

Calendar No. 160

117TH CONGRESS
1ST SESSION

S. RES. 380

Reiterating United States support for the people of the Republic of South Sudan in their quest for lasting peace, stability, and democracy after 10 years of independence and calling for a review of United States policy toward South Sudan.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Mr. RISCH (for himself, Mr. BOOKER, Mr. ROUNDS, Mr. DURBIN, Mr. CORNYN, Mr. RUBIO, Mr. VAN HOLLEN, and Mr. COONS) submitted the following resolution; which was referred to the Committee on Foreign Relations

OCTOBER 28, 2021

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Reiterating United States support for the people of the Republic of South Sudan in their quest for lasting peace, stability, and democracy after 10 years of independence and calling for a review of United States policy toward South Sudan.

~~Whereas the Republic of South Sudan became the newest country in the world on July 9, 2011, following the Ref-~~

erendum on the Self-Determination of Southern Sudan; in which 99 percent of Southern Sudanese voters voted in favor of secession from Sudan;

Whereas the 21-year civil war in Sudan, the longest-running conflict in Africa, caused approximately 2,000,000 deaths and mass population displacement of approximately 550,000 refugees and 4,000,000 internally displaced persons;

Whereas the United States played a significant role in supporting the resolution of Sudan's civil war, facilitating peace negotiations, serving as a witness to the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army signed in January 2005, and providing substantial resources for the implementation of that agreement alongside other international partners;

Whereas, on December 15, 2013, just 28 months following independence, the political power struggle between President Salva Kiir and Vice President Riek Machar, both of the Sudan People's Liberation Movement (SPLM), erupted into open conflict between ethnically allied Dinka and Nuer factions of the security services and quickly escalated into civil war;

Whereas, on August 17, 2015, after months of mediation by the Intergovernmental Authority on Development, the Agreement on the Resolution of the Conflict in the Republic of South Sudan was signed by President Kiir, Riek Machar for SPLM-In Opposition (SPLM-IO), and Pagan Amum for SPLM-Former Detainees;

Whereas the parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan delayed implementation of the agreement and demonstrated a lack of political will for sustainable peace; and in July 2016, civil war returned to South Sudan as new clashes in Juba quickly spread throughout the country;

Whereas the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, asserted the Parties' commitment to the permanent ceasefire, humanitarian access, and respect for human rights, and called for the establishment of a Revitalized Transitional Government of National Unity to lead South Sudan to democratic elections after 44 months;

Whereas Kiir's presidential term has been extended 3 times since South Sudan's independence, twice through amendments to the Transitional Constitution of South Sudan and most recently through an extension of the Transitional Period under the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan to 2023;

Whereas, despite years of fighting, 2 peace agreements, punitive actions by the international community, and widespread suffering among civilian populations, the leaders of South Sudan show little motivation to build sustainable peace, and critical provisions of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan remain unimplemented;

Whereas the conflict in South Sudan resulted in the deaths of at least 383,000 people from December 2013 to April 2018, according to a report by the London School of Hygiene and Tropical Medicine, and caused one of the worst

displacement crises in the world with 1,600,000 internally displaced persons and 2,200,000 refugees and asylum seekers in the region as of May 2021, according to the United Nations High Commissioner for Refugees;

Whereas South Sudan ranks 185th of 189 countries in the 2020 Human Development Index, performed the worst of 180 countries on the 2020 Corruption Perceptions Index, is perennially one of the most dangerous countries in which aid workers operate, received the lowest ranking in the Department of State's Trafficking in Persons Report every year from 2015 to 2021, and has been on the Child Soldiers Prevention Act list for 10 years in a row;

Whereas the United Nations declared a "man-made" famine in parts of South Sudan in February 2017, and the United Nations Office for the Coordination of Humanitarian Affairs stated in March 2021 that "South Sudan is facing its highest levels of food insecurity and malnutrition since independence ten years ago";

Whereas, in February 2021, the United Nations Commission on Human Rights in South Sudan "found that ten years after independence, staggering levels of violence continue and threaten to spiral out of control across several regions in the country";

Whereas the situation in South Sudan persists while its neighbors face increasingly urgent domestic and regional issues, including the ongoing political transition in Sudan, conflict in Ethiopia, and deeply flawed electoral processes and political unrest in Uganda and Somalia;

