

**ASSESSING THE LEGALITY OF UGANDA'S MILITARY INTERVENTIONS ON  
REGIONAL PEACE AND SECURITY AGENDA: THE CASE OF SOUTH SUDAN**

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**UGANDA CHRISTIAN  
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### DECLARATION

I **JAME DAVID KOLOK**, do hereby declare that this dissertation has been carried out in accordance with the requirements of the Uganda Christian University's regulations and code of practice for research degree programs and that it has not been submitted for any other academic award.

Signature.....



Date: 21<sup>st</sup>/05/2025

## APPROVAL

This dissertation has been submitted for examination with my approval as  
University Supervisor

Associate Professor George W.K.L Kasozi

Sign.  ..... Date 21<sup>st</sup> May 2025 .....

## DEDICATION

I dedicate this study first and foremost to my family especially my wife Juru Susan and children Joshua Kolok Jame, Joel Loborong Jame and Jethro Mugenda Jame for their tireless support and prayers for the success of my studies. Secondly, I dedicate this work to the people of South Sudan and particularly my colleagues with whom we were forced to leave South Sudan to exile due to our human rights activism. Finally, it has been a great and profound honour to have been taught and supervised by professor George W.K.L Kasozi in whose wisdom I was able to learn and expand on my knowledge in law but most importantly on human rights issues. I'm thankful to God for the mercy and blessings through out the four years of my law school at the prestigious Uganda Christian University.

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## LIST OF ABBREVIATIONS

AMISOM:	African Union Mission in Somalia
AU:	African Union
AUPSA:	African Union Peace and Security Architecture
AUPSC:	African Union Peace and Security Council
CAR:	Central African Republic
CDF:	Chief of Defence Forces
DRC:	Democratic Republic of Congo
EAC:	East African Community
EASF:	East African Standby Force
IGAD:	Inter-Governmental Authority on Development
IHL:	International Humanitarian Law
IHRL:	International Human Rights Law
IRC:	International Rescue Committee
LRA:	Lord's Resistance Army
MOU:	Memorandum of Understanding
NATO:	North Atlantic Treaty Organization
OAU:	Organization of African Unity
R2P:	Responsibility to Protect

R-ARCISS: Revitalised Agreement on the Resolutions of Conflict in the Republic of South Sudan.

R-JEMEC: Revitalised Joint Monitoring and Evaluation Commission

RSF: Rapid Support Forces

SADC: South African Development Community

SPLM: Sudan People’s Liberation Movement

SPLM-IO: Sudan People’s Liberation Movement in Opposition

SSPDF: South Sudan People’s Defence Forces

SSTNLA: South Sudan Transitional National Legislative Assembly.

UNSC: United Nations Security Council

UPDF: Uganda People’s Defence Forces

## ABSTRACT

This study focused on assessing the legality of Uganda's military intervention on the regional peace and security agenda. Considering the recent UPDF intervention in South Sudan, the researcher was particularly interested in using South Sudan as a case study. The researcher developed a framework through which the assessment can be conducted. Most importantly, the study started by unpacking similar interventions across the region and internationally looking at the legal and non-legal motivation for such interventions. This framework was then subjected to analysis through the Lens of Uganda's recent intervention in South Sudan while consistently looking at whether this intervention met domestic, regional and international legal and non legal requirements governing military interventions. A thorough assessment is then made bringing out the impact of this intervention on number of thematic areas. Notably, implication on human rights, financial implications, political implications and legal implications. Finally, the key findings of the study, conclusions and recommendations were added to the last chapter.

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## CHAPTER ONE

### 1.0 Introduction

The concept of Military Intervention has been defined differently depending on the circumstances and interest of who is defining it. Nonetheless, these definitions have always focused on the reasons of the intervention more than it is on the terminology 'military intervention'. Before focusing on the reasons, it is important to make reference to some of the institutional definition of the same. The United States Holocaust Memorial Museum defines Military intervention as a deliberate act of a particular country or group of nations to introduce its military against the wish of the country facing intervention.<sup>1</sup> This definition acknowledges two things. First, that military intervention quite often comes with controversies and second, that it is not confined to group of nations but even individual countries can intervene across its borders. So many reasons have been advanced to justify military intervention among which include, restoration of peace and stability, enforcement of peace, securing humanitarian corridors and securing protection of civilians whose government can no longer guarantee security to its citizens among others.<sup>2</sup> Cognisant of the definition and the reasons for military interventions herein, this study focused on assessing the extent to which such interventions conform with domestic, regional and international standards. In order to make a broader understanding of the topic, the researcher was particularly interested in assessing the legality of Uganda's interventions in some countries within the region but most importantly looking at the recent intervention in South Sudan as a case study.<sup>3</sup>

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<sup>1</sup> Definition according to the United States Holocaust Memorial Museum

<sup>2</sup> All the reasons provided above have been stated in interventions such as in Libya, Heiti and Iraq.

<sup>3</sup> Uganda's most recent military intervention in South Sudan was in March 2025

## 1.1 Background of the Study

The Notion of promoting International, Regional and Domestic Peace and Security has become the face of military interventions across many parts of the world. The last two decades have witnessed increased military incursions; some of which have either been unilateral such as the Rwanda's alleged incursion into Democratic Republic of Congo (DRC)<sup>4</sup> or collectively sanctioned by the United Nations Security Council in the name of regional or international peace keeping force like the Kenyan led mission to Heiti.<sup>5</sup>

Evidence indicates that some of the major world powers have dominated statistics on military interventions. This has mostly been influenced by the so-called foreign policy interest, counter terrorism and a quest to maintain historical or colonial ties in Africa; in the case of countries like United Kingdom and France.<sup>6</sup> By 2023 for example, the United states is said to have conducted more than 400 foreign military interventions in Asia, the Middle East and Africa.<sup>7</sup> Nonetheless, some of these military interventions became unpopular, due to human rights violations committed by U.S forces against civilians and or enemy combatants.<sup>8</sup> Similar incursions have

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<sup>4</sup>Rwandan defence forces incursion into DRC, authorities say: Available at <https://www.africanews.com/2023/10/24/rwandan-defense-forces-incursion-into-drc-authorities-say/> (accessed on 24, March, 2025)

<sup>5</sup> VOA (2025), 200 Kenyan police officers arrive at UN mission in Haiti: Available at <https://www.voanews.com/a/kenyan-police-officers-arrive-at-un-mission-in-haiti/7966157.html> (Accessed on 7th April, 2025)

<sup>6</sup> Faye M (2023), Why does France have military bases in Africa? *BBC Publication* Please see <https://www.bbc.com/news/world-africa-67278027> (Accessed on 7th April 2025)

<sup>7</sup> Heather S (2023), U.S. Foreign Policy Increasingly Relies on Military Interventions: *Tufts publication*: Available at, <https://now.tufts.edu/2023/10/16/us-foreign-policy-increasingly-relies-military-interventions> (Accessed on 10th of April, 2025)

<sup>8</sup> Amnesty International, (2023) Iraq: 20 years since the US-led coalition invaded Iraq, impunity reigns supreme: <https://www.amnesty.org/en/latest/news/2023/03/iraq-20-years-since-the-us-led-coalition-invaded-iraq-impunity-reigns-supreme/> (Accessed on 17th, April, 2025)

been conducted by the United Kingdom (U.K.) in countries like Sierra Leone<sup>9</sup> and by France in the Sahel.<sup>10</sup> Today countries such as Mali, Burkina Faso and Niger have severed military and diplomatic ties with France accusing their former colonial master of subversive activities and violating their sovereignty.<sup>11</sup> As stated above, Africa has equally developed military architecture aimed at building regional alliances for the promotion of regional peace and security. In west Africa for example, the Economic Community of the West African States (ECOWAS) intervened in the conflict between former president Yahya Jammeh and the current president Adama Barrow over disputed elections in the Gambia.<sup>12</sup> The East African Community (EAC), with the help of the Eastern African Standby Force (EASF),<sup>13</sup> also intervened in the conflict in the Democratic Republic of Congo,<sup>14</sup> while Southern Africa, through the Southern African Development Community (SADC), did the same on the invitation of President Felix Tshsekedi of DRC.<sup>15</sup> Whereas these interventions may appear to

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<sup>9</sup> Iron Richard, (2023), Rapid Intervention and Conflict Resolution: British Military Intervention in Sierra Leone 2000-2002: available at <https://researchcentre.army.gov.au/library/occasional-papers/rapid-intervention-and-conflict-resolution-british-military-intervention-sierra-leone-2000-2002> (Accessed on 14th April, 2025)

<sup>10</sup> French military interventions in the Sahel: please see here: [https://www.ugent.be/ps/politiekwetenschappen/gies/en/research/publications/honours\\_paper/academic-year-2023-2024/french-military-interventions-in-the-sahel](https://www.ugent.be/ps/politiekwetenschappen/gies/en/research/publications/honours_paper/academic-year-2023-2024/french-military-interventions-in-the-sahel) (accessed on 24, March, 2025)

<sup>11</sup> 'Time to move on': France faces gradual decline of influence in Africa: Available at <https://www.france24.com/en/africa/20250102-france-faces-gradual-decline-of-influence-in-africa>

<sup>12</sup> Christoff Hartmann (2017): *ECOWAS and the Restoration of Democracy in The Gambia*: Vol. 52, No. 1 (2017), pp. 85-99. Available at <https://www.jstor.org/stable/44982223?seq=1> (accessed on 4 March, 2025)

<sup>13</sup> The East African Standby Force is a regional force established to promote regional peace and security. <https://www.easfcom.org/index.php/en/about-easf>. (accessed on 14<sup>th</sup> May 2025)

<sup>14</sup> East African Community Regional Force (EACRF): available at <https://www.eac.int/eac-regional-force> (accessed 24, March, 2025)

<sup>15</sup> SADC (2004) Deployment of SADC mission in the Democratic Republic of Congo: Available at <https://www.sadc.int/latest-news/deployment-sadc-mission-democratic-republic-congo> (Accessed on 28th April, 2025)

have galvanised unity among African countries, there are several African states that have circumvented such arrangements and independently choose to enter bi-lateral military arrangements with other countries. Uganda for example, has played a significant role in enhancing peace and security in Somalia.<sup>16</sup> Though on the surface the African Mission in Somalia (AMISOM) appears as the umbrella for Uganda's involvement, critical negotiations in support of this mission have been mostly negotiated by Uganda in advancement of United States foreign policy on counter terrorism.

