



**HOUSE OF COMMONS
CANADA**

**THE REFERENDUM IN SUDAN:
WHERE TO AFTER 2011?**

**Report of the Standing Committee on
Foreign Affairs and International Development**

**Dean Allison, MP
Chair**

**DECEMBER 2010
40th PARLIAMENT, 3rd SESSION**

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THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

has the honour to present its

FIFTH REPORT

Pursuant to its mandate under Standing Order 108(2), the Committee has studied the implications and ramifications of the referendum in Sudan and has agreed to report the following:

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THE REFERENDUM IN SUDAN: WHERE TO AFTER 2011?

INTRODUCTION

In January 2011, the people of southern Sudan will vote in a referendum to decide whether the South remains part of a unified Sudan, or becomes an independent state. The referendum is a key provision of the landmark 2005 Comprehensive Peace Agreement (CPA) which ended the devastating North-South war. The referendum's importance for Sudan and the surrounding region cannot be overstated.

As the referendum date approaches, Sudan faces numerous challenges. These include delays in the implementation of CPA provisions concerning the referendum; outstanding disagreements between the North and the South; the possibility of one or more groups within the country rejecting the outcome of the referendum; and, not least, the potential for renewed violence and massive population displacement.

The primary motivation for this study was the concern of the Standing Committee on Foreign Affairs and International Development (hereafter the Committee) that the referendum on the future of South Sudan be held on time and in a manner that is free and fair. The perceived credibility of the referendum for all the Sudanese people is paramount, in order that it does not trigger renewed violence.

The other rationale for this study flows from the role that the Committee believes Canada can play in the region. There are many countries around the world grappling with poverty, insecurity and poor governance, and all need support from the international community. However, the Committee believes that building on the existing contributions that Canada is making to advance peace and stability in Sudan, and based on the types of expertise it has to offer, Canada is well-suited to play a meaningful role over the long term. While the circumstances surrounding the January referendum are very important, the referendum must not be seen as an end in itself. It is critical that Canada commit to a long-term strategy of engagement and development assistance in the country, regardless of the result.

The Committee held meetings in October and November 2010, hearing from experts, members of civil society, the Government of Canada, and the Government of Southern Sudan. The Committee's understanding of the rapidly evolving situation benefitted from "on the ground" information it received from the Carter Center, which is currently observing voter registration and education in Sudan, and Canadian government officials who appeared before the Committee both before and after a field visit to North and South Sudan.

OVERVIEW

With the exception of a brief period of peace from 1972 to 1983, Sudan has been plagued by protracted conflicts since its independence in 1956. At the heart of these internal conflicts has been regional economic marginalization and political under-representation. Sudan's peripheries have also reacted to what they perceive as efforts by northerners, in the form of the central government in Khartoum, to unify the country along the lines of Arabism and Islam.

The realization of the Comprehensive Peace Agreement (CPA) in 2005 between the central government and southern rebels, therefore, marked a significant milestone. As part of the CPA, the South will vote in January 2011 to determine whether it remains part of a unified Sudan, or becomes an independent state. Many observers view the impending referendum as a pivotal moment in the country's history. However, significant concerns have arisen over the last few months in light of delays with respect to the institutional and logistical steps necessary to conduct the referendum on schedule and in a credible manner. Moreover, other key issues raised by the CPA, including the fate of the Abyei region and border demarcation, and post-CPA issues like citizenship rights have yet to be resolved between the parties.

As noted above, the importance of the upcoming referendum in Sudan and its potential impact on the future of that country cannot be overstated. However, it is important to remember that the referendum is not being held in a vacuum. Sudan is the largest country in Africa, bordering nine others. Its future will therefore have a significant bearing on the broader stability of North and East Africa. The historical evidence for this connection can be drawn directly from the experience of Sudan's long civil war, which was devastating not only for the Sudanese people but for the surrounding region. The Assistant Deputy Minister for Europe, Eurasia and Africa at the Department of Foreign Affairs and International Trade (DFAIT), Jillian Stirk, underscored this point, telling the Committee: "Sudan's crises are a chronic source of instability, with regional implications, fuelling the trade in light weapons, illicit smuggling, and cross-border conflict. Such instability perpetuates ongoing human rights abuses and human suffering in this region of the world."¹

Indeed, while international diplomatic engagement with Sudan has increased in pace and intensity as the end date of the CPA—July 2011—draws near, this engagement is still insufficient in light of the enormity of the challenges that lie ahead. A large-scale movement of humanity is already underway in Sudan, which could intensify following the referendum. The basic needs in South Sudan were already massive before the referendum process began, given that the development of infrastructure, service-delivery, education, health care and governance for the region had been neglected as a result of decades of armed conflict. Finally, with respect to the neighbouring countries, there are serious political and diplomatic sensitivities to consider. For example, some

1 *Evidence*, Meeting No. 28, October 19, 2010.

countries in Africa, and the African Union itself, appear concerned about the precedent that southern secession could set for the continent. Others have bilateral interests at stake. Sudan's northern neighbour Egypt, for example, is concerned over any possible impact from the referendum for the sharing of Nile waters.

The Committee stresses that these challenges are not for Sudan to confront alone. Given the wider implications of the referendum for Sudan's immediate region and the continent of Africa, the international community must play a constructive role going forward in assisting the Sudanese people as they face these challenges. The Secretary General of the United Nations acknowledged as much in his recent remarks to the Security Council on this issue. Stating that "the coming months are likely to be difficult for the people of Sudan and the international community engaged there," Ban Ki-Moon also raised the spectre that "the referendum has the potential to change the future of the country and send shockwaves throughout the region".²

THE COMPREHENSIVE PEACE AGREEMENT

A. Conflict History

1. The North-South War

A civil war between rebels in the South, led by the Sudan People's Liberation Army (SPLA), and the Government of Sudan was waged on and off in two major stages, 1956-1972 and 1983-2005. War had broken out again in 1983 "in response to a division of the south into three administrative provinces and the introduction of Islamic law (*sharia*) and emergency rule". Moreover, the South was "also wary of economic exploitation in the development of southern oil resources (discovered near Bentiu in 1978) and in the construction of the Jonglei Canal (which was planned to divert water from the White Nile around the giant Sudd swamp)".³ An estimated two million people died from war-related causes and a further four million were displaced. It had been one of the world's longest running civil wars, and one of the most complex and devastating humanitarian emergencies. The conflict was brought to an end with the signing of the CPA in January 2005. To support implementation and monitoring of the CPA, the United Nations deployed a large peacekeeping force—the United Nations Mission in Sudan (UNMIS), currently consisting of almost 9,500 troops, 486 military observers, and 655 police officers.⁴

2 United Nations Secretary-General, SG/SM/13252; SC/10087; AFR/2062, November 16, 2010, <http://www.un.org/News/Press/docs/2010/sgsm13252.doc.htm>.

