

The Evolution and the Implementation of R2P. Case Study: South Sudan.

Student: Alina Vint

Student number: 2242842

Master: Crisis and Security Management

Supervisor: Prof. Dr. Eamon Aloyo

Leiden University

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List of Abbreviations:

AU	African Union
AMIS	African Union Mission in Sudan
CoH	The Cessation of Hostilities Agreement
CPA	Comprehensive Peace Agreement
ICC	International Criminal Court
IDP	Internally Displaced Persons
UN	United Nations
R2P	Responsibility to Protect
SPLA	Sudan People's Liberation Army
SPLM/A	Sudan People's Liberation Movement/Army
PoC	Protection of civilians
ICISS	International Commission on Intervention and State Sovereignty
IGAD	Intergovernmental Authority on Development
UNMISS	United Nations – African Union Mission in South Sudan
UNMIS	United Nations – African Union Mission in Sudan
US	United States

1. Introduction:

“At this time of extreme challenges, we must not abandon the responsibility to protect or leave it in a state of suspended animation, finely articulated in words but breached time and again in practice” (Guterres, 2018).

Considering the statement of António Guterres and the events that led to a lot of debate in recent years concerning the R2P, I consider that analyzing the R2P impact and its evolution in this specific period of time is very useful and can offer different perspectives that can contribute to its further development. In these times when conflicts arise in different parts of the world, having different reasons at their basis, it is extremely important to understand how they can be addressed and what is the R2P’s role in different types of conflicts. This paper seeks to analyze the evolution and impact of R2P as an international norm. Specifically, to analyze the practical dimension of the norm using different examples of international events that changed the general perception concerning the norm and a case study for a further insight into the norm’s evolution and impact within two peacekeeping operations.

To make the subject of the thesis more specific and relevant, the research is conducted using a single case study following two United Nations peacekeeping operations, undertaken in collaboration with the African Union, in South Sudan. The main research question is to what extent has the Responsibility to Protect influenced the UNSC response to the conflict in South Sudan? As an addition to the theoretical findings included in the previous chapter, the response of the UNSC and the contribution of the African Union and IGAD will be analyzed in order to demonstrate the efficiency of the R2P solutions concerning the protection of civilians and the protection of human rights in practice. The single case study design seeks to analyze the response of the UNSC and the AU and IGAD in South-Sudan, the newest member of the UN as of 14 July, 2011 (Rossi, 2016).

The aim of this paper is to analyze the contribution and the impact of the Responsibility to Protect norm within the peacekeeping operations approved by the UNSC in collaboration with the African Union and the Intergovernmental Authority on Development. The paper consists of two parts. In order to understand the contribution of the Responsibility to Protect norm, the first part of the paper focuses on a brief analysis of the doctrine within the literature review. The question to be answered in the theoretical framework of the research is to what extent the Responsibility to Protect norm provided a solution to the protection of civilians and their human rights? In order to introduce the subject, the proposed research seeks to analyze the evolution of the R2P doctrine, starting with the late 1990s period, proceeding to analyze the International Commission on Intervention and State Sovereignty, and the adoption of the UN of the R2P doctrine within the World Summit Outcome document in 2005. Also, the theoretical framework seeks to portray the limitations of the R2P norm in connection with the international conflicts and its implementation.

Furthermore, the protection of civilians will be conceptualized according to the ICISS report and the World Summit Outcome document and the Kigali Principles on the Protection of Civilians. Even though the PoC and R2P present similarities in presenting the protection of civilians' principles, it is important to portray the individuality of the PoC as it is set out in the Kigali principles. In the same manner, the solutions provided in the official reports regarding the protection of human rights will be presented in the literature review section.

The main problem identified is the highly debated practical relevance and the implementation of the R2P principles at the national and international context. During the last few years, the R2P has been highly challenged by international conflicts that paralyzed the international community (Gifkins, 2016). Yet, a deeper analysis in the previous actions of the UN and the international community can clarify the possibilities and the shortcomings of the R2P principles.

The Implementation and Development of the R2P Norm

The research presents a brief history of the conflict between the North and South of Sudan, focusing on the civil wars that led to the separation of the two parts of the country and the way they were addressed in the 20th century as well as in the 21st century and presents the most important details until the present moment. The research presents two UN missions in Sudan and South Sudan, namely UNMIS and UNMISS, the latter being the mission established after South Sudan gained independence (Security Council, S/RES/1996, 2011).

The two selected peacekeeping operations provide the research with different historical backgrounds, so the analysis will include the different perceptions and the implementation of the R2P in different historical contexts. Also, the analysis of UNMIS provides insights into the steps taken by the UN and other regional actors prior to the independence of South Sudan (Security Council, S/RES/1996, 2005). In doing so, the thesis will seek to analyze the solutions offered by the R2P norm and its limitations by analyzing the two peacekeeping operations, focusing on the response of the United Nations Security Council and the regional organizations.

The chosen topic is directly related to the crisis and security management field by analyzing the methods and strategies involved in two peacekeeping operations of the UN and following the evolution of the operations for a better understanding of the conflict resolution and conflict management. The selected case study incorporates a prolonged conflict between the North and South part of Sudan, it follows the history of a war torn country that after decades of conflict separated into two distinct parts (Rossi, 2016). The scientific relevance is presented by the analysis conducted on a single case study, that provides insight into the practical relevance of the R2P principles within the UN peacekeeping operations on the ground. The reason to focus mainly on the UNSC response is that Sudan and especially Darfur region received a lot of attention from the media, whereas the conflict in South Sudan was initially considered a national conflict that could be dealt with at the national level until the death toll rose and attracted more attention (Zifcak, 2016, p. 70). Part of the reason for this was also the media outlets that were under development at the time the conflict commenced. This and the international context of the conflict influenced the response of the UNSC and as a result it became the core analysis of this

thesis. Also, the research provides the crisis and security management field with a deeper analysis of the international crisis response strategy at the UN level by scrutinizing the legal actions and response strategy of the member states within the conflict area.

2. Theoretical framework:

As the R2P Report has been released in 2001 and its principles have been introduced in the field of humanitarian intervention, there are diverging debates concerning the utility and practicality of the concept (Birch, 2017, p. 318). The research includes different opinions of the scholars on R2P in academia, such as Alex Bellamy, Aidan Hehir, Severine Autesserre, Jennifer Welsh and others. Furthermore, the theoretical framework includes the solutions provided by the R2P norm as presented in the ICISS Report and the World Summit Outcome regarding the protection of civilians and protection of human rights. Due to the fact that the research analyzes two peacekeeping operations, the concept of peacekeeping and the principles that surround it will be conceptualized in this part of the paper.

In this chapter the paper focuses on the theoretical framework and the literature review conducted based on the most important works in the literature concerning the main terms implied in the research. More specifically, the research will present a timeline of the R2P within the humanitarian intervention field. As the debate on humanitarian intervention and state's sovereignty stir up the debates that led to the creation of the R2P (Holmes, 2014), the humanitarian intervention will be theorized within the theoretical framework.

2.1 Humanitarian Intervention and Peacekeeping Operations

Humanitarian intervention as an academic term has been formulated in the nineteenth century, defined as the action of a government or organization to prevent or halt governments or other organizations in foreign states from violating the human rights of the people (Simms & Trim,

2011, p. 1-3). This definition concerning humanitarian intervention is ambiguous, also the type of intervention in another state is vague. That is why there are three aspects to be mentioned here, firstly the consent of the state in which the intervention takes place is part of their sovereignty. Secondly, if the state does not give consent for the intervention, there is a coercive intervention. Thirdly, the intervention does not necessarily involve force depending on the case (Simms & Trim, 2011, p. 1-3). However, the thesis focuses on peacekeeping missions authorized by the U.N. and follows the criteria for intervention offered within the U.N. Charter and combined with the R2P criteria for intervention.

According to Wheeler (2001, p. 555-556), the idea of humanitarian intervention or ‘supreme humanitarian emergency’ as he calls it, arises when a government has turned its power against its own people and it causes extreme levels of violence and suffering, or in cases when the state has lost its capacity to act according to the law. Similar to this idea is the concept proposed within the ICISS report on the Responsibility to Protect, namely the responsible sovereignty. This term refers to the sovereignty as responsibility, and it implies that a state is responsible for the provision of safety to its own citizens and the promotion their wellbeing (ICISS, 2001, p. 13).

Legally speaking, the humanitarian interventions are authorized by the Security Council based on Chapter VII of the UN charter. Moreover, the ICISS Report mentions the foundations of the R2P also lie on the responsibility of the Security Council of maintaining international peace and security, according to Article 24 of the UN Charter (U.N. Charter art. 24). To this legal dimension the unilateral humanitarian intervention can be added, as in the absence of consensus in UNSC, states can take unilateral initiative for intervention in unresolved conflicts as supported by Article 51 of the UN Charter (U.N. Charter, Art. 51). However, it is difficult to narrow down the normative aspect of the R2P concept, as the use of humanitarian intervention has been prompted by different contexts and interpretations throughout the recent history (Menon, 2016, p.19-20). Although, in both selected case studies, the peacekeeping operations were established by the UN Security Council, so in this research paper, the legal dimension will follow the UN resolutions adopted for the peacekeeping missions.

From a different perspective, the use of intervention as a concept rather than intervention as an event can cause the research to focus on the commonalities of different cases. This can result in vagueness of the term, as an arbitrary definition cannot be pinpointed. Apart from that, considering from a pluralist perspective, states are considered to have a subjective vision on what is considered “good” or not (Wheeler, 2001). In certain cases, this subjectivity can serve the interests of states. Or as Bull (1977, p. 93) puts it, the “question of order versus justice will always be considered by the parties concerned in relation to the merits of a particular case”. Furthermore, the nature of the international society is a self-centered one, meaning that the diplomatic relations based on international law and sovereignty can be compared to a game of interests similar to Hobbes’s state of nature (Jackson, 2000, p. 801). Within this research paper, the interests of the participatory states in both peacekeeping missions will be analyzed using the R2P framework.

The relationship between the international order and humanitarian intervention is self-explanatory, as the humanitarian intervention depends on the will of the international community (Menon, 2016, p. 82-83). More specifically, the implementation of the principle of Responsibility to protect is dependent on the willingness of states in taking action against gross human rights violations within other states as part of their responsibility to intervene in such cases. Both the implication of the international community and the reaction of the selected states will be analyzed within this paper.

Another really important aspect to be taken into consideration when analyzing the influence of the R2P principles is the peacekeeping itself. The UN is one of the most important organizations that works for the protection of human security. One of the main tool that is used by the UN to protect civilians is peacekeeping. One of the main components of peacekeeping operations is the protection of civilians (Hultman, Kathman, & Shannon, 2013, p. 875). The term of peacekeeping and protection of civilians has become increasingly intertwined throughout the time. Also, the protection of civilians has been integrated many times into the UNSC resolutions as part of a

normative phenomenon that took shape into the transformation of the traditional peacekeeping operations (Foley, 2017).

Peacekeeping in the traditional sense has been associated with the UN, yet the threat of veto and other political tensions have resulted in non-UN peacekeeping certain cases (Druckman & Diehl , 2013, p. 2). However, this research is based on two UN peacekeeping operations in South Sudan and Darfur and it seeks to analyze the progress of the UN peacekeeping mandate primarily. The main criteria that describes the traditional peacekeeping operations takes into account the authorization of the United Nations Security Council, the neutrality of the peacekeeping troops, the equipment of the troops should include light arms with the main purpose of self-defence, and the consent of the state where the mission is taking place as a legal basis of the mandate (Druckman & Diehl , 2013).

As part of the process of the implementation of a peacekeeping operation, a Strategic Assessment is conducted by the Secretariat in order to assess if there is a need and purpose for a peacekeeping operation in a specific country. As a following step, the Secretariat drafts a report for the UNSC in which it suggests whether a peacekeeping operation is desired. If the UNSC decides it is imperative to deploy peacekeeping troops it will authorize the mission through a resolution that sets out the operation's most important details, such as size and main tasks (Global Centre for the Responsibility to Protect, 2017).

