

**AN ASSESSMENT OF THE UNITED NATIONS SECURITY COUNCIL MANDATE ON
PROTECTION OF CIVILIANS' POPULATION
A CASE STUDY OF SOUTH SUDAN CONFLICT 2013**

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DECLARATION

I **Kalugi Kellen**, declare that this Dissertation is my original work and has not been presented for a degree or any other academic award in any university or institutional of learning.

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APPROVAL

I certify that this Dissertation entitled: An assessment of the United Nations Security Council mandate on Protection of Civilians' Population has been done under my supervision and it is ready for submission to Kampala International University.

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DEDICATION

I dedicate this work to my wonderful and supportive family; my parents Mr. Esther Wilson for their unconditional commitment and support towards my entire life including the academic life, God bless you!

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A number of people have contributed both directly and indirectly at different stages of this study.
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LIST OF ABBREVIATIONS

ARCISS	Agreement on Resolution of the Crisis in South Sudan
AUGISS	African Union Commission of Inquiry in South Sudan
AUPSC	African Union Peace and Security Council
CEDAW	Convention of Elimination of all Forms of Discrimination Against Woman
CPA	Comprehensive Peace Agreement
CRA	Compensation and Reparations Authority
CTRH	Commission on Truth, Reconciliation and Healing
HCSS	Hybrid Court for South Sudan
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDPS	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IHC	International Humanitarian Law
NGO's	Non Governmental Organizations
POC	Protection of Civilians
R2P	Responsibility to Protect
SPLM/A	Sudan People's Liberation Movement/ Army
UN	United Nations
UNDR	Universal Declaration on Human Rights
UNMISS	United Nations Security Council Mandate in South Sudan
UNSC	United Nations Security Council

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Convention of Elimination of All Forms of Discrimination against Women, 1979

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International Convention on Civil and Political Rights, 1976

Ottwa Convention on Mercenaries, 1977

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ABSTRACT

The research analyzed the conflict situation in South Sudan; it stated that the conflict in south Sudan was between the Government of South Sudan Forces and the Forces loyal to former Vice President Riek Machar due to power struggles. The research further examined the civil war that happened before South Sudan obtained her independence. The main objective of the study was to examine the legal framework on protection of civilians' population in armed conflict. It also affected the effectiveness of law applicable to South Sudan. The applicability of international legal framework in South Sudan, notion of crimes against humanity, the national legal framework. It further analyzed the non-legal issues that arise of conflict situation and finally the research suggested possible recommendations and conclusions that can be useful in addressing the problem at hand. The research further stated that gross violation of human rights ranging from indiscriminate attacks against civilians for example sexual violence against women. The methodology adopted in the study was quantitative and qualitative strategies.

military barracks in the capital Juba on the evening of 15 December, initially among the presidential grounds. The SPLM/A which had integrated several armed groups and had never become a truly national army, rapidly disintegrated and what appeared to be a political crisis spiralled into fierce fighting involving; military armed groups, spreading across the country within days. In the days and weeks that followed killing and displacement of civilians have been occurring on a massive scale which led to a large number of South Sudanese to flee their homes since December 15. This conflict has been marked by failure of the government of Republic of South Sudan and as well as of the opposition forces to protect civilians from violence. Since the conflicts between the two parties who have directly attacked civilians .This made peacekeeping organization like United Nations Security Council to invoke Chapter VII in order to protect civilian under imminent threat. Therefore the research dealt with United Nations Security Council Mandate on protection of civilians in cases of internal conflicts with the emphasis on South Sudan conflict of 2013 and it also examined the state responsibility towards protection of civilians with compliance on legal principles of International Humanitarian Law.

1.1 Background to the Study

South Sudan, was part of Sudan before 9 July succession, it is a land locked country located in the east –central Africa region of north-eastern Africa.⁷ It is also part of the North Africa United Nations sub region, however in April 2016 it joined, East Africa community, South Sudan is bordered by Ethiopia to the East, Kenya to the South East, Uganda to the South, Democratic Republic of Congo to the South West, the Central African Republic to the West, Sudan to the North.⁸ South Sudan includes the vast swamp region of the suds formed by the White Nile, locally called the Bahr al job. It is governed on the basis of a decentralized democratic system and is an all-embracing homeland for its people .It is also a multi-ethnic, multi-racial cultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully coexist.⁹

The recorded challenges to the protection of civilians to the conflict in South Sudan can be traced back to 1962 approximately 57 years ago, when the Southern troops mutinied in Torit against the placement of their control under the northern administration on just a year before Sudan's independence. The history of South Sudan is punctuated by the battles that were fought and won

⁷South Sudan, the world fact book-CIA 11 july,2011,retrived on 2 February 2019.

⁸ Article1(3) of the national transitional constitution of the republic of south sudan,2011.

⁹ Sudan history; available at www.mongabay.com accessed on 21 February 2019.

and controls that were lost and regained, while Arabs Muslim (Northerners) and Africans Christians (Southerners) wrangled for control of this land. Sudan obtained their independence on January 1, under Provisional Constitution.¹⁰ This constitution was silent on two critical issues for Southern leaders that is the secular Islamic character of the state and its federal or unity structure. The Arab-led Khartoum government reneged on promises to Southerners to create a federal system, which led to annuity by Southern officers that launched 17 years of civil war (1955-1972).¹¹ Sudan has been at war itself for more than three-quarters of its existence which constantly attacked civilians who never received protection from the state. This has proved failure of state to protect its citizens in those conflicts, which has led to internal displacement of its civilians. Sudan as a nation has faced hostile presidents, like Colonel Gafar Muhammad who made empty promises to South Sudan for federal system but in vain because he just increased the conflict when he abolished the Southern region and declared Arabic as the official language which led to afresh conflict to occur again.¹² He was overthrown by general Umar-al-Bashir. This government was less responsive to concerns and grievances of both Muslims and non-Muslims which led the Arab to sympathy with the rebels led by people's liberation movement/army (SPLM/A) and prompted fighting again. The 1990's saw a succession of regional efforts to broken an end to succession of regional efforts to broker an end to Sudanese civil war. Beginning in 1993, the leaders of Eritrean, Ethiopia, Uganda and Kenya pursued a pursued a peace initiative for Sudan under the auspices of the intergovernmental authority.

In July 2002, the governmental of Sudan and slam/a reached a historical agreement on the role of state and religion and the right of South Sudan to self-determination, which was known as Machakos Protocol.¹³ On November 19,2004, the government of Sudan and SPLM/A signed a declaration committing themselves to conclude Comprehensive Peace Agreement by December 31,2014.The Declaration came into the context of an extra ordinary session of the United Nations Security (UNSC) in Nairobi, Kenya. At this session, UNSC unanimously adopted Resolution 1574, which welcomed the commitment of the government by the end of 2004, and underscored the international community's intention to assist Sudanese people and support implementation of

¹⁰ Background notes of Sudan by the department of united states of America http://m.state.gov/mc_36882.htm accessed on 23 February 2019.

¹¹Ibid.

¹² Sudan history available at www.mongabay.com accessed on 21 February 2019.

¹³ Article1(3) of the Machakos Protocol,2002.

the Comprehensive Peace Agreement. The 2005 Comprehensive Peace Agreement 2005 between the government of Khartoum and the SPML/A, government of national unity was installed in Sudan in accordance with interim constitution. In January 2011, the South voted in a referendum to succeed South. Ninety Eight percent of votes cast ballots for secession in mostly orderly and peace balloting.¹⁴ On July, 9 2011, the Republic of South Sudan officially was declared independent succeeding from Sudan.¹⁵ This period of peace in South Sudan was short lived when in December 2013, from the outset, the civil war was based on ethnic background between the dinky and neuritis started as a consequence of a political dispute within the ruling SPLM/A when the army integrants into two factions that is to say those who remained royal to president Silver Kiir and those who went with the former deputy Rick Machal.¹⁶ These internal conflicts led to massive killing of civilians because of their ethnic background. The conflict soon spread beyond Juba to Jangle, upper Nile and United States. This conflict directly attacked and affected civilians especially women and children due to the failure of the state to protect civilians. While estimates are inaccurate due to the access issues, some assert (as October 2015) that 1.6 million people were displaced inside South Sudan and more than 620000 are refugees in neighbouring countries.

The protection of civilians starts of the state itself, however the situation in South Sudan is different because as a nation, South Sudan which seen as a new country in the world failed to fulfil this obligation that is to say protection of civilians because it has constantly been at war with its self for more than 57 years partly because of the character of its presidents or ethnic and religious differences both the state and non-state actors have totally failed to protect civilians. This has raised the international community to respond in order to maintain peace and security by protecting civilians for example United Nations through its security council has established mandates and resolutions to protect civilians in South Sudan echo are under imminent threat.