3 Economist Intelligence Unit (EIU), *Country Profile 2009: Sudan*, London, United Kingdom, 2009.

4 See <http://www.un.org/en/peacekeeping/missions/unmis/facts.shtml> (accessed October 31, 2010). The UN mission's current authorization ends on April 30, 2011.

2. Darfur

More recently, conflict has also simmered in Sudan's western province of Darfur, fuelled by an intensification of long standing political and economic grievances as well as the emergence of issues pertaining to land disputes and "creeping desertification".⁵ When rebel groups, led by the Justice and Equality Movement (JEM) and the Sudan Liberation Movement (SLM), took up arms against the government in 2003, the latter directly and indirectly supported a counter-insurgency campaign using both Janjaweed militia and other armed rebel groups to suppress the rebellion. These actions have resulted in systematic violence and abuses against civilians in the Darfur region. Since the outbreak of fighting, between 200,000 and 300,000 people have died from conflict-related causes (violence, disease, hunger) and approximately 2.7 million people have been displaced. The UN has deployed a peacekeeping force specifically for Darfur, the African Union/United Nations Hybrid operation in Darfur (UNAMID), of about 17,000 troops, 264 military observers, and 4,747 police officers.⁶

In an important turn of events, in March 2009, the International Criminal Court (ICC) issued an arrest warrant for Sudanese President Omar al-Bashir on charges of crimes against humanity and war crimes; a second warrant followed in July 2010 on charges of genocide committed in Darfur. While there have been multiple attempts at mediated peace talks between the parties to the conflict, no comprehensive political settlement has yet been reached.

B. Key Components of the Comprehensive Peace Agreement

On January 9, 2005, the CPA was signed in Nairobi by the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA).⁷ The CPA built on six agreements that had been reached between the parties from 2002 to 2004.⁸ The life of the CPA, which established a six-month "pre-interim period" and a six-year "interim period", runs until July 2011.

The CPA is lengthy and the agreed provisions within it are numerous, touching on all aspects of Sudanese government, administration and daily life, including the creation of various commissions and tribunals, security arrangements, boundary demarcation processes, steps for holding a population census, revenue (including oil) sharing, power-sharing, and the establishment of interim constitutions, amongst many other provisions. The main political components of the CPA were the creation of a national unity government in Khartoum and the creation of a semi-autonomous region of southern

5 EIU, *Country Profile 2009: Sudan*.

6 See <http://www.un.org/en/peacekeeping/missions/unamid/facts.shtml> (accessed October 31, 2010). The UN mission in Darfur is currently authorized until July 31, 2011.

7 The SPLM is the political wing/party of the SPLA.

8 See, United Nations Mission in Sudan, *The background to Sudan's Comprehensive Peace Agreement*, <http://unmis.unmissions.org/Default.aspx?tabid=515> (accessed, December 8, 2010).

Sudan, which would be governed during the interim period by a new Government of Southern Sudan (the GoSS), within the overall federal structure for the country. Nationally and in the South, the CPA also called for “a decentralized system of government with significant devolution of powers...”⁹ Overall, as Jillian Stirk of DFAIT explained to the Committee, the CPA included ambitious provisions “that were designed to transform Sudan and to make unity attractive before its end date of July 9, 2011”.¹⁰

In accordance with these provisions, Sudan now has a Government of National Unity (GNU), involving a partnership between the National Congress Party (NCP)—the majority partner in the GNU, which is led by President Bashir and which has governed the country since a military coup in 1989—and the more “junior partner” of the Sudan People’s Liberation Movement (SPLM)—the principal southern party.¹¹ National presidential and legislative elections, and those for the semi-autonomous area of South Sudan, were supposed to be have been held in 2009, but were rescheduled for April 11 to15, 2010. The incumbent national President—Omar al-Bashir—received 68% of the vote, securing re-election. Many of the other candidates had withdrawn in a boycott shortly before the vote was held. In South Sudan, the incumbent from the transitional period, Salva Kiir, received 93% of the vote, easily retaining the presidency of the GoSS.

Two referenda are supposed to be held by the January 9th deadline. The first stipulates a vote on the future of South Sudan. The second would determine whether Abyei, a region which straddles the North and South, will maintain special administrative status in the North, as defined under the CPA, or become part of the South, “irrespective of the outcome of the south’s own referendum on secession”.¹² Furthermore, the CPA also spelled out two processes of “popular consultations” for the states of Southern Kordofan and Blue Nile—two “other contested areas in northern Sudan”.¹³ Reflecting on all of the processes that were set in motion by the CPA, Mr. Elsadig Abunafeesa, a former UN official, told the Committee that, “Today Sudan is in a position to be or not to be the largest country in Africa.”¹⁴

9 As defined in the “Power Sharing” Protocol of the *The Comprehensive Peace Agreement Between The Government of the Republic of the Sudan and the Sudan People’s Liberation Movement/Sudan People’s Liberation Army*.

10 *Evidence*, Meeting No. 28, October 19, 2010. Section 2.5 of the section on the “Right to Self-Determination for the People of South Sudan” in the Machakos Protocol of the CPA stipulates that: “At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOSS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.” Source: *The Comprehensive Peace Agreement Between The Government of the Republic of the Sudan and the Sudan People’s Liberation Movement/Sudan People’s Liberation Army*.

11 EIU, *Country Profile 2009: Sudan*, p. 4.

12 Integrated Regional Information Networks (IRIN), *Analysis: A guide to Abyei’s referendum*, July 14, 2010, <http://www.irinnews.org/Report.aspx?reportid=89832>.

13 Katherine Almquist, *Renewed Conflict in Sudan*, Council on Foreign Relations (CFR), Center for Preventive Action, Contingency Planning Memorandum No. 7, March 2010.

14 *Evidence*, Meeting No. 32, November 2, 2010.

CURRENT CANADIAN POLICY IN SUDAN

Sudan has been one of Canada's foreign policy priorities in recent years. Efforts are intended to support the full implementation of the CPA, while also helping to resolve the crisis in Darfur. Canada has allocated over \$800 million to Sudan since January 2006. Ms. Jillian Stirk of DFAIT noted that Canada takes a whole of government approach in the country because of its multi-faceted challenges. Moreover, Canadian assistance is directed to all parts of Sudan.

