

# STAND | digest

DECEMBER 2011 // [standcanada.org](http://standcanada.org)


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**PEACE AND NEGOTIATION PROCESS** ■ On Saturday, December 3rd, members of the Sudan Armed Forces, violently overtook the city of Jau, which borders Sudan and the newly independent South Sudan. The ensuing violence has placed refugees living in the Yida refugee camp in harms way. Chief prosecutor of the International Criminal Court, Luis Moreno-Ocampo, has requested that the court's judges issue a warrant for the arrest of Sudan's defense minister, Abdul Rahim Mohamed Hussein. Sudan's request to be admitted to the East Africa Community, which was submitted last June, has been officially rejected. Meanwhile, South Sudan has begun to form its own regional ties with Kenya. In order to incorporate the UN into the newly independent state, a joint meeting of the UN Mission in South Sudan, and the government of South Sudan took place in order to discuss the preparation of mechanisms required for the implementation of the UN mandate in South Sudan.

**STAND NATIONAL POLICY UPDATE** ■ STAND National's Deputy Advocacy Director, Collin Pottar-Bonar, reviews the need for continuing discussion and debate surrounding the prevention of genocide and mass atrocities in Parliament, and encourages Canadians to write to their MPs this holiday season to request that the prevention of mass atrocities – and by extension, the security of international human rights – remains a cornerstone of Canada's foreign policy.

**DRC: CONTEXTUALIZING THE CONFLICT** ■ A detailed analysis of the procedures, violence, and unrest that surrounded the November 28th Parliamentary elections in the DRC.



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## POLICY RECOMMENDATIONS //

**1** Since June 2011, there has been a dramatic spike in violence in the border regions of Abyei, South Kordofan and the Blue Nile state along the border of North and South Sudan. The UN estimates approximately 200,000 people have fled South Kordofan and thousands more are fleeing the Blue Nile State. Although both rebels in South Kordofan and the Khartoum-based Northern government are engaged in military conflict, the North has largely been responsible for most of the deaths, using aerial bombardments and ground forces to launch attacks and deny access to humanitarian organizations.

1. The Canadian Government should dispatch researchers to the Sudan border regions and Ethiopia to investigate, document, and statistically verify the occurrence of mass atrocities from refugees who have escaped the violence.
2. Canada should demand the North allow humanitarian organizations access to populations in need in the border regions where the fighting is taking place.
3. Canada should speak out at the UN against the escalating conflict and talk to its international partners to apply pressure on both parties to stop attacks and begin a troop withdrawal.
4. Canada's Foreign Minister should create a bilateral dialogue with his international counterparts to direct their attention to the grave nature of the situation.

**2** As violence has surged in the wake of South Sudan's secession, many critical issues remain unresolved. In order to resolve existing conflicts and avoid future ones, the Canadian government needs to focus on facilitating a dialogue between both parties in order to resolve the following outstanding issues:

1. Border demarcation
2. Nationality and citizenship
3. Oil revenue sharing
4. The future border regions, Abyei, South Kordofan, and the Blue Nile
5. Sudan's external debts

**3** In order to effectively prevent, monitor and address grave human rights abuses and mass atrocities, the Government of Canada should create a Sub-Committee for the Prevention of Genocide and Other Crimes Against Humanity which should be attached to the Standing Committee on Foreign Affairs and International Development. This would allow Parliament to conduct:

- **MONITORING:** keep MPs informed about the onset of genocide and crimes against humanity, including the identifiable stages of these crimes
- **PREVENTION:** become proactive in its response to such crises, allowing MPs to act early and utilize a wider set of policy mechanisms
- **COORDINATION:** centralize Canada's institutional approach to the issue of mass atrocities by giving one central committee the mandate to comprehensively monitor, study and recommend courses of actions.

