

**THE UNITED NATIONS AND HUMAN RIGHTS ENFORCEMENT: A CASE STUDY
OF SOUTH SUDAN**

BY

CATHERINE KIDEN GAITANO MARKO

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DECLARATION

I, Catherine Kiden Gaitano Marko declare that this research dissertation on “The United Nations and Human Rights Enforcement, South Sudan” is my original work and to the best of my knowledge, has not been submitted for any award at any academic institution.

Student's Name: **CATHERINE KIDEN GAITANO MARKO**


Reg. No: **1163-06014-05820**

Signed:

Date: 15/5/2018

APPROVAL

This research dissertation on “The United Nations and Human Rights Enforcement, South Sudan” has been done under my guidance and Supervision as an academic Supervisor and is due for submission to Kampala International University in Partial fulfillment of the requirements for the award of a Bachelor’s Degree in International Relations and diplomatic studies.

Signature:  Date: 15/5/18

Supervisor: DR. TARABINAH, WILFRED MBARRY

DEDICATION

I dedicate this piece of work to the Almighty God who has enabled me to carry out research successfully and my beloved parents for their endless support both financially and morally without forgetting my dear brothers. May the Almighty God bless you all.

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CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

This chapter presents the background to the study, statement of the problem, the purpose of the study, objectives of the study, research questions and assumptions, scope of the study, significance of the study, the justification of the study and the operational definitions of terms and concepts as applied to suit the context of the study.

1.1 Background of the Study

“Human rights and fundamental freedoms are the birth right of all human beings according to Crawford, (2002)” and since 1948, this principle has been generally accepted in international instruments and has contributed to the substantive development of international human rights law for promotion of both individual and universal human rights. But still, individuals and groups around the world continuously become victim of human rights violations.

Crawford, (2002) argues that the United Nations was created in 1945 with an aim of bringing harmony to the world through taking a common approach to many of the problems that the world was facing. Based in New York the world body has become instrumental in the world as it has been helping the world to take a common approach to most of the problem that have been affecting peace and stability in the world.

Alston (1999) noted that the United Nation has been one of the most important bodies in the world that have worked to ensure that there is peace and tranquility in the world. It has been looked upon by most poor nation for promotion against oppression. The UN has been intervening in various instances in the world especially where the life of humans is directly touched. It has been intervening in wars to bring peace, in hunger to bring food, in disease to bring medicine, and in other instances. In order to function properly, the UN has formed several bodies which have been assisting it to carry out its functions properly. There have been many areas that the body needs to address and therefore it has found it necessary to form other bodies which acts like its agencies.

Amartya (1999) argues that the UN has formed the Security Council which is the main body that makes the decision for all major intervention that the body has to take. It has formed the UNDP which is concerned with development of the world. The world health organization is the agency of the UN which is mandated with carrying out various activities that promote the health and wellbeing of the people. The United Nation Food Programs is an agency that has been mandated with carrying out various activities that are aimed at ensuring that there is no hunger in the world. UNICEF is the agency of the UN that has been given the mandate of looking after the affairs of the children. These are some of the bodies that help the UN to carry out its function properly in order to eliminate all forms of suffering in the world.

Anaya (2004) stresses that the south Sudanese Civil war began on the evening of 15th December 2013. at the meeting of the National Liberation Council meeting at Nyakuron, when Opposition leader Dr. Riek Machar, Pagan Amum and Rebecca Nyandeng voted to boycott the Sunday December 15, 2013 Meeting of the National Liberation Council (NLC). President Salva Kiir ordered the Sudan People's Liberation Movement (SPLM) Major General Marial Ciennoung, Commander of the Presidential Guard (The Tiger Battalion) to leave the meeting venue and return to the barracks to disarm the troops.

After disarming all ethnicities within the guard, Marial ordered that the Dinka members be re-armed. His deputy from the Nuer ethnicity, began to question this order and a fight ensued when surrounding officers saw the commotion. The Nuer soldiers also re-armed themselves. Fighting erupted between the Dinka elements of the Presidential Guard and the Nuer elements. This lasted from Sunday night until Monday afternoon. Civilians casualties began when the Dinka elements of the SPLM began targeting Nuer civilians in the capital city of Juba.

President Salva Kiir has called it a coup attempt and announced that it had been put down the next day. but fighting again erupted on 16 December and spread beyond the capital. Juba to the region around Jonglei which is prone to ethnic conflict. Early estimates stated that at least 1,000 people were reported to have been killed and over 800 other people were injured in Juba but this number has now been cited to be much higher than initially, though as Human rights Watch articles cites eye witness accounts of large numbers of bodies in Juba on December 17, and their removal in trucks to an undisclosed location on December 18.

Ramcharan, (1989) argues that in response to the above, the human rights system of the UN has been playing a private role in the world in promoting human rights. There have been many instances where the Charter has come up with strategic interventions in conflict hit areas. This has been evidenced in South Sudan where it is recorded that millions of individuals in South Sudan have been massacred in the intensive fighting between the government and rebel fighters.

1.2 Statement of the Problem

South Sudan gained independence in 2011 after a referendum in which its people voted overwhelmingly to secede from Sudan. Independence was the culmination of a long armed struggle waged by South Sudanese starting in the mid 1950s. There are two phases of the armed struggle. However, two years after independence, South Sudan was plunged into deadly conflict pitting forces loyal to President Salva Kiir and against the armed opposition led by Riek Machar. The conflict continues unabated after a peace deal signed in August 2015 collapsed in July 2016. The inadvertent consequence of the collapse of the peace agreement has resulted in the birth of new armed groups that are opposed to the government. Subsequently, South Sudan continues to dominate the agenda of the United Nations Security Council due to its war-induced fragility.

The human person being the central subject of peace and development and all human beings having the responsibility for establishing peace and achieving development individually and collectively, taking into account the need for full respect for human rights and fundamental freedoms to practice tolerance and to live together in peace with one another as good neighbours, human community needs to concentrate all out efforts that aim at the constant improvement of the well-being of the entire population and all individuals on the basis of the benefits resulting therefrom.

In this regard, the world peoples need to raise a single voice against any activity of unworthy conflict, terrorism and war and in favour of universal peace and development, and that voice is absolutely a single voice of millions and millions of people around the world with a single vision and mission of achieving ultimate peace and development of the world people as a whole. Therefore, to confirm continuous peace and development worldwide it is imperative to make the world free from terrorism and war.

Despite several efforts put in place to address human rights violations, the instances of human rights violations are legion and they do not paint a picture of a world in which human rights are respected. A cursory glance is sufficient to highlight the abuses sustained by women, children, refugees and prisoners. According to United Nations (2015), it was revealed that in 2001, some 3.000.000 children under the age of 18 years are thought to be fighting in conflicts round the world. It is further noted that approximately 5000 children are involved in South Sudan conflict. While 14 million children are refugees or internally displaced within their own countries as a result of conflicts, 1 million children are South Sudanese. UNICEF estimated that some 12 million children under the age of five die every year from preventable disease; some 10.3 million young people between the age of 15 and 24 years have AIDS or are HIV infected, there are 5,00,000 to 8,00,000 orphans in South Sudan alone through AID and it was estimated that that figure would have risen to 1.5 million by 2015 (UN, 2015).

Unfortunately, the above scenario of human rights violations around the world has remained unchanged. Moreover, the numbers of victims and areas of human rights violations is increasing day by day in an alarming manner. The denial of human rights is not only an individual and personal tragedy, it also creates conditions of social and political unrest sowing the seeds of violence and conflict within and between societies and nations and as such as a result of work of government, non-government, national, regional and international organisations around the globe human rights transcend national boundaries and jurisdiction and thereby go beyond the jurisdiction of a particular nation's public law.

