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The Crisis in South Sudan

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Overview

In December 2013, growing political tensions among key leaders in South Sudan erupted in violence, just three years after the country gained independence from Sudan in an internationally-supported public referendum. While the political dispute that triggered this crisis was not clearly based on ethnic identity, it overlapped with preexisting ethnic and political grievances that sparked armed clashes and targeted ethnic killings in the capital, Juba, and then beyond. The fighting, which has occurred between forces loyal to President Salva Kiir and forces loyal to former Vice President Riek Machar, and among armed civilians, has caused a security and humanitarian emergency that may be drawing the world's newest country into another civil war.

More than 400,000 civilians have been displaced by the violence, including more than 60,000 who have sought refuge at U.N. peacekeeping bases.¹ Also among the displaced are more than 78,000 people who have fled to neighboring countries. By some estimates, thousands have been killed, and U.N. officials indicate that targeted attacks against civilians and U.N. personnel may constitute war crimes or crimes against humanity.² On December 24, the U.N. Security Council unanimously authorized a substantial increase in peacekeeping forces for the U.N. Mission in the Republic of South Sudan (UNMISS) through Resolution 2132 (2013). In prior remarks, the U.S. Permanent Representative to the United Nations had stressed the urgency of the situation, noting the possibility of “imminent confrontations at U.N. bases where civilians are gathered.”³

In response, the international community is mobilizing diplomatic, humanitarian, and peacekeeping resources to protect civilians and facilitate an end to the violence. Given the insecurity, many countries and aid agencies have evacuated their foreign nationals. This, together with ongoing hostilities and related security concerns, constrains the humanitarian response. Four U.S. military personnel were injured in an operation to evacuate U.S. citizens on December 21.

Talks between the parties began in January 2014, hosted by regional leaders in Addis Ababa, Ethiopia. Progress, to date, has been limited, as both sides wage fierce campaigns to gain and hold ground, seeking to maximize their negotiating position prior to any ceasefire agreement. The parties continue to disagree on the issue of political figures detained by the government since the onset of the crisis. Diplomatic interventions by the United States and others, including China and Sudan, aim stop the hostilities and prevent further civilian displacement. Meanwhile, the potential for tensions among displaced communities to spark further violence is a growing concern.

The United States is the largest provider of bilateral foreign assistance to South Sudan and a major financial contributor to peacekeeping efforts there. The United States historically supported self-determination for the South Sudanese and played a major role in facilitating the 2005 peace deal that brought an end to Africa's longest-running civil war. Congress was active in supporting South Sudan's independence and plays an ongoing role in setting U.S. policy toward both Sudans. As such, the Obama Administration and Congress face a series of complex questions as they seek

¹ U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), “South Sudan Crisis: Situation Report as of 13 January 2014.” Refugee figures from U.N. High Commissioner for Refugees (UNHCR), January 14, 2014.

² U.N. Office of the High Commissioner for Human Rights (OHCHR), “Pillay Urges South Sudan Leadership to Curb Alarming Violence Against Civilians,” December 24, 2013.

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

to convince rival South Sudanese leaders to reengage in political dialogue and prevent further human suffering. The future of what successive U.S. Administrations have considered to be an important relationship with South Sudanese leaders is now also in question.

Members of Congress may choose to conduct additional oversight of U.S. efforts to secure U.S. citizens, personnel, and property in South Sudan, as well as of U.S. assistance programs and U.S. contributions to multiple U.N. peacekeeping missions in Sudan and South Sudan. The White House has stated that the United States will hold leaders responsible for the conduct of their forces and withhold U.S. support to any elements that use force to seize power.⁴ U.S. support to South Sudan's security services, now halted, may receive increased scrutiny given splits in the military and reports of serious human rights abuses by armed actors on all sides. The President has informed Congress that he "may take further action to support the security of U.S. citizens, personnel, and property, including our Embassy, in South Sudan."⁵ He has deployed U.S. military personnel to the region in support of this mission. Congress may consider how to respond, including in any continuing appropriations legislation for FY2014 or in relation to FY2015 budget requests for the State Department and foreign operations.

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

What led to the recent outbreak of violence?

The current crisis reflects underlying tensions and mistrust among South Sudanese leaders and ethnic groups that date back to Sudan's civil war (1983-2005), and before. While the war was described broadly as a north-south conflict, infighting among southern rebel commanders in the 1990s nearly derailed the southern bid for self-determination, as leaders of the insurgency, the Sudan People's Liberation Movement/Army (SPLM/SPLA), competed for power and mobilized supporters along ethnic lines, resulting in atrocities by all sides.⁶ The Sudan government in Khartoum fueled SPLM splits by financing and arming breakaway factions. The major factions reconciled in the early 2000s, although several smaller southern militias continued to operate.

In 2005, the Khartoum government and the SPLM signed a peace agreement to end the north-south war. That deal, known as the Comprehensive Peace Agreement (CPA), paved the way for national elections and a southern referendum on independence, after which South Sudan, led by the SPLM in Juba, seceded on July 9, 2011. The relationship between the two countries remains tense, with parts of the CPA yet to be fully implemented. Starting in January 2012, South Sudan's government, angered by Khartoum's unilateral decisions regarding exports of South Sudanese oil (which transits through Sudan for export), and by border disputes, suspended oil production for more than a year.⁷ This led to fiscal austerity measures and economic shocks in both countries.

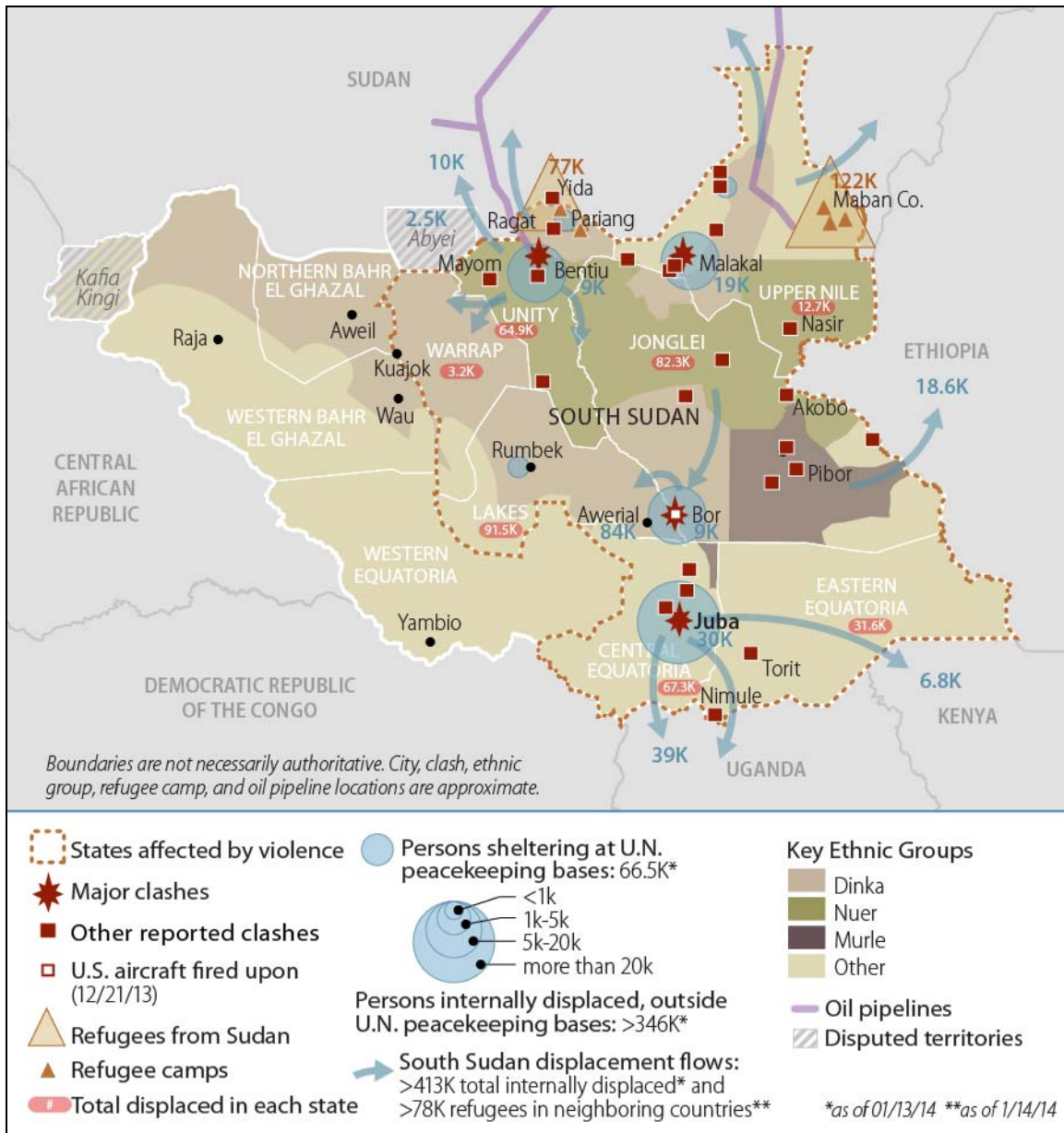
⁴ The White House, Statement by NSC Spokesperson Caitlin Hayden on South Sudan, December 31, 2013.

