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The Crisis in South Sudan

Lauren Ploch Blanchard
Specialist in African Affairs

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Overview

In December 2013, growing political tensions among key leaders in South Sudan erupted in violence. While the political dispute that triggered this crisis was not clearly based on ethnic identity, it overlapped with preexisting ethnic and political fault lines and sparked armed clashes and targeted ethnic killings in the capital, Juba, and beyond. The fighting has caused a security and humanitarian emergency that may draw the world's newest country into civil war. In response to the unfolding conflict, the international community is mobilizing diplomatic, humanitarian, and peacekeeping resources to protect civilians and facilitate an end to the violence. At the same time, many countries and aid agencies have evacuated their foreign nationals from South Sudan, and security concerns currently constrain the humanitarian response. Four U.S. military personnel were injured during an operation to evacuate U.S. citizens on December 21.

United Nations officials indicate that targeted attacks against civilians and U.N. personnel may constitute war crimes or crimes against humanity.¹ By U.N. estimates, thousands have been killed and more than 120,000 displaced, including more than 63,000 people sheltering at U.N. peacekeeping bases.² On December 24, the U.N. Security Council unanimously authorized a substantial increase in peacekeeping forces for the U.N. Mission in the Republic of South Sudan (UNMISS) through Resolution 2132 (2013). In prior remarks, the U.S. Permanent Representative to the United Nations had stressed the urgency of the situation, noting the possibility of “imminent confrontations at U.N. bases where civilians are gathered.”³

The United States is the largest provider of bilateral foreign assistance to South Sudan and a major financial contributor to international peacekeeping efforts there. The United States has historically played a major role in supporting peace and stability for the country, which gained its independence from Sudan in 2011 after a long civil war between the Sudanese government and southern insurgents. Congress has been a key actor in setting U.S. policy toward both Sudans and supporting South Sudanese independence. As such, the Obama Administration and Congress face a series of complex questions as they seek to convince rival South Sudanese leaders to cease hostilities, reengage in political dialogue, and prevent further humanitarian suffering. The future of what successive U.S. Administrations have considered to be an important relationship with South Sudanese leaders is also in question.

Members of Congress may choose to conduct additional oversight of U.S. efforts to secure U.S. citizens, personnel, and property in South Sudan, as well as of U.S. assistance programs and U.S. contributions to multiple U.N. peacekeeping missions in Sudan and South Sudan. U.S. support to South Sudan's security services may come under increased scrutiny given emerging splits within the military and reports of serious human rights abuses by armed actors on all sides. President Obama has stated that he may seek to withhold certain U.S. assistance in relation to the crisis if South Sudanese leaders seek to take or hold power by force or intimidation. State Department officials report that security assistance has halted and will not resume until security conditions

¹ U.N. Office of the High Commissioner for Human Rights (OHCHR), “Pillay Urges South Sudan Leadership to Curb Alarming Violence Against Civilians,” December 24, 2013.

² U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), “South Sudan Crisis: Situation Report as of 26 December 2013,” Report Number 4, December 26, 2013.

³ U.S. Permanent Representative to the United Nations, Remarks by Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, At the Security Council Stakeout, December 23, 2013.

improve. The President informed Congress that he “may take further action to support the security of U.S. citizens, personnel, and property, including our Embassy, in South Sudan.”⁴ He has deployed U.S. military personnel to South Sudan in support of this mission.

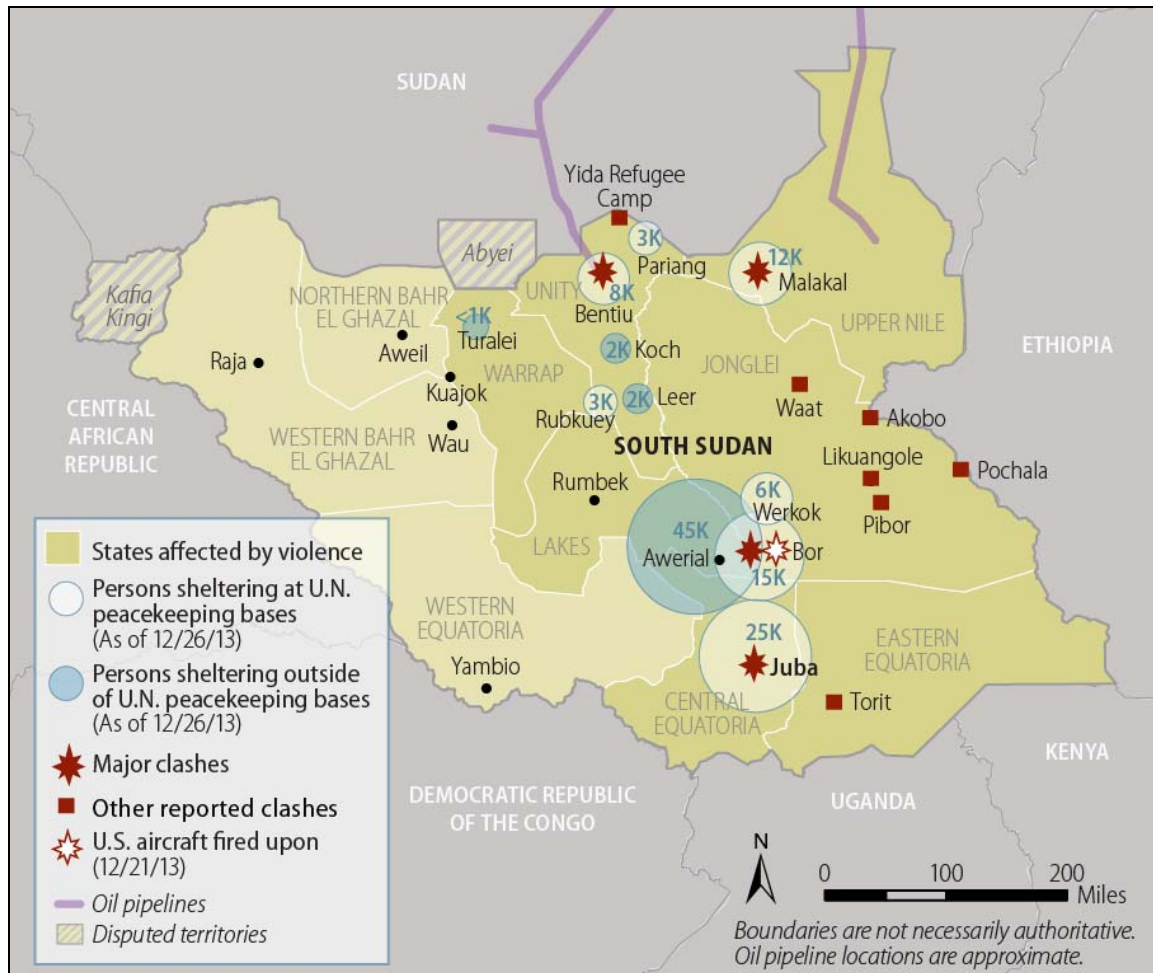
Congress may consider whether or how to respond, including in any continuing appropriations legislation for FY2014 or in relation to FY2015 budget requests for the State Department and foreign operations.

This report explores key questions related to the conflict below, summarizes the international response to date, and outlines current U.S. policy and assistance. For additional background, see CRS Report R42774, *Sudan and South Sudan: Current Issues for Congress and U.S. Policy*, by Lauren Ploch Blanchard.

⁴ Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, December 22, 2013.

