Forum: Security Council

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TOPIC (2): The Issue of the Responsibility to Protect for Sudan

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I. Introduction to the Topic

Among the 178 clauses of the 2005 World Summit Outcome were two (138 and 139) that brought forth an idea that had been in the works for the past few years: The Responsibility to Protect (R2P). It was then brought before the UN General Assembly to be codified, including the two R2P clauses. By ratifying this resolution, all member states unanimously acknowledged the international community's duty to prevent atrocities and protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

Sudan in recent times has faced a multitude of challenges, from political turmoil, ethnic divide and socioeconomic troubles, culminating in over 20 years of continuous military and paramilitary conflict in the region. R2P stands to alleviate the grim reality of the situation by requiring the international community to aid civilians affected by the conflict. However, efforts to implement R2P have encountered political, logistical, and diplomatic obstacles. Questions regarding the scope and nature of intervention, concerns about sovereignty, and varying geopolitical interests have complicated the international response to the crisis.

The implications of the resolutions to this conflict will have massive consequences locally and globally. Locally, it will determine whether the people of Sudan will be able to live a peaceful existence with adequate resources. Regionally, a foreign intervention in Sudan will have will spell consequences in a conflict-ridden region of the world. However, a united African intervention in Sudan can also signal the increasing strength and unity of African nations in their bid to be bigger players on the world stage. Internationally, the global response to the conflict in Sudan will affect the likelihood of a united international response to conflicts and humanitarian crises, permanently altering foreign government policies which will largely determine world peace.

II. Definition of Key Terms & Concepts

Responsibility to Protect (R2P): An international norm that calls for the ceasing of the four mass atrocities. Nations following these principles commit themselves to preventing and halting atrocities internally and internationally.

Four Mass Atrocities: Genocide, war crimes, crimes against humanity and ethnic cleansing.

Genocide: Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group

War Crimes: As stated by the Rome Statute of the International Criminal Court, war crimes are "grave breaches of the Geneva Conventions…and other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law."

Crimes Against Humanity: As stated by the Rome Statute, Crimes Against Humanity are "acts committed as part of a widespread or systematic attack directed against any civilian population."

Ethnic Cleansing: No precise unanimously accepted definition of Ethnic Cleansing exists. A United Nations Commission of Experts investigating atrocities committed in the Yugoslav Wars defined ethnic cleansing as "… rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area."

Humanitarian Intervention: The use of an external military force in a conflict with the intent of halting mass atrocities being committed, often without the consent of the parties involved.

Collective Action: Actions undertaken by several parties to achieve a common goal. In this case, it is actions undertaken by members and NGOs to withhold the principles of R2P by engaging in humanitarian aid and intervention.

Humanitarian Aid: Logistics and material support to people within areas in need. These may include water, food, and medical aid to victims of wars, disease, and natural disasters.

Paramilitary Forces: An organisation with an army-like structure that is not official and/or legal.

Sovereignty: The right to self-govern, often attributed to states.

Failed State: A state in which the main authority no longer has the power to meaningfully provide basic social needs and meet institutional requirements. This would often give rise to multiple competing factions vying for control, potentially leading to a civil war.

Refugees: People forced to flee their country due to war, natural disasters, or persecution.

Internally Displaced Persons (IDP): People forced to leave their homes due to war, natural disasters, or persecution but remain within their country.

III. Key Stakeholders and Positions

Government of Sudan

The Sudanese government has been implicated in widespread human rights violations, especially in its conflict in Darfur. This includes supplying forces that carry out civilian atrocities and forced migration. The government stresses its sovereignty, resisting outside intervention. This means that they are opposed

to the R2P principle, viewing it as a breach of their sovereignty. This mindset has impeded international efforts to protect civilians living under Sudanese jurisdiction.

Rapid Support Forces

The RSF is a paramilitary group that was formerly an armed wing of the Government of Sudan until they rebelled in 2023, starting the 2023 War in Sudan. It grew out in 2013 from the Janjaweed, a militia used by the Government of Sudan in the War in Darfur to counter anti-government forces. It was heavily involved in the Darfur conflict and other regional conflicts. Their actions, including reported atrocities such as massacres and violence against civilians, are in contradiction to the R2P principle.

International Criminal Court (ICC)

The ICC is the only intergovernmental organisation that deals with the ability to prosecute individuals accused of committing atrocities. In 2009, the ICC indicted former Sudanese President Omar al-Bashir for crimes against humanity in Darfur. Sudan's non-cooperation, political red tape, and instability of the region have made efforts to carry out the warrant incredibly difficult. The ICC is a key part of the R2P principle, but the execution of its charges, including in Sudan, remains to be seen.

