represent places controlled by the SPLM-IO

The current situation of South Sudan

Even though the civil war has come to an end, tensions are still high in South Sudan. There are still claims of ethnic cleansing, particularly in the Bor region. The security situation in South Sudan is as volatile as ever. Furthermore, sexual violence on women and children is still a prominent issue in the country, with accusations of the coalition government abusing

their powers. The perpetrators are armed groups and militias mobilised along ethnic lines, often funded and supported by both state and non-state actors. On 19th February 2021, the head of the Commission of Human Rights in South Sudan, Yasmin Sooka, made a statement saying, “The scope and scale of violence we are documenting far exceeds the violence between 2013 and 2019.” There are still tensions within the coalition government itself, evoking tensions between their representative ethnic groups. Moreover, the report published on that day stated that 75% of the civilian population is encompassed by this violence on the local level. Fundamental freedoms such as the freedom of speech and expression can result in death of individuals, which is state sanctioned. Impunity on behalf of the South Sudanese government has escalated the situation so much so that it has become a norm for civilians. The report also mentioned that the coordination and specificity of many attacks cannot be a coincidence, giving reason for suspecting the South Sudanese government and opposition forces of involvement¹.

Arms embargo

In response to all of these human rights violations, along with the aim of preventing the resurgence of violence, the UN Security Council imposed an arms embargo on South Sudan, with the USA being the main sponsor. This embargo has been renewed twice already, however there is evidence of illicit weapon trade. In February 2020, Amnesty International uncovered evidence of the usage of child soldiers, imports of ammunition and small-scale firearms, some of which fall under the category of dual use, and illicit compartments of vehicles under the embargo. In a National Security Service (NSS) base just outside of Juba, photos were acquired of ammunition, specifically Chinese cartridges. There are many possibilities as to how these were obtained; they could have either been secretly sold beforehand, breaching the embargo, or a third-party seller could have been involved in breaking the embargo or illegally averted the ammunition. Additionally, Mi-24 helicopters were photographed in the same NSS base, going under repair; however, a few days later, 2



¹ For the full report about the human rights abuses, see “Despite Renewed Political Commitment, Staggering Levels of Violence Continued across South Sudan for the Second Successive Year, UN Experts Note.” OHCHR, www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26761.

of these aircrafts were missing from the ramp, suggesting that they had been flown out and were in use. Along with this being a complete violation of the embargo, it is especially problematic regarding South Sudan's peace process, as these helicopters have been used before to kill and injure civilians with guns and rockets.

Figure 2 shows the maintenance and repair of Mi-24 attack helicopters, with the usage of components in violation of the embargo, Juba International Airport, 2020²

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

South Sudan (Government)

Lead by President Salva Kiir Mayardit, the South Sudanese government formed the South Sudan People's Defence Forces (SSPDF), the main military force fighting against the rebels. Additionally, the majority of the government leaders, including President Kiir, were of the Dinka ethnic group, which already had high tensions with other ethnic groups like Nuer and Shilluk. Its military suffered the most casualties, with around 10,700 deaths and a further 10,000 injuries, totalling 20,700 casualties³. Currently, South Sudan is ruled by a coalition government under the joint rule of President Kiir and former opposition leader Riek Machar. They are currently under an arms embargo by the UN which expires on 31st May 2022, however there are rumours of violation of this embargo.

Sudan People's Liberation Movement-in-Opposition (SPLM-IO)

Lead by Riek Machar, the SPLM-IO was a rebel group (and now is a political party) which branched off of the original SPLM, becoming the main opposition force in the civil war in 2013. As Riek Machar was of the Nuer ethnic group, the SPLM-IO had close affiliations with the Nuer White Army, as well as troops from numerous other ethnic groups who felt oppressed by the ruling Dinka, such as the Shilluk. The number of casualties suffered is unknown, however is estimated to be at least 12,000⁴. In May 2018, the SPLM-IO set up an alternate government rivalling the one in Juba, based in the Upper Nile. Nonetheless, the Upper Nile is now under coalition rule.

Uganda

² "Amnesty International Calls on the UN Security Council to Renew Its Arms Embargo on South Sudan, Citing New Evidence of Violations on the Ground." *Amnesty International*, 30 Apr. 2020, www.amnesty.org/en/latest/news/2020/04/south-sudan-evidence-of-violations-and-illicit-concealment-of-arms-must-spur-un-to-renew-arms-embargo.