As explained to the Committee by DFAIT officials, Canada's activities in Sudan flow from three priorities. First, Canada "is working with the Sudanese and international partners to contain violence and enhance security".¹⁵ This includes the deployment of Canadian Forces and civilian police personnel to the UNMIS in "training and military observation" capacities, as well as support for disarmament, demobilization and reintegration processes. "Nearly 430 Canadian military and civilian peacekeepers have served with UNMIS since its inception."¹⁶ Second, Canada is working to reduce vulnerability through development assistance and humanitarian relief, including for refugees and internally-displaced persons. The third element of Canada's current strategy focuses on peacebuilding and longer-term reconstruction. Programming in this area targets, for example, agricultural productivity, "access to basic services such as education and health care for children and youth," and governance sector capacity-building in South Sudan.¹⁷

In the immediate term, Canada is providing support for activities related to the referenda processes: Ms. Stirk told the Committee that, "Canada founded and co-chairs the Khartoum-based donor working group on the referenda and has hired a full-time coordinator to facilitate its work."¹⁸ Canada is also contributing \$7 million to the UN Development Programme "referendum basket fund that will support activities necessary to hold the referenda".¹⁹ Moreover, officials stated that, Canada is "partnering with the Carter Center, through a \$2-million contribution, to observe the referenda themselves, and we are planning to deploy monitors with the [European Union] monitoring mission as well."²⁰

Departmental officials also provided the Committee with an update on recent diplomatic activity in the Sudan following a delegation visit in November. Two officials, Mr. Donald Bobiash, DFAIT's Director General of the Africa Bureau, and Mr. Douglas Scott Proudfoot, DFAIT's Director of the Sudan Task Force, described their discussions with various governmental, international and non-governmental stakeholders in North and

15 *Evidence*, Meeting No. 28, October 19, 2010.

16 *Ibid.*

17 *Ibid.*

18 *Ibid.*

19 *Ibid.*

20 *Ibid.*

South Sudan, as well as officials from Canadian missions in the region. In addition, Mr. Proudfoot travelled to Cairo for meetings with Egyptian officials as well as the secretariat of the Arab League, which has significant influence in North Africa and in Sudan.

THE REFERENDUM IN SOUTHERN SUDAN

Most witnesses discussed the imperative need for the referendum on the future of South Sudan to be held on time and in a credible and legitimate manner. For example, Ms. Jillian Stirk of DFAIT emphasized that, “[G]iven the anticipation building towards the January 9, 2011, date among southern Sudanese, many fear that any delay in the holding of the referendum may lead to the outbreak of widespread violence and the collapse of the CPA.”²¹ Canada has consistently emphasized to both sides that the terms of the CPA must be fully respected.

Many observers view the imminent referendum as a pivotal moment in Sudan’s history. However, concerns have arisen in light of delays and disputes that have occurred throughout the process. Ms. Stirk told the Committee that, “We cannot underestimate the challenges facing the holding of these referenda in a transparent and credible manner. Deep political differences and suspicions appear to be hampering progress in referenda preparations.”²² The Secretary-General of the Southern Sudan Referendum Commission, Mohamed Osman al-Nujoomi, was only appointed in September; voter registration did not commence until mid-November. The geographic and logistical challenges associated with voter registration are also significant. As Mark Simmons of FAR Sudan put it to the Committee:

Sudan as a whole is the size of Quebec and Ontario combined. Southern Sudan, which is the Ontario equivalent in size terms, has possibly as much as 100 kilometres of paved road. How on earth are you going to do a registration of voters there, and in Canada, and in Ethiopia, and in the U.S., and in the U.K., and in northern Sudan, in six days, which has now been extended to 17 days?²³

In light of this situation, the representative from the GoSS who appeared before the Committee, Mr. Joseph Malok, argued that the international community and Canada should “send election monitors to both northern and southern Sudan to help in the smooth running of the referendum process”.²⁴

The Committee was given an assessment of progress in voter registration and education, at a relatively early stage in both processes, by the Carter Center, a US-based NGO which is monitoring the referendum process on the ground in Sudan. Beginning in

21 *Evidence*, Meeting No. 28, October 19, 2010.

22 *Ibid.*

23 *Evidence*, Meeting No. 32, November 2, 2010.

24 *Evidence*, Meeting No. 30, October 26, 2010.

September, the Center deployed 16 long-term observers in Sudan who will be in place into February. An additional 30 medium-term observers are assisting with voter registration, work which will continue until around December 19th. In the immediate voting period, they “intend to have another 50 short-term observers who will join our long-term observers and core staff”.²⁵

Ms. Sarah Johnson, the Center’s Assistant Director and Program Manager for Sudan, and Ms. Sanne van den Bergh, the Center’s Field Office Director, provided the Committee with an overview of some of the issues encountered to date:

- Insufficient funds available to the referendum commission and bureau;
- Heavy centralization of the referendum commission;
- “Some communication gaps between the commission chair and the international technical advisers. They have stalled approval of a number of important documents, including the voter registration manual and observer regulations”;
- Absence of regulations around campaigning;
- Lack of vehicles to move materials to referendum centres;
- “Vague eligibility criteria” for registration;
- Voter education/information in the public sphere has been “extremely low” in the South and North;
- No consideration committees established yet in the North or South (to handle appeals);
- “Very little discussion of the unity option publicly in the south”; and,
- With respect to southerners living in the North, in some cases they are “afraid to register” as a result of the uncertainty around citizenship, and many living in the North “are not clear whether they are even eligible to register.”²⁶

Ms. Johnson and Ms. Van den Bergh did acknowledge that the pace of preparations, while very slow at first, had increased “dramatically in the last few weeks”. Moreover, training of electoral staff “has happened on time. Most of the materials seem to

25 *Evidence*, Meeting No. 35, November 18, 2010.