It is against this background that further interrogation may be required to understand the reasons behind these military interventions and particularly looking at why Uganda seems to be at the centre stage of most of these interventions in the region.

## **1.2 The Statement of the Problem.**

Uganda has had a long history of regional military interventions - some of which date back to the early 1990's or beyond. These interventions have either been bi-laterality arranged, unilaterally sanctioned or through regional and international arrangements.<sup>17</sup> Through the years Uganda has found itself in several controversies some of which have attracted legal action and compelling Uganda to pay millions of dollars in form of reparations.<sup>18</sup> The countries that have shared in the wrath of such interventions include, Democratic Republic of Congo, Central African Republic

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<sup>16</sup> See, Michelle Miller, US Africa Command, May 06, 2016,> <https://www.africom.mil/article/28127/uganda-provides-support-to-amisom-in-somalia>< (Accessed April, 6, 2025)

<sup>17</sup> Please refer to the U.S Department of State notes on U.S Relations with Uganda available <https://www.state.gov/u-s-relations-with-uganda/> (accessed on 12<sup>th</sup> May 2025)

<sup>18</sup> Please refer to Congo v Uganda Case, ICJ, GL, No 116 of 2022

(CAR), Somalia and South Sudan among others. Evidence suggests that Uganda's military incursion in South Sudan dates back to the time of the liberation struggle between the Sudan People's Liberation Movement (SPLM) and the government of the Sudan.<sup>19</sup> Despite South Sudan gaining independence in 2011, Juba military architecture has continued to be nurtured by Uganda. The relationship between Uganda and South Sudan has undoubtedly been compounded by the continuous use of the national army (the UPDF) to protect the government of president Salva Kiir.<sup>20</sup> In 2013 shortly after the outbreak of the conflict between the president and his former deputy Riek Machar, the UPDF deployed its military arsenal in total disregard of parliamentary approval to hold Pro-Machar forces and white army on the verge of marching to Juba to overthrow the government of President Kiir.<sup>21</sup> In 2016, Uganda equally provided support as the government in Juba struggled with yet another resurgence of violence.<sup>22</sup> Nearly nine years later, Uganda has once again deployed in South Sudan in what the Uganda Chief of Defence Forces (CDF) referred to as a mission to secure Juba as tension between president Kiir and Dr. Riek Machar spiralled.<sup>23</sup>

Since the outbreak of the conflict in 2013 and several peace accords signed, the country has struggle to gain traction on peace and stability. Amidst these interventions, South Sudan security has remained volatile. Several human rights

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<sup>19</sup> Accord, (2015), South Sudan – Uganda Relations: Available on line <https://www.accord.org.za/conflict-trends/south-sudan-uganda-relations/> (Accessed on 2<sup>nd</sup> of May 2025)

<sup>20</sup> Ibid

<sup>21</sup> Bagala Andrew (2025), South Sudan's VP Machar says Uganda is violating arms embargo: *Monitor newspaper*: <https://www.monitor.co.ug/uganda/news/national/south-sudan-s-vp-machar-says-uganda-is-violating-arms-embargo-4978374> (Accessed on 7<sup>th</sup> of May 2025)

<sup>22</sup> Uganda entered South Sudan under a defense corporation agreement with South Sudan

<sup>23</sup> Uganda deploys troops in South Sudan as civil war fears grow: *Aljazeera news* <https://www.aljazeera.com/news/2025/3/11/uganda-deploys-troops-in-south-sudan-as-civil-war-fears-grow> (Accessed on 5<sup>th</sup> March, 2025)

reports have accused the government of South Sudan of impunity characterised by indiscriminate attacks against civilians, summary executions, rape, and arbitrary arrest of political opponents among others.<sup>24</sup> The UPDF has equally added to the list of these human rights violations. Recent reports indicate that Uganda in addition to violating an active arms embargo on South Sudan has also executed military strikes against civilian targets and most unfortunately used prohibited chemical incendiary weapons in breach of International Humanitarian Law (IHL).<sup>25</sup>

It is against this background that this study was commissioned to investigate why amidst years of what appeared to be blatant violations of domestic and international laws governing military interventions, the UPDF has continued to militarily interfere in South Sudan internal affairs and what implication if any has can be drawn from these interventions.

### **1.3 OBJECTIVES OF THE STUDY**

#### **1.3.1 Overall objectives**

To assess the legality of Uganda's military intervention on regional peace and security agenda.

#### **1.3.2 Specific objectives**

1. To ascertain whether the military interventions meet Domestic, Regional and International legal standards.

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<sup>24</sup> Deng Machol (2023) A UN rights commission accuses South Sudan of violations more than a year before the next election: Available on <https://apnews.com/article/south-sudan-elections-human-rights-un-commission-a4360d72bbbb9ea572d587094323a51e> (Accessed on 7th of May, 2025)

<sup>25</sup> Lovell J (2025), Chemical Weapons Attack in South Sudan Condemned by *World Without War*: Available at <https://www.globenewswire.com/news-release/2025/03/24/3048082/0/en/Chemical-Weapons-Attack-in-South-Sudan-Condemned-by-World-Without-War.html> (Accessed on 12<sup>th</sup> of May 2025)

2. To discover the impact of such intervention on peace and stability in South Sudan and the Region
3. To understand the implications of such interventions on Uganda as a country.

#### **1.4 Research questions**

1.4.1 what is the motivation behind Uganda's persistent military intervention in South Sudan?

1.4.2 what benefits if any does Uganda gain from such military interventions?

1.4.3 why is the region and the international community silent on Uganda's interventions in South Sudan?

#### **1.5 Significance of the Study**

Military interventions have become common and yet the outcome of such interventions have generated controversies. Quite often the justification for such incursions cites good reasons such as maintenance of peace and security, securing humanitarian corridors, enforcing peace and or ensuring the protection of human rights. Amidst such intentions, intervening countries have ended up being accused of becoming complicit in acts that are against the very reasons given for such interventions. This study is significant as it intends to answer the question of why such interventions are becoming persistent and whether or not there are any benefits accrued by Uganda in the numerous interventions it has been associated with it.

## **1.6 SCOPE OF THE STUDY.**

### **1.6.1 Time Scope**

Uganda has continuously intervened in South Sudan since the time of the SPLM Liberation struggle<sup>26</sup> however for purposes of this study, the researcher focused on assessing the legality of the most recent interventions that the UPDF has undertaken in South Sudan thus, the January 2014 and the March 2025 military interventions. it will be interesting to note that both interventions are aimed at protecting the government of president Salva Kiir against his political rival Dr. Riek Machar.

### **1.6.2 Geographical Scope**

Considering the study was looking at Uganda's intervention in South Sudan, the researcher focused on understanding the nexus of such intervention between Uganda and South Sudan.

## **1.7 LITERATURE REVIEW**

### **1.7.1 Introduction**

This segment provides a broader review of existing literature that is considered relevant to the topic under study. In the review, the researcher looked at aspects of domestic and international legal frameworks envisioned to govern issues related to military intervention and how these standards have been applied in some of the military interventions around the world, the impact of these interventions on these countries and as well as on the country under intervention. The literature discussed here shall later be used as a yardstick in assessing Uganda's conformity with the

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<sup>26</sup> The SPLM liberation struggle started way back in 1983 and ended with signing of a compressive Peace Agreement between SPLM and the Sudan government in 2005

different instruments governing military intervention as it has been laid down in chapter three.

### **1.7.2 Domestic and International Legal Standards for Military Interventions.**

The legal threshold for military intervention remains controversial regardless of whether it is intervention by invitation,<sup>27</sup> in pursuit of self defence or on humanitarian grounds. Nonetheless, scholars have agreed that military incursions must adhere to international rules. Allain<sup>28</sup> for example argued that, the scope of the United Nations Charter, remains the guiding framework for use of force by or against UN member states.<sup>29</sup> While it is true that interventions sanctioned by the United Nations Security Council constitute conformity with international legal requirements, Allain's argument seems to have focused on approvals for intervention more than looking beyond some of the violations behind such approved military interventions. Evidence suggests that several UN sanctioned military interventions and peacekeeping missions end up violating the rights of the very people they have gone to salvage. For example, during the invasion of Iraq, the Human Rights Watch (HRW) accused the United States and its allies of orchestrating unnecessary civilians' death.<sup>30</sup> It was estimated that both U.S and U.K used more than 13,000 cluster munition on civilian populated areas in flagrant violation of International

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<sup>27</sup> Laura V (2019), May the Force Be with You: The Legal Classification of Intervention by Invitation: *Volume 66 @ pp. 21-45*. available at <https://link.springer.com/article/10.1007/s40802-019-00133-7> (Accessed on 14<sup>th</sup> of May, 2025)

<sup>28</sup> Jean Allain, (2004), The True Challenge to the United Nations Systems of the Use of Force: The Failures of Kosovo and Iraq and the Emergence of African Union. Max Planck UNYB, p.57

<sup>29</sup> The United Nations Charter prohibits the use of force but provides exceptions of self -defense under article 51

<sup>30</sup> Human Rights Watch on U.S military action in Iraq available at <https://www.hrw.org/legacy/campaigns/iraq/us-military-action.htm>

Humanitarian law.<sup>31</sup> UN peace keepers have also been accused of sexual abuse and rape in countries such as Central African Republic<sup>32</sup> and Haiti.<sup>33</sup>

It is therefore important to discover why intervening forces contravene the very laws that give them such a mandate. Similarly, the importance of conforming to legal requirement during war times has equally been discussed by Ehrlich .<sup>34</sup> He quoted the then U.S secretary of state Willaim Rogers, ‘... when crises occur in any area of the world, those who directly involve should be careful to ensure that the legal implications are not overlooked.’<sup>35</sup> To the contrary however, countries continue to squander such noble recommendations. There are reasonable grounds to believe that intervening states have not only violated their own domestic laws but also engaged in extra judicial acts in the countries they intervene. For example, Uganda has severally been accused of unilateral deployment of forces in foreign countries without securing approval from parliament as required by law.<sup>36</sup>

