

## Human Rights Struggle: Protection towards the *Displaced Persons* in South Sudan

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### Abstract

The Human Rights have already been ratified by almost all countries in the world; however, in the improvement, many human rights problems often happen to many people in many countries like in South Sudan. Displaced persons that happen in South Sudan are proofs that the attention to the human rights is very little, especially towards their safety to keep on living. The focus of this research is to see the existence of the human rights principles towards the civil society movement who become the victims of the interests, i.e. analyzing the displaced person issues with qualitative method in the form of literature study. The human rights violation happened in South Sudan; one of the reasons is because the condition and the internal stability of the country are not safe due to the conflicts of interests that make the civil society become the main victims. The biggest impact from those conflicts is causing the people displacement to move to the safer places. It is supposed to be the responsibility of the country to be present and to protect; however, it still becomes the most difficult thing to do since the conflicts that happened make the country get involved.

**Keywords:** human rights violation, displaced person, South Sudan

### Introduction

The human rights' problems have become the attention of the international worldwide especially after the World War II. The human right approach is a conceptual framework to reach the human development normatively based on the human rights international standards and the operational actions directed to develop and protect the human rights. It has function to analyze the gap located in the center of the development problems and to fix the discriminated practices and unfair distribution from the power that inhibit the development progress. Human right is a right that sticks on every human, whatever the citizenship, the place of living, the gender, the nation and the race, the skin color, the religion, the language, or the other status are. We all have the right of the human rights without any discrimination. These rights are related to each other and cannot be divided (Ohchr.org 2017)

The universality principle of the human rights is the international human right legal foundation. This principle was emphasized for the first time in the Universal Declaration about the human rights in 1948, and it was repeated in many various conventions, declaration, and resolution of international human right. The world conference about Human Rights in 1993, for example, noted that it was the duties of countries to promote and protect all human rights and basic freedom, aside from the systems of politics, economy and their cultures. Almost all countries have already ratified four or more core agreement of the human right that reflect the agreement of the countries that create the legal obligation for them and give concrete expression to the universalities.

The *displaced person* terminology describes a situation where an individual or groups are forced or have obligation to go and live far away from their house or their place of living; however, they are still under the border of their own countries. The displaced person usually happens in facing the weapon conflict, persecution, situation of wide range violation. There are two

determinant elements to decide in identifying who a displaced person is. First, Coercive movement characters or coincident movement namely it is a movement caused by weapon conflict, violation, disaster, or some kind of it with the fact that such kind of displacement/movement happens in the border of their own country. The second, the element that is widely understood, it refers to the places where the people move to find protection, and it also fulfilled if for example those people who lost their houses must transit through the area of the neighboring countries to get an access to the safe places in their own countries. The first time leaving for abroad and then coming back willingly or coincidentally coming back to their own countries, they cannot return to their home or to their previous home town (CSR 2016).

Africa has much more internal refugees than the original refugees, there are almost five times as many as the original refugees. Until the end of 2010, there are around 2 million refugees in the Sub – Sahara, Africa; meanwhile the exact number of refugees is around 11 millions. However, there is a 60 year convention about refugees and the United Nations Organization that dedicates to protect and help the refugees, the suitable systems to handle the internal movement is much weaker. Guiding Principles on Internal Displacement; is committed widely as the normative framework that is applied for those refugees and even though the principles are taken from the binding International Law, those principles are not the legally binding instrument. There are not United Nations (UN) departments that handle the refugees' needs (although the improvement has already been reached in some recent years in giving the responsibility towards the displaced persons to the United Nations existing Departments). On the contrary, it is the national government responsibility to protect and help them who are displaced in the areas of their country's borders (Ferris 2012).

## **Method**

This research used the qualitative research method; it explains the problem gotten from the library. The researcher manages the data related to the research theme from many various books, news media and from the various previous researches in the forms of journal. Besides that, to strengthen the analysis, the researcher refers to various national and international instruments related to the global health issues like regulation, declaration, and others.

## **The Research Result and Discussion**

### **Displaced Person and the human rights in South Sudan**

South Sudan is independent in 2011 as the new country in the world, and one of the countries that does not develop. After almost 40 years there are wars between the Sudan government and the south rebels, South Sudan chose a referendum in January 2011 to separate from Sudan. More than 2,5 million people were killed in the civil war and around 4.5 million people evacuated. South Sudan became destroyed due to the conflict that inhibited the basic infrastructure development, the human capital, and the formal civil institution. The problems of the huge human needs keep continuing after the independence, without regarding the rich natural resources, including the oil source in which Sudan has produced 75% from the oil production, it is still separated. South Sudan got the biggest humanitarian help (assistance) in the world in 2013, the needs of the comparative stability period has grown substantially (CSR 2016).

