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LEONIE STAAS
MARIUS HUPPERICH

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Taking Action – Prospects for Possible Foreign Interventions in the South Sudanese Civil War

Background

On 26th August, the Konrad-Adenauer Stiftung Uganda and South Sudan, in cooperation with the University Forum for Governance (UNIFOG) organized a full-day symposium on possibilities for peace and inclusive state-building in South Sudan. Reflecting on practical proposals for solutions and feasible actions to improve on the situation in Uganda's northern neighbour-state, there was clearly one key question that came to dominate the debate: the question of foreign intervention.

While one group of participants stated that foreign intervention would only cause additional challenges to the country and that one would have to let the parties fight until one finally surrenders, the majority of scholars involved clearly declared that the humanitarian costs for this approach would simply be too high and advocated strongly for a foreign intervention in South Sudan. Concerning the issue of where such an intervention should stem from, opinions among the participants again diverged.

The following question therefore arises: should there be a foreign intervention into South Sudan to save lives and tackle the crisis? And if so, of what nature should this intervention be and what actors should get involved?

With bringing up this topic, the panellists of the first South Sudan-Symposium touched upon an issue intensively debated in political science and international relations. Widely referred to as the use of the discretionary power of a nation-state or another geopolitical institution to address perceived problems in foreign societies, foreign interventions "aim to construct a preferable state of affairs in these societies from the standpoint of those intervening"¹. The conceptualization of intervention in this analysis is broad and includes both coercive/military forms of intervention, and non-military/consensual forms of intervention.

Conflicting Views on Intervention

International interventions in states take many forms – military, economic and political to name but a few. In academic discourse, this policy-construct is regarded very critically. In the realist belief of the sacrosanctity of nation-states, states have absolute sovereignty when it comes to dealing with their internal affairs. Creating exceptions, according to them, would not only enable interventions on the ground of humanitarianism, but would also create loopholes for different actors to justify their self-interested interventions. For some scholars, any form of foreign interventions fundamentally violates the principle of self-determination, which is even firmly established in international law. The United Nations General Assembly's 1970 Declaration on Principles of International

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Law Concerning Friendly Relations states that 'no state or group of states has the right to intervene, directly or indirectly, in the internal or external affairs of any other state. Consequently, armed intervention and all forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements, are in violation of international law'². Several academics in international relations argue that, no matter how well-intentioned an intervention might be, they still face inconsistencies and contradictions, are unable to avoid the taint of imperialism and are almost always a failure.

Opposing this realist school of thought a more liberal approach argues that foreign interventions may be justified by the need to protect the innocent. Many argue that it is an ethical responsibility for the international society to step in when a state fails to protect its inhabitants from human right abuses such as war crimes or ethical cleansing. In highly escalated conflicts the parties may be unable to control or limit their destructive actions – therefore, foreign interventions are generally accepted by the global community under certain circumstances. According to some political scientists, the sovereignty of a state is dependable upon the fulfilment of the obligation to protect. In 2005, this doctrine was officially introduced by international law as the 'responsibility to protect' (RTP). Whether or not previous interventions might have the taint of imperialism or have been failures, some argue, this does not justify closing our eyes to killings in foreign countries, like South Sudan, in the future. When it comes to Rwanda, for example, the non-intervention in places such as these can be regarded as a failure on the part of the international community.

It appears, then, that there is no overriding norm of intervention and non-intervention in international law. Therefore, this paper aims to identify which line of ar-

gumentation should be applied to the current case of South Sudan and its newly erupted civil war that continues to claim thousands of lives.

In order to arrive at a conclusion, it is essential to narrow down the concept of foreign intervention into different types of foreign interventions as well as the different actors that might be involved, as certain types of intervention might be more feasible for the case of South Sudan than others, and certain actors might be more recommendable to involve in such an intervention than others. After providing an overview of the current situation in South Sudan, this analysis will therefore enlarge upon the different types of interventions separately, from military to economic, and subsequently elaborate the different actors that might get involved in the particular case of South Sudan. Referring to historical examples of other cases and countries, this paper will then conclude upon the question of foreign intervention in South Sudan.

The analysis shall serve as an opinion piece, guiding academic discussions and policy-makers as well as civil society organizations in their quest to find a solution to the current crisis in South Sudan.

Due to the format of this paper, its simply not possible to cover all the literature that has been published on the subject. The essay tries to include all the relevant academic perspectives which concern the subject of this paper, yet there are more sources that simply could not be included.

Conflict Overview

Following independence in 2011, South Sudan still struggles to find peace; various negotiations couldn't cause an end of violence. Plagued by numerous human rights violations with more than 50,000 deaths and over 1.3 million people on the run, the youngest nation on earth has plunged into another devastating civil war, even after a

² General Assembly Resolution 107/65, Declaration on the Inadmissibility of Intervention in the Domestic Affairs of

States and the Protection of Their Independence and Sovereignty, A/RES/20/2131 (21 December 1965), available from <http://www.un-documents.net/a20r2131.htm>

Konrad-Adenauer-Stiftung e.V. peace agreement was signed in Juba in August 2015.³

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The origins of the conflict can be traced back to the country's independence in 2011, when fractions of the South Sudan Democratic Movement, such as the Cobra Faction, started to rebel against the government. Not even a cease-fire with the government could bring stability to the country, which made sustainable nation building in South Sudan impossible. Instead, the country is still struggling with controlling the various rebel militias on its territory. Due to hearsays about a potential coup in Juba 2012, President Salva Kiir replaced various senior executives from government, the military as well as from his own party in order to consolidate his power within the nation.⁴

After the power struggles and conflicts within the leading party Sudan Peoples' Liberation Movement (SPLM) in 2013, South Sudan plunged into another disastrous civil war which rapidly affected the whole nation.

Subsequently, when Vice-President Riek Machar and other opposition leaders boycotted a meeting of the National Liberation Council, fighting between presidential guards and those attached to the former vice-president broke out during a meeting of the SPLM. After President Salva Kiir accused Riek Machar to be the driving force behind an attempted military coup, violent conflict between the government forces and troops loyal to the former vice-president erupted in Juba.⁵

A couple of days later, various towns in the state of Jonglei were annexed by rebel soldiers and the conflict evolved to an ethnic clash between South Sudan's two major tribes: the Nuer and the Dinka. Machar, a

Nuer, who blamed the president for planning a genocide of Nuer people, arranged a rebellion led by the Sudan People's Liberation Movement-in-Opposition (SPLM-IO) to overthrow Kiir, a Dinka, who in turn responded with revenge killings of Nuer.⁶

The following months, the conflict escalated throughout the nation and both parties were accused to have committed various war crimes and human rights violations such as rape and pillage.