Figure I. South Sudan Crisis Map

As of December 26, 2013



Source: Graphic created by CRS. Boundaries and cities generated by Hannah Fischer using data from Department of State, the National Geospatial Intelligence Agency, and Esri (all 2013), and the U.N. Development Program (2012). Humanitarian data from the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA).

What led to the recent outbreak of violence?

The current crisis reflects underlying tensions and lingering mistrust among South Sudanese leaders and ethnic groups that date back to Sudan's civil war (1983-2005). While the war was largely categorized as a north-south conflict, infighting among southern rebel commanders in the 1990s nearly derailed the southerners' bid for independence, as leaders of the insurgency, the Sudan People's Liberation Movement/ Army (SPLM/SPLA), competed for power and mobilized supporters along ethnic lines, resulting in atrocities by all sides.⁵ The Sudan government in Khartoum fueled splits in the SPLM during this period by financing and arming breakaway

⁵ The acronyms SPLM and SPLA refer to the political and armed wings of the former southern insurgency, respectively. The SPLM is now South Sudan's ruling party, and the SPLA refers to the country's armed forces.

factions. The major factions reconciled in the early 2000s, although several smaller southern militias have continued to operate.

In 2005, the government in Khartoum and the SPLM signed a peace agreement to end what had by then become Africa's longest running civil war. That deal, known as the Comprehensive Peace Agreement (CPA), paved the way for national elections and a southern referendum on independence, after which South Sudan, led by the SPLM in Juba, seceded on July 9, 2011. The relationship between the two countries remains tense, with parts of the peace agreement yet to be fully implemented. Starting in January 2012, South Sudan's government, angered by Khartoum's unilateral decisions regarding exports of South Sudanese oil, and by border security disputes, suspended oil production for more than a year.⁶ This led to fiscal austerity measures and economic shocks in both countries.⁷ Oil production restarted in April 2013 following diplomatic negotiations, and exports resumed in June, but damage to the oil fields was expected to delay a return to pre-shutdown production levels until at least mid-2014.⁸

Most SPLM leaders put aside their differences in the latter years of the independence struggle, choosing to focus instead on presenting a unified front and, in some cases, positioning themselves for political office in a new state. However, simmering ethnic tensions and bitter interpersonal rivalries remained present, growing under the strains of establishing governing institutions and assuming increased development responsibilities. Political maneuvering in advance of anticipated 2015 elections has added to these dynamics. Amid such pressures, an escalating political struggle among senior members of the SPLM has unfolded, with leading figures trading accusations of unilateral decision-making, corruption, and bad faith, and with key officials moving to isolate potential rivals. President Salva Kiir's announcement in July 2013 of a major cabinet reshuffle, in which Vice President Riek Machar and several other senior officials were removed from office, formalized a major fissure in the ruling party.

Planned meetings of the SPLM's party leadership in December 2013 brought these tensions to the fore as top figures held competing press conferences, publicly airing grievances against each other. On the evening of December 15, 2013, following a leadership meeting, fighting reportedly broke out among members of the presidential guard. While details of that initial conflict are disputed, it appears to have occurred between members of the country's two largest ethnic groups, the Dinka and the Nuer (largest and second largest), who claimed loyalty to either Kiir or Machar, respectively. The fighting subsequently spread to the military headquarters, and by December 16 gunfire was reported throughout Juba. Since then, the conflict has expanded to other parts of the country, including the eastern state of Jonglei, where more than 100,000 people were already displaced by ongoing inter-communal violence and instability.

In Juba, senior political and military figures have been arrested for what President Kiir describes as a failed coup attempt led by Machar. The detained figures have denied the allegations; Machar remains at large. While some observers question whether there was, in fact, such a plot, forces

⁶ Sudan lost most of its oil reserves, which are located in what is now South Sudanese territory, in the north-south split, although that oil must still transit pipelines and facilities in Sudan to the Red Sea for export. While both sides had agreed broadly that Sudan would benefit from some revenue sharing and compensation for lost revenues in the near-term, several details of that deal remained unresolved after South Sudan gained independence.

⁷ Estimates on the cost of the 2012 oil shutdown vary, ranging from tens to hundreds of millions in U.S. dollars lost.

⁸ Damage to some of the fields was done during the shutdown process; additional damage reportedly occurred in some fields during subsequent bombings. Experts have warned that if another shutdown occurs, and particularly if it lasts more than six months, the damage could be irreversible.

that now claim loyalty to Machar subsequently took control of the capitals of Jonglei and Unity States, and on December 23 Machar claimed that he had taken control of the oil fields in Unity and Upper Nile State.⁹ Control of Upper Nile remains in dispute, but the SPLA claims it retook the Jonglei capital of Bor from pro-Machar forces on December 25. Most foreign aid staff and oil workers in those states have been evacuated or have sought protection on U.N. compounds.

Who are the parties to the conflict and what are their goals?

In the 1990s, during Sudan's north-south war, former Vice President Riek Machar was a senior Nuer SPLA commander who, along with others, split from the SPLM/A, citing grievances with the centralized leadership of the SPLM under John Garang, a Dinka, and disagreements on the objectives of the insurgency against Khartoum.¹⁰ Machar and his allies, who were primarily ethnically Nuer and Shilluk, later temporarily allied themselves with the government in Khartoum and briefly held positions in the Sudanese government. Machar's struggle against Garang's forces cost thousands of southern Sudanese lives—Amnesty International estimated that 2,000 civilians, mostly Dinka, were killed in the so-called Bor Massacre by Nuer forces under Machar's command. Abuses against civilians by both sides fueled ethnic hatred and fighting, particularly in the Greater Upper Nile area (northern Jonglei, Unity, and Upper Nile states) throughout the 1990s. Machar reconciled with the SPLM in the early 2000s and assumed the third-highest post in the leadership structure, after Garang and his deputy, Salva Kiir. After John Garang died in a helicopter crash in 2005, shortly after the signing of the 2005 peace accord, Kiir then became head of the SPLM, with Machar as his deputy.

Sudan held national elections in 2010, prior to the 2011 referendum on southern independence. As part of the CPA deal, the SPLM had formed a temporary Government of National Unity with Sudan's ruling party. Salva Kiir, as Chairman of the SPLM, served as first vice president under Sudanese President Omar al Bashir, and concurrently as president of a then-semi-autonomous Government of Southern Sudan (GoSS). Rather than Kiir running against Bashir for the Sudanese presidency in 2010, the SPLM decided to field a northern candidate, Yasir Arman, on the national ticket. Kiir, who by many accounts viewed secession as imminent, instead ran to retain the GoSS presidency, winning the position with almost 93% of the votes cast.¹¹ As the incumbent elected GoSS president, Kiir retained his position, now as president of the new Republic of South Sudan, under a transitional constitution following the country's independence, with Machar remaining his vice president, for a four-year term beginning July 9, 2011.¹²

Efforts by senior South Sudanese leaders to seek reconciliation with and among various communities and armed groups throughout the country have been ongoing for more than a decade. As part of these efforts, and out of apparent concern for the country's political stability, President Kiir granted amnesty to several individuals who once led rebel militias against the SPLM. In addition to Machar, many other senior faction leaders who returned to the party were usually incorporated into either the government or the security forces; many brought their forces

⁹ Radio Tamazuj (Juba), "Salva Kiir: 'We lost control over Unity State and Jonglei,'" December 23, 2013.

¹⁰ For additional information, see, e.g., Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, 2003.