United Nations Peacekeeping Missions

The UN has deployed peacekeeping missions, notably the African Union-United Nations Hybrid Operation in Darfur (UNAMID) from 2007 to 2020, to protect civilians and facilitate peace. The United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS) replaced UNAMID in 2020 and was dissolved in 2023. These missions encountered challenges such as insufficient resources, restrictions on mandates, and difficulties in obtaining Sudanese government consent. These limitations have restricted the missions' ability to fully implement R2P and prevent further atrocities.

Non-Governmental Organizations (NGOs)

Various NGOs operate in Sudan, including Doctors Without Borders, Saferworld, The Mercy Corps, etc. They provide humanitarian aid, document human rights abuses, and advocate for the protection of civilians, all in line with the R2P principle. However, their operations often face obstacles due to government restrictions and security risks, limiting their effectiveness.

IV. Issues regarding Sudan:

Conflict between the RSF and SAF

The conflict between the Rapid Support Forces and the Sudanese Armed Forces represents a significant internal struggle within Sudan. The RSF and SAF have been involved in numerous human rights abuses and are accused of perpetrating violence against civilians. This conflict poses a challenge to Sudan's stability and further hampers efforts to protect civilians. It exemplifies the internal power dynamics and tensions that have defined the conflict-ridden history of modern Sudan.

Darfur Genocide and other ethnic tensions

The Darfur Genocide is occurring in the western regions of Sudan with the Government of Sudan, RSF, and other armed groups persecuting the ethnic Darfuri people. It is marked by widespread atrocities and ethnic violence. Despite international attention and efforts, tensions persist in Darfur and other regions, fueled by historical grievances, competition over resources, and the failure to address root causes. Ethnic tensions exacerbate the vulnerability of civilians, leading to displacement, human rights violations, and challenges in achieving lasting peace.

Refugee Crises

Sudan has faced significant refugee crises, including both internally displaced persons and refugees crossing borders into neighbouring countries. These crises are a result of prolonged conflicts, including those in Darfur, South Kordofan, and Blue Nile regions. The flow of refugees results in a strain on resources and increases regional tensions.

V. Issues regarding R2P:

Legality of Military Intervention

The legality of military intervention under R2P remains a hot topic of debate. While R2P aims to prevent mass atrocities, the use of force requires careful consideration of international law, including the UN Charter's principles of sovereignty and non-interference in domestic affairs. The debate often revolves around balancing the need to protect populations and respecting state sovereignty.

Political Will for Collective Action

The effectiveness of R2P hinges on the willingness of the international community to take collective action in response to mass atrocities. Political considerations, conflicting national interests, and some states' reluctance to intervene in others' affairs can result in states not participating in R2P. This all undermines the implementation of R2P principles.

Effectiveness of International Judicial Bodies

International judicial bodies, such as the International Criminal Court (ICC), play a crucial role in addressing accountability for crimes under R2P. However, challenges in enforcing arrest warrants, limited jurisdiction, and lack of cooperation from implicated states hinder the effectiveness of these bodies. The ability to prosecute perpetrators and ensure justice for victims remains a challenge to the R2P principle.

VI. Possible Solutions

Any solution would be subject to the various viewpoints regarding this topic. As a foundation for any arguments, the safety and well-being of civilians in Sudan must be accomplished. This includes the halting of the Darfur Genocide, mediation of tensions between the RSF and SAF, establishment of a functional government, and distribution of crucial resources to the people. How that would be conducted is the core issue of our topic.

If a resolution calls for the military intervention of foreign governments in Sudan, to what extent will the foreign armies intervene? What countries should participate? On which side? What is the legality of the whole operation? It would be unfortunate for Sudan to become yet another proxy war between competing foreign states like Syria and Yemen or an unstable failed state such as Libya and Afghanistan following foreign intervention.

If a resolution calls for the international community to abstain from the conflict and limit themselves to only a humanitarian support role, how would the conflict be resolved? Should the world watch along as Sudanese people get slaughtered and forcefully relocated, for the sake of upholding ideals of sovereignty?

Remember, the solution you come up with in this conference will set a precedent for how the world will respond to future humanitarian crises. It will also directly influence the lives of millions of Sudanese men and women. Thus, any resolution proposed must strike a delicate balance between all the factors listed above and provide multifaceted and comprehensive solutions should it be adopted.