26 *Ibid.*

have arrived at the county level and at the centres...” Mr. Bobiash of DFAIT labelled the progress a “heroic effort”.²⁷

With respect to voter registration, the Carter Center told the Committee that as of November 18, 2010 there had been “very low turnouts in every state” in North Sudan, while turnout in the South had been “much better”.²⁸ Voter registration was originally scheduled to run from November 15 to December 1. However, on November 26 the referendum commission announced that an additional week would be added because of large turnout experienced by some centres in the South, which needed more time to obtain additional registration materials after running out. One referendum commission member, Chan Reek Madut, told the media that, “It is not going to affect the January 9 deadline... We are going to reduce some days for reporting and complaints before then. It will be condensed.”²⁹

There are some issues related to the actual referendum formula. Ms. Johnson explained that in order for the referendum result to be “considered valid,” 60 % of those people who registered must turn out to vote. Then, “it is a 50-plus-one vote for either unity or secession.”³⁰ This threshold has presented some complications for voter registration, given the number of southern Sudanese currently living in North Sudan and the poor information available on the registration process and eligibility. Mr. James Davis of Kairos, a church-based Canadian NGO, described the intersection of the registration threshold and the number of southerners living in the north as follows:

The hijinks there is simply that if they can get enough people to register by making it easy for them and somehow make it at least incrementally more difficult to actually vote, then it will not satisfy the 60% of registered voters going past the mark of 50% plus one.³¹

Mr. Simmons of FAR Sudan also commented on voter registration in the North, telling the Committee that “[T]here is some support now in the north to encourage people to claim southern citizenship and to be eligible for voting, because that will raise the number of registered voters and reduce, therefore, the percentage of voters who may be more likely to vote for independence.”³²

THE STATUS OF THE ABYEI REGION

As mentioned, the CPA also stipulates a referendum on the future of the Abyei region, which is situated between Southern Kordofan in the North and the Unity and Northern Bahr El Ghazal states in the South. Abyei currently enjoys special administrative

27 Ibid.

28 Ibid.

29 “Sudan extends vote registration after huge turnout,” *Reuters*, Khartoum, November 26, 2010.

30 *Evidence*, Meeting No. 35, November 18, 2010.

31 *Evidence*, Meeting No. 30, October 26, 2010.

32 *Evidence*, Meeting No. 32, November 2, 2010.

status under the national presidency. In accordance with the CPA, the Abyei referendum is supposed to occur at the same time as the referendum on the future of South Sudan. However, significant delays have been encountered. Jillian Stirk of DFAIT explained these delays as follows: "All preparations for the Abyei referendum are currently on hold because the two parties to the CPA cannot agree on the formation of the Abyei referendum commission."³³

Some observers are concerned that disagreements over Abyei could provide the trigger point for renewed violence in Sudan. Mr. John Lewis of Kairos underlined the sensitivity of the region for both sides in telling the Committee that the GoSS "likened Abyei to Kashmir". He also said, "I think the analogy of India and Pakistan is probably a correct one, but also distributing."³⁴ Ms. Stirk delivered a similar message, indicating that the determination of "whether Abyei will remain in the north or join the south is a highly sensitive issue in Sudan..."³⁵

As such, the rhetoric on the fate of Abyei has been heated, reflecting the entrenched positions and the understanding that Abyei is a key negotiating piece within the broader range of outstanding CPA and post-CPA items. On October 14, 2010, northern officials told the media that, "It is very clear that right now it is not possible to have the Abyei referendum on January 9, 2011. We all agree that this is no longer practical." A member of the SPLM, Deng Arop Kuol, responded to this by stating that, "A delayed vote is unacceptable. The people of Abyei are still holding out for the referendum to be held on January 9. If the government does not give them that option, we can have a self-run referendum."³⁶

Observers are extremely doubtful that the referendum on Abyei can be held on time, and there is speculation that the territory could end up being part of some form of negotiated solution between North and South. Upon his return from the country, another official from DFAIT, Mr. Bobiash, told the Committee that, "Given the tension building in Abyei as it becomes increasingly unlikely that its referendum can feasibly begin on January 9, there are fears that violence could erupt in this area and spark a larger conflict." He went on to summarize the real interests of the two negotiating parties, stating:

33 *Evidence*, Meeting No. 28, October 19, 2010.

34 *Evidence*, Meeting No. 30, October 26, 2010.

35 *Evidence*, Meeting No. 28, October 19, 2010. The International Crisis Group (ICG), a non-governmental organization that researches the prevention and resolution of conflict in countries around the world, contests the common description of Abyei as oil-rich. In their recent report, the ICG writes that, the 2009 ruling of the Permanent Court of Arbitration on the final borders of Abyei "reduced the size of the area" of that which had been established by the previous 2005 ruling of the Abyei Boundary Commission, "and in doing so in effect cut the two most lucrative sites—the Heglig and Bamboo oilfields—out of the area." The ICG cites current estimates of Abyei's oil reserves as accounting for approximately 0.6% of Sudan's total oil revenue. See: ICG, *Negotiating Sudan's North-South Future*, Update Briefing, Juba/Khartoum/Nairobi/Brussels, November 23, 2010, p. 4.

36 Andrew Heavens, "Sudan Abyei vote deadline 'impossible': north," *Reuters*, Khartoum, October 14, 2010.

For the north, Abyei is being used as a card to extract more concessions from the post-referendum negotiations, while for the south, Abyei is home to key members of the SPLM and is seen as the heart of the south's liberation struggle.³⁷

Mediation efforts have intensified in recent months. Under the auspices of the United States, both sides engaged in talks on the margins of the UN high-level meeting on Sudan in late September 2010. This was followed by more formal talks between the same parties and local leaders in Addis Ababa, Ethiopia in October. However, despite various proposals, a final agreement was not reached. Negotiations are now being continued as part of the broader negotiations being facilitated by the African Union High-level Implementation Panel on Sudan.³⁸

Witnesses told the Committee that the most contentious issues in Abyei are citizenship and grazing rights. Mr. Proudfoot from DFAIT explained that while the majority of the settled population in Abyei are of the Dinka ethnic group and considered to be "southern-identified," the major sticking point is the status of a large nomadic group aligned with the North—the Misseriya—who graze their cattle in Abyei for several months a year. Mr. Proudfoot said, "The Misseriya, which have always migrated in and out of Abyei, are northern-identified and Arab-speaking. The question is, how many of them can be considered residents of Abyei for voting purposes? They simply haven't come to a conclusion on this..."³⁹ While the CPA specifically names the Ngok Dinka community as "residents" of Abyei, it also states that "[T]he criteria of residence shall be worked out by the Abyei Referendum Commission," which as noted has yet to be established. Ms. Stirk of DFAIT declared that disagreements over the residency/voting status of the Misseriya are "at the heart of this impasse."⁴⁰

Linked to all of the above issues is the exact demarcation of Abyei's borders. The CPA stipulated the creation of an Abyei Boundaries Commission (ABC) tasked with completing demarcation. The ABC released its ruling in July 2005, which was rejected by the National Congress Party (NCP). Then, "[A]fter three years of deadlock and a series of violent clashes, the parties submitted the dispute for arbitration."⁴¹ A final ruling was made by the Abyei Tribunal of the Permanent Court of Arbitration (PCA) in 2009. Ms. Van den Bergh of the Carter Center told the Committee that, "At the moment, the PCA ruling is still accepted by both parties. There hasn't been any official diversion from that... [T]here have been several other proposals floated. None of them have been accepted or outright rejected by either side."⁴² While the SPLM and NCP have voiced their acceptance of the ruling, the Misseriya have not because they think it puts "too much of their pastureland

37 *Evidence*, Meeting No. 35, November 18, 2010.