## DEVELOPMENTS IN SOUTH SUDAN // JESSICA DUFFY

On 10 November a number of bombs were dropped in South Sudan's Unity state near Yida refugee camp. Reports of the number of bombs dropped differ according to source, with the UN confirming that at least two bombs were dropped from aircraft, and Reuters, who had an eyewitness to the air strike, claim at least five bombs were dropped. According to a spokesman for the Enough Project, an activist group working towards ending genocide, there were no casualties. The Yida camp accommodates 20,000 refugees who have fled across the border from violence in Southern Kordofan and Blue Nile provinces.

South Sudan was quick to accuse Sudan of being responsible for the attack – a move that threatens to increase tensions between the nations in the violence-plagued border region. The UN has also laid the blame with Sudan, and has called for an investigation into the attack.

Sudanese UN ambassador Daffa-Alla Elhag Ali Osman dismissed the allegations as "fabrications," adding that the reports of the attack had been invented by media agencies supporting anti-Khartoum rebels. South Sudan has also accused its neighbour of orchestrating, or at least supplying artillery to support, to a cross-border attack on its troops in Upper Nile state the same day, which reportedly killed five South Sudanese soldiers and wounded 26. Sudan has denied these allegations as well.

Earlier in November, Sudan filed a new complaint against South Sudan with the UN Security Council, accusing Juba of supporting rebels in two border regions. This follows a similar complaint filed in August. South Sudan quickly rejected the allegations, and claimed that in fact it was the north that was supporting rebels in Southern territory. Speaking after the refugee camp attack, South Sudanese President Salva Kiir stated that the accusations were being used to justify Sudan's "pending invasion of the South."

of the South."

Relations seemed slightly improved later in the month, when South Sudan's chief negotiator, Pagan Amum, stated that Juba has presented Sudan and the African Union, which is leading negotiations between the nations, with a "package proposal" in which South Sudan would offer Sudan "billions of dollars" if it agrees to settle all outstanding disputes. The contentious issues include the disputed Abyei region, oil revenue sharing, financial assistance, contested borders, and security. Amum told reporters that South Sudan would be "ready to assist the Republic of Sudan to manage its economic crisis resulting from the separation of South Sudan," on the condition Khartoum respects the territorial integrity of South Sudan.

South Sudan's foreign ministry spokesman El-Obeid Morawah declined to comment on Amum's proposal, but did mention that such proposals should be made during negotiations, and not through the media.

African Union mediators hope both countries will meet in Ethiopia in the next few weeks to resume discussions on the price South Sudan should pay for the use of Sudan's export facilities.

## PEACE AND NEGOTIATIONS PROCESS // CHELSEA SAUVÉ

On Saturday December 3rd, members of the Sudan Armed Forces (SAF) overtook the city of Jau, which borders Sudan and the newly independent South Sudan. Jau is located nearby to South Kordofan, a contested area that was attacked by the SAF six months ago. The SAF have suggested that the intention of this attack is to rid the area of rebel forces. This move was made in accordance with the sentiments expressed by Omar Al-Bashir, the President of the National Congress Party (NCP) of Sudan, namely regarding the objective to rid South Kordofan and Blue Nile area of its rebel presence.

South Kordofan and the Blue Nile are states home to communities who fought alongside the southerners in the civil war that ended in 2005. Al-Bashir continues to name the ruling party of South Sudan, the Sudan Peoples Liberation Movement (SPLM), as the main supporters of these rebel forces (SPLM-N). As such, the SAF seeks to regain control of Blue Nile and South Kordofan from the SPLM-N fighters. Presently, SAF artillery continues to bombard Jau and the surrounding areas; however, it is reported that the SPLM-N rebel forces are gaining ground.

The ensuing violence has placed refugees living in camps, including the Yida refugee camp, in harms way. Given the continued attacks, it has been estimated that over 13,000 refugees from South Kordofan and Blue Nile region have fled the area, moving further south. Despite the intense need for aid groups in these two states, Khartoum continues to deny them access.