⁵ Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, December 22, 2013.

⁶ The acronyms SPLM and SPLA refer to the political and armed wings of the former southern insurgency, respectively. The SPLM is now South Sudan's ruling party, and the SPLA refers to the country's armed forces.

⁷ Sudan lost most of its oil reserves, now in South Sudan territory, in the north-south split. That oil must still transit pipelines and facilities in Sudan for export. While both sides agreed that Sudan would benefit from some revenue sharing and compensation in the near term, details remained unresolved after South Sudan gained independence.

Figure I. South Sudan Crisis Map



Source: Graphic created by CRS. Boundaries generated using data from ESRI, National Geospatial Intelligence Agency, and State Department (all 2013), and U.N. Development Program (2012). Other areas and locations based on maps from USAID (01/14/14) and Drilling Info International. Humanitarian data from UNOCHA.

Most SPLM leaders put aside their differences in the latter years of the independence struggle, choosing to focus on presenting a unified front and, in some cases, positioning themselves for political office in a new state. However, simmering ethnic tensions and bitter interpersonal rivalries remained present, growing under the strains of establishing governing institutions and assuming increased development responsibilities amid severe human, institutional, and

infrastructure capacity constraints. Political maneuvering in advance of 2015 elections added to these dynamics, with allegations of leaders using ethnic patronage to solidify their bases.⁸ Work on a new constitution stalled. Amidst such pressures, an escalating political struggle among senior SPLM members unfolded, as key figures traded accusations of unilateral decision-making, corruption, and bad faith, and top officials moved to isolate potential rivals. President Kiir's July 2013 announcement of a major cabinet reshuffle, in which Vice President Machar and several other key officials were removed from office, formalized a major fissure in the ruling party.

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

In Juba, senior political and military figures were arrested for what President Kiir describes as a failed coup attempt, led by Machar. Those who were arrested denied the allegations. U.S. officials indicate they have seen no evidence of a coup attempt, and neither U.S. nor U.N. officials have referred to the incident as such.⁹ Nevertheless, military units that now claim loyalty to Machar, who evaded arrest, subsequently took control of the capitals of Jonglei and Unity States, purportedly in response to targeted ethnic attacks against Nuer by government forces in Juba. Machar, who continues to deny the coup charges, has since declared his rebellion against Kiir. SPLA forces loyal to Kiir launched offensives to regain territory from Machar's forces in Jonglei, Unity, and Upper Nile, and fighting in these states has been fierce as the two sides struggle for territory prior to a possible ceasefire. Most foreign aid staff and oil workers have been evacuated or have sought protection at U.N. bases. Several other states have since been affected by violence.

The Status of Oil Production

After the 2012 shutdown, oil production in South Sudan restarted in April 2013, following revenue sharing negotiations between Juba and Khartoum. Exports resumed in June 2013. The country's active oil fields are located in Unity and Upper Nile States, which have been among the areas worst affected by the current fighting. Prior to the 2012 shutdown, South Sudan produced an estimated 350,000 barrels per day (bpd), accounting for 98% of government revenues, although by many accounts oil revenue has been a major source for state corruption. Damage to some of the fields, which had occurred during the shutdown process in January 2012 or during subsequent air strikes, was expected to delay a return to pre-shutdown levels until at least mid-2014. Experts warned that future shutdowns, particularly if they were to last more than six months, might cause lasting damage. Machar's forces have sought to control the fields in the current fighting, likely to gain leverage for negotiations. The fields in Upper Nile and Unity represent 80% and 20% of production, respectively.¹⁰ Amid the hostilities, Sudanese officials report that production averaging 200,000 bpd has continued in Upper Nile, while fields in Unity, which were producing some 45,000 bpd before the fighting started, were shut down when oil workers evacuated.¹¹ Sudan, which has denied involvement in the crisis, has offered technical support to the Kiir government to maintain production. Initial reports that Sudan might send troops for a joint force to protect the oil fields have been subsequently denied.

⁸ Peter Greste, "Thinking Outside the Ethnic Box in S Sudan," *Al Jazeera*, December 28, 2013.

⁹ Testimony of Assistant Secretary of State Linda Thomas-Greenfield, Senate Foreign Relations Committee (SFRC), *The Situation in South Sudan*, January 9, 2014.

¹⁰ Luke Patey, "South Sudan: Fighting Could Cripple Oil Industry for Decades," *African Arguments*, January 10, 2014.

¹¹ "Khartoum Says Oil Flows from South Sudan's Upper Nile State Remain Stable," *Sudan Tribune*, January 7, 2014.

Figure 2. Key Figures in the Current Crisis or Recent Conflict in South Sudan



Source: CRS.

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

In the 1990s, during Sudan's north-south war, former Vice President Riek Machar was a senior Nuer SPLA commander who, along with others, split from the SPLM/A, citing grievances with the centralized leadership of the SPLM under John Garang, a Dinka, alleged human rights abuses, and disagreements on the objectives of the insurgency against Khartoum.¹² Machar and his allies, who were primarily ethnic Nuer and Shilluk, later allied themselves with the government in Khartoum and briefly held positions in the Sudanese government. Machar's struggle with Garang's forces cost thousands of southern Sudanese lives—Amnesty International estimated that 2,000 civilians, mostly Dinka, were killed in a series of raids referred to as the Bor Massacre by Nuer forces under Machar's command.¹³ Abuses against civilians by both sides fueled ethnic hatred and fighting, particularly in the Greater Upper Nile area (now northern Jonglei, Unity, and Upper Nile states) throughout the 1990s. Machar reconciled with the SPLM in the early 2000s and assumed the third-highest post in the leadership structure, after Garang and his deputy, Salva Kiir. After John Garang died in a helicopter crash in 2005, shortly after the signing of the 2005 peace accord, Kiir then became head of the SPLM, with Machar as his deputy.