Consequently, nearly the entire economy of the country lied in tatters and millions of people were forced to flee.

After several ceasefires in 2014 were broken and South Sudan faced one of the worst humanitarian crises in the world, Riek Machar and Salva Kiir, under the threat of UN sanctions, finally signed an internationally-mediated peace agreement in August 2015 – the Agreement on the Resolution of the Conflict in South Sudan (ACRISS). Despite the peace agreement, which demanded Riek Machar to become Vice-President again, the violence in the country continued and resulted in an extensive loss of infrastructure throughout the nation. Malnutrition as well as insufficient access to safe water or healthcare resulted in a significant increase of mortality rates and intensified refugee flows to neighbouring countries.⁷

However, the Government of National Unity (GoNU), an outcome of ACRISS, failed to implement the key issues of the agreement and the situation worsened. As neither Kiir nor Machar seem to have control over their own forces, fighting erupted again in July 2016 in the country's capital and spread across the country once again.

³ European Commission. (2016). South Sudan Crisis. European Commission. Retrieved from http://ec.europa.eu/echo/files/aid/countries/factsheets/south-sudan_en.pdf

⁴ Johnson, D. H. (2014). Briefing: The crisis in South Sudan. African Affairs, 113(451), 300-309.

⁵ BBC News (August 2016). South Sudan Profile – Timeline. Retrieved November 17, from <http://www.bbc.com/news/world-africa-14019208>

⁶ Johnson, D. H. (2014). Briefing: The crisis in South Sudan. African Affairs, 113(451), 300-309

⁷ BBC News (August 2016). South Sudan Profile – Timeline. Retrieved November 17, from <http://www.bbc.com/news/world-africa-14019208>

Konrad-Adenauer-Stiftung e.V. At the time of writing, the officially declared ceasefire couldn't stop the killing and rape of South Sudanese citizens.⁸

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Interventions at the International Community's Disposal

The consequences of civil wars are not constrained by the national frontiers in which they unfold. Therefore, there is an increasing need for more comprehensive knowledge about the conditions under which outside actors can effectively contribute to the management of internal conflicts and civil wars, in this case the violent conflict South Sudan. Which types of possible interventions are at the disposal of the international community?

Interventionism is defined as a non-defensive, pro-active policy that is undertaken by a nation-state or another geopolitical institution in order to manipulate an economy, society or a political system. Most commonly, foreign interventions are understood as an intervention in another state's internal affairs as part of a foreign policy. Despite this definition, the methods and types of such foreign interventions are less clearly categorized. There are varying methods on foreign intervention from participants including government, military, international, corporate, religious and public efforts reflecting their respective objectives, interests and ideologies.

There are several different categorizations of foreign interventions, for example depending on the presence of consent from the host state, on the number of actors involved (uni- and multilateral interventions) or on the purpose of the interventions. Moreover, foreign interventions are frequently envisaged on a continuum with soft power on one end and hard power on

the other. In this paper, foreign interventions are categorized according to measures utilized.

Military Interventions

The most common perception of a foreign intervention is based on the use of military force. Even though such an intervention can theoretically take place within the consent of the host state, as happening currently with the Russian intervention in the Syrian civil war, a military foreign intervention is predominantly associated with coercion: the authority of a state is left with no choice. This way, military foreign interventions frequently cross jurisdictional boundaries to achieve political goals. Even though military interventions respect the concept of statehood, they still seek changes in either government or policy. Since the cold war has ended, military interventions for humanitarian ends have increased dramatically⁹.

The legitimacy of foreign military interventions, especially in legal terms, is highly debated.

Military interventions can be legally authorized by the UN Security Council through a resolution under Chapter VII of the Charter of the United Nations, which allows the Security Council to take action in situations where there is a "threat to the peace, breach of the peace or act of aggression"¹⁰. However, in several instances, states or groups of states have intervened with force without any authorization from the UN Security Council, indicating different attitudes and approaches to the legitimacy of their military interventions in the absence of Security Council authorizations, including first and foremost the responsibility-to-protect-doctrine¹¹.

⁸ UN Office for the Coordination of Humanitarian Affairs (Jan. 2016). 2016 South Sudan Humanitarian Needs Overview. Retrieved November 17, 2016 from <http://reliefweb.int/report/south-sudan/2016-south-sudan-humanitarian-needs-overview>

⁹ History of peacekeeping - Post Cold-War surge. United Nations Peacekeeping. Un.org. Retrieved 7 December

2016, from <http://www.un.org/en/peacekeeping/operations/surge.shtml>

¹⁰ Charter of the United Nations, 24 October 1945, 1 UNTS XVI, retrieved November 10, 2016 from: <http://www.un-website.com/charter>

¹¹ International Coalition for the Responsibility to Protect, retrieved November 10, 2016 from: <http://www.responsibilitytoprotect.org/>

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One type of military interventions are the so called peace-enforcement missions of the UN, not to be confused with peace-keeping missions (see below), which can, but by no means have to be legitimized by the consent of the host state. In peace-enforcement missions, the UN employs both civilian and military personnel to use force beyond just self-defense¹².

A military intervention that is widely perceived as successful was the British 'Operation Palliser' in Sierra Leone in 2000. The intervention's goal was to facilitate a Non Combatant Evacuation Operation (NEO), supporting the UNAMSIL (United Nations Mission in Sierra Leone) mission to protect civilians caught up in the country's civil war. After the effective completion of the evacuation, the success of Operation Palliser made the Prime Minister of that time, Tony Blair, call for further Western interventions in conflict zones around the world¹³.