¹¹ For more information on the 2010 elections, see, e.g., The Carter Center, *Observing Sudan's 2010 National Elections, April 11-18, 2010: Final Report*.

¹² Under the transitional constitution, the vice president is appointed by the President and may be removed by him, or by a two-thirds majority of the legislature on a vote of no confidence.

with them, adding to government's new challenge of reforming and "right-sizing" its increasingly bloated security sector. Some faction leaders, including another Nuer commander who fought against Garang during the civil war, Peter Gadet, received senior positions in the SPLA (which now refers to South Sudan's national armed forces).¹³

President Kiir has made several major changes to his government in 2013 in a stated effort to downsize, but also, it appears, in response to perceived threats to his leadership and international donor pressure to crack down on state corruption. In June 2013, he dismissed two senior cabinet ministers over alleged corruption charges, and conducted a major cabinet reshuffle in July 2013, removing Vice President Machar and his entire cabinet. Kiir also dismissed ruling party secretary-general Pagan Amum, who had been publicly critical of the dismissals. The SPLM-dominated parliament approved a new, leaner cabinet in August, after rejecting one of Kiir's appointees. Among his notable appointments was naming the powerful Dinka governor of the volatile Jonglei state as defense minister; Kiir in turn appointed the previous defense minister, a Nuer, to assume the Jonglei governorship. Jonglei, which is believed to have significant untapped oil reserves, has been a historic flashpoint for inter-ethnic fighting, including, but not limited to clashes between Dinka and Nuer. In recent years the state has seen considerable inter-communal fighting and armed cattle-raiding.¹⁴ Given its mixed ethnic composition and existing tensions, the Jonglei capital of Bor was among the first areas where fighting spread during the current crisis.

The political dispute that appears to have triggered this crisis was not based solely on ethnic identities or communal disputes—the political leaders aligned with Machar in early December 2013 represented multiple ethnic groups, including senior Dinka figures. Likewise, several Nuer leaders remain in top government positions, including the head of the military, Chief of Defense James Hoth Mai.

While complex and politically driven, the sporadic fighting since mid-December 2013 in many cases appears to have followed ethnic lines, with Dinka-on-Nuer violence reported in Juba, for example, and Nuer-on-Dinka violence reported in Jonglei, Unity, and Upper Nile states. In Juba, many of the civilians seeking refuge with UNMISS are Nuer, according to U.N. officials, and reports indicate that Nuer have been targeted by Dinka soldiers in Juba. The situation elsewhere in the country is volatile, with clashes reported in at least half of the country's ten states. The involvement of armed civilians and militias complicate efforts to prevent the situation from deteriorating further.

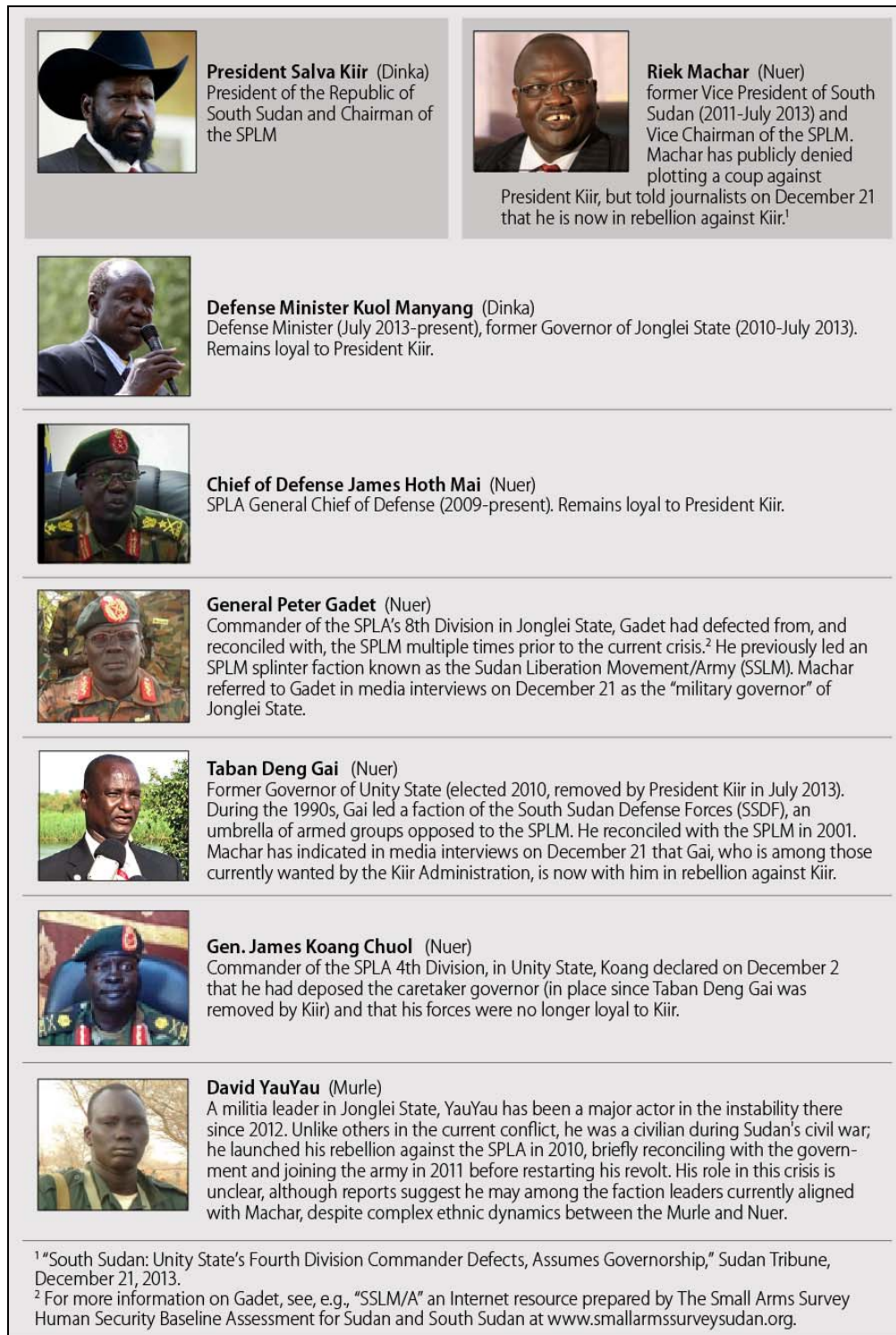
Several politicians associated with the "Riek camp" have been detained. Access to the detained has been limited, although the U.S. Special Envoy to Sudan and South Sudan was able to visit them on December 24 and confirmed their wellbeing. Many analysts suggest that these figures may be crucial to negotiations between the opposing factions. Machar has demanded their release as a precondition for dialogue with Kiir, calling for one of the detained, Pagan Amum, to lead a negotiating team for talks in Addis Ababa, Ethiopia, on his behalf. Kiir, in contrast, has called for talks without preconditions. Regional mediators may seek to focus on Amum and the other detained figures in attempts to facilitate dialogue.

¹³ For further information on other armed groups and realignments in South Sudan, see reports by the Small Arms Survey's Human Security Baseline Assessment for Sudan and South Sudan, at <http://www.smallarmssurvey.org>.

¹⁴ Small Arms Survey, "My Neighbour, My Enemy: Inter-tribal Violence in Jonglei," *Sudan Issue Brief*, Number 21, October 2012.