It was against this background that the study seeks to examine the role of UN in promoting human rights particularly in South Sudan.

1.3 Objectives of the study

1.3.1 General Objective

To assess the role played by UN in promoting of Human rights in conflict situation particularly in South Sudan

1.3.2 Specific Objectives

- i) To assess the role played by the UN in for promoting human rights in Juba, South Sudan
- ii) To establish the challenges faced by the UN in promoting human rights in Juba, South Sudan
- iii) To suggest the solutions to overcome the challenges faced by UN in promoting human rights

1.4 Research Questions

- i) What is the role played by the UN in the promotion of human rights in Juba, South Sudan?
- ii) What are the challenges faced by the UN in promoting human rights in Juba, South Sudan?
- iii) What are the solutions to overcome the challenges faced by UN in promoting human rights?

1.5 Scope of the Study

1.5.1 Geographical Scope

The study was carried out in South Sudan since it experiences a serious humanitarian crisis. South Sudan neighbors Uganda in the north, it also neighbors Ethiopia in the West and Central African Republic in the South.

1.5.2 Content Scope

The study was carried out with a purpose of identifying the need for promoting human rights in Juba, South Sudan, establishing the possible ways and norms for promoting human rights and assessing the criteria of human rights promotion in South Sudan. The study further targeted all the gender groups in the United Nations (UN) organization and various stakeholders of various social standings and economic status from both rural and urban areas, elites and non-elites in South Sudan.

1.5.3 Time Scope

The study focused on the period of 2013 up to date. The time period was purposely selected since it was during that time gap that the South Sudan had been affected with this conflict. The study covered a period of three months and took place from February to April 2018 because of the nature of exercise that was undertaken in gathering, editing and processing data.

1.6 Significance of the Study

It is expected that when this study is carried out and accomplished successfully, it will enable policy makers and other agencies to be aware of the role played by UN in promoting human rights in conflict situations.

The study will also serve as a future data base for further researches that will be carried out as researchers can draw data from the findings on the UN in the promotion of human rights in conflict situations.

This study will highlight and inform the government on the challenges, strength and weaknesses of their activities in promoting human rights in conflict situations and prepare them for various expectations in the field. This will also enable them to assess and establish new roles, principles and policies in accordance to the dynamics of conflicts. The researcher and others interested in the field will venture into the expectations, pitfalls of the military in promoting human rights, make recommendations and gauge when and how other actors in the international system can complement.

The significance of the study is to equip students, researchers, conflict resolution actors with the skills and knowledge about the role of the UN in conflicts which has greatly shifted from solely protecting human rights to encompass humanitarian activities and promoting of human rights

Furthermore, this study will act as the basis for other researchers who intend to carry out a study in the same field of international relations, conflict resolution, peacemaking and peace keeping and the role of UN in such conflict situations in terms of promoting and protecting human rights

A study into the roles of the UN in promoting and protecting human rights in Juba, South Sudan will be of benefit to the state and all the concerned institutions, non-governmental organizations, churches, individuals, donors and other actors in the international relations field.

The study intends to analyze and give solutions to the changing range of social problems arising from violent conflicts, with the objective of improving the conditions of life of individuals who compose the society.

1.7 Definitions of key concepts

Human rights

Human rights are moral principles or norms that describe certain standards of human behavior, and are regularly protected as legal rights in national and international law (Pogge, 2000). They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being," and which are "inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status.

United Nations (UN)

The United Nations (UN) is an intergovernmental organization established on 24 October 1945 to promote international co-operation (Nickel, 2006). A replacement for the ineffective League of Nations, the organization was created following the Second World War to prevent another such conflict.

Conflict

Conflict refers to a state of opposition, disagreement or the pursuit of incompatible goals or interests by different groups and is linked to struggle over scarce resources or values. Conflict may be characterized by physical, military or mental violence. They take place within a social structure and it involves the use of power to attain some goal and to neutralize resistance (Priscilla & Hayner, 1994).

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

The study reviews literature from various scholars on the major variables of the study which included; the need for promoting human rights in Juba, South Sudan, the possible ways and norms for promoting human rights, the criteria of human rights promotion in South Sudan, mechanisms for promoting human rights, theoretical framework and related studies.

2.1 Theoretical Framework

2.1.1 The Interest Theory Approach

The interest theory of rights was first proposed by Bentham (1987) who argued that a person has a distinctive human right when others have duties which protect one of that person's interests. Thus, viewed from the perspective of the interest theory of rights, "human rights takes their role to be to protect a person's basic interests." (Pogge, 2007:186) This constitutes the most fundamental interpretation of human rights within the liberal democratic ideological framework alluded to in the introduction, falling within the theoretical parameters of what Meckled-Garcia and Cali (2005:10) refer to as the 'normative rights model' (NRM) which "identifies features or aspects of our humanity which contribute to our well being and which are vulnerable to the actions of others."

The interest theory of rights therefore seeks to safeguard these features or aspects of our humanity by protecting a citizen's rights against wrongdoing from another citizen within the same social, political and judicial framework. That it is to say that if, for instance, it is in one's interests to not to be physically assaulted then, as far as the interest theory is concerned, it is the responsibility of both the individual and the state to ensure that this does not happen lest the basic interests of another individual be impinged upon. Moreover, there is, as Meckled-Garcia and Cali (2005:11) declare, "no principled difference is made between individual and collective." This is in direct

contrast to international human rights law (IHRL) where only the state can impinge upon the basic human rights of individuals or groups of individuals living within that sovereign state.

As a consequence, we can see that the first and most prominent drawback to the interest theory of rights is that there exists such a wide divergence between theory and practice; between the interpretation of the rights and responsibilities of the individual citizen versus the interpretation of the rights and responsibilities of the sovereign state. This is to say that while the interest theory of rights brings to the fore important concepts relating to the synthesis of the values pertaining to liberty, community and mutuality – concepts which Francesca Klug (2000) refers to as values for a ‘godless age’ – it falls of short establishing important criteria with regards to who these rights apply to (the rights holder), who these rights impose duties upon (the duty bearer) and what exactly these duties entail. Therefore, we can see that, rather than seeking to impose values for a godless age, interest theories relating to rights merely help to perpetuate the misunderstanding and the misconception of the ideal of human rights so that the definition, interpretation and subsequent implantation of rights remains an ideological and theoretical quagmire (Cali and Meckled-Garcia, 2005:1-9). As a result, we can deduce that the first and most prominent failure of the interest theory is that it does not address the concept of establishing a universal concept for human rights and that it fails to address the question of what human rights are and how they are best protected. Addressing the moral aspect of human rights at the expense of the broader legal and judicial imperative only ensures additional questions will be raised as to the purpose of rights as a social, cultural and political ideal.

We can also declare that the interest theory of rights is, in its bid to politicise every sphere of human relationships and human interaction, wholly incompatible with international human rights law because “international law, by its nature, contains traits which alter the nature of human rights provisions” (Meckled-Garcia and Cali, 2005:23). That is to say that, as a branch of international law, international human rights law is distinct from domestic law of sovereign states that act as the defining means of arbitrating power between individuals on a state by state basis. Yet, as is the case with all law, human rights law clearly and identifiably differs when the concept is transferred from territory to territory; state to state. Human rights in the United Kingdom are, for instance, an inherently different moral concept from human rights in the United States where the boundaries between the legal and the illegal are set by democratically elected domestic governments.

Likewise, there are distinct judicial differences between domestic human rights law and international human rights law, certainly in the application and exaction of these laws on a worldwide basis.