However, history also holds ready some more controversial examples of foreign military interventions and their consequences – one of them is the 2011 NATO-led intervention in the Libyan civil war. Implementing United Nations Security Council Resolution 1973, the intervention's aim was "an immediate ceasefire in Libya, including an end to the current attacks against civilians"¹⁴. Fighting in Libya ended in late October following the death of Muammar Gaddafi, and NATO's mandate expanded. Following Gaddafi's death, however, Libya has not only failed to evolve into a democracy; it has devolved into a failed state. Human rights abuses and refugee flows from Libya have increased. Some critics of Western military intervention suggested that resources— not democratic or humanitarian concerns—were the real impetus for the intervention¹⁵. According to some, the outcome

of the Libyan intervention was reached by default rather than by design¹⁶.

The different accounts of previous military interventions lead to the question of the effectiveness of foreign military interventions into civil war situations in general. Much of the empirical literature suggests that outside interventions tend to lengthen the expected duration of civil wars¹⁷, however, it is equally clear that the failure to intervene effectively in places like Rwanda or Chechnya made intractable conflicts worse than they otherwise would have been.

Economic Interventions

Economic intervention is an instrument in international affairs which is used much more frequently and unobtrusive than military interventions, but which is nevertheless one of the most relevant approaches that outside parties can use to manage conflicts.

Foreign economic interventions can include tools of coercion (economic sanctions), enticement (foreign aid) or trade policies. Economic coercion - defined here as the threat or act by a sender government or governments to disrupt economic exchange with the target state, unless the target acquiesces to an articulated demand¹⁸ – can include tools such as embargoes, boycotts, freezing of funds and assets and other trade or economic restrictions and may be bilateral or multilateral. Such instruments have long been supported by both liberals and conservatives, advocating the use of economic sanctions to motivate foreign governments to change policy.

A particular type of foreign economic sanctions are the so-called 'smart' sanctions, targeted at specific sectors of the economy

¹² Tharoor, S. (1995). The Changing Face of Peace-Keeping and Peace-Enforcement. *Fordham International Law Journal*. Vol. 19, Issue 2

¹³ Renton, A. (2010). Sierra Leone: one place where Tony Blair remains an unquestioned hero. *The Guardian*. Retrieved November 10, 2016 from: <https://www.theguardian.com/world/2010/apr/18/sierra-leone-international-aid-blair>

¹⁴ *United Nations Security Council*, Resolution 1970 (Libya) S/RES/1970

¹⁵ Kuperman, A. J. (2015). Obama's Libya Debacle. *Foreign Affairs*. Retrieved November 10, 2016 from: <https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle>

¹⁶ *Ibid.*

¹⁷ Aydin, A. & Regan, P. (n.d.) *Diplomacy and other Forms of Intervention in Civil Wars*, Binghamton University

¹⁸ Drezner, D. W. (2002). *The Hidden Hand of Economic Coercion*. Chicago

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or specific persons of the target country in order force compliance without unnecessarily damaging the society as a whole¹⁹. One could argue that, compared to military interventions, economic coercion is the use of threats to influence the behavior of another state by making it *choose* to comply rather than directly forcing it to comply²⁰. Especially foreign trade may be used in a coercive way where the absence of trade benefits due to a possible discontinuation of a certain trade policy may be used to coerce an actor to operate in a certain manner²¹. Similar to military intervention, the concept of foreign economic coercion is heavily disputed.

A body of scholarly literature opposes the approach, arguing that over the long-term, the best that can be accomplished is to raise the prices paid by the target nation for the things it wants, meaning that smuggling and black markets will flourish²². Moreover, these academics argue for the so-called “rally around the flag” effect, supposing that the population of a country usually rallies around the existing leader when attacked, either militarily or economically, by a foreign power—no matter how abhorrent he or she may be²³. Moreover, history shows that economic coercion is quite expensive, both for the sender and the target state. The price of sanctions to the United States, for example, is approximately \$18 billion annually in lost exports²⁴. Meanwhile, the damage to the targeted state can be devastating, as the case of Iraq has made clear.

On the other hand, the United Nations Security Council voted for economic sanctions twelve times in the past decade

alone²⁵, and economic coercion remains one of the most prominent foreign policy tools. Those supporting economic coercion argue that loss of utility for both the sender and target state creates incentives to reach an agreement prior to imposition²⁶.

Apart from economic sanctions, foreign economic interventions can take the form of foreign aid, referring to the voluntary and intentioned transfer of resources, typically, although not necessarily, from one state to another. Even though foreign aid is seen as less harmful and coercive than economic sanctions, it is always connected the establishment of a link between the reception of aid and certain policy objectives of the donor to which the recipient should comply, otherwise the supply of aid might discontinue. This kind of economic intervention might be particularly interesting regarding the case of South Sudan, is it is the only country entirely reliable on foreign aid²⁷.

As economic intervention is the most popular tool of foreign interventionism, history holds a great number of examples, both of success and failure. The disinvestment from South Africa, enacted by the United States in 1986, is one example of an economic coercion in which not only was the stated goal of the measures reached, but the sanctions themselves were instrumental in achieving that goal, as the sanctions contributed pressuring the South African government to take up negotiations that ultimately lead to the dismantling of the Apartheid system²⁸.

Another example is the US aid cut for Malawi in 1993 in order to improve on its

¹⁹ Friedman, U. (2012). Smart Sanctions: A Short History. Foreign Policy. Retrieved November 11, 2016 from: <http://foreignpolicy.com/2012/04/23/smart-sanctions-a-short-history/>

²⁰ Bratton, P. C. (2005). When is coercion successful?. *Naval War College Review*, Vol. 58, No. 3

²¹ Carnegie, A. (2013). Instruments of Coercion: International Institutions and the Sites of Power in International Relations. Princeton

²² Aydin, A. & Regan, P. (n.d.) Diplomacy and other Forms of Intervention in Civil Wars, Binghamton University

²³ Oneal J. R. & Bryan A. L. (1995). The Rally Around the Flag Effect in US Foreign Policy Crises. *Political Behaviour*. Vol 17, No. 4

²⁴ Cyrus T., Elliott K., Hufbauer G. & Winston, E. (1997). US Sanctions: Their Impact on Trade, Jobs, Wages

²⁵ Cortright, D. & Lopez, G. A. (2000). Learning from the Sanctions Decade. Retrieved November 14, 2016 from: <https://www.globalpolicy.org/security-council/49076-learning-from-the-sanctions-decade.html>

²⁶ Drezner, D. W. (2002). The Hidden Hand of Economic Coercion. Chicago

²⁷ Central Intelligence Agency (n.d.). The World Factbook. Retrieved August 17, 2016 from <https://www.cia.gov/library/publications/the-world-factbook/geos/od.html>

²⁸ Taylor, A. (2014). 13 Times that economic sanctions really worked. The Washington Post. Retrieved November

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democratic standards and the humanitarian situation, which lead to Malawi adopting more open policies²⁹. However, there is also the case of Iraq, where it is widely agreed that one of the fundamental reasons that Iraq is in such terrible shape is not Hussein's brutality alone but rather the comprehensive regime of economic sanctions that made the country suffer for almost 13 years, killing hundreds of thousands, even though the real effects are impossible to measure³⁰.