Sudan held national elections in 2010, prior to the 2011 referendum on southern independence. As part of the CPA deal, the SPLM had formed a temporary Government of National Unity with Sudan's ruling party. Salva Kiir, as chairman of the SPLM, served as first vice president under Sudanese President Omar al Bashir, and concurrently as president of a then-semi-autonomous Government of Southern Sudan (GoSS). Rather than Kiir running against Bashir in 2010, the SPLM decided to field a northern candidate on their national ticket. Kiir, who by many accounts viewed secession as imminent, instead ran to retain the GoSS presidency, winning the position with almost 93% of the votes cast.¹⁴ As incumbent GoSS president, Kiir retained his post, now as president of the Republic of South Sudan, under a transitional constitution after independence, with Machar remaining his vice president, for a four-year term beginning July 9, 2011.¹⁵

Initiatives by senior leaders, often led by Kiir, to seek reconciliation with various armed groups and among communities throughout South Sudan have been ongoing for more than a decade. As part of these efforts, and out of apparent concern for the country's political stability, Kiir granted amnesty to several individuals who once led rebellions against the SPLM. In addition to Machar, other faction leaders who returned to the party were often incorporated into either the government or the security forces; many brought their forces with them, adding to the government's new challenge of reforming and "right-sizing" the increasingly bloated security sector. Some faction leaders, including Peter Gadet, another Nuer commander who fought against Garang during the civil war, received senior posts in the SPLA (which now refers to South Sudan's armed forces).¹⁶

¹² For additional information, see, e.g., Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, 2003.

¹³ The raids took place from September through November 1991 as forces loyal to Machar advanced on the town of Bor, which was considered Garang's home territory. Reprisal raids against Nuer areas followed. Amnesty International, "Sudan: A Continuing Human Rights Crisis," AI Index: AFR 54/03/92, April 15, 1992. See also Human Rights Watch, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, June 1, 1994.

¹⁴ See, e.g., The Carter Center, *Observing Sudan's 2010 National Elections, April 11-18, 2010: Final Report*.

¹⁵ Under South Sudan's current transitional constitution, the vice president is appointed by the president and may be removed by him, or by a two-thirds majority of the legislature on a vote of no confidence.

¹⁶ For further information on armed groups and realignments in South Sudan, see reports by the Small Arms Survey's Human Security Baseline Assessment for Sudan and South Sudan, at <http://www.smallarmssurvey.org>, and Lesley Ann Warner, "Armed-Group Amnesty and Military Integration in South Sudan," *The RUSI Journal*, December 2013.

In 2013, President Kiir made major changes to his government in a stated effort to downsize and address governance concerns, but also, it appears, in response to perceived threats to his leadership and international donor pressure to crack down on state corruption. He replaced two state governors, both elected in 2010, by presidential decree. In June, he dismissed two senior cabinet ministers over alleged corruption charges, and conducted a major cabinet reshuffle in July, removing Vice President Machar and his entire cabinet. Kiir also dismissed ruling party secretary-general Pagan Amum, who had been publicly critical of the dismissals. The SPLM-dominated parliament approved a new, leaner cabinet in August (after rejecting one of Kiir's appointees). Among his notable appointments was the naming of the powerful Dinka governor of the volatile Jonglei state as defense minister; Kiir in turn appointed the previous defense minister, a Nuer seen as loyal to Kiir, to assume the Jonglei governorship. Jonglei, which is believed to have significant untapped oil reserves, has been a historic flashpoint for inter-ethnic fighting, including, at various times, clashes between Nuer and Murle, Murle and Dinka, as well as between Nuer and Dinka. Given its strategic location, mixed ethnic composition, and existing tensions, Jonglei's capital, Bor, was among the first areas where fighting spread in December.

Key Political Figures Detained or Wanted by the Government of South Sudan

After the outbreak of violence, President Kiir ordered the detention of several key figures in the SPLM. Some are members of the SPLM's Political Bureau (the highest unit of the party): Pagan Amum, Riek Machar, Deng Alor, John Luk Jok, Kosti Manibe, and Taban Deng, and they represent a range of ethnic groups (Dinka, Nuer, Shilluk, and Equatorian groups). The government publicly insisted that it did not seek the arrest of another PB member, Rebecca Garang (John Garang's widow), who was seen as politically aligned with Machar in December 2013, despite rumors to the contrary. Facing international pressure, the government announced on December 27 that it would release several of the detainees, while continuing to hold three (Alor, Manibe, and Amum) on criminal charges of corruption. Only one detainee was ultimately released; the rest have remained a focus of negotiations.

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

Deng Alor Kuol—Former Minister of Cabinet Affairs (2011-July 2013), Interim Foreign Minister (2011), Government of Sudan Foreign Minister (2007-2010). Removed by Kiir on corruption allegations. Detained.

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

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

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

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

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

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

Cirino Iteng/Hiteng—Former Minister of Culture, Youth & Sports (2011-July 2013), GoSS Deputy Minister for Regional Cooperation. Detained.

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

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

Ezekial lol Gatkuoth—Former Head of Mission, South Sudan Embassy in the United States (2011-2012). Detained.

Peter Adwok Nyaba—Former Minister of Higher Education, Science & Technology (2011-2012). Released 12/27.

Taban Deng—Former Governor of Unity State, SPLA Lieutenant General retired by Kiir in 2013, Wanted; at large.

Alfred Ladu Gore—Former Minister of Environment. Wanted; at large.

The political dispute that appears to have triggered this crisis was not based on ethnic identity or a communal dispute. The leaders who were aligned with Machar prior to the onset of fighting represent multiple ethnic groups. Broadly, Machar and his political allies contend that President Kiir has become increasingly dictatorial—concentrating decision-making in the presidential office among a small group of advisors (many from the Dinka-dominated state of Northern Bahr El Ghazal, his home area), letting “regional and ethnic lobbies” override collective decision making in the ruling party, using corruption allegations to sideline perceived rivals, increasingly condoning human rights violations, and abandoning the ideals of the independence struggle.¹⁷ To Kiir and those loyal to him, Machar’s charges were seen as politically motivated, and part of a long personal quest for power. Machar was widely expected to challenge Kiir for the party’s nomination to be its presidential candidate in 2015. Several of the key SPLM figures who shared Machar’s views of Kiir’s leadership did not necessarily support his presidential ambitions—in fact, some had suggested that they too intended to seek the party’s nomination for the presidency.

How has the crisis evolved?

Since the outbreak of fighting on December 15, the rhetoric from both the Kiir and Machar camps has been at times bellicose and at other times conciliatory. On December 16, President Kiir appeared in military fatigues for a press conference in which he publicly accused Machar of orchestrating a coup attempt, drawing criticism from some observers that this posture may have raised tensions.¹⁸ Machar, speaking to the press on December 18, denied the charges, suggesting that the fighting was a misunderstanding among the presidential guard and that Kiir, whom he claimed was “no longer a legal president,” had condoned targeted attacks on Nuer in Juba.¹⁹ Reports of a mutiny by Nuer soldiers in Bor and ethnic clashes in Unity emerged the same day. By December 21, Machar declared a rebellion, stating that the forces who had mutinied in Jonglei and Unity, purportedly in response to the attacks on Nuer, were now loyal to him.²⁰

As noted above, several politicians who had joined Machar in criticizing Kiir’s leadership were detained soon after the violence began. Access to the detained was limited until the U.S. Special Envoy to Sudan and South Sudan was able to visit them on December 24 to confirm their wellbeing. U.S. officials suggest that these figures may be crucial to political negotiations. Machar initially demanded their release as a precondition for dialogue, calling for one of the detained, Pagan Amum, to lead a negotiating team for talks in Addis Ababa, Ethiopia, on his behalf. Kiir, in contrast, called for talks without preconditions. On December 27, Kiir announced that he would release most of the detainees as a goodwill gesture, but that three, including Amum, would remain in detention based on pre-existing criminal charges, related to corruption. To date, however, only one detainee has been released, and the government has since rejected calls from the U.S., AU, and U.N. Security Council to release the rest.