Whether the events triggering the current crisis in South Sudan were, in fact, part of a coup attempt, the fracturing of the country's leadership, the various factions' resort to violence, and the resurrection of dormant ethnic grievances may have negative long-term effects. International leaders emphasize that the conflict is inherently political and requires a political solution. Rebuilding trust among political leaders and between communities directly affected by ethnic violence may prove difficult.

Figure 2. Key Figures in the Crisis



Figures Detained or Wanted by the Government of South Sudan

As of December 25, 2013

Several key figures from South Sudan's independence movement and members of the SPLM's Political Bureau (the highest unit of the party) have been detained or are sought by forces aligned with President Kiir. Political Bureau members include Pagan Amum, Riek Machar, Deng Alor, John Luk Jok, Kosti Manibe, and Taban Deng. The government reports that it does not seek the arrest of another PB member, Rebecca Garang (see below), who has been seen as politically aligned with Machar in 2013. There are members of several large ethnic groups represented among the arrested, even as many civilians fleeing violence have done so along ethnic lines. The individuals listed below include Dinka, Nuer, Shilluk, and Equatorian groups.

Riek Machar – Deputy Chairman of the SPLM and former Vice President of South Sudan. Wanted; at large.

Deng Alor Kuol – Former Minister of Cabinet Affairs (2011- July 2013), Interim Foreign Minister (2011), Government of Sudan Foreign Minister (2007-2010), senior SPLM member of CPA negotiating team. Removed by Kiir on corruption allegations. Detained.

Oyai Deng Ajak – Former Minister of National Security, Office of the President (2011-July 2013); SPLA Chief of Staff (pre-CPA until 2009, when he was renamed GoSS Min of Regional Cooperation). Detained.

John Luk Jok – Former Minister of Justice (2011-July 2013). Detained.

Kosti Manibe – Former Minister of Finance (2011-July 2013); Removed by Kiir on corruption allegations. Detained.

Gier Chuang Aluong – Former Minister of Roads and Bridges (2011-July 2013), GoSS Minister of Internal Affairs, SPLA ret. Major General. Detained.

Majak d'Agoot – Former Deputy Defense Minister (2011-July 2013). Detained.

Madut Bier – Former Minister for Telecomm & Postal Services (2011-July 2013). Detained.

Cirino Iteng/Hiteng – Former Minister of Culture, Youth & Sports (2011-July 2013), GoSS Deputy Minister for Regional Cooperation, member of SPLM negotiating team during CPA talks. Detained.

Kuol Tong Mayay – Former Governor of Lakes State (elected 2010-July 2013) removed by Kiir in Jan 2013 and replaced by military 'caretaker' governor. Detained.

Pagan Amum – Suspended SPLM Secretary General and lead SPLM negotiator in peace talks with Sudan. Detained.

Ezekial lol Gatkuoth – Former Head of Mission at the Embassy of the Republic of South Sudan to the United States (2011-2012). Detained.

Peter Adwok Nyaba – Former Minister of Higher Education, Science & Technology (2011-2012). Wanted, some reports suggest he was detained on December 25.

Taban Deng – Former Governor of Unity State, SPLA Lt. Gen, retired and removed by President Kiir in 2013, Wanted; at large.

Alfed Ladu Gore – Former Minister of Environment. Wanted; at large.

Rebecca Nyandeng Garang – John Garang's widow and former GoSS Minister of Roads and Transport. By some accounts she has been held on house arrest, although the government insists that no charges were filed against her. On December 23, press reports indicate that she met with President Kiir.

As the fighting has spread beyond Juba to multiple state capitals and outlying areas, the potential for other armed actors to contribute to the violence spiraling beyond the control of political and military leaders is a serious concern. On December 21, civilians sheltering at an UNMISS peacekeeping base in Akobo (in eastern Jonglei state, near the Ethiopian border), were attacked

by a group of 2,000 armed Nuer youth, according to U.N. officials.¹⁵ More than 20 Dinka civilians were reportedly killed, along with two Indian peacekeepers; another peacekeeper was injured in the attack. It remains unclear what, if any, the relationship that group might have with the forces that led the revolt in Bor in December 2013.

Placing the Crisis in Context

The potential for this crisis was not unforeseen—the violence was triggered by political disputes among elites that had long been predicted by analysts, and reflects underlying ethnic tensions.¹⁶ Those tensions have waxed and waned among communities that have historically competed for scarce water and grazing land, and that have remained armed in the aftermath of the Sudanese civil war.¹⁷ As reports of new atrocities along ethnic lines emerge, the prospects for diffusing these communal tensions appear poor. State Department travel advisories since independence have warned of the potential for violence, not only between the security forces of Sudan and South Sudan, but also between the armed forces and multiple rebel militias. The State Department has repeatedly warned such internal clashes could “exacerbate ethnic tensions throughout the country, leading to further violence.” These warnings have further cautioned U.S. citizens that South Sudan’s government has “limited capacity to deter crime or provide security” and that “security forces often operate outside civilian control and laws governing due process and treatment of detainees are often ignored.”

In its own “fragility assessment,” conducted in 2012 as part of the New Deal for International Engagement in Fragile States, the South Sudan government stated that “large-scale internal conflict” had “markedly decreased,” and said that “initiatives” had been “put in place to address inter-tribal clashes recurring in some parts of the country.”¹⁸ However, the assessment stated that “sustainable implementation of internal peace initiatives, in particular for Jonglei state [had] not yet been achieved,” and acknowledged challenges stemming from the “proliferation of small arms.” The government further sought to “improve the behavior, effectiveness, and accountability of a broad range of security actors,” some of whom now have been drawn into internal conflict.

Small arms proliferated during the civil war and efforts to disarm communities in its aftermath, particularly efforts led by the SPLA, have been contentious and often accompanied by charges of ethnic favoritism by commanders and abuses against rival communities. SPLA disarmament campaigns in the Greater Upper Nile area have been particularly problematic in the context of ongoing and emergent rebellions by various militia, most of which are organized along ethnic lines that correspond to ethnic groups perceived to have fought as proxies of Khartoum against the SPLM/A during the north-south war (e.g., the Nuer, Shilluk, and Murle).¹⁹ Many local

¹⁵ UNMISS Press Release, “UNMISS Issues Preliminary Account of Akobo Base Attack,” December 20, 2013.

¹⁶ See, e.g., Alex Vines, “Who Can Halt the Crisis in South Sudan?” *The Guardian*, December 26, 2013.

¹⁷ See, e.g., The International Crisis Group (ICG), *South Sudan: Compounding Instability in Unity State*, Africa Report No. 179, October 17, 2011 and *Politics and Transition in the New South Sudan*, Africa Report No. 172, April 4, 2011.

¹⁸ The New Deal concept was created by the “G7+,” a group of conflict-affected countries, as a new country-owned and country-led mechanism for engagement with international partners, including donors, civil society groups, and others working in fragile states. It was introduced at the Busan High Level Forum on Aid Effectiveness in late 2011, and has been endorsed by the United States. South Sudan is among its Pilot Countries. For more information, see <http://www.newdeal4peace.org> and <http://www.g7plus.org>.

¹⁹ Small Arms Survey, “Fighting for Spoils: Armed Insurgencies in Greater Upper Nile,” *Sudan Issue Brief*, Number 18, November 2011.

communities in this area have also sought to retain their weapons for self-defense, and armed cattle raids have remained a recurrent source of violence there.