Concerning South Sudan, several economic sanctions are already in place.

In 2014, for example, the United States enacted to block the property of certain persons with respect to South Sudan. Just recently, the UN Security Council renewed resolution 2290 (2016) under Article 41 of Chapter VII of the UN until 31 May 2017, imposing a package of sanctions — including a travel ban and asset freezes³¹.

Humanitarian Relief

Unlike “humanitarian interventions”, which are widely understood as involving military force and coercion, humanitarian aid/relief interventions encompass non-forcible methods, namely intervention undertaken without military force “designed to save lives, alleviate suffering and maintain and protect human dignity during and in the aftermath of man-made crises” and natural disasters within sovereign borders³².

Usually, humanitarian aid is short-term help to the people in need, including

homeless, refugees, victims of natural disasters, war and famines, intended to last only until it will be replaced by long-term help by government or other institutions. Humanitarian aid interventions consist of material or logistical assistance provided in order to save lives and human dignity and reduce suffering. Humanitarian aid missions are characterized by four key qualities: humanity – saving human lives and reducing human suffering, impartiality – acting without any form of discrimination between affected parties or populations, neutrality – acting without favouring any party in a conflict, and independence – being autonomous from any political, economic or military objectives³³.

The actors involved in humanitarian relief interventions can range from individuals, corporations, governments or non-governmental organizations, providing the necessary funding. The United Nations, drawing from the Central Emergency Response Fund and organizing through its Office for the Coordination of Humanitarian Affairs (OCHA) is one of the major international actors in humanitarian relief. Along with rising awareness of human rights and the responsibility to protect, humanitarian is gaining more prominence worldwide. In May 2016, the first global summit on humanitarian aid was held in Istanbul, Turkey, initiated by United Nations Secretary-General Ban Ki-moon, including participants from governments, civil society organizations as well as groups affected by humanitarian crises³⁴.

In this World Humanitarian Summit, the current crisis in South Sudan was a prominent issue.

14, 2016 from: <https://www.washingtonpost.com/news/worldviews/wp/2014/04/28/13-times-that-economic-sanctions-really-worked/>

²⁹ Taylor, A. (2014). 13 Times that economic sanctions really worked. The Washington Post. Retrieved November 14, 2016 from: <https://www.washingtonpost.com/news/worldviews/wp/2014/04/28/13-times-that-economic-sanctions-really-worked/>

³⁰ Sanctions on Iraq. (2000) (1st ed.). Cambridge.

³¹ Security Council Renews Sanctions against South Sudan, Unanimously Adopting Resolution 2290 (2016). (2016). Retrieved from <http://www.un.org/press/en/2016/sc12382.doc.htm>

³² Defining humanitarian assistance | Global Humanitarian Assistance. (2016). [Globalhumanitarianassistance.org](http://www.globalhumanitarianassistance.org). Retrieved 14 November 2016, from <http://www.globalhumanitarianassistance.org/data-guides/defining-humanitarian-aid/>

³³ Defining humanitarian assistance | Global Humanitarian Assistance. (2016). [Globalhumanitarianassistance.org](http://www.globalhumanitarianassistance.org). Retrieved 14 November 2016, from <http://www.globalhumanitarianassistance.org/data-guides/defining-humanitarian-aid/>

³⁴ FORUM, A. (2016). AIDF Global Disaster Relief Summit 2016 - AID and INTERNATIONAL Development Forum. [Aidforum.org](http://www.aidforum.org). Retrieved 14 November 2016, from <http://www.aidforum.org/events/event/aidf-global-disaster-relief-summit-2016>

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As South Sudan is facing one of the world's most severe food crises, following an economic free-fall characterized by ever-rising food and fuel prices, more than 5.3 million people are currently in need of humanitarian aid in South Sudan³⁵.

The South Sudan Humanitarian Response Plan of OCHA for 2016 alone requests \$1.3 billion for 114 humanitarian partners to respond to the need of protection and assistance across South Sudan³⁶.

Diplomacy

Diplomatic interventions are non-coercive, non-violent and non-binding processes, in which third parties help the antagonists to build peace and trust in order to ultimately sign a peace-agreement³⁷. Such interventions remain an integral part of foreign policy, especially in the context of great political instability and civil wars. Failures of diplomatic efforts frequently lead to the application of more coercive measures, as explained above. Diplomacy as a form of foreign intervention most frequently takes the form of negotiations, typically between two nation-state-parties, or mediation, which can also apply to intra-state actors in civil wars like the one in South Sudan. Even though the typical agents of diplomatic interventions are state diplomats, diplomatic efforts by non-governmental organizations are increasing³⁸. As diplomatic interventions are all about improving on the communication between the antagonists, the range of possible actors contributing to such communication has

multiplied – not only states, but also international organizations, nongovernmental organizations or journalists can contribute to diplomatic conflict resolutions³⁹.

The outbreak of civil war itself shows the difficulties that the opposing parties, in this case Salva Kiir and Riek Machar, have in solving their differences at the negotiation table.

Absent the presence of mediating third parties, both sides of the conflict believe they can successfully pursue their aims by fighting. Diplomatic interventions can reduce uncertainty about the respective distribution of power, the preferences of the opponent and possible mutually agreeable solutions⁴⁰. This way, diplomatic interventions alter the communication structure between the adversaries.

Mediation by third parties is advocated for by several academics of international relations, because they make the intentions of the different parties more transparent in order to reduce fear and provide a sense of security. Such efforts can also involve civil society initiatives as an additional set of diplomatic instruments available to the international community, especially when it comes to dealing with ethnic conflicts⁴¹.