¹⁴ Article 79 of National Interim Constitution of Republic of the Sudan,2005.

¹⁵ Background notes of Sudan by the department of states, United States of America. <http://m.state.gov/mc/36882.htm> accessed on 23 February 2019.

¹⁶ https://sites.turfs.edu/wpf/files/2017/05/wpf_Politics_African_peace_on_1_February_2019.pdf.

1.2 Statement of the Problem

While the protection of civilians in armed conflict starts with the state itself which is experiencing an armed conflict, South Sudan has proved otherwise due to her experience of three types of civil wars.¹⁷ Humanitarian Law permits and regulates the law on armed conflict and in situation where an armed conflict occurs in a state, the responsibility to protect civilians start with the state to the conflict itself and failure of state to protect its citizens, then responsibility to protect civilian population in an armed conflict then shifts to the international community.¹⁸ The law also permits and requires states to investigate and, if there is sufficient admissible evidence, to prosecute certain crimes under international humanitarian law based on universal jurisdiction, regardless of where those crimes are committed, nationality or location of the suspect irrespective of any specific connection to the prosecuting state.¹⁹

On the one hand, international community spoke out strongly against crimes of war and crimes against individuals. According to the prosecutors' investigations, international reports (especially those of the UN and of International NGO's), and the ICC Prosecutor revealed that this court only set out arrest warrants and no cases of serious war crimes and crimes against humanity to South Sudan conflict of 2013 are tried²⁰ and South Sudan authorities lack the will and/or the capacity to initiate investigations of international crimes that fall under the jurisdiction of the court.

On the other hand, insecurity and targeted attacks on aid workers make it difficult to deliver aid to all who are in need of it and although fighting has stopped better protection of civilians is still a large challenge in South Sudan.²¹ Thus to achieve a better protection of civilians, it is necessary to respect their individual human rights and to uphold and implement bill of rights in practice in South Sudan and to prosecute those who have committed crimes against civilians and civilian's

¹⁷The first civil war (1955-72) which was due to the empty promises made by the Arab-led Khartoum government on Southerners to create a federal system, the second civil war (1983-85) which was due to the desire by the northern government to transfer the south to the north and the third civil war was between the Southerners themselves; South Sudan conflict 2013.

¹⁸ Dan Kuwali and Frans Viljoen, *By all means necessary: protecting civilians and preventing mass atrocities in Africa* 2017, Pretoria University Press page 21.

¹⁹ Article of the Rome Statute.

²⁰UNHCR south sudan situation information sharing portal<https://data.unhcr.org/southsudan/country.php?id=2451>>accessed on 2nd May 2019.

²¹Ibid.

property in South Sudan conflict of 2013.²² The researcher found it difficult to determine the protection accorded to South Sudan civilians especially who are internally displaced in South Sudan and even those who are considered as refugees in neighbouring countries like Uganda. However the researcher was able to identify the means to solve problems but the researcher also encountered other problems such as lack of literature on the subject, lack of ability to ensure that the research findings reach the targeted audience hostility and ignorance of law among the South Sudanese.

1.3 Objectives of the Study

1.3.1 Main objectives.

The main objective of the study is to examine the legal framework on protection of civilians' population in South Sudan in the post-conflict of 2013.

1.3.2 Specific objectives.

- i. To examine the humanitarian crisis in South Sudan conflict with a view of highlighting the plight of civilians caught in the conflict.
- ii. To discuss the protection regime offered to civilian in the South Sudan conflict of 2013 by the united nation security council.
- iii. To discuss national frame work on protection of civilian in the South Sudan conflict 2013
- iv. To suggest the better ways of protecting civilians caught up in the South Sudan conflict 2013

1.4. Research questions

This study was guided by the following questions;

- i. How effective are laws applicable to South Sudan conflict of 2013?
- ii. How has the United Nations Security Council mandate protected the civilian population in South Sudan conflict of 2013?

²²UNHCR south Sudan situation information sharing portal<https://data.unhcr.org/southsudan/country.php?id=2451>>accessed on 2nd May 2019.

iii. How has the government of South Sudan protected its civilian in imminent threat during the South Sudan conflict of 2013?

1.5 Significance of the study

The findings of this study are important in that:

The outcome of the study is useful to the South Sudan government as it will help South Sudan to strengthen their security with aim of protecting its civilians especially in an armed conflict. The study is helpful to South Sudan judiciary since it's a fundamental body to implement the law and to prosecute individuals who commit crimes against humanity and war crimes in South Sudan. The study antiqued the application of the principles of IHC in the South Sudan conflict of 2013.

1.6 Scope of the study

1.6.1 Time scope

The study was conducted between January –April 2019, it included information from the year 1952-2018. this time is considered so that the researcher can gather useful information so that to fulfil the study

1.6.2 Geographical scope

The study was carried out in South Sudan protection civilian sites (POC) especially the most populated one in Juba and Melaka sites lack of a large number of internally displaced persons live there, and also of refugees in those camps at part of our community at KIU who are willing to provide me necessary information which I need to know about my study.

1.6.3 Subject scope

This study was aimed to identify the obligation of responsibility, the laws both international and national on protection of civilians in South Sudan conflict of 2013s.

1.7 Chapterization

The study was divided into five chapters. The first chapter focuses on general introduction. The second chapter focuses on the International legal framework on protection of civilian population. The third chapter focuses on National legal framework on protection of civilian population. The

fourth chapter focuses on the Non-legal issues affecting implementation of the law. The fifth chapter focuses on Summary of findings, Recommendation and Conclusion.

1.8 Literature Review

There is a lot of literature on the subject of civilian protection in armed conflict like South Sudan conflict 2013. The previously works on protection of civilians put much emphasis on united nations security council as its principal organ on maintaining peace and security in the world. literature view will only have an over view of the controversy regarding the protection of civilian by united nations security mandate in South Sudan conflict of 2013, since protection of civilians is also seen as maintain peace and security in the world.

Blanchard," the crisis in South Sudan" congressional research services, 9,2014, the article gives an over view of the crisis, the issues which led to the outbreak of violence parties to the conflict and what were their goals, and how the conflict affected crisis.²³

In the article, the author uses pictures, graphics, and maps for illustrations. The most part in his article which is useful to my research is the humanitarian situation that that is to say: how the conflict affects civilians, it states;

The protection of civilians is currently the primary humanitarian challenge in South Sudan and reports indicate that the security force are in many areas of South Sudan are divide or unable to provide security to the residents

The article assets that united nations peace keeping mission in South Sudan had its mission as state building but how ever times went when it changed its mandate to protect civilian in which it has faced challenges like limited capacity to protect civilians, although later UNMIS was later authorized by United Nations Security Council to protect civilians under imminent threat of physical violence.

Manmiya and hard early warming the protection of civilians and United Nations peace keeping operations, African security, review may 2018.²⁴

²³ Blanchard Lauren, The crisis in South Sudan <https://www.hsad.org/?view> and did accessed on 1 February 2019.

²⁴Civilian perspectives on peace keeping forces in south Sudan. International refugees right initiative December, 2015.

This article provides an over view of early warming mechanisms, how they have evolved and how they are used in peace keeping to protect civilians. The missions approach to early warming creating system in conjugating with over ranching national led initiative called the government of South Sudan conflict. The articles add on that response used in South Sudan conflict differs from other missions in Africa countries like democratic republic of Congo.

The articles add that protection of civilians derives its loyalty under international humanitarian law, which needs compliance to IHC principles like principle of destination. Non-compliance with IHC principals due to non-willingness of both state and non-state holders to respect the law. Most especially both state holders and non-state are unwilling to engage in treaty making process in order to solve their conflicts peacefully for example, On Dec 14, 2013, President Salva Kiir and his former deputy proposed a meeting to forget their differences but it failed which led to conflict 2013. The article provides resolution to enhance civilian protection like:

Ensure that humanitarian principles, especially good practice are shared more widely among peacekeepers, state holders and non-state holders.

Repeat the distinct roles and responsibilities of state and humanitarian organization. The United Nations Security Council must not use humanitarian action as an alternative to political solutions to conflicts.

The article further provides an over view on law available protection of civilians. The article starts with. It is not the absence of requiring and non-state parties to respect and civilians that is causing protection problems, but a persistent failure to comply with law,

Dan and Frans, by all means necessary protecting civilians and preventing mass atrocities in Africa states that protection of civilians is not only a moral imperatives to save lives but it is a legal obligation inssofar as it is rooted in human rights and humanitarian law obligation to prevent harm on endangered civilians and ameliorate their suffering in armed conflict.²⁵ He then adds that protection of civilians is also important of maintenance of international peace and security.

²⁵ Dan Kuwait and Frans Viljoen, By all means necessary; protecting civilians and preventing mass atrocities in Africa Pretoria university press 2010 page3.