2.2 The Introduction to R2P

At the end of the 20th century, Secretary General Kofi Annan, in his attempt to prevent future failures in the peacekeeping operations, requested two major reviews of international intervention. One of those two reviews resulted in the Responsibility to Protect doctrine and managed to change the UN's approach to peacekeeping (ICISS, 2001, p. VII). The main changes consisted in the duties that should be performed by the troops, that is peacekeepers should take a proactive stance, using military force to prevent further violence. More recent efforts in the operationalization of the principle are the creation of a joint office of the Special Adviser for the Prevention of Genocide and Special Adviser on the Responsibility to Protect and a UN-wide

“contact group” on R2P to enable faster cooperation in times of crisis (United Nations Office on Genocide Prevention and the Responsibility to Protect).

Since the publication of the International Commission on State Sovereignty and Intervention (ICISS) report that introduced the term Responsibility to Protect, the humanitarian intervention debate orbited around this term (Hehir, 2010). During the last decade scholars and intellectuals had different opinions about the efficiency of the R2P doctrine. The principle has gradually gained support coming from civil society, human rights activists, part of the academia, even though there still exists a fervent debate between supporters and critics of the principle (Holmes, 2014). Therefore, the main issue identified while researching the topic is that there are multiple opinions and interpretations of the R2P within the field of humanitarian intervention. This aspect makes the research more complicated, as it is hard to analyze the applicability of the R2P in conflicts around the world in a purely objective way.

In the view of Alex Bellamy, the R2P principle is one of the most important developments in the conflict resolution to humanitarian crises and most significant normative breakthrough (Bellamy, 2011). Another supporter of the term, Amitav Acharya (2015, p. 61) argues that the most important aspect of the work carried out by the ICISS is the creation of a coherent norm in the form of the R2P, based on multiple previous threads. In practice, the report adds the intervention dimension to the previous idea of responsible sovereignty. This idea of responsible sovereignty refers to the right of the international community to intervene in case a certain state is not capable to provide the means for conflict resolution in a major conflict within the state (Acharya, 2015, p. 62).

Thakur and Maley recognize the importance of the idea of state sovereignty that implies responsibilities, applied at a global level, that is included in the R2P doctrine (Thakur & Maley, 2015, p. 2-3). In other words, a state’s sovereignty is dependent on the way in which that state manages to protect its civilians from certain gross violations of human rights. Specifically, the R2P represents the conceptual common ground for the international community that refers to the

necessity for action against the four crimes, genocide, war crimes, ethnic cleansing and crimes against humanity (Newman, 2015, p. 237).

On the other side, critics of R2P, such as David Chandler, have mainly argued that the doctrine reflects nothing more than the new balance of power in the international context (Chandler, 2004). Aidan Hehir argues that the R2P has a limited significance due to its limitations in purpose and vague formulation (Hehir, 2010). Also, M. Ayoob (2002, p. 82) underlines the new dimension of humanitarian intervention given by the Responsibility to Protect, which provides states with the possibility to advance their goals under the umbrella of the international community. More specifically, it argues that states can decide to intervene in areas where they have direct interests and can decide to abstain from intervention in other areas where they lack the interests.

2.3 R2P the evolution as an international norm

International norms can have different impacts in various contexts depending on the implementation of the given norms and the results that are achieved. The way norms bring about certain political change is a very complex phenomenon that needs to be understood when analyzing the impact of a norm in a specific context (Finnemore & Sikkink, 2005, p. 889). In this section of the paper, the evolution and the definition of the R2P as an international norm will be briefly analyzed in order to get an insight concerning its utility and recognition at an international level.

First of all, the generally agreed definition of a norm is defining it as “a standard of appropriate behavior for actors with a given identity” (Finnemore & Sikkink, 2005, p. 891). This definition is clear and easy to apply when analyzing and studying a norm. However, there are multiple types of norms, the two most common ones are the regulative norms and the constitutive norms (Finnemore & Sikkink, 2005, p. 891). As the result of scholars’ documentation of the impact of R2P at the international level, there is evidence that the R2P

norm has both regulative and constitutive effects in relation with the behavior of states (Glanville, 2016, p. 187). That is because states comply with a norm in the primary phase for contributory reasons and in time with the development of the norm they will start to internalize it and use it consistently (Glanville, 2016, p. 188).

Also, after analyzing the two given models, scholars have underlined that norms are in fact dynamic in their nature, and that they constantly face contestation and reinterpretation which might never lead to a static internalization of a norm. This idea enhances the study of the R2P norm which has received a lot of contestation and has been challenged by different actors in the last decades (Glanville, 2016, p. 188).

The norm development in the international context it is a very complex phenomenon to analyze. The early IR scholars recognized that at the UN level there was an active process of norm creation, but it lacked the theorization and consolidation of these normative process (Finnemore & Sikkink , 2005). There are many factors to be taken into consideration when analyzing an emerging norm such as R2P. Some of the most important factors that will be included in this section are the general understanding of the norm at the international level, the international context in which the norm has emerged, the general agreement of the international community concerning the norm and the most important factors that led to the development of this norm up to its present state.

Because the impact of R2P is the main focus in this thesis, the originality of the study is brought by the case study and the norm development that can be analyzed within the case study. South Sudan is a newly created state that was faced with an internal conflict within a short period after the independence took place. What is special about this case is that it offers an environment for the analysis of the R2P as a norm and its evolution. There are more reasons for this, firstly because it was an internal conflict that was built on a long history of tensions between internal actors (Rossi, 2016, p. 166). Secondly, the increasing number of victims and the rapidity with which the conflict spread from the military to the civilian population were good signs for an R2P

intervention (Zifcak, 2015, p. 64). Thirdly, the international context presented other major conflicts in other areas of the world that managed to attract more attention from the international community and the UNSC.

In the context of the 60th anniversary of the United Nations, in 2005 the leaders of the world adopted the World Summit Outcome, pledging to defend three interlinked responsibilities that establish the R2P norm as a whole. An also the responsibility to prevent atrocities from happening in the aftermath of the intervention as an integrative part of this framework (Welsh, 2010, p. 416-417). These three responsibilities refer to responsibility of the states to protect their own populations against the four mass atrocity crimes as mentioned in par. 138, while assisting each other in this endeavor, and in the case of an incapability of a certain state to do so the responsibility of the international community to take collective action to halt the conflict (United Nations General Assembly, 2005, p. 30).

One specific characteristic of the R2P norm is that it has a positive duty as opposed to most human rights-based norms that require states to refrain from a certain behavior or a set of actions (Glanville, 2016, p. 190-191). The R2P appeals to the international community to act in a situation of crisis to protect the life of innocent civilians, that is translated into a commitment to do something good (Glanville, 2016, p. 190). Because of this fundamental difference between R2P and closely related norms, the R2P finds itself in tension with the related norms such as the non-intervention and self-determination norms (Glanville, 2016, p. 191).

This tension between R2P and other well-established norms can lead to a more complex assessment of a crisis. States might reflect upon a crisis considering the loss of resources and human lives on their part. Also, the target state might consider the intervention as unnecessary and in violation with their sovereignty and their right to self-determination (Glanville, 2016, p. 191). That particular scenario could be applied to the case of South Sudan, as the country exercised their right to self-determination prior to the conflict through the independence referendum (Kindersley, 2017, p. 2). As a result, the assessment of the R2P as an independent

norm needs to consider the limitations imposed by the norms mentioned previously and the practical dimension that guides the response strategy on a case by case basis.

The “indeterminacy” of the norm is referring to the contestation of the norm and the specific way this norm should be implemented on the ground. For example, the states can debate and disagree upon the implementation of the R2P norm in a given situation and also upon the gravity of the situation. However, the R2P norm offers limitations regarding the behaviors and arguments that states can adopt to determine the course of action to be taken (Glanville, 2016, p. 191).

As R2P is a contested norm in the field of International Relations, it is important to study the evolution and concrete case studies that utilize this norm in order to understand its complexity and its level of functionality (Welsh, 2019, p. 53). As Welsh (2019) is underlying in her paper, it is extremely important to take into account the changing perceptions of the impact and utility of the R2P norm. However, the most important element of the paper is to understand that the decay of one norm does not represent the extinction of the norm per se. As an example for this, the framework of the R2P norm is embedded in the normative structure of human rights and civilian protection, which provides a far more complex utility and functionality of the norm (Welsh, 2019, p. 56).

As far as the general agreement of the international community regarding the R2P norm is concerned, the actual utility of this political principle is shaped by the international context but also by the uniqueness of every situation that might call for its implementation. That is the reason to analyze the impact and development of R2P in a case where the context was favourable but the reactions of the international community varied in terms of R2P and the UNSC promoted the primary responsibility of the state over the international community (UN Report on South Sudan 18 Nov 2014, S/2014/821, p. 17, par. 75). At its basis, the norm has been adopted with the scope of strengthening the already existing international and humanitarian law, as an enhancer of the state of affairs with the concrete scope of the protection of vulnerable populations without

specifying a certain behavior from states or international actors when exercising their responsibility to protect other threatened populations (Welsh, 2019, p. 56).

Another aspect to be considered when observing the development of a norm is the misuse of the norm and the real impact of this misuse. Cristina Badescu and Thomas G. Weiss (Badescu, Weiss, 2010) argue that the misuse of a certain norm can provide an alternative to the successful cases of implementing one norm when observing the enhancement of that specific norm. The scholars do that by analyzing the misuse of the norm in specific case studies to portray how the misuse can help clarify the real purpose of an emerging norm and help reinforce it. When analyzing the development of the R2P norm, the scholars observe that there is a higher number of failure or misuse of the norm in multiple case studies throughout the years (Badescu, Weiss, 2010).

The first example used to analyze the development of the R2P norm in her paper is the war in Iraq in 2003 that affected the overall perception of the R2P norm. Even though the intervention in Iraq made the R2P norm come across as toxic, it eventually reinforced the boundaries of the norm by restating that an intervention is encouraged only in the case of a mass atrocity and with the purpose of protecting endangered civilians (Badescu, Weiss, 2010). A major success regarding the development of the norm after the failure of the implementation within the Iraq war in 2003 was the adoption of the R2P at the World Summit in 2005. This adoption of the R2P principles shows that the leaders present at the summit desired to clarify the boundaries of the norm and to prevent future abuses that could occur. This event marked an important step in the enhancement of the norm and is a proof that the misuse of the norm in the events of the Iraq war did not kill the emerging norm but helped reinforce its limits (Badescu, Weiss, 2010).

Few years later in 2008, the Cyclone Nargis in Burma was another case that helped enhancing the R2P norm by offering an example that did not require the use of the norm. There were different opinions circulating between the scholars and diplomats at the time, but in the end the R2P framework did not correspond to the situation that was ongoing in Burma. As the refusal

of the national authorities of Burma to receive foreign aid had not directly triggered the use of the R2P, because in the 2005 World Summit Outcome Document only the four mass atrocity crimes were considered triggers for the implementation of the R2P (Badescu, Weiss, 2010).

The perspective offered by Badescu (Badescu, Weiss, 2010) is extremely useful in the analysis of the R2P norm and its evolution considering that it is an emerging norm that is exposed to a lot of debate and is threatened by the misuse of its principles. The examples mentioned above representing the misuse or abuse of the norm offer a space for contestation of the norm and an active debate concerning the dimension of the norm and its boundaries and are equally important for the enhancement of the norm as the positive cases of its implementation (Badescu, Weiss, 2010). In this thesis, the case study focuses on the impact and the relevance of R2P within the UNSC response and seeks to analyze how it contributed to the development of the norm.