Under pressure from regional mediators and others in the international community, Kiir agreed “in principle” to an immediate cessation of hostilities and to peaceful dialogue on December 29.

¹⁷ “Senior SPLM Colleagues Give Kiir Ultimatum Over Party Crisis,” *Sudan Tribune*, December 6, 2013. See also See analysis of former U.S. Envoy Princeton Lyman in SFRC testimony, *The Situation in South Sudan*, January 9, 2014.

¹⁸ See, e.g., Akshaya Kumar of the Enough Project, “South Sudan’s Salva Kiir Needs to Put His Black Hat Back On,” *Al Jazeera America*, December 20, 2013.

¹⁹ “South Sudan Ex-VP Denies Coup Attempt, Labels Kiir ‘Illegal President,’” *Sudan Tribune*, December 18, 2013.

²⁰ BBC Correspondent James Copnall interview with Machar, reported via Twitter on December 21, 2013.

At the same time, government forces continued operations to retake rebel-seized areas.²¹ Machar expressed skepticism of the government's ceasefire offer, reiterating his call for all detainees to be released and suggesting that mechanisms for monitoring a ceasefire be established through negotiations first.²² Both sides nevertheless agreed on December 31 to send teams to Ethiopia. While talks are underway, however, many observers expect fighting between government and rebel forces to continue until a formal cessation of hostilities deal is reached.

While complex and politically driven, the violence since mid-December 2013 in many cases appears to have followed ethnic lines, with Dinka-on-Nuer violence reported in Juba and Nuer-on-Dinka violence (and vice versa) reported in parts of Jonglei, Unity, and Upper Nile. In Juba, many civilians seeking refuge with UNMISS have been Nuer, according to U.N. officials, and reports indicate that Nuer were initially targeted by Dinka security forces in the capital. The situation elsewhere is volatile, with clashes reported in seven of the country's 10 states. In the first two weeks of the crisis, UNMISS reports, "most of the more brutal atrocities are reported to have been carried out by people wearing uniform."²³ However, given the splits in the security forces, this could be considered an accusation against both government and "rebel" forces.

As the fighting has spread beyond Juba to multiple state capitals and outlying areas, the role of other armed actors in the violence is also a serious concern, with the potential to spiral beyond the control of political and military leaders. On December 21, civilians sheltering at a UNMISS peacekeeping base in Akobo (in eastern Jonglei state) were attacked by a group of 2,000 armed Nuer youth, according to U.N. officials.²⁴ More than 20 Dinka civilians were reportedly killed, along with two Indian peacekeepers; another peacekeeper was injured in the attack. The media and UNMISS have reported on movements in Jonglei of large numbers of armed men, collectively referred to by some as the "White Army" (a term used to describe a grouping of armed Nuer youth that periodically unite for community defense and cattle raiding, and in reference to a group that was aligned with Machar's faction in the 1990s). This force, whose composition and leadership fluctuates, has been described by experts as sometimes, but not always, under the control of Nuer community leaders.²⁵ The extent to which Machar may "lead," or be able to control, this group is unclear.

Placing the Crisis in Context

The potential for this crisis was not unforeseen—the violence was triggered by political disputes among elites that had long been predicted by analysts, and reflects underlying ethnic tensions.²⁶ Those tensions have waxed and waned among communities that have historically competed for scarce water and grazing land, and who have remained armed in the aftermath of the Sudanese civil war.²⁷ Former U.S. Envoy Princeton Lyman contends that South Sudan's political

²¹ "Defected Commander in Unity State Confirms Presence of Sudanese Rebels," *Sudan Tribune*, December 29, 2013.

²² "South Sudan Rebel Leader Riek Machar Wary of Truce Offer," *BBC News*, December 27, 2013.

²³ UNMISS Press Release, "Mounting Evidence of Human Rights Violations," December 31, 2013.

²⁴ UNMISS Press Release, "UNMISS Issues Preliminary Account of Akobo Base Attack," December 20, 2013.

²⁵ For more information, see, e.g., John Young, *The White Army: An Introduction and Overview*, Small Arms Survey, June 2007 and Small Arms Survey, "My Neighbour, My Enemy: Inter-tribal Violence in Jonglei," October 2012.

²⁶ See, e.g., Susan Stigant, "South Sudan's Political Turmoil," U.S. Institute of Peace, August 1, 2013; and Alex Vines, "Who Can Halt the Crisis in South Sudan?" *The Guardian*, December 26, 2013.

²⁷ See, e.g., The International Crisis Group (ICG), *South Sudan: Compounding Instability in Unity State*, Africa Report No. 179, October 17, 2011, and *Politics and Transition in the New South Sudan*, Africa Report No. 172, April 4, 2011. (continued...)

institutions were too weak to address the country's problems, which, combined with "the overlap of party and government, and party and army, all contributed to the inability of the SPLM as a party to resolve" the situation that unfolded in late 2013.²⁸

As reports of new atrocities along ethnic lines emerge, the prospects for diffusing communal tensions may become increasingly poor. State Department travel advisories since independence indicated the potential for violence, not only between the security forces of Sudan and South Sudan, but between armed forces and rebel militias. The State Department warned that internal clashes could "exacerbate ethnic tensions throughout the country, leading to further violence." These warnings further cautioned U.S. citizens that South Sudan's government had "limited capacity to deter crime or provide security" and that "security forces often operate outside civilian control and laws governing due process and treatment of detainees are often ignored."

In its own "fragility assessment," conducted in 2012 as part of the New Deal for International Engagement in Fragile States, the South Sudan government stated that "large-scale internal conflict" had "markedly decreased," and said that "initiatives" had been "put in place to address inter-tribal clashes recurring in some parts of the country."²⁹ However, the assessment stated that "sustainable implementation of internal peace initiatives, in particular for Jonglei state [had] not yet been achieved," and acknowledged challenges stemming from the "proliferation of small arms." The government further sought to "improve the behavior, effectiveness, and accountability of a broad range of security actors," some of whom now have been drawn into internal conflict.

Small arms proliferated during the civil war, and efforts to disarm communities in its aftermath, particularly efforts led by the SPLA, have been contentious and often accompanied by charges of ethnic favoritism by commanders and abuses against rival communities. SPLA disarmament campaigns in the Greater Upper Nile area have been particularly problematic in the context of ongoing and emergent rebellions by various militias, most of which are organized along ethnic lines that correspond to ethnic groups perceived to have fought as proxies of Khartoum against the SPLM/A during the north-south war (e.g., the Nuer, Shilluk, and Murle).³⁰ Many local communities in this area have also sought to retain their weapons for self-defense, and armed cattle raids have remained a recurrent source of violence there.

The South Sudan government's incorporation of former militia fighters into its armed forces has further contributed to an over-sized military with little or no professional training and loose command and control.³¹ The United States and other donors have invested considerable resources in disarmament, demobilization, and reintegration (DDR) programs and security sector transformation initiatives. However, challenges associated with making these reforms in the

(...continued)

See also various reports of the U.N. Secretary-General on South Sudan, including S/2013/651, November 8 2013.

²⁸ Lyman, SFRC testimony, January 9, 2014, op. cit.