That explains why the United Nations has adopted several resolutions on protection in armed conflict especially for the protection of women and children in situations of armed conflict.²⁶

Civilians are the mostly targeted rather than merely caught up in the most of fighting in conflict. High tools on human life and live heads of civilians and the responsibility to protect civilians starts with state to conflict itself, failure by the state to protect its citizens, the obligation shifts to the international community particularly United Nations Security Council.²⁷

Despite of the above text books and articles on protection in South Sudan, still protection of civilians in South Sudan still little due to little regard to the law on protection of civilians.

1.9 Research methodology

Methodologies are the means techniques and frames reference by which research approach and carry out scientific inquiries.²⁸ It is a plan action that clarifies the methods of tool among others things methods include: the questionnaire, interview Schuler and content analysis. This is to ensure collection of accurate information with detailed information since each of them would offset the weakness of the other.

1.9.1 Research design

The study was carried out using qualitative method to ensure in depth understanding of the role played by United Nations Security Mandate and state responsibilities on protection of civilian's population in case of armed conflict. This approach was preferred because it allowed in-depth with comprehensive investigation of the subject under study.²⁹ The study employed a case study type of research, and the method that was used included; questionnaire with content analysis which enabled collection of reliable or valid data. Case study was used because it allowed obtaining of comprehensive information about research object.³⁰ The information obtained was

²⁶UN S/RES/1265(2000) protection of women in armed conflict;UN S/RES/1612(2005) protection of children in armed conflict.

²⁷ Dan Kuwait and frans Viljoen, By all means necessary protecting civilians and preventing mas atrocities in Africa Pretoria university press 2010 page 20.

²⁸Olive M Mugenda and Abel G Mugenda Research methods qualitative and qualitative approaches African Centre for technology studies Nairobi, Kenya 2003 page 149(Brusher, 1980).

²⁹ (Palton1990).

³⁰ Busha and Hater (1980).

applied directly to the object of injury since the study focused entirely on the object in question.³¹ Thus presumption of civilian population is catastrophic to South Sudan as a country.

1.9.2 Population

The target population in this study was composed of mainly the local people population who are affected by armed conflict due to violence in their respective residence which led them to protection sites of United Nations.

1.9.3 Sample design

Purposely, sampling was employed to select respondents that were covered by this study. This strategy was selected because of its power to dig information rich in subjects' a wider study.³² The local population who were affected by South Sudan conflict of 2013 were considered to have knowledge about the root causes of the conflicts. This is why most of the local people in areas of internally displaced were included in the sample.

1.9.4 Instruments for data collection

Data was collected using both primary and secondary data methods. Library research was extensively used to collect information from the existing laws, journals, newspaper, textbooks, and use of internet and government documents to authenticate and/or refute information obtained from the primary source. Data collection was to analyze to determine the extent of civilian population in South Sudan.

1.9.5 Questionnaires

In the course of using this method, questionnaire was designed and delivering to the respondents in different parts of the country. The respondents were given a range of two weeks.

1.9.6 Field work arrangement

This research required travelling to South Sudan especially to protection of sites in Juba. Due to nature of the study which required cross borders travelling, field work was not possible. The research heavily relied on qualitative research which was conducted in an interpretative manner especially through internet (email)

³¹ (Busha and Hater 1980).

³² Palton (1990).

CHARTER TWO

INTERNATIONAL LEGAL FRAMEWORK REGULATING THE PROTECTION OF CIVILIANS IN ARMED CONFLICT OF SOUTH SUDAN CONFLICT 2013.

2.0 Introduction

This chapter analyzes the international legal framework that regulates the protection of civilians in armed conflict, like South Sudan conflict of 2013. This includes law on international humanitarian law and international human rights.

2.1 Responsibility to protect

The Global Centre for responsibility to protect was set up in 2008; it plays a major role in developing and promoting the concept of the ‘responsibility to protect’ (R2P), which it defines as follows:³³

The responsibility to protect is a principle which seeks to ensure that the international community never again fails to act in the face of genocide and other gross forms of human rights abuse. “R2P” as it commonly abbreviated, was adopted by heads of state and government at the World summit in 2005 sitting as the United Nations General Assembly.

The principle stipulates, first, that states have an obligation to protect their citizens from mass atrocities; second that the international community should assist them in doing so; and third, that, if the state in question fails to act appropriately, the responsibility to do so falls to that larger community of states that is to say acceptance by United Nations member states of their responsibility to respond in a timely and decisive manner through the Security Council, if national authorities are manifestly failing to protect their populations from those mass atrocities.³⁴ Those are called the core three pillars of responsibility to protect. R2P should be understood as a solemn promise made by leaders of every country to all men and women endangered by mass atrocities.”³⁵

The concept of R2P implies that if a state manifestly fails to comply with its obligation to protect its population from four particular crimes’, genocide, war crimes ethnic cleansing and crimes against humanity. The international community has a responsibility to take joint action to protect

³³ Article 3 of Fourth Geneva Convention 1949.

³⁴ Particularly Common Article 3 of fourth Geneva Convention.

³⁵ ICRC International Humanitarian law, Answer to your question, February 2015 at page 9.

the people in question. Such action can take various forms, it can also, as a last resort, involve the use of force, but only after the United Nations Security Council's authorization.³⁶ Although R2P is referred to sometimes as an emerging norm, it is not a binding legal obligation committing the international community but a political instrument³⁷ due to lack of legal framework on it, however R2P has been into existence for example United Nations Security Council established United Nations Mission in South Sudan by invoking chapter VII of United Nations character in order to protect civilians under imminent danger of conflict which occurred 2013 due to the failure to protect its civilians.

2.2 Application of international humanitarian law.

International humanitarian law is a major aim of law applicable in an armed conflict with protection of civilians in addition to other laws. It is a body of international law designed to prohibit certain categories of conduct in war commonly viewed as rules of engagement and committing of various atrocities and to make perpetration, war crimes, crimes against humanity as well as the crimes of genocide against civilians.³⁸

2.3 The four General Conventions of 1949.³⁹

This is another body of law applicable to this study which forms an important contribution to written international in humanitarian law. It applies to protection of civilians both international armed conflict and non-international armed conflict.

Common article 3 applies to armed conflicts not of an international character occurring in the territory one high contracting parties.

In case of *Prosecutor v Kardic and Cerkes*, where it was held that an armed conflict is said to exist wherever there is a resort to an armed force between, government authorities and organized armed conflict, whether it is international armed conflict or non international armed conflict.⁴⁰

³⁶ Ibid.

³⁷ Dan Kuwali and Frans Viljoen, *By all means, necessary, protecting civilians and preventing mass atrocities in Africa* Pretoria University Press, 2017, page 21.

³⁸ Ian Chand Vohrah et al (eds), *man's inhumanity to man: Essays in honour of Antonio Cassese*, International Humanitarian Law Series (2003) vol 5.

³⁹ <https://www.un.org/en/genocide-prevention-war-crimes/> document pdf accessed on 1st April 2019.

⁴⁰ Case No. IT-95-14/2 Trial Chambers.

2.3.1 The Additional Protocol I & II 1977

Those are considered as additional to four general convention 1949. The two conventions relate to protection of victims of international and non-international armed conflict. The law conventions expand protection for civilian population as well as military and civilian medical workers in an armed conflict.

Article 50⁴¹ defines a civilian as any person who does not belong to one of the categories of persons who are prisoners of war,⁴² members of other militias and members of other volunteer corps,⁴³ members of regular armed forces,⁴⁴ and inhabitants of non-occupied territory.⁴⁵ The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the civilian the status of a civilian population.⁴⁶

The two conventions gave out principles for a party to conflict must follow in abide to protect civilians, these include; principle of distinction, principle of proportionality, principle of precautionary, principle of necessity and principle of humanity.⁴⁷

2.4 The punishments for crimes against humanity under humanitarian law.

The four Geneva Conventions of 1949 do not identify any penalties for violations arising under these treaties but merely outlaw acts that qualify as “grave breaches” that is war crimes. These early attempts at prescribing international crimes did not explicitly provide a clear list of possible penalties or proper any guidance regarding what penalty scheme would be acceptable.⁴⁸ Instead, tribunals and courts could resort to any penalty scheme deemed just including, frequently, penalties of death.⁴⁹

⁴¹ Article 50 of Additional Protocol to Geneva Convention.

⁴² Article 4 A1 of Third Convention.

⁴³ Article 4A2 of the Third Convention.

⁴⁴ Article 4A3 of the Third Convention.

⁴⁵ Article 4A6 of the Third Geneva Convention.

⁴⁶ Article 50(2) of Additional Protocols I, 1977.

⁴⁷ ICRC, International Humanitarian Law, Answer to your question, February, 2005 page 6.

