



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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WEEKLY REVIEW

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The Question of Ugandan Troops in South Sudan

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Following the violent events of December 15, 2013, the Government of South Sudan felt the need to request Intergovernmental Authority on Development's (IGAD) member states to assist in quelling a rebellion that threatened to unseat an elected government. Within a very short time the Government of Uganda, one of the IGAD's key member countries, quickly responded by deploying its troops to protect key government installations and civilians in South Sudan. This deployment was later formalized through the Status of Forces Agreement¹ between the two countries. On inviting foreign troops, the Government of South Sudan insisted that it acted as a sovereign nation under the United Nations' Charter.

As the conflict intensified and Ugandan troops became more and more involved in the combat alongside government forces, a number of voices have emerged, both locally and internationally, calling for the withdrawal of Ugandan troops for fear of igniting a regional war. The rebels wisely saw this as an opportunity to strengthen their position and so the withdrawal of Ugandan forces is now one of their many pre-conditions for the continuation of talks in Addis Ababa, Ethiopia. The Sudd Institute, in this weekly review, analyzes the validity and sincerity of these concerns expressed internationally on the presence of Ugandan troops on South Sudanese soil, and sheds light on the probable reasons for the deployment of Ugandan forces in the first place.

Explaining GoSS' Entreaty

Before delving further into the discussion, it is essential to understand what prompted the government to seek military support from the IGAD countries. The Government of South Sudan essentially found itself in a dire situation after the alleged coup attempt failed in Juba and turned into an open rebellion, and losing a significant part of its military strength. The incident was followed by massive defections of army brigades stationed in strategic places like Bentiu, Malakal and Bor just two days after the events in Juba. This was in addition to a number of army units that also defected in Western Equatoria and Yei along with those who staged the rebellion in Juba. The government was also stunned at the speed with which the marauding armed civilians, the White Army, were mobilized to capture Bor and massacred in cold blood many innocent members of ethnic Dinka both in Bor and Akobo and intended to subsequently march toward Juba. Within three to four days, the government had lost nearly all the three states of Upper Nile region and horrific scenes and stories of destruction to lives and properties were

¹ The Status of Forces Agreement between the Republic of South Sudan and the Republic of Uganda, January 10, 2014.

² <http://www.sudantribune.com/spip.php?article50004>

emerging from those places. In fact, it was nearly two weeks ago when the government reportedly revealed 70% of its army having defected².

Consequently, the government had one of three choices to make: First, it could have accepted defeat and relinquish power to the rebels, a scenario that would have resulted in colossal loss of lives and property. Second, it could have resorted to rebels' tactics of ethnic recruitment and mobilized allied ethnic groups to wreak havoc, a situation that would have led to genocide and anarchy across the country. Finally, the government could have asked for regional and international intervention to thwart what could potentially have been genocide. The government logically chose the latter and it is a choice that must be applauded for two reasons. Given what unfolded after the so-called White Army, in their tens of thousands, took control of Bor, had they managed to reach Juba, genocide would have occurred because they had the intent to kill, loot, and destroy both public and private property.

The SPLA forces that remained loyal to the government were admittedly overwhelmed and it was through the intervention of Ugandan troops that Juba was spared from the carnage and destruction, the like of what was witnessed in Bentiu, Bor and Malakal. Second, had the rebels, who are mainly one ethnic group taken power in Juba, which is their stated objective, this new order would not have been recognized by 63 other ethnic groups in South Sudan. The level of violence, unlike what we have already witnessed, would have unfolded and it would not have taken more than a month before a government, so installed, is violently removed from power and a vicious cycle would have started, similar to the one that is unfolding in the Central African Republic and perhaps what happened in Somalia. In short, the Government of South Sudan did the right thing by inviting Uganda to help stabilize security and prevent genocide.

Uganda's Interests

Why did the Ugandan government accept the invitation and willingly deployed its troops to South Sudan? It depends on whom you ask. But principally, Uganda has the moral responsibility, security, and economic interests in South Sudan, so it had to ensure peace and stability for the good its citizens. This is on top of the IGAD mandate enshrined in Article 6A (d) of the agreement establishing the regional organization, which stipulates that member states are committed to the principle of maintenance of regional peace, stability and security. These, collectively, are exactly the obligations Uganda responded to. Understandably, those in opposition see the intervention as one-sided, but that does not take away the fact that the relative stability seen in Juba and other parts of the country is in large part a direct result of Uganda's intervention.

Above and beyond its regional obligation to keep peace and stability, Uganda allegedly was instructed by the UN to intervene in order to stop the bloodshed³. Whether Uganda was actually requested to intervene by IGAD or foreign powers makes no much difference because it also has a lot of stake in the stability of South Sudan as aforementioned⁴. It is important to note that South Sudan is the largest trading partner of Uganda in the region, especially for its manufactured and agricultural goods. Second, South Sudan employs a significant number of Ugandans, particularly in the service sector

² <http://www.sudantribune.com/spip.php?article50004>

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http://www.observer.ug/index.php?option=com_content&task=view&id=29239&Itemid=116

⁴ <http://www.newvision.co.ug/news/651973-in-defence-of-updf-intervention-in-south-sudan.html>

providing essential revenue for Uganda. South Sudan supports the Ugandan economy largely through the transfer of hard currency for the upkeep of South Sudanese families living in Uganda, including students. This is in addition to cash transfers from Ugandan nationals working in South Sudan. The revenue that accrues from real estate rents, school fees, visas and other related transactions directly pay for the running of Ugandan Government. Security wise, the SPLA is a key ally in Uganda's fight against the Lord's Resistance Army (LRA), which is an internationally recognized terrorist organization. This alliance dates back to the days of the north-south civil war.