Similarly, Rwanda in support of the M23 rebels has been accused of plundering Congo’s mineral resources with support from the European Union even when the country is said to have entered DRC illegally.<sup>37</sup> These evidences affirmed that, the

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<sup>31</sup> Ibid

<sup>32</sup> Fresh allegations of sexual abuse made against UN peacekeepers in Central African Republic: please check <https://africarenewal.un.org/en> (Accessed on 18<sup>th</sup> of May 2025)

<sup>33</sup> Wheeler S. (2020), UN Peacekeeping has a Sexual Abuse Problem: *Human Right Watch*. Available at <https://www.hrw.org/news/2020/01/11/un-peacekeeping-has-sexual-abuse-problem>

<sup>34</sup> Thomas Ehrlich, (1975), "The Legal Process in Foreign Affairs: Military Intervention -- A Testing Case" (1975). *Articles by Maurer Faculty*. 1794, p. 257

<sup>36</sup> John F Clark (2001), Explaining Ugandan Intervention in Congo: Evidence and Interpretation. *The Journal of modern African Studies*, page 161-287: Available on line <https://www.jstor.org/stable/3557264> (Accessed on 16<sup>th</sup> May, 2025)

<sup>37</sup> Aurore Bonny (2024). Congo's president accuses Rwanda of looting with EU support President Felix Tshisekedi criticizes Rwanda's mining agreement with EU: <https://www.aa.com.tr/en/africa/congos-president-accuses-rwanda-of-looting-with-eu-support/3145624>(Accessed on 11<sup>th</sup> May, 2025)

presence of legal requirements governing military interventions may not necessarily guarantee respect of the law. It is on this bases that a study such as this should establish whether or not countries conceal the actual reasons to justify foreign military interventions.

### **1.7.3 The Impact of Military Interventions to Peace and Stability.**

Several positive reasons have been advanced to justify foreign military interventions across the world. Most importantly, interventions in support of humanitarian actions have always gained support even at the UN Security Council. One such intervention was the 1998 North Atlantic Treaty Organization's (NATO) humanitarian military intervention in Kosovo. The halting of horrendous crimes against humanity, massive expulsions and war crimes was particularly welcomed.<sup>38</sup> Similar intervention has also been conducted in Libya under the pretext of Responsibility to Protect<sup>39</sup> and in the fight against international terrorism such as the U.S actions in Somalia<sup>40</sup> and or to avert continued threats of genocide in the case of Rwanda intervention in DRC.<sup>41</sup> Undoubtedly and without religiously unpacking these reasons, one would be tempted to believe that military interventions (especially on humanitarian grounds) are necessary for upholding human rights. Nonetheless, controversies have surfaced as

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<sup>38</sup> Louis Henkin (1999), Kosovo and the Law of "Humanitarian Intervention" *The American Journal of International Law*, vol 92, No 4, p. 824-828. Available online <https://www.jstor.org/stable/2555346>

<sup>39</sup> Green Mathew (1999), To what Extend was the NATO intervention in Libya a Humanitarian Intervention?: Available online at <https://www.e-ir.info/2019/02/06/to-what-extend-was-the-nato-intervention-in-libya-a-humanitarian-intervention/> (Accessed on 12<sup>th</sup> May, 2025)

<sup>40</sup> Hassan Olad (2025), Somali officials: US airstrike against Islamic State kills 16 militants: VOA <https://www.voanews.com/a/somali-officials-us-airstrike-against-islamic-state-kills-16-militants/7977846.html> (Accessed on 4<sup>th</sup> of April, 2025)

<sup>41</sup> Christopher P. Davey (2024) Rwanda genocide: 30 years on, why Tutsis are at the centre of DR Congo's conflict: *The Conversation* <https://theconversation.com/rwanda-genocide-30-years-on-why-tutsis-are-at-the-centre-of-dr-congos-conflict-226457> (accessed on 8<sup>th</sup> April, 2025)

to whether some of these humanitarian interventions are indeed humanitarian enough.

According to Rakiya and De Waal,<sup>42</sup> humanitarian interventions are by nature detrimental to the notion of sovereign states as it comes with more humanitarian, political and military crises<sup>43</sup>. Evidence suggests that the purported humanitarian intervention in Libya may have created more instability than when president Muammar Gaddafi was in power. Chivvis,<sup>44</sup> argues that while the aim of the intervention was to stop Gaddafi from slaughtering his own citizens and avert the sentiments of Jihadism, the intervention produced significant ripple in the region.<sup>45</sup> One of the ripples cited by Chivvis, is the usage of Libya's territory as a transit ground for weapons to the Sudan. The Middle East Eye for example reported that, the Libyan General Khalifa Haftar has become a source of military supply to the Rapid Support Forces (RSF); a paramilitary group currently fighting in the Sudan.<sup>46</sup> Indeed, one would presume that the very weapons coming from Libya may have been used in what U.S regarded as genocide orchestrated by the Rapid Support Forces (RSF) in Darfur.<sup>47</sup> It is true that military interventions no matter the good intentions may have a destabilizing effect and may worsen the already volatile situation in the country. Uganda's intervention in South Sudan may not be an exception either. The

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<sup>42</sup> Omaar Rakiya and De Waal (1994), Can Military Intervention be 'Humanitarian'? <https://merip.org/1994/03/can-military-intervention-be-humanitarian/> (accessed on 10<sup>th</sup> May 2025)

<sup>43</sup> Ibid

<sup>44</sup> RAND's Christopher S. Chivvis (2014): Libya: A Good, but not Model Intervention. Available on line <https://warontherocks.com/2014/04/libya-a-good-but-not-model-intervention/> (Accessed 26-03-2025)

<sup>45</sup> Ibid

<sup>46</sup> Elsaidi Samira, (2023), Libya's Haftar 'rerouting' supplies to Sudan's Rapid Support Forces: please here <https://www.middleeasteye.net/news/libya-sudan-haftar-rsf-supply-lines> (Accessed on 17<sup>th</sup> of April 2025)

<sup>47</sup> Mat N (2025), US accuses RSF of genocide, hurting the group's drive for legitimacy: Available at Aljazeera website <https://www.aljazeera.com/news/2025/1/10/sudan-rsf-tried-to-polish-its-image-but-its-crimes-are-being-recognised> (accessed 6<sup>th</sup> of April 2025)

trend currently been shown by the consequences of NATO intervention in Libya may equally replicate itself in South Sudan and may cause far reaching peace and security ramifications in the region. This study is therefore intended to provide an early warning should there be a strategic mistake like the one done by NATO in Libya.

#### **1.7.4 The Implication of Military Interventions to the Host and the Intervening Countries.**

Military interventions have always been costly ventures both to the county under intervention and to the intervening countries. The cost often varies depending on factors such as the purpose of the intervention, manner of intervention (unilateral or by invitation) and the duration of such intervention among others. Either way countries had to spend million of dollars to finance such wars, bear the human cost accessioned by death of civilians and military officers or even the destructive of civilian objects.

According to Glaser , the United States has been the leading country in terms of financing oversea military interventions, since 1990, the U.S is said to have spent more than \$15 trillion dollars exceeding many other countries by far.<sup>48</sup> However, according Azam and Thelen , the increasing expenditure on such interventions have proved to be successful in confronting the challenges of global terrorism.<sup>49</sup> He further argued that in 1998 president Obama easily sailed through congress to secure approval of 83 billion dollars for the fight against Al Qaeda in Iraq and Afghanistan.<sup>50</sup>

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<sup>48</sup> John Glaser, (2017), Excessive US Military Interventions Come with a Cost: *Foundation for Economic Education* Available at <https://fee.org/articles/excessive-us-military-interventions-come-with-a-cost/> (Accessed 12<sup>th</sup> of March, 2025)

<sup>49</sup> Jean P. Azam and Veronique Thelen, (2014) The Geo-Politics of Foreign Aid and Transnational Terrorism: <https://shs.cairn.info/revue-d-economie-du-developpement-2014-HS01-page-263?lang=fr> (Accessed on 20<sup>th</sup> of March, 2025)

<sup>50</sup> Ibid

Nonetheless, and regardless of how much money is spent in funding military interventions, diplomatic and peaceful resolutions of conflict may prove even more effective. The United Nations has acknowledged that the future of Afghanistan currently under the Taliban depends more on diplomatic engagement with the international community than on military confrontations.<sup>51</sup> The human cost of military intervention has probably become even more alarming especially to military officers. There are incidences which indicate that so many soldiers have died in military combats - some of which would have been avoided. According to Al Jazeera, the Uganda mission to Somalia comes with heavy cost. In 2023 for example, Uganda lost 54 soldiers in a single attack by Al-Shabab on a military base housing African Union Peace Keepers in Somalia.<sup>52</sup> In addition to the human cost, the aspect of insecurity created by these interventions cannot be overemphasised.

Whereas, there has been little study in this area, this study seeks to understand whether military intervention hundreds of miles away are worthwhile if the ultimate outcome is terrorist attacks in the capital cities of the intervening states. In December 2023, an Allied Defence Forces (ADF) suspected terror attack killed five civilians in revenge against UPDF attacks on their positions in DR of Congo,<sup>53</sup> while in 2013, Al Shabaab was said to have attacked a supermarket known as Westgate in

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<sup>51</sup> United Nations (2022), Afghanistan's Future Depends on Taliban's Engagement with World, But Restrictions on Women Signal Lack of International Commitments, Briefer Warns Security Council: <https://press.un.org/en/2022/sc15038.doc.htm> (Accessed on 8<sup>th</sup> of March 2025)

<sup>52</sup> Aljazeera (2023), Al-Shabab killed 54 Ugandan soldiers in Somalia, says Museveni: <https://www.aljazeera.com/news/2023/6/4/al-shabab-killed-54-ugandan-soldiers-in-somalia-says-museveni> (accessed on 14<sup>th</sup> of March 2023)

<sup>53</sup> Aljazeera (2021) Uganda's capital Kampala hit by deadly suicide bombings: <https://www.aljazeera.com/news/2021/11/16/ganda> (Accessed on 26<sup>th</sup> of April, 2025)

Nairobi killing several Kenyans.<sup>54</sup> Another implication to military intervention relate to the financial burden required to support such engagement. The monitor newspaper reported that since 2021, Uganda has spent more than 400 billion shillings on military operations in Eastern Democratic Republic of Congo. It is however not clear as to whether countries formally invited to provide military support incur similar cost as discussed by the literature. This study is exactly aimed at addressing such dilemmas.