³ "South Sudan's Military Casualties Top 20,000." *Radio Tamazuj*, web.archive.org/web/20160204182503/radiotamazuj.org/en/article/south-sudans-military-casualties-top-20000.

⁴ "A Fractious Rebellion: Inside the SPLM-IO", *John Young*, <https://www.files.ethz.ch/isn/195801/HSBA-WP39-SPLM-IO.pdf>

Uganda was perhaps the most active foreign intervention in the civil war. It took the side of the South Sudanese government, sending over 5000⁵ of its own soldiers to fight against the rebels alongside the SSPDF. The Ugandan air force was also actively involved, destroying many of SPLM-IO's bases around the country. In addition, it was one of the government's largest arms suppliers. Many neighboring countries, including Kenya, disapproved of Uganda's involvement, as they feared that the war would expand from a civil war to a regional one.

United States of America

The USA had proposed an arms embargo on South Sudan twice, once in 2016 (which got rejected), and once in 2018, which successfully passed and was implemented. This embargo's last renewal was 2021, and it expires on 31st May 2022. In the duration of the civil war, the US contributed 95 million to the 481 million dollars donated to the South Sudanese government to be used for humanitarian purposes (food, education, medical aid)⁶. However, they accuse the government of fraud and corruption, especially seeing as they were receiving firearms from China.

China

China was a huge ally to the Southern Sudanese unity government and supplied them with firearms to use against the rebels. South Sudan in turn made investments in the state-owned China National Petroleum Corporation (CNPC), which played both economic and political roles in the civil war. It also played a huge role in South Sudan's peace process, being an active member of IGAD-Plus and engaging in the Addis Ababa peace talks, as well as holding discreet meetings with the rebel factions. It abstained from the resolution proposing an arms embargo.

The Intergovernmental Authority on Development (IGAD)

IGAD is an intergovernmental body comprised of the governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. It was the main regional body mediating peace negotiations during the civil war, however after many broken ceasefires, they decided to form an expanded version of mediation called IGAD-Plus, which sought out for international support. The African Union, UN, USA, UK, and China were all incorporated into IGAD-Plus, as well as the European Union. IGAD-Plus administered the 2015 Addis Ababa peace agreement, and was deeply involved in the 2018 peace deal, re-establishing Riek Machar as vice president. Recently, it founded the Hybrid Court of South Sudan, which aims to prosecute perpetrators of the crimes against humanity committed in South Sudan.

⁵ "Major Role for Ugandan Army in South Sudan 'until the Country Is Stable'." *Radio Tamazuj*, radiotamazuj.org/en/news/article/major-role-for-ugandan-army-in-south-sudan-until-the-country-is-stable.

⁶ "US Gives \$95M Humanitarian Aid to South Sudan." *Anadolu Ajansı*, www.aa.com.tr/en/africa/us-gives-95m-humanitarian-aid-to-south-sudan/2210349.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
9 th July, 2011	South Sudan gains independence, the SPLM comes into power and is the ruling government.
15 th December, 2013	Civil war erupts after President Kiir fires Vice President Machar, resulting in rebel forces seizing control of many regions. Almost immediate Ugandan intervention follows.
January 2014	A ceasefire agreement has been reached but will soon be violated in the subsequent weeks.
17 th August 2015	The Agreement of the Resolution of the Conflict in South Sudan signed after over a year of deliberation.
February 2017	UN declares a man-made famine in South Sudan, deteriorating tensions, economic and political stability.
13 th July 2018	Security Council resolution 2428 implemented, placing South Sudan under an arms embargo along with other sanctions.
12 th September 2018	Unilateral peace deal signed by the government and opposition forces, putting an end to the catastrophic civil war.

10 th February, 2020	Evidence of violations of the arms embargo, which had been renewed until 31 st May 2021, uncovered, as heinous crimes and conflict between ethnic groups are rising again.
30 th January, 2021	The Hybrid Court of South Sudan established by IGAD.
28 th May, 2021	A renewal of the arms embargo was agreed on by the Security Council. The embargo currently expires on 31 st May, 2022

RELEVANT UN TREATIES, RESOLUTIONS AND EVENTS

Security Council Resolution 2428 (2018)

This resolution proposed an arms embargo on South Sudan, as well as travel bans on high-ranking individuals and posing repercussions for flagrant violations of the Agreement on the Resolution of the Conflict in South Sudan, such as sanctions. The embargo was initially to be enforced until 31st May 2019, however, it was renewed and extended twice; once until 31st May 2020, and the other on the same date in 2021.⁷