²⁹ The New Deal concept was created by a group of conflict-affected countries as a new country-owned and country-led mechanism for engagement with international partners, including donors, civil society groups, and others working in fragile states. Introduced in 2011, it has been endorsed by the United States, and South Sudan is among its Pilot Countries. See <http://www.newdeal4peace.org> and <http://www.g7plus.org>.

³⁰ Small Arms Survey, "Fighting for Spoils: Armed Insurgencies in Greater Upper Nile," November 2011.

³¹ The size of South Sudan's armed forces has been subject to debate, ranging from 150,000 to 200,000. For more information on the security sector and related reform challenges, see John A. Snowden, *Work in Progress: Security Fore Development in South Sudan Through February 2012*, Small Arms Survey, June 2012.

context of inter-communal mistrust, massive underdevelopment, and few near-term prospects for employment for ex-combatants have been immense.

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

Humanitarian Situation and Select Responses

How does the fighting affect civilians and foreign nationals?

The current crisis worsens humanitarian conditions in a country already facing acute needs.³² Fighting and rising insecurity have contributed to deteriorating conditions that are further impacted by the evacuation of many international relief workers. The protection of civilians is currently the primary humanitarian challenge in South Sudan, and reports indicate that the security forces are, in many areas, divided and/or unable to provide security for either residents or foreigners. In some areas, reports by human rights groups suggest that members of the security forces may have committed serious abuses against civilians.³³

U.N. peacekeeping mission personnel have limited capacity to protect civilians—under its existing mandate, which was primarily focused on state-building, UNMISS is authorized by the U.N. Security Council to protect civilians under imminent threat of physical violence “within its capabilities and in its areas of deployment.”³⁴ While the Security Council has authorized an increase in the force size of UNMISS, the mission's resources remain constrained given large-scale displacements in a country the size of France, with extremely little infrastructure. The lack of paved roads outside the capital significantly hinders the mobility of both South Sudanese security forces and U.N. peacekeepers. Prior to the onset of the crisis, the Security Council reiterated in multiple resolutions that the government of South Sudan has the primary responsibility for conflict prevention and civilian protection, with UNMISS playing a supporting role.³⁵ Amid reports of abuses by elements of the security forces, this dynamic places U.N. forces in an increasingly difficult position vis-à-vis the host government.³⁶

More than 60,000 people have sought refuge at U.N. peacekeeping bases since the fighting began. As of January 13, the United Nations has conservatively estimated that more than 413,000 people have been internally displaced by the conflict, with the real figure likely much higher, given

³² Prior to the outbreak of violence in December 2013, more than 4.4 million people, some 40% of the population, were estimated to need humanitarian assistance. U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), South Sudan: Consolidated Appeal 2014-2016, November 14, 2013.

³³ See Human Rights Watch, “South Sudan: Soldiers Target Ethnic Group in Juba Fighting,” December 19, 2013.

³⁴ UNMISS's mandate was defined by the U.N. Security Council in Resolution 1996 (2011).

³⁵ UNMISS's civilian protection mandate, set out in Resolution 1996 (2011), includes taking the necessary actions to protect civilians under imminent threat of physical violence, irrespective of the source of that violence.

³⁶ See Samuel Oakford, “U.N. Peacekeepers Overwhelmed in South Sudan,” Inter Press Service, January 11, 2014.

limited access to civilians outside population centers.³⁷ Delivering assistance to those in need is a top priority for relief agencies, where security allows. Reports suggest that both pro- and anti-government forces have restricted access in some cases.³⁸ Hygiene and sanitation have emerged as major challenges in areas where the displaced are gathering, and U.N. officials indicate that food, water, healthcare, and shelter are urgently needed. The United Nations has issued an emergency appeal for \$166 million to address immediate needs, including those of Sudanese refugees residing in camps in South Sudan.³⁹ This funding represents the most urgently required resources in a \$1.1 billion 2014 aid appeal for enduring humanitarian needs in South Sudan.

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

Casualty estimates from this crisis vary considerably—the International Crisis Group suggests that the death toll may be as high as 10,000, amid heavy fighting between pro- and anti-government forces, while UNMISS reports that it is not yet able to verify casualty figures, but estimates a figure “substantially in excess of” 1,000.⁴⁰ U.N. High Commissioner for Human Rights Navi Pillay reported on December 24 that “mass extrajudicial killings, the targeting of individuals on the basis of their ethnicity and arbitrary detentions have been documented in recent days.” She also expressed concern about the safety of detainees, including several hundred civilians who were reportedly arrested in Juba and hundreds of police who were also reported arrested across the capital.⁴¹ UNMISS reports have noted allegations of atrocities by “people wearing uniform” and by “anti-government forces against civilians and surrendering soldiers.”⁴²

How is the international community responding?

Despite reports of civilian-on-civilian violence and the opportunistic mobilization of militias as the conflict has unfolded, world leaders emphasize that this crisis is inherently political. Many, including President Obama, U.N. Secretary-General Ban Ki-moon, and Pope Francis have cautioned South Sudan’s leaders and participants in the conflict that their actions threaten gains made since independence and the future of the country.⁴³ The African Union (AU) has expressed

³⁷ Displaced figures from UNOCHA, “South Sudan Crisis: Situation Report as of January 14, 2014,” op. cit.

³⁸ UNMISS Press Release, “U.N. Demands End to Looting and Other Violations,” January 10, 2014.

³⁹ UNOCHA, “Aid Agencies in South Sudan Need \$166 Million Now to Save Lives of People Caught in Crisis,” December 25, 2013.

⁴⁰ Nicholas Kulish, “New Estimate Sharply Raises Death Toll in South Sudan,” *New York Times*, January 9, 2014 and UNMISS Press Release, “UNMISS Concerned About Indications of Substantially Higher Numbers of Casualties in South Sudan As It Accesses More Areas and More Displaced Persons,” January 12, 2014.

⁴¹ OHCHR, “Pillay Urges South Sudan Leadership to Curb Alarming Violence Against Civilians,” December 24, 2013.

⁴² See UNMISS Press Releases, “Mounting Evidence of Human Rights Violations” December 31, 2013 and “UNMISS Concerned About Indications of Substantially Higher Numbers of Casualties in South Sudan,” January 12, 2014.

⁴³ See, e.g., The White House, Statement by the President on South Sudan, December 19, 2013; The Holy See, *Urbi Et Orbi Message of Pope Francis: Christmas 2013*, December 25, 2013.

“deep dismay and disappointment” at “the failure of political leaders in the country to live up to the hopes and aspirations of their citizens,” and has publicly urged President Kiir to release the detainees to facilitate talks between the opposing sides.⁴⁴ The AU subsequently announced its intent to establish a commission to ensure accountability and reconciliation in the country.

The U.N. Secretary-General warned on December 24, “the world is watching all sides in South Sudan,” announcing that the U.N. was bolstering efforts to investigate reports of human rights violations and crimes against humanity and declaring that “those responsible at the senior level will be held personally accountable and face the consequences—even if they claim they had no knowledge of the attacks.”⁴⁵ He stated, “Now is the time for South Sudan’s leaders to show their people and the world that they are, above all, committed to preserving the unity of the nation.”