VII. Timeline of Key Events

1990-2001: Ethnic conflicts erupted in Yugoslavia, leading to a series of wars. The Bosnian Genocide, marked by widespread atrocities and ethnic cleansing, occurred during this period. Around 8,000 Bosnians were murdered by the Serbian Army of Republika Srpska in the village of Srebrenica alone. Importantly, the Dutch Battalion of the United Nations Peacekeepers stationed in the area failed to take decisive action to prevent the massacre.

1983: The Second Sudanese Civil War began, a continuation of the First Sudanese Civil War from 1955 to 1972. The Sudan People's Liberation Movement rebelled against the Government of Sudan in an effort to gain independence for South Sudan.

1993: Omar al-Bashir assumed power as the President of Sudan and ruled the country using his military powers.

1994: Ethnic tensions in Rwanda between the majority Hutus and the minority Tutsis spiral out of control, leading to the Rwandan Genocide. Within the span of one month, roughly 500,000 to 800,000 Tutsis were murdered, with a further 250,000 to 500,000 raped by the Hutus in power.

2001: The International Commission on Intervention and State Sovereignty (ICISS) introduced the concept of Responsibility to Protect (R2P) in response to failures in preventing genocides and mass atrocities.

2003: Conflict erupted in Darfur between the Government of Sudan and the Sudan Liberation Movement, marked by widespread violence and atrocities against civilians, now known as the Darfur Genocide. Alongside the Sudanese Army, the Janjaweed, an Arab militia group, are enlisted by al-Bashir to combat the SLM. They are among the major parties responsible for the Darfur genocide. Between 2003 and 2005 alone, approximately 200,000 Darfuris were systematically killed, with a further 2 million displaced.

2004: The African Union Mission in Sudan (AMIS) was deployed for peacekeeping missions in Darfur. However, the deployed task force was small in nature and failed to mitigate the crisis.

2004: UN Security Council resolutions 1556 and 1564 addressed the situation in Darfur, emphasising the need for humanitarian aid and peacekeeping efforts. It also officially labelled the crisis in Darfur as a genocide.

2005: The Second Sudanese Civil War comes to an end with the Navaisha Agreement, which calls for the creation of an independent South Sudan. The war remains one of the longest and deadliest civil wars on record, claiming the lives of around 1-2 million people. This is largely attributed to the humanitarian crisis brought about by the war, including droughts and starvation.

2005: The World Summit affirmed the Responsibility to Protect as a global principle, a General Assembly resolution being passed shortly after in resolution A/RES/60/1.

2007: The African Union-United Nations Hybrid Operation in Darfur was formed and deployed to Darfur with the goal of stabilising the regions and facilitating peace talks.

2009: The International Criminal Court issued an arrest warrant for Sudanese President Omar al-Bashir for crimes against humanity and war crimes in Darfur.

2011: South Sudan gained independence from Sudan. However, factions of the SPLM continue to fight border skirmishes with Sudan along the Kordofan and Blue Nile regions.

2019: President Omar al-Bashir was ousted from power following a military coup.

2020: The War in Darfur ended with the Juba Agreement. However, the Darfur Genocide persists.

2020: The UNAMID was dissolved and replaced by the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS). UNITAMS's primary goal was to support the transition from al-Bashir's totalitarian government to a democratic one.

2021: The Sudanese military along with the RSF takes control of the government following a coup, ousting Prime Minister Abdallah Hamdok. However, the subsequent instability to and tensions between the RSF and SAF leadership set the stage for another conflict.

2023: Conflict erupted between the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF).

2023: The Government of Sudan requests the UNITAMS be terminated. The mission ended in December with a three-month withdrawal period following a Security Council vote.

