

Chaos in South Sudan: From Efforts to Peace until United Nations Security Council Sanctions

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Abstract

South Sudan is a fraction of the newly independent Sudan on 9 July 2011 and registered with the United Nations on 13 July 2011. This region is directly bordered by Sudan to the north, Ethiopia to the east, Kenya to the southeast, Uganda to the south, Congo to the southwest, and Africa Central on the west. Since its official independence on July 9, 2011, South Sudan has never felt the slightest bit of enjoying its independence with peace, running its government effectively like other independent countries, its sovereignty is torn apart by civil war, even the international community seems slow in taking a related stance. Events that happened in South Sudan. For the events that occurred in South Sudan, the UN Security Council finally imposed an arms embargo on South Sudan on July 13, 2018. At the time of voting before the issuance of the resolution containing sanctions against South Sudan, the two permanent members of the UN Security Council, namely Russia and China voted to abstain, as did the four non-permanent members of the UN Security Council namely Ethiopia, Bolivia, Equatorial Guinea and Kazakhstan which also chose to abstain. Previously, a similar resolution draft made by the United States (as one of the permanent members of the UN Security Council) was almost rolled out in December 2016, under President Barack Obama's administration, but the effort did not succeed in getting enough votes in the UN Security Council. The UN Security Council on May 30 2019 then extended sanctions against South Sudan for another year, including an arms embargo. Five of the 15 council members abstained from voting, namely Russia, China, Ivory Coast, Equatorial Guinea and South Africa. The move passed because it only required nine positive votes and no veto.

Keywords: Peace, sanctions, South Sudan, UN Security Council.

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INTRODUCTION

The Security Council of the United Nations (UN) has the task of maintaining international peace and security as mandated by the UN Charter. There are many factors why the UN Security Council is one of the main organs that can be said to be successful in implementing sanctions against countries deemed to be violating international peace and security, one of which is the consensus among UN member states to comply with any decisions taken or issued by the UN Security Council. In carrying out every task mandated by the UN Charter, the UN Security Council establishes supporting bodies, including the Peace Operations, the Peace Building Commission, the Standing Committee and the Ad Hoc Committee, the Military Staff Committee, the Counter-Terrorism and Non-Proliferation Committee, the Committee Sanctions, as well as an International Court of Justice.

In addition to the supporting bodies of the UN Security Council in carrying out its mandate, the UN Charter also authorizes the UN Security Council to investigate any situation that threatens world peace, recommends peaceful dispute resolution procedures, asks all UN member states to sever economic ties, as well as the sea, air, post, radio communication, or diplomatic relations, and enforce UN Security Council decisions militarily, or by other means[1] Based on the work of the UN Security Council and the track record of the mandate of the UN Charter that has been carried out so far, one of the main organs of the United Nations (UN Security Council) very often has disagreements between members in its organization, this can be seen when there are frequent vetoes[2]. Issued by one of the permanent member states of the UN Security Council before passing a resolution so that the resolution is subsequently not published.

The United Nations is an international organization that is global in nature, the organization with the most members (countries) and has a fairly complete organ, therefore many international organizations that are regional in nature (regional organizations, such as ASEAN, European Union, etc.) have followed the completeness the supporting organs in running the organization, even though it is regional in nature, are expected to be able to resolve any disputes that occur between countries in the region, so that the global mechanisms that will be pursued through the existing mechanisms in the United Nations become more filtered. To become a member of the United Nations organization, it is open to all peace-loving countries that accept the obligations set out in the UN Charter and, at the judgment of the United Nations, are able and willing to carry out these obligations. The acceptance of a country into the membership of the United Nations is carried out by the decision of the UN General Assembly on the recommendation of the UN Security Council. A member of the United Nations who always violates the principles as stated in the Charter, can be removed from membership in the United Nations by the UN General Assembly on the recommendation of the UN Security Council, this is stated in Article 4 and Article 6 of the UN Charter which regulates that "membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations. The admission of any such state to membership in the United Nations will be affected by a decision of the General Assembly upon the recommendation of the Security Council. A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council".