Evidence shows that diplomacy is increasingly being used as a tool for conflict resolution – for example, there were 438 diplomatic interventions in 68 of the 153 conflicts between 1945 and 1999 alone⁴². However, due to the difficulties in measuring actual success of diplomatic interventions, there is academic dispute about the effectiveness of such mediations.

³⁵ South Sudan - Humanitarian Aid and Civil Protection - European Commission. (2016). Humanitarian Aid and Civil Protection. Retrieved 14 November 2016, from http://ec.europa.eu/echo/where/sub-saharan-africa/south-sudan_en

³⁶ South Sudan 2016 Humanitarian Response Plan (January - December 2016). (2016). ReliefWeb. Retrieved 14 November 2016, from <http://reliefweb.int/report/south-sudan/south-sudan-2016-humanitarian-response-plan-january-december-2016>

³⁷ Fierke, K. M. (2005). *Diplomatic Interventions – Conflict and Change in a Globalizing World*. Palgrave Macmillan. Belfast.

³⁸ Kiel, C. (2014). *Private Diplomats, Mediation Professionals, and Peace Activists: Can Non-governmental Actors Bring Peace to Civil Wars?* University of New Orleans.

³⁹ Ibid.

⁴⁰ Aydin, A. & Regan, P. (n.d.) *Diplomacy and other Forms of Intervention in Civil Wars*, Binghamton University

⁴¹ Ibid

⁴² Aydin A., Frank R. W. & Regan P. M. (n.d.) *Diplomatic Interventions and Civil War: A New Dataset*

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Indeed, there are several examples of diplomatic failures: for instance, in the 1990s, it took three separate agreements – the Cotonou Agreement in 1993, the first Abuja Agreement in 1995, and Abuja II in 1996 – to finally bring a semblance of peace to Liberia in 1997. Moreover, in Rwanda, the mediated agreements in the Arusha Accords of 1993 were at the very least incapable of preventing the subsequent genocide. On the other hand, some researchers, like Aydin & Regan (n.d.) evaluate that diplomatic interventions, especially in comparison to military or economic interventions, are effective conflict management strategies that dramatically change the duration of a civil war in a positive manner⁴³.

Peace-Keeping

Peace-Keeping operations are activities that intend to create conditions favouring lasting peace; contrasting peace-building missions (see above), these missions do however require the consent of the host state and do not involve any military use of force beyond self-defence⁴⁴. Peace-keeping can take different forms, ranging from observation missions over interpositional missions to multidimensional peace-keeping interventions⁴⁵. Observation missions monitor ceasefires, troop withdrawals or any other conditions outlined in a previous agreement. Such missions are unarmed, as they are primarily tasked with observing and reporting on the situation in the conflict zone. Interpositional peace-keeping interventions meanwhile consist of lightly armed forces intended to create buffer zones between the two sides,

monitoring and reporting on their activities.

Lastly, multidimensional peace-keeping missions have a broader mandate, going beyond observation by attempting to implement comprehensive settlements through electoral supervision, police and security reforms, institution building as well as economic development initiatives and more⁴⁶. This way, peace-keeping interventions assist ex-combatants in implementing agreements and commitments that they have undertaken.

Concerning South Sudan, the Security Council determined in 2011 that the situation faced by the young country constitutes a threat to international peace and security and therefore established the United Nations Mission in the Republic of South Sudan (UNMISS) on 8 July 2011⁴⁷. Renewed and expanded several times, lastly in August 2016, UNMISS continues to employ around 13.000 military personnel and more than 2.000 civilian police personnel in South Sudan⁴⁸. The UNMISS mandate prioritizes the protection of civilians, human rights monitoring and the support for the delivery of humanitarian assistance⁴⁹. However, the intervention is accused to fail its purpose by being unable to prevent violence and to provide adequate protection both throughout the country and within its camps.

Actors to get involved in the South Sudanese Civil War

As there is a variety of possible interventions to South Sudan, there are also many actors who could intervene in different ways. While the missions of the UN are the

⁴³ Aydin, A. & Regan, P. (n.d.) *Diplomacy and other Forms of Intervention in Civil Wars*, Binghamton University

⁴⁴ What is peacekeeping? United Nations Peacekeeping. (2016). Un.org. Retrieved 14 November 2016, from <http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml>

⁴⁵ Sullivan, E. (2016). *Understanding the UN: Peacekeeping*. The Borgen Project. Retrieved from <http://borgenproject.org/understanding-un-peacekeeping/>

⁴⁶ Sullivan, E. (2016). *Understanding the UN: Peacekeeping*. The Borgen Project. Retrieved from <http://borgenproject.org/understanding-un-peacekeeping/>

⁴⁷ United Nations Mission in the Republic of South Sudan (UNMISS). (2016). Un.org. Retrieved 14 November 2016, from <http://www.un.org/en/peacekeeping/missions/unmiss/>

⁴⁸ Facts and Figures. (2016). UNMISS. Retrieved 14 November 2016, from <http://unmiss.unmissions.org/facts-and-figures>

⁴⁹ Mandate. (2016). UNMISS. Retrieved 14 November 2016, from <http://unmiss.unmissions.org/mandate>

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most known, there are many other possible players in the field of foreign interventions who will be introduced in the following chapter. While there are many possible actors for each conflict, this overview focusses on South Sudan.

United Nations (UN)

The United Nations, the biggest international organization in the world, was founded in 1945. To date, with 193 member states, nearly every nation is a member of this association.⁵⁰ The UN consists of several organs such as the General Assembly of all Member States, the Security Council, the International Court of Justice (ICJ), or the UN General Secretariat. The objectives of the UN are defined in its founding Charter, which lists world peace and international security, equality and national sovereignty of all states, international cooperation to solve social, cultural and humanitarian challenges as well as the promotion for the respect of human rights and the rule of law and democracy as its main aims.⁵¹

To pursue these objectives, the UN created a variety of programs and sub-organizations, such as the United Nations Development Programme (UNDP), United Nations International Children's Emergency Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR), World Food Programme (WFP) and the International Monetary Fund (IMF), only to name a few. With Headquarters in New York, Geneva, Nairobi and Vienna, the UN created a worldwide network.