Above all, Uganda does not want to live in the neighborhoods of the Democratic Republic of Congo and South Sudan that are both unstable with deleterious spillover effects. Uganda's quick response could also have been prompted by historical experiences in the region particularly from Rwanda and Burundi where mass violence and genocide have occurred. These factors are important and could all have persuaded Uganda to respond militarily. Perhaps the last and by any measure not the least, is the relationship between President Museveni and President Kiir. The two men have grown close over the last few years and Museveni was not going to allow his friend and ally to fall.

Regional Conflict Fears

It is inconsequential at this point to dwell on what could have motivated Uganda to intervene. What is important to explore is whether such an intervention was justified and whether it is even legal. No one has so far questioned the legality of the Ugandan intervention, but some of the concerns raised so far include: the potential for such intervention to trigger a regional war, the fact that it infringes on the sovereignty of South Sudan, that it is humiliating to have Ugandans fight to protect the government, and others sounded the alarm that the presence of Ugandan troops could prolong the conflict.

These are definitely legitimate concerns that should be given due consideration on their validity and sincerity. Just to clear any lingering thoughts on the question of whether it is legal for the Government of South Sudan to enter into a military cooperation with another government; it is covered under the UN Charter, Chapter 1 Article 2 (2).⁵ It is also covered under the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.⁶ Essentially, the UN Charter is all about friendly relations among states in order to keep international peace. Thus, South Sudan, like all sovereign nations in the world, can legally cooperate in all areas including the military, economic, scientifically and socially with friendly nations as long as the resultant cooperation contributes to international peace. The government also acted in accordance with Article 4 of the Transitional Constitution of South Sudan, which grants the people and the government the power to defend the constitution.⁷ The government specifically, under article 53 (1(a, d and e)) read together with Schedule A (2 &3) of the Transitional Constitution, has the mandate to protect the people of South Sudan. Article 101 (a, and p) gives the President the powers to preserve the security, protect territorial integrity, and sign international treaties. The government thus, has legal rights under various national and international laws to invite foreign troops to help maintain law and order, including the presence of UN peacekeepers.

⁵ <http://www.un.org/en/documents/charter/chapter1.shtml>

⁶ <http://legal.un.org/avl/ha/dpilfrscun/dpilfrscun.html>

⁷ The Transitional Constitution of South Sudan, 2011, page 3.

Does the presence of Ugandan troops have the potential to trigger regional war as has been claimed? There is some reality to it, but the threat is not as real as it is made to appear. Looking at the key stakeholders in the region concerning this conflict, you find that Sudan is the first in line. Sudan has a lot at stake in South Sudan economically, socially, and even militarily. According to the Cooperation Agreements, Sudan gets a huge share in the South Sudanese oil through transport fees, pipeline rents and a package of economic support. The Government of South Sudan upon the visit of President Bashir in January⁸ had asked the Government of Sudan to jointly patrol and protect the oil fields⁹ from the rebels to ensure that economic benefits from the oil continue unabated, but Sudan turned down that opportunity for some inexplicable reasons. Perhaps the role of Uganda in the conflict triggered Sudan's reluctance to cooperate.

Seeing a potential threat to oilfields, the South Sudanese government instead asked the Ugandan government to help secure them, a suggestion Uganda willingly accepted. The deployment of Ugandan troops close to the border with Sudan has caused uneasiness in Khartoum, justifiably because of the alleged support of Uganda to the Sudanese rebels. However, it would be hard to see a scenario where Khartoum government openly sides with the rebels and risk losing the revenue from oil and unravel the Cooperation Agreements. Besides, Uganda does not seem to have the intention to destabilize Sudan and nothing in the field suggests it is carrying out subversive activities to that effect.

In short, the heightened talks about the possibility of regional war do not really bear much credence. This is because the only scenario that seems probable in terms of becoming a reality is a situation where Sudan may join the war to protect its interest in case of Ugandan interference, but there is no evidence to suggest such a scenario as looming. There are flying rumors of course, suggesting that Sudan is supporting the rebels through Eritrea, but there is no evidence and so it remains a rumor. If confirmed, then Sudan and Eritrea would be the two countries supporting the rebels against the UN Charter and International Law.

Ethiopia is the second important stakeholder with a lot of interest in South Sudan's stability. There is nothing so far to suggest that Ethiopia would have a problem with the presence of Ugandan troops in South Sudan other than the fact that it is leading the mediation efforts on behalf of IGAD members. Rebels have accused IGAD of partiality because of Ugandan intervention, but still they believe in IGAD as the most appropriate mediator. As such, it would be hard to fathom a scenario where Ethiopia would wage war against Ugandan troops. The only possible scenario where Ethiopia would intervene militarily is when Eritrea is playing a belligerent role in the conflict and affects Ethiopia negatively. Chances are there for a possible involvement of Ethiopia, but so far, it is not imminent.