2.4 Events that had an impact on the R2P's development as a Norm

As a practical example of the development of the R2P norm, the case of Libya and Syria will be briefly discussed in this part of the paper. In March 2011, the Security Council decided to respond to acts of violence perpetrated against the Libyan civilians by adopting a Resolution 1973 (S/RES/1973, 2011) that was designed to protect the civilians that were in danger (Glanville, 2016, p. 192). Many observers argued that the impact of R2P norm was not a significant one and considered that context favored the intervention more than the R2P principles.

Even though, the author argues that the norm internalization was part of the decision-making process the national level in the USA, and at the international level within the Security Council (Glanville, 2016, p. 192). The context favored the decision of states to intervene after a long period of time. One of the main reasons was that there was a common view of Qaddafi as a

major threat to the people of Benghazi (Hehir, 2013, p. 138). However, the context was not the only reason to intervene. As counterarguments to intervention as the costs involved and the public opinion are factors that did play a role in the tardive intervention but did not ultimately prevent it. The main idea to be underlined here is that a state needs a higher motivation when it intervenes within a conflict, and in this case the motivation to intervene in Libya is considered to have been the protection of the local civilians. The author argues that this situations displays the internalization of the norm or the constitutive effects of the norm because of the adoption of the Resolution without any external pressure put on the state (Glanville, 2016, p. 192).

Another observation within this case is the debate that took place in the Security Council and the behavior of states within the decision-making process. Adler-Nissen and Puoliot (Puoliot & Adler-Nissen, 2014) show how powerful states convince and put pressure on other states to influence their vote in order to advance the decision to intervention or non-intervention within the Security Council. This strategy was implemented in order to ensure an intervention when there is a higher interest at stake, and most of the states accepted it because they considered it as part of the “standard appropriate behavior”. This behavior is regarded as acceptable in a situation when states need to exercise their responsibility to protect populations under threat. In fact, there was little evidence of the R2P language per se included in the resolution that called for intervention in Libya, apart from the primary responsibility of the Libyan state to protect its population (S/RES/1973, 2011, p. 1). However, the so called “standard behavior” is a proof that the R2P norm was recognized within the decision, as states agreed that the international community had a responsibility to protect the threatened populations and a majority voted in favor of the Resolution 1973 (Glanville, 2016, p. 192).

A more skeptical opinion regarding the success of the intervention in Libya is the one articulated by Hehir (Hehir, 2013, p. 158). He underlines the idea that the interventions within the Security Council are inconsistent. Also, the fact that sometimes the context and the interests of the international community align, does not represent a solid basis for the success of future possible interventions (Hehir, 2013, p. 158). Also, he argues that the same inconsistency that can

be observed within the response of the international community within recent crises was present during the 90's, before the creation of the R2P norm. He goes even further to state that the R2P has become a factor in the decision making process but it is still one amongst many other factors that together create a chaos and lead to this inconsistency (Hehir, 2013, p. 159).

The second example is the civil war in Syria that torn apart the country for four long years before the international community reached a common ground to address the situation. This is one of the cases that can display the nuances of the R2P norm and its implementation. In this particular case, the international community did not breach the norm because they did not intervene with military forces, as there are many other methods to protect civilians excluding the military intervention. However, the inability to address the situation using an alternative way for such a long period of time is considered to be a violation of the R2P norm, as the international community did not respect their responsibility to do whatever they can to protect the civilians of Syria (Glanville, 2016, p. 194).

The main point to be understood here is that norms are occasionally violated by the international community, but this does not lead to the death of the norm. This phenomenon, as Welsh (Welsh, 2019, p. 53-54) stated in her study, is helping the international community to reinforce the limits and the specific utility of a norm. In this case, the R2P has been violated, due to the lack of timeliness. But eventually the international community acknowledged that there is a need to react to the atrocities in Syria. For example, the Security Council has adopted numerous resolutions to address the situation on the ground (Glanville, 2016), by allowing humanitarian agencies to provide assistance and calling the warring parties to halt the conflict, condemning the terrorist attacks that caused the loss of human lives (Security Council Resolution, S/RES/2139, 2014).

In conclusion, the R2P has gained a demonstrable development since its creation through different methods that have been briefly discussed using two cases as examples. Despite the fact that the norm was violated, or it was not implemented for the reasons it had been created, these

shortcomings have influenced the development of the norm and the reinforcement of its limits. As a conclusion, it is still difficult to assess the development of the R2P norm, as there is a lot of inconsistency within the decision-making process at the international and national level. Yet, these inconsistent responses can symbolize that the international community is trying to act in the best way in the given situation. Plus, the failure of the states leads to their condemnation, which is another sign of the recognition of their responsibility to protect threatened civilians.

2.5 A setback from the R2P norm?

As presented in the previous chapter, the case of Libya and Syria are major events that question the applicability of the R2P norm. What is the reason for the breach or the misuse of R2P the in these cases?

As it is explained by more scholars, there are more contextual and historical reasons for this pull-back. The two cases taken as examples provide good contexts for the analysis of the pull-back of the international community from the R2P doctrine. In the case of Libya, the violence was perpetrated by the government and the rebel forces. This was the first case where the military intervention was meant to protect civilians from their own government, without having the state consent. This factor puts a lot of pressure on the outcome of the intervention, because in the case of a major failure the R2P doctrine would have to suffer as well (Zifcak, 2012).

Thomas Weis (2011, p. 287) specified that if the intervention in Libya goes well it would enhance the R2P doctrine and its general perception, but if it were for the failure of the intervention it would be devastating for the future of the norm. The reason for this was the high stakes that were present in this context and the so-called “moral hazard” (Weiss, 2011, p. 287) that could start after the intervention.

The Implementation and Development of the R2P Norm

There are two sides to this intervention, a successful one and one that is considered a failure. The military campaign managed to protect civilians, a fact that reinforced Pillar three of the R2P doctrine. Also, the intervention played a role in the affirmation of the coercive intervention. However, the reasons that made the Libyan case a controversial one is that the initial stance of the resolution 1973 was shifted to serve other purposes, such as the military cooperation with rebels and the assassination of the leader and the overthrow of the regime (Zifcak, 2012, pp. 11-12). These specific actions had a major impact on the perception of the R2P doctrine and it made the world leaders take a step back from it in the aftermath of this intervention.

In the case of Syria, the pull-back from R2P is very noticeable. This phenomenon was highly influenced by the intervention in Libya. In late 2011 and the beginning of 2012, the peaceful revolution in Syria turned into a violent civil war. China and Russia, as two of the P5 within the Security Council, have constantly vetoed the UNSC resolutions meant to alleviate the conflict (Thakur, 2013, p. 71). The pull-back from the R2P in this case was caused by geopolitics and the fear that a potential intervention might have ended up like the Libyan case.

As a solution to this pull-back, Brazil released a paper on “Responsibility while Protecting”. It is important for World leaders to engage in this debate in order to help the advancement of the norm and the future interventions and the means of implementation (Thakur, 2013, p. 72). The RWP had a great response from the media and the international community. Also, it managed to widen the debate on R2P (Tourinho, Stuenkel, & Brockmeier, 2015, p. 142), which is a proof that the R2P was still regarded as an important norm but the means to implement it needed revision.

Within the case study chosen for this paper, I will analyze the impact of the R2P in the long process of the independence of South Sudan considering the pull-back from the norm. The context is useful because one of the two peacekeeping missions to be analyzed was established in 2011, at the same time the pull-back has been detected. Namely, I will observe if the R2P doctrine managed to provide a solution to the protection of civilians and their human rights

throughout the process of negotiations and the two UN peacekeeping missions that were present on the ground during this time.

2.6 The ICISS Report and the 2005 World Summit Outcome

As mentioned in the ICISS report, the principles embedded in the R2P doctrine are about the so called “right of humanitarian intervention” and most importantly the prevention of conflicts. In other words, all preventive measures possible have to be exhausted before states revert to the right to intervene in situations when human protection is imperative in another state (ICISS, 2001, p. XII). The main problem identified by states at the end of the Cold War was the emergence of international conflicts that necessitated external intervention. However, the humanitarian intervention was highly controversial even when it did happen, as there was not a common ground for agreement on when and how states should intervene (ICISS, 2001, pp. 1-2).

Whereas, the R2P concept as a whole has gradually become accepted, the most controversial aspect is still represented by the military intervention, as it is a sensitive issue for every state to send their own troops in conflict zones (Holmes, 2014). Also, recent conflicts in which the international community was unable to reach a consensus, have added lines of dialogue to the debate on whether the R2P is indeed a universal doctrine or just an emphasis on the interests of powerful states (O'Hagan, 2015, p. 285). However, a differentiation will be made between the principles of humanitarian intervention and the broader term of R2P which includes more dimensions of the responsibilities that the international community has towards other states.

One of the most prominent elements of the R2P is the protection of populations from genocide, war crimes, ethnic cleansing, and crimes against humanity as specified in both the ICISS Report and the 2005 World Summit Outcome (Hassner, 2011, pp. 179-180). As Alex Bellamy (2011) describes it, this element of the R2P has three pillars. The first one refers to the responsibility of the states to safeguard their own citizens. The second pillar refers to the responsibility of states in mutually helping one another for preventing mass atrocities. Lastly, the third pillar refers to the

situation in which a state has failed to protect its own population, and the international community has the responsibility to use “diplomatic, humanitarian, and other peaceful means” to help protect populations under threat (General Assembly, 2005).

As specified in the ICISS Report (2001) the three most important elements of the R2P are the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. These three elements refer to the responsibility of the international community towards vulnerable states that might face crises. The particularity of the R2P in relation with other concepts in the humanitarian intervention field is that it implies a long-term strategy for conflict resolution, including the three stages previously mentioned.

One of the most controversial parts of the R2P is the intervention itself, as it implies a lot of debate between states and it requires a common line of thought in terms of the intervention strategy. However, the main focus of the doctrine is the prevention of conflicts. The report specifies that all preventive measures need to be exhausted before states revert to intervention (ICISS, 2001). This preventive element of the R2P does not strictly refer to the military intervention in another state for conflict resolution, but it emphasizes the importance of prevention of conflicts as a shared responsibility of the international community (ICISS, 2001). Also, another trait that sets the R2P doctrine apart is its character, as the R2P is a global political commitment or norm rather than a binding document for all UN member states (Holmes, 2014).

At the World Summit in 2005, the international community adopted the R2P principles in a condensed version that is outlined in paragraphs 138-139 (General Assembly, 2005). The international community through the World Summit has acknowledged that the primary responsibility to protect civilians from mass atrocity crimes is the responsibility of the state where these crimes take place. At the same time, paragraph 139 mentions that in the event of a failure of a state to fulfil its responsibility to protect civilians, the international community in cooperation with regional organizations can act to halt the atrocities as it is their responsibility to take common action in such a situation (General Assembly, 2005, pp. 30, par. 139).

2.7 Protection of Civilians and Human Rights

The World Summit Outcome mentions different types of human rights and specifies that states should respect humanitarian law and the UN Charter on Human Rights in any given situation. In the case when a state breaches the international humanitarian law, sanctions will be applied as a very important method supported by the Charter. The sanctions are established by the Security Council and they need to be implemented and monitored in accordance with international standards to achieve the desired results (General Assembly, 2005, pp. 25-26).

Human rights and the rule of law are interconnected and they reinforce each other according to the World Summit Outcome (General Assembly, 2005, p. 27). The document also specifies that all United Nations members should promote and uphold the human rights and fundamental freedoms.

As far as the protection of civilians is concerned, the World Summit Outcome Document encourages states to become parties to all the treaties related to the protection of civilians (General Assembly, 2005, p. 29). Also, as part of the goal to work towards gender equality and women empowerment, the document specifies the elimination of gender based violence through the protection of civilians (General Assembly, 2005, p. 17).