## **1.8 THE METHODOLOGY.**

### **1.8.1 Methods and Data Collection Tools**

This study was entirely base on desktop research (secondary data) and adopted a qualitative method of study. The Researcher consulted numerous sources that include books, Journals, newspapers articles and website that were considered relevant to provide the needed information. In seeking to answer the research questions, the study adopted an appropriate research framework that conforms with the topic of study and provide guiding framework for the interrogation of the independent and dependent variables highlighted in the topic under study.

### **1.8.2 The Research Framework**

There are mostly two known research frameworks being applied to interrogate research question (s). These include, theoretical and conceptual research framework. A theoretical framework provides a platform for the review of theories that then gives a roadmap for generating the arguments required to support one's

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<sup>54</sup> Jewel Kiruingi, (2023), Kenya's Westgate shopping mall siege: How a survivor has healed 21 September 2023: <https://www.bbc.com/news/world-africa-66815367> (Accessed on 5<sup>th</sup> of April, 2025)

own work.<sup>55</sup> Meanwhile a conceptual framework demonstrates the anticipated relationship between the variables being studied. It helps the researcher to define both the overall and specific objectives of the study and help guide how these objectives can be amalgamated to draw the required outcome.<sup>56</sup>

Cognisant of the definition above and considering that the topic under study focused on contemporary issues of military intervention other than theories of war, it would be appropriate that this study adopts a conceptual research framework. The choice of this framework is also informed by its appropriateness especially in the study of topics that look at the relationships between different variables. Indeed, as suggested by the topic, the researcher was interested in assessing the legality of military intervention (independent variable) on regional peace and security agenda (dependent variable)

### **1.8.3 Limitation of the Study**

This research mostly has two limitations. Considering that it is based on secondary data, the study is being constrained on some information that would have been easily accessed when the researcher was to be on the ground. Secondly, this study is deeply informed by human rights considerations which mean, secondary data collection may not provide all the required information especially those related to personal experiences by people affected by such interventions.

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<sup>55</sup> What Is a Theoretical Framework? | Guide to Organizing: <https://www.scribbr.com/dissertation/theoretical-framework/> (accessed on 28<sup>th</sup> of March, 2025)

<sup>56</sup> Ibid

#### **1.8.4 Chapter Synopsis**

This research shall consist of four chapters;

Chapter one contains the introduction, background of the study, statement of the problem, objectives of the study, research questions, significance of the study, scope of the study, literature review, the methodology, study limitations and the chapter synopsis.

Chapter Two contains the highlights of the legal and non legal framework governing military intervention at the National, Regional and International level.

Chapter Three contains the analysis of the legality of military intervention on Uganda, South Sudan and the region. this chapter drew evidence from the existing literature and most importantly provides a coherent thematic analysis on Uganda's conformity with national and international legal standards, the impact of such intervention on peace and stability in the region and how such intervention impacts on South Sudan

Chapter Four contained the key Findings, Recommendation and Conclusions.

## CHAPTER TWO

### **2.0 The Legal and Non-Legal Framework for Military Intervention.**

#### **2.1 Introduction.**

This chapter focuses on highlighting the existing legal and non legal frameworks governing military intervention as provided by National, Regional and International legal instruments. Considering that the study is focusing on Uganda's military intervention, the researcher has focused on relevant frameworks under which Uganda has a responsibility to uphold while engaging in military missions either as an individual state or collectively with others. Notably, the chapter looks at the existing legal frameworks under the laws of Uganda, the region and at the international level. Considering that military intervention is not only a legal issue, the chapter shall transition to look at non legal issues (political, economic and social) that are considered important in motivating Uganda's military intervention in the Republic of South Sudan. A detailed analysis is then provided under Chapter three (3) aimed at evaluating whether or not Uganda has conformed to the legal and non-legal requirements for military intervention.

#### **2.2 The Uganda (Domestic) Legal Framework Governing Military Intervention.**

The Uganda's domestic legal framework governing issues of military intervention is the Constitution of the Republic of Uganda 1995 and the Uganda People's Defence Force Act.<sup>57</sup> The UPDF is the only force mandated by the Constitution to preserve and defend the sovereignty and the territorial integrity of Uganda.<sup>58</sup> From the face of it, one would perceive that this provision only grants this mandate to be exercised

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<sup>57</sup> UPDF Act, 2005

<sup>58</sup> Article 209 (a) of the 1995 constitution of the Republic of Uganda.

within the territory of Uganda however the same constitution seems to acknowledge that there are instances where the UPDF shall be deployed to perform certain military functions beyond the borders of Uganda. These functions are only for the purposes of peace keeping and peace enforcement.<sup>59</sup> In order for such deployment to be lawful, it must be regulated by the Parliament of the Republic of Uganda.<sup>60</sup> Henceforth, it is the obligation of the Ministry of Defence to ensure that the UPDF does not intervene in the internal affairs of another country without the knowledge and approval of the People's Representatives. This requirement may only be waived, in a situation where a peacekeeping deployment is made at the time when the parliament is on recess.<sup>61</sup> The law requires that where a deployment has been made during a recess, the speaker shall summon the parliament to ratify such a deployment within 21 days from the date of the deployment.<sup>62</sup> It is interesting to note that the law seems to only provide an exception to unauthorized deployment in a situation where the parliament is not in active session. In retrospect, no deployment shall be undertaken where the parliament is active and has not been on recess. Secondly, any military intervention is expected to take into account the sovereign right of the state under intervention. There are mostly three conditions to qualify military intervention as lawful. First, such intervention must happen under a formal invitation by a legitimate authority of the state under intervention. Secondly, there must have been a bilateral Memorandum of Understanding (MOU) on Defence Cooperation and Status Agreement<sup>63</sup>. Such agreement must clearly stipulate the mode of such intervention, the duration of the mission and the scope of such

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<sup>59</sup> Section 39 (1) (a) and (b) of the UPDF Act.

<sup>60</sup> Article 210 (d) of the 1995 Constitution of the Republic of Uganda.

<sup>61</sup> Ibid

<sup>62</sup> Section 39 (3) of the UPDF Act

<sup>63</sup> The UPDF entered South Sudan under a cooperation Agreement signed in 2014 but has since expired.

engagement. Thirdly, the intervention must be just and proportionate as provided by international legal instruments.<sup>64</sup> The fulfilment of these conditions are vital aspects of conformity with the laws governing military interventions by Uganda.

### **2.3 The Regional Legal Framework for Military Intervention**

Other than the domestic legal framework discussed above, there exists continental legal instruments that Uganda as a member of the African Union and the East African Community must conform with. The African Union (AU) is the current the custodian of matters relating to continental and regional peace and security.<sup>65</sup> The Constitutive Act<sup>66</sup> of the African Union while reaffirming to uphold the ideals of the founding fathers of the Organization of African Unity (OAU) provides that ‘the notion of sovereignty and non interference would no longer shield states from external scrutiny and even military intervention especially where there is clear manifestation of war crimes, genocide or crimes against humanity’.<sup>67</sup> This position signifies a departure from the OAU charter which emphasises upholding the sovereign rights of member states.<sup>68</sup> Today the AU on special ground could grant an intervention especially in defence of the human rights of vulnerable groups and civilians.<sup>69</sup> In furtherance of this position, the AU supported the development of the protocol relating to the establishment of the African Union Peace and Security Council (AU-PSC).<sup>70</sup> The AU-PSC is the continental body which allows for the intervention of union in a member state in order to prevent and avert conflict that is likely to compromise

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<sup>64</sup> The Four Geneva Conventions are particularly important in such reference.

<sup>65</sup> This role is the continuation of the vision envisaged under the OAU

<sup>66</sup> This is a foundational treaty that establishes the African Union

<sup>67</sup> Article 7 (1) (e) of the protocol Relating to the establishment of the peace and security council of the AU

<sup>68</sup> Article 19 of the Charter of the OAU

<sup>69</sup> Ibid

<sup>70</sup> Ibid

continental peace and security.<sup>71</sup> This is however not a blanket permission for unilateral military intervention by member states. The act requires that in order for such intervention to be lawful and legitimate, it must have been authorised by the General Assembly of the Heads of state and government of the African Union following official request to do so.<sup>72</sup> The African Peace and Security Architecture (APSA) is one of the frameworks designed to review such request and ensures that such intervention is only granted in the interest of promoting peace, security and stability in the African Continent. Through this arrangement, the AU has encouraged the creation of regional standby force to help respond to regional security threats. It is against this backdrop, that the East African Standby Force (EASF) has been established as the first regional mechanism under the African Union Peace and Security Architecture.<sup>73</sup>

#### **2.4 The International Legal Framework for Military Intervention**

Following the predicaments of the second world war, the world was engulfed with the reality of the consequences of conflict and how to further prevent and avert resurgence of potential conflicts. The reason behind the formation of the United Nation (UN) was to respond to such realities and above all to maintain global peace and security.<sup>74</sup> The United Nations Charter is one of the important international legal frameworks that speak to issues of peace and security and how countries can refrain from unnecessary acts which could jeopardise the very reason the UN came into existence. Primarily, the drafters of the charter without mincing their words, state that all member states shall settle their international disputes by peaceful means in

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<sup>71</sup> Peace and security protocol defining the objectives of the AU-PSC

<sup>72</sup> Ibid (constitutive Act)

<sup>73</sup> Alhaji Sarjoh et al, The African Peace and Security Architecture hand book.