Global security is the goal of all humanity wherever it is and wherever it comes from. Global security can be realized if all human beings have a vision of not discriminating between one human being and another, feeling that their security is a top priority so that they will also provide security and a sense of comfort even if they do not want to take actions that lead to disruption of other human life security. Many things can trigger global threats and human security, be it in the form of racist, discriminatory, radical actions, even apathy towards any problem also has the potential to trigger global threats and human security. Global threat is a matter that is feared by developing countries, especially countries that have defense and security technology that are not sufficient enough to counter all forms of a national threat to their country[3]. The development of armed conflict or commonly referred to as warfare brings a variety of new thoughts that are associated with the approach to Security Studies [4]. One of the interesting things in a report in the

international media related to the UN Security Council is the coverage of sanctions issued by the UN Security Council through a number of its resolutions, and an interesting thing to note is the sanctions imposed by the UN Security Council on South Sudan which incidentally are a newly independent country about eight years ago. Many regretted these sanctions; because the international community thought that South Sudan as a newly independent country and until now its status was still the last country to become a member of the United Nations needed more peace efforts for the improvement of the country's governance so that it could be fully sovereign and exercise its jurisdiction properly. an independent and sovereign state in its territorial territory. The imposition of sanctions does not have a positive impact on the country (South Sudan) and even tends to bring the country into a downturn and is slow to progress, not to mention the hindrance to development both physically and non-physically (human resources) so that the country is increasingly difficult to compete in globalization era as it is today.

RESEARCH METHOD

This type of research is normative legal research using a statutory approach and a case approach [5]. The legal materials used are primary legal materials and secondary legal materials which are collected through literature study [6]. The data collected is then analyzed qualitatively and then described so that the problems discussed can be clearly illustrated in this paper.

RESULTS AND DISCUSSION

Chronology of the Post-Independence Conflict in South Sudan

A conflict can occur anytime and anywhere, without being predicted by anyone, this conflict can occur because of a mismatch between expectations and reality that occurs, besides that conflict can also occur due to misunderstandings between legal subjects, or disagreements. Between a particular object, where the legal subjects have an interest in it [7]. This conflict can easily occur because from the start there was no prevention effort when the potential conflict would arise. In conflicts of an international nature, countries that are directly involved in the conflict (usually if they are two geographically neighboring countries directly) must have a strong will to immediately resolve the conflict, as well as because of the disadvantages from the geo-political perspective of the Region that will be disturbed, even neighboring countries that are not in the vortex of the conflict will be affected by the tension of countries in conflict, we can see that when South Sudan experiences a humanitarian crisis in its country, countries that are geographically adjacent to each other will be directly affected. From the crisis, let's say that Sudan, Ethiopia, Kenya, Uganda, Congo, and Central Africa will experience the potential for the process of

moving people (the flow of refugees) with South Sudanese citizenship.

In order for a country to be said to be sovereign, it must meet the requirements as required by the Montevideo Convention of 1933, after which the state can interact with other countries as a de facto and de jure sovereign state [8]. The status of the newest country in the world until now is still carried by South Sudan. This country is none other than a fraction of the newly independent Sudan on 9 July 2011 and registered with the United Nations on 13 July 2011, shortly after its independence day. Officially named the Republic of South Sudan, this 619,745 km² area is geographically landlocked in northeastern Africa. This region is directly adjacent to Sudan to the north, Ethiopia to the east, Kenya to the southeast, Uganda to the south, Congo to the southwest, and Central Africa to the west. This is what then makes South Sudan not have marine territorial waters. This region is inseparable from the negative effects of civil war since Sudan's independence. The Sudanese government fought rebel soldiers during the First Sudanese Civil War from 1955 to 1972. Not quite once, the Second Civil War raged from 1983 to 2005 or more than 20 years. The prolonged war must be paid for with serious consequences of state neglect, one of which is the lack of infrastructure development. Also massive destruction that resulted in millions of people being killed and others displaced, both at home and abroad. The end of the Second Sudanese Civil War in 2005 was marked by the signing of the Comprehensive Peace Agreement in Nairobi mediated by the Intergovernmental Authority for Development and its partners. Including the Government of South Sudan which has been autonomously formed. Following up on the agreement on the autonomous region of South Sudan, a referendum was held in 2011 on January 9-15 to determine whether the South Sudan region would still join Sudan or choose independence. The results of the referendum on January 30 showed 98.83 percent of the population of South Sudan voted for independence. Officially, on July 9, 2011 South Sudan officially became an independent, independent territory [9]. The referendum which was held on 9-15 January 2011, whose results were known on 30 January 2011, became a turning point for South Sudan, which was originally a nationally integrated region with Sudan to become an independent state as required by the Montevideo Convention on the conditions for the establishment of a country. a state, because in addition to having a territory, population and government, that country must also obtain de facto and de jure recognition by countries that have already existed as sovereign states in the international world.