Chief prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, has requested that the court's judges issue a warrant for the arrest of Sudan's defense minister, Abdul Rahim Mohamed Hussein. The ICC has already issued arrest warrants for the governor of South Kordofan, the Janjaweed militia leader, Ali Kushib and the NCP President, Omar Al-Bashir. Hussein, one of Al-Bashir's closest aides, is suspected of having committed war crimes and crimes against humanity in Dafur. Moreno-Ocampo has stated that Hussein "played a central role in coordinating the crimes, including in recruiting, mobilizing, funding, arming, training and the deployment of the Militia/Janjaweed as part of the Government of the Sudan forces, with the knowledge that these forces would commit the crimes." The NCP has attempted to increase the transparency of its government, particularly through public negotiations that have been ongoing between the NCP and the National Umma Party (NUP), as well as the Democratic Unionist Party (DUP). While the NCP managed to secure the participation of DUP in the national cabinet following months of negotiations, the NCP and NUP have failed to reach a proper agreement.

Meanwhile, South Sudan has begun to form its own regional ties. The Vice President of South Sudan, Riek Machar, has noted that the newly independent state will further its economic cooperation with Kenya. This move is likely to be mutually beneficial. The new plans include the building of a railway and highway that will reach the Kenyan border from South Sudan, as well as a pipeline, which will export crude oil from South Sudan to Kenyan ports. This newfound friendship with Kenya should serve South Sudan well in dissociating it from its economic reliance upon the NCP's Sudan. This is especially true in terms of the intended oil pipeline to be built through Kenya, as currently, the only avenue through which to export oil from South Sudan is Sudan.

Recently, South Sudan warned all foreign oil companies, the oil consortia and pipeline operators within South Sudan to refrain from cooperating with Sudan on all matters related to crude oil. This warning was circulated following reports suggesting that Sudan intended to confiscate 23% of the South Sudan oil entitlement as "payment" for pipeline and transit fees, which the NCP claims the SPLM has failed to pay. The South Sudanese government has denied this allegation, and has implemented this new policy in an effort to avoid what they believe to be the theft of South Sudanese oil by the Khartoum.

In other news, Sudan's request to be admitted to the East Africa Community (EAC), which was submitted last June, has been officially rejected. This is a major diplomatic blow to Khartoum's ambitions of joining the regional bloc. The EAC is comprised of Kenya, Uganda, Rwanda, and Burundi, with its headquarters in Arusha, Tanzania. Uganda and Tanzania were the main opponents of Sudan's requested membership in the group, citing Khartoum's lack of democracy, religious politics, and mistreatment of women as a violation of Article 3 of the EAC charter which stipulates that "membership is contingent upon adherence to universally acceptable principles of good governance, democ-

racy, the rule of law, observance of human rights and social justice." Recently, South Sudan submitted a request to join the EAC. This application was deferred by the EAC in order to allow time for the further evaluation of South Sudan's character, so that it may be decided whether or not it meets the necessary criteria to join.

In order to incorporate the UN into the newly independent state, a joint meeting of the UN Mission in South Sudan (UNMISS) and the government of South Sudan (GoSS) took place in order to discuss the preparation of mechanisms required for the implementation of the UN mandate in South Sudan. In the meeting co-chaired by the South Sudan vice president, Riek Machar, and special representative of the UN secretary general, Hilde Johnson, the deployment of UN forces was also discussed. However, despite such progress, the president of the SPLM and the Republic of South Sudan, Salva Kiir, has begun to warn his citizens against violence. In his address, Kiir called for religious cooperation within the state, encouraging citizens to disregard their political affiliations and foster unity within the state. Kiir spoke to the rebel movements currently operating in South Sudan, which continue to foster instability. Kiir suggested that such disunity will only cause violence, and that unity is a necessary goal to achieve in order to allow for the development of the state.

#### STAND NATIONAL POLICY UPDATE // COLLIN POTTAR-BONAR

TAs the holiday season draws ever nearer, Canadians across the country are reminded of the importance of fundamental Canadian values: of peace and of giving, of sharing and of caring. While they may seem all the more apparent during the holiday season, these values are reflected in our media, in our culture and, often, in our Parliament throughout the year. International human rights represent one of these values; it is a fundamental tenet of the Canadian character and a pronounced motif of the holiday season. Yet, while Parliamentarians have been active on a variety of human rights issues

over the course of the year, they have dedicated relatively little discussion and debate to Sudan, to genocide, and to mass atrocity crime prevention – arguably one of the most significant violations of human rights. This is especially clear upon considering the violence taking place in Sudan's South Kordofan region.