The Kigali Principles on the Protection of Civilians were delivered as a result of the High-Level International Meeting on the Protection of Civilians in Rwanda in 2015. They are a set of non-binding rules that aim to contour best practices in peacekeeping (2016). The document includes eighteen pledges that mostly focus on how to improve the peacekeeping missions and their implementation on the ground. For example, there are two principles on the training of peacekeeping forces on the protection of civilians (Principle 1 and 2). Also, there are three principles that address the deployment and the timeliness of peacekeeping missions (Principles 4, 7 and 11) (The Kigali Principles on the Protection of Civilians, 2016). The creation of a set of

principles related to the protection of civilians recognizes the development of the concept and its widespread use within the UNSC missions and within the regional organizations.

As the third of the Five Protection Tasks within the R2P report specifies, the security and the protection of civilians are the focus in the peacekeeping process of peace restoration. As observed in the UNSC mandates the main purpose was the demobilization of the combatants and the stabilization of the situation. This requires the disarmament of the warring parties, which is one of the most difficult and dangerous process in the stabilization process (ICISS, 2001, pp. 65, par. 7.45). The report mentions the human protection much more than the concept of the protection of civilians, but the principles have the same purpose, to protect the lives of innocent civilians.

3. Methodology:

The third chapter focuses on the methodology used to conduct the research. In order to answer the main research question of this paper, the research will be conducted using a comparative case study of two UN peacekeeping operations in South Sudan and Darfur.

Using the conceptual model presented in the previous chapter, the paper identifies the R2P principles as variables in the peacekeeping operations established by the UNSC. As certain elements of the R2P principles are called upon for the establishment of a peacekeeping operation, the hypotheses refer to the unique characteristics of the R2P principles that trigger the deployment of a UN peacekeeping operation. The hypothesis of the research consider that the R2P principles are independent variables that influence the response to the peacekeeping operations implemented by the United Nations Security Council or the African Union. Also, the paper considers the possibility of alternative explanations to the R2P principles. The two alternative explanations are the peacekeeping principles and the concept of protection of civilians (POC), mentioned in the theoretical framework.

In order to answer the main question of the research, to what extent has the Responsibility to Protect influenced the UNSC response to the conflict in South Sudan?, the paper will analyze the solutions offered by the R2P in practice by analyzing the UNSC mandates and other statements and actions undertaken by regional organizations, such as the African Union. In other words, the selected case study will be analyzed using the R2P principles as a means of understanding the relevance and characteristics of the doctrine in practice analyzing two UN peacekeeping operations.

The single case study method was chosen because it provides the study with direct observations and data collection in natural settings. Also, as Yin (2004) specifies, “the case study method is best applied when research addresses descriptive or explanatory questions and aims to produce a first-hand understanding of people and events”. Focusing on a deductive approach, moving from a general theory to a particular situation (Godwill, 2015), the research tries to test the relevance of the R2P principles in a practical setting using a single case study.

Within this paper, an analysis of open sources will be performed, based on data gathering from primary sources, such as official documents and statements, and secondary sources such as books and academic articles. A few examples of such sources are the works of Alex Bellamy and Jennifer Welsh on the Responsibility to Protect, also the contribution of Séverine Autesserre on peacekeeping. Additionally, the case study will be analyzed using literature, such as articles and books written specifically on the interventions and history of the conflict. Apart from that, the UNSC resolutions that authorized the peacekeeping operations will be analyzed together with other official documents, UNMIS (United Nations Mission in Sudan) and the following mission UNMISS (United Nation Mission in South Sudan) (United Nations Resolution 1996, 2011).

Another reason for selecting the two peacekeeping operations is that they provide the research with the contexts to analyze the situation on the protection of civilians and their human rights in a prolonged conflict. Also, the two peacekeeping operations are historically located in the same country and capture the process of separation of South Sudan from the Northern part in 2011,

which is considered an act of self-determination (Douglas J. , 2016), that was also prepared and supported by the UNMIS mandate (Security Council Resolution, S/RES/1590 , 2005).

Within the research the analysis will focus on the influence of R2P on the two peacekeeping missions starting with the period when it gained momentum with the release of the ICISS report to the years that followed and to more recent years. The selection of a case study comes as a way of analyzing the different contexts of two peacekeeping operations and the elements that influenced their evolution. The single case study has been selected to serve as a context for the analysis of the R2P solutions to the protection of civilians and their human rights, and their relevance in the actual conflict situation. The reason for choosing South Sudan is because it is one of the longest conflicts of the past few decades and the civil war commenced at the same time with other major international crises, which offers a broader analysis of the international context regarding the R2P norm. Also, the civil war presented all the elements that called for an intervention based on R2P. The gross human violations and the prolonged state of conflict called for action from the international community and all the preconditions for action according to the R2P were present (Zifcak , 2015, pp. 52-53).

The selection of South Sudan was made based on the timeframe that included UN peacekeeping missions on the African continent after the release of the R2P report. The UNMISS mission was established after the independence of South Sudan was gained in 2011 (Security Council Resolution, S/RES/1996, 2011). The resolution recognizes the establishment of the Republic of South Sudan in its opening lines. It also specifies the need for peace consolidation through post-conflict peacebuilding and a focus on the protection of civilians and human rights (Security Council Resolution, S/RES/1996, 2011). The UNMISS mission has been precedent by UNMIS (United Nations Mission in Sudan) before the Southern part became the newest established country in the world (UNMISS, 2019).

Within these two cases, I can compare and analyze the elements that differentiate the two case studies and the similarities of the two UN mandates. For answering the research question, to

what extent were the actions undertaken complying with the R2P doctrine, I will analyze the language of the UN reports concerning the peacekeeping missions. Also, when there is no clear evidence of R2P language within the UN resolutions and reports, or the use of the R2P language is limited, I will analyze the peacekeeping missions using the concepts of peacekeeping and humanitarian intervention principles. In order to do so, I will analyze if these concepts have an influence on the increase of the use of the R2P principles within UN missions.

As far as the limitations of the study are concerned, only two case studies cannot entirely represent the functionality of the R2P principles, as the use of R2P has fluctuated since its appearance. Even though they can advance the understanding of the R2P principles in specific international contexts, they cannot represent a general rule for all the other interventions undertaken by the UN. Also, another limitation is represented by the complex interplays and influences between the cases selected that can hinder the identification of causal patterns. The expectation is that the case study will reveal useful insight that will provide evidence of the use of R2P principles within the two selected UN peacekeeping missions. Lastly, the paper includes an extended analysis of the actions that were undertaken based on the R2P principles or the alternative explanations that might have an influence in the increase of the use of R2P principles.

4. Planning:

As far as the planning of the paper is concerned, the thesis is divided in five chapters. The first three chapters are described above, namely the first chapter is the introduction into the topic and a brief summary of what is to be expected in the next chapters. The second chapter focuses on the theoretical framework and the literature review. More specifically, the second chapter includes the operationalization of the main terms used in the research paper and the different existent definitions and interpretations of those terms in the most relevant existent literature. The third chapter refers to the methodology of the research and it seeks to explain the methods of analysis of the data that will be processed within this research. In the following chapter, namely the fourth chapter, the paper will analyze and compare the two selected peacekeeping operations

in order to answer the main research question and the sub-question addressed in the introduction. The analysis will follow the methodology outlined in the third chapter, focusing on a single case study that includes two different UN peacekeeping operations. In the fifth and final chapter of the paper, the main conclusions and findings of the research will be presented and suggestions for further research will be provided if appropriate.

5. South Sudan

5.1 The History of South Sudan and its Independence

“It is obvious that both the Arab North and the African South will have enormous advantages once they part in peace” declared Oliver Albino about Sudan in 1970 (Douglas J. , 2016, p. 151).

The process of gaining independence for South Sudan was a long and arduous process. The idea of the separation of the two parts of the country began a long time ago, in 1945 after the publication of the United Nations Charter (1945) and the Atlantic Charter (1942) that introduced the idea of self-government and self-determination (Douglas J. , 2016, p. 152). This idea of self-determination has followed the Southern region of Sudan for decades before the actual independence took place in 2011 (Kindersley , 2017, p. 1). The main focus of this section is to present the main steps to independence for a better understanding of the ongoing conflict.

In the period following the separation of the South and the North, there was a great interest in the academic study and research of the country, nationally and internationally. The new wave of research revealed that the two new established countries should not be studied separately, but rather analyzed based on their intricate and diverse history considering their prior unity (Kindersley , 2017, p. 4). Considering this idea, the paper will analyze briefly the period prior to

the independence of South Sudan, considering the close connection it had to the North of the country for a long period of time.

Even though the North did not create many opportunities for the Southerners, during the 1940s-1950s there was an awakening process within the political system of South Sudan. The information spread more easily to the people through newspapers, better access to education, better transportation and the creation of local councils that were created in the South. The involvement of Southern politicians is proof of their desire to self-determination and self-government (Øysten & Daly, 2016, pp. 65-67).

Starting with the years 1953 to 1956, the process of decolonization and independence of Sudan began (Øysten & Daly, 2016, p. 65). The politicians in the South Sudan did not have a lot of freedom in deciding on their independence at the Juba conference in 1947. The politicians in the North already decided the fate of the South based on the idea that the people from the South should be “the equals of their partners of the Northern Sudan” (Øysten & Daly, 2016, p. 60).

The process of “Sudanisation” meant the replacement of the government positions held by the British with Sudanese governors. In this period, the South tried to raise its voice and to get the position of governing in their region, as part of the “Southernisation” process that developed at the same time. This “Southernisation” was mainly a desire for political participation within the South region (Øysten & Daly, 2016, pp. 68-69). Yet, the Southerners lost the support of the government in the Northern part of the country, who focused on the development of their region.

In the view of Rolandsen (Rolandsen Ø. H., 2011), the period between 1956-62 in Sudan is a crucial period to be analyzed when studying the process of independence of South Sudan. The conflict spread rapidly from one city to another. In the years to come, the government tackled the situation by indirectly undermining the Southerners and by replacing the Equatoria Corps with Northern military troops. This aspect deepened the animosity between the two military groups and it also reinforced the ethnical prejudices (Rolandsen Ø. H., 2011, p. 113). It is important to

notice that this old ethnic tensions within the army influenced the later conflict after independence took place in 2013 and reinforced the same old patterns of conflict.

As an overall vision on this conflict, it is believed that the general perception of the Northern elite towards the South as an inferior and their rigid idea of a unitary Sudan led to the prolonged conflict and the lack of a mutual solution. One of the mistakes politicians made in the aftermath of the 1955 conflict is that they reinforced old prejudices, created ill-founded reforms that led to the fortification of their administration without considering the South's visions (Rolandsen Ø. H., 2011, p. 123). This old phenomenon put the basis of an insecure South that lacked the practical solutions and policies for a solid nation on its own.

The same marginalization continued throughout the 1960s politics in South Sudan. There are two reasons for this phenomenon, firstly because the government policy that restricted the involvement of the South, and secondly the general perspective regarding the educated Southerners as agitators (Rolandsen & Daly, 2016, p. 86). These two factors added to the creation of a unique identity of the people from the South, as it marginalized them, and it downgraded their interests and ideas. Later, this phenomenon led to the instability and the lack of a resilient political system in the aftermath of the referendum and the independence of South-Sudan.

After almost a decade of unrest and fragmentation, the Peace Agreement of Addis Ababa in 1972 was signed. This agreement put forward a plan of action where South Sudan would receive regional autonomy and would be able to create their own regional assembly ruled by an appointed prime minister. The Peace Agreement is considered an important cornerstone in the history of Sudan. Additionally, it is extremely relevant to the independence process of South Sudan because it established its autonomy after a long and intricate conflict (Rolandsen & Daly, 2016, p. 92).