In December 2013, the politics tension among the leaders of South Sudan exploded in the violation. The political conflict that triggered the crisis was not due to the ethnical identity, but it overlapped with the ethnical and political complaints that existed before; and it triggered the weapon clash and the ethnic killing which was targeted in the capital city Juba and out of that

areas. The President Salva Kiir accused his ex vice president Riek Machar who planned the coup d'état, a demand that was denied by Machar. On the first days of the conflict in Juba, hundreds of civil people died in the attack that was reported to target the Machar ethnical group, Nuer. The revenge done by Noer towards the Kiir ethnical group, Dinka, was followed and the violation in return spread out. Machar, with the support from some senior military commanders Nuer, then, announced the rebellion. The conflict between the government troops and the loyal militia to the Presiden Kiir and the troops who were in line with Machar triggered the mass evacuation (CSR 2016).

South Sudan, beside Syria, Iraq, and Yemen, right now is classified by the United Nation as one of the fourth highest humanity emergency in the world and the only country in Africa. The United nation predicted that at least 50,000 people were killed since the conflict started, however; there was no death number that can be predicted. More than 2.7 million people were evacuated since December 2013, at least 1,7 million people became the internal refugees in September 2016. The clash happened in July and the insecurity increasing outside of Juba had already triggered the new waves. People had already escaped to the neighboring countries Uganda in the early of July. Many of them arrived in Uganda which is 90% of them were women and children who reported that they got a threat from the armed perpetrators when they escaped, including killing, rapes, looting, and child kidnapping (CSR 2016).

Wars and the displacement cause the effect that worsens the human needs in the countries that have already had an indicator of the lowest human development in the world. The conflict disturbed the farming cycles, the gazing patterns, and the trading routes, and the local markets that were destroyed. Many refugees lost their jobs when they left their home. The food prices have increased significantly since the war in July; therefore, many people cannot fulfill their basic needs. The annual inflation increased into 730% in August 2016, with the food costs increased almost 850%. Looting happened repeatedly on the help (assistance) stocks that blocked the institutions which wanted to do the pre-posting the supply in many areas, and the logistic challenge and the continuous restlessness required the food sending become very expensive because it was done through the air. The robbery in the main warehouse of the World Food Program in Juba reported by the government troops in the battle in July caused the loss of 4,500 ton metric of food that could give food to 220,000 people for a month. The UN predicted that more than a half countries need the human help (assistance) and more than 4.8 million people – around 40% of the people – had hunger problem that threatened their life. By the time the harvest started in August, the marginal repair and the food security are expected to happen soon; however, the level of hunger had never happened before; with some parts of the country had faced the hunger condition, hunger may possibly happen (FAO 2016).

Besides that, South Sudan crisis could have destabilization effect on the wider areas, some areas got the severe drought and lack of food after the continuous gaga rainy season and the health sector had troubles. Since December 2013, 106 health facilities were closed; meanwhile many other facilities were looted or destroyed. With more than 2 million cases and 558 deaths, malaria was the main cause of the death and the diseases in 2016. South Sudan also continued to have the longest cholera plague in the last recent years, with 3962 cases including 75 deaths since June 2016. There were also many measles, in which they really threatened the children under five years old, especially when they got malnutrition (FAO 2016).

The United Nation Human Right Commission confirmed that the attack targeted by the government and the opposition troops towards the civilians, and the United Nation personnel during the conflict in South Sudan, could be considered as a war crime or crime towards the humanities. The United nation mission in the South Sudan Republic (UNMISS) reported that from the beginning the violence, the human right violation and the huge legal humanity violation happened in a very big scale. Civilian are not only trapped in the violence, but they are also

often directly targeted along with the ethnical line. Hospitals, religious places, the aids (helps), and the United Nation base had already been attacked. UNMIS reported that the scale, intensity, and the severity level of the violation increased at the same time as the conflict continued. The mission created special worry with the new violence patterns in 2015 in which all villages and the food supply were destroyed, with the real main purpose to pull the civilian out of their living in that area.

UNICEF has already predicted that 16.000 children have been recruited to be soldiers during the war period. According to the Human Rights Watch, during the time, the majority of them was related to the society power, UNICEF warned that in August 2016 there would be a new surge in recruiting the children that might happen soon, special attention from the government was really needed. UNICEF reported that more than 650 children had been recruited since the early of 2016. It was also reported that children were killed in the targeted attack. Sexual violence related to the conflict was also reported, it was commonly targeted to happen to other ethnics. The UN Panel of Expert formed based on the Security Council Resolution 2206 has found that all parties in those conflicts already targeted the civilian as the part of their military strategy. United Nation documented 217 sexual violence cases done by the government soldiers in July 2016 in Juba itself.