38 ICG, *Negotiating Sudan's North-South Future*, pp. 4-9.

39 *Evidence*, Meeting No. 28, October 19, 2010.

40 *Ibid.*

41 ICG, *Negotiating Sudan's North-South Future*, p. 4.

42 *Evidence*, Meeting No. 35, November 18, 2010.

inside Abyei”.⁴³ Ms. Van den Bergh went on to state that for now, “[T]he PCA ruling still stands and the Abyei Referendum Act still calls for a commission to be set up and the referendum to be carried out simultaneously with the southern Sudan referendum.”⁴⁴ In order to prevent Abyei from becoming “a hot spot in years to come,” Mr. Malok, a representative of the GoSS, urged that, “The international community, and Canada in particular, must put political pressure on both the NCP and the SPLM so that the Abyei referendum takes place at the same time as the referendum in southern Sudan.”⁴⁵

THE WAY FORWARD: THE COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

A. Immediate Concerns

The international community’s immediate priority in Sudan is to prevent any return to violence and to ensure that the referenda schedule, as agreed to in the CPA, stays on track. Jillian Stirk of DFAIT told the Committee that, “Regardless of whether the people of Sudan ultimately choose unity or secession, Canada’s main desire is for the maintenance of peace and stability in Sudan and the region.”⁴⁶

In recognition of the tenuous situation, a high-level meeting on Sudan was held at UN Headquarters on September 24, 2010. UN Secretary-General Ban Ki-moon outlined the expectations of the international community for the referenda processes, referring to south Sudan and Abyei. He stated:

We expect the referenda to be peaceful, carried out in an environment free of intimidation or other infringements of rights. We expect both parties to accept the results, and to plan for the consequences. And finally, we expect the parties to adhere to the CPA, without unilateral acts on either side, North or South.

He went on to state that, “Whatever the outcome, North and South must coexist peacefully.”⁴⁷

The Committee wishes to underline these sentiments and calls upon both parties to the CPA to ensure that the referendum on the future of South Sudan is held on time and in a manner that is free, fair and credible to all the Sudanese people. The Committee also calls upon both parties to the CPA to fully respect the outcome of the referendum, with the understanding that whatever the result, the event itself will be followed by a period of negotiation between the North and South so they may peacefully resolve the many

43 “FACTBOX — Key facts about Sudan’s disputed Abyei region,” *Reuters*, November 23, 2010, <http://af.reuters.com/article/sudanNews/idAFLDE6AM1V720101123?sp=true>.

44 *Evidence*, Meeting No. 35, November 18, 2010.

45 *Evidence*, Meeting No. 30, October 26, 2010.

46 *Evidence*, Meeting No. 28, October 19, 2010.

47 UN News Centre, *Remarks at High-Level Meeting on Sudan*, Secretary-General Ban Ki-moon, UNHQ, September 24, 2010, http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=965.

outstanding issues between them. Finally, it is clear to the Committee that a negotiated solution for the status of the Abyei region would be decisive catalyst in efforts to preserve peace.

No matter the outcome of the January referendum, there will be security, humanitarian, economic and political consequences for Sudan and its wider region, for which the international community—including Canada—must prepare. Many of these will be discussed next, but in terms of possible political consequences, Mr. Abunafeesa, a retired UNMIS official, pointed to the symbolic implications of a referendum in Africa that deals directly with the question of unity versus independence. Affirming that the South has a “right to self-determination,” he also cautioned the Committee that the referendum “might have some implications or ramifications for Africa, especially in neighbouring countries, such as Congo, Uganda, Kenya... Ethiopia—there are also minorities there—and even Chad...”⁴⁸

Having considered the above issues, the Committee recommends that:

- 1. The Government of Canada should take all possible steps to help the relevant authorities to hold the referendum on the future of South Sudan, scheduled for January 9, 2011, on time and in a manner that is free, fair and credible. This should include intensified diplomatic engagement with both the National Unity Government in Khartoum and the Government of Southern Sudan; and, continued support for the Carter Center and European Union monitoring mission so that those organizations can assist with voter education as well as monitor the referendum in Sudan.**
- 2. The Government of Canada should work with its international partners to encourage the Government of National Unity and the Government of Southern Sudan to respect the outcome of the January 9, 2011 referendum.**
- 3. Canada should send a high-level delegation that includes Ministers and parliamentarians to both North and South Sudan immediately following the referendum in order to communicate its continuing interest in a peaceful future for the Sudanese people, including in Darfur. The delegation should assess, with civil society, needs on the ground and establish with governments the most effective types of assistance Canada can contribute toward optimal outcomes.**

48 *Evidence*, Meeting No. 32, November 2, 2010.

4. The Government of Canada should closely monitor and offer support to ensure a timely and fair conclusion to the negotiations between the parties to the CPA over the Abyei region.

While not assuming that violence will erupt, the Committee is strongly of the opinion that Canada and its international partners need to take immediate steps aimed at conflict prevention, while also putting in place a robust contingency strategy in the event that armed conflict were to occur. As noted repeatedly in this report, the potential consequences of the referendum could be enormous.