Due to its massive resources in terms of political power and know-how, including its so called 'blue helmets', the UN are a main actor for possible foreign interventions in South Sudan. With the ability to

release severe political and economic resolutions against the country, the UN are in the position to enact economic as well as diplomatic interventions into the South Sudanese conflict. Based on its several programmes and sub-organizations in the field of humanitarian relief, they are also one of the main actors to help the country tackle its severe humanitarian crisis. As part of the United Nations Mission in South Sudan (UNMISS), the UN are currently conducting several projects such as Relief, Reintegration and Protection (RCO-RRP), Child Protection and a HIV / AIDS Unit to name a few.⁵²

With currently more than 13.000 uniformed personnel and around 2.500 civilian staff, the UNMISS Peacekeeping Mission is the third biggest ongoing operation in the world.

The goal is not only to support the South Sudanese government and the SPLA in conflict prevention, but also to provide physical protection of civilians as well as the active support of humanitarian aid actors. As the current situation calls for an increase of troops to achieve these goals, Japan in cooperation with the United Nations has sent 350 additional forces to become part of the current peacekeeping unit in the country.⁵³ While their main tasks will be the further engagement in construction projects to re-build the country's infrastructure, the troops are also authorized to use their guns to protect civilians if needed.⁵⁴

African Union (AU)

The African Union (AU) is the continental international organization for Africa and consists of 54 member states. Founded in 1999, every nation of the continent, except for Morocco, is a current member.

⁵⁰ Overview | United Nations. Un.org. Retrieved 17 November 2016, from <http://www.un.org/en/sections/about-un/overview/index.html>

⁵¹ Ibid

⁵² Mandate. (2016). UNMISS. Retrieved 14 November 2016, from <http://unmiss.unmissions.org/mandate>

⁵³ Essif, A. (2016). Japan's troops in South Sudan to participate in rescue missions | News | DW.COM | 15.11.2016. DW.COM. Retrieved 2 December 2016, from

<http://www.dw.com/en/japans-troops-in-south-sudan-to-participate-in-rescue-missions/a-36396070>

⁵⁴ Bearak, M. (2016). Japan's first gun-toting troops since WWII have deployed — to South Sudan. Washington Post. Retrieved 2 December 2016, from https://www.washingtonpost.com/news/worldviews/wp/2016/11/21/japans-first-gun-toting-troops-since-wwii-have-deployed-to-south-sudan/?utm_term=.cf505ae23c01

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Their main objectives are described as 'to rid the continent of the remaining vestiges of colonization and apartheid; to promote unity and solidarity among African States; to coordinate and intensify cooperation for development; to safeguard the sovereignty and territorial integrity of Member States and to promote international cooperation within the framework of the United Nations.'⁵⁵ With its headquarter in Addis Ababa, Ethiopia, the unions internal structure consists of several organs, following the model of the UN. The most important of these organs are the Assembly, the Executive Council, the Commission, Peace and Security Council (PSC) as well as the Pan-African Parliament.

The African Union is the first international organization whose founding treaty includes the right for a military intervention due to a humanitarian crisis. Therefore, the Peace and Security Council can release resolutions for military interventions as well as peacekeeping missions which are executed by the African Standby Forces, a continental merger of military and civilian units.⁵⁶ As there is still no sustainable peace in South Sudan, more than one million people are on the run and 5.3 million are dependent on humanitarian assistance. Therefore, the AU is a major actor for a possible military - or peacekeeping mission in South Sudan.

As a continental network, the Assembly of the African Union has the power to release economic sanctions against member states, which infringe international law and the unions objectives.⁵⁷ This creates a basis for possible economic interventions into South Sudan. Additionally, the AU is in the position to support the peace and state building process in the country by

hosting diplomatic meetings and acting as a mediator.⁵⁸

European Union (EU)

The European Union is an economic as well as political continental union with currently 28 Member States. Since its foundation in 1958, the EU became a major player in the field of global economic and diplomatic relations.⁵⁹ With the Delegation of the European Union to South Sudan, the association is present in the country with several humanitarian relief activities. By financing more than 40% of the humanitarian aid programmes in the country, the EU is currently the biggest actor concerning humanitarian relief activities in this conflict.⁶⁰

Moreover, the EU plays a major role by being one of the three biggest donors in the field of development cooperation.

Therefore, the European Union is a key actor for potential economic interventions, being able to use its current support as a political leverage to aim at a peaceful solution in South Sudan. With its know-how in international diplomacy, the EU could also play a major role as a mediator in the country's conflict. As an independent actor, the union proved its mediating skills by conciliating between the different parties of the Iran nuclear deal, which resulted in the Joint Comprehensive Plan of Action. Consequently, the EU could be a major player for a diplomatic solution in South Sudan.⁶¹

⁵⁵ AU in a Nutshell | African Union. (2016). Au.int. Retrieved 17 November 2016, from <http://www.au.int/en/about/nutshell>

⁵⁶Schmidt, S. (2005). Prinzipien, Ziele und Institutionen der Afrikanischen Union | bpb. Bpb.de. Retrieved 17 November 2016, from <http://www.bpb.de/internationales/afrika/afrika/59006/afrikanische-union?p=all>

⁵⁷ The Assembly | African Union. Au.int. Retrieved 17 November 2016, from <http://www.au.int/en/organs/assembly>

⁵⁸ Assembly/AU/ Dec .605 - 620 (XXVII). Kigali, Ruanda: Assembly of the Union, African Union, 2016. Print.

⁵⁹ How the European Union works. (2014) (1st ed., pp. 3-9). Brussels.

⁶⁰ European Commission, (2016). South Sudan Crisis. European Commission. Retrieved from http://ec.europa.eu/echo/files/aid/countries/factsheets/south-sudan_en.pdf

⁶¹Mogherini, F. & Zarif, J. (2015). Joint Statement by EU High Representative Federica Mogherini and Iranian Foreign Minister Javad Zarif Switzerland. Brussels: European External Action Service.

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While in theory, every 3rd state can intervene into South Sudan, this section will focus on the neighbouring countries, Uganda and Sudan, as they are playing a key role in this conflict.