Another considerable event that marked an important moment in the process of independence was the Second Civil war between 1983–2005. One of the drawbacks considering the research of the second Sudanese war is that it is limited by many gaps especially in the beginning of the conflict (Blocq, 2014, p. 711). However, the evolution of the conflict is very important for the understanding of the power politics and societal developments that manifested throughout the years and led to the present conflict in South Sudan.

Throughout the second civil war, there were two main militarized systems that controlled the society. One of them was the government in Khartoum and the other one was the SPLM/A that presided over towns and villages (Rolandsen Ø. H., 2015, p. 165). After eight years of fighting against the Islamic regime in Khartoum, the SPLA has broken into two warring factions. The outcome of this secession was a full-fledged conflict between the two largest ethnic groups within the guerilla troops, Dinka and Nuer (Jok & Hutchinson, 1999, p. 126).

5.2. Independence of South Sudan:

“A happy day like this should not dwell on bad memories, but it is important to recognize that for many generations this land has seen untold suffering and death. We have been bombed, maimed, enslaved and treated worse than a refugee in our own country” (Speech of President Salva Kiir on Independence Day, Juba, 9 July 2011, 2011).

In December 2013, after two years of tension between President Salva Kiir and Riek Machar his vice president, a conflict arose between the Dinka and the Nuer soldiers. On the night of 15th December, the conflict started between the two groups and quickly escalated into an open conflict and soldiers shooting on the streets the entire night (Turse, 2016, p. 10). In the book of Nick Turse (Turse, 2016), he describes the horrors that he has seen in South Sudan during the civil war that commenced not long after the independence of the newest nation of the Earth,

South Sudan. He narrates the story of a 27 year-old man of Nuer ethnicity, named Simon Wour, that managed to escape the soldier's raid but had witnessed the killings and the corpses of innocent civilians laying on the streets as he was trying to find shelter at the "U.N. House", the safe haven of the United Nations Mission in South Sudan (Turse, 2016, p. 14).

Simon Wour recalls the scene he witnessed when he arrived in front of the UN's gates where he saw numerous corpses that were lying on both sides of the road. In that moment, he started to realize the fear that was inside of him and the imminent danger that threatened his life (Turse, 2016, p. 16). During this period, over the month of December, the UN reported hundreds of deaths, and the South Sudan Human Rights Commission reported around 600 killings between the 16th and 18th of December, even though the total numbers of killings are not known and are hard to be estimated (Turse, 2016, p. 19).

The conflict within the ruling party, the Sudan People's Liberation Movement (SPLM) and the Sudan People Liberation Army (SPLA) has a basis in the older unresolved tensions dating back to the split of the army (SPLM/A) and the lack of resilience between the two conflicting parties. Even though people were aware of the existing tension within the army, the rapidity with which the conflict escalated surprised everyone. Also, the fragmentation of the army and side switching contributed to the length of the conflict and delayed the peace process (Seymour, 2014, p. 93).

In fact, the events of 2013 have been influenced by the events that happened in the recent past. For example, the SPLM/A experienced major changes in its structure during the late 1980s and the 1990s. Initially, the army consisted of students, intellectuals and guerilla soldiers, many of them belonging to the Dinka tribe, specifically Dinka from Greater Upper Nile and Dinka from Greater Bahr el-Ghazal. Later on, groups of Nuer from Upper Nile were integrated into the army which led to the ethnic diversification of the SPLM/A into three different factions (Rolandsen, 2015, p. 167). After the ratification of the Comprehensive Peace Agreement in 2005, the army managed to maintain a common ground as their main goal was to fulfil the peace

agreement and obtain the independence. However, the consensus was fragile and there were moments when this can be clearly observed (Rolandsen, Glommes, Manoeli, & Nicolaisen, 2015, p. 89).

The main reasons for the fragmentation of groups within the army were in close connection with the political decisions taken by the president and its close supporters. The authoritarian impulses, the inability to halt the corruption and the change in policy and alliances has led to the destabilization of the situation and the beginning of a major crisis in South Sudan (Douglas J. H., 2014, p. 171). Also, in order to create a sustainable peace agreement in the future, the peace processes need to include the army within the decision-making, as they are an integrative part of the conflict and the political system (Young , 2016, p. 12).

Another reason for the chronic instability of the country is the economy and the way it is managed by the government. South Sudan receives most of its income from oil revenues, which reduces the means to diversify the economy and secure the standard of living within the country. Additionally, the government lacks the means and ability to manage these resources (Rolandsen, Glommes, Manoeli, & Nicolaisen, 2015, p. 89). An observation to be made here is that the neopatrimonialism plays a great role in the way the economy and the society is structured. As the average Sudanese people interact more with the informal patronage networks that recruit people based on their ethnicity or their relatives within the public sector, it is hard to establish a structured formal system that functions based on meritocracy (Rolandsen, 2015, p. 165).

As an example, at the 2008 National Convention, the different factions within the army fought for the chairmanship position, but they managed to maintain the order and a common ground was reached. Another example is the 2010 national elections and the tension created as a result of the exclusion of peripheral factions. The leaders of the three Equatoria states were concerned about their future and frustrated by the exclusion from the decision-making within the party (Rolandsen, 2015, p. 170). As a result, to these frustrations and the constant

marginalization of the peripheral regions, the conflict gained larger proportions and had a bigger impact on the population of South Sudan.

5.3 UNMIS and the Comprehensive Peace Agreement

In the year of 2005, both the Comprehensive Peace Agreement (GOS/SPLM/A, 2005) and the World Summit Document Outcome (General Assembly, 2005) have been ratified. In this international context, the situation in South Sudan is the point of interest in this paper. Specifically, the purpose of this paper is to assess the influence of the R2P norm after the adoption of the R2P report at the UN World Summit Outcome, on the long conflict in Sudan. Also, the question put forward is to what extent the R2P has provided solutions to address the violation of human rights in South Sudan? This chapter will seek to answer this question and to analyze the events in the aftermath of the Comprehensive Peace Agreement and the UNMIS mandate on the ground.

As 2005 seemed to be a year that promised to change the fate of South Sudan and the way gross human rights violations were dealt with at the international level, there are more aspects to be considered when assessing the success of these changes. First of all, the CPA contains regulations that address issues like distribution of power, wealth management and self-determination (GOS/SPLM/A, 2005, p. 12). It is however important to observe how these principles were applied on the ground.

The United Nations supported the signing of the CPA through a resolution (Security Council resolution, S/RES/1574, 2004). The resolution condemns all the violent acts and the violation of human rights, stressing the responsibility of Sudan to protect their population within their territory and respect human rights and international law (Security Council resolution, S/RES/1574, 2004, p. 2). This is an evidence of the acknowledgement of the primary

responsibility of a state to protect their citizens and their fundamental human rights, as part of their sovereignty (ICISS, 2005).

Rania Hassan Ahmed (Ahmed, 2010) argues that the historical pattern of dishonoring the peace agreements in South Sudan posed a challenge after the signing of the CPA. She emphasizes that the issues of imbalance and Muslim/Arab domination were still relevant for the South when the CPA was signed (Ahmed, 2010, p. 54). At the basis of the agreement were the principles of human rights protection, the maintenance of local and regional heritage and development of the society based on transparency and accountability (Wassara, 2010, p. 83).

As part of the responsibility of the Security Council and the General Assembly to maintain international peace and security (General Assembly, 2005, pp. 22, par. 80), the UN established an advanced team in Sudan as a special political mission (Security Council Resolution S/RES/1547, 2004). The UNMIS political mission was created to serve as a support team and liaison between parties for the peace process before and after the signing of the CPA.

The political context in Sudan at the time of the CPA was relatively unstable. The tension between the two factions of the army dates to 2005 when the death of John Garang, the former leader of the SPLM/A, facilitated the rise to power of two men, namely Salva Kiir Mayardit who took the leadership of the SPLM/A and Riek Machar who became vice-president of the GoSS. Both occupied important positions that allowed them to change the vision of the entities they were leading. For example, Riek Machar reset the political priorities of the party, focusing on the independence of South Sudan and aiming to win the independence referendum without voicing too much his opinion. He preferred to maintain the appearance of a unified army prior to the elections in order to fulfill the real goal of having an independent South Sudan (Douglas J. H., 2014, p. 169).

As far as the obligations of Sudan to the international law are concerned, Sudan signed several charters and agreements that proclaim the respect towards life and personal integrity.

Examples of such agreements are the International Covenant on Human and Political Rights (ICCPR), and the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations General Assembly, 2005, pp. 5, par. 3). These agreements promote basic human rights that are in line with the human rights promoted in the R2P report and the World Summit Outcome Document.

As part of the work of Emmanuel Akwei Addo for the Economic and Social Council, he travelled to Sudan in the year 2004 and observed the general situation. His discovery was that the political situation in the North of the country did not improve at the time, even though there were numerous peace talks (United Nations General Assembly, 2005, pp. 9, par. 20). There was a general bending of the rule of law and the Government restriction on the freedom of expression and of assembly throughout the country (United Nations General Assembly, 2005, pp. 9, par. 21).

As the situation did not stabilize, the United Nations was working through its different committees to address the situation in Sudan. In a resolution (Office of the High Commissioner of Human Rights, 2005, pp. 2, par. 2) on the situation of human rights in 2005, the UN condemns the human rights violations happening all over Sudan. Also, it advises on the improvement of the human security and the respect of human rights and international law within the country (Office of the High Commissioner of Human Rights, 2005, pp. 4, par. 4).

Even though the United Nation through the General Assembly and the High Commissioner for Human Rights, has condemned the continuous breach of international law and the violation of human rights all over Sudan, there was no clear call to the direct responsibility of the states to intervene in this case before 2005. However, the establishment of the UNMIS mandate under Chapter VII of the UN Charter, engaged to protect the UN personnel and humanitarian workers on the ground, and to protect civilians under the threat of physical violence (United Nations Resolution 1590 S/RES/1590 , 2005, pp. 6, par. 16). In this situation there is a lack of direct evidence of the Responsibility to Protect of the international community, but there is a direct

specification to the responsibility to protect the civilians of Sudan, as one of the alternatives explanations mentioned in the theoretical framework.

However, we can observe a strong dimension including the prevention strategies very much stressed and supported by the R2P report in the section of Responsibility to Prevent (ICISS, 2001, pp. 19, par. 3.1-3.2). During the UNMIS mandate, the UN has closely monitored the situation in Sudan and created a strategy for the prevention of further tensions and violence within society. Also, the mandate acknowledged the primary responsibility of the Sudan state to maintain the security of the population (United Nations Resolution 1590 S/RES/1590 , 2005, p. 1), as part of the principle of state sovereignty. Additionally, the peacekeeping principles are present in the text of the resolution, as it is stated that the UNMIS mandate is committed to the promotion of human rights and long-term peacebuilding without breaching the independence and sovereignty of Sudan, with the government's agreement. Furthermore, one of the main responsibilities of the mission was to monitor the implementation of the Comprehensive Peace Agreement.

The UNMIS mandate was in line with the idea of neutrality principle promoted both within the R2P report and the peacekeeping base principles. The R2P report specifies that in situation where elections might be facilitated and supervised, the responsibility to protect needs to assure the protection of human life and not the enhancement of political or territorial interests (ICISS, 2001, pp. 43, par. 5.23). Furthermore, the World Summit Outcome Document mentions the same principles, as it calls for the insurance of "humanitarian principles of humanity, neutrality, impartiality and independence" within the UN peacekeeping mandates (General Assembly, 2005, pp. 37, par. 169).

In the Interim Constitution of Southern Sudan it is specified that the South Sudan will exercise the right to self-determination through a vote in a referendum (The Interim Constitution of South Sudan, 2005, 2005, pp. 4, par. 9). Apart from this, the constitution mentions that all the human rights mentioned in the international treaties ratified by Sudan are indirectly part of the

Bill of Rights of the Constitution (The Interim Constitution of South Sudan, 2005, 2005, pp. 6, par. 13). Some of these rights and freedoms refer to the right to life and human dignity, the right to personal liberty and security and the right to assembly and association.