Agreement on the Resolution of the Conflict in South Sudan, 2015

This was an agreement reached after months of peace talks in Addis Ababa, Ethiopia between the two parties of the conflict. This resolution proposed a permanent ceasefire, as well as strategic reviews on security and the incorporation of IGAD's jurisdiction and mandate in the area. Although it was signed by both parties and IGAD, many of the guidelines had been breached by both sides, and consequently, they have faced sanctions.⁸

Security Council Resolution 2206 (2015)

This resolution introduced a sanctions regime for South Sudan in order to bring it to peace, however even after the civil war it is still in place after multiple renewals. These sanctions include a travel ban, asset freezes, as well as the administration of a sanctions

⁷ See Resolution 2428 (2018) Adopted by the Security Council at its 8310th meeting, on 13 July 2018, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2428.pdf

⁸ See THE ADDIS ABABA AGREEMENT ON THE PROBLEM OF SOUTH SUDAN, https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_720312_Addis%20Ababa%20Agreement%20on%20the%20Problem%20of%20South%20Sudan.pdf

committee/panel of experts to enforce the resolution's terms and to oversee the process in collaboration with IGAD.⁹

Security Council Resolution 2241 (2015)

This resolution adjusted the UNMISS mandate to compliment the recently implemented Agreement on the Resolution of the Conflict in the Republic of South Sudan. Along with the rising violence, UNMISS added a new "early warning" operation to its mandate, and it also formed a new collaboration with the National Constitutional Amendment Committee (NCAC), a committee which had a big role in the construction of peace agreements and ceasefires.¹⁰

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Unites Nations Mission in South Sudan (UNMISS)

UNMISS was originally established on South Sudan's Independence Day to protect civilians and to monitor the peace process in the region. During the civil war, around 85,000 civilians sought refuge and protection in UNMISS compounds across the country. UNMISS consists of troops, police and correction officers. The Security Council authorised the formation of 2 different task forces under UNMISS in 2014, namely the Intergovernmental Authority on Development (IGAD) and the Monitoring and Verification Mechanism (MVM).

Currently, UNMISS' mandate focuses on the protection of civilians, supporting and monitoring the implementation of the peace process, including ensuring peace between ethnic groups, and investigating claims on human rights violations and breaches of international laws.

However, there are many flaws in the execution of this mandate. The maintenance of peace heavily relies on governmental stability, and breaching military sanctions and arms embargoes significantly hinders this process. These factors should have been considered as part of the "monitoring the implementation of them peace process" aspect of the mandate, yet UNMISS failed to do so. Thus, adding on to their current efforts, the UNMISS must adjust their mandate and focus more on the most crucial part of this peace process which is the imposition of the current arms embargo.

POSSIBLE SOLUTIONS

⁹ See Resolution 2206 (2015) Adopted by the Security Council at its 7396th meeting, on 3 March 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2206.pdf

¹⁰ See Resolution 2241 (2015) Adopted by the Security Council at its 7532nd meeting, on 9 October 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2241.pdf

First and foremost, the UNMISS must investigate the violations of the previous arms embargo and report back to the UN Security Council, which should definitely push for a renewal of the arms embargo/remodeling and establishment of an improved embargo in light of the recent attacks on civilians. Continuous breaching of international law must result in mitigation in the ICJ.

Alternate methods to arms embargoes can be explored, such as the development of the Hybrid Court of South Sudan, which was mentioned and described in the Agreement on the Resolution of the Conflict in South Sudan in Addis Ababa. The African Union commission can enforce this in the region. This court should investigate and prosecute perpetrators of atrocities such as crimes against humanity, sexual and gender-based violence, and war crimes accordingly, with constant reference to the Geneva Convention, the Agreement on the Resolution of the Conflict in South Sudan, domestic South Sudanese law and any other international law. Its actions must also be closely coordinated with IGAD and the UN Security Council.

Taking into consideration the severe famine South Sudan experienced, measures must be taken to ameliorate economic conditions, focusing on the agricultural sector, and improve food security to reinforce community resilience and prevent conflicts between ethnic groups, which can escalate to conflict on a much larger scale, as seen with the civil war.

Reformations of the SPLA must be discussed with the basis of strengthening it enough to reconstruct it into a professional national army. With this, not only is there a well-structured security arrangement, but it also lessens the chances of division between the army due to ethnic lines in political crises. In general, South Sudan's state and non-state actors should be branched under the same umbrella of institutional culture.

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