It goes without saying that a number of Parliamentarians have monitored the ongoing mass atrocities perpetrated in Sudan and elsewhere. However, there has been little debate in both the Senate and the House of Commons concerning these issues. Indeed, according to Parliament's website, the ongoing violence, mass atrocities and genocide taking place in Sudan has featured naught but twice in the debates of the House of Commons since the start of 2011 – once by the Hon. Russ Heibert (CPC) on June 22, 2011, and again by the Hon. Irwin Cotler (LPC) on November 22, 2011. Similarly, it seems as though Sudan has not featured in a Senatorial debate since Darfur was last discussed in 2007.

While this is certainly disconcerting at the best of times, it is a subject of greater concern considering that this collective, quiet disengagement has superseded the debates of the Canadian Senate and the House of Commons and may have taken root in Parliament's Standing Committee on Foreign Affairs and International Development (FAAE) and the Parliamentary Sub-Committee on International Human Rights (SDIR). The last published FAAE hearings concerning Sudan were published in December 2010, well before South Sudan seceded. In the December 2010 nonpartisan report entitled, "The Referendum in Sudan: Where to After 2011," the Government made ten recommendations. While the Government of the day may not have applied all of the report's recommendations, the report was significant nonetheless. Each policy prescription facilitated a national discussion among Parliamentarians, concerned Canadians, and civil society. However, the discussion has not been widely re-examined.

Since the 2010 report was published, there has

been a noticeable lull in the amount of time Parliament has spent addressing Sudan, South Sudan, and genocide prevention more generally, as is rather clear upon considering the amount of time Parliamentarians have spent debating these issues in the House of Commons and the Senate. It is critical that Parliamentarians continue engaging in these issues, both individually and collectively, and that is why STAND Canada is working to facilitate a grander Parliamentary discussion on these subjects in the New Year.

We need you to join us in taking a stand over the holidays to prevent the situations in Sudan's South Kordofan and Abyei from continuing to escalate by sending a free letter to Parliament Hill to your Member of Parliament, demanding that Parliament lead a national discussion surrounding the prevention of genocide and mass atrocity crimes in Sudan and wherever it manifests. We need you to stand with us by asking Parliamentarians to consider the variety of ways that Canadians and the international community can assist in the development of a peaceful resolution in the region, and to ensure that the prevention of genocide and crimes against humanity remains a cornerstone of Canadian foreign policy.

## **DRC: CONTEXTUALIZING THE CONFLICT // NISHA GUPTA**

Violence persisted throughout the Democratic Republic of Congo (DRC) until November 28, 2011 – the day now marked in Congo's troubled history as the second time the Congolese population took part in a democratic vote. On the Saturday ahead of Monday's national poll, Reuters reported two dead bodies that were smashed to death by rocks at a political rally held at Kinshasha's N'djili airport for the leading presidential challenger, Etienne Tshisekedi (pronounced CHISS-say-KAY-dee). Later that day, the violence prompted Governor Andre Kimbuta to announce on state television an imposition on all public or political demonstrations scheduled before the vote. Incumbent President

Joseph Kabila, Mr. Tshiskedi, and the other top opposition candidate, Vital Kamerhe, were all set to hold rallies in the capital, Kinshasa, on Saturday within several hundred metres of each other.

Even before voters went to cast their votes, fear and apprehension for the election's outcome was not only shared by human rights groups, but blatantly expressed by the major opposition party: "We all know that the country is not ready to hold this election. It's inevitable that it will bring conflict if they go ahead with it," said Jacquemain Shabani, the secretary general of Tshiskedi's party. Numerous Western diplomats and analysts from Human Rights Watch fear the possibility of a close presidential race between Kabila and Tshisekedi, which would lead to significant unrest, seriously testing the country's weak and notoriously corrupt institutions.