However, these rights and freedoms have been breached or overlooked many times on the territory of Sudan during the Interim period. In Balghis's (2014, p. 4) opinion, there are some inconsistencies in the Interim constitution and some deficiencies that should be revised for a better version that will elaborate on certain rights that do not provide a practical dimension. The author suggests that for a better constitution, the primary need is to define the principles of state governing and the basic right of citizens in connection to the state apparatus (Balghis, 2014, p. 5).

5.4 Resolution 1590

The resolution 1590 establishing the UNMIS mandate (2005), came as a response to the situation in Sudan and the interim period established by the Comprehensive Peace Agreement. Also, it was meant to support the ceasefire agreement signed between the government of Sudan and the two rebel groups, SPLM/A and the Justice Equality Movement in 2004. Furthermore, the resolution recognizes the importance played by the parties of Sudan that are called upon to stop the violence and the conflict by implementing the CPA and the international humanitarian law (United Nations Resolution 1590 S/RES/1590 , 2005, pp. 1-2).

Based on paragraph 138-139 of the World Summit Document Outcome regarding the responsibility to protect, the resolution 1590 mentions the international support of the CPA is of immense importance and especially the efforts made by the African Union. Also, as a result of prolonged conflict and the constant violation of human rights and liberties, the mission was established at the requests of the involved parties as a peace support mission (United Nations Resolution 1590 S/RES/1590 , 2005, p. 3). With this resolution, the Security Council made a step

forward in acknowledging the gravity of the situation in Sudan. As part of a preventive and peacebuilding framework the mission commenced as an observatory and supportive mission within the peace process. However, the responsibility of the government towards its citizens was only mentioned in the paragraph that mentions the protection of civilians:

“Decides that UNMIS is authorized to take the necessary action, in the areas of deployment of its forces [...] and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence (United Nations Resolution 1590 S/RES/1590 , 2005, pp. 6, par.16)”

As an observation of the international community’s response to the conflict in Sudan, the Security Council’s 5015th meeting report (United Nations Security Council, 2004) captures the views of 15 states on the situation in Sudan. The general opinion was that the primary responsibility to protect the citizens lie with the government of Sudan in Khartoum. This opinion is in line with the idea adopted by the UN that every state has a foremost responsibility to protect its citizens from genocide, war crimes, ethnic cleansing and crimes against humanity (General Assembly, 2005, pp. 30, par. 138-139). Additionally, the report supports the actions of the African Union in Sudan by underlining the importance of the peacekeeping efforts that need to be sustained by the UN as part of the regional cooperation strategy (United Nations Security Council, 2004).

Even though the resolution does not mention directly the principle of sovereignty as responsibility, the report states this clearly in a paragraph that quotes:

“Sovereignty also entails the responsibility of a State to protect its people. If it is unable or unwilling to do so, the international community has a responsibility to help that State achieve such capacity and such will and, in extreme necessity, to assume such responsibility itself (United Nations Security Council, 2004, pp. 10-11).”

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In support of the sovereignty as responsibility principle, the states adopted resolution 1556, that addressed directly the primary responsibility of the government of Sudan to protect its citizens and to respect the international humanitarian law (United Nations Security Council, 2004, p. 2). This proves the fact that there had been debates about the responsibility to protect within the Security Council prior to the establishment of the UNMIS and prior to the conflict that erupted after the independence of South Sudan.

In his statement, the representative of Sudan reveals the lack of trust in the Security Council by stating that the resolution previously adopted might have been on the agenda of other powerful states that wanted to promote their interests, For example, the US that was accused of helping the rebellion against Sudan's government (2004, p. 13). In this context, the observation that can be made is that the tensions within the country and the lack of trust and full cooperation from the government of Sudan determined the conflict that followed in 2013.

5.5 UNMISS mandate and the Responsibility to Protect



Source: UNMISS, <https://unmiss.unmissions.org/>.

“I want to raise, in particular, two issues - the need to prevent and end armed conflict and the need to protect civilian lives while conflict persists. [...] Just think what more we can accomplish knowing that our actions express the convictions of a worldwide human rights movement, and with the obvious force of international law behind us?” (Annan, 2012)

Annan’s speech comes as a reaction to the latest developments in the international community and also encourages the prevention and the protection of civilians, aspects that are very important to be analyzed within the UNMISS mandate.

As a closer analysis of the beginning of the civil war in 2013, Rolandsen (2015) concludes that the main reason for the outbreak of the war is the political crisis that took place within the SPLM party, adjoined by the lack of coordination within the SPLA army. In addition, the instability caused by the fragile identity of the newly established state and the lack of resilient mechanisms to sustain the peace combined with the war mentality of the leaders resulted in a violent crisis and numerous casualties (Rolandsen, 2015, p. 165). One of the reasons for this fragility might be the discourse prior to independence, that favored unity. However, the practical experience had differed a lot to the theoretical plans established prior to the referendum (Douglas J. , 2016, pp. 162-163).

In this context, in the year of 2011, the UNSC recognizing the yet unstable situation of South Sudan after its independence, decided to establish the UNMISS mission with the scope of monitoring and supporting the implementation of the peace process. The resolution 1996 establishing UNMISS (2011), defined the main characteristics of the mandate to be the provision of support for peace consolidation and the provision of security. The mission was initially established for one year with the possibility of extension if the situation required it. The military troops capacity was decided to reach 7,000 military personnel and 900 civilian police personnel (S/RES/1996 (2011), 2011, pp. 3, par. 1).

All this time the government of South Sudan declared that it possesses effective mechanisms for military justice and that it applies the justice towards people that commit crimes against civilians. On the contrary, the director of the Human Rights Division of UNMISS, Ibarhim Wani, sustained that this statement is not true, as the investigations of the formal bodies established by the Government lacked transparency and never shared their findings in terms of casualties or human rights violations. Despite the fact that the South Sudan's legal code, section 39, subsection 2 specifies that investigatory bodies have a duty to report the findings concerning human rights violations it was a challenge to gather information and evidence (Turse, 2016, p. 20).

As stated in the UN's Report on Human Rights (United Nations (UNMISS), 2014, pp. 17, par. 49), the UN hosted 35,000 civilians after only six days of violence in 'Protection of Civilians' (PoC) camps. Also, the situation shows that because of major human rights violations, 500,000 people were internally displaced in South Sudan in only four weeks from the beginning of the conflict (2014, pp. 51, par. 261). Many of them found shelter at the UN's PoC sites, however they were facing a great danger in case they left the safe havens.

As the situation deterred, the gap of trust between the warring parties became wider, and the hope for a resolution and ending of the conflict was realistically low. One of the important achievements in the process of negotiation for peace is the Memorandum on the Cessation of Hostilities signed at 32 January 2014, but this document did not bring more stability to the situation. The conflict continued and as it is still ongoing, the main concerns of observers and academia is that it could affect the integrity of the country as a political unit as its identity as a self-governing state was already questionable (Rolandsen, 2015, p. 164).

Some of the recommendations of the UNSC through UNMISS were the immediate end of the violence, gross human rights and humanitarian law violations, human rights investigation, and the responsibility of all actors to protect civilians (United Nations Mission in South Sudan, 2015, p. 43). This specific recommendation includes an indirect mention to the responsibility to protect civilians of all warring parties with the supervision of the government of South Sudan. As part of the peacebuilding process, this report also recommends the government to abide by the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) (2018) signed in 2015.

Another referring to paragraph 139 of the World Summit Document Outcome can be traced within the UNSC Resolution 2290 (2016, p. 2), stating that the Transitional Government of National Unity (TGNU) bears the primary responsibility to protect its civilians. The resolution underlines that the responsibility for the suffering of the victims lies with all the parties involved in the conflict. This resolution also welcomes the establishment of the ARCSS and the

establishment of the Transitional Government of National Unity as great steps to the implementation of the reconciliation process.

Another UNSC report (2016, pp. 7, par. 25) specifies two times that the primary responsibility to protect civilians lies with the government. Throughout the entire UNMISS' mandate, the UNSC reports, resolutions and updates included the specification that the government of South Sudan has the primary responsibility to protect its civilians. This was the main correlation to the Responsibility to Protect as specified within the World Summit Document Outcome.

5.6 Human Rights Reports and Statements on South Sudan

At a closer analysis, the reports of the Secretary General make connection with the R2P norm. For example, the Report of the Secretary General on South Sudan in 2014 (S/2014/708, 2014, p. 8, par. 33) mentions that the UNMISS mandate is working with all parties involved in the conflict to support them in fulfilling their obligations on human rights and the protection of civilians. Later in 2014, another report of the Secretary General (S/2014/821, 2014, p. 17, par. 75, 77) makes direct reference to the R2P norm by stating two times that the primary responsibility to protect civilians and to halt the conflict lies with the government of South Sudan. Also, the report specifies that UNMISS maintains its protection of civilians mandate but it cannot provide full protection of civilians without the government's support in the creation of a secure environment (Security Council Report S/2014/821, 2014, p.17, par. 77).

Another piece of evidence that supports the connection of the UNMISS mandate with the R2P doctrine comes from the statement of Bintou Keita, Assistant Secretary-General for Peacekeeping Operations. She specified in a special report of the Secretary-General on UNMISS, that the mission started of as a capacity-building tool for a state that lacked the

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abilities to address the conflict, but shifted the focus to the protection of civilians (Security Council Report S/2018/143, 2018, p. 2). The Special Report also specifies that the capacity of the mission increased throughout the years, from 7,000 military personnel in 2011, the year of the establishment to 12,500 troops in 2013 as a result of the violence outbreak (Security Council Resolution, S/RES/2132, 2013, p. 2, par. 4). The increase of the troops was driven by the intensity of the conflict and it was also part of the shift of the mandate from capacity-building to protection of civilians. Resolution 2155 (Security Council Resolution, S/RES/2155, p. 4, par. 4), established the new mandate's core responsibilities, the first one being the protection of civilians, and terminated the capacity-building tasks. The reason for the termination of the capacity-building mandate was that in the midst of the conflict, the UN mandate could not assist the Government as that could have indicated political support (Security Council Meeting, SC/13228, 2018).

Another statement, coming from the representative of Equatorial Guinea, mentions that the international community should offer its support for the political advancement in South Sudan. Also, he mentions that the civilian population should be the main focus of the Council (Security Council Meeting, SC/13228, 2018). These statements are the evidence of R2P principles embedded within the speech of Security Council's members. Furthermore, these statements are examples of the R2P internalization, as the Security Council's members mention the protection of civilians as a primary responsibility of the local government and the involvement of the international community as a unified response to address the conflict.

Furthermore, the representative of Bolivia also stated that the international community should agree on the set of goals regarding the conflict of South Sudan. Also, the statement specified that the parties must reach a consensus on issues such as protection of civilians and humanitarian assistance (Security Council Meeting, SC/13228, 2018). On the other hand, the statement of South Sudan's representative mentioned that the Transitional Government acknowledged their primary responsibility to protect civilians, but they lacked the ability to address this issue due to the Council's sanctions. Also, it suggested the reinstatement of the

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capacity-building within the UNMISS mandate (Security Council Meeting, SC/13228, 2018). It can be noticeable that the Government of South Sudan did not have the same goals and ideas regarding the conflict resolution, as it acknowledged its responsibility to protect its civilians but in practice it lacked the solutions and the willingness to stop the conflict.

However, the fact that the Government acknowledged their responsibility to protect their citizens shows that the R2P principles were recognized and they played an important role within their speech at the U.N. level. This also highlights the importance of the norm in the international context where the states that fail to acknowledge their responsibility can suffer more sanctions. In this context, it was in the interest of South Sudan to acknowledge their responsibility as they were already imposed sanctions. However, the responsibility of the state goes beyond the simple acknowledgement and it must present practical steps in the peace process.