Morsink, (1999) cites that according to the view of the interest theory approach, “one has a right just when one has an interest that grounds a duty for another moral agent” and “the principal function of human rights is to protect and promote certain essential human interests.” The functions of legal rights are, according to MacCormick, to express various degrees as in liberty, claim and power-right of promotion of the interest of an individual

Nickel. (1993) also mentions that they argue that securing human beings' essential interests is the principal ground upon which human rights may be morally justified. Therefore, the interests approach is primarily concerned to identify the social and biological prerequisites for human beings leading a minimally good life. (Nickel, 2006)

Okin, (1998) suggests that the philosopher John Finnis provides a good representation of the interests theory approach. He argues that human rights are justifiable on the grounds of their instrumental value for securing the necessary conditions of human well-being. He identifies seven fundamental interests, or what he terms 'basic forms of human good', as providing the basis for human rights which are: life and its capacity for development; the acquisition of knowledge, as an end in itself; play, as the capacity for recreation; aesthetic expression; sociability and friendship; practical reasonableness, the capacity for intelligent and reasonable thought processes; and finally, religion, or the capacity for spiritual experience. According to Finnis, these are the essential prerequisites for human well-being and, as such, serve to justify our claims to the corresponding rights, whether they may be of the claim right or liberty right variety.

Pogge. (2000) notes that Thomas Hobbes and some other philosophers defended human rights from an interests-based approach having addressed the question of how an appeal to interests can provide a justification for respecting and, when necessary, even positively acting to promote the interests of others. James Nickel has termed this approach as 'prudential reasons' in support of human rights. Nickel writes, 'a prudential argument from fundamental interests attempts to show that it would be reasonable to accept and comply with human rights, in circumstances where most

others are likely to do so, because these norms are part of the best means for protecting one's fundamental interests against actions and omissions that endanger them.' (Hayner, 1994).

Economic philosopher Amartya Sen has argued that “the minimal conditions for a decent life are socially and culturally relative.” These interests are ultimately identical and prerequisites for satisfying individual's fundamental interests which may be termed as basic interests.

Joseph. (1986) notes that according to Henry Shue, “a right is basic just when its promotion is a necessary condition for all other rights.” But the fact is that some basic interests can only be satisfied when certain other practically necessary conditions are met. As Hobbes famously argued, it is foolish to think that our basic interest in security can be met outside the context of political authority, a “common power to keep [us] all in awe.”

As the interest based approach tends to construe fundamental interest as pre-determinants of human moral agency, so, this can have the effect of subordinating the importance of the exercise of freedom as a principal moral ideal and to include as a basic human interest which is not constitutive of interests on this account and therefore, this particular concern lies at the heart of the 'will theory approach.' (Nickel, 2006)

2.1.2 The Will Theory Approach

Will Theory was developed by Hart. K in 1982. More specifically, a will theorist asserts that the function of a right is to give its holder control over another's duty. Your property right diagrammed in the figure above is a right, says the will theorist, because it contains a power to waive (or annul, or transfer) others' duties. You are the “sovereign” of your computer, in that you may permit others to touch it or not at your discretion. Similarly a promisee is “sovereign” over the action of the promisor: she has a right because she has the power to waive (or annul) the promisor's duty to keep the promise. In Hohfeldian terms, will theorists assert that every right includes a Hohfeldian power over a claim. In colloquial terms, will theorists believe that all rights confer control over others' duties to act in particular ways.

However, the will theory's account of the function of rights is unable to explain many rights that most think there are. Within the will theory there can be no such thing as an unwaivable right: a

right over which its holder has no power. Yet intuitively it would appear that unwaivable rights are some of the most important rights that we have: consider, for example, the unwaivable right not to be enslaved (MacCormick 1977, 197). Moreover, since the will theorist holds that all rights confer sovereignty, she cannot acknowledge any rights in beings incapable of exercising sovereignty. Within the will theory it is impossible for incompetents like infants, animals, and comatose adults to have rights. Yet we ordinarily would not doubt that these incompetents can have rights, for example the right not to be tortured (MacCormick 1982, 154–66). Will theories also have difficulties explaining bare privilege-rights (such as in the Hobbesian state of nature), which are not rights of authority over others.

Henry (1996) also argues that according to will theorists: “human rights originates in a highly limited set of purportedly fundamental attributes.” Will theorist H.L.A. Hart claims that “legal right is an expression of the individual possibility to control the obligations of other persons, also to waive the possibility. Such a person can be relatively weak, as in liberty-right or strong as a power-right.”

Hobbes (1651) notes that Hart further argues: “all rights are reducible to a single, fundamental right as ‘equal right of all men to be free.’” Upon Hart’s argument, Henry Shue develops further that liberty alone is not ultimately sufficient for grounding all of the rights, but, many of these rights imply more than mere individual liberty and extend to include security from violence and the necessary material conditions for personal survival. Shue grounds rights upon liberty, security, and subsistence.

Alan Gewirth has further developed upon such themes arguing that the justification of our claims to the possession of basic human rights is grounded in what he presents as the distinguishing characteristic of human beings generally further stating that the recognition of the validity of human rights is a logical corollary of recognizing oneself as a rationally purposive agent and that the possession of rights are the necessary means for rationally purposive action. (Hathaway, 2005).

Hobbes (1651) stresses that Alan Gewirth further bases the necessary concern for other human rights upon what he terms the ‘principle of generic consistency’ (PGC) and Dworkin’s concept of rights as trumps further arguing that the right to life is absolute and cannot be overridden under

any circumstances and it can never be justifiably infringed and it must be fulfilled without any exceptions.'

Finnemore,(2003) mentions that the will theorists attempt to establish the validity of human rights upon the ideal of personal autonomy stating further that rights are a manifestation of the exercise of personal autonomy.

However, if the constitutive condition for the possession of human rights is said to be the capacity for acting in a rationally purposive manner, for example, then it seems to logically follow, that individuals incapable of satisfying this criteria have no legitimate claim to human rights. The general tendency is towards extending human rights considerations and, if not ultimately defensible by appeal to practical reason, anything to do otherwise would appear to many to be intuitively wrong. (Morsink, 1999).

Nickel. (1993) argues that thus, "strictly applying the will theorists' criteria for membership of the community of human rights bearers would appear to result in the exclusion of some categories of human beings who are presently recognized as legitimate bearers of human rights."

2.2 Role played by the UN in Promoting human Rights in Juba, South Sudan

Alston and Crawford 2000 (2002) argue that the United Nations helps to negotiate human rights treaties and declarations mainly focused on the rights of vulnerable groups such as women, children, persons with disabilities, minorities and indigenous peoples in South Sudan. Together, these treaties and declarations help to create a 'culture of human rights' throughout the world, providing a powerful tool to protect and promote all rights. In accordance with the treaties, States parties set up treaty body committees that call upon States to respond to allegations, adopt decisions and publish them along with criticisms or recommendations.

Alston (1999) cites that the UN monitors the human rights records of nations for instance the organization has maintained its objective of human right recording particularly in South Sudan. The treaty body committees receive technical, logistical and financial support from the United Nations. The United Nations also has an Office of the High Commissioner for Human Rights.

which is mandated to promote and protect the enjoyment and full realization by all people of human rights.

Appointing 'special procedures' to address specific country situations or broader issues. The United Nations may also appoint experts (sometimes titled special rapporteurs, representatives or independent experts), to address a specific human rights issue or particular country. These experts may conduct studies, visit specific countries, interview victims, make specific appeals and submit reports and recommendations. (Amartya 1999)

According to Anaya (2004), the UN also helps to reform national laws and thus incorporation of international human rights norms into national laws and constitutions is a key element in promoting of human rights. Assistance in drafting new constitutions and laws in line with human rights conventions has been provided to, inter alia, Bulgaria, Malawi and Mongolia. This is currently being pursued in South Sudan due to the ever increasing number of human rights violations in the conflict areas.