The South Sudan government's incorporation of former militia fighters into its armed forces has further contributed to an over-sized military with little or no professional training and loose command and control.²⁰ The United States and other donors have invested considerable resources in disarmament, demobilization, and reintegration (DDR) programs and security sector transformation initiatives. However, challenges associated with making these reforms in the context of inter-communal mistrust, massive underdevelopment, and few near-term prospects for employment for ex-combatants are immense.

Humanitarian Situation and Select Responses

How does the fighting affect civilians and foreign nationals?

The current crisis worsens humanitarian conditions in a country facing acute needs.²¹ As of December 25, the situation in South Sudan was fluid. Fighting and rising insecurity have contributed to deteriorating conditions that are likely to be further negatively affected by the evacuation of many international relief workers. The protection of civilians is currently the primary humanitarian challenge in South Sudan, and reports indicate that the security forces are, in several areas, divided and/or unable to provide security for either residents or foreigners. In some areas, reports by human rights groups suggest that members of the security forces may have committed serious abuses against civilians.²²

U.N. peacekeeping mission personnel have limited capacity to protect civilians—under its existing mandate, UNMISS is authorized by the U.N. Security Council to protect civilians under imminent threat of physical violence “within its capabilities and in its areas of deployment.”²³ While the Security Council has authorized an increase in the force size of UNMISS, the mission's resources remain constrained given large-scale displacements in a country nearly the size of the state of Texas, with extremely little infrastructure. The lack of paved roads significantly hinders the mobility of both South Sudanese security forces and U.N. peacekeepers. The Security Council has reiterated in previous resolutions that the government of South Sudan has the primary responsibility for conflict prevention and civilian protection, with UNMISS playing a supporting role.²⁴ Amid reports of abuses by elements of the security forces, this dynamic may place U.N. forces in an increasingly difficult position vis-à-vis the host government.

²⁰ The size of South Sudan's armed forces has been subject to debate, ranging between 150,000 to 200,000. For more information on the security sector and related reform challenges, see John A. Snowden, *Work in Progress: Security Fore Development in South Sudan Through February 2012*, Small Arms Survey, June 2012.

²¹ Prior to the outbreak of violence in December 2013, the United Nations estimated that one-third of the population required assistance. U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), *South Sudan: Consolidated Appeal 2014-2016*, November 14, 2013.

²² See Human Rights Watch, “South Sudan: Soldiers Target Ethnic Group in Juba Fighting,” December 19, 2013.

²³ UNMISS's mandate was defined by the U.N. Security Council in Resolution 1996 (2011).

²⁴ UNMISS's civilian protection mandate, set out in Resolution 1996 (2011), includes taking the necessary actions to protect civilians under imminent threat of physical violence, irrespective of the source of that violence.

More than 63,000 people have sought refuge at U.N. peacekeeping bases in the first two weeks of the fighting. As of December 26, the United Nations conservatively estimates that more than 121,600 people had been displaced by the conflict, with the real figure “likely higher,” given limited access to civilians outside population centers.²⁵ Delivering assistance to those in need is a top priority for relief agencies, where security allows. Hygiene and sanitation have emerged as problems in areas where internally displaced persons are gathering, and U.N. officials indicate that food, water, healthcare and shelter are urgently needed. The United Nations has issued an emergency appeal for \$166 million to address immediate needs, including those of Sudanese refugees currently residing in camps in South Sudan.²⁶ This funding represents the most urgently required resources from an overall \$1.1 billion 2014 aid appeal for enduring humanitarian needs in South Sudan.

U.N. High Commissioner for Human Rights Navi Pillay reported on December 24 that “mass extrajudicial killings, the targeting of individuals on the basis of their ethnicity and arbitrary detentions have been documented in recent days.” She further expressed concern about the safety of detained individuals, including several hundred civilians who were reportedly arrested in Juba and hundreds of police who were also reported arrested across the capital.²⁷

Fighting in Unity and Upper Nile States threatens not only local residents but may also worsen conditions for refugees who have fled the ongoing conflict in the neighboring Sudanese states of Southern Kordofan and Blue Nile. Fighting between Sudanese forces and insurgents in those states has led almost 200,000 refugees to seek shelter and assistance in camps in South Sudan since 2011. Foreign aid workers were evacuated, for example, from Yida refugee camp, which hosts more than 70,000 refugees from Southern Kordofan. Fighting has also been reported near refugee camps in Upper Nile.

How is the international community responding?

Various world figures have joined local church and civil society leaders in calling for an immediate end to the violence by all sides and a political resolution to the crisis. Many, including President Obama, U.N. Secretary-General Ban Ki-moon, and Pope Francis have cautioned South Sudan’s leaders and participants in the conflict that their actions threaten gains made since independence and the future of the country.²⁸ The African Union (AU) expressed “deep dismay and disappointment” at “the failure of political leaders in the country to live up to the hopes and aspirations of their citizens”²⁹ The AU has urged President Kiir to consider releasing the detainees to facilitate a dialogue between the opposing sides.

²⁵ Displaced figures from UNOCHA, “South Sudan Crisis: Situation Report as of December 26, 2013,” December 26, 2013. The death toll, which has not been verified, is an estimate given by U.N. Assistant Secretary-General and Deputy Special Representative in South Sudan Toby Lanzer, as stated on Twitter and quoted in “UN to Send More Troops to South Sudan” *Al Jazeera*, December 26, 2013.

²⁶ UNOCHA, “Aid Agencies in South Sudan Need \$166 Million Now to Save Lives of People Caught in Crisis,” December 25, 2013.

²⁷ OHCHR, “Pillay Urges South Sudan Leadership to Curb Alarming Violence Against Civilians,” December 24, 2013.

²⁸ See, e.g., The White House, Statement by the President on South Sudan, December 19, 2013; The Holy See, Urbi Et Orbi Message of Pope Francis: Christmas 2013, December 25, 2013.

²⁹ African Union, Press Statement of the 410th Meeting of the Peace and Security Council on the Situation in South Sudan, December 24, 2013.

The Intergovernmental Authority on Development (IGAD), the East Africa regional group that led the peace negotiations between Sudan and South Sudan in the early 2000s, has sought to mediate a dialogue between key leaders in the crisis with the support of the U.N. and the AU. Kenya's President Uhuru Kenyatta and Ethiopian Prime Minister Hailemariam Desalegn traveled to Juba on December 26 for discussions with South Sudan leaders; theirs was the highest level international delegation to visit to date. Special envoys from the United States and the European Union are also engaging key figures (see below). Concurrently, South Sudan's influential church leaders have also initiated reconciliation efforts.

The U.N. Secretary-General warned on December 24, "the world is watching all sides in South Sudan," announcing that the United Nations was bolstering efforts to investigate reports of human rights violations and crimes against humanity and declaring that "those responsible at the senior level will be held personally accountable and face the consequences—even if they claim they had no knowledge of the attacks."³⁰ He also stated, "Now is the time for South Sudan's leaders to show their people and the world that they are, above all, committed to preserving the unity of the nation." The U.N. Security Council unanimously adopted Resolution 2132 (2013) on December 24 in response to the crisis.³¹ Further deliberations are expected in January. The resolution, which calls for an immediate cessation of hostilities and the opening of political dialogue, supports an increase in the military component of UNMISS from an authorized 7,000 to 12,500 troops and in the police component from 900 to 1,323 personnel. It additionally authorizes the Secretary-General to facilitate inter-mission cooperation and, "if needed and subject to further Council consideration," complementary force and asset generation, including, through the possible transfer of troops and force enablers from other U.N. missions.³² U.N. efforts to mobilize these resources are underway, although it remains unclear how quickly new forces can be deployed, and how any potential transfer from other missions might affect competing needs elsewhere on the continent, including for the crisis currently underway in the Central African Republic.