During the Second Sudanese Civil War, a long rivalry between the government in Khartoum and Kampala started, when the National Resistance Army (NRA) under Yoweri Museveni cooperated with the Sudan People's Liberation Movement/Army (SPLM/A). As a response, the government of Sudan started to arm and train rebel groups in northern Uganda, such as the Lord's Resistance Army (LRA). While Sudan's economy suffers from the independence of South Sudan, they are mainly interested in South Sudan's oil deposits.⁶²

Uganda, on the other side, has a high interest in becoming the main trading partner of South Sudan. While the estimated official exports from Uganda into the country increased from 2005 to 2008 from US\$50.5 million to US\$245.9 million, the informal exports increased from US\$9.1 million to US\$929.9 million. This has a high impact on Uganda's economy and therefore strengthens the urge of Museveni's government to obtain the power for strategic decision making in Juba.⁶³ It is for this reason that any type of intervention except for humanitarian relief and diplomacy executed by these countries could result in a conflict of interest instead of a peaceful solution for South Sudan's civil war.

Nevertheless, the neighbouring countries are a key actor for a diplomatic solution, as they already hosted several negotiation meetings in their capitals and, moreover, are closely related to the conflict state through cultural links and common heritage.

⁶² Copeland, C. & Taylor, M. (2016). From Conflict to Cooperation? Sudan, South Sudan and Uganda | Crisis Group. [Blog.crisisgroup.org](http://blog.crisisgroup.org). Retrieved 17 November 2016, from <http://blog.crisisgroup.org/worldwide/2016/06/20/from-conflict-to-cooperation-sudan-south-sudan-and-uganda/>

International Companies

As there are numerous international companies operating in the region, most of them can become actively involved, either by implementing economic interventions or by offering humanitarian relief to the people in South Sudan, for instance through providing goods and resources to improve on the current humanitarian situation. By avoiding to engage in trade relations with South Sudan, especially concerning the state's oil resources, international companies have the power to limit the main source of income, which keeps this war ongoing.

NGO's and Foundations

Non-governmental Organisations (NGO's) are the major players in providing humanitarian aid to the country's citizens in this devastating civil war.

By being independent from states and international governmental organizations, they play a leading role in fostering state building and sustainable peace in South Sudan.

Due to the vast, unpredictable situation in the country, religious as well as non-religious humanitarian aid organisations, such as Médecins Sans Frontières (MSF), are currently one of the very few NGOs still providing humanitarian relief to the suffering people. Due to their political independence, the authorization from the host government to operate throughout the country as well as the acceptance by the South Sudanese population is greater compared to governmental aspirations.

By operating on the ground, political foundations, such as the Konrad-Adenauer-Stiftung, can support the peace-building process through diplomatic efforts, for instance through promoting democracy, human rights and the rule of law as well as

⁶³ Nicolaisen, F., Sagmo, T., & Rolandsen, Ø. (2015). South Sudan – Uganda Relations - ACCORD. ACCORD. Retrieved 17 November 2016, from <http://www.accord.org.za/conflict-trends/south-sudan-uganda-relations/>

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supporting dialogue and civic education. While other actors strive for a conflict solution on governmental level, political foundations can encourage peace- and state-building processes on a more local level in the field of facilitating dialogue and nation-building.

Taking Action - The Way Forward

After having examined the different types of interventions that the international community has at its disposal as well as the different actors that might take action in this regard, the question arises which implications these insights have for the particular case of South Sudan and its current civil war. First of all, should the international community intervene in the South Sudanese conflict at all? As mentioned earlier, several scholars and politicians advocate not to, arguing that it is more preferable to let the fighting parties exhaust each other until their incentive to settle the conflict themselves becomes big enough. However, the humanitarian cost for this approach might simply be too high, considering the appalling numbers of deaths and disease that South Sudanese people suffer.

The Sentry's Report on South Sudan, published in September 2016, provides a strong argument for intervention. According to this document, the South Sudanese conflict will not fade out anytime soon, because those who would have the means to end the war simply don't have any incentive to do so – in fact, they are gaining from the conflict. Even though the ultimate cause of the war was a falling out between the country's top politicians, President Salva Kiir and deposed Vice President Riek Machar, the Sentry Report states that the real catalyst of South Sudan's civil war has been competition for the grand prize—control over state assets and the country's

abundant natural resources⁶⁴. South Sudan's leaders 'manipulate and exploit ethnic divisions in order to drum up support for a conflict that serves the interests only of the top leaders of these two kleptocratic networks'⁶⁵. The report provides clear evidence for the linkage between systemic corruption and violent conflict. Therefore, a reduction of the massive human suffering in South Sudan will not be possible if the country is left to its own fate. In fact, foreign intervention is more than necessary to impose consequences for this behaviour.

The country has run out of options to save itself; it needs to be saved from itself.

However, after having reviewed the conditions for successful military interventions and the previous outcomes of such actions, a foreign military intervention by a third party, particularly the neighbouring states, into the South Sudanese civil war does not seem to be the way to go. This is by no means connected to the argument of state sovereignty, as one could argue that the South Sudanese government has lost any legitimacy to rule due to its inability to protect its people from mass suffering. The renewed fighting and the rise of human suffering are signs of the deep decay of the existing political system. Sovereignty is not a given right; it is a legal status that has to be earned through the protecting of citizens and through upholding international law and human rights. Rather, a foreign military intervention in South Sudan is unlikely to actually contribute to a peace-building process. Empirical evidence suggests that outside military interventions tend to lengthen the expected duration of civil wars⁶⁶ - this is particularly true for ethnic conflicts like the one in South Sudan, where the fighting is taking place between the people on the ground.

Indeed, Ethiopia, Kenya, Rwanda, Sudan and Uganda have expressed the intention

⁶⁴ The Sentry. (2016). War Crimes Shouldn't Pay - Stopping the looting and destruction of South Sudan September 2016.

⁶⁵ Ibid.

⁶⁶ Aydin, A. & Regan, P. (n.d.) Diplomacy and other Forms of Intervention in Civil Wars, Binghamton University

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to form a military intervention force in order to bring an end to the unrest⁶⁷. However, the vested interests of these neighbouring countries are too strong to form sustainable peace; the risk of taking sides or manipulating the conflict for self-interests is too high. For example, then Uganda deployed the Ugandan People's Defense Forces (UPDF) in South Sudan shortly after the outbreak of violence on 15 December 2013, many suggested that Museveni simply tries to maintain political dominance over South Sudan⁶⁸. Supposedly, Museveni strongly distrusts the SPLM-IO leader Riek Machar and therefore vetoes any negotiated solution to the conflict. Moreover, the intervention is a ploy to keep strong generals busy abroad, and that the President and his family directly profit from contracts supplying the deployment⁶⁹. Similar conspiratorial voices are being heard concerning the other neighbouring states of South Sudan. A regional military intervention could never be a durable solution without cultivating an enabling environment for a successful transition and long-term stability.