Violence was just one of the numerous challenges leading up to Monday's poll. Just days before the vote, over 40 percent of the planes carrying necessary voting materials were unable to take off due to poor weather, leaving several polling stations across the state ill-prepared and lacking ballots slips. However, Daniel Ngoy Mulunda, Congo's National Election Commission President—who is also a close friend of President Kabila—was against the possibility of an election delay. On the Saturday before the vote, Mulunda claimed at a news conference in Kinshasa that 90 percent of the materials had been received by the 60,000 polling stations across a country the size of Western Europe, with few paved roads.

Despite the nation being ranked "as the least developed country on earth" on the Human Development Index by the United Nations where a third of the adults cannot read, over 31 million registered voters chose between 11 presidential candidates and more than 18,000 candidates for the 500-seat Parliament on election day. Congolese citizens were handed a ballot paper as thick as a book containing the overwhelming number of parliamentary contenders. During campaign rallies, the

political candidates explained to voters their place on the ballot paper and stressed their number on the ballot: Kabila is No. 33; Tshisekedi is No. 11.

Jason Stearns, a Congo specialist, wrote on his blog that elections went smoothly in 70-80 percent of the polling stations—including a few parts of Kinshasa. Here, voting materials were present, citizens found their names on the voting registry, and everyone was enthusiastic, highly motivated, and were able to vote peacefully; but this was not the case in most areas of the capital. Stearns insisted that "The other face of elections was ugly," and that meticulous preparation could have circumvented the hundreds of volatile election irregularities, including polling stations missing ballots, countless voters who could not find their names on the voting lists due to flaws in the electoral lists, frustrated voters searching for the faces of their candidates on the huge ballot paper, incidents of violence with rebel fighters gunning down poll workers and burning ballot boxes, loose ballots inexplicably lying around deserted offices, and several dozens of accusations of ballot-stuffing throughout the nation. Natalie Noella, a 23-year-old student, said as she left the polls, "What do I fear? I fear death. No one knows what's going to happen."

Earlier this year, Kabila pressured his Parliament to amend Congo's Constitution to eliminate a second round of voting. The winner of this presidential vote will now claim victory through a single round, by a majority of votes, even if it is only 30 or 40 percent. Western diplomats and analysts predict that these changes favour Kabila against the split opposition. Mr. Mulunda is now threatening to disqualify tens of thousands of opposition votes, which has

fuelled suspicions of fraud, due to his close friendship with the Kabila. Analysts state that this is "a sure fire recipe for disaster." Disputed elections in Ethiopia, Kenya, Zimbabwe, and Ivory Coast set off widespread bloodshed resulting in a great loss of life; and Congo, which is soon becoming "the land of no consequences," is far more volatile and violent than all of those nations.

Over the ten years Mr. Kabila has retained power, he has grown deeply unpopular amongst the Congolese people. Many believe that he will go to any lengths to steal the election and hold onto power. But what may be more worrisome for Western officials and diplomats is the slight chance of Mr. Tshiskedi winning the presidential election. He is viewed as "a loose cannon and a prickly person to do business with" because of ludicrous remarks, such as unilaterally declaring himself president weeks before the poll and encouraging his supporters to free fellow comrades from prison. Analysts note, "It's a long shot, but not impossible, though Congo's election this week has been so chaotic and often violent, with poll workers slugged in the face and polling places burned to the ground, that it may be difficult to ever know who truly won." Stearns asserts, "It's neck and neck. The results look good so far for Tshiskedi. But there are certainly people in the ruling party—how can I put this diplomatically?—who would resort to extralegal means to prevent Tshiskedi from being president," he said. Even though the vast and rich DRC has been struck with violence under President Kabila, several people both inside the country and out fear that a new leader could further disrupt and destabilize the state: "The stage is now set for explosive unrest across Congo, no matter who wins."

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