How has the United States responded to date?

Conflict Resolution Efforts

Top U.S. officials have engaged both South Sudanese leaders and key figures in Africa and the international community to seek a mediated solution to the current crisis. In addition to calls made by Secretary of State John Kerry and National Security Advisor Susan Rice to President Kiir and public comments made by President Obama, U.S. Special Envoy to Sudan and South Sudan Donald Booth has traveled to South Sudan to engage with the opposing sides. The envoy has offered U.S. support to regional efforts to facilitate direct talks between Kiir and Machar. The IGAD effort may be bolstered by the relationship between Booth, who previously served as U.S. Ambassador to Ethiopia, and regional leaders. Booth appears to have been the first foreign official to have secured approval from Kiir for a meeting with the detained political figures.

³⁰ United Nations, Secretary-General's Press Conference at U.N. Headquarters, New York, December 23, 2013.

³¹ Draft resolution S/2013/760 was co-sponsored by eight Council members: Australia, France, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom, the United States, and Togo. Its unanimous adoption responded to the request of the U.N. Secretary-General on December 23.

³² U.N. Security Council, Resolution 2132 (2013), December 24, 2013.

U.S. Citizen and Embassy Protection Efforts

The State Department issued a new travel warning as the crisis unfolded on December 17, urging U.S. citizens in South Sudan to depart immediately.³³ The U.S. Embassy in Juba suspended normal operations and the Obama Administration ordered the departure of non-emergency U.S. government personnel, and evacuation operations for U.S. citizens began on December 18. The President further ordered 45 combat-equipped U.S. military personnel to Juba on December 18 “to protect U.S. citizens and property.”³⁴

On December 21, 2013, President Obama ordered “approximately 46 additional U.S. military personnel deployed by military aircraft to the area of Bor, South Sudan, to conduct an operation to evacuate U.S. citizens and personnel. After the aircraft came under fire as they approached Bor, the operation was curtailed due to security considerations, and the aircraft and all military personnel onboard departed South Sudan without completing the evacuation.”³⁵ Four U.S. military personnel were injured in the attack and evacuated for medical treatment. The identity of those responsible is unclear, although forces loyal to Machar claimed control of Bor at the time. The following day, the United States, “in coordination with the United Nations and in consultation with the South Sudanese government” evacuated U.S. citizens and others from Bor on U.N. and U.S. civilian helicopters.³⁶ The President has informed Congress in a message he described as “consistent with the War Powers Resolution” that he “may take further action to support the security of U.S. citizens, personnel, and property, including our Embassy, in South Sudan.”³⁷ On December 23, U.S. Defense Department officials stated that forces were being repositioned in the region to facilitate “maximum flexibility to respond to State Department requests.”³⁸ Going forward, this crisis may test U.S. Africa Command’s new rapid response capacity, which has drawn interest from Congress in the aftermath of the September 2012 attack on U.S. facilities in Benghazi, Libya.³⁹

Select Issues for Congress

The United States, which is the single largest bilateral aid donor to South Sudan, has invested significant resources in its development. Peace and stability among the Sudanese has long been a key focus of U.S. foreign policymakers in Africa and a sustained issue of bipartisan congressional attention.⁴⁰ Congressional engagement in Sudan and South Sudan has historically been driven

³³ Previous travel warnings had cited arbitrary arrests by security forces, along with limited health care, among ongoing concerns. The December 17, 2013 warning cited a “lack of security and risk of remaining” in the country.

³⁴ President Barack Obama, Report Consistent with War Powers Resolution, December 19, 2013.

³⁵ Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, December 22, 2013.

³⁶ State Department Spokesperson Jen Psaki, “U.S. Citizen Evacuation in South Sudan,” December 22, 2013.

³⁷ Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, December 22, 2013.

³⁸ “U.S. Calls for Immediate Talks in South Sudan,” Armed Forces Press Service, December 25, 2013.

³⁹ Deployed forces include those from the Djibouti-based Combined Joint Task Force – Horn of Africa’s (CJTF-HOA) East Africa Response Force and a Special Purpose Marine Air-Ground Task Force based in Moron, Spain. See CJTF-HOA Public Affairs, “Response Force Deploys for First Time,” December 26, 2013. See also, Richard Sisk, “South Sudan Crisis Tests US Marine Response,” Military.com, December 26, 2013.

⁴⁰ See CRS Report R42774, *Sudan and South Sudan: Current Issues for Congress and U.S. Policy*, by Lauren Ploch Blanchard.

largely by human rights and humanitarian concerns. With South Sudan's emergence as an independent country, the focus has expanded beyond north-south dynamics to an increasing examination of South Sudanese leaders' records on these matters in the context of oversight of expanded U.S. aid to the new country. Given evolving U.S. military deployments to the region in response to the current crisis, some Members may further seek to engage the Obama Administration on the role of those forces and the resources required to support them.

Members of Congress, including the Congressional Caucus on Sudan and South Sudan, have frequently engaged South Sudanese leaders directly. The leadership of the Senate Foreign Relations and House Foreign Affairs Committees, for example, sent a letter to President Kiir in August 2013 noting historic U.S. support for the people of South Sudan, but expressing increasing concern about human rights conditions, particularly in Jonglei. In response, President Kiir emphasized that improving security and preventing communal violence that might result in human rights violations was a top priority for his government, and noted measures that his government had taken in response to abuses in Jonglei. He made assurances that there would "never be a government policy to cleanse any ethnic group" while he was president. He also suggested that "without the sustained engagement of the United States Government and its People," the peace agreement that facilitated South Sudanese independence would not have been signed or implemented.⁴¹ In light of the current crisis, the congressional committees and Caucus leadership have publicly called for an end to the violence, improved humanitarian access, and respect for human rights. In a new letter to President Kiir expressing deep concern and calling for restraint to prevent the violence from escalating, they have emphasized the importance of inclusive political dialogue. The letter cautions, "your actions over the course of the coming days will be critical in influencing the path your country takes and how people remember your leadership."⁴²

U.S. Foreign Assistance

In recent years, U.S. foreign assistance to the people and government of South Sudan has been among the largest spending priorities for the United States in Africa, with more than \$410.6 million committed in FY2013 and more than \$393 million in economic, health, and security assistance requested for FY2014. In its FY2014 budget request, the Obama Administration stated that South Sudan "still requires significant external support to provide basic services to citizens, develop a broad-based, diverse economy, and establish basic standards for rule of law and good governance." The request also referred to "persistent ethnic conflict"; warned that South Sudan was "trending toward authoritarianism," although it argued that there was "still time to influence this trend through strategic and targeted assistance that supports the government's responsiveness and citizen participation in determining a way forward." The request further outlined U.S. plans to fund new and ongoing conflict mitigation efforts aimed at improving internal stability.

The current crisis is creating new requirements for humanitarian aid for people displaced by the recent fighting. In addition to the foreign aid figures cited above, the United States has provided more than \$268 million in humanitarian assistance in FY2013 and FY2014 to date, a figure that includes emergency aid provided prior to the crisis and is likely to increase as the situation

⁴¹ Letter from President Salva Kiir, September 27, 2013.