Whereas the United States has been the largest donor to South Sudan, providing more than \$1,800,000,000 in development assistance since independence and more than

\$6,000,000,000 in emergency humanitarian assistance since the start of the civil war in December 2013;

Whereas, on July 9, 2021, the United Nations Mission in South Sudan marked 10 years in existence at a total cost of more than \$10,300,000,000, and total United States contributions are estimated to exceed \$3,300,000,000 through 2021;

Whereas the leaders of South Sudan have consistently failed to uphold their responsibilities to create the conditions for peace and prosperity, have prioritized self-preservation and corruption over the needs of the people they represent, have acted in bad faith in the implementation of cease-fire and peace agreements, and have betrayed the cause of freedom, resulting in the loss of millions of innocent lives;

Whereas South Sudan has not held an election since its independence and the current leaders of South Sudan were appointed or installed through transitional arrangements based on peace agreements;

Whereas South Sudan merits consistent high-level attention given the central role the United States played in diplomatic efforts leading to the independence of South Sudan and the enormous investments in humanitarian and other assistance the United States has provided to South Sudan; and

Whereas, on July 9, 2021, South Sudan celebrated the 10th anniversary of its independence: Now, therefore, be it

Whereas the Republic of South Sudan became the newest country in the world on July 9, 2011, following the Referendum on the Self-Determination of Southern Sudan, in

which 99 percent of Southern Sudanese voters voted in favor of secession from Sudan;

Whereas the 21-year civil war in Sudan, the longest-running conflict in Africa, caused approximately 2,000,000 deaths and mass population displacement of approximately 550,000 refugees and 4,000,000 internally displaced persons;

Whereas the United States played a significant role in supporting the resolution of Sudan's civil war, facilitating peace negotiations, serving as a guarantor to the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army signed in January 2005, and providing substantial resources for the implementation of that agreement alongside other international partners;

Whereas, on December 15, 2013, just 28 months following independence, the political power struggle between President Salva Kiir and Vice President Riek Machar, both of the Sudan People's Liberation Movement (SPLM), erupted into open conflict between ethnically allied Dinka and Nuer factions of the security services and quickly escalated into civil war;

Whereas, on August 17, 2015, after months of mediation by the Intergovernmental Authority on Development, the Agreement on the Resolution of the Conflict in the Republic of South Sudan was signed by President Kiir, Riek Machar for SPLM-In Opposition (SPLM-IO), and Pagan Amum for SPLM-Former Detainees;

Whereas the parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan demonstrated a

lack of political will for sustainable peace, delaying implementation of the agreement, and in July 2016, new clashes in Juba quickly spread, returning the country to civil war;

Whereas the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, reasserted the Parties' commitment to a permanent ceasefire, humanitarian access, and respect for human rights, and called for the establishment of a Revitalized Transitional Government of National Unity to lead South Sudan to democratic elections after 44 months;

Whereas Kiir's presidential term has been extended 3 times since South Sudan's independence, twice through amendments to the Transitional Constitution of South Sudan and most recently through an extension of the Transitional Period under the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan to 2023;

Whereas, despite years of fighting, the widespread suffering of South Sudanese civilians, punitive actions by the international community, and 2 peace agreements, the leaders of South Sudan have failed to build sustainable peace, and critical provisions of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan remain unimplemented;

Whereas the conflict in South Sudan resulted in the deaths of at least 383,000 people from December 2013 to April 2018, according to a report by the London School of Hygiene and Tropical Medicine, and caused one of the worst displacement crises in the world with 1,600,000 internally displaced persons and 2,200,000 refugees and asylum seekers in the region as of May 2021, according to the United Nations High Commissioner for Refugees;

Whereas South Sudan ranks 185th of 189 countries in the 2020 Human Development Index, performed the worst of 180 countries on the 2020 Corruption Perceptions Index, is perennially one of the most dangerous countries in which aid workers operate, received the lowest ranking in the Department of State’s Trafficking in Persons Report every year from 2015 to 2021, and has been on the Child Soldiers Prevention Act list for 10 years in a row;

Whereas the United Nations declared a “man-made” famine in parts of South Sudan in February 2017, and the United Nations Office for the Coordination of Humanitarian Affairs stated in March 2021 that “South Sudan is facing its highest levels of food insecurity and malnutrition since independence ten years ago”;