The Committee is also mindful of testimony it received indicating that opportunities to build on the peacebuilding path originally envisioned by the CPA continue to exist. Canadian government officials who returned to the Committee for a second appearance following a visit to Sudan in early November stated that they were more optimistic about the country's immediate future than at the time of their original appearance in October. Mr. Bobiash of DFAIT said his assessment was based on their "distinct impression that neither side wants to return to war".⁴⁹ While alarming signals and rhetoric have been displayed in recent months, both parties have also "gained considerably during these past five years of peace and stand to benefit from maintaining stability in the north and in the south".⁵⁰ At the same time, the officials also continued to insist, however, that the situation remains complex, unpredictable and capable of rapid deterioration. Indeed, following a reported bombing incident that had occurred recently in Western Bahr al-Ghazal province (South Sudan), the UN sent a team to investigate. As the Committee completes this report, it notes that on December 14th 2010, a United Nations spokesman, Kouider Zerrouk, told the media that: "After verification it was established by the [joint ceasefire commission] members that air attacks took place."⁵¹ The Committee views this development, and any other events like it, with serious concern. With this in mind, the Committee recommends that:

5. The Government of Canada should continue to closely monitor events around the referendum, with a particular concern placed on any acts of intimidation or violence committed in South Sudan.

Contingency planning is needed to prepare for the possibility that a large-scale movement of people could occur around the time of the referendum and in the period following it. This could be triggered by the uncertainty facing northerners living in the South and southerners living in the North, and presumably by the desire of some individuals to live in one state or the other were the south to vote in favour of independence. Mr. Proudfoot of DFAIT told the Committee that, "Even assuming that the citizenship issue

49 *Evidence*, Meeting No. 35, November 18, 2010.

50 *Ibid.*

51 "South Sudan bombing confirmed by UN ahead of referendum," *BBC News*, December 14, 2010, <http://www.bbc.co.uk/news/world-africa-11989787>.

is resolved satisfactorily, there is a possibility there could be large movements of populations after the referendum, either from south to north or from north to south.”⁵²

Movement is already underway. Mark Simmons of FAR Sudan, whose NGO works on the ground in South Sudan, reported to the Committee upon his return from the country that, “There is a dramatic increase in people moving southwards.”⁵³ Mr. Proudfoot noted that Canada already has some programming in place in Sudan that addresses population displacement. He stated that the most successful CIDA support in this area has focused on services for internally-displaced persons (IDPs) “at the community level rather than targeting IDPs specifically.”⁵⁴ The rationale for such support is that if communities are not effectively equipped to deal with the inflow, IDPs will not necessarily resettle and may move on to other areas.

Given the complexity and scale of the challenges associated with population movement within Sudan, it is clear that Canada and the international community have to provide immediate and longer-term support to address these humanitarian needs. The longer-term challenges, which flow from unresolved citizenship issues, are dealt with in the next section of this report.

B. Canada’s Role: Providing Long-term Support to Sudan after the Referendum

The Committee strongly believes that there must be a continuing role for Canada to assist Sudan in the post-referendum period, particularly with respect to development aid and humanitarian assistance and capacity-building initiatives. This message was brought to the Committee by all witnesses. Mr. Davis of Kairos told the Committee that,

The CPA guarantors, the United Nations and the international community, need to demonstrate a renewed political will and commitment to enhance their engagement, not just until the referendum but also throughout the coming months and years of transition.⁵⁵

Mr. Abunafeesa, a retired UN official, similarly argued that there is a role to be played by “countries that could be trusted to build peace” and work to ensure that development takes hold.⁵⁶ This sentiment was also expressed by a representative of the GoSS. Mr. Joseph Malok said that there is much for Canada to offer in the way of “respect and leadership” in addressing ongoing North-South issues, considering that “Canada has

52 *Evidence*, Meeting No. 28, October 19, 2010.

53 *Evidence*, Meeting No. 32, November 2, 2010.

54 *Evidence*, Meeting No. 28, October 19, 2010.

55 *Evidence*, Meeting No. 30, October 26, 2010.

56 *Evidence*, Meeting No. 32, November 2, 2010.

no personal ambitions to pursue either in the north or in the south". In his words, Canada's only objective "is to make sure peace is maintained in Sudan as a country".⁵⁷

The Committee is encouraged by the testimony it received from government officials affirming the need for long-term Canadian engagement in Sudan beyond the referendum date. Mr. Douglas Scott Proudfoot of DFAIT described Canada's position as follows:

The referendum is an important moment in Sudan's history, but far more important is what happens afterwards. It's for this reason that Canada is bending its efforts to support not just the referendum itself but a stable Sudan in which development can take place regardless of the outcome of the referendum.⁵⁸

As witnesses told the Committee, the central issue will be encouraging constructive relations between the North and South in the years and decades to come, with the understanding that, even if only as a function of their sheer proximity and shared land, water and peoples, they will have to continue to deal with one another.

This overarching position needs to be realized through concrete international support for development in the country, particularly as relates to improvements in governance. Indeed, while the current focus of the international community has been on the conduct of the voter registration and the referendum process, as well as immediate displacement issues, it cannot be forgotten that the ongoing humanitarian challenges in Sudan are daunting. Jillian Stirk of DFAIT told the Committee that there continue to be "an estimated 5.2 million internally displaced persons throughout Sudan, including 2.7 million in Darfur, and some 430,000 Sudanese refugees in neighbouring states, with more than half of them in Chad".⁵⁹ Ms. Zaynab Elswawi of the Sudanese Women Empowerment for Peace similarly told the Committee that, "[T]he whole of Sudan is in need of support," not just the conflict areas.⁶⁰ It is for all of these reasons that Ms. Stirk reminded the Committee that, "For a country with so much potential that has experienced so much suffering, we must remain committed to helping them find the complex, long-term solutions that will provide a brighter future."⁶¹

The remaining sections discuss the key issues that will need to be addressed as part of a strategy of long-term engagement with Sudan.

57 *Evidence*, Meeting No. 30, October 26, 2010.

58 *Evidence*, Meeting No. 35, November 18, 2010.

59 *Evidence*, Meeting No. 28, October 19, 2010.

60 *Evidence*, Meeting No. 27, October 7, 2010.

61 *Evidence*, Meeting No. 28, October 19, 2010.

1. Unresolved Issues

While the referendum on the future of South Sudan is the dominant issue in the CPA, and has been accorded the greatest degree of international attention, there are several other issues related to post-referendum negotiations, the most important of which are border demarcation, division of the national debt, oil-revenue sharing, and citizenship rights. These still need to be negotiated between the North and South. Ms. Jillian Stirk told the Committee that neither the CPA nor the Interim National Constitution established a framework outlining how these issues would be resolved after the referendum takes place. Each is very sensitive and has the potential to derail peace. Mediated negotiations must therefore continue in the coming months.