What about the UN-Peacekeeping mission that is already in place in South Sudan?

As mentioned earlier, the more than 13.000 personnel stationed in the civil war cannot be categorized as a military intervention, as their mandate does not allow them to use their force for anything else beyond self-defence. This limited mandate made UNMISS fail to protect South Sudanese civilian from gross human rights violations, including murder, intimidation, sexual violence and acts amounting to torture perpetrated by armed government soldiers⁷⁰. UNMISS, as it is set up right now, is a toothless tiger. To be effective, UNMISS' mandate needs to be altered to

become much more robust – including the ability to use force when necessary. In fact, the UN peacekeeping mission in South Sudan needs to become a peace-building mission, as there is no peace to keep in the world's newest nation as we face it today.

When it comes to economic interventions, several sanctions are already in place, like the account-freezings for certain individuals. However, previous economic actions have failed shift the leaders' incentives away from violence and corruption towards peace and transparency. Halting any foreign aid or imposing complete trade embargos on South Sudan is not the right decision, as the country is already suffering from one of the worst hunger-crises in the world. Dictators have historically often redirected the pain of such sanctions into those least able to deal with them. Rather, the international community needs to take steps to shift their cost-benefit analysis by imposing more serious consequences.

Current sanctions do neither target the top of the decision-making chain nor the international facilitators⁷¹.

Smarter sanctions need to be imposed in a wider array of high-impact targets. Moreover, South Sudan's neighbours need to be encouraged to combat the laundering of assets looted from South Sudan, many of which accumulated there are located in Kenya, Uganda and Ethiopia. These countries should therefore begin to seize and freeze these assets and money flows to hold those responsible for the continued violence and financial corruption accountable⁷². Furthermore, international donors need to utilize their window of opportunity to press for greater oversight and accountability of the use of donor

⁶⁷ South Sudan rejects African Union military intervention. (2016). News. Retrieved 14 November 2016, from <http://www.sbs.com.au/news/article/2016/07/21/south-sudan-rejects-african-union-military-intervention>

⁶⁸ Nicholaisen, F. (2016). The Cost of Uganda's Military Intervention in South Sudan. PRIO Blogs. Retrieved from <http://blogs.prio.org/MonitoringSouthSudan/2015/05/looming-proxy-war-the-cost-of-ugandas-military-intervention-in-south-sudan/>

⁶⁹ Ibid.

⁷⁰ Wintour, P. (2016). UN Fails to Protect Civilians in South Sudan, Report Finds. The Guardian. Retrieved from <https://www.theguardian.com/world/2016/nov/01/un-failed-to-protect-civilians-in-south-sudan-report-finds>

⁷¹ The Sentry. (2016). War Crimes Shouldn't Pay - Stopping the looting and destruction of South Sudan September 2016.

⁷² Ibid.

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money. As the Sentry Report states it, in South Sudan, war crimes should not pay⁷³.

However, neither a more effective peace-keeping mission nor smart economic sanctions can resolve the South Sudanese conflict sustainably without diplomatic approximation. Taking into account all options at the international community's disposal, diplomacy clearly appears as the most promising one. For the duration of any civil war in general, the information that the civil war parties hold is a very critical component for the settlement of their conflict.

Third-party intermediates can help disclose information on the parties' capabilities, expectations and pay-offs.

Therefore, the role of an outside actor can be central to a peaceful settlement due to the antagonists' inability to identify a mutually acceptable solution. Diplomatic interventions can help the parties to make credible commitments without making themselves vulnerable. Through changing the information structure that civil war parties hold, diplomatic intervention can reduce the duration of the conflict – contrasting other types of interventions that manipulate solely the structural balance of capabilities, like military interventions, would rather prolong the violence, because they do not help the adversaries to overcome their distrust and misperceptions⁷⁴.

In this regard, diplomacy in the non-traditional sense, going beyond state diplomats and international negotiations, turns out to be particularly relevant. Maybe, international interventions – and especially diplomatic efforts as we know them – have not been able to keep pace with the changing characteristics of warfare on the 21st century. The diplomatic efforts that have been engaged in the South Sudanese civil war up to now have only produced one mentionable outcome: the Agreement on

the Resolution of the Conflict in South Sudan (ACRISS). They have only brought together the two main fighting actors, narrowed down to the two personalities of Salva Kiir and Riek Machar. Moreover, the agreement was not properly followed up. Right after conclusion, the international community, including IGAD as a major mediator of the contract in particular, have failed to ensure and enforce implementation. This calls for a rethinking of the traditional perception of diplomacy as a form of foreign intervention.

Civil wars these days, and particularly the one in South Sudan, are much more complex as to be narrowed down to two personalities. When negotiating for a peace-agreement, all relevant parties need to get involved, including neighbouring states like Ethiopia, Kenya or Uganda. But most importantly, not possessing any capability to cause violence should not exclude major parties affected by the conflict from the negotiations – where have the South Sudanese women have been represented in the efforts to restore peace? What about the South Sudanese children, the youth, the elderly?

Fixing a state on government level will never be possible without fixing it on the ground. This is exactly where non-traditional actors of diplomacy have the highest potential.

The involvement of non-state actors in diplomatic efforts of conflict management is increasing, including NGO's, academic groups or religious institutions – especially when official mediation efforts fall on deaf ears. These are the type of actors that need to get increasingly active in mediating the South Sudanese civil war, as their initiatives can help ending hostilities, negotiating peace and contributing to reconciliation. These approaches could range from mediating peace negotiations on the ground level to peace education for chil-

⁷³ Ibid.

⁷⁴ Aydin, A. & Regan, P. (n.d.) Diplomacy and other Forms of Intervention in Civil Wars, Binghamton University

Konrad-Adenauer-Stiftung e.V. dren and youth or media training to problem-solving workshops, including government and rebel representatives.

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The widely considered relative powerlessness of non-governmental entities in the mediation of the South Sudanese civil war is false, non-state actors can contribute significantly to the resolution of the conflict. Non-state actors have the capability to build sustainable peace, because they can help to overcome the adversaries' distrust and misperceptions of one another and, ultimately, help to build a nation in South Sudan.