⁴⁸ Walker, Nigel (1991) why punish? Oxford, UK! Oxford University Press.

⁴⁹ Geneva Convention 1949.

The International Tribunal shall have the power to persecute persons committing grave breaches of the Geneva convention of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention, namely;

Wilful killing.

Torture or inhuman treatment, including biological experiments.

Wilfully causing great suffering or serious injury to body or health.

Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly.

Compelling a prisoner of war or a civilian to serve in the forces of hostile power.

Wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial.

Unlawful deportation or transfer or unlawful confinement of civilian.

Taking civilians as hostages.

The international criminal court has prosecuted cases, in which it further identified as crimes against humanity as stated below.

The ingredients for crime against humanity were discussed in the case of Prosecutor V Blaskie.⁵⁰ The appeal chamber considers that the jurisdictional prerequisites for the application of the article 2 of the statute have been exhaustively considered in the jurisprudence of the international tribunal and only the relevant aspects will be restated here. In order for the International Tribunal to prosecute an individual for grave breaches of the Geneva Conventions under article 2 of the statute, the offence must be committed, interalia;

In the context of an international armed conflict; and

Against persons or property defined as protected under the Geneva Conventions.

⁵⁰ Case No. IT-95-14-A (Appeals Chamber).

Prosecutor v Brdjanim.⁵¹ There are four preconditions to the applicability of the article 2 of the statute;

The existence of armed conflict;

The establishment of a nexus between the alleged crimes and the armed conflict;

The armed conflict must be international in nature; and

The victims of the alleged crimes must qualify as protected persons pursuant to the provisions of the 1949 Geneva Conventions.

Furthermore, it was discussed in case of Prosecutor V Simic, Tardic And Zarix,⁵² in this case, it was stated a precondition to the applicability of Article 2 is the existence of an armed conflict in the territory where crimes are alleged to have occurred a further precondition to the applicability of article 2 is the existence of a nexus between the crimes alleged and the armed conflict, for example of a sufficient link between them. “The jurisprudence of the tribunals has established two further requirements for the application of article 2 of the statute;-

It must be demonstrated that crimes occurred in the context of an international armed conflict.

The victims of crimes must qualify as protected persons under the applicable provision of the Geneva Conventions.

Crimes against humanity and genocide have been clearly outlawed in treaties and many domestic legal systems since the late of 1940's., for example the 1948 UN Convention on the prevention and punishment of the crime of genocide in Rwanda which entered into force on January 12 1951, does not specify what measure of punishment is appropriate for crimes defined under the Convention.⁵³

⁵¹ Case No.IT-99-36-7 (Tribunal Chamber), May 12 1994 Para 721

⁵² Case No. IT-95-9 (Tribunal Chamber), May 12, 2003 Para 105-106.

⁵³ The 1948 UN Convention on the prevention and punishment of the crime of Geneva.

There is no specific punishment for crimes provided in the convention, although death penalty has been discharged by most nation-states and is prohibited penalty before the modern international tribunals including ICTY and ICC. Rather, under the governing statutes, individuals convicted of crimes before these tribunals will be transferred to a cooperating state that has signed an agreement with the respective tribunal for the purpose of enforcing sentence.⁵⁴

Rule 145 of ICC rules of procedure and evidence provide some measure guidance determining sentences.⁵⁵ First, rule 145 states that the court shall “bear in mind that the totality of any sentence of imprisonment and fine, as the case may be imposed under article 77 must reflect the culpability of the convicted person. Next rule 145 mandates that the court “balances all the relevant factors including any mitigating and aggravating factors and consider the circumstances both of the convicted person and the crime”. The court is further admonished to consider the following factors, although they are not specifically labelled as either mitigation or aggravating factors, the extent of damage caused especially in relation to victims and their families and many others.⁵⁶

2.5 The position of International Humanitarian law in South Sudan.

South Sudan is bound by the fourth Geneva Convention of 1949 and two additional protocols of 1977 as well as Ottawa Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and their destruction.⁵⁷ South Sudan has signed but not yet ratified the statute of the international criminal court.

South Sudan has signed a number of legally binding international agreements concerning the armed conflict all of which entered into force upon signature.⁵⁸ Most of the agreements contain provisions on international humanitarian law in particular on the protection of civilians. In addition to international treaties, South Sudan is bound by customary rules of international

⁵⁴ Ference Z, Benjamin, (2000) the experience of Nuremberg in Dinah Shalton (ed), International Crimes, Peace and Human rights, The Role of the International Criminal Court.

⁵⁵ Mamdani. M(2007 “the politics of naming genocide civil war, insurgency,” London review of books, march 8, 2007.

⁵⁶ Schabas, William A. An introduction to the International criminal court (2001).

⁵⁷ Ratified on 1 January, 2013 and Ottawa Convention was ratified on 24 January, 2013.

⁵⁸ Convention of Elimination of all Forms of Discrimination Against Women ratified on 3 September 2014, Convention against Torture and other Cruel, Inhuman or Degrading Treatment ratified on 4 December 2013 and Convention on the Rights of Child ratified on 23rd January 2015.

humanitarian law, answers to law.⁵⁹ These include rules relating to internal armed conflict, many of which have evolved as a result of state practice and jurisprudence from international, regional and national court as well as pronouncements by states, international organizations and armed groups.⁶⁰

The core of these customary rules is contained in article 3 common to Geneva Convention of 1949. It encapsulates the most fundamental principles related to respect for human dignity, which are to be observed in internal armed conflict.⁶¹ These principles and rules are binding upon any state as well as any opposition groups that have attained some measure of organized structure and effective control over part of the territory.⁶²

2.6 United Nations and peace building in South Sudan.

The conflict in South Sudan, which started in 2013, was declared as atrocities and unlawful killing of civilians by the UN Secretary Generals special advisor for the prevention of genocide Adama Dieng on 11, October 2017.⁶³ From December 2013, up to 2019, there is no action that has been taken to follow suit against person liable for crimes against humanity.

The UN in abide to preserve and protect international peace has deployed different missions in the region.⁶⁴ On 9th July 2011, in adopting resolution 1966 (2011), situation faced by South Sudan continued to constitute a threat to international peace and security in the region and established united nations mission in the republic of South Sudan (UNMISS) to consolidate peace and security and help establish conditions.⁶⁵ Following the crisis which broke out in South Sudan in December 2013, the Security Council, by its resolution 2155, (2014) of 27 May 2014, reinforced UNMISS and reprioritized its mandate towards the protection of civilians human

⁵⁹ ICRC International Humanitarian Law, answers to your questions, February 2015 page 5.

⁶⁰ Robertson Godfrey, (2002) QC Crimes Against Humanity. The Struggle for Global Justice.

⁶¹ ICRC, international humanitarian law, answers to your question, February, 2005 page 5.

⁶² Ibid.

⁶³ Adama Dieng, the UN secretary general's special advise for the prevention of genocide speaks at press conference in Bangui, central African republic October 11, 2017, <https://wwwvoarews.com>archive>, UN official: peacekeepers in south Sudan not international force accessed on 26th June 2019.

⁶⁴ UNMIS (United Nations Mission in Sudan, monitoring the implantation of the CPA, which was signed in 2005 between the government of Sudan and SPLA/M and UNMISS (united nation as mission in south Sudan which was to support and preserve in new recognized state of south Sudan.

⁶⁵ UNMISS first mandate in south Sudan, <https://peacekeeping.un.org/pdf>accessed on/ March 2019>.

rights monitoring and support for the delivery of humanitarian assistance and for the implantation of the cessation of hostilities agreement.⁶⁶

The UN also authorized the UNMISS to investigate and report of human rights in South Sudan.⁶⁷ In abide for UNMISS to respond to the obligation, it establish POC sites especially in areas largely affected with conflict.⁶⁸

2.6.1 International criminal court in peace building in South Sudan.

South Sudan is not a party to the international criminal court (ICC) and therefore ICC does not have jurisdiction over crimes committed during the ongoing conflict.⁶⁹ United Nations Security Council has to first ICC to persecute under Article 13(b) of the Rome Statute “a situation in which one or more of such crimes appears to been committed by the Security Council under Chapter VII of United Nations.” The Amnesty International and along with South Sudanese civil society, have been calling for the establishment of accountability mechanism in South sedan since the outbreak of South Sudan of 2013.⁷⁰ The organizations are calling on the UN and African (AU) commission and South Sudan government to urgently establish the proposed hybrid court for South Sudan (HCSS).⁷¹ “Thousands have been killed. Women raped, entire villages destroyed and humanitarian personnel attacked. But as world attention has focused on ending the fighting in South Sudan, accountability for violations that could amount to war crimes and crimes against humanity have to be put on the back burner” said Netsant Belay, Amnesty International’s Africa Director for Research and Advocacy.⁷²

Shortly response after the outbreak of violence, the intergovernmental Authority for development (IGAD) initiated a mediation effort in order to secure a ceasefire and political settlement to

⁶⁶ Sieran wills, International responsibility for ensuring the protection of civilians Oxford University Press page 225 acting UNMISS change mandate to protection of civilians in armed conflict, <http://www.un.org/en/peacekeeping/missions/> mandate.