Preventing massive human rights violations by responding to them through strengthening before they escalate into conflicts and controlling and resolving conflicts before they escalate further are central concerns of preventive action. This has also enable UN to play a vital role in promoting human rights in conflict hit areas. UN has been able to deploy thousands of its peacekeepers in some areas of Juba (Bailey, 1994)

Barbara (2002) suggests that recognizing that human rights violations are frequently the root causes of conflict and humanitarian crises, the United Nations is making efforts towards strengthening its early warning capacity and response to conflicts by integrating human rights monitoring into peacekeeping operations, thus enhancing its ability to deal with allegations of human rights violations. The Office of the High Commissioner for Human Rights is developing close contacts with the United Nations departments, offices and programmes responsible for peacekeeping and for humanitarian assistance, in particular the Department of Peacekeeping Operations (DPKO), DPA, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

The UN also has introduced numerous human rights programmes intended for post-conflict reconstruction, building mutual confidence and helping to re-establish a climate of understanding and this evidenced in some parts of South Sudan where fighting had stopped. This is partly because the international community has recognized that protecting human rights in the aftermath of conflicts cannot be isolated from how the conflict is brought to an end. Experience in assisting countries in transition to democracy has shown how important the inclusion of human rights provisions in peace or transitional agreements can be.

According to Bayefsky (2001), the United Nations has put more efforts to establish minimum humanitarian standards, seeking to identify fundamental rules of human rights and humanitarian law that can be applied in all circumstances, in times of conflict, as well as in situations of mass exodus, for the promoting of human rights. These efforts aim to provide the human rights framework necessary to find long-term solutions to the root causes of conflict and to prevent the excesses that make reconciliation so difficult. The United Nations urges national authorities to respect international human rights standards in such situations.

Brandt (1983) also notes that just as human rights forge vital links between peace, democracy and development, bringing the full weight of the United Nations human rights programme to bear can also facilitate the successful transition between peacekeeping operations and humanitarian emergency assistance to long-term peace-building and sustainable development. Societies that are emerging from civil conflict have particular needs in the area of human rights and economic development. He further suggests that the complexities of post-conflict situations require that special attention be given to repairing the large-scale damage inflicted on economic, health and educational infrastructures.

The UN also created the International Criminal Court at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome from 15 June to 17 July 1998. The establishment of the Court makes it clear that the UN no longer tolerates violations of human rights without assigning responsibility. Unlike the ad hoc Tribunals, the Court provides a comprehensive mechanism for punishing perpetrators of genocide and other crimes against humanity. The assurance that at least some perpetrators of war crimes, crimes

against humanity or genocide may be brought to justice acts as a significant deterrent, and in itself may provide incentives to end conflicts.

Broomhall (2003) stresses that as advocacy organizations; UN also works with or against governments in developing agendas for action particularly in South Sudan. Through treaty negotiations with governments, they seek to establish international standards for state behavior. To mobilize public opinion, they investigate and report human rights abuses and offer direct assistance to victims of those abuses. They lobby political officials, corporations, international financial institutions, intergovernmental organizations, and the media. As their numbers increase, so their range of activities continues to expand.

The UN has been unprejudiced and successful in setting values and roles, selectively successful in monitoring abuses; and almost frail in enforcement in South Sudan. (Ramcharan, 1989) Government usually subordinates considerations of UN effectiveness to the principle of non-interference. However, the modesty of the achievements of the UN should not blind us to its reality. The Universal Declaration embodies the moral code, political consensus and legal synthesis of human rights.

Claude and Weston (2004) further suggest that the UN investigates individual complaints of human rights abuse, the UN Human Rights Commission always focuses world attention on cases of arbitrary detention, torture, disappearance, and has generated international pressure to bring down pressure on governments to improve their human rights records. The United Nations enables people in many countries to participate in free and fair elections, including those held in Cambodia, Namibia, El Salvador, Eritrea, Mozambique, Nicaragua and South Africa.

According to Cranston (1967), the United Nations has played a pivotal role in independence of countries that are now among its Member States. Independence of nation and its countrymen as is agreed worldwide is a fundamental human right. Deployment peace-keeping forces and observer missions, the United Nations has been able to restore calm to allow the negotiation process to go forward while saving millions of people from becoming casualties in the conflicts. There are presently 16 active peace-keeping forces in operation.

The UN as an organization also supports democratization by providing advice on electoral procedures. This is because democratization has been a priority issue for advisory services, assistance has been provided to several nations on holding elections and setting up national human rights institutions.

It also assists in the drafting of national laws and preparation of national reports. For instance Regional and sub-regional training courses have been held in Africa, Latin America and Asia and the Pacific. These help to promote and protect the human rights of the people across the globe.

Eide 1992 (2002) maintains that the UN also strengthens national and regional institutions in South Sudan. For instance the UN's assistance has been provided to institutions in various countries to strengthen human rights promotion activities. This has been vital towards creating a favourable climate for advocating for human rights in conflict situations particularly in South Sudan.

The United Nations is increasingly combining efforts on ensuring the promotion of minorities, strengthening democratic institutions, realizing the right to development and securing universal respect for human rights.

United Nations has been working for a long time to progress the lives of women and to empower women. Several conferences during the UN-sponsored International Women's Decade set a schema for the improvement of women and women's rights across the globe. (Gewirth,1978)

2.3 Challenges faced by the UN in Promoting human Rights

The Universal Declaration of Human Rights (1948) states that the sheer volume and growth of peacekeeping has put the UN and its missions under severe strain. Over the past six years, the UN has had to launch or expand eight missions in rapid succession. In 2003, the UN had about 36,000 uniformed personnel deployed around the world.

It has been relatively difficult for the UN officials to generate, recruit, and deploy the numbers of personnel required, while keeping quality high and ongoing improvements on track. This is because some times there is always intense fighting and thus subjecting the UN peace keepers to risk of death on peace keeping missions.

Raz (1986) states that the UN some times is requested to take on harder, riskier operations often without the support and capabilities it needs from member states. The Security Council has recently given some very ambitious mandates to peacekeeping operations in Africa, such as protecting civilians under the threat of physical violence including sexual violence in vast and populous territories with limited infrastructure, faltering peace processes, ongoing hostilities, and uncooperative host governments.

There is also a growing challenge of uncooperative governments such as the Government of Sudan that has repeatedly failed to cooperate with UN international peacekeepers and humanitarian workers, denying them access, expelling international humanitarian groups, refusing entry visas for desperately needed personnel and blocking the delivery of critical logistical support.

Okin (1998) discusses that there is still lack of sufficient support in terms of finances to buy adequate armory to maintain its mission of peace keeping and promoting human rights in conflict situations. The most common challenge facing UN in promoting of human rights include the host governments that often lack of security and rule-of-law capacities needed to take over successfully from UN peacekeepers when they leave. This has further subjected the lives of the vulnerable in conflict hit areas to numerous human rights violations.

Priscilla (1994) cites that like any other NGO, faces another common problem was of poor governance and the relations between board members and staff. This sometimes stemmes largely from the boards' inability or unwillingness to carry out their responsibilities of governing the organizations. Board members often lack the time or the expertise to be able to carry out these responsibilities effectively. As a result, senior staffs are often left to make policy decisions with little or no support from board members.

There is also a challenge of failure to raise sufficient funds to maintain its mission of protecting human rights. Fund raising activities are often the source of much tension in most non-governmental organizations. The strategies and images used by the UN to raise funds from the public are often felt to compromise the nature of the work done by other members of staff. These images often depict beneficiaries as helpless victims in need of assistance, which other staff felt are inaccurate and lack respect for the beneficiaries

2.4 Solutions to address the challenges faced by the UN in promoting human rights in Juba, South Sudan

Morsink (1999) notes that there is need to work with other human rights agencies to provide credible and achievable mandates for UN operations. And the UN needs to outline a better process for formulating peacekeeping mandates, and measuring progress in their implementation so as to protect human rights.