In an international relationship, there are always problems and obstacles that must be resolved immediately [10]. The same is true for South Sudan, even though it is already independent, disputes still

characterize the results of this independence, especially regarding the distribution of oil revenues because 75 percent of all Sudan's oil reserves are in South Sudan. At that time, the Abyei region was still being contested and a separate referendum was being held. Including the South Kordofan conflict which broke out on 5 June 2011 until now, involving the Sudanese national army and the armed liberation front. Despite its independence, South Sudan cannot be separated from the inter-ethnic civil war that has occurred in several regions of its state. Even some ongoing conflicts had occurred before independence was achieved. According to an Al Jazeera report, in April 2011 South Sudan had to face 9 out of 10 armed groups in various parts of its state [11]. Scramble for oil fields is also happening, as reported by the BBC [12]. Entering March 2012, South Sudanese troops succeeded in seizing an oil field in Heglig, Kordofan Province, whose land territory was in dispute between Sudan and South Sudan. The shadow of a big civil war like in Sudan really happened in December 2013, when there was a power struggle between South Sudan President Salva Kiir Mayardit and his deputy Riek Machar. Kiir accuses Machar and ten others of the attempted coup [13]. This accusation then triggered the turmoil of security tension in the country of South Sudan, members of armed groups spilling out on the streets, even in almost all areas of South Sudan experiencing very tense conditions. After the seizure of oil fields in the disputed area (Heglig, Kordofan Province) between Sudan and South Sudan, it became additional ammunition for the two countries to claim the truth of the actions taken by each country; this has made the "civil war" between Sudan and South Sudan true. -It materialized.

South Sudanese President Salva Kiir ordered the release of all "Prisoners and Prisoners of War" as part of a new peace agreement. This is a laudable move, but Kiir should go one step further and release all those detained without trial - that's a violation of international law - and investigate all allegations of abuse and torture against detainees. Since the South Sudan conflict erupted, a number of government security forces, especially national security agencies, have consistently targeted people who are considered to be opposing the government based on political views, not criminal acts. They include journalists, human rights defenders, and members of political opposition groups. Most were jailed for long terms and, in some cases, were denied access to lawyers or even family visits. Some of the detainees were subjected to severe beatings, electric shocks, and other tortures. "We were all beaten back and forth," said one man who was detained by the National Security Service (NSS) in Juba for nearly two years. "Two vertebrae of my spine were even crushed. They beat our backs, buttocks, thighs. Days I can't even sit properly"[14]. The report from the victim of arbitrary detention illustrates to us the tense conditions in South Sudan during the conflict process. This is the starting point for many independent volunteers or

researchers who report their findings to the public (the international world), the aim is none other than that the international community takes action on this incident, this humanitarian crisis must be ended immediately, and the parties responsible must be held accountable. his actions in court.

The fight broke out because both of them had armed forces. The conflict officially became the South Sudan Civil War between the South Sudan Liberation Movement on Kiir's side and the South Sudan Liberation Movement for Struggle on Machar's side. A few days later, the Foreign Ministry released the number of victims of the conflict: 500 killed and 800 wounded. The UN Security Council is sending an additional 5,500 troops to support its mission of protecting civilians. In order to reduce and end the civil war, President Kiir, who had served since the autonomous region of South Sudan before the referendum, reappointed Machar as his vice-president in February 2016. Machar was inaugurated on April 26, 2016. However, efforts to reduce the conflict were not completely successful when at In July 2016 clashes broke out between the Sudan People's Liberation Army loyal to President Kiir and troops supporting Vice President Machar. More than 150 people died in the capital Juba. Not long ago, on July 23, 2016, President Kiir resigned Machar as his representative for the second time. Was replaced by Taban Deng Gai who previously served as chief advisor of Machar. According to the United Nations High Commissioner for Refugees/UNHCR (United Nations Commission that is given a special mandate to deal with refugees), in early August 2016 there were more than 60,000 people, mostly women and children, leaving South Sudan[15] since the July battle. UNHCR reports South Sudanese refugees in neighboring countries have surged to nearly 900,000 since December 2013[16]. This figure continues to increase along with the conflict that never ends, since its official independence on July 9, 2011, South Sudan has never felt the slightest bit of enjoying its independence with peace, running its government effectively like other independent countries, its sovereignty is torn apart by civil war, even the international community seems slow in taking a stand regarding the events that occurred in South Sudan, even though what happened in South Sudan is not a domestic problem (state sovereignty) as mandated by the UN Charter which cannot be intervened by any country, an incident which occurring in South Sudan based on international law is an international conflict involving two sovereign states so that it cannot be perceived as a domestic problem of one country.