⁶⁷ Ibid.

⁶⁸ Areas like Jonglei, Juba.

⁶⁹ South Sudan signed but did not ratify ICC <https://ijrecenter.org/wp-content/uploads/2017/documents-signed-by-South-Sudan-accessed-on-1-May-2019>.

⁷⁰ <https://www.Hrw.org/news/2017>.

⁷¹ Ibid.

⁷² Ibid

crisis.⁷³ The agreement provides for the establishment of three national level institutions to guide the transitional justice and national reconciliation program moving forward: the Hybrid court for South Sudan (HCCS), commission on truth, reconciliation and healing (CTRH) and compensation and reparations authority (CRA)⁷⁴

Hybrid Court for South Sudan, comes to play although not yet implemented in South Sudan due to the government to object war crimes court.⁷⁵

The peace agreement signed by both parties in August 2015 provides for the formation of the court to investigate and prosecute those bearing criminal responsibility for the atrocities, but little progress has been made towards setting it up.⁷⁶

The hybrid court, which will combine elements of both domestic and international law and be composed of personnel from South Sudan and abroad. Currently represents the most viable option for ensuring accountability for crimes committed during the conflict, as well as for deterring further abuses.

“Justice must not be delayed any further. Fresh violations should give added impetus to efforts to form the hybrid courts.”⁷⁷

In the briefing, the organizations make recommendations to ensure the court effectively achieves accountability in accordance with international fair trial standards.

These priorities include.

Establishing an investigating branch to ensure evidence is collected and preserved in appropriate manner.

Establishing an independent victims and witness protection unit.

⁷³ Intergovernmental authority in development (IGAD) 2015 agreement on the resolution of the crisis in South Sudan (ARCISS) available at <https://www.sudantribune.com/spip.php?article56093>.

⁷⁴ Ibid.

⁷⁵ South Sudan’s information minister Michael Makciei Leath, spokesperson of the South Sudanese government, addresses a news conference during South Sudan’s negotiation talks in Ethiopia’s capital Addis Ababa, by Dimo Silva Aurelio October 3, 2018 01:52 pm. <https://www.voanews.com/article/south-sudan/ethiopia-addis-ababa/4609313.html>. Accessed on 26th June 2019.

⁷⁶ Ibid

⁷⁷ <https://www.sudantribune.com/spip.php?article566093>.

Establishing that victim's rights to participate in the proceedings are guaranteed, the inclusion of South Sudanese judges and staff on the court and exclusion of the death penalty as possible sentence.

They also recommend that if security concerns prevent the court from being based in South Sudan. It should at least be located within the region of Africa.⁷⁸

Nonetheless, until now, the hybrid court has just remained on paper. This is because the government of South Sudan still objects to it, thus hardest test of the effectives of IGAD whether the peace agreement have contributed to post conflict peace building and reconciliation.

2.7. Application of international human rights law in South Sudan conflict 2013.

South Sudan is bound by a number of international treaties on human rights. These include the universal declaration of human rights (UNDR), The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) The Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and Convention on Rights of Child (CRC). As a state party to these various treaties South Sudan is legally bound to preserve, protect and fulfil the Human Rights of those within its Jurisdiction,⁷⁹

2.7.1 The Gross Human Rights Violations in South Sudan

Based from the signing of 2015 peace agreement and from December 2013 since the outbreak of civil war. Human Rights Watch has documented scores of arbitrary arrest and detention, beatings, and torture as well as numerous cases of enforced disappearance and extrajudicial killing, mostly by government forces in the content of counter insurgency operations, but also crimes by opposition forces.⁸⁰ Both sides also continued to forcefully recruit children to train and fight despite of ratification on the convention on Rights of Child.⁸¹ In March 2016, government

⁷⁸ Ibid.

⁷⁹ Report of the International Commission of inquiry on South Sudan to the United Nations Secretary General, p.4.

⁸⁰ Human Rights Watch, update December 15. 2017 <https://www.humanrightscommission.southsudan.inquiry> accessed on 26th June 2019.

⁸¹ Ibid.

forces carried out killing, enforced disappearances, rapes and other grave abuses against civilians' belongings to Nuer Tribe in Equatorian ethnic group.⁸² In refugee camps in northern Uganda in May 2017, researchers heard from South Sudanese refugees that government forces indiscriminately fired into civilian settlements in the Equatorian religion during counter insurgency operations, killing many civilians. These attacks forced over a million South Sudanese to abandon their homes and livelihood and flee across the boarder.⁸³

In the opinion of the Human Rights Watch in South Sudan to the researcher these amount to crimes against humanity.

⁸² Ibid.

⁸³ Ibid.

CHAPTER THREE

THE NATIONAL LEGAL FRAMEWORK OF SOUTH SUDAN

3.0 Introduction

Sudan has international human rights standards incorporated in its constitution that also mandate legislative reforms to reconcile existing laws with international obligations. The South Sudan's constitution of 2011 has an integration of all the rights and freedoms enshrined in the human rights instrument ratified into the Bill of Rights.⁸⁴ The 2005 Comprehensive Peace Agreement (CPA) on which the 2011 South Sudan's constitution is based requires the government to respect, uphold and promote human rights primarily enshrined in the bill of rights of South Sudan's constitution. The 2005 Comprehensive Peace Agreement also requires the introduction of legislative reforms to eliminate and amend laws that are in contradiction with the bill of rights.⁸⁵

3.1 South Sudan's Constitution 2011

This is the supreme law of South Sudan that provides for the protection of human rights as seen below;

Part two of South Sudan's constitution is entitled "Bill of Rights." Article 9 reads as follows;

The Bill of Rights is a covenant among the people of South Sudan and between them and their government at every level and a commitment to respect and to promote human rights and fundamental freedoms enshrined in this constitution; it is the cornerstone of social justice, equality and democracy.

The rights and freedoms of individuals and groups enshrined in this Bill of Rights shall be respected, upheld and promoted by all organs and agencies of government and by all persons.

⁸⁴ [www.ohchr.org/EN/Countries/AfricanRegion/pages/accesseedon 21st/april.2019](http://www.ohchr.org/EN/Countries/AfricanRegion/pages/accesseedon21st/april.2019) shows a list of instruments south Sudan has so far ratified.

⁸⁵ These include the significant amendments. Criminal procedure act of 1991, and law armed conflict standards is not included satisfactorily in Sudan's legal framework although the fundamental human rights are provided for but are not respected.

All rights and freedoms enshrined in international human rights treaties covenants and instruments ratified or acceded to by the Republic of South Sudan shall be an integral part of this Bill.

The Bill of Rights shall be upheld by the Supreme Court and other competent courts and monitored by Human Rights Commission.

The following articles 10 to 34⁸⁶ of the Bill of Rights provides for the protection of respectively, the right to life, and human dignity, personal liberty, sanctity from slavery and forced labour, equality before law, the rights of women and children, sanctity from torture, the rights to a fair trial the right to litigation and restrictions on the death penalty. The Bill of Rights also provides the right to privacy, freedom of religion and worship, freedom of expression and media freedom of assembly and association and media freedom of movement and residence and the right to own property. Further, it protects the right to education, the rights of persons with special needs and the elderly, public health acre, ethnic and cultural communities, and sanctity of rights and freedoms.

There is no doubt that the provisions of the Bill of Rights are the most elaborate and significant ever provided in any constitutional document in the history of the Sudan.

The South Sudan constitution 2011 contains provisions on a state of emergency, declaring that while part of the Bill of Rights may be suspended,⁸⁷ the protections of rights to life, prohibition on torture, right to non-discrimination, and the right to a fair trial may not be limited.⁸⁸ In the exercise of this right granted under the South Sudan constitution, the president Salvar Kiir declared a state of emergency in states like Jonglei, unity and upper Nile states, however this declaration did not specify which provision of the Bill of Rights it purports to suspend.⁸⁹ This

⁸⁶ South Sudan's Constitutional 2011.

⁸⁷ Article 9 (3) of south Sudan's Constitution 2011.

⁸⁸ Article 100 of south Sudan's Constitution 2011.