Henry (1996) argues that there should be strong commitment to resist endorsing un-achievable or ill-conceived mandates. Peacekeeping missions are not always the right answer; some situations require other types of UN-authorized military deployments, such as regional efforts or multinational forces operating under the framework of a lead nation. And effective mediation needs to precede and accompany all peacekeeping efforts, if they are to succeed thus ensure effective promoting human rights

The UN should also ensure the parties in fragile peace talks to abide by their commitments, to cooperate with peacekeepers, and build mutual trust. This mainly focuses on faltering peace processes where peacekeeping operations are currently deployed. This also plays an important role in promoting human rights. (Hobbes 1651)

Martha (2003) stresses that the UN needs to do more to help expand the pool of willing and capable troop and police contributors. The immediate priority is to help secure the capabilities that the missions in Darfur, Chad, and the South Sudan need to better protect civilians under imminent threat. But we are also pursuing more long-term efforts.

There is also need to equip the UN peace keepers with adequate training and skills in promoting human rights. For instance since 2005, the U.S. Global Peace Operations Initiative, or GPOI, and its African component, ACOTA, have focused on training the peacekeepers needed to meet this spike in global demand.

The UN also should also prime the pump to generate even more peacekeepers to maintain peace in conflict hit areas and thus protect the human rights especially for civilians. Other countries'

willingness to provide troops and police needs to increase if they see that key Security Council members, including the United States, not only value their sacrifice but respect their concerns.

Finnemore,(2003) suggests that the UN needs to recognize that also the host government's capacities grow, the role of a UN in promoting of human rights is not disrupted. Then there is always need not to lessen the peacekeeping load, as appropriate thus should support arbitrary or abrupt efforts to maintain its mission of promoting human rights globally.

According to the US Declaration of Independence, 1776 there is also need to support reforms that help achieve economies of scale and realize cost savings; that strengthen oversight, transparency, and accountability; that improve field personnel and procurement systems; that strengthen the process of mission planning; that reduce deployment delays; and encourage stronger mission leadership; and clarify the roles and responsibilities of all UN actors, in the field and at headquarters.

Henry (1996) argues that the tendency is to offer decentralization, in which some power is devolved to field level, as a solution to the problem of tensions between field offices and headquarters. However, decentralization can have the paradoxical effect of increasing bureaucracy as organizations devolving power on the one hand, tend to set up all sorts of control measures on the other.

Henrard, (2000) notes that the UN has to make strategic choices between confrontational, complementary or collaborative strategic relationships with government. The process of making these strategic choices gives rise to internal tensions concerning expenditure priorities, the conflicting demands of clients and donors, which result in disagreements over an appropriate balance between quality services and meeting fundraising targets. Service-deliverers are pulled towards clients and fund-raisers towards donors. The result can be a split within the organization, which can be resolved by the voluntary organization acting as a mediator or bridge between donor and client.

Focus on fostering the participation of all sectors of society in environmental decision-making and in supporting regional cooperation. Offer the following services: information exchange and publications, with an emphasis on facilitating access to information; training and capacity building;

and grants programs for NGOs with limited access to local resources. Consist of a network of national offices, as well as a head office that acts as a coordination and information center with financial authority.

The UN needs to form voluntary national professional associations, like associations of engineers, accountants, or insurance companies, aimed at promoting the sector, partly through self-policing of standards.

2.5 Summary of gaps

Annan (1998) notes that forces undermine human rights are concerned with critical and pervasive threats that are on a large scale and are recurrent. Some threaten life directly such as armed conflicts, genocide and soil degradation, while others do so indirectly and over a large period of time such as under-investment in education, poor health, lack of food, poor road infrastructure, domestic violence and lack of law and order. He further stresses that safeguarding human lives involves not only those institutions that directly promote human security but also institutions that unintentionally undermine it.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

Basing on the nature of the research problem, an analytical study was employed. The data collection methods applied were quantitative and evaluative. Key Informant Interviews, General Interviews and Focus Group Discussions (FGDs) were used as qualitative methods. Unstructured self-administered and researcher administered questionnaires were prepared for the key information interview and Group Interview, while question guides were prepared for FGDs.

3.2 Research Design

In trying to identify the need for promoting human rights in Juba, South Sudan, to establish the possible ways and norms for promoting human rights, to assess the criteria of human rights promotion in South Sudan and to find out the mechanisms for promoting human rights, the researcher used both qualitative and quantitative methods in the study.

Qualitative research design was chosen because it is good for open ended question and it is more open and responsive to its subjects. The researcher used quantitative research design because it is very original or direct, easy to analyze, categorize, code and interpret large amount of data by computer for simple descriptive statistical analysis which is good for quantifying the figures.

The study was based on both primary and secondary data materials regarding the role of the UN in promoting human rights in conflict situations. Human rights abuses or violations in this region had persisted for long and many actors like the non-governmental organization both local and international, the civil society, churches and the government through the UN were involved in addressing this issue.

3.3 Study Area

The study area was South Sudan. The study was carried out in communities of Jonglei state, Central Equatorial State since these were the worst hit by the conflict. In addition, most of the other actors including UN, government officials and other human rights agencies had their headquarters situated in these areas. The people in this area were of different age, gender, education levels and status especially those who had gone through the same conflict situation and experience various degrees of human rights abuses, and have a need that join them together. The area had heavy security provided by the UN and other peace keeping forces such as AU and looming activities from other actors.

3.4 Study population

Information on the matter under study was derived from individuals of various walks of life who included children, women and men from various communities in South Sudan. The study area was purposely selected because it bore the necessary and required study elements. The study population targeted 30 UN officials, 36 Civilians/local people, 20 Government officials and 30 officials from other Humanitarian agencies such as Amnesty International, Human Rights Watch etc. All these stakeholders had a responsibility of promoting human rights within this region.

Table 1: Showing Research Population

Type of population	Population Target	Sample size
UN Officials	30	20
Civilians	36	24
Government Officials	20	17
Officials from other Humanitarian agencies (Amnesty International and Human Rights Watch)	30	29
Total	116	90

Source: Primary Data (2018)

3.5 Sampling Procedures and Sample Size

In South Sudan, a total of ninety respondents were selected out of the targeted population of 116 people. The sample size was arrived at through the use of a formula to ensure that there was no bias in the sample selection.

A sample size of 90 respondents was determined through purposive and random sampling methods. This is so because the nature of data to be generated requires different techniques for better understanding of the research problem under investigation. Besides this the approach is also commonly known for achieving higher degree of validity and reliability as well as elimination of biases as per Amin (2013).

The Sloven's formula (1978) was used to determine the minimum sample size.

$$n = \frac{N}{1 + Ne^2} = n = \frac{116}{1 + 116(0.05)^2} = 90 \text{ respondents}$$

n = sample size

N = the population size

e = level of significance, fixed at 0.05

3.6 Sampling Techniques

3.6.1 Purposive Sampling

The researcher also used purposive sampling method to get information from different stakeholders with knowledge on the issues under study. The UN officials were purposely selected because they played a vital role in promoting human rights in Juba, South Sudan.

3.6.2 Simple Random Sampling

Simple random sampling method was equally incorporated for wider and in-depth information from various respondents in the field. The civilians or local people were randomly selected to give each an equal chance of representation. All respondents were assumed to have vital information

on the subject matter of the research. Respondents who were willing to participate were approached. This was because these areas are densely populated and are largely targeted by the rebels.

3.7 Methods of Data Collection

In the both primary and secondary data collection methods were incorporated.

3.7.1 Primary data

This was obtained through use Focus Group Discussion, in-depth interviews with the key respondents, naturalistic observation and listing ideas.