<sup>74</sup> Article 1 of the UN Charter

such a manner that international peace, security and justice is not endangered.<sup>75</sup> This provision inculcates a new approach to conflict resolution which by extension prohibits member states from threat or use of force against another state;<sup>76</sup> unless in the exercise of the inherent right to self defence.<sup>77</sup> The emphasis on self defence becomes the only exception to the prohibition of use of force. In order to justify the use of force as a self defence under international law, a state must show some element of aggression which must be either characterised by armed attack or a justifiable provocation. This argument was for example used by Israel in the lead to the ongoing Israel-Hamas war<sup>78</sup> and by United States against Iraq following the 9/11 attack.<sup>79</sup> In retrospect, where a state such as Uganda militarily intervenes in internal affairs of another without being attacked and or provoked by that state, would amount to violation of existing international laws governing military intervention unless it can prove that the intervention has been sanctioned by a legitimate authority of the host country or authorised by the UN Security Council under the mandate provided for in Chapter VII of the UN Charter or framed under the context of Responsibility to Protect (R2P) as in the case of Libya.<sup>80</sup> This authority is however majorly granted to a multilateral force other than to military interventions by individual states. The essence is that multilateral support and collaboration with International Organizations such as the United Nations, would validate military intervention and bolster legal standing of a military action.<sup>81</sup> The

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<sup>75</sup> Article 2 (3) of the United Nations Charter

<sup>76</sup> Article 2 (4)

<sup>77</sup> Article 51 of the United Nations Charter

<sup>78</sup> Article 2(4) and 51 of the Charter to the United Nations

<sup>79</sup> Iraq War. Article highlighting the causes of the Iraq war: available on line <https://www.britannica.com/event/Iraq-War> (Accessed on 29th of April, 2025)

<sup>80</sup> The authorization for military intervention under the R2P was invoked against Libya under UN resolution 1973 in 2011.

<sup>81</sup> Ahmed Naji et al, Military Intervention in International Law and practice: Objective Legality and Legitimacy, Journal of Law, policy and Globalization. Vol 117, 2022

best example of such authorization was the North Atlantic Treaty Organization (NATO) military intervention in Libya.<sup>82</sup> Nevertheless, there are instances where multilateral interventions have been undertaken without the authorization of the UN security council. Interestingly, the same NATO was said to have unilaterally intervened in Kosovo in 1998 in utter disregard to the UN security council. Castel while discussing the NATO intervention underscored that ‘... from moral point of view, the resort to armed force was justified’ however he cannot avoid that this moral act is inconsistent with the existing international law’.<sup>83</sup> The interface between morality and legal requirement in military intervention has quite often not been straight forward and has been differently interpreted on case-by-case bases. No wonder many countries especially in the west did not condemn the unlawful invasion of Kosovo by NATO.

## **2.50 NON-LEGAL ISSUES**

### **2.5.1 The Political Motivation for Military Intervention in South Sudan.**

Uganda’s military incursion in South Sudan, cannot be comprehensively discussed without acknowledging the contribution of other governments that existed before the National Resistance Movement (NRM) came to power in 1986. History suggests that the post independence government of president Obote and to some extent the government of Idi Amin have in one way or another either provided resources or militarily supported rebellions in Southern Sudan (now Republic of South Sudan). Professor G.W Kanyeihamba for example explained how the Obote government was

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<sup>82</sup> The UN security council granted NATO to attack Libya under resolution 1973 and Chapter VII of the UN charter.

<sup>83</sup> Jean-Gabriel Castel, *The Legality and Legitimacy of unilateral armed Intervention in an age of terror, Neo-Imperialism and Massive Violations of Human Rights*, Canadian Year Book of International Law, vol 42, 2004

almost brought to its knees when the then Member of Parliament Daudi Ochieng accused the president and other senior government officials including the then minister of defence, Felix Onama of looting minerals in Zaire (now Democratic Republic of Congo) to support ‘Anyanya’ (rebels) in the Sudan.<sup>84</sup> The ties between Southern Sudan and Uganda continued to be discussed in the circles of African Liberation Movements and hugely influenced by the idea of Pan-Africanism. President Museveni like the late Dr. John Garang shared common interest in ensuring not only independence of Africa from colonialism but also to avert the threat occasioned by the Khartoum government to Islamise the whole of Africa and create an Arab Islamic State in the Sudan.<sup>85</sup> These historical realities continue to influence Uganda’s strategic military and security decision until today. As stated in the section on literature review, Uganda has been instrumental in supporting the South Sudan’s path to independence. The support provided to the SPLM during the liberation struggle showcased the strength of military relationships between the two countries. Uganda continues to have a sense of entitlement for a country it claimed to have sacrificed so much and secured its accommodation to the East African Community (EAC).<sup>86</sup> Uganda claims that the stability of South Sudan is pivotal to the East African Economic Integration Agenda and to the potential political integration of the community. President Museveni has always positioned himself as the epitome of stability and the de facto leader of the envisioned political integration of East Africa.

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<sup>84</sup> Professor DR. G. W. Kanyeihamba, (2002), Constitutional and Political History of Uganda From 1894 to the Present. 2<sup>nd</sup> Edition, LAW AFRICA. PP. 57-103

<sup>85</sup> Etudes et Essais E (2020), Arabization and Islamization in the Making of the Sudanese “Postcolonial” State (1946-1964): *The Open Edition Journal* <https://journals.openedition.org/etudesafricaines/32202?lang=en> (Accessed on 5<sup>th</sup> of April, 2025)

<sup>86</sup> Ronex Kisembo Tendo (2016), Let’s Embrace the Accession of South Sudan into the East African Community, *New Vision* <https://www.newvision.co.ug/news/1420101/-embrace-accession-south-sudan-eac> (Accessed on 5<sup>th</sup> of April, 2025)

### 2.5.2 The Succession Politics in Uganda and South Sudan

Both Uganda and South Sudan are deeply engaged in succession debates. There is no doubt that the current Chief of Defence Forces (CDF) of Uganda has expressed interest in replacing his father as the next president of the Republic Uganda.<sup>87</sup> On the other hand, the ageing president of the Republic of South Sudan is under pressure to transfer power but to a more moderate candidate who could guarantee the protection of the first family's wealth and secure the president from the threat of future prosecution.<sup>88</sup> Several analysts argue that the only guarantee for a successful transfer of power is to secure a friendly governments across the two sisterly nations.<sup>89</sup> History suggests that Uganda under president Museveni has had a bad relationship with one of the prominent South Sudanese politician and the first vice president Dr. Riek Machar. In order to secure a safe path to his son as well as the proposed candidate in South Sudan, it would be mutually beneficial that a pro Kiir and Museveni's government is maintained in Juba instead of a possibility of a hostile government under Dr. Machar. This assertion provides a verifiable justification why Uganda entered South Sudan in full force to avert any threat to Kiir and ensure that those antagonists including the pro Machar white army are put off the political and military radar<sup>90</sup>.

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<sup>87</sup> AFP (2023), Museveni's son Muhoozi says he will run for Uganda presidency Thursday, March 16, 2023 - 3 min read: The East African: Available online <https://www.theeastafrican.co.ke/tea/news/east-africa/muhoozi-says-to-run-for-uganda-president-4161490> (Accessed on 3<sup>rd</sup> of May, 2025)

<sup>88</sup> Okello. D (2025), Kiir Introduces Favorite Successor Bol Mel to Museveni, *ChimpReports*. online: <https://chimpreports.com/kiir-introduces-favorite-successor-bol-mel-to-museveni/> (Accessed on 8<sup>th</sup> of May 2025)

<sup>89</sup> Oystein H Rolandsen et al, South Sudan-Uganda Relations, the cost of peace. *Conflict trend* 2015

<sup>90</sup> Dr. Riek Machar is currently under house arrest in Juba.

### 2.5.2 Economic Motivation of Uganda's Intervention in South Sudan

The need to understand the nexus between Uganda's strategic security interest as well as her economic interest in South Sudan cannot be underestimated. The post Comprehensive Peace Agreement (CPA)<sup>91</sup> witnessed a drastic shift in trade partnership between Uganda and South Sudan. By 2013, statistics from Uganda Chamber of Commerce and the Embassy of the Republic of Uganda in South Sudan estimated between 1.5 to 2.0 million Ugandans engaging in different trade activities in South Sudan. The business venture for Uganda's traders ranges from exporting agricultural products, hotel business to lucrative investment contracts.<sup>92</sup> According to trading economics, Uganda's export trade volume was nearly \$527 million dollars in the year 2023. This statistic represents a whooping trade opportunity that no country would want to squander. It is important to note that while the formal government position on the recent UPDF intervention in South Sudan emphasised on regional stability and solidary,<sup>93</sup> the fact remains South Sudan has been a vital economic partner and a source of employment to thousands of Ugandans. In the recent parliamentary debate to approve the deployment of the UPDF in South Sudan, the Uganda's Minister of Defence Hon Jacob Oboth and the Kilak South County Member of Parliament; Hon Gilbert Olanya emphasised economic opportunities as one of the reasons why the intervention should be approved by parliament.<sup>94</sup> These economic opportunities however dwindled following the outbreak of the conflict in

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<sup>91</sup> The CPA ushered in a new political dispensation as it ended the more than two decades conflict between the rebels SPLM and the government of Sudan and eventually paved way for the independence of South Sudan.

<sup>92</sup> International Alert, (2014) TRADING WITH NEIGHBOURS Understanding Uganda–South Sudan business community trade relations:

<sup>93</sup> Uganda Economic Interest Drives Deployment in South Sudan, March 29<sup>th</sup> 2025: Accessed on line 5<sup>th</sup> of May 2025

<sup>94</sup> Parliament Approves UPDF deployment in South Sudan: available at the Parliamentary website here <https://www.parliament.go.ug/news/3645/parliament-approves-updf-deployment-south-sudan> (Accessed on 17<sup>th</sup> of May 2025)

2013, the security situation in South Sudan and the near collapse of the country's economy occasioned a serious challenge to the business environment for not only South Sudanese but to the entire East African Region. Undoubtedly, the stability of South Sudan is important to Uganda's economic interest probably more than the primary reason of promoting regional peace and security. Henceforth, creating a predictable economic environment for Uganda economic success in South Sudan may be crucial in the recent military intervention.