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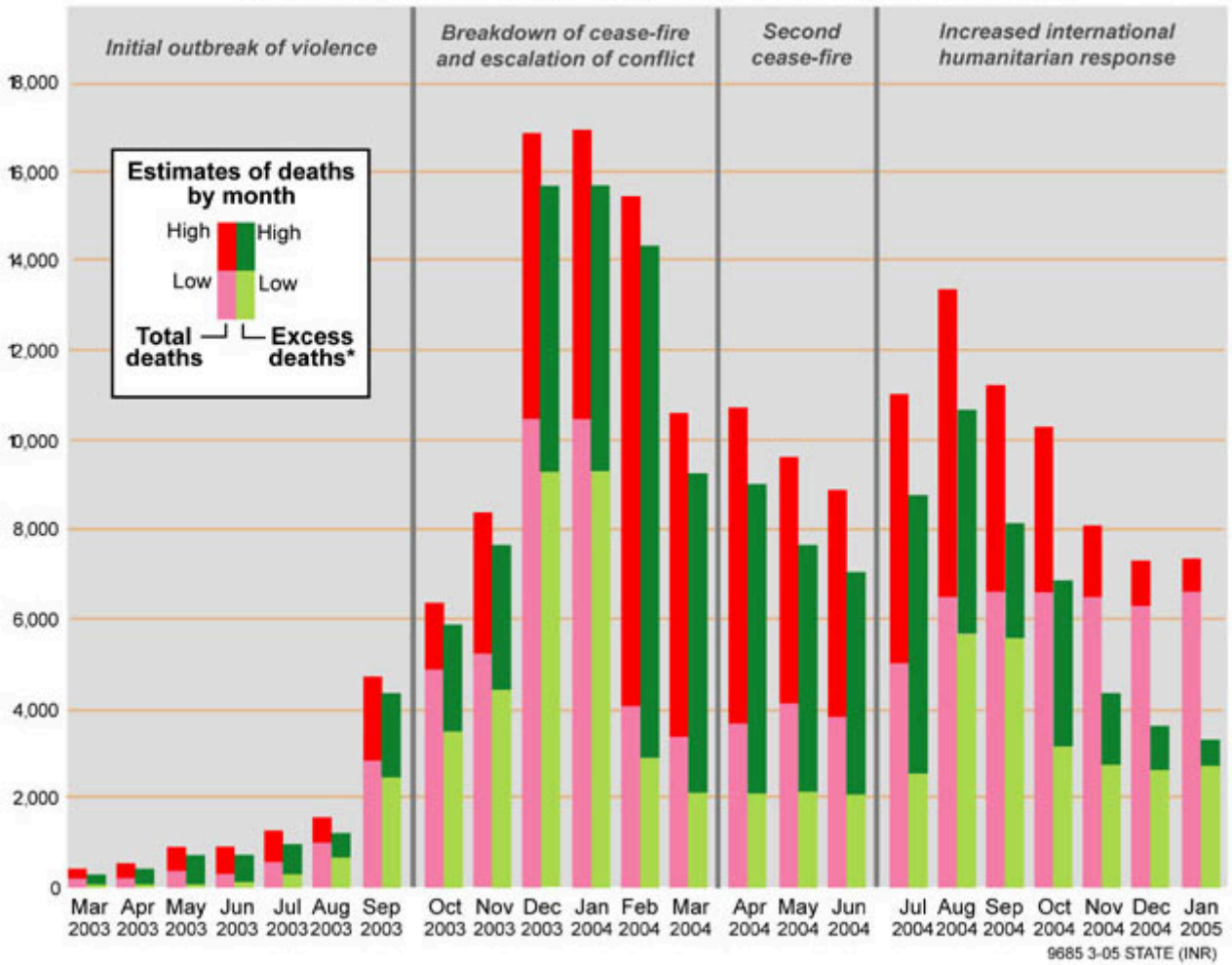
    www.lawyeringpeaceclass.com/ngos-working-in-sudan.

IX: Additional Resources

A map of Sudan and its neighbouring countries including the region of Darfur.

https://issafrica.s3.amazonaws.com/site/images/2020-07-22-iss-today-unamid-darfur-map.png