3.7.2 Secondary Data

This was acquired from text books and other related works of outstanding scholars such as published magazines, written data sources including published and unpublished documents, company reports and internet sources which were all referred to, to provide more information on the role played by UN in promoting of human rights in conflict situations.

3.8 Focus Group Discussions

The researcher conducted a group discussion in each of the four groups of respondents; UN officials, civilians/ local people, government officials and other humanitarian agencies.

The groups were made up of six to eight people and they were comprised of females and males of various age groups, education level and employment status. The reason was to get various views on role of UN in promoting of human rights in conflict situations particularly in South Sudan.

The researcher facilitated the discussion by introducing the subject, explaining the key words and issues, guide the discussions and urge the respondents to freely express their ideas and opinions with regard to the role played by UN in promoting of human rights in conflict situations particularly in the area. From this method of data collection the researcher was able to get first hand information on the perception of the roles of the UN in promoting of human rights in conflict situations.

3.9 In-Depth Interviews

This form of primary data collection was carried out with mainly some officials from the UN, government agencies and other human rights agencies with in the area. These respondents were selected purposively because these were the key stakeholders in protecting human rights. It entailed asking questions, listening, recording as well as noting down the answers. A question guide was developed although during the interview informal conversations took place and made the interviewees to freely narrate their experiences with and in the UN as it played its roles in the conflict hit areas.

3.10 Naturalistic Observation

The study included naturalistic observation of the living conditions of the locals, which had been adversely affected by the conflict and the activities that were carried out by various actors, institutions and the UN in promoting and protecting human rights without manipulating them in any way. The researcher was able to witness the various social, economic, religious and cultural activities that had been set up in an attempt to identify the need for promoting human rights in Juba, South Sudan. Some of these activities would help the locals psychologically to forget their experiences and try to get back to their normal livelihood. From the observation the activities of the UN in comparison to other actors in protecting human rights in these communities were listed and recorded.

3.11 Documentary Review

Various books, magazines, journals and newspapers with information on of human rights promotion and the roles played by the UN and even various actors like the non-governmental organizations; both local and international, individual actors, churches, the military and other state institutions written by varied authors were consulted. This was supplemented by data from various websites and the Internet although they were minimal. Reports from various ministries were equally obtained.

3.12 Questionnaire

The researcher had to include this method of data collection in order to get the views that the respondents would feel could not be voiced out before other people for fear of victimization by UN spies. The researcher was able to get more information through this method of data collection as compared to all the other methods that were used especially on information about the UN operations in terms of security in these areas.

3.13 Procedure of collecting Data

Basing on the objectives of the study, the researcher prepared interview transcripts and questionnaires to make the work in the field easier and avoid anomalies. A cover letter was obtained from the University, introducing the researcher into the field. The researcher used the letter to introduce herself to the respondents who participated in the study. The researcher was able to access the UN officials at the headquarters who upon agreeing the study can not compromise their mission in South Sudan and accepted to be interviewed.

Using the same letter, the researcher was able to access the government officials of South Sudan and interviewed several officials. The researcher also interviewed officials from other human rights agencies specifically Amnesty International and Human rights Watch. Some civilians who were willing to participate in the study also were approached and interviewed.

3.14 Data Analysis

The raw data collected in the field were systematically organized to facilitate analysis and easy comprehension of the findings.

3.14.1 Quantitative analysis

Excel tables were used to sum up the data into descriptive statistics. It was coded, statistics made and summarized into frequency and percentage tables and later was used to explain the findings through charts and graphs.

3.14.2 Qualitative analysis

The information collected was evaluated with documentary review and the research theme in a systematic way in order to describe what was on ground, establish useful conclusions and recommendations that were unbiased and were in line with the objectives of the study. Detailed information on the various activities carried out majorly by the UN to promote and protect human rights in this conflict hit areas were obtained, classified and grouped according to patterns, trends and the relationship of the UN with the civilians and other actors in the field were established.

CHAPTER FOUR

PRESENTATION AND ANALYSIS OF FINDINGS

4.0 Introduction

In this chapter, the study presents and discusses the characteristics of the sample selected, findings of the study basing on the collected data from the respondents linking it with the review of the related literature. In presenting the findings, percentages and tables were used to quantify and present the findings. The findings were presented under several headings. This chapter discusses the research objectives jointly to identify points of weaknesses and strengths of the military and conflict resolution in light of the data gathered and literature reviewed.

4.1 Demographic characteristics of respondents

Under this section, the researcher was interested in finding out the demographic characteristics of the respondents. They are presented as follows:

4.1.1 Gender of Respondents

The researcher wanted to know the gender or sex distribution of the respondents and this is shown in the following table and illustration. This section indicates the both sexes with the community.

Table 2 presenting the gender distribution of the respondents who participated in the study

Gender	Frequency	Percentage (%)
Males	36	40
Females	54	60
Total	90	100

Source: Primary Data (2018)

In the above table 1, the study findings revealed that the sample constituted of 90 respondents of which 60% were females and the 40% remaining were males. The table above shows that the majority of the respondents were female who had varied experiences in the conflict. Most of the

males had either been killed or abducted and forced to join the rebels, leaving the women and children prone to attacks. The conflict had varied effects on the different gender groups with the females being adversely affected.

4.1.2 Age of the Respondents

The study went on to establish the different age groups of the respondents and the findings were as presented in table 2. The study also involved all respondents who are responsible and with mature understanding. For example all the respondents were 20 years and above.

Table 3 showing age distribution of the respondents

Age	Frequency	Percentage (%)
20 - 25	27	30
26 - 35	36	40
36 - 45	18	20
46 -55	9	10
56+	0	0
Total	90	100

Source: Primary Data (2018)

The study revealed that the majority of the respondents fell in the age category 26– 35 with a 40% representation. Age category 20-25 had a total response of 30%, while 36 –45 age group was represented by 20% the 46-55 category had a total representation of 10% while the least represented category was that of the 56+ with a representation of 0%. Table above shows the majority of the respondents were adolescent and middle aged people since the conflict and its effects like diseases had wiped out most of the young children and the aged who could not fend for themselves. These two generations of humanity was almost inexistent in the area. The adolescent and the middle aged were in charge of various institutions like the families and other worked with the Local Defense Unit in the area and thus mostly executed and abused thus violation of human rights.

4.1.3 Marital Status of the Respondents

The study further went on to establish the marital status of the respondent and the findings were as represented in table 3. The researcher was also interested in finding out the marital status of respondents.

Table 4 showing marital status of the respondents

Marital Status	Frequency	Percentage
Single	9	10
Married	18	20
Divorced	18	20
Widowed	45	50
Total	90	100

Source: Primary Data (2018)

The study established that the majority of the respondents were widowed (50%). The divorced comprised of 20%, the married were 20% whereas the single were only 10%. Study findings established that, the majority were widowed since most of their husbands had been killed or executed by the conflict.

4.1.4 Education Levels of the Respondents

The study also sought about the educational levels of the respondents and the findings were as represented in table 4. Under this section, the researcher was interested in finding out the education status of all respondents involved in the study. This was partly essential in order to enrich the findings of the study since education level had a significant relationship with level of knowledge about roles played by the UN in protection of human rights respondents had.

Table 5: Educational Level of the Respondents

Education Level	Frequency	Percentage
Primary	27	30
Secondary level	18	20
Vocational	36	40
University	9	10
Total	90	100

Source: Primary Data (2018)

Study findings in table 4 revealed that the least represented level of education was the University vocational group which comprised of 10%, followed by vocational group (40%), while secondary level was represented by 20% and the most represented group was that of primary level which comprised of 30%. It is evident from the above table that the majority of the respondents were uneducated, a situation worsened by the conflict. Only a few have had the opportunity of joining secondary schools and tertiary institutions in the area and in other places in the country while the rest have stopped at the primary and uneducated. They did not have the opportunity or resources to further their education. Most of the respondents from tertiary institutions were the military men operating in the area and the UN officials.