In 2018, the Security Council as a reaction to the prolonged state of conflict, adopted Resolution 2428 (Security Council Resolution, S/RES/2428, 2018) that imposed heavy sanctions on South Sudan. Adopted by a vote of nine in favour and six abstentions, and none against, the Resolution prevented the sale of arms or related materials on the territory of South Sudan. Members who abstained in the vote argued that the sanctions imposed by the Resolution derailed the peace process. The representative of South Sudan, Akuei Bina Malwal, declared that he will still support the peace process but the Resolution threatened to destabilize the peace process by sending the message that the Council is on the opposition's side (Security Council Meeting, SC/13421, 2018).

On the contrary, the representative of the United States, Nikki R. Haley, stated that the Resolution came as a response to the inaction of South Sudan's Government and the long unfruitful peace negotiations. She mentioned that the Resolution 2428 sets forward a way to protect civilians and to put a stop to the ongoing violence (Security Council Meeting, SC/13421, 2018). France through its representative, Francois Delattre, possessed the same opinion as the US, stating that the goal of the Resolution was to protect civilians through the containment of

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arms into South Sudan. Also, Poland, represented by Pawel Lewicki, mentioned that the measures adopted by the Council will help decrease further atrocities committed against civilians (Security Council Meeting, SC/13421, 2018).

These statements and the Resolutions adopted on the protection of civilians are evidence of the internalization of R2P within the international community through the Security Council. The fact that members of the Security Council supported the Resolutions that enhance the protection of civilians and openly stated that their main focus was the protection of civilians and the peace process is an evidence that they reacted to the conflict with the best measures at hand in the given situation.

5.7 Evidence of R2P on the Ground

In a press statement in 2016, Samantha Power, the U.S. ambassador to the U.N., mentioned that more than 40% of the population of South Sudan were threatened by famine and that there were roughly 1.6 million IDPs and 900,000 people who fled to other countries (UNMISS, News, 2016). Apart from those numbers, she specifies that there were 200,000 people protected by the UNMISS mandate in the protection of civilians sites. In the beginning of the mandate, the personnel did not expect to shelter so many people in those bases. As the situation evolved and people filled the bases, there was a need of more resources and an increased number of personnel (UNMISS, News, 2016).

As a response to this, the Security Council authorized the increasing of the military forces to 17,000 troops, 4,000 for the Regional Protection Force through Resolution 2304 (Security Council, S/RES/2304, 2016). This increasing of the military was influenced by the decisions taken at the IGAD and the African Union level, through the 2016 Communique for the deployment of a “regional protection force”(Security Council, S/RES/2304, 2016, p. 2). The Regional Protection Force had the main purpose to enable the free movement of civilians and the

personnel in Juba. This resolution came as a result of prolonged impediments towards UNMISS and its ability to fulfil its purpose, demanding the Government would provide the support needed for the realization of the mandate (UNMISS, News, 2016).

In the year 2017, the Speech of the Chair of the Commission on Human Rights in South Sudan to the Human Rights Council, mentioned that even though the Government of South Sudan claimed that 2017 was a peaceful and prosperous year, the realities of the country were totally different. The conflict in South Sudan was described in the speech as “one of Africa’s worst wars” (Speech of the Chair of the Commission on Human Rights in South Sudan to the Human Rights Council, 2017). Objectively, the conflict was worsening day by day, as the numbers of IDPs highly increased and the peace process lacked a better long-term strategy for reconciliation.

Furthermore, the speech elaborates on the crisis, mentioning the state oppression, the ethnic targeting of civilians by the government, the numerous killings and atrocities in South Sudan. Also, the government was responsible for the oppression of the press and the detention of AU and IGAD members who have been accused of being affiliated with the opposition (Speech of the Chair of the Commission on Human Rights in South Sudan to the Human Rights Council, 2017). The Government repeatedly obstructed the humanitarian assistance offered by UNMISS, especially in the areas where the opposition was located. Given the situation, the deterioration of human rights became more evident in all the regions of South Sudan..

According to Eugene Nindorera, the biggest challenge faced in the peace process was the accountability for the crimes perpetrated, and more specifically that the perpetrators still occupied leadership positions in the political and military field (UNMISS, News, Accountability for Abuses Remains One of Biggest Challenges in South Sudan, 2017). The issue regarding accountability is a proof that the state did not actively act to stop the atrocities from happening but rather transferred this task to the international community and the regional bodies.

For example, the killings of civilians in Wau town followed an ambush of SPLA soldiers by the opposition. This event reaffirmed that the accountability for these crimes was not officially attributed to anyone in the aftermath of the events. Plus, the protection of civilians site near Wau received 17,000 internally displaced persons soon after this event (UNMISS, News, Accountability for Abuses Remains One of Biggest Challenges in South Sudan, 2017). As a consequence of the high number of people coming in the protection of civilians bases put pressure on the humanitarian services and exceeded their capacity.

On the other hand, Daniel Dickinson, the UNMISS spokesperson discussed the improvement of the protection of civilians in South Sudan, mentioning that the establishment of an arms-free zone in the proximity of the protection of civilians bases has contributed to the decrease of violence (UNMISS Spokesperson comments on SG letter to the Security Council: Much has been done to improve protection of civilians, 2017). Apart from this, the peacekeepers maintained patrols during the night and the day to prevent arms trafficking in the PoC sites areas. Also, the car patrols started to be more successful in spite of the road blocks. This came as the result of improved strategies and the increased number of troops on the ground.

In an official visit in 2017, President Salva Kiir and Hervé Ladsous, the Under Secretary General of U.N. discussed about the best solution to halt the ongoing conflict. Hervé Ladsous later stated that the solution suggested to the President was a political approach to the conflict and the humanitarian crisis (UN Peacekeeping chief meets president Kiir: Solution to South Sudan's problems has to be political, 2017). That meant that the U.N. viewed the conflict resolution mostly being in the hands of the government, or in other words the responsibility to end the conflict is the main responsibility of the state. Also, the Under Secretary General mentioned that the President Kiir proposed a national dialogue, which was a very important step in the peace process, but it must be regarded as part of the whole peace process including the Cessation of Hostilities Peace Agreement and the UNMISS mandate (UN Peacekeeping chief meets president Kiir: Solution to South Sudan's problems has to be political, 2017).

It is safe to say that in the situation of South Sudan, in the absence of the UNMISS troops and the other regional organizations and their efforts, the conflict would have been amplified by the opposing parties. The fact that there was an active international response on the ground, specifically the protection of civilians camps and previously mentioned sanctions on arms flow, helped prevent a total collapse of the state system and alleviate the situation. Plus, the work led by the African Union and IGAD in close cooperation with the Security Council created an environment of dialogue towards a peace process that could shift the current situation. However, more could have been done concerning the deployment of more troops to alleviate the suffering of innocent civilians. The reason that the mission maintained its status of protection of civilians mandate also implied that the primary responsibility to protect civilians was in the hands of the Government and that meant that the state was responsible and accountable for the resolution of the conflict first and foremost.

5.8 Latest updates of the UNMISS mandate

In the year 2019, Resolution 2459 extended the UNMISS mandate until 15 March 2020 (Security Council Resolution S/RES/2459, 2019, p. 7). After six years since the crisis started, the UNMISS mandate maintained their mandate on the protection of civilians, the Resolution citing “that South Sudan’s government bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity” (Security Council Resolution, S/RES/2459, 2019, p. 3). Also, the word responsibility appears five times in the text of the Resolution, having different connotations. Namely, the primary responsibility of the state to protect the population (p. 3), the responsibility of all the parties towards the suffering of the population (p. 4), the shared responsibility of the peacekeepers for a successful mandate implementation (p. 5). Plus, the responsibility of the Regional Protection Forces to provide a secure environment (p. 10), and the responsibility of all stakeholders towards the successful implementation of the mandate taking into account the political will, performance and accountability of the parties (p. 11).

The texts of the Resolutions and the statements of the Security Council reflect the reality of South Sudan, a country where the accountability for the war crimes could not be attributed to a certain entity due to a faulty justice system and the fact that the responsibility to protect civilians was constantly overlooked by the government. Even though theoretically speaking, the action plan was established and has been improved over the years, the implementation lacked the full support of the government and that led to limited results (Security Council Report, S/2019/722, 10 September 2019, p. 1). In connection to the security concerns, UNMISS deployed pre-emptive patrols to prevent further violence, also the patrols were assessing the reports of the conflict to understand the impact on the civilians. Furthermore, the mission through its good offices were actively involved into dialogue with different partners to help increase the government's responsibility to protect civilians (Security Council Report, S/2019/722, 10 September 2019, p. 5).

Throughout the mandate, UNMISS has conducted 27 workshops and community dialogues working to address the local conflict and to empower the local population in peacebuilding. These activities were part of the protection of civilians framework established by the mandate. The number of participants that took part in such activities was 6,072, including 2,072 women (Security Council Report, S/2019/722, 10 September 2019, p. 8). Also, the protection offered by the peacekeepers was still present, the protection of civilians bases sheltered 180,366 internally displaced persons (p. 8). However, the figures show that there are 4.3 million internally displaced persons and 6.2 million people that face food insecurity due to displacement, economic crisis and climate shocks (Integrated Food Security Phase Classification, 2019). These figures help create a bigger picture of the conflict and the impact the U.N. mandate had regionally. Even though the mandate could not protect the entire population it did create safe havens and maintained constant efforts for reconciliation as part of their responsibility.

5.9 African Union, IGAD

The African Union Liaison Office in South Sudan was opened in Juba in 2008. The office was meant to support the Comprehensive Peace Agreement of South Sudan (African Union Peace and Security, South Sudan). After the independence of South Sudan, the goal of the AU was to promote peace between the two countries and to monitor the political and security situation in both countries.

Similarly, the Intergovernmental Authority on Development has led efforts to stop the fighting since the beginning of the conflict. Apart from that, the involvement of the U.S. in creating the model of a peace deal has influenced the flow of events in South Sudan. For example, in 2015, President Barack Obama during an official visit in Ethiopia, had the idea to eliminate both leaders of South Sudan, but without any regional support this idea fell off the agenda rapidly. As a result, he tried to influence regional leaders to help Machar and Kiir share the power in the state, both maintaining their leadership positions (International Crisis Group, 2019, p. 1). This initiative was later taken on by IGAD, when in August 2015 Machar regained his vice president position after a deal was concluded. Yet, the deal fell apart rapidly and Machar was exiled as a result. With the U.S. support, Machar was put under house arrest in South Africa (International Crisis Group, 2019, p. 1-2).

The main objectives of the AU Liaison Office are to monitor the situation and to propose alternative best practices for South Sudanese Authorities to build a solid nation. Also, AU assesses the implementation of the CPA post-independence matters and challenges through periodic reports on the situation. A very important mention is that the AU works closely with the UNMISS mandate to achieve a better result in the peace process by engaging national and international partners (African Union Peace and Security, South Sudan). The African Union and IGAD's solutions proposed in Communiqués and Reports were included in the U.N. Resolutions

(S/RES/2304, S/RES/2459, S/RES/2428, etc.). This is a proof that the work of the regional organizations managed to influence the decision-making process at the UNSC level.

Many respondents of the AU acknowledged that support of the international community is a vital element towards a successful justice and security agenda, but there is general agreement on the fact that it is the responsibility of South Sudanese to find solutions for the problems they face. Especially, the responsibility of the state concerning the victims of the conflict. In connection to the national responsibility, a senior SPLM official stated that:

“I personally believe peace in this country will come from us not from anybody else. [...] Everybody else would be supporting and this process is a support to find out what went wrong and how you can chip in, but peace comes from us, peace cannot be donated, that I believe. It cannot be donated. It cannot be brought by anybody. It is us [our responsibility] ... we wanted a country that we can be proud of (Final Report of the African Union Commission of Inquiry on South Sudan, 2014, p. 271).”