The U.N. Security Council unanimously adopted Resolution 2132 (2013) on December 24 in response to the crisis.⁴⁶ Further deliberations are expected in January. The resolution, which calls for an immediate cessation of hostilities and the opening of political dialogue, supports an increase in the military component of UNMISS from an authorized 7,000 to 12,500 troops and in the police component from 900 to 1,323 personnel. It additionally authorizes the Secretary-General to facilitate inter-mission cooperation and, “if needed and subject to further Council consideration,” complementary force and asset generation, including through the possible transfer of troops and force enablers from other U.N. missions.⁴⁷ U.N. efforts to mobilize these resources are underway, although it remains unclear how quickly new forces can be deployed, and how any potential transfer from other missions might affect competing needs elsewhere on the continent. The Security Council has since reiterated its demand for a cessation of hostilities, without precondition, while urging both sides to create an environment conducive to dialogue. It has also discouraged any external intervention that could exacerbate existing tensions.⁴⁸

The Intergovernmental Authority on Development (IGAD), the East Africa regional group that led the peace negotiations between Sudan and South Sudan in the early 2000s, has sought to mediate talks between key leaders in the crisis with the support of the U.N. and the AU. Special envoys from the United States and the European Union are also playing a role. Concurrently, South Sudan’s influential church leaders have initiated reconciliation efforts. High-level IGAD engagement has pushed both sides to send negotiation teams to Ethiopia. Comments to the media by Uganda’s President Yoweri Museveni, who has deployed troops to South Sudan, warning that regional leaders had agreed to take action “to defeat” Machar if he doesn’t agree to a ceasefire, may also have played a role, although the perception of bias toward President Kiir by Museveni may complicate IGAD’s mediation effort going forward.⁴⁹

⁴⁴ African Union, Press Statement of the 410th Meeting of the Peace and Security Council on the Situation in South Sudan, December 24, 2013.

⁴⁵ United Nations, Secretary-General’s Press Conference at U.N. Headquarters, New York, December 23, 2013.

⁴⁶ Draft resolution S/2013/760 was co-sponsored by eight Council members: Australia, France, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom, the United States, and Togo. Its unanimous adoption responded to the request of the U.N. Secretary-General on December 23.

⁴⁷ U.N. Security Council, Resolution 2132 (2013), December 24, 2013.

⁴⁸ U.N. Security Council Press Statement on South Sudan, January 10, 2014.

⁴⁹ The Ugandan military has deployed forces inside South Sudan not only to evacuate its citizens but to “secur[e] critical infrastructure and installations” in South Sudan. *Communique of the 23rd Extra-Ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan*, Nairobi, Kenya, December 27, 2013. The deployment has become a contentious issue, not only potentially between the Ugandan government and the United States (see Testimony of Thomas Greenfield, January 9, 2014, op. cit.), but also between Uganda’s parliament and its (continued...)

How has the United States responded to date?

Conflict Resolution Efforts

Top U.S. officials have engaged both South Sudanese leaders and key figures in Africa and the international community to seek a mediated solution to the current crisis. Obama Administration officials have referred to the U.S.-South Sudan relationship as one based on “deep ties” and an “affinity” cast in the context of American public sentiment toward the South Sudanese that developed during the civil war.⁵⁰ Despite increasing strains in recent years, Secretary of State John Kerry and others, including National Security Advisor Susan Rice, have acknowledged a “personal stake” in finding a resolution to the crisis.⁵¹ In addition to private calls made by Secretary Kerry and Susan Rice and public comments made by President Obama, U.S. Special Envoy to Sudan and South Sudan Donald Booth and U.S. Ambassador Susan Page are engaging both sides in the region. The envoy, who previously served as Ambassador to Ethiopia, has offered U.S. support to the regional mediation effort in Addis Ababa.

The State Department has underscored that “there can be no military solution to this conflict. Forcing a durable and lasting peace depends on resolving the underlying political causes of the conflict.”⁵² The State Department has urged the immediate release of the “political detainees,” whose presence U.S. officials describe as key to discussions of political issues, while at the same time urging that the status of detainees not be used as a precondition for a cessation of hostilities. The White House has stated that the United States will hold leaders responsible for the conduct of their forces and will withhold U.S. support to any elements that use force to seize power.⁵³

U.S. Citizen and Embassy Protection Efforts

The U.S. Embassy in Juba has suspended normal operations and the Administration ordered the departure of non-emergency U.S. government personnel, commencing evacuation operations for U.S. citizens on December 18. At that time, the President ordered 45 combat-equipped U.S. military personnel to Juba “to protect U.S. citizens and property.”⁵⁴ A further drawdown of U.S. government personnel occurred on January 3, based on deteriorating security conditions, and the State Department announced that the Embassy could no longer provide consular services to U.S. citizens. The U.S. Ambassador has remained, with a security detail and minimal key personnel.

On December 21, 2013, President Obama ordered 46 additional U.S. military personnel deployed by military aircraft to Bor, the capital of Jonglei State, to evacuate U.S. citizens who were

(...continued)

executive branch. See, e.g., “Uganda Parliament to Debate Additional Troops to South Sudan,” VOA News, January 13, 2014; “Uganda Says Region Ready to Take On, Defeat South Sudan Rebel Leader,” Reuters, December 30, 2013; “Machar Says Ugandan Jet Bombed S. Sudan Rebel Positions,” *Sudan Tribune*, December 27, 2013.

⁵⁰ For further context on Obama Administration views of the U.S.-South Sudan relationship, see Princeton Lyman, “The United States and South Sudan: A Relationship Under Pressure,” *The Ambassadors Review*, Fall 2013, available at www.americanambassadors.org.

⁵¹ Remarks by Secretary of State John Kerry during a Solo Press Availability in Jerusalem, January 5, 2014.

⁵² State Department Spokesperson Maria Harf, *Beginning of Direct Talks on South Sudan*, January 4, 2014.

⁵³ The White House, Statement by NSC Spokesperson Caitlin Hayden on South Sudan, December 31, 2013.

⁵⁴ President Barack Obama, Report Consistent with War Powers Resolution, December 19, 2013.

sheltering at a U.N. base. The aircraft was fired upon during the approach, and the operation was aborted. Four U.S. military personnel were injured in the attack. The following day, the United States, in coordination with the United Nations, evacuated U.S. citizens and others from Bor on U.N. and civilian helicopters.⁵⁵ The President has informed Congress in a message he described as “consistent with the War Powers Resolution” that he “may take further action to support the security of U.S. citizens, personnel, and property, including our Embassy, in South Sudan.”⁵⁶ On December 23, U.S. Defense Department officials stated that forces were being repositioned in the region to facilitate “maximum flexibility to respond to State Department requests.”⁵⁷

Going forward, this crisis may test U.S. Africa Command’s new rapid response capacity, which has drawn interest from Congress in the aftermath of the September 2012 attack on U.S. facilities in Benghazi, Libya. Some observers contend that the current drawdown of U.S. government personnel and contractors hinders the potential for key interventions by diplomats, development experts, and humanitarian professionals at a critical time, and have urged more flexibility for U.S. citizens to return to South Sudan to coordinate the aid response and related conflict mitigation initiatives.⁵⁸ Deliberations between the Obama Administration and interested Members of Congress regarding the risks and benefits of a return of U.S. personnel to the country may be influenced by the Benghazi incident, as well as by historic congressional interest in South Sudan.

Select Issues for Congress

The United States, which is the single largest bilateral aid donor to South Sudan, has invested significant resources in its development. In recent congressional testimony, responding to a question about why the current crisis matters to the United States, the State Department’s senior Africa official explained “we birthed this nation,” suggesting that the Administration views the situation there with particular urgency.⁵⁹ Peace and stability among the Sudanese has long been a key focus of U.S. foreign policy makers in Africa and a sustained issue of bipartisan congressional attention.⁶⁰ Congressional engagement in Sudan and South Sudan has historically been driven largely by human rights and humanitarian concerns. With South Sudan’s emergence as an independent country, the focus has expanded beyond north-south dynamics to an increasing examination of South Sudanese leaders’ records on these matters in the context of oversight of expanded U.S. aid to the new country. Given evolving U.S. military deployments to the region in response to the current crisis, some Members may also seek to engage the Obama Administration on the role of those forces and the resources required to support them.