On the specific issue of border demarcation, which was supposed to have been resolved within six months of the signing of the CPA, Mr. Proudfoot told the Committee that the remaining disagreement pertains to 20% of the total area. That is, cases “where there are populations [living] on both sides of the border”.⁶² Sensitivities around border demarcation flow from the strategic and practical concerns of both parties, including land and grazing rights, water sources, and natural resources.

While the country’s oil reserves are predominantly in South Sudan, the infrastructure necessary to export the oil to market is controlled by and located in the North. The CPA established an interim revenue-sharing scheme whereby oil extracted from the South would be split evenly between the governments in the North and South (some 2% of the revenue is reserved for the local region from which it is extracted). Given that oil revenues are critical to the Sudanese economy, a post-referendum mechanism for revenue-sharing will have to be developed. Some observers are hopeful that this is an item upon which progress can be made because of the mutual economic interests at stake.

Most of these outstanding CPA and post-CPA issues were not dealt with in significant detail during the Committee’s hearings, other than to highlight that the referendum is by no means the end of the North-South peace process. Attention must therefore remain fixed on negotiated solutions if peace is to hold. One contentious issue that was raised by all witnesses was citizenship. As Mr. Proudfoot put it to the Committee, citizenship “is possibly the most important single post-2011 issue”.⁶³ As noted previously, southerners living in the North and vice versa are expressing anxieties about their citizenship status, should the South vote in favour of independence in January. Mr. Lewis of Kairos summarized the issue as follows:

[T]here are an estimated 1.5 million southerners in the north. They are people displaced from the decades of war in southern Sudan. There are questions about their future. We need to encourage both northern and southern Sudanese leaders to promise not to

62 Ibid.

63 *Evidence*, Meeting No. 33, November 18, 2010.

expel one another's citizens after the results of the referendum. There are still questions specifically about citizenship rights in northern Sudan. The Government of Southern Sudan... has agreed to recognize northern Sudanese in the south as citizens. We haven't had the same guarantees from the government in the northern part of the country.⁶⁴

However, Mark Simmons of FAR Sudan pointed out that some of the southerners living in the North will not necessarily be welcome in the South for political reasons. Mr. Simmons described these complications as follows:

You have the age-old problem of any refugee community anywhere... where populations that didn't stay and fight are mistrusted when they return home because they weren't involved in the fight for independence, if you like. In terms of numbers, we're looking at around half a million who would voluntarily return and probably another million who would be forced out if the government of the north decided they would not be welcome in the south.⁶⁵

Mr. Simmons also drew the Committee's attention to an embedded problem: it is unclear at this point where the latter people would go. The fear is that "[T]hey would end up in sort of no man's land along the border..."⁶⁶ Canada has provided some technical advice to both sides on citizenship issues. However, as illustrated above, unresolved citizenship questions could be a potentially destabilizing force in the coming months.

2. Governance Challenges in the South

Overall, despite experiencing economic growth in recent years resulting primarily from oil revenues, the development challenges facing the Sudan are significant. The country ranked 154th out of 169 countries on the United Nations' 2010 *Human Development Index*. In the South, if the referendum favours secession, the immediate development needs facing the new state would be significant. As a result of decades of war and underdevelopment, the region is one of the poorest in the world.

This point was emphasized by all witnesses. Mr. Bobiash of DFAIT told the Committee that, "Simply put, development indicators in South Sudan are among the lowest in the world. Access to basic health care, potable water, and roads is virtually non-existent for the majority of South Sudan's communities."⁶⁷ Similarly, another DFAIT official, Ms. Stirk, wrote that while the South is roughly the size of Western Europe, its stark infrastructure needs can be illustrated by the fact that it only has about 100 kilometres of paved roads. She estimated literacy rates in the south to be under 25%.⁶⁸ Education is also a relevant challenge for the capacity of government officials in

64 *Evidence*, Meeting No. 30, October 26, 2010.

65 *Evidence*, Meeting No. 32, November 2, 2010.

66 *Ibid.*

67 *Evidence*, Meeting No. 35, November 18, 2010.

68 "Canada's Support to Sudan pre and post Referenda: Standing Committee on Foreign Affairs and International Development Meeting, Statement by Jillian Stirk, Assistant Deputy Minister, Europe, Eurasia and Africa," p. 2.

the South. The Committee was told by Mr. Philip Baker of CIDA that more than half of those civil servants do not have a full primary school education “and only 5% have a university degree”. He framed the challenge as one of a civilian government that is in the nascent stages of emerging from its previous incarnation as a military government.⁶⁹

Strengthening the capacity of the Government of South Sudan (GoSS), a semi-autonomous entity that already has formal responsibilities for governance in the South, is therefore a key area requiring support from the international community. Ms. Stirk underlined the message that, “Despite this autonomy, the Government of South Sudan still lacks many of the basic capacities needed to effectively meet the needs of the people of southern Sudan.”⁷⁰ Joseph Malok, of the GoSS, called for international and Canadian support in this area. He told the Committee that, “It is impossible to have good governance without capacity building.”⁷¹ Upon his return from a recent trip to Sudan, Mr. Proudfoot of DFAIT described existing Canadian support for governance sector capacity-building in the South, explaining that this need would be there with or without the referendum, but that the urgency for this assistance has become amplified by the prospect of independence.⁷²

Witnesses told the Committee that, following the referendum, the pressure within South Sudan will shift to the local government; expectations are very high in the South that lives will change for the better once the referendum is over. Mr. Bobiash of DFAIT told the Committee that when he and other Canadian government officials were in the South, they “[H]eard a lot of frustrations expressed at the political level, as well as unmet expectations of peace dividends that have still not arrived to most communities...”⁷³ He described South Sudan’s governance challenge as follows: “As long as it continues to access its oil wealth, the great challenge for South Sudan will remain translating its revenue and international assistance into sustainable services for a better life for its people, many of whom live in remote areas across a vast territory.”⁷⁴

It is with this general context in mind that Mr. Simmons of FAR Sudan suggested to the Committee that while enhancements in governance in South Sudan are of central importance, they should be accompanied with progress on regional service delivery, sub-national governance and decentralization. In his opinion, an aspect of the South’s struggles with effective governance is that it “copies the north, and the north is heavily centralized, so that’s how the south has learned to govern. It’s repeating the same error”.⁷⁵

69 *Evidence*, Meeting No. 33, November 18, 2010.

70 *Evidence*, Meeting No. 28, October 19, 2010.

71 *Evidence*, Meeting No. 30, October 26, 2010.

72 *Evidence*, Meeting No. 33, November 18, 2010.