⁸⁹ <https://eyeradio.org/nla/approaves-declaration/accesseed on 1st may 2019>, President Salvar Kiir declared a state of emergency with effect from 1st Jan 2014 following the political crisis that broke out on 15th December which was approved by the National Legislative Assembly of south Sudan.

meant that the parties to the South Sudan inflict had to respect the civilians and civilian property with the individual rights mostly the right to life which is the most fundamental human right.⁹⁰

The South Sudan Constitution provides that international human rights treaties are integral part of Bill of Rights, it is important to refer to the international treaties to ascertain the extent which South Sudan's constitution is being implemented.⁹¹

South Sudan as a UN member state is subject to oversight of various UN human rights bodies including Human Rights Council and its universal periodic review and thematic special procedures.⁹² As a party to special universal human rights treaties South Sudan's policies and practices are monitored by UN treaty bodies. It has accepted the following treaties;

3.1.1 Convention against Torture and other Cruel, Inhuman or Degrading Treatment

This convention was ratified on 4 December 2013⁹³. Freedom from torture and other ill-treatment is universally recognized human right. The absolute prohibition of torture and other ill-treatment is a rule of customary international law that is binding all nations irrespective of whether or not they have signed the convention, but the convention,⁹⁴

Article 1 (1) of the Convention against Torture defines torture as follows:

Torture means any act by which source pain or suffering, whether physical or mental, is internationally inflicted on a person for such purposes as obtaining from his or her or a third person information or a confession, punishing him/her for an act or any reason based on discrimination of any kind, when such person or any suffering is inflicted by or at the instigation of or with the consent or other person acting in an official capacity.

⁹⁰ United National Human Rights Committee General Comment No. 6 on the right to life (Article 6 of UNDR) 30 April 1982 Para 6.

⁹¹ Article 9 (2) of south Sudan Constitution.

⁹²<https://ijrcenter.org/wp-content/uploads/2017/11/South-Sudan.pdf>.Accessed on 1st May 2019, International Justice Centre.

⁹³<https://eyeradio.org/south-sudan-ratifies-un-convention-against-torture/> accessed on 1st May 2019

⁹⁴ ICRC international humanitarian law, answers to your questions.

South Sudan, by signing the convention against torture has legally committed itself to refrain acts that would “defeat the objects and purpose of the treaty.”⁹⁵ The prohibition of torture and other ill-treatment is enshrined in South Sudan constitution of 2011⁹⁶ and even still this right cannot be derogable

3.1.2 Convention of Elimination of all Forms of Discrimination against Women

This convention was ratified on 3 September 2014.⁹⁷ The convention adopted by UN General Assembly in 1979 defines what constitutes discrimination against women and commits member states to set up an agenda to a citation to end such discrimination.⁹⁸ The ratification of CEDAW is so relevant in South Sudan because it provides a legal framework of family laws including not limited to age of marriage and combating sexual and gender-based violence.⁹⁹ A human report provides that discrimination against exist in South Sudan and ratification of CEDAW will obviously not take that away at the strike of a pen; said Ms. Kabiti,

“It remains to be seen how the convention will be directly applied in courts and other legal systems, especially given that customary law is widely practiced in South Sudan”¹⁰⁰

It is still evident in South Sudan 2013, Neur’s women were targeted, “most of women married to a Neur tribe husband are in fear of being targeted and killed due to the share in their husband’s ethnic identify.”¹⁰¹

3.1.3 Convention on the Rights of Child

This convention was ratified on 23rd January 2015.¹⁰² The convention provides that fulfil the human rights of all children. The rights enshrined in the convention include: right to life to

⁹⁵<https://reliefweb.int/report/document/doc/pdf> accessed on 1st May 2019.

⁹⁶ Article 18 of South Sudan Constitution.

⁹⁷<https://reliefweb.int/report/south-sudan-ratifies-cedaw-convention>.

⁹⁸ Article 1 of CEDAW.

⁹⁹<https://reliefweb.int/report>.

¹⁰⁰<https://reliefweb.int/report/south-sudan-ratifies-cedaw-convention> accessed on 1st May 2019.

¹⁰¹<https://www.10m.int/news/>” if we leave we are killed: lessons learned from south Sudan protection pdf.

¹⁰²<https://www.reliefweb.int/report>.

health to education as well as the right to family life, to be protected from violence to not be discriminated against, and to have their views.

Since the conflict began, 709 incidents grave child rights violations have been reported affecting more than 26,000 children including an estimated 12,000 children being recruited and used by armed force.¹⁰³ UN special representative of the secretary general for children in armed conflict

In 2005, UN Security Council Resolution 1539 established a monitoring and reporting mechanism to systematically monitor, document and report on six grave violations committed against children during her visit to Sudan in July 2014, emphasized that recruiting and using children in conflict has a devastating impact on their lives and undermines the future of the country.¹⁰⁴ This is so undermines the rights as children that is to say right to be with the families.

Most of international human rights have not yet been ratified by South Sudan, since May 2013 when the council of minister approved a human rights package of the following international regional treaties;

International covenant on civil and political rights 1966, International covenant on economic, social and cultural rights 1966, convention governing the specific aspects of refugee problems in Africa, international convention on all forms on racial discrimination,¹⁰⁵ since explains why most fundamental rights are not respected and also most of South Sudan are based on racial discrimination for example South Sudan 2013 was majorly based on ethnic background of Dinka and Neur;¹⁰⁶

3.2 The right to life and physical integrity are protected by South Sudan criminal law 2008.¹⁰⁷

The act prohibits murder (article 206-212), bodily injury and intimidation (chapter XVIII), offences related to rape and other sexual offences (chapter XIX) and kidnapping, abduction and

¹⁰³ A humanitarian country team in south Sudan: a protection. Strategy: <https://www.hat-protection.strategy/south-sudan.pdf> accessed on 5th may 2015.

¹⁰⁴ Joint press release by SPSG, CAAC, UNMISS, and UNICEF “government of south Sudan recommits to action plan to end recruitment and use of children,” 24 june 2014.www.unicef.org/media/73922.html.

¹⁰⁵ <http://www.re lief>Int.report>south>sudan>>has not ratified>international convention.

¹⁰⁶ Blanahard Lauren, the crisis in south sudan<https://www.hsd.org/>? view, accessed on 1 Feb 2019.

¹⁰⁷ Penal Code Act, 2008 www.nuhavia-foundation.org/en/legal-instruments/6/Penal-Code-Act-of-south-Sudan

violation of personal liberty Chapter XXX.¹⁰⁸ Monitoring of the activities done during South Sudan 2013, none of the provisions of South Sudan penal code was respected, because civilians were killed in large numbers, bodily injury was the order of the day, which led most of them seeking protection under civilian sites established by UN and others ruling to neighbouring countries as refugees like Uganda.¹⁰⁹

3.3 The Sudan people's Liberty Army Act 2009, provides for establishment, governance and discipline of the SPLA.¹¹⁰

It establishes a system of military justice for both criminal and disciplinary offences and provides that criminal offences are adjudicated by military courts.¹¹¹ However it also provides for exclusive jurisdiction over crimes committed by SPLA member against civilian.¹¹²

It is important to note that although the act provides punishment of crimes committed by SPLA member against civilians, the SPLA members continued to attack civilians and civilian's property which led to massive death of most of civilian.¹¹³

¹⁰⁸ Ibid.

¹⁰⁹ <https://www.un.org/en/peacekeeping/missions/mandates.htm>/accessed on 1st Feb 2019.

¹¹⁰ Particularly section I of Sudan People's Liberty Army 2009.

¹¹¹ Section 30 of Sudan People's Liberty Army 2009.

¹¹² Ibid.

¹¹³ Section 31 of Sudan People's Liberty Army 2009.

CHAPTER FOUR

NON-LEGAL ISSUES AFFECTING THE IMPLEMENTATION OF LAW

4.0 Introduction

This chapter addresses the non-legal issues affecting the implementation of law on protection of civilian's population which led to international humanitarian violation such as displacement of people, threats to humanitarian programmers'. The non-legal issues affecting the implementation of law are based on social, political, and economic factor as analyzed below;

4.1 Non-Compliance of law

One of the authors states that it is not absence of law requiring state and non-state parties to armed conflict to respect and protect civilians that is causing protection problems but rather a persistent failure to comply with those obligations.¹¹⁴ While, ideally, new rules and existing rules are well elaborated to enhance protection or clarify issues, there does not appear to be willingness among parties to the conflict both states and non-states actors to engage in treaty-making process to bring out peace and in any case there is no guarantee that any new instruments would be more protective than existing law¹¹⁵. South Sudan is party to four Geneva Convention and its additional protocol, which regulates the hostilities between parties and conduct during armed conflict¹¹⁶ for example principle of distinction between combatants and civilians both state and non-state actors did not comply uphold or respect to law which led to massive killing of civilians and civilian's property.¹¹⁷

4.2 Ethnic Division among the South Sudan people's.

Maintaining social cohesion among the more than 60 ethnic groups in South Sudan has been challenge in implementation of law in South Sudan on protection of civilians.¹¹⁸ Ethnicity has often been manipulated to foster discord when it served political interests. Unresolved discord among numerous groups has assisted this and indeed, many communities have a long history

¹¹⁴ Eva Svoboda and Emanuela Chiara Gillard. Protection of Civilians in Armed Conflict. Brinding the gap between law and reality. 2018, p.3

¹¹⁵ Ibid.