⁵⁵ State Department Spokesperson Jen Psaki, “U.S. Citizen Evacuation in South Sudan,” December 22, 2013.

⁵⁶ Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, December 22, 2013.

⁵⁷ “U.S. Calls for Immediate Talks in South Sudan,” Armed Forces Press Service, December 25, 2013. Deployed forces include those from the Djibouti-based Combined Joint Task Force – Horn of Africa’s (CJTF-HOA’s) East Africa Response Force and a Special Purpose Marine Air-Ground Task Force based in Moron, Spain. See CJTF-HOA Public Affairs, “Response Force Deploys for First Time,” December 26, 2013. See also, Richard Sisk, “South Sudan Crisis Tests US Marine Response,” Military.com, December 26, 2013.

⁵⁸ Testimony of Kate Almqvist Knopf, SFRC, *The Situation in South Sudan*, January 9, 2014.

⁵⁹ Testimony of Assistant Secretary Thomas-Greenfield, SFRC, January 9, 2014, op. cit.

⁶⁰ See CRS Report R42774, *Sudan and South Sudan: Current Issues for Congress and U.S. Policy*, by (name redacted). See also Sudarsan Raghavan, “Divisions in South Sudan’s Liberation Movement Fuel War,” *The Washington Post*, December 27, 2013.

Members of Congress, including the Congressional Caucus on Sudan and South Sudan, have frequently engaged South Sudanese leaders directly. The leadership of the Senate Foreign Relations and House Foreign Affairs Committees, for example, sent a letter to President Kiir in August 2013 noting historic U.S. support for the people of South Sudan but expressing increasing concern about human rights conditions, particularly in Jonglei. In response, Kiir emphasized that improving security and preventing communal violence were top priorities for his government, and noted measures that his government had taken in response to abuses in Jonglei. He made assurances that there would “never be a government policy to cleanse any ethnic group” while he was president. He also suggested that “without the sustained engagement of the United States Government and its People,” the peace agreement that facilitated South Sudan’s independence would not have been signed or implemented.⁶¹

In light of the current crisis, the congressional committees and Caucus leadership have publicly called for an end to the violence, improved humanitarian access, and respect for human rights. In a letter to President Kiir, they have expressed deep concern, called for restraint to prevent the violence from escalating, and emphasized the importance of inclusive political dialogue. The letter cautions, “your actions over the course of the coming days will be critical in influencing the path your country takes and how people remember your leadership.”⁶²

U.S. Foreign Assistance

In recent years, U.S. foreign assistance to the people and government of South Sudan has been among the largest spending priorities for the United States in Africa, with more than \$410 million committed in FY2013 and more than \$393 million in economic, health, and security assistance requested for FY2014. In its FY2014 budget request (released in 2013), the Administration stated that South Sudan “still requires significant external support to provide basic services to citizens, develop a broad-based, diverse economy, and establish basic standards for rule of law and good governance.” The request also referred to “persistent ethnic conflict” and warned that South Sudan was “trending toward authoritarianism,” although it argued that there was “still time to influence this trend through strategic and targeted assistance that supports the government’s responsiveness and citizen participation in determining a way forward.” The request outlined U.S. plans to fund new and ongoing conflict mitigation efforts aimed at improving internal stability.

The current crisis is creating new requirements for humanitarian aid for people displaced by the recent fighting. In addition to the foreign aid figures cited above, the United States has provided almost \$320 million in humanitarian assistance in FY2013 and FY2014 to date, a figure that includes emergency aid provided prior to the crisis as well as \$50 million in new funding announced on January 3.⁶³ Further funding may be required as displacements continue. The USAID Office of Foreign Disaster Assistance (OFDA) has activated a Disaster Assistance Response Team (DART) and Response Management Team (RMT) to support U.S. government efforts to respond to the humanitarian aspects of the crisis.

⁶¹ Letter from President Salva Kiir, September 27, 2013.

⁶² The text of the December 24 congressional correspondence to President Kiir is at www.foreignaffairs.house.gov. See also “Sudan and South Sudan Caucus Statement on Escalating Violence,” December 19, 2013.

⁶³ USAID, *South Sudan—Crisis*, Fact Sheet #16, Fiscal Year 2014, January 14, 2014. This document also includes funding figures for South Sudan from other major international aid donors.

The crisis has implications for sizeable U.S. financial contributions to U.N. peacekeeping missions in South Sudan, some of whose personnel have come under attack during recent fighting and whose bases have been transformed into camps for those seeking safety. From FY2012 to FY2014, the Administration requested more than \$850 million to support the U.N. Mission in Southern Sudan (UNMISS) and more than \$197 million to support the U.N. Interim Security Force for Abyei (UNISFA).⁶⁴ The pending expansion of UNMISS by an additional 5,500 forces, to be drawn from existing U.N. missions in Africa and potential new troop contributions, may result in a request for increased peacekeeping contribution funds in FY2014 and/or FY2015, or a reallocation from other U.S. commitments. Additional U.S. support to prepare African peacekeepers for UNMISS and UNISFA is provided through the State Department's African Contingency Operations Training and Assistance (ACOTA) program.

In the longer term, the evolving conflict in South Sudan may call into question the future direction of U.S. and international assistance to the South Sudan government. U.S. support to the government and security forces was already subject to certain restrictions, some of which are based on human rights and budget transparency concerns.⁶⁵ The FY2014 Omnibus Appropriations bill (H.R. 3547) includes specific provisions on assistance to South Sudan, including Sec. 7042(k), which conditions 15% of funds made available for aid to the central government on a report by the Secretary of State that South Sudan is "implementing policies to support freedom of expression and association, establish democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and investigating and punishing members of security forces who have violated human rights." It further directs State Department efforts to ensure transparency and accountability of government funds, including oil revenues.

South Sudan has been among the largest African recipients of State Department-funded security assistance in recent years, as the United States has sought to support security sector reform there. This aid, which has totaled more than \$300 million since FY2005, has targeted both law enforcement and the military, seeking to help transform the SPLA from a rebel force to a professional military capable of contributing to internal and regional peace and security through technical training, advising, and non-lethal defense equipment. The SPLA has become increasingly active in U.S.-supported regional efforts to counter the Lord's Resistance Army (LRA).⁶⁶ Underscoring the depth of U.S. concern about the recent crisis, U.S. National Security Adviser Susan Rice said on December 20 that if "individuals or groups seek to take or hold power [in South Sudan] through force, mass violence, or intimidation, the United States will have no

⁶⁴ Part of UNISFA's mandate is to support the monitoring and verification of a demilitarized zone and related security arrangements along the yet-to-be-demarcated border between Sudan and South Sudan.

⁶⁵ According to the State Department's most recent report on human rights conditions in the country, the most serious problems were "security force abuses, including extrajudicial killings, torture, rape, intimidation, and other inhumane treatment of civilians; lack of access to justice, including arbitrary arrest, prolonged pretrial detention, and corruption within the justice sector; and conflict-related abuses, including continuing abuse and displacement of civilians as a result of fighting between Sudanese and South Sudanese forces, RMGs opposing the government, and rival ethnic communities." State Department, *2012 Country Reports on Human Rights Practices*, April 19, 2013. The State Department reported in 2013 that the government had made progress in efforts to eliminate the use of child soldiers from the SPLA. South Sudan is 1 of 10 countries identified as subject to foreign aid restrictions based on the Child Soldiers Prevention Act of 2008 (CSPA, P.L. 110-457); President Obama waived the application of CSPA for South Sudan in September 2013, determining it in the national interest to do so.