Human rights are at stake when a country experiences conflict [17]. February 2017, the United Nations declared famine in several states of South Sudan. 100,000 people are on the brink of starvation and 4.9 million or 40 percent of South Sudan's population needs immediate assistance [18]. Violence

continues. On 9 May 2017, armed militants attacked vice president Deng Gai's convoy, shooting and injuring three of his bodyguards. Deng Gai was reportedly safe and unharmed. The feud between Kiir and Machar supporters led to inter-ethnic conflict in South Sudan. The fighting became communal and rebels targeted members of the Dinka Kiir ethnic group and government soldiers who attacked the Nuers ethnic group. Until now, the war is still going on. The Al Jazeera report says more than 300,000 people died during the civil war in South Sudan. This includes prominent events such as the Bentiu Massacre in 2014[19]. According to the IOL report in Africa [20], around 3 million people from a total of 12 million people in South Sudan fled their homes, both inside and to neighboring countries, especially Kenya, Sudan and Uganda[21]. As the author stated at the beginning of this section, that in a conflict that is international in nature, countries directly involved in the conflict must have a strong will to immediately resolve the conflict, apart from the disadvantages from the geo-political perspective of the region that will be disturbed, Even neighboring countries that are not in the vortex of the conflict will be affected by the tension of the countries in conflict, the slow response from the international community, both African regional organizations and the United Nations as the largest international organization, especially the conflicting countries are two Its member countries have resulted in more and more victims, this is very regrettable by many parties, even the UN Security Council as a global peace and stability organization is considered very slow in responding to events in South Sudan.

Security Council Sanctions and the Abstinence of States in the African Region

Promote global peace and stability [22] is a moral demand for all member states of the United Nations, especially countries that are members of the UN Security Council, both permanent and non-permanent. The Security Council has a very strategic role in maintaining global peace and stability, this is because the UN Security Council has a number of mandates given by the UN Charter to do this, and even one of the agencies that support the work of the UN Security Council is the "International Court of Justice". Prosecute war criminals and humanitarian criminals (serious violations against humanity) when a humanitarian crisis occurred in South Sudan in accordance with the mechanisms set out in the 1988 Rome Statute. South Sudan. 100 thousand people are on the verge of starvation and 4.9 million or 40 percent of the population of South Sudan need assistance, this report was only followed up later by the UN Security Council, even though the conflict began shortly after South Sudan was declared an independent and sovereign country on July 9, 2011 The 6 years are considered very long for the response taken by the UN Security Council, the amount of torture, the expulsion of the population from their homeland, the death rate is

very high when compared to the ratio of the total population in South Sudan, these things are a reflection that these countries Africa seems to have been underestimated by the world and the international community, as well as regional organizations in Africa which are considered by many to be responsible for the protracted humanitarian crisis in South Sudan.

According to Martin Dixon, the strategic role of the UN Security Council is "most legal systems provide for the use of forceful sanctions or penalties against malefactors. Under UN charter, the Security Council may take `enforcement action` against a state when it poses a threat to the peace, or has committed an act of aggression or breach of the peace (Art. 39 and Chapter VII UN Charter)"[23]. The veto rights held by the 5 permanent member states of the UN Security Council justify that there is a higher position or sovereignty held by the United States, Britain, France, the People's Republic of China, and Russia among other UN member countries [24]. However, countries that are permanent in membership in the UN Security Council must always maintain harmony among countries and must position themselves equally in terms of state sovereignty within the frame of equal rights among all nations [25]. The UN Security Council in maintaining international peace and security according to its mandate is based on Article 24 of the UN Charter which provides that (1) In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf; (2) In discharging these duties, the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII; (3) The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration. Furthermore, Article 25 mandates that "the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter".

For the events that occurred in South Sudan, the UN Security Council finally imposed an arms embargo on South Sudan on July 13, 2018. At the time of voting before the issuance of the resolution containing sanctions against South Sudan, the two permanent members of the UN Security Council, namely Russia and China voted to abstain, as did the four non-permanent members of the UN Security Council namely Ethiopia, Bolivia, Equatorial Guinea and Kazakhstan which also chose to abstain. The six countries believe that their countries should be careful of voting amid efforts in the region to revive South Sudan's peace efforts. Finally, because the resolution was approved by the 9-member states of the UN

Security Council and there was no veto from one of the permanent members of the UN Security Council, the resolution containing sanctions against South Sudan, namely an official arms embargo, was issued by the UN Security Council. Previously, a similar resolution draft made by the United States (as one of the permanent members of the UN Security Council) was almost rolled out in December 2016, under President Barack Obama's administration, but the effort did not succeed in getting enough votes in the UN Security Council. The resolution passed by the UN Security Council on July 13 2018 made South Sudan officially isolated regarding the procurement of weapons in its country.