¹¹⁶ Article 3 Common to the Geneva Conventions.

¹¹⁷ Conflict in South Sudan 2013, <https://unmiss.un> mission org sites files pdf accessed on 1st May 2019.

¹¹⁸ Conflict in South Sudan 2013, <https://unmiss.un> mission org sites files pdf accessed on 1st May 2019.

conflict.¹¹⁹ Of note, ethnically targeted killings between the Neur and Dinka in the current conflict of 2013 has revived memories of the Bor massacre of 15 November 1991, when an estimated 2000 DINKA civilians in Boer were killed by Neur fighters from Mr. Machar's SPLA-Nasir faction with the help of armed Neur youth known as the White Army.¹²⁰ These ethnic division muchly manifested with the idea of political struggle, and if a Dinka or Neur takes the president most times favours' his own tribe which led to discrimination based on racial which led to destruction due to the failure to respect the right against discrimination enshrined in the South Sudan's constitution as right to equality before the law¹²¹ and right to ethnic and cultural communities.¹²² Even if it is not clearly showed that South Sudan conflict 2013 was based on ethnic background but reports provides that conflict was on ethnic differences.¹²³

4.3 Governance of Army Official that is say SPLA

The dominant position of the SPLA and its ambiguities' role in all aspects of life in South Sudan has led largely to non implementation of law on protection of civilians' population.¹²⁴ The SPLA was formed out of the loosely organized guerrilla movement that fought the civil war after independence; it was expanded with various armed militias. The SPLA has dominated every critical aspect of life in South Sudan beside the military establishment, notably the government and the SPLM.¹²⁵ The establishment of SPLA act 2009, which gives SPLA jurisdiction on crimes committed against civilians has led to serious issues because of most key officials of SPLA are not punished because they are judges and also the executives.¹²⁶ This has seriously undermined governance and state institutions making it difficult to establish the rule of law.

Further, a look of professionalism and proper training in SPLA, coupled with weakness in command and control, has made accountability difficult, in contract other governance

¹¹⁹ Ibid.

¹²⁰ Background notes of Sudan by the department of United States of America <https://m.state.gov/mc36882/htm> accessed on 23 February 2019.

¹²¹ Article 14 of South Sudan Constitution.

¹²² Article 33 of South Sudan Constitution.

¹²³ For example report established by UNMISS on June 2012 on human rights violations in south Sudan especially Jonglei states. <Https://unmiss.unmissions.org/portals/unmiss/human%20Rights%20Reports/June%202012.JongleiReport.pdf>. Accessed on 1st May 2019.

¹²⁴Background notes of Sudan by the department of United States of America <https://m.state.gov/mc36882/htm> accessed on 23 February 2019.

¹²⁵ Ibid.

¹²⁶ Ibid.

institutions has been much weaker, with little ability to demand accountability of the SPLA. The International law enforcement and justice systems suffer from a serious lack of capacity and South Sudan has a long history of impunity for past crimes.¹²⁷

4.4 Impact of South Sudan Conflict of 2013 in South Sudan

As in the case in many conflict, non-implementation of law in armed conflict, led to humanitarian violations which are against humanitarian law and international human rights for example key scenarios is that women, children, disabled and the elderly have been inevitably victims of the military confrontations between SPLM/A and forces of Rick Machal. The socio-economic fabric of society was seriously affected during the destruction of villages and the looting of property and livestock during raids by warring factors.

Further the crisis has exposed civilians to human rights violations and abuses war crimes and crimes against humanity often targeting people based on their ethnicity.¹²⁸ Extrajudicial killings, enforced disappearances, rape and other acts of sexual violence, arbitrary arrests and detention, targeted attacks against civilians not taking part in hostilities, violence aimed at spreading terror among the civilian population, and attacks on hospitals and schools have been reported.¹²⁹ The conflict has also been characterized by the destruction of civilian property including villages, hospitals, schools and markets; separation of families, arbitrary restrictions of movement, the blocking of access to goods and services and the looting and destruction of humanitarian property.¹³⁰

The conflict has had a multiplier effect on pre-existing protection risks and threats, exacerbating vulnerabilities and the impacts on communities and individuals.¹³¹ The most vulnerable have suffered the brunt of violence, which is often fuelled by harmful cultural and social attributes that

¹²⁷Conflict in South Sudan.

¹²⁸ Conflict in south Sudan, SPSG on SVC remarks at the UN security council briefing on the situation in south Sudan, “ 22 October 2014, <https://www.aljazeera.com> new. Accessed on 20 April 2019.

¹²⁹ South Sudan Protection Cluster Protection Trends Analysis, October 2014; UNMISS conflict in south Sudan; a Human Rights Report & May 2014. <https://www.conflict-in-south-sudan.org/human-rights-report/> Accessed on 1st May 2019.

¹³⁰ Ibid.

¹³¹ Ibid.

contribute to an environment that is unsafe for civilians especially women and children.¹³² Prior to the crisis, the justice system was weak or non-functioning an impunity was persuasive, the situation has further aggravated in 2013 conflict because it has done nothing to prosecute individuals guilty of war crimes and crimes against humanity due to belligerent of the government officials which delays progress towards peace and reconciliation.¹³³

Displacements, this includes civilians who are internally displaced in South Sudan and refugees in neighbouring countries. Those civilians move away from conflict areas especially when they move in states with several or shifting front lines and numerous formal and informal armed groups, such as Unity, Upper Nile and Jonglei.¹³⁴

The report shows that one year after the conflict approximately 1.9 million people have displaced from their homes of whom 1.45 million include South Sudan and about 480,000 as refugees to neighbouring countries.¹³⁵ Over 100,000 people have sought refuge from attacks in protection of civilians (POC) sites located UNMISS based, many of whom have lived there four months and feel unable to return home or move on to other locations due to ongoing violence and insecurity.¹³⁶

¹³² Ibid.

¹³³ [https://reliefint.org/report/peace making agreement/](https://reliefint.org/report/peace-making-agreement/)>south Sudan accessed on 2nd April 2019.

¹³⁴ [https://helprefugees.org.new](https://helprefugees.org/new)>conflict in south sudan. Accessed on 2nd May 2019.

¹³⁵ UNHCR south sudan situation information sharing portal. <https://data.unhcr.org/southsudan/countryphp?id=251>. Accsed on 2nd May 2019.

¹³⁶ Ibid.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter deals with the summary of findings, conclusion and recommendations of the study.

5.1 Summary of Findings

South Sudan as a new state in the world has suffered for about 57 years ago, its situation has a state must remain at the centre of intention attention.¹³⁷ The state has been living at a nightmare of violence and abuse that has stripped the citizens of South Sudan very little they had. Thousands of civilians including the army officials were killed, women were raped, villages were burned, home destroyed, belongings looted and most of survivals of conflict are taken as slaves to other countries like Asian countries.¹³⁸ About 2million were forcibly displaced and became refugees, or internally displaced persons.¹³⁹ The need protection, which must be very organized with efficient means, although resolution 2155 deemed protection of civilians on UNMISS mission's top priority, UNMISS mission has limited capacity to protection civilians and data attacks by opposing armed groups.¹⁴⁰ The POC sites are direct targets of attack and militia groups continue to attack civilians.¹⁴¹ The mission has been forced to prioritize the immediate task of protecting persons seeking rather than devote resources to addressing the broad security situation in South Sudan and accessing other communities at rise who constitute much larger numbers of civilians than those within POC sites.¹⁴² Furthermore, despite the UNMISS military presence, the POC sites remain vulnerable to outside attacks. For example in April 2014 attack on the base in Bor Jonglei states, armed civilians and militia elements have penetrated the bases and murdered

¹³⁷ South Sudan got her independence on 9 July 2011, but before her independence it had to engage into two civil wars (1955-72 and 1983-85) in order to get her independence northern Sudan. South Sudan, the world fact book CIA 11, July 2011.

¹³⁸Conflict in south Sudan. A Human Rights Report 8 May 2014.<https://www.conflict>south sudan>/UN/docilral>. accessed on 1st May 2019.

¹³⁹ Ibid.

¹⁴⁰ Evaluation of the Implementation and Results o f Protection of civilians mandate in United Nations Peacekeeping operations.

¹⁴¹ Ibid.