⁶⁶ For more information on the LRA, a small, armed group in Central Africa, and efforts to counter it, see, e.g., Rajiv Chandrasekaran, "Kony 2013: U.S. Quietly Intensifies Effort to Help African Troops Capture Infamous Warlord," *The Washington Post*, October 28, 2013 and CRS Report R42094, *The Lord's Resistance Army: The U.S. Response*.

choice but to withdraw our traditional, robust support.”⁶⁷ State Department officials report that security assistance has halted and will not resume until security conditions improve.⁶⁸ Assistance in other sectors is under review.

It remains to be seen how any withholding of U.S. development or security assistance might affect the decision making of parties to the current conflict. One could argue that withholding foreign aid might influence those leaders most concerned about the ability of the government to meet the needs of citizens. A fiscal crunch induced by the dispute with Sudan over oil exports in 2012 had already undermined the solvency of the South Sudan government prior to the recent fighting. Given new threats to oil production in the context of the current crisis, fiscal concerns may be a decisive issue for some. However, it is unclear whether the severity of the crisis and the immediate threats key leaders may perceive to their security will make them more or less susceptible to coercive pressure from international donors. It also is possible that the continuation or the suspension of U.S. and international assistance could be perceived by different parties to the conflict as unwelcome attempts to shape the outcome of internal South Sudanese disputes.

Table I. U.S. Bilateral Foreign Assistance

Thousands of current U.S. dollars

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

Source: State Department FY2013 Post-Sequester 653(a) Initial Allocations and FY2014 Congressional Budget Justification documents. GHP = Global Health; DA = Development Assistance; ESF = Economic Support Fund; INCLE=International Narcotics Control & Law Enforcement; PKO = Peacekeeping Operations; NADR = Nonproliferation, Antiterrorism, Demining & Related Programs; IMET = International Military Education & Training; FMF = Foreign Military Financing.

Mass Atrocity Prevention

As Members of Congress weigh what role the United States might play going forward in response to the South Sudan crisis, either directly or through support for international efforts, reports of mass atrocities filed by the United Nations and others may become an increasing focus of congressional deliberations.⁶⁹ In a number of recent crises with significant civilian casualties,

⁶⁷ The White House, “Urging Peace in South Sudan,” The White House Blog, December 20, 2013.

⁶⁸ CRS communication with the State Department, December 24, 2013.

⁶⁹ See, e.g., Sen. Ben Cardin, “South Sudan,” remarks in the Senate, *Congressional Record*, daily edition, vol. 160 (continued...)

observers have examined the practical implications of the Obama Administration's stated commitment to the prevention of "mass atrocities." The President, who was active in legislating on the Darfur conflict during his Senate tenure, issued a presidential directive in 2011 classifying the prevention of mass atrocities as "a core national security interest and a core moral responsibility of the United States of America." A major stated rationale of the President and the leaders of various U.S. allies for military intervention in Libya in 2011 was the prospect that forces loyal to Muammar Qadhafi might otherwise kill thousands of unarmed civilians.

The Administration released a strategy on mass atrocities prevention in 2012. As part of that strategy, the Administration created the Atrocities Prevention Board and launched a new National Intelligence Estimate on the risk of mass atrocities and genocide. In remarks during the strategy release, President Obama referred to the Sudan peace process as one of several examples of a diplomatic effort that had "saved countless lives," noting that "when the referendum in South Sudan was in doubt, it threatened to reignite a conflict that had killed millions."⁷⁰ The President's comments suggested that, on a case-by-case basis, diplomacy was one of several tools for atrocities prevention, with military intervention among other possible options.

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

Some in the advocacy community have sought to engage the U.S. government and others in the international community on how to prevent atrocities in South Sudan. Some have outlined proposals for increased U.N. action, including further examination and potential modification of UNMISS's mandate and possible sanctions or an arms embargo on parties complicit in atrocities.⁷¹ The U.N. Special Advisers to the Secretary-General on the Prevention of Genocide and the Responsibility to Protect have expressed deep concern with targeted ethnic attacks that they warn may constitute war crimes or crimes against humanity and have reiterated South Sudan's responsibility to protect all populations, regardless of ethnicity or political affiliation.⁷²

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

(...continued)

(January 9, 2014), pp. S196).

⁷⁰ For more information on the Administration's position on atrocities prevention, see, e.g., "Remarks by the President at the United States Holocaust Memorial Museum," April 23, 2012; "The White House, Fact Sheet: The Obama Administration's Comprehensive Efforts to Prevent Mass Atrocities Over the Past Year," May 1, 2013.

⁷¹ See, e.g., George Clooney and John Prendergast, "How to Stop an Inferno in South Sudan," *The Daily Beast*, December 20, 2013, and Louise Arbour, President and CEO of the International Crisis Group, "Open Letter to the U.N. Secretary-General," December 24, 2013.

⁷² United Nations, Statement by Adama Dieng, U.N. Special Adviser on the Prevention of Genocide, and Jennifer Welsh, U.N. Special Adviser on the Responsibility to Protect, on the Situation in South Sudan, December 24, 2013.

Anybody that goes to the residential areas to kill people or to loot the property of others and hoping that he's doing it to support me must know that that person is not supporting me. Instead, you are destroying me.... Innocent people have been wantonly killed.... There are now people who are targeting others because of their tribal affiliation, by means of taking the law into their own hands.... This... is unacceptable. It will only lead to one thing, and that is to turn this nation into chaos. All the unruly and undisciplined soldiers, who are behind such terrible acts, and who are randomly bent to killing innocent people are criminals and will not escape the long arm of justice, and will have to be punished.... These atrocities recurring by now have to cease immediately.⁷³

Developments to date suggest that such appeals may not have immediate effect beyond the capital, as disparate forces mobilize against perceived rivals. In the absence of a cessation of hostilities, ongoing military and/or rebel operations to secure or retake contested areas may escalate violence by both state and non-state actors with unpredictable results. Obama Administration officials, along with others, have emphasized that this crisis will not be resolved on the battlefield, and that a political solution is necessary. Some observers question whether any political solution should ultimately allow either Kiir or Machar, as leaders of the official parties to the current hostilities, to remain in power, while others suggest that some power-sharing arrangement between the two sides may be required to stop the fighting. In the longer term, many analysts suggest that South Sudan's government, along with international donors engaged in the country, must focus greater effort on addressing fundamental issues of governance, national identity, and reconciliation, while at the same time supporting robust efforts to provide justice and accountability for crimes committed during the current conflict.⁷⁴

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⁷³ Nicholas Kulish, "South Sudan's President Condemns Ethnic Killings," *New York Times*, December 25, 2013; and, *Radio Tamazuj* (Juba), "Kiir calls on soldiers not to commit atrocities," December 25, 2013.

⁷⁴ See, e.g., Princeton Lyman, Jon Temin, and Susan Stigant, "Crisis and Opportunity in South Sudan," U.S. Institute of Peace *PeaceBrief* No 164, January 8, 2014; Sara Pantuliano, "Donor-Driven Technical Fixes Failed South Sudan: It's Time to Get Political," Think Africa Press, January 9, 2014; and David Deng and Elizabeth Deng, "South Sudan Talks Must Make Provision for Justice and Reconciliation," *African Arguments*, January 8, 2014.

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