### **2.5.3 Social Motivation for Military Intervention.**

Uganda has always found itself engulfed in almost every aspect of South Sudan political, economic and social life. One notable social contribution has been Uganda's continuous hosting of refugees from South Sudan. According to the International Rescue Committee (IRC) Uganda is currently hosting more than 1.7 million refugees mostly from South Sudan, Democratic Republic of Congo and Burundi.<sup>95</sup> The influx of refugees to Uganda comes with significant pressure on issues of protection and further drained the country's ability to sufficiently provide essential social services to the host communities.<sup>96</sup> The dwindling funding levels have particularly affected Uganda's ability to provide the needed social services to her citizens hence the need to avert more influx of refugees is seen as appropriate means of reducing pressure on the country. Whether the reason for funding is genuine or not, evidence suggests that Uganda had received funding to support refugees from different donors in the past. In 2024 alone Uganda received more than

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<sup>95</sup> Uganda host more than 1.7 refugees according to IRC: <https://www.nrc.no/countries/africa/uganda> (Accessed on 18<sup>th</sup> May 2025)

<sup>96</sup> UNHCR, (2024), Uganda's open-door policy for refugees strained by arrivals from Sudan, DRC, and South Sudan: <https://www.unhcr.org/news/briefing-notes/ugandas-open-door-policy-refugees-strained-arrivals-sudan-drc-and-south-sudan>

\$86 million dollars from United States<sup>97</sup> while the world Bank has equally made contribution of more than \$150 million in support of refugees.<sup>98</sup> The funding levels have however dwindled considering the coming in of the new Trump administration in the United States and the new realities occasioned by the conflict between Russia and Ukraine as well as between Israel and Hamas. It is therefore not surprising that the government of Uganda uses the funding challenges and the need to prevent the influx of refugees to justify military interventions in South Sudan. It is also important to note that the social relation between Uganda and South Sudan has been influenced by the need to positively maintain cross boarder stability in the interest of ethnic communities residing both in Uganda and South Sudan. It should be noted that, president Museveni takes into account the influence of cross border ethnic communities of the Acholi, Madi and Kakwa as vital to the political, social and economic survival of Uganda. Therefore, the desire to keep a stable South Sudan is supported by the motivation to avoid negative collaboration of the sisterly communities against his government and the interest of Uganda.

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<sup>97</sup> U.S Embassy (2024) United States Announces Nearly \$14 Million in New Refugee Assistance, is Largest Humanitarian Donor in Uganda: <https://ug.usembassy.gov/united-states-announces-nearly-14-million-in-new-refugee-assistance-is-largest-humanitarian-donor-in-uganda/> (Accessed on 17<sup>th</sup> May 2025)

<sup>98</sup> World Bank provides \$150 million grant to support host communities and refugees in Uganda. Available on line.

## CHAPTER THREE

### 3.0 The Implications of Military Intervention - The Analysis

#### 3.1 Introduction

This Chapter provides analysis of the broader implication of military intervention on Uganda while also looking at how this intervention affects South Sudan. In order to provide a coherent assessment of these implications, the researcher focused on four thematic areas as informed by the literature review in chapter one and by the legal and non legal framework in chapter two. Notably, the thematic areas include legal, political, financial and Human Rights implications.

#### 3.2 Legal Implication of the Military Intervention on Uganda

Any external military deployment of the UPDF is clearly governed by the national laws of Uganda<sup>99</sup> and reinforced by regional and international legal instruments<sup>100</sup> to which Uganda has either ratified or obligated under customary international law. Both the Constitution of the Republic of Uganda 1995 and the UPDF Act, provide for the procedures under which the national army could be deployed beyond the borders of Uganda. Regardless of the circumstances of deployment, the law empowers the parliament of Uganda to provide prior approval before such deployment is made.<sup>101</sup> This provision can only be waived when the parliament is on recess however the speaker is required to ensure MPs are summoned to sanction such deployment within 21 days of its occurrence. Evidence suggests that Uganda has fallen short of respecting these laws and quite often UPDF deployment has been

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<sup>99</sup> The laws governing UPDF include the constitution of the Republic 1995 of Uganda and the UPDF Act

<sup>100</sup> Some of the regional and international instruments are provided for under the UN Charter and the African union peace and security council.

<sup>101</sup> Article 39 of the UPDF Act

made without the knowledge of either the ministry of defence or parliament. Anomalies registered in the recent UPDF deployment<sup>102</sup> indicate that the minister of defence Hon Jacob Oboth Oboth was clearly not aware of the UPDF deployment despite confirmation by the Chief of Defence Forces.<sup>103</sup> These contradictions could either be a manifestation of lack of coordination between the army and its mother ministry, or it is a deliberate attempt by the high command of the UPDF to undermine the authority of the minister of defence.<sup>104</sup> The parliament has equally castigated the manner in which the authority of parliament has been overlooked when it comes to national decisions pertaining to activities of the UPDF.<sup>105</sup> Apart from circumventing parliament, the army has persistently failed to account for funds allocated by the same parliament.<sup>106</sup> Quite often defence expenditures are being concealed as classified and several attempts to ensure accountability has been ignored.<sup>107</sup> The UPDF is the only entity that has evaded parliament and persistently ignored request to appear before the Defence and Internal Affairs Committee of Parliament.<sup>108</sup>

### 3.3 Legal Implication of the Military Intervention on South Sudan

Uganda has equally been accused of violating the sovereign rights of the South Sudanese people. The laws of South Sudan empower the Transitional National

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<sup>102</sup> The recent deployment was done in March 2025

<sup>103</sup> Kiiza Christopher, (March 2025) Defence Minister: I am Not Aware of UPDF Deployment In South Sudan: *ChimpReports*: (Accessed on 15 of May, 2025)

<sup>104</sup> *ibid*

<sup>105</sup> Katungulu Armon (2025) SSemujju Demands Government Explains UPDF Involvement in Foreign Wars. *Article by Nile Post*. Accessed on 15 of May 2025

<sup>106</sup> *Ibid*

<sup>107</sup> Reporter (2024) Parliament grills UPDF over sh29bn loss in agricultural project, *Torch Media Africa*. Accessed online on 12 of March 2025

<sup>108</sup> Ibanda Mugabi (2005) General Muhoozi's No-Show sparks controversy in Parliament: Nile post: Accessed on 15 of May 2025.

Legislative Assembly (TNLA) to approve the deployment of foreign troops on South Sudan soil.<sup>109</sup> Evidence suggest that the recent deployment has been made without the knowledge of the South Sudan National Assembly in utter violation of existing laws.<sup>110</sup> Whereas, the minister of information of the Republic of South Sudan claimed that Uganda deployed under a bilateral defence corporation agreement, the agreement is said to have since expired and neither of the two countries have secured renewal of the same at least not to the knowledge of the parliament of the Republic of South Sudan.<sup>111</sup> In the absence of such an agreement, Uganda has become complicit in condoning an illegality. In the same note, as a regional player, Uganda has violated the rules governing foreign military interventions as provided by the African Union charter as well as by the African Union Peace and Security Architecture. In the spirit of collective responsibility, Uganda was said to have not consulted the region and took unilateral decision to deploy in another country in violation of regional legal instruments<sup>112</sup> as well as the Cessation of Hostilities Agreement (COHA) signed by parties to the conflict in South Sudan prior to the 2018 Revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) in which Uganda is a guarantor.<sup>113</sup> These sentiments were echoed by the first vice president of South Sudan in his letter demanding the withdrawal of the UPDF from South Sudan.<sup>114</sup>

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<sup>109</sup> Chapter one of the R-ARCISS

<sup>110</sup> Sudan Tribune (March 2025) South Sudan, Ugandan lawmakers question Ugandan troop deployment: available online: Accessed on 15 of May 2025

<sup>111</sup> The National Assembly speaker interview with Eye radio

<sup>112</sup> Statement attributed to the eminent personalities on visit to South Sudan.

<sup>113</sup> Mugume Carnary (March 2025) South Sudan Demands UPDF withdrawal. *The Nile Post*. accessed on 15 of May 2025

<sup>114</sup> Ibid

Similarly, South Sudan is currently under a United Nations Security Council arms embargo since 2018.<sup>115</sup> According to Amnesty International,<sup>116</sup> Uganda's deployment of armed soldiers and military equipment in South Sudan constitute a flagrant violation of the United Nations Resolution imposing the arms embargo.<sup>116</sup> Amnesty further castigated Uganda for failing to inform the United Nations Security Council prior to their deployment as provided for by the resolution.<sup>117</sup>

### **3.4 Political Implication of Military Intervention on Uganda and South Sudan**

The long history of political and military involvement of Uganda in the affairs of South Sudan has generated interesting perceptions. During the liberation struggle, it was easier to conclude that the spirit of Pan-Africanism would have motivated president Museveni to support his fellow Africans; the South Sudanese led by Dr. John Garang against the marginalisation by Sudanese who were mostly perceived as Arabs. Nonetheless, Uganda continued to intervene both militarily and politically even after South Sudan gained independence in 2011.<sup>118</sup> Today the UPDF are visible in the country and wielding influence including on key decisions as to the direction of the country.<sup>119</sup> The deployment of modern weapons in the name of defending president Kiir government has to the contrary placed the South Sudanese leader under scrutiny.<sup>120</sup> Several analysts have argued that president Museveni has become

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<sup>115</sup> UN Security Council Resolution S/RES/2028 (2018)

<sup>116</sup> Amnesty International (May 2025) 'South Sudan: UN Security Council must renew and enforce arms embargo to protect civilians: Accessed on 15 of May 2025

<sup>117</sup> Ibid pp 2 of the statement

<sup>118</sup> Uganda has been in South Sudan under a defense corporation Agreement to pursue LRA and that continued until date

<sup>119</sup> Atukunda Rogers, (2025) Museveni Hails UPDF for Successful Military operations in South Sudan and DR Congo. <https://softpower.ug/museveni-hails-updf-for-successful-military-operations-in-south-sudan-and-dr-congo/> (Accessed on 18<sup>th</sup> May 2025)

<sup>120</sup> Juba (14 May 2025) Uganda on spotlight as call for arms embargo renewal on South Sudan emerges: online accessed on 16 of May 2025.

a de facto leader of South Sudan especially in the wake of president who is unable to decisively lead and protect his people.<sup>121</sup> On the other hand, Uganda's military dominance in South Sudan and DRC, plays to the argument that president Museveni wants to cement his authority as giant of the East Africa Community and ensures the two countries do not bring in or are consumed by leaders who may be a threat to his leadership and potential plans for the political integration of the region. First and foremost, the succession politics especially in South Sudan is of interest to the Ugandan leader.<sup>122</sup> This perception has even become stronger considering his recent unilateral decision to deploy in South Sudan. This act has created some regional animosity with some leaders arguing, Uganda has undermined the role of regional institutions such as IGAD and the African Union. Similarly, the influence of Uganda in South Sudan has created defiance in president Kiir who is said to be adamant to voices of regional and international leaders. In recent visit by the former Kenyan prime minister Raila Odinga to defuse the tension between Kiir and Machar, South Sudan rejected request for him to visit the detained SPLM-IO leader. This act of defiance was also shown on the recent visit by the chairman of the African Union Commission attracting questions as to whether South Sudan adheres to the region or only to president Museveni.