It is interesting to analyze this statement coming from a SPLM official, as he admits that the peace process at its core is the responsibility of the Government of South Sudan. The fact that a member of the party possessed this idea of state responsibility reveals that there are people ready to assume responsibility inside of the party. However, this does not automatically imply that the shift towards a full responsibility of the state will be achieved overnight.

In support of the above stated, many highlighted that the main responsibility to find lasting solutions was the responsibility of the leaders. In this regard, one respondent aptly captures this view:

“That is not going to be a very simple task [return of IDPs, harmonious coexistence]. It means the reconciliation should start from the top [...] it should start from our leaders and they should lead by example. Maybe when we see them reconciling, I think the civilians will not hesitate, they will just follow what they (sic) leaders are saying especially Kiir and Riak, the

civilians will follow suit (Final Report of the African Union Commission of Inquiry on South Sudan, 2014, p. 271-272).”

This particular statement holds a lot of truth, as the leaders were reluctant to reach a permanent ceasefire and conflict resolution, the civilians were obliged to flee their houses in order to survive. Furthermore, the ethnic tensions would slowly disappear if the leaders would decide to reconcile and to cooperate. These steps could also be achieved through the Hybrid Court for South Sudan, that is a mechanism that promotes justice and fair trial for the war victims. The Hybrid Court would consist of judges and prosecutors from South Sudan and other African states, as the justice system of South Sudan is not stable and well equipped to deal with these type of cases. However, the process of its creation is under discussion at the moment between the AU and the Government of South Sudan (Human Rights Watch, South Sudan/AU: SetMeeting on War Crimes Court, 2019).

One of the main achievements of the African Union and the Intergovernmental Authority on Development was the enhancement of dialogue between the two warring parties and the dialogue at the local level. The most impactful step within the peace process is the dialogue between Riek Machar and Salva Kiir. Based on the Khartoum Declaration of Agreement between Parties of the Conflict of South Sudan (2018), President Omer Hassan Ahmed El-Bashir, the president of the Republic of Sudan was entrusted by the 32th Extra-Ordinary Summit of IGAD on South Sudan to host a discussion between the two opposing leaders mentioned above. The African Union supported this initiative and considered it the way forward for “a lasting reconciliation” (Statement of the Chairperson of the African Union Commission on South Sudan, 2018).

The situation in 2019 was not a lot more different than in the previous years. Namely, the dialogue between President Kiir and the opposition led by Machar agreed again to build a unity government (International Crisis Group, 2019). However, these agreements are similar to past agreements that proved to be easy to break due to disputes and tensions. In this type of situation it is extremely useful to have the external support coming from the international community.

This support is also maintained by the R2P principles that call for the protection of civilians and prevention of further conflict. That is the reason why diplomats need to deal with this situation carefully and to always strive to achieve a more stable settlement rather than a quick resolution that will not last the test of time.

5.10 The Cessation of Hostilities Agreement

The Cessation of Hostilities Agreement was signed on 24th December 2017 in Addis Ababa with the leadership of the Intergovernmental Authority on Development (IGAD). It was also welcomed by the UNMISS, by recognizing that the Agreement is an important step towards the revitalization of the peace process (UNMISS, News, 2017). The Agreement main purpose consisted in the measures for a permanent ceasefire in South Sudan. Also, to assist in the implementation of the Peace Agreement and the implementation of a democratic election after the Transition Period was over (Agreement on Cessation of Hostilities, Protection and Humanitarian Access Republic of South Sudan, 2017).

The Cessation of Hostilities Agreement consists of four separate parts. The first part addresses the ceasefire and calls for an immediate halt of the hostilities. The second part refers to the protection of civilians within the territory of South Sudan. This part mentions the obligations of the signatories parties towards the protection of civilians, such as the protection of vulnerable persons like children, women, girls, the elderly (Agreement on Cessation of Hostilities, Protection and Humanitarian Access Republic of South Sudan, 2017, art. 2). A very important aspect of this section is the mentioning of UNMISS and the cooperation of conflictual parties with the mandate towards the fulfillment of the protection of civilians (Agreement on Cessation of Hostilities, Protection and Humanitarian Access Republic of South Sudan, 2017, art.6).

Apart from this, the third part of the Agreement refers to the humanitarian obligations. This part mentions the obligation of all parties to uphold international law, and the access to the U.N.

assistance, meaning that the mandate could achieve its goals without serious impediments (Agreement on Cessation of Hostilities, Protection and Humanitarian Access Republic of South Sudan, 2017).

The fact that the Agreement recognized the importance of the protection of civilians and the role of the UNMISS protection of civilians mandate was a step forward that included and enhanced the R2P principles within the peace process. Also, the Agreement reinstated the obligations of all signatories parties to the Peace Agreement and the ongoing peace process.

6. Conclusions:

The Responsibility to Protect norm has been created at the beginning of this century by the ICISS as stated in the first chapter of this thesis. The creation of the norm came as a result to the pressing challenges faced by the international community regarding the response to grave violations of human rights and a much needed enhancement of the humanitarian interventions without infringing the national sovereignty. The report released by the ICISS captured important elements of an intervention and defined the specific situations when the UNSC could intervene to protect civilians and to halt conflicts. It also made a clear separation between the state's primary responsibility to protect its citizens and the right to sovereignty, by suggesting that sovereignty automatically involves the responsibility to maintain the security and the wellbeing of the population and of the state.

Moreover, at the adoption of the R2P norm at the World Summit Outcome in 2005, the U.N. member states abided to the principles of responsible sovereignty. The most important aspect to be highlighted here is that apart from the responsible sovereignty, the members also accepted that when a state fails to meet this responsibility, the responsibility to protect becomes the task of the international community. As Alex Bellamy (2015, p. 45) explains it, the R2P has three pillars

(Implementing the Responsibility to Protect, 2009, p. 2). The first pillar refers to the primary responsibility of the states to protect their own citizens. The second pillar refers to the responsibility of other states to help the state in matter achieve the protection of its population. The third pillar refers to the situation in which a state has failed to protect its own population, case in which the international community assumes the task to take quick and effective action.

The theoretical envision of the R2P norm seems to incorporate the essential measures to halt an international conflict. Yet, the most controversial pillar remains the third pillar, meaning that the international community often falls short when the situation of intervention arises. Whether it is a long decision-making process, whether it is a lack of consensus on the way to intervene, there are many examples that clearly show that the R2P norm is still under development, especially concerning the third pillar of its framework. However, this aspect does not imply that the norm has lost credibility or that it has ceased to matter in the international context. Badescu and Weiss suggested that there are more cases that misused the R2P norm, but that did not kill the norm, it actually helped reinforce its limits and clarify its purpose.

The focus of the analysis was on the UNSC and the peacekeeping mission and its efficiency in implementing the R2P norm and addressing the conflict. Another aspect that might influence the perception of the R2P norm is that the response of the international community is shaped by the international context but also by the uniqueness of every situation that might call for its implementation. In the case of Sudan and South Sudan, both UNMIS and UNMISS based their mandates on the primary responsibility of the state to protect its citizens. UNMIS laid the ground for the next U.N. mandate, namely UNMISS, that was established initially as a capacity building mission with the aim of aiding the Government in creating and maintaining a solid nation.

In the case of South Sudan, the situation was initially regarded as a national conflict that could be dealt with at the regional level. However, the conflict quickly turned into a full fledged civil war and the situation got out of hand. Plus, the Government did not manifest actions to stop the

violence and as a result the UNMISS mandate shifted its capacity building mandate into a protection of civilians mandate.

This shift of the mandate and the involvement of the regional organizations, the African Union and IGAD moved things into a different direction and created the basis of reconciliation and a peace process. However, the full responsibility of the international community to protect was not invoked in this case, as the Resolutions and Reports of the different organizations mostly mentioned the primary responsibility of the state. The responsibility to protect civilians was also regarded as a mutual effort between the regional organizations and the Government in close connection with the UNMISS mandate.

As mentioned above, the third pillar of R2P (military intervention) was not invoked to create a peacekeeping operation in South Sudan. However, the situation fit an R2P case perfectly as it was a civil war based on an ethnic conflict and it was clear that the Government was not prepared to address the conflict on its own. As part of the initial response, the international community through the UNSC responded to the conflict by applying sanctions and cooperating with IGAD on creating fruitful negotiations between the warring parties. There are more reasons for this decision, the economic reasons, no specific interests in the area, and the nature of the conflict. The nature of the conflict refers to a conflict where the society and the state does not have a self-sustainable apparatus so they should manage their conflict based on their internal rules. Another reason to be considered in the decision of the international community not to assume all the responsibility was also the possible military loss and the public opinion in their countries. As the international context was a very sensitive one with major conflicts, such as Libya and Syria, that had a major influence on the portrayal of R2P at that moment.

As an answer to the main research question of the thesis, to what extent has the Responsibility to Protect influenced the UNSC response to the conflict the South Sudan?, the research shows that the responsibility to protect indeed played a role in the response of the UNSC, the AU and IGAD to the conflict. However, in this specific case it was not invoked for a peacekeeping

operation that assumed all the full responsibility towards the conflict for the various reasons that were previously enumerated and also due to the international context that was unfavourable. The main R2P principle that was cited many times in speeches, interviews, within the UNSC Resolutions and the various Reports is the primary responsibility of the state to protect its citizens.

Apart from this, the many efforts towards the creation of a constant dialogue through negotiations implemented by the AU and IGAD played a role in the advancement of the peace process. Even though the situation is still fragile between the warring parties, the international response through these agencies continues to put pressure on the Government and the opposition to be able to reach a permanent ceasefire and a reconciliation.

It could be assumed that in the absence of all the external help, the situation in South Sudan could have degraded even worse, or that if the international community decided to assume full responsibility to the protection of civilians the conflict could have ended faster. It is hard to make assumptions on how the country might have looked like if the R2P principles would have been fully implemented, but one might consider that in the total absence of the R2P principles South Sudan would have suffered more atrocities and the conflict might have escalated to higher levels. An important part of the R2P presence within the official statements and Resolutions is that it influenced the intervention on the ground. It helped maintain protection of civilians bases on the ground since the beginning of the conflict until the present moment. Also, the increase of the troops helped shelter more IDPs within South Sudan. In addition to this, the negotiations that were maintained by IGAD in collaboration with the African Union and UNSC, enhanced the peace process and led to the establishment of the 2015 Peace Treaty and the Cessation of Hostilities Agreement. Despite all the efforts, the situation in the country is still fragile at this moment.

Furthermore, as the same leaders of the country are still in power even today, this aspect shows that their replacement is nearly impossible or undesirable by the regional and international

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forces. However, the situation in South Sudan requires years to rebuild the trust that was breached as a result of the constant ethnic tensions, to build a resilient political system that could react to future crises and protect its population on its own. This type of peace process requires an external capacity to mediate between conflicting parties and train the staff of different national institutions to create a resilient state apparatus. This aspect makes the R2P principles vital to the final resolution of the conflict in South Sudan, as the state on its own is not capable to reach a stable peace agreement.

Even though the research proves that the R2P is not uniformly applied and its implementation is triggered on a case by case basis, it is important to acknowledge the fact that it is a key developing norm within the international system. Plus, the R2P influenced the response on the ground and helped maintain the PoC bases and the international community involved in the conflict. The fact that R2P language was present within official documents and statements is a proof of the internalization of the norm. States and officials acknowledged the fact that the primary responsibility lies with the state, yet the responsibility of the international community as in the external help had a very important role as well. In order to enhance the norm, the international community should have been able to address the conflict in a more timely and effective manner. One of the reasons for the delay of a permanent ceasefire might be the lack of a military intervention where the international community assumes the full responsibility to protect civilians. However, given the situation on the ground and the deep political tensions it is hard to estimate the efficiency of such an intervention.

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