



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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Weekly Review

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Threat of Sanctions against South Sudanese Leaders: What Implications?

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The conflict in South Sudan between the government of Salva Kiir and the opposition forces, led by former Vice President Riek Machar Teny, has undoubtedly escalated into a civil war. The two sides have so far failed to reach a negotiated settlement and have continued to cause death, destruction and much suffering of the civilian population, with tens of thousands dead and over a million people displaced from their homes. This has increased the frustration of the people of South Sudan and regional and international leaders who feel compelled to mediate or intervene in some fashion. South Sudanese frustration with the continued mayhem and the lack of obvious solutions has manifested itself in a variety of ways, including the increasing calls for political transitions that exclude the two leaders from power. For the world leaders the frustration was recently expressed through two strongly worded press releases that warned the warring factions against intransigence at the peace talks, continued civilian abuses and killings and against further machinations for a military solution to the wrangling.

The first statement came on March 29th 2014 from a number of Western countries that have been involved in aiding South Sudan's stabilization and development projects since 2005. The diplomatic missions of ten major Western Countries plus the European Union collectively issued a statement denouncing the government of South Sudan for a number of actions involving its accusations of the United Nations Mission in South Sudan (UNMISS) and its chief, Hilde F. Johnson. These countries also seem to feel that they have done so much for the people of South Sudan over the years and to see it all go up in flames is terribly disappointing. The other came on April 3rd, 2014 from the United States, by far the strongest ally and most financially and diplomatically invested in South Sudan's quest for freedom and state-building efforts, including the support for the referendum that delivered the young nation's independence in 2011, defense activities, and development programs.

These press statements, intended to be read as sign of a unified position by global powers, are both related to the elusive settlement of the four-month old conflict, condemning the slow pace of the peace talks taking place in Addis Ababa, Ethiopia, under the auspices of the East Africa regional body, the Inter-Governmental Agency on Development (IGAD). The US statement was an executive order from President Obama threatening sanctions against any South Sudanese leaders who appear to obstruct efforts toward peace and political settlement of the conflict. The releases also decry the reports of civilian killings by both sides, the warring parties' violations of

the cessation of hostilities agreement they signed on January 23rd, 2014 and the obstruction of humanitarian efforts that are aimed at assisting the close to one million internally displaced persons (IDPs) who are chased, trapped and rendered destitute by the conflict. The directives threaten imposition of sanctions, visa restriction and asset freezes for any individual leader who is proven to stand in the way of peace. This review weighs the impact of both the government's approach to the crisis and the current position taken by the Western countries.

How did the situation take the country from the position of enjoying such massive international goodwill to this point where it is facing a total write off by so many of its former supporters, all within two years? There have been two issues that are particularly the source of volatility of the relations between the government of South Sudan and these countries. The first is the worsening relations between the UNMISS and the government, which is fueled by Juba's suspicion that the world body is partisan in the conflict in favor of the rebellion. The second is what these countries see as intransigence on Juba side about the search for an inclusive peace process, especially the IGAD and US insistence on the involvement of the political detainees that were arrested at the beginning of the conflict but later released under US pressure. On the UNMISS issues, it started with the influx of IDPs to its camps in Juba following the outbreak of violence on December 15th, 2013, many of whom had been members of the national army and the government suspected they were sympathetic to the rebellion and their refuge in the UN camps and their refusal to return home were deemed as political decisions more than real fear for their lives at the hands of the government. So UNMISS was suspected of harboring former combatants. This escalated further when the SPLA, South Sudan's national army retook the town of Bor from the rebel movement and suddenly there were 5,000 IDPs inside the UN camp in Bor. When Michael Makuei Lueth, the Minister for Information and Broadcasting, tried to enter the UN camp to see who the IDPs were, a confrontation between him and the UN forces ensued over the minister's bodyguards who were barred from entering the camp with their guns, as per the UN regulation.

The minister took a serious issue with this incident, accusing UNMISS of harboring enemy combatants. The minister had a point in that there were no IDPs inside the camp when the rebels were holding Bor, but when the rebels were defeated and dislodged from the town, there was a sudden appearance of some 5,000 IDPs, giving the government the conviction that most, if not, all of these people sheltered by the UN were in fact combatants. The problem is that no matter what these people were and despite the suspicion, the government mishandled this incident by taking it immediately to the media. This was a diplomatic issue that needed a diplomatic approach and the government should not have allowed the Minister of Information to use it as a whipping post against the UN. Foreign affairs or the office of the president should have handled this through the usual channels such as the country's permanent delegate to the United Nations in New York. In fact, South Sudan had a better chance of grilling the UN if it had directly communicated with highest UN officials, instead of instigating popular protests against the UN in Juba, a course of action that actually brought quite a bit of negative attention on South Sudan and embarrassed the country a great deal. Now, with the threat of sanctions, it has gone beyond embarrassment.