Then most recently, the UN Security Council on May 30 2019 extended sanctions against South Sudan for another year, including an arms embargo. But none of the three African countries that are members of the council supported the move. Last year, after various previous attempts failed, the UN Security Council imposed sanctions on South Sudan, where acts of political violence have caused an extraordinary humanitarian catastrophe, including deaths, displacement and widespread food scarcity. Five of the 15 council members abstained from voting, namely Russia, China, Ivory Coast, Equatorial Guinea and South Africa. The move passed because it only required nine positive votes and no veto. South Africa's special envoy Jerry Matjila said the sanctions were of no use to the political process in the country, "when a fragile political process is taking place, which must be safeguarded and freed from external pressures that could worsen the situation". Meanwhile, Special Envoy for Equatorial Guinea Anatolio Ndong Mba said his government supports sanctions to a certain extent. But extending the sanctions now will not motivate the parties involved to achieve peace, "we believe there is a right time to force them, and there is also a bad time. We need to give opportunities to those involved to continue the dynamics of achieving peace through peaceful means and dialogue". Last September the two sides agreed to implement a revitalized peace agreement and end hostilities. Even though the situation is recovering, there are more than four million people displaced inside and outside the country, and nearly 6.5 million South Sudanese who are still suffering from food shortages [26]. The extension of sanctions officially issued by the UN Security Council is actually unnecessary, because since the embargo sanctions were first issued for South Sudan on July 13 2018, there have been peace efforts between the two sides, namely Sudan and South Sudan, the government in South Sudan it is almost starting to recover, even the peace agreement made by the two sides to end hostilities has started to be carried out by each country. However, a number of these advances were not considered by the members of the UN Security Council, so that the extension of sanctions officially issued by the UN Security Council on May 30, 2019 for a period of one year through its resolution remains in effect.

China says it abstained because it did not support the enactment of an arms embargo last year and now does not support it either. But others on the Security Council say the proliferation of weapons in South Sudan is only adding to the suffering of citizens and threatening a fragile peace process. Stephen Hickey, political coordinator at the UN Security Council said it was "irresponsible to view the peace agreement as recently as it would be and risk further violence if this council allowed the flow of arms into the country. And it will send a terrible signal to the people of South Sudan". The American envoy said there are many factors besides sanctions that have had an impact on achieving peace, including their existing leadership role in the region. US Special Envoy Jonathan Cohen urges the region to maintain pressure on the parties to bring about a revitalized peace treaty and enforce an arms embargo [27]. This is interesting, because countries in the African Region such as Ivory Coast and South Africa should reject the extension of the sanctions, even China or Russia could veto the draft resolution if indeed the four member countries of the UN Security Council are more concerned with progress. What has been going on so far, moreover the two countries (Sudan and South Sudan) have shown signs of peace by eliminating the hostility that has been the cause of the humanitarian crisis?

CONCLUSION

The end of the Second Sudanese Civil War in 2005 was marked by the signing of the Comprehensive Peace Agreement in Nairobi mediated by the Intergovernmental Authority for Development and its partners. Including the Government of South Sudan which has been autonomously formed. Following up on the agreement on the autonomous region of South Sudan, a referendum was held in 2011 on January 9-15 to determine whether the South Sudan region would still join Sudan or choose independence. The results of the referendum on January 30 showed 98.83 percent of the population of South Sudan voted for independence. Officially, on July 9, 2011 South Sudan officially became an independent, independent territory. The UN Security Council imposed an arms embargo on South Sudan on July 13, 2018. At the time of voting before the issuance of the resolution containing sanctions against South Sudan, the two permanent members of the UN Security Council, Russia and China, chose to abstain, as well as four non-permanent members of the Council. UN Security, namely Ethiopia, Bolivia, Equatorial Guinea and Kazakhstan, also chose to abstain. The six countries believe that their countries should be careful of voting amid efforts in the region to revive South Sudan's peace efforts. Finally, because the resolution was approved by the 9-member states of the UN Security Council and there was no veto from one of the permanent members of the UN Security Council, the resolution containing sanctions against South Sudan, namely an official arms embargo, was issued by the UN Security Council.

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