¹⁴²Mulan and hunt note, "...changing a UN operation."

civilians.¹⁴³ These attacks have motivated responses which target the credibility of UNMISS for instances, the government officials have blamed UN Troops for provoking attacks and harbouring rebels in the POC sites provoking government forces to act in self-defence; which has undermined the ability of UN Troops to guarantee peace and security for civilians.¹⁴⁴

UNMISS could no longer rely on this consent when the violence in the December 2013 broke out and the government became a belligerent in the conflict. Since then, the Sudan People's Liberation Army has committed violations to the status of agreement through acts of harassment, coercion, physical assault, arrest and the detention of UN personnel.¹⁴⁵ The government of South Sudan and its armed forces plus the opposition groups has also obstructed delivery of humanitarian assistance.¹⁴⁶

War crimes, crimes against humanity require an active engagement from international community, African union, created AU Peace and Security Council (AUPSC) created the commission of inquiry on South Sudan (AUGISS) on December 30 2013, to investigate alleged atrocities by both government was concluded in late 2014, which was planned to be released in January 2015, but the report was held back for six months after its release, AU issued out arrest warrants on Salva Kiir among its member states, when Salva Kiir was requested to be arrested by any president of any member states.¹⁴⁷ Further the report had issues to do with prosecution of war crimes and crimes against humanity but no court has been established to dealt with the cases.¹⁴⁸

¹⁴³ From peace building mission to one focused on the protection of civilians is a radical departure from anything that UN has attempted in nearly six decades of peacekeeping "Mulan and Hunt, 2014.

¹⁴⁴ BBC world service. Hard talk: Hilde Johnson. UN special representative in south Sudan, February 2014: <https://www.bbc.co.uk/programmes/po0ncfx> accessed on 4th May 2019.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ The AU commission of inquiry on south Sudan to undertake its first field mission + Juba "African union press release, April 22, 2014 and see also John Tanza and KariaZeitvogal" African union finally releases report on south Sudan atrocities July 24, 2015; failure by President Museveni to arrest President Salva Kiir on visit to Uganda.

¹⁴⁸ African union concludes war crimes and crimes against humanity were committed in south Sudan. <https://www.fidh.org/en/region/african/southsudan/African%20Union.concludes-war%20crimes.%20crimes%20against%20humanity>. Accessed on 15 may 2019.

Establishing peace and ending violence in South Sudan are essential for improving protection of civilians. Although recently President Salva Kiir has resigned from the office of the president due to the role of pope who endured to establish peace and stabilized relations between Salva Kiir and Rick Machal still violence and demonstrations are occurring South Sudan due to the leadership of army official, therefore there is a need to re-shift leadership in South Sudan.¹⁴⁹

The South Sudanese justice system has unfortunately demonstrated that it is unable or unwilling to investigate and prosecute the alleged perpetrators of the war crimes and crimes against humanity.¹⁵⁰ It is absolutely essential that those perpetrators be brought to justice before a competent and credible international criminal court. It is also important that the victims of the crimes committed in South Sudan must be compensated.¹⁵¹

The researcher further finds that government officials and SPLM/A army officials and opposition groups are responsible for violations which would amount to war crimes and crimes against humanity. The impacts of the attack on civilians show that the use of military force was manifestly disproportionate to any threat posed by the rebels. In addition, it appears that such attacks were also intended to spread terror among civilians so as to compel them to flee the villages. These constitute international humanitarian law violations.

5.2 conclusion

Chapter one gave the introduction on the concept on protection of civilian by peacekeepers in the world for example united nations, discussed the background of South Sudan and her civil wars, it experienced before the independence in 2011, their effects, civil wars imposed on South Sudan and its citizens.

The chapter stated the problem of the study, objectives of the study, research questions, and scope of the study. The chapter also stated the significance of the study, also analyzed the literature review on the subject examined, the literature was then related to the facts identified

¹⁴⁹ Pope Francis meets South Sudan President Salva Kiir during a private audience at Vatican, Saturday, March 16 2019 <https://www.africanews.com>>2009/03/19 accessed on 1 May 2019.

¹⁵⁰[https://www.10m.int>news>if we leave we are killed;lessons learned from South Sudan protection pdf.](https://www.10m.int/news/if-we-leave-we-are-killed;lessons-learned-from-South-Sudan-protection.pdf)

¹⁵¹Ibid.

during the course of the study. The chapter ended by describing the methodology that was adopted during the whole of the study.

On the basis of the discussion made the following conclusions were made namely:

Protection of civilian population is not handled expeditiously because of several factors including, lack of definition of protection of civilians in the international and national legislation. The valid conclusion drawn from those studies is that the prolonged and non- protection of civilian population is a phenomena which causes internally displaced persons in South Sudan.

5.2.2 Chapter two gave the introduction on international legal framework on protection of civilian in an armed conflict.

Discusses the definition of civilian based on Geneva Convention 1949 and its additional protocol 1977. The International Convention which South Sudan is party to, the international response and peace building in South Sudan.

The chapter also analyzed the applicable international human rights convention to South Sudan. The chapter further analyzed the gross violation of human rights. The conclusion drawn from this chapter is that peace building in South Sudan with the aim to create peace and safe protection of civilians is very slow in implementation due to failure to implement the hybrid court to investigate crimes against humanity and punish the law violators.

5.2.3 Chapter Three gave the introduction on the national legal framework on protection of civilian in South Sudan.

This is not well settled in the South Sudan national legal framework on provision of civilian protection, it was well concluded that the provisions which provide for bills of rights as considered as provision of protection of civilians due to the need to respect their human rights. The national legal framework included the South Sudan Constitution 2011, the Penal Code Act, 2008 and SPLA Act.

5.2.4 Chapter Four gave the non-legal issues affecting the implementation of law.

Which are social, economic, and political in nature and also provide for the impact of South Sudan conflict on South Sudan which includes displacement, rape, sexual violence and many others.

Based on this chapter, the researcher concluded that war crimes and crimes against humanity were committed during South Sudan conflict of 2013.

5.3 Recommendations

In abide change the situation South Sudan, the following recommendations suggest some policy intervention and change in ways of practice at national and international level. The recommendations are focused on improvement of institutional response to war crimes and crimes against humanity particularly in Jonglei state.

Government of South Sudan should implement the following recommendations;

Efforts to protect civilians must enhanced UNMISS capacity should be strengthened, notably the additional troops authorized by the Security Council must be urgently deployed.

A credible legal framework must be established in South Sudan. The capacity of judicial institutions and of law enforcement should be enhanced and their independence respected. Should the government prove unwilling or unable to pursue genuine accountability, a special or hybrid tribunal with international involvement should be considered.

South Sudan's security apparatus, including the SSNPS and SPLA, must be reformed and restructured to ensure that they operate under constitutional order and in accordance with international best practice.

Such reform efforts should include a vetting process that ensures these institutions are led and staffed by suitably qualified personnel, and exclude alleged perpetrators of serious human rights and humanitarian law violations. Such reform and restructuring should include the establishment of special police units to investigate sexual violence, in accordance with international standards.

The authorities must protect human rights agendas and the media as guaranteed under the constitutional and international law.

The African union commission of inquiry should compile information to assist in identifying perpetrators of human rights and humanitarian law violations, and make recommendations on credible mechanisms to promote accountability reconciliation and healing; such mechanism should include South Sudanese civil society. South Sudan should undertake a process of national reconciliation to reduce inter-communal tension and create a climate conducive to the return of those displaced.

REFERENCES

Textbooks

Dan Kawali and Frans Viljoen, “By all means necessary;” “Protecting Civilians can preventing mass atrocities in Africa.” Pretoria University Press, 2017.

Eva Svoboda and Emmanuel-Chiara Gillard, “*Protection of civilians in armed conflict, bridging the gap between law and reality.*” 2018.

Ian Brownlie “*Principles of Public International Law and Reparation for Injuries,*” Oxford University Press, 6th Ed, 2005.

ICRC, “*International Humanitarian Law, answer to your question,*” February, 2005.

Malcom Shaw, “*International Law,*” Cambridge University Press 6th Ed, 2017.

Olive M Mugenda and Abel G. Mugenda “*Research methods qualitative and quantitative approaches,*” *African centre for technology studies* Nairobi, Kenya 2013.

Sieian Wills, “*International responsibility for ensuring the protection of civilians,*” Oxford University Press. 2005.

Sohabas William A. “*An Introduction to the International Criminal Court*” (2001) Cambridge University Press, 7th Ed, 2018.

United Nations (2014) “Resolution 2155, Security Council expands the mandate of UN Mission in South Sudan,” 27 May 2014.

Articles

Blanard, “*the crisis in South Sudan*” congressional research services, 9, 2014 accessed on 1 February 2019.

Manmiya and hard “*Early warming the protection of civilians and United Nations Peace Keeping Operations, African Security,*” Review. May 2018 accessed on 1 February 2019.