### **3.5 The Human Rights Implication of Uganda's Military Intervention on South Sudan.**

The accusation of UPDF involvement in human rights violations of the South Sudanese people dates back to when Southern Sudan was then an autonomous region of the

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<sup>121</sup> Puok Baluang, (2014) Museveni: South Sudan news Agency (2016): The de facto president of South Sudan. *Sudan Tribune*: Available online <https://ssnanews.com/2014/01/17/the-de-facto-president-of-south-sudan/> (accessed on 20<sup>th</sup> May 2025)

<sup>122</sup> Ibid

Sudan. In 2006 for example, the UPDF while in pursuit of the Lord's Resident Army (LRA) inside Southern Sudan were accused of deliberately torturing civilians and falsely accusing them of being LRA.<sup>123</sup> These accusations provided first test of Uganda's conformity with international human rights laws as pertains the action of its forces. Recently in March 2025, the same UPDF in addition to illegally deploying weapons prohibited by the arms embargo, was accused of bombing and killing several civilians in Nassir County of upper Nile state. These flagrant human rights violations have been condemned not only by South Sudanese but also regional and international human rights organizations.<sup>124</sup> Worse of all has been the allegation that Uganda used chemical weapons contrary to the provision of the four Geneva Conventions governing international armed conflict and indeed International Humanitarian Law (IHL).<sup>125</sup> While the UPDF has vehemently refuted this accusation, it has sent a negative image on Uganda as a regional player.<sup>126</sup> Similarly, the animosity between president Museveni and Dr. Riek , has created yet another violation of the rights of Dr. Machar. Evidence suggests that the recent letter by Dr. Machar accusing Uganda of violating South Sudan sovereignty may have strained relations leading to his incarceration (house arrest). If proven Uganda would have contributed to the violations of Machar rights to freedom of association, freedom of

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<sup>123</sup> Sudan Tribune (2006) Sudan, Uganda to investigate human rights violations in the South: Available on line: Accessed on 15 of May 2025

<sup>124</sup> Amnesty International (2025) South Sudan: UN Security Council must renew and enforce arms embargo to protect civilians. Accessed on 15 of May 2025

<sup>125</sup> The four Geneva Conventions of 1949 and Additional protocols 1 and 2 prohibit the use of certain weapons during international arm conflict.

<sup>126</sup> Magezi Chris, (2025) UPDF Refutes Alleged Use Of Chemical Weapons In South Sudan: A press statement available on the UPDF website [https://www.updf.go.ug/press\\_statement/updf-refutes-alleged-use-of-chemical-weapons-in-south-sudan/](https://www.updf.go.ug/press_statement/updf-refutes-alleged-use-of-chemical-weapons-in-south-sudan/) (accessed on 20<sup>th</sup> May 2025)

movement as well as his right to speedy and fair trial contrary to international and domestic human rights laws governing Uganda and South Sudan.

### **3.6 Implication on the 2018 Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCISS)**

Uganda is a signatory to the peace agreement signed between the government of South Sudan and the opposition groups that included the SPLM-IO of Dr. Riek Machar.<sup>127</sup> The R-ARCISS was a consorted initiative of the African Union though was led by the Inter-Governmental Authority on Development (IGAD).<sup>128</sup> As a member of IGAD and a guarantor to the peace agreement, South Sudanese expect Uganda to take a neutral position when it comes to issues pertaining the implementation of the peace agreement. The recent tension between the parties to the agreement (Kiir and Dr. Machar) was seen as political issue more than it would have required Uganda's military intervention. The R-ARCISS provides modalities through which disputes attributed to the peace agreement could be resolved. For example, the agreement encourages a consultative process among the parties as a means of ironing out conflicts that may emerge in the process of implementing the peace agreement.<sup>129</sup> The intervention of Uganda has in a way violated the provision of the agreement and above all undermined internal mechanisms such as the Joint Monitoring and Evaluation Commission (R-JMEC) which is created to monitor and support the parties in situation of conflict.<sup>130</sup> The UPDF has further encouraged an

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<sup>127</sup> Addis Ababa (September 2018) The Chairperson of the African Union Commission welcomes the signing of the R-ARCISS, press statement: available online <https://www.peaceau.org/en/article/the-chairperson-of-the-commission-welcomes-the-signing-of-the-revitalized-agreement-on-the-resolution-of-the-conflict-in-the-republic-of-south-sudan> (accessed on 18<sup>th</sup> May 2025)

<sup>128</sup> Ibid

<sup>129</sup> Article 1.9.6.1.3 of the R-ARCISS

<sup>130</sup> Chapter VII of the R-ARCISS particular created R-JEMEC as a principle institution to monitor the implementation of the peace agreement.

open with hand on political opponents to Kiir. Evidence suggest that it is upon the arrival of the UPDF that president Kiir intensified on the crackdown of political opponents. Several members of the SPLM-IO are currently detained and Dr. Machar placed under house arrest. The arrest and detention of Dr. Machar has placed the peace agreement on a brink of collapse with potential of the country relapsing to a full-scale war.<sup>131</sup> Similarly, ethnic divide appears to be widening especially between the Nuer and the Dinka. The crackdown of mostly Nuer political opponents is being perceived as attack against the Nuer community something which has the potential of inter-communal violence.<sup>132</sup>

### **3.7 the Financial Implication of Uganda's Military Intervention**

Since Uganda entered South Sudan following the outbreak of the 2013 conflict, both countries witnessed a drastic increase in defence spending. While such expenditures are quite often discreet and devoid of transparency, the ministry of defence and veteran affairs of Uganda has continuously sought for supplementary budget allocation in the name of financing military operations in South Sudan and DRC. In the first phase of the intervention alone,<sup>133</sup> Uganda's borrowing ceiling was raised by nearly 259 million dollars from the recommended 400 million dollars to allow for increased military expenses in the region. These expenses have equally been experienced by South Sudan. At the same time Uganda was deploying in South Sudan, the country's military expenses grew to nearly 1.08 billion dollars; this is not only

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<sup>131</sup> BBC (March 2025) VP's arrest ends South Sudan peace deal, his party says: online on <https://www.bbc.com/news/articles/c0q1jppzp4no> : Access on 16 May 2025

<sup>132</sup> Gak Deng (2025), Dr. Riek Machar's detention is politically motivated, Radio Tamazut available online <https://www.radiotamazuj.org/en/news/article/opinion-dr-riek-machars-detention-is-politically-motivated> (accessed on 18<sup>th</sup> of May 2025)

<sup>133</sup> The first phase of military intervention was in 2014 under a MOU on defense corporation and status force agreement

half of the country's national budget but by far ranks South Sudan as the region's biggest military spender.<sup>134</sup> These dramatic military expenditures are said to have a chilling effect on other essential services such as education, health and water among others. While data on this year's funding allocation has been scanty, it was estimated that Uganda's military expenditure increased by 5.6%; in other words, from \$925 million dollars in 2022 to \$997 million dollars in 2023.<sup>135</sup> These misconceived military allocations have seen Uganda falling below recommended budget allocation for essential services like health. For example, in the 2024/2025 national budget, the ministry of health only secured 3.5% of the budget which is below the World Health Organization's recommended 15%.<sup>136</sup> Unfortunately, this trend continues to surge unabated. Similar concerns have been raised following the March 2025 abrupt deployment of the UPDF in Juba. Just like in the first phase, the ministry of defence, defied the odds and requested parliament for additional 39.1 billion shillings as supplementary budget to support yet again another operation in the same country.<sup>137</sup> Despite several calls for accountability for previous allocations, the parliament could not succeed as these expenses are said to be classified and therefore considered security sensitive. The categorization of military budgets as classified is being viewed as deliberate attempt to conceal corrupt practice and deprive Ugandans of their right to know how their tax payer money is being used. Equally, the ministry of finance has also been accused of allocating funding without

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<sup>134</sup> The East African (2020), South Sudan Military Spending doubles to \$1billion, highest in the region, The East African: Available online <https://www.theeastafrican.co.ke/tea/news/east-africa/south-sudan-military-spending-doubles-to-1bn-highest-in-region--1335320> (accessed on 20<sup>th</sup> of May 2025)

<sup>135</sup> The Independent (2024) Military spending rising in EA region: The Independent available on line <https://www.independent.co.ug/military-spending-rising-in-ea-region/> (Accessed on 19<sup>th</sup> May 2025)

<sup>136</sup> Jowett M and Flores G, (2016) Health Finance Working paper, working paper No 1

<sup>137</sup> Ibid

approval of parliament.<sup>138</sup> Evidence suggests that even as the ministry was requesting parliament to approve another 39.1 billion shillings, it was discovered that the ministry of finance had previously allocated 60 billion shillings without approval from parliament.<sup>139</sup> Finally, even as Uganda claimed to be funding the operations in South Sudan, Juba equally claims to be funding all aspects of such operation making it suspicious as to whether the additional funding being sought truly goes to fund UPDF in South Sudan or is being diverted to individual pockets.<sup>140</sup>

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<sup>138</sup> Jonathan Kaguru (2025) MPs questioned Finance Ministry over unapproved budget allocated to UPDF, Nation media

<sup>139</sup> Ibid

<sup>140</sup> Deng Wol (2025) South Sudan Advisor on defense affirms, South Sudan pays for UPDF operations, Sudan Tribune

## CHAPTER FOUR

### 4.0 Summary of Key Findings, Recommendations and Conclusions.

#### 4.1 Introduction

This chapter provides the final stage of the study. Here the researcher, highlights some of the key findings as established by the different thematic analysis in Chapter three. While not all the findings have been captured here, the researcher is quite confident that the chapter shall provide insights on the picture of the overall findings. Equally, this chapter provides recommendations to the most relevant stakeholders as it relates to the topic under study. Notably, the recommendations have been directed to the Uganda government, the government of South Sudan, regional bodies such as IGAD and African Union and finally to the international community including the United Nations Security Council. Finally, the chapter ends with conclusions while bringing out the key motivation for military intervention and acknowledging that not all the reasons publicly disclosed to justify military interventions are actually the primary aim of such intervention.