⁴² The text of the December 24 congressional correspondence to President Kiir is at <http://www.foreignaffairs.house.gov>. See also Sudan and South Sudan Caucus Statement on Escalating Violence, December 19, 2013.

unfolds, drawing from funds previously appropriated by Congress.⁴³ The USAID Office of Foreign Disaster Assistance (OFDA) has activated a Disaster Assistance Response Team (DART) and Response Management Team (RMT) to support U.S. government efforts to respond to the humanitarian aspects of the crisis.

The crisis has implications for sizeable U.S. financial contributions to U.N. peacekeeping missions in South Sudan, some of whose personnel have come under attack during recent fighting and whose bases have been transformed into camps for those seeking safety. From FY2012-FY2014, the Administration requested more than \$850.6 million to support the U.N. Mission in Southern Sudan (UNMISS) and more than \$197.2 million to support the U.N. Interim Security Force for Abyei (UNISFA).⁴⁴ Given the pending expansion of UNMISS by an additional 5,000 troops, to be drawn from existing U.N. missions in Africa, State Department officials estimated that the required U.S. annual contribution for UNMISS may increase by more than \$50 million. This may result in a request for increased peacekeeping contribution funds in FY2014 and/or FY2015, or a reallocation from other U.S. commitments. Additional U.S. support to prepare African peacekeepers for UNMISS and UNISFA is provided through the State Department's African Contingency Operations Training and Assistance (ACOTA) program.

In the longer-term, the evolving conflict in South Sudan may call into question the future direction of U.S. and international assistance to the South Sudan government. U.S. support to the government and security forces was already subject to certain restrictions, some of which are based on human rights and budget transparency concerns.⁴⁵ South Sudan has nevertheless been among the largest African recipients of State Department-funded security assistance in recent years, as the United States has sought to support security sector reform there. This aid has targeted both law enforcement and the military, seeking to help transform the SPLA from a rebel force to a professional military capable of contributing to internal and regional peace and security through training, advising, and non-lethal defense equipment. The SPLA has become increasingly active in U.S.-supported regional efforts to counter the Lord's Resistance Army (LRA).⁴⁶ Underscoring the depth of U.S. concern about the recent crisis, U.S. National Security Adviser Susan Rice said on December 20 that if "individuals or groups seek to take or hold power [in South Sudan] through force, mass violence, or intimidation, the United States will have no choice

⁴³ USAID, *South Sudan—Crisis*, Fact Sheet #3, Fiscal Year 2014, December 24, 2013. This document also includes funding figures for South Sudan from other major international aid donors.

⁴⁴ Part of UNISFA's mandate is to support the monitoring and verification of a demilitarized zone and related security arrangements along the yet-to-be-demarcated border between Sudan and South Sudan.

⁴⁵ According to the State Department's latest report on human rights conditions in the country, the three most serious problems are "security force abuses, including extrajudicial killings, torture, rape, intimidation, and other inhumane treatment of civilians; lack of access to justice, including arbitrary arrest, prolonged pretrial detention, and corruption within the justice sector; and conflict-related abuses, including continuing abuse and displacement of civilians as a result of fighting between Sudanese and South Sudanese forces, RMGs opposing the government, and rival ethnic communities." State Department, *2012 Country Reports on Human Rights Practices*, April 19, 2013. The State Department reports that the government has made progress in efforts to eliminate the use of child soldiers from the SPLA. Information on restricted assistance is available to congressional offices upon request. South Sudan is one of ten countries identified as subject to foreign aid restrictions based on the Child Soldiers Prevention Act of 2008 (CSPA, P.L. 110-457); President Obama waived the application of CSPA for South Sudan in September 2013, determining it in the national interest to do so.

⁴⁶ For more information on the LRA, a small, armed group in Central Africa, and efforts to counter it, see, e.g., Rajiv Chandrasekaran, "Kony 2013: U.S. Quietly Intensifies Effort to Help African Troops Capture Infamous Warlord," *The Washington Post*, October 28, 2013 and CRS Report R42094, *The Lord's Resistance Army: The U.S. Response*, by Alexis Arieff and Lauren Ploch Blanchard.

but to withdraw our traditional, robust support.”⁴⁷ State Department officials report that security assistance has halted and will not resume until security conditions improve.⁴⁸ Assistance to other sectors is under review.

It remains to be seen how any withholding of U.S. development or security assistance might affect the decision making of parties to the current conflict. One could argue that the withholding of foreign aid might influence those leaders most concerned about the ability of the South Sudanese government to meet the needs of citizens. A fiscal crunch induced by the dispute with Sudan over oil exports had already undermined the solvency of the South Sudanese government prior to the recent fighting. Given new threats to oil production in the context of the current crisis, fiscal concerns may be a decisive issue for some. However, it is unclear whether the severity of the crisis and the immediate threats key leaders may perceive to their security will make them more or less susceptible to coercive pressure from international donors. It also is possible that the continuation or the suspension of U.S. and international assistance could be perceived by different parties to the conflict as unwelcome attempts to shape the outcome of internal South Sudanese disputes.

Table I. U.S. Bilateral Foreign Assistance

Thousands of current U.S. dollars

	FY2012 Actual	FY2013 Estimate	FY2014 Request
GHP-USAID	43,010	38,541	35,510
GHP-STATE	12,036	14,339	13,904
ESF	305,360	284,761	280,499
INCLE	32,000	28,882	22,000
NADR	2,135	3,000	2,135
IMET	858	759	800
FMF	--	190	200
PKO	48,000	19,200	38,000
FFP	175,513	21,000	N/A
TOTAL	619,577	410,672	393,048

Source: State Department FY2013 Post-Sequester 653(a) Initial Allocations and FY2014 Congressional Budget Justification documents.

Notes: FY2014 figures do not include emergency food aid provided under the USAID-administered Food for Peace (FFP) program, which is determined during the year according to need. GHP = Global Health; DA = Development Assistance; ESF = Economic Support Fund; INCLE=International Narcotics Control & Law Enforcement; PKO = Peacekeeping Operations; NADR = Nonproliferation, Antiterrorism, Demining & Related Programs; IMET = International Military Education & Training; FMF = Foreign Military Financing.

⁴⁷ The White House, “Urging Peace in South Sudan,” The White House Blog, December 20, 2013.

⁴⁸ CRS communication with the State Department, December 24, 2013.

Mass Atrocity Prevention

As Members of Congress weigh what role the United States might play going forward in response to the South Sudan crisis, either directly or through support for international efforts, reports of mass atrocities filed by the United Nations and others may become a focus of congressional deliberations. In a number of recent crises with significant civilian casualties, observers have examined the practical implications of the Obama Administration's stated commitment to the prevention of "mass atrocities." The President, who was active in legislating on the Darfur conflict during his Senate tenure, issued a presidential directive in 2011 classifying the prevention of mass atrocities as "a core national security interest and a core moral responsibility of the United States of America." A major stated rationale of the President and the leaders of various U.S. allies for military intervention in Libya in 2011 was the prospect that forces loyal to Muammar Qadhafi might otherwise kill thousands of unarmed civilians. The Administration released a strategy on mass atrocities prevention in 2012. As part of that strategy, the Administration created the Atrocities Prevention Board and launched a new National Intelligence Estimate on the risk of mass atrocities and genocide. In his public remarks on the strategy release, President Obama referred to the Sudan/South Sudan peace process as one of several examples of a diplomatic effort that had "saved countless lives," noting that "when the referendum in South Sudan was in doubt, it threatened to reignite a conflict that had killed millions."⁴⁹ The President's comments suggested that, on a case-by-case basis, diplomacy was one of several tools for atrocities prevention, with military intervention among other possible options.