### **The responds from the international world**

Since the end of the cold war, United Nation facilitated the domestic responds towards the displaced person through the human aids given by the special institutions, but it was also done by indentifying the international legal law that manages all countries' responds related to the migration (transfer). Dr. Francis Deng, was appointed in 1992 with a mandate to arrange the international standard that manages the normative work framework to handle displaced person. Guiding Principles on Internal Displacement was produced and presented through UN Commission on Human Rights in 1998. The principles reflect and suit the international human rights law and the international humanities law and they state the relevant warranty for the refugees written in details in this law (Williams 2008).

Since it was legalized, the Guiding Principles has almost got a universal admittance as a normative starting point to handle the displaced persons. The head of the state and the government who gathered in September 2005 in New York for the World KTI (High Level Committee) admitted those principles as the international framework with an important purpose to protect the people who lost their homes. An endorsement was announced by the general Assembly many times in the regional levels, the security pact, Stability and Development in the area of Great Lakes of Africa covered a protocol that required the countries that signed the principles to pass the national regulation to put the Guiding Principles in their law framework. The other regional organizations, including Africa Unions, Organization of American States, and Council of Europe had already asked their country members to use Guiding Principles and combined it in their regulations and their national policies. (Williams 2008)

Related to the responsibility of the states that get the displaced person impacts, Guiding Principles covers two main principles: the first, the sovereignty does not only involve the right of every country to run its own business, but it also has duties and main responsibilities to give protection and aids (helps) without any discrimination to the citizens, including the internal refugees based on the human rights law and international humanities. The second, meanwhile the refugees from their own country still have the rights to get protection fully towards the rights provided for the citizens in general; migration/transfer causes certain vulnerability to the party that gets the impacts. Therefore; and to ensure that those refugees do not lose their rights, the countries require to give an action to protect and help the refugees based on the vulnerability to

ensure that the refugees get the same treatment as the other citizens who are not refugees. (Williams 2008)

Guiding Principles explains in details about the warranty provided for the internal refugees that must be given to them both to prevent the arbitrary displacement/transfer and to reduce and to end it if it happens. They cover all steps of displacement, including the actions of protection to the evacuation, protection during the displacement, and the relevant rights in the phase of the post displacement during the return or the other durable solution that might possibly happen. Besides that, the Guiding Principles states the standards related to the delivering of the humanity aids (helps). Guiding Principles is based on the human rights standards and the existed humanity laws. It reflects the existed regulation and explains how to apply the regulations towards the displaced person; it is intended to create the new responsibilities. This approach has facilitated the fast international acceptance towards Guiding Principles, as it is reflected in the application that has become common in the domestic order of the countries that get the impact of the displaced person (Williams 2008)

The problems happened in South Sudan have already given the attention to the international world. Since the crisis that happened in 2013, many countries and the international institutions have taken a part to help to solve the conflicts that happen and to help the civilians' refugees who become the victims of the conflict. The country that involves is: United States, United States is the biggest donor for the bilateral humanity that allocate almost \$ 1,9 billion for the emergency help since the conflict started. The cost estimation that is estimated the United Nation to respond the humanity partner towards the needs that are mostly threatened in 2016 was \$ 1.3 billion, and until now they are still lack of fund.

Besides that, the aids (help) from other countries are also given to South Sudan, they are from Australia, Belgium, Canada, Denmark, Germany, Irish, Italy, Luxemburg, Dutch, Norway, the Republic of Korea, Sweden, Swiss, England through the program of South Sudan Humanitarian Fund (SSHF) with the total help as much as US \$ 81.3 million in 2016 ((Unocha.org2017). Then, the involvement of the Africa Union, it did the effort to reconcile two parties by initiating the signing the peace agreement in August 26 2015 and the United nation involvement in keeping the safety of the refugees of the attack from the conflict parties. Besides that, Europe Union also sent the help to South Sudan as much as €423 million in 2017 to handle the humanity crisis that is getting worse. The fund support is used to give food help, health and nutrition, water, sanitation and cleanliness, education and the protection for the vulnerable citizens. (ec.europa.eu 2017).

## Conclusion

The problems related to Human Rights that happened in many countries especially Africa has become an international world attention. It is because the Human Rights are the basic rights that must be protected and become the responsibilities that have already been admitted together. *Displaced person* that happened in Africa especially happened in South Sudan is an issue that the problems happened to the Human Rights Violation, the violation has already been started since they had not become displaced persons. Efforts to protect the displaced persons in South Sudan have been done by many countries; both with the bilateral ways and the aids/helps from the international institutions. Many various international institutions that get involved in handling the displaced person issues, like the United Nation Organization, Africa Union, Europe Board. From those conditions, we can see that the globalization existence becomes one of the ways that can solve various issues especially Human Rights problems that happen to the displaced person in South Sudan.

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