Another incident relating to UNMISS was accusation that it attempted to deliver weapons to Riek Machar's forces in Bentiu when South Sudan security personnel seized control of an UNMISS convoy carrying an array of weapons inside shipping containers and were wrongly

labeled as construction material and food being delivered to its newly deployed Ghanian contingent. The Information Minister once again flew to Rumbek with television crew, filmed the weapons, and displayed them as the ultimate evidence that the UN had been supporting the rebels all along. There was no question the UN had violated its own protocol on weapons transfers, but it was a mistake, not a delivery to the rebels. Once again the government avoided the diplomatic channels, used the media to galvanize a nation-wide anti-UN protest, with many South Sudanese convinced to this day that the peace keeping mission was in fact a war-making mission against the people of South Sudan. But the countries that are now unhappy with Juba over these issues seem to have not taken the time to also understand that the situation is born of misunderstanding, not a deliberate attack on the UN. The investigations into the weapons suspicion have already revealed that the UN had no plans to supply the rebels with weapons and a dialogue to smooth out the misunderstandings would make sanctions threats pointless, at least in the case of the government.

The statements by the diplomatic missions and the executive order by President Obama have met with mixed reactions from the people of South Sudan, government, opposition and ordinary citizens alike. On the one hand, many ordinary people seem to think that it is about time world powers spoke up against the absurdity of this war, and that this move might raise the stakes for the warring parties and will probably prompt them to give peace a chance. In other words, many South Sudanese applaud these orders. On the other hand, there is skepticism about what any sanctions can actually accomplish, as United States sponsored sanctions in other parts of the world do not have a track record of bearing any desired fruits. There is fear that such sanctions, if they actually come to pass, would simply let the US authorities off the hook from taking responsibility to exert more meaningful pressures to end the conflict and would drive the government of South Sudan into further rogue behavior, having nothing more to lose once the sanctions take effect. They could drive Juba back into the bosoms of Omer Bashir's Sudan, a country that is already struggling under the weight of US sanctions but has not actually collapsed as was assumed it would. Such isolation might altogether remove the leverage that Washington currently holds over South Sudan and future pressures might be seen as empty threats.

The Ministry of Foreign Affairs and the Ministry of Information have issued statements in reaction to the executive order, both saying that any imposition of sanctions on the government would be totally unfair, given that Juba has been very open to peace. They have dismissed the threat of sanctions as pointless. They have also referred to the facts of the government's legitimate defense against an armed revolt and defense of democracy, both on which it should be supported to restore stability, not vilified. The government, however, seems to misunderstand the executive order as well. The order threatens to impose sanctions on individuals, not on South Sudan as a country, and yet these government responses are crafted in defense of the country against sanctions.

However, we believe that Juba remains the party that has the most to lose in terms of international isolation, and the real question now is whether these current threats would force it to try to moderate its approaches to peace, human rights, democracy and its relations with the international community, in order to avoid actual application of sanctions. Failure to react in more tangible ways that could assure Washington and other influential capitals such as London, Oslo and The Hague, that reforms are coming, would simply be a suicide attempt. This would be

more especially so if Washington also pressures its allies in East Africa to isolate Juba, and altogether choking the economic lifeline of South Sudan. How long South Sudanese leaders think that they could hold out in a pariah state is anyone's guess, but probably not very long. All the major service delivery projects that were jointly funded with donor countries might be put on hold, efforts to diversify the economy of the country have already come to a grinding halt, all the technical skills that were provided by foreign nations would be gone, not to speak of foreign investors that the government has been tirelessly trying to attract to the country, which is already unthinkable in this current war situation and would more likely be pushed even further away under sanctions.

Though the opposition may be just as susceptible to sanctions as the government, it does not actually have much to lose if sanctioned. Riek Machar is already holed up in Jonglei state and whatever assets he may have are already so hidden through aliases, distant relatives and children who are citizens of other countries and possibly bearing different last names, making it very hard to trace them. His fighting force is one that he claims control over when they score victory over the government forces but denies having anything to do with them when they commit horrific crimes of killing and abuse such as they did in Bor, Akobo, Malakal, Bentiu and Pariang. This makes it hard to pin these reports of violations on him personally, as there have been no credible investigations into their activities, other than the general description of destruction and atrocities contained in the recent report by Human Rights Watch, which has generically blamed both sides for these actions. But nothing in the actions of Riek and his group would absolve them of sanctions. When and if proper investigation and documentation are conducted, there is no question that they would be found to have committed atrocities just as unimaginable as the ones that they accuse the government to have committed in Juba. So shining the light of sanctions on Juba should not mean turning those lights away from the rebels.

About Sudd Institute

The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.

About the Author

Jok Madut Jok is a co-founder of the Sudd Institute. He is the author of three books and numerous articles covering gender, sexuality and reproductive health, humanitarian aid, ethnography of political violence, gender-based violence, war and slavery, and the politics of identity in Sudan.