Whereas the African Union and Office of the United Nations High Commissioner for Human Rights found that parties to the conflict had committed acts that constituted war crimes, crimes against humanity, and other violations of international humanitarian law;

Whereas, in February 2021, the United Nations Commission on Human Rights in South Sudan “found that ten years after independence, staggering levels of violence continue and threaten to spiral out of control across several regions in the country”;

Whereas, in September 2021, the United Nations Deputy High Commissioner for Human Rights and the Chairperson of the United Nations Commission on Human Rights in South Sudan both reported that there were significant levels of localized violence and a marked deterioration of human rights conditions in South Sudan;

Whereas the situation in South Sudan persists while its neighbors face increasingly urgent domestic and regional issues, including a fragile political transition in Sudan, conflict in Ethiopia, and deeply flawed electoral processes and political unrest in Uganda and Somalia;

Whereas the United States has been the largest donor to South Sudan, providing more than \$1,800,000,000 in development assistance since independence and more than \$6,000,000,000 in emergency humanitarian assistance since the start of the civil war in December 2013;

Whereas, on July 9, 2021, the United Nations Mission in South Sudan marked 10 years in existence at a total cost of more than \$10,300,000,000, and total United States contributions are estimated to exceed \$3,300,000,000 through 2021;

Whereas the leaders of South Sudan have consistently failed to uphold their responsibilities to create the conditions for peace and prosperity, have prioritized self-preservation and corruption over the needs of the people they represent, have acted in bad faith in the implementation of cease-fire and peace agreements, and have betrayed the cause of freedom, resulting in the loss of millions of innocent lives;

Whereas South Sudan has not held an election since its independence and the current leaders of South Sudan were appointed or installed through transitional arrangements based on peace agreements;

Whereas South Sudan merits consistent high-level attention given the central role the United States played in diplomatic efforts leading to the independence of South Sudan and the enormous investments in humanitarian and other

*assistance the United States has provided to South Sudan;
and*

Whereas, on July 9, 2021, South Sudan celebrated the 10th anniversary of its independence: Now, therefore, be it

1 *Resolved, That the Senate—*

2 (1) reiterates the commitment of the United
3 States to helping the people of South Sudan realize
4 their aspirations of an independent, stable, democratic, and prosperous South Sudan;
5

6 (2) calls on the Secretary of State to lead a
7 comprehensive interagency process to develop a revitalized United States policy toward South Sudan
8 that—
9

10 (A) identifies a broader range of South Sudanese political and civilian stakeholders, beyond President Kiir and First Vice President Machar, with whom the United States may
11 work for the promotion of peace, democracy, development, accountability, transparency, and
12 anti-corruption efforts;
13
14
15
16

17 (B) restores United States diplomatic leadership with regard to South Sudan alongside
18 European and African partners;
19

20 (C) reflects the realities of the conflict and
21 the political context in South Sudan; and

1 ~~(D)~~ increases diplomatic efforts to urge re-
2 gional actors, particularly in Kenya and Ugan-
3 da, to investigate assets of corrupt South Suda-
4 nese elites and ensure Kenya and Uganda are
5 no longer havens for conflict- and corruption-re-
6 lated proceeds;

7 ~~(3)~~ calls on the United States Mission to the
8 United Nations—

9 ~~(A)~~ to demonstrate renewed United States
10 leadership with regard to the United Nations
11 Mission in South Sudan to orient the peace-
12 keeping mission toward increased effectiveness,
13 clarity of purpose, and eventual drawdown; and

14 ~~(B)~~ to call upon regional and international
15 actors to cooperate in enforcing the United Na-
16 tions arms embargo in South Sudan and take
17 action against those violating the embargo;

18 ~~(4)~~ calls on the Administrator of the United
19 States Agency for International Development, in co-
20 ordination with the Secretary of State—

21 ~~(A)~~ to ensure that United States assist-
22 ance adheres to the principle of “Do No Harm”
23 by pausing any funding, including humanitarian
24 aid, that is manipulated to legitimize or enrich
25 any party to the ongoing conflict;

1 (B) to review United States diplomatic en-
2 gagement and assistance to South Sudan, which
3 currently amounts to more than
4 \$1,000,000,000 in aid each year, with the goal
5 of matching the level of United States diplo-
6 matic engagement with United States assist-
7 ance; and