#### 4.2 Increased Defence Spending

Military intervention mostly comes with huge defence spending. This study shows that in the recent UPDF intervention in South Sudan<sup>141</sup>, the ministry of defence had to ask parliament to approve 39.1 billion shillings as a supplementary budget to support the UPDF operations in South Sudan. This request is said to have come less than three months from yet another 60 billion approved by ministry of finance as classified military expenditure. It is quite disturbing to note that only a single

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<sup>141</sup> March 2025

ministry scoops the biggest share of the tax payer's money and yet other essential ministries struggle with limited funding.

### **4.3 Human Rights Violations**

Military interventions are not always a panacea for human rights violations. Quite often intervening countries have used the issues of human rights violations to justify military interventions however, this research has shown that the same forces expected to protect the rights of civilians are themselves caught up in violating the rights of the people they are supposed to protect. In the case of South Sudan, the UPDF has been accused of excessive and disproportionate bombing of civilians and civilian object in the Nassir area of Upper Nile State. This act of indiscriminate attacks constitutes not only violation of human rights but also a breach of international humanitarian law.

### **4.4 Unilateral Decision Making, Poor Coordination and Disregard to Institution of Parliament**

Almost all the military interventions conducted by the UPDF have fallen short of respecting established systems and laws of Uganda. This research has established that, other than the post deployment approvals, the high command of the UPDF has consistently made unilateral decisions without the knowledge of the ministry of defence and the prior approval of the National Parliament as required by the Constitution and the UPDF Act. This form of decision is contrary to the provision which demands that unless otherwise the parliament is in recess all foreign deployment must be approved by parliament.<sup>142</sup>

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<sup>142</sup> Article 39 of the UPDF Act

#### **4.5 Financial Accountability and Transparency Issues by the UPDF.**

Several billions of Uganda shillings have been allocated to support military interventions by the UPDF in DRC and in South Sudan. This research has shown that, the ministry of defence gets the huge proportion of the national budget and yet parliament has struggled to hold the ministry and the army to account. The categorization of these funds as classified has become problematic when it comes to accountability and transparency. The essence is that classified budgets are security sensitive and therefore the ministry of defence is prohibited from divulging the detailed expenditures. These restrictions have become a potential area for misappropriation of Uganda's tax payer money.

Similarly, contradictory statements have been made as to who exactly is financing the UPDF operations in South Sudan. In the recent request for additional 39.1 billion shillings, the minister of defence of Uganda told parliament the money was required to finance military operations in South Sudan. This position however contradicts the statement issued by the South Sudanese senior presidential advisor Kuol Manyang who claimed that all the UPDF operations in South Sudan are being financed by the South Sudan government.

#### **4.6 Violation of the UN Resolution Imposing Arms Embargo on South Sudan.**

South Sudan is currently under a United National Security Council arms embargo. The resolutions in support of the embargo demands that no country shall deploy and or provide safe haven for supply or proliferation of weapons in to South Sudan without approval from the United Nations Security Council (UNSC). Uganda's deployment of armed soldiers and arsenal of weapons in South Sudan is a clear

violation of this resolution and amounts to aiding human rights violations orchestrated by the South Sudanese government against its citizens.

#### **4.7 The Plight of the 2018 South Sudan Peace Agreement**

As discussed in the Analysis, Uganda is a signatory to the 2018 IGAD led peace deal signed between president Kiir and Dr. Riek Machar. The military intervention in support of president Kiir against Dr. Machar has threatened the existence of the agreement and further worsened the existing ethnic divides between the Dinka and the Nuer. Majority of the Nuer ethnic group believe that Uganda's involvement in South Sudan has strengthen Kiir's government and gives them undue advantage to pursue and destroy the political survival of the Nuer people.

#### **4.8 Economic Opportunity for Uganda**

This study found that Uganda's economic interest may be more paramount than any other interest in South Sudan. Since independence, South Sudan has become a vital economic partner of Uganda, it has been established that Uganda's exports to South Sudan amounts to more than 500 million dollars annually. This economic lifeline, may have influenced Uganda's involvement in South Sudan. First and foremost, securing a predictable economic environment may be important for the economic survival of Uganda.

#### **4.9 Democracy and Freedoms in South Sudan**

Many South Sudanese believe, Uganda is complicit in the continued suffering of the people of South Sudan. The general feeling is that president Kiir is increasingly becoming authoritarian and his government has created the worse security situation in the country. These sentiments have grown since the UPDF responded to stop Dr. Machar forces advancing to Juba in 2014. The continuous protection of Kiir is said to

undermine the citizen's quest for change which change may have been brought through a forceful removal of the president from power.

## **5.0 CONCLUSIONS.**

Military interventions have become common especially in the aftermath of the 9/11 terrorist attack on the United States. The notion of terrorism and indeed protection of human rights have become the dominant reasons advanced to justify military intervention. Despite the well established domestic, regional and international legal instruments governing military interventions across the world, there has been no country that has engaged in external military deployment and has not been accused of engaging in actions that are similar to terrorism or in human rights violations.

In March 2025, Uganda deployed the UPDF in South Sudan while invoking issues of human rights as reasons for the intervention. The deployment of the Uganda's forces has been criticised for failing to meet the legal requirements provided by the laws of the country. During the deployment, the UPDF has been accused of violating human rights by engaging in indiscriminate bombing of civilians and civilian objects; an act which has become synonymous with other interventions in the world.

Lastly, one would conclude that while human rights issues have always been advanced to justify military intervention, the ultimate aim may be far from it. This study can authoritatively confirm that political and economic reasons may be the most hidden and preferred reasons why countries decide to militarily deploy beyond their borders. After all, such deployment come with huge financial benefits to individuals spearheading these operations more than the county to which the deployed forces really belong.

### **5.1 Limitation of the Study**

This study has been purely based on secondary data /desktop research which therefore means that the researcher only relied on information which may be difficult to verify within the period of study.

Secondly, this study would have been more effective if the researcher had the opportunity to interview those who may have been affected by the military intervention especially human rights victims. Human rights issues are only best documented when the experiences of victims are shared by the victims themselves.

Finally, there has been little information pertaining to military intervention especially in East Africa, this study has therefore been constrained by limited resources and literature especially on Uganda and South Sudan.

### **5.2 Recommendations for Future Study**

This study mostly focused on assessing Uganda's military intervention and how it conforms with domestic, regional and international legal instruments however it would be ideal that some more detailed study is conducted especially on impact of such intervention on human rights issues.

Secondly, this study has found that economic interest may be more a primary reason in motivating foreign military intervention. As demonstrated, this research could not properly establish to what extent and how much financial benefit is being made out of such intervention. It would be good for any future researcher to focus on the economic and or financial drivers of such interventions.

## 6.0 Recommendations to Relevant Stakeholders

### 6.1 Uganda and the UPDF

- The Parliament of the Republic of Uganda must be strengthened and empowered to subpoena any military officer including those in the high command should there be need to provide any update in regards to the activities of the UPDF. The power to Subpoena should also include the power to demand for prosecution of any officer who may not have adhered to the request of parliament to appear before any of its committees as may be necessary at the time.
- The Defence and Internal Affairs committee of parliament should be empowered to access all expenditures including those categorised as classified. This is important as it would enhance transparency, accountability and reduce on potential corrupt practices by either the ministry of defence or the UPDF.
- The UPDF should ensure that, any military deployment respects the provision of the laws of Uganda. Should there be a deployment which circumvents the powers of parliament, the parliament should ensure such illegal deployment should not be funded whether through the regular budget or by supplementary budget.
- There must be clarity as to the period of any UPDF deployment. Parliament should ensure that approvals of UPDF deployment in any country must be backed by timelines. This is important as prolonged and indefinite deployment comes with increased cost which may put a strain on national resources.

- The ministry of defence in Uganda alongside his counterpart in South Sudan should be tasked to explain the funding modalities for the UPDF in South Sudan. The contradiction as to who is funding the operations showcased grounds for corruption in both countries.

## **6.2 South Sudan Government**

- The International committee should ensure that president Salva Kiir releases all political opponents including Dr. Machar who is under house arrest and ensures the creation of a conducive environment for dialogue. This recommendation is important as it would build confidence and reduce the current ethnic tensions between the Nuer and the Dinka.
- The Transitional National Legislative Assembly must demand for accountability of all approved funding to the SSPDF including ensuring that the government of South Sudan provides clarity as to the funding of the UPDF in the country.
- The government of South Sudan should be encouraged to take the path of peaceful settlement of the current impasse and put on hold any attacks on the positions of forces loyal to Dr. Machar.
- The government of South Sudan, should be pressured to open all humanitarian corridors and ensure the protection of civilians and humanitarian workers. Cases such as the recent bombing of medical facilities in Upper Nile and Jonglei should be condemned and those involved should be apprehended and face the law.

### **6.3 African Union and IGAD**

- The african union peace and security council should take disciplinary measures against Uganda for the unilateral intervention without approval of the general assembly of heads of state as provided by the African Union Peace and Security Architecture and ensure Uganda respects the existing regional instruments governing military interventions.
- Uganda as a signatory to the R-ARCISS should be encouraged to exercised neutrality and work collaboratively with established institutions such as the Join Monitoring and Evaluation Commission instead of taking sides in the country's political conflicts.

### **6.4 International Community and the United Nations Security Council**

- in order to avert the violation of the existing arms embargo on South Sudan, the united Nation security council should demand for full account of all weapons deployed by the UPDF in the ongoing intervention and ensures these weapons are returned back to Uganda upon the completion of the military mission.
- Uganda's alleged involvement in Human Rights abuses in South Sudan should be investigated and all those found culpable should be held into account including being prosecuted in a competent domestic and international judicial body such as the International Criminal Court (ICC).
- Ensure the arms embargo on South Sudan is renewed and all borders of South Sudan properly monitored to avoid a spill over of weapons from countries like Sudan and Uganda.

- New and additional sanctions should be imposed on peace spoilers. There is evidence to suggest that, certain politicians and political groups in South Sudan are working against the implementation of the peace agreement by inciting communities to fight against each other.

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