4.2 Findings on the roles played by the UN in the protection of human rights

The first objective of the study was to identify the roles played by the UN in the protection of human rights. To achieve this objective, respondents were asked to mention the roles played by the UN in the protection of human rights and their responses were tabulated as seen from the table below.

Table 6 : Role of UN in the protection of human rights

Responses	Frequency	Percentage
Negotiates human rights treaties and declarations mainly focused on the rights of vulnerable groups	18	20
Appointing 'special procedures' to address specific country situations or broader issues	18	20
Reforms national laws and thus incorporation of international human rights norms into national laws and constitutions	9	10
Prevents massive human rights violations by responding to them through strengthening	45	50
Total	90	100%

Source: Primary Data (2018)

According to the above table, 20% of the respondents argued that the UN negotiates human rights treaties and declarations mainly focused on the rights of vulnerable groups. Another 20% were of view that UN is appointing 'special procedures' to address specific country situations or broader issues. 50% suggested that it also prevents massive human rights violations by responding to them through strengthening and strengthens its early warning capacity and response to conflicts. 10% were also of the view that it also reforms national laws and thus incorporation of international human rights norms into national laws and constitutions. This implies that UN plays a vital role in the promotion of human rights especially in conflict hit areas such as Juba, South Sudan. This is evidenced by the majority of the respondents suggesting that UN negotiates human rights treaties and declarations mainly focused on the rights of vulnerable groups.

Table 7: Any improvement in protection of human rights as a result of UN involvement

	Frequency	percentage
Yes	63	70
No	27	30
Total	90	100

Source: Primary Data (2018)

The table above indicates that 70% of the respondents agreed that there was an improvement in protection of human rights due to UN involvement where as 30% disagreed that no improvement was made concerning protection of human rights as a result of UN involvement. The majority of the respondents agreed.

This implies that the UN has played a significant role since an improvement has been noticed concerning the protection of human rights in Juba, South Sudan.

4.3 Findings on the challenges faced by the UN in protection of human rights in South Sudan

The second objective of the study was to establish basic challenges facing the UN in the promotion and protection of human rights. To achieve this objective, respondents were asked to mention the basic challenges facing the UN in the promotion and protection of human rights and their responses were tabulated as seen from table below.

Table 8: Basic challenges facing the UN in the promotion and protection of human rights

		Frequency	Percentage
	Uncooperative governments	9	10
	Lack of security and rule-of-law capacities	27	30
	Poor governance and the relations between board members and staff	18	20
	Failure to raise sufficient funds to maintain its mission of protecting human rights	36	40
	Total	90	100

Source: Primary Data (2018)

The findings in the above table indicate that 30% of the respondents suggested that there is lack of security and rule-of-law capacities, Failure to raise sufficient funds to maintain its mission of protecting human rights was suggested by 40%. Another 20% of respondents argued that there is also poor governance and the relations between board members and staff and the remaining 10% noted that there was also a challenge of uncooperative governments.

This implied that despite the roles played by the UN, the above challenges have hindered its operations in Juba, South Sudan where the fighting was still intensive.

4.4 Findings on the possible solutions to overcome the challenges faced by UN in protection of human rights in South Sudan

The third and last objective of the study was to establish the possible solutions to overcome the challenges faced by the UN in protection of human rights in South Sudan. To achieve this objective, respondents were asked to mention the possible solutions to overcome the challenges faced by the UN in protection of human rights in South Sudan and their responses were tabulated as seen from table below.

Table 9: solutions to overcome the challenges faced by UN in protection of human rights

	Responses	Frequency	Percentage
	Need to work with other human rights agencies to provide credible and achievable mandates	9	10
	Need for strong commitment to resist endorsing un-achievable or ill-conceived mandates	27	30
	Need to do more to help expand the pool of willing and capable troop and police contributors	18	20
	Need to support reforms that help achieve economies of scale and realize cost savings	27	30
	Make strategic choices between confrontational, complementary strategic relationships with government	9	10
	Total	90	100

Source: Primary Data (2018)

The table above also shows that the majority of the respondents 30% were of the view that there is need to work with other human rights agencies to provide credible and achievable mandates. another 30% reported that there is also need to support reforms that help achieve economies of scale and realize cost savings, 20% of the respondents noted that there is also need to do more to

help expand the pool of willing and capable troop and police contributors, 10 % suggested that the UN should make strategic choices between confrontational, complementary strategic relationships with government and the remaining 10% argued that the UN also needs to work with other human rights agencies to provide credible and achievable mandates.

This implies that the UN needs to respond to the challenges faced by setting a number of strategies mentioned in the above table so as to help in the protection of human rights in the conflict hit areas of Juba, South Sudan.

CHAPTER FIVE

DISCUSSION OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter discusses the findings of the study and presents them in summaries. The summary presents findings from the study, its conclusions are then drawn from these findings and then recommendations are eventually made.

5.1 Discussion of findings

5.1.1 Role played by the UN in Protection of Human Rights in South Sudan

It was found out that the United Nations helps to negotiate human rights treaties and declarations mainly focused on the rights of vulnerable groups such as women, children, persons with disabilities, minorities and indigenous peoples in Juba, South Sudan.

The study also found out that the UN monitors the human rights records of nations for instance the organization has maintained its objective of human right recording particularly in Juba, South Sudan. The treaty body committees receive technical, logistical and financial support from the United Nations.

The study further revealed that appointing ‘special procedures’ helps to address specific country situations or broader issues. The United Nations also appoint experts (sometimes titled special rapporteurs, representatives or independent experts), to address a specific human rights issue or particular country.

It was found out that the UN also helps to reform national laws which facilitate the incorporation of international human rights norms into national laws and constitutions which is a key element in the protection of human rights.

It was found out that preventing massive human rights violations by responding to them through strengthening before they escalate into conflicts and controlling and resolving conflicts before they escalate further are central concerns of preventive action. (Bailey, 1994)

5.1.2 Challenges faced by the UN in protection of human rights

The study found out that it had been relatively difficult for the UN officials to generate, recruit, and deploy the numbers of personnel required, while keeping quality high and ongoing improvements on track. This was because some times there was always intense fighting and thus subjecting the UN peace keepers to risk of death on peace keeping missions.

It also found out that the UN some times is requested to take on harder, riskier operations often without the support and capabilities it needs from member states. The Security Council has recently given some very ambitious mandates to peacekeeping operations in Africa, such as protecting civilians under the threat of physical violence including sexual violence in vast and populous territories with limited infrastructure, faltering peace processes, ongoing hostilities, and uncooperative host governments.

It was revealed that there was also a growing challenge of uncooperative governments such as the Government of Sudan that has repeatedly failed to cooperate with UN international peacekeepers and humanitarian workers, denying them access, expelling international humanitarian groups, refusing entry visas for desperately needed personnel and blocking the delivery of critical logistical support.

5.1.3 Solutions to overcome the challenges faced by the UN in protection of human rights

The study further found out that there was need to work with other human rights agencies to provide credible and achievable mandates for UN operations. And the UN needs to outline a better process for formulating peacekeeping mandates, and measuring progress in their implementation so as to protect human rights.

It revealed that the UN should also ensure the parties in fragile peace talks to abide by their commitments, to cooperate with peacekeepers, and build mutual trust. This mainly focuses on faltering peace processes where peacekeeping operations are currently deployed. This also plays an important role in protection of human rights. (Hobbes 1651)

The study also found out that the UN needs to do more to help expand the pool of willing and capable troop and police contributors. The immediate priority is to help secure the capabilities that the missions in Darfur, Chad, and the Democratic Republic of Congo need to better protect civilians under imminent threat. But we are also pursuing more long-term efforts.