Human rights groups and others advocating U.S. intervention to protect civilians abroad are divided on the legacy of the mass atrocities prevention initiative. In the Central African Republic, for example, the Administration has credited the Atrocities Prevention Board with designing a media messaging campaign on peace and reconciliation in response to a burgeoning conflict along ethno-religious lines. Still, the exigencies of U.S. foreign policy and relative limits of U.S. leverage have challenged both the President's ability to give priority to prevention efforts and the success of such efforts once implemented. This has been the case, for example, in Sudan—where a bloody counterinsurgency campaign against rebel groups continues—and may be highlighted anew if South Sudan's internal conflict worsens or spreads.

In the near term, some in the advocacy community have sought to engage the U.S. government and others in the international community on how best to prevent atrocities in South Sudan. Some have outlined a range of proposals for increased U.N. action, including further examination and potential modification of UNMISS's mandate and a possible arms embargo on parties complicit in atrocities.⁵⁰ The U.N. Special Advisers to the Secretary-General on the Prevention of Genocide and the Responsibility to Protect have expressed deep concern with targeted ethnic attacks that they warn could constitute war crimes or crimes against humanity and have reiterated the

⁴⁹ For more information on the Administration's position on atrocities prevention, see, e.g., Remarks by the President at the United States Holocaust Memorial Museum, April 23, 2012; The White House, Fact Sheet: The Obama Administration's Comprehensive Efforts to Prevent Mass Atrocities Over the Past Year, May 1, 2013.

⁵⁰ See, e.g., George Clooney and John Prendergast, How to Stop an Inferno in South Sudan, *The Daily Beast*, December 20, 2013 and Louise Arbour, President and CEO of the International Crisis Group, Open Letter to the U.N. Secretary-General, December 24, 2013.

Government of South Sudan's responsibility to protect all populations, regardless of ethnicity or political affiliation.⁵¹

President Kiir appears to have publicly acknowledged international concerns about the government's responsibility to protect its citizens, stating on December 24:

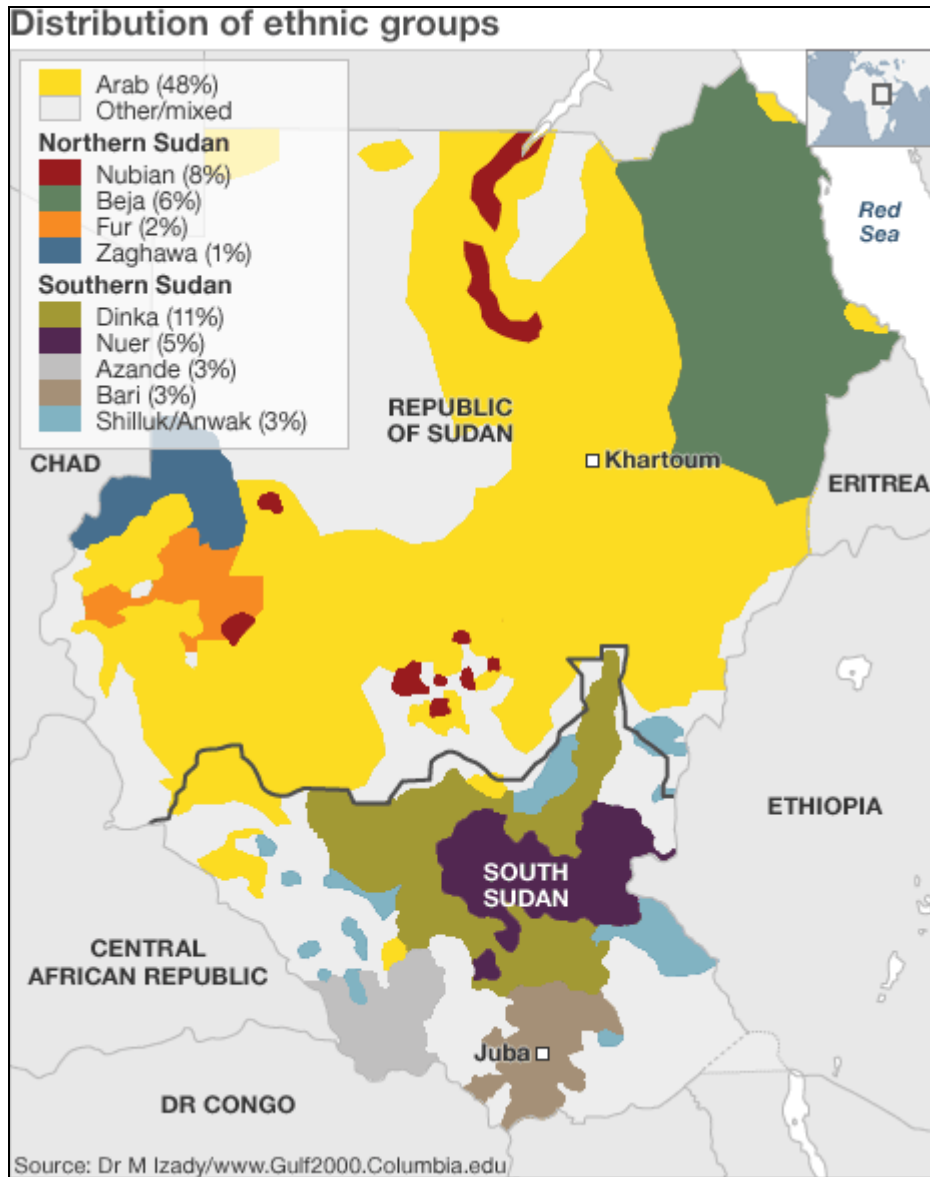
Anybody that goes to the residential areas to kill people or to loot the property of others and hoping that he's doing it to support me must know that that person is not supporting me. Instead, you are destroying me. ... Innocent people have been wantonly killed... There are now people who are targeting others because of their tribal affiliation, by means of taking the law into their own hands. ... This general line of orientation is unacceptable. It will only lead to one thing, and that is to turn this nation into chaos. All the unruly and undisciplined soldiers, who are behind such terrible acts, and who are randomly bent to killing innocent people are criminals and will not escape the long arm of justice, and will have to be punished. ... These atrocities recurring by now have to cease immediately.⁵²

Developments to date suggest that such appeals may not have immediate effect outside the capital, as disparate forces mobilize against perceived rivals. In the absence of a ceasefire, ongoing military operations to secure or retake contested areas or rebel efforts to move against government controlled areas may escalate violence by both state and non-state actors with unpredictable results.

⁵¹ United Nations, Statement by Adama Dieng, U.N. Special Adviser on the Prevention of Genocide, and Jennifer Welsh, U.N. Special Adviser on the Responsibility to Protect, on the Situation in South Sudan, December 24, 2013.

⁵² Nicholas Kulish, South Sudan's President Condemns Ethnic Killings," *New York Times*, December 25, 2013; and, *Radio Tamazuj* (Juba), "Kiir calls on soldiers not to commit atrocities," December 25, 2013.

Figure 3. Distribution of Major Ethnic Groups in Sudan and South Sudan



Author Contact Information

Lauren Ploch Blanchard
Specialist in African Affairs
lploch@crs.loc.gov, 7-7640

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