The most serious concern for Ethiopia regards the western Ethiopian region of Gabella. Gabella is inhabited prominently by ethnic Nuers who pledge allegiance to both countries, South Sudan and Ethiopia. If the Ethiopian Nuers are involved in the conflict with support from Eritrea, then Ethiopia might intervene militarily in defense of its territorial integrity. Likewise, if the regional government in Gabella supports the rebels, the Juba based government may have to protest such an involvement. These concerns have nothing to do with the presence of Ugandan troops. They exist on their own merits. What remains unknown is whether Ethiopia and Uganda are competing for military dominance

⁸ <http://www.bbc.com/news/world-africa-25617980>

⁹ http://www.nytimes.com/2014/01/07/world/africa/high-stakes-for-sudan-in-the-souths-conflict.html?_r=0

in the region. If such competition were to exist, then any successes of Uganda in South Sudan may irritate Ethiopia, but no evidence exists to suggest such competition.

Another country in the region with higher stakes for stability in South Sudan is Kenya. Kenya and Uganda have brotherly relations and there is no reason to believe that Kenya is concerned about Uganda's involvement in South Sudan because nothing about this intervention threatens its national interest. We do not see any scenario where Kenya would declare war against any regional members as a result of Ugandan military involvement in South Sudan. Kenya wants a stable government in Juba and stability throughout South Sudan because it is good for its economy. Kenya is affected inadvertently by war in South Sudan because of the influx of refugees and some spillover effects as witnessed in Somalia with the flow of small arms. In the last 2 months, for instance, Kenya has received 14,000 South Sudanese refugees. It is plausible that Kenya actually supports the Ugandan intervention simply because it wants regional stability for its own interest.

Conclusion

In summary, the noise about the possibility of regional war as a result of Uganda's intervention is not entirely sincere. Sudan is the only country in the region, which could be negatively affected by the intervention of Ugandan troops, only if there is a tangible military support for the rebels and so far such support has not been substantiated. Khartoum has always supported antigovernment forces in South Sudan, but it is no longer in its economic or other interests to do so.

In light of all these scenarios, it is fair to assume that those who are calling for the withdrawal of Ugandan troops are either ignorant of the empirical substantiation on the ground or they simply do not want to see stability in South Sudan. The call for regional war in South Sudan could be something being plotted outside the region or it may simply be that liberal peace builders are anxious to get a quick peace and so they are beginning to subconsciously echo rebel demands.

Whichever the case might be, there are other ways to prevent the presence of Ugandan troops from sparking regional war including having the Ugandan government reassure regional governments that it does not have ulterior motives beyond stabilizing the security situation in South Sudan. This can be done through the meeting of IGAD heads of states or through the AU. It is puzzling why some foreign governments only see the withdrawal of Ugandan troops as the only solution when an array of options are within reach of IGAD, the AU and even the UN.

For the rebels, it genuinely makes sense to call for the withdrawal of Ugandan troops because the presence of Ugandan troops stands in their way from the capture of state power. The problem with this call is that it is insincere. It is particularly disingenuous for those who rebelled against the state, violated its constitution, and by extension committed treason, to make all the noise about Uganda having violated the sovereignty of the nation. Where was this newfound nationalism on the 15th of December? If no one had defected and violently rebelled against the government in support of Riek Machar's political ambitions, the sovereignty of this nation would not have been violated. If no one had mobilized ethnic Nuers or the so-called White Army to wreak havoc in Bor, Bentiu and Malakal and threatened to march to Juba, a densely populated city, the sovereignty of this nation would not have been violated. This is not to suggest that Uganda has actually violated the sovereignty of South Sudan, quite the contrary, because Ugandan troops came on the invitation of the government, unless those in opposition want the world to believe that once there is a rebellion in any country, governments cease to exist.

It is indeed embarrassing for all the people of South Sudan that Uganda had to come to the aid of the government because some of its citizens decided just two years after independence to slaughter themselves over leadership. It is equally shameful that South Sudanese citizens had to flee to the UN camps to seek protection because their government could not protect them. This is the reality of the situation in South Sudan and so if the rebels and the concerned governments in the international community want Uganda to withdraw its troops, the best place to start is to embark on disarming, particularly the White Army and withdraw their forces from major towns and give up on their stated objective of wanting to overthrow the government before Ugandan troops are withdrawn. Ugandan troops are here on the invitation of the government and they will leave when the conditions that necessitated their presence are no more. The role of Uganda is a necessity for South Sudanese at this point in time. Uganda apparently has no intention to forcefully occupy South Sudan and so if South Sudanese desire Ugandan army to leave, they must cease this reckless carnage and embrace peace. Likewise, those who detest the presence of UN peacekeepers in the country must work for peace so as their job is rendered irrelevant and unnecessary. Right now, it is very necessary.

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The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.

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