It also revealed that there is also need to equip the UN peace keepers with adequate training and skills in protection of human rights. For instance, since 2005, the U.S. Global Peace Operations Initiative, or GPOI, and its African component, ACOTA, have focused on training the peacekeepers needed to meet this spike in global demand.

5.2 Conclusions

Based on the findings and summary the following conclusions are made:

According to Brandt (1983), human rights forge vital links between peace, democracy and development, bringing the full weight of the United Nations human rights programme to bear can also facilitate the successful transition between peacekeeping operations and humanitarian emergency assistance to long-term peace-building and sustainable development. Societies that are emerging from civil conflict have particular needs in the area of human rights and economic development.

It also concludes that the UN also created the International Criminal Court at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome from 15 June to 17 July 1998. The establishment of the Court makes it clear that the UN no longer tolerates violations of human rights without assigning responsibility. (Broomhall, 2003).

Weston (2004) argues that the study also concludes that as advocacy organizations; UN also works with or against governments in developing agendas for action particularly in Juba, South Sudan. Through treaty negotiations with governments, they seek to establish international standards for state behavior. To mobilize public opinion, they investigate and report human rights abuses and offer direct assistance to victims of those abuses.

The study also concludes that the UN has to make strategic choices between confrontational, complementary or collaborative strategic relationships with government. The process of making these strategic choices gives rise to internal tensions concerning expenditure priorities, the conflicting demands of clients and donors, which result in disagreements over an appropriate balance between quality services and meeting fundraising targets.

It also concludes that United Nations has been working for a long time to progress the lives of women and to empower women. Several conferences during the UN-sponsored International Women's Decade set a schema for the improvement of women and women's rights across the globe. (Gewirth1978)

5.3 Recommendations

The study recommends that the UN should also prime the pump to generate even more peacekeepers to maintain peace in conflict hit areas and thus protect the human rights especially for civilians. Other countries' willingness to provide troops and police needs to increase if they see that key Security Council members, including the United States, not only value their sacrifice but respect their concerns.

There is also needs to help build up host governments' security sectors and rule-of-law institutions, as part of an overall peace-building strategy. The UN's immediate priorities in this regard are Haiti, Liberia, and South Sudan three places where such efforts could help let UN peacekeeping missions depart sooner.

There is also needs to help build up host governments' security sectors and rule-of-law institutions, as part of an overall peace-building strategy. The UN's immediate priorities in this regard are Haiti.

Liberia, and South Sudan three places where such efforts could help let UN peacekeeping missions depart sooner.

It also recommends that the UN needs to recognize that also the host government's capacities grow, the role of a UN in the protection of human rights is not disrupted. Then there is always need not to lessen the peacekeeping load, as appropriate thus should support arbitrary or abrupt efforts to maintain its mission of protection of human rights globally.

There is also need to support reforms that help achieve economies of scale and realize cost savings; that strengthen oversight, transparency, and accountability; that improve field personnel and procurement systems; that strengthen the process of mission planning; that reduce deployment delays; and encourage stronger mission leadership; and clarify the roles and responsibilities of all UN actors, in the field and at headquarters.

It also recommends that decentralization, in which some power is devolved to field level, as a solution to the problem of tensions between field offices and headquarters. However, decentralization can have the paradoxical effect of increasing bureaucracy as organizations devolving power on the one hand, tend to set up all sorts of control measures on the other.

5.4 Recommendation for further study

Based on the findings of the study, the researchers recommended that further research should be conducted on roles played by other non-governmental organizations in protection of human rights in conflict situations.

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APPENDICES

APPENDIX I: Questionnaire

Dear Respondent,

I am by the names of **CATHERINE KIDEN GAITANO MARKO, 1163-06014-05820** a student pursuing a Bachelors degree in International Relations and diplomatic studies at Kampala International University. I am undertaking a research on the **ROLE OF UN IN PROMOTING OF HUMAN RIGHTS IN JUBA, SOUTH SUDAN** which is part of the requirement of the award of the Bachelor's degree in International Relations. I kindly request you, to fill in blank boxes and spaces as provided. All the information provided will be used purposely for academics only and all information will be treated confidentially.

PERSONAL DETAILS

Name..... (Optional)

Age bracket

18-30 ☐ 30-40 ☐ 40-56 ☐ 50 and above ☐

Others please specify.....

Education

Primary level ☐

Secondary level ☐

Diploma level ☐

Degree level ☐

Others specify.....

Occupation

Civil Servant ☐

Self employed ☐

Military ☐

Others specify.....

PLEASE TICK WHERE APPROPRIATE (✓)

The role of UN in the protection of human rights in conflict situation particularly in Juba, South Sudan

Category	Excellent	Good	Fair	Poor
Negotiates human rights treaties and declarations mainly focused on the rights of vulnerable groups				
Appointing 'special procedures' to address specific country situations or broader issues				
Reforms national laws and thus incorporation of international human rights norms into national laws and constitutions				
Prevents massive human rights violations by responding to them through strengthening				

1. As a resident in Juba, South Sudan do you see any improvement in protection of human rights as a result of UN involvement?

a) Yes ☐

b) No ☐

2. What do you think are the basic challenges facing the UN in the promotion and protection of human rights in Juba, South Sudan?

a) Uncooperative governments

b) Lack of security and rule-of-law capacities

c) Poor governance and the relations between board members and staff

d) Failure to raise sufficient funds to maintain its mission of protecting human rights

☐
☐
☐
☐

3. What do you think should be done to protect human rights in conflict hit areas of Juba, South Sudan?

- a) Need to work with other human rights agencies to provide credible and achievable mandates ☐
- b) Need for strong commitment to resist endorsing un-achievable or ill-conceived mandates ☐
- c) Need to do more to help expand the pool of willing and capable troop and police contributors ☐
- d) Need to support reforms that help achieve economies of scale and realize cost savings ☐
- e) Make strategic choices between confrontational, complementary strategic relationships with government ☐

4. Any other information you think may be helpful in successful completion of this research?

Thanks for your response

APPENDIX II

Interview schedule for key informants

SPOT INFORMATION

1. What role does the UN play in promoting of human rights in Juba, South Sudan?
2. What are possible challenges put in place to overcome the challenges faced by the UN?
3. What are the mechanisms put in place towards promoting of human rights in Juba, South Sudan?
4. What are the possible ways and norms for promoting of human rights in South Sudan ?
5. What criteria of human rights promotion is used by UN in Juba, South Sudan?
6. Where has the UN failed in promoting of human rights?
7. What do you think should be done to promote human rights in Juba, South Sudan?
8. Any other information you think may be helpful in successful completion of this research?

APPENDIX III

Guide for Focus Group Discussions

1. What impact has the conflict had on your livelihood?
2. What does the concept “Human rights” mean to you?
3. How long has the situation persisted?
4. What efforts do the locals do to improve the situation?
5. Do you think the locals need intervention?
If yes, explain why.
6. Which actors come to your rescue?
7. What is the relationship between the various actors like?
8. Is it peaceful or rebellious? Explain your answer.
9. Do you know about the UN?
If yes what do you know about it?
10. Do you think they have any roles to play in promoting human rights in such areas?
11. What mechanisms did they put in place in ensuring human rights are promoted in this area?
12. Was this achieved Yes/No
If yes, please explain to what extent
If no, please explain why
13. Do they face any challenges in carrying out their roles? Yes/No
If yes, what challenges
14. How best do you think the situation can be improved?
15. How best do you think the UN should helped you?

Thanks for your responses.

End