8 (C) to ensure that the comprehensive re-
9 view of United States assistance programs to
10 South Sudan, started in 2018 to “ensure our
11 assistance does not contribute to or prolong the
12 conflict, or facilitate predatory or corrupt be-
13 havior”, is completed and its findings pub-
14 lished; and

15 (5) urges the Secretary of the Treasury—

16 (A) to prioritize investigative actions into
17 illicit financial flows fueling violence in South
18 Sudan;

19 (B) to work with the Secretary of State to
20 add to the list of individuals and entities des-
21 ignated under the South Sudan sanctions pro-
22 gram, including individuals at the highest levels
23 of leadership in South Sudan and from within
24 the National Security Service; and

1 ~~(C) to coordinate, in cooperation with the~~
 2 ~~Secretary of State, with the United Kingdom~~
 3 ~~and the European Union on South Sudan-re-~~
 4 ~~lated sanctions designations and enforcement.~~

5 *That the Senate—*

6 *(1) reiterates the commitment of the United*
 7 *States to helping the people of South Sudan realize*
 8 *their aspirations of an independent, stable, demo-*
 9 *cratic, and prosperous South Sudan;*

10 *(2) calls on the Secretary of State to lead a com-*
 11 *prehensive interagency process to develop a revitalized*
 12 *United States policy toward South Sudan that—*

13 *(A) restores United States diplomatic lead-*
 14 *ership with regard to South Sudan alongside*
 15 *European and African partners;*

16 *(B) advances United States policy goals for*
 17 *South Sudan and the Horn of Africa and estab-*
 18 *lishes a plan to support a peaceful, prosperous*
 19 *South Sudan;*

20 *(C) identifies South Sudanese political and*
 21 *civilian stakeholders, beyond President Kiir and*
 22 *First Vice President Machar, with whom the*
 23 *United States may work for the promotion of*
 24 *peace, democracy, development, accountability,*
 25 *transparency, and anti-corruption efforts;*

1 (D) increases diplomatic efforts to urge re-
 2 gional actors, particularly in Kenya and Ugan-
 3 da, to investigate assets of corrupt South Suda-
 4 nese elites and ensure Kenya and Uganda are no
 5 longer havens for conflict- and corruption-related
 6 proceeds; and

7 (E) ensures that United States diplomatic
 8 engagement is commensurate with the level of as-
 9 sistance the United States provides to South
 10 Sudan, which currently amounts to more than
 11 \$1,000,000,000 in aid each year;

12 (3) calls on the United States Mission to the
 13 United Nations—

14 (A) to take steps to ensure increased effec-
 15 tiveness of the United Nations Mission in South
 16 Sudan; and

17 (B) to call upon regional and international
 18 actors to cooperate in enforcing the United Na-
 19 tions arms embargo in South Sudan and take
 20 action against those violating the embargo;

21 (4) calls on the Administrator of the United
 22 States Agency for International Development, in co-
 23 ordination with the Secretary of State—

24 (A) to ensure that United States assistance
 25 adheres to the principle of “Do No Harm” by

1 *pausing any funding, including humanitarian*
2 *aid, that is found to enrich any party to the on-*
3 *going conflict; and*

4 *(B) to ensure that the comprehensive review*
5 *of United States assistance programs to South*
6 *Sudan, started in 2018 to “ensure our assistance*
7 *does not contribute to or prolong the conflict, or*
8 *facilitate predatory or corrupt behavior”, is com-*
9 *pleted and its findings publicized; and*

10 *(5) urges the Secretary of the Treasury—*

11 *(A) to prioritize investigations into illicit*
12 *financial flows fueling violence in South Sudan;*

13 *(B) to work with the Secretary of State to*
14 *update, on a regular basis, the list of individuals*
15 *and entities designated under the South Sudan*
16 *sanctions program, including individuals at the*
17 *highest levels of leadership in South Sudan and*
18 *from within the National Security Service; and*

19 *(C) to coordinate, in cooperation with the*
20 *Secretary of State, with the United Kingdom*
21 *and the European Union on South Sudan-re-*
22 *lated sanctions designations and enforcement.*

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RESOLUTION

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OCTOBER 28, 2021

Reported with an amendment and an amendment to the
preamble