Total Deaths and Excess Deaths* in Darfur and the Chad Refugee Camps
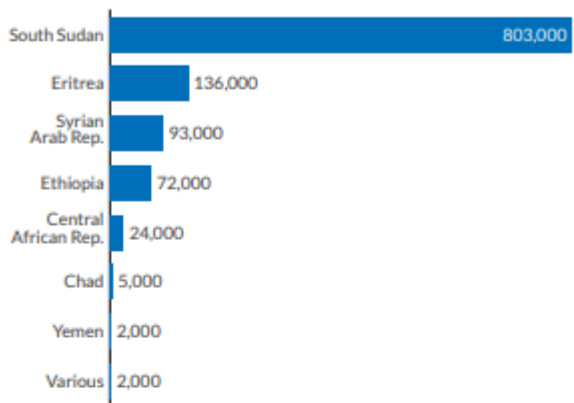High and Low Estimates, March 2003 - January 2005
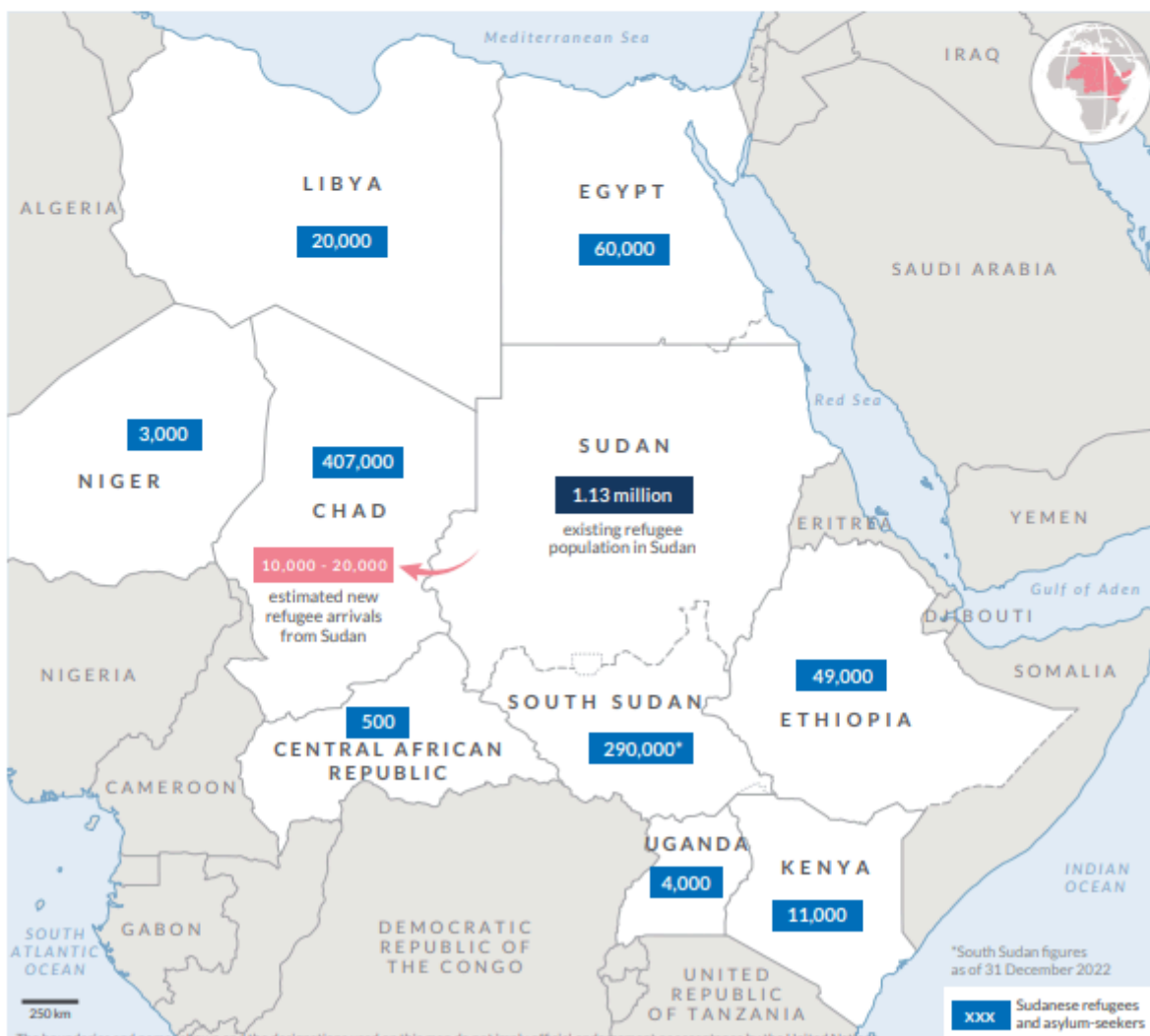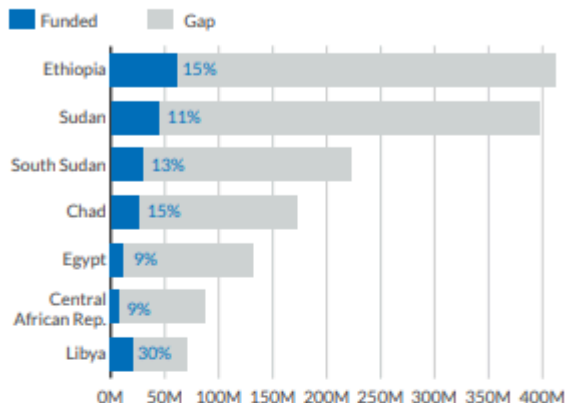* Deaths owing to violence, disease, and malnutrition attributable to the conflict.

Graph of deaths in Darfur and Chad refugee camps between March 2003 to January 2005.

https://2001-2009.state.gov/cms_images/m050325b1.jpg

Map showing the numbers of Sudan refugees within Sudan and its neighbouring countries

https://data.unhcr.org/en/documents/details/100226