73 *Ibid.*

74 *Ibid.*

75 *Evidence*, Meeting No. 32, November 2, 2010.

Indeed, other witnesses also highlighted the need for donors to support local civil society organizations in Sudan. Ms. Elswawi of the Sudanese Women Empowerment for Peace emphasized that donors need “a relationship with the grassroots level” if they want to monitor and evaluate effectively the outcomes of aid spending. She recommended the establishment of “a consultation forum between donors and civil society organizations”.⁷⁶ Mr. Davis of Kairos likewise stated that, “[I]n the development of new funding mechanisms, local organizations, including the Sudanese churches, which are close to the people, represented by its council, must be listened to and funds must be made accessible to them.”⁷⁷

Speaking from the general backdrop of his recent work in south Sudan on currency issues, emeritus Professor James Dean from Simon Fraser University underscored that capacity-building must address longer term economic development. He told the Committee that South Sudan has to date relied heavily on oil revenues and foreign assistance—approximately \$4 billion in total annually from both sources—to provide almost its entire operating budget. This has raised some problems with corruption.

Professor Dean pointed to the possibility of efforts being directed at the development of Sudan’s agricultural sector. He told the Committee that,

Any country that relies heavily on either oil or foreign aid is subject to disincentives to develop other sources of income.... it’s imperative for Sudan to develop another export industry. The best prospect is agriculture. Sudan is not only the largest country in Africa, it is one of the most fertile.⁷⁸

But he also noted that efforts to expand Sudan’s agricultural sector would have to address issues related to land tenure rights and the presence of large-scale and externally controlled agribusiness companies, which have been present mostly in the North so far. He explained that as arable hectares have been sold off to foreign investors, it was his understanding that “[C]ommunities and tribes and subsistence farmers have essentially lost their traditional tenure on the land.”⁷⁹ The government, “mostly in the north but increasingly also in the south,” has agreed to various long-leases of land. The situation is complicated by the fact that “there are virtually no land tenure laws in northern Sudan.” While there are land tenure laws in place in South Sudan, Professor Dean was uncertain whether “the spirit and the law” was being observed.

Considering some of the ongoing tensions the South has grappled with regarding political unity, a final lingering concern raised during the Committee’s hearings was the potential for violence to break out within the South in the period around or following the referendum. Mr. Proudfoot of DFAIT told the Committee that it “[H]as been a problem

76 *Evidence*, Meeting No. 27, October 7, 2010.

77 *Evidence*, Meeting No. 30, October 26, 2010.

78 *Evidence*, Meeting No.32, November 2, 2010.

79 *Ibid.*

throughout the conflict—the civil war and after. The year 2009, which was a year of peace, saw 2,500 people killed in southern Sudan in inter-ethnic violence.”⁸⁰

Mr. Malok, from the GoSS, told the Committee that the President of the GoSS, Mr. Salva Kiir, had recently convened a “south-south dialogue with all the political parties in southern Sudan to find a common ground.”⁸¹ Mr. Malok also pointed out to the Committee that a presidential pardon had been issued to those SPLA commanders and others who had rebelled at different points against the GoSS. According to Mr. Malok, this pardon was “well received”. In his opinion, there is “anticipation that the referendum is an historic event and the people of southern Sudan must go to the referendum as one united block”.⁸²

At the closing session of the six-day Governors Forum in Juba at the end of October, Mr. Kiir refuted suggestions made at that time in the northern Sudanese media that a rift had developed between himself and his deputy, Mr. Riek Machar, describing the reports as a “desperate attempt by a group of people who have run out of ideas and strategies to undermine the timely conduct of the referendum”.⁸³ Mr. Kiir went on to reaffirm the unity of the southern Sudanese people in confronting “the challenges associated with the referendum and beyond”.⁸⁴ Nevertheless, observers will be watching closely for any signs of possible divisions within the South.

There is another potential conflict trigger within the South related to the anxieties stemming from the relative political and military dominance of one ethnic group—the Dinka—compared to the others, the Nuer and the Shilluk. Mr. Abunafeesa, a retired UN official who served in UNMIS, told the Committee that “[T]here is a need for stabilization in the south, domestically because of the tribal conflicts and tribal rivalry between the three important and main tribes...”⁸⁵ Based on this analysis, he argued that, “The most important thing is to look to the future stability of the south before we look at the north.”⁸⁶

It is for exactly these reasons that efforts from international donors to build and strengthen the governance capacity of the South are so important. Mr. Proudfoot made this point in relation to Canadian assistance, stating: “This is one of the reasons we feel it’s so important to build up the capacity of the southern Sudan police force through training,

80 *Evidence*, Meeting No. 28, October 19, 2010.

81 *Evidence*, Meeting No. 30, October 26, 2010.

82 *Ibid.*

83 “Kiir describes claimed rift with deputy a “desperate attempt” to delay vote,” *Sudan Tribune*, October 30, 2010, available from the UNMIS media monitoring service: <http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2031%20Oct%2010.pdf>.

84 *Ibid.*

85 *Evidence*, Meeting No. 32, November 2, 2010.

86 *Ibid.*

and to build up and support UNMIS in its stabilization law.”⁸⁷ Effective governance that is inclusive of all society in the South, accompanied by appropriate disarmament, demobilization and reintegration programs and security sector reform, can serve as a counterbalance to these political tensions.

3. The Need to Support Women

A few of the witnesses emphasized the role that women can and should play in conflict prevention and development in Sudan. The Committee was told that women from the North and South managed to work together during the civil war for common objectives. They are now attempting to forge the same cooperation in the context of the upcoming referendum. Zaynab Elswawi described the difficulties for NGOs like her own operating in a very state-controlled environment in Sudan, speculating that North-South women’s groups “might need to meet outside [the country], as it used to be in the past”. On all of these points, she stated that these women “deserve Canada and the international community to support them”.⁸⁸

Witnesses described the relative gains that have been made for women’s rights in southern Sudan since 2005, compared to the situation facing women in the North. The interim constitution in southern Sudan guarantees women’s political participation by reserving 25% of the seats in the Southern Sudan Legislative Assembly and Council of Ministers.⁸⁹ Moreover, the Committee was told the Cabinet includes seven women ministers and that a gender ministry has been established. However, Ms. Elswawi pointed out that these same advancements have not taken hold in the North. She said, “Women from the north didn’t benefit [from the CPA] at the same level as the southern women...” Indeed, Ms. Elswawi framed the situation for women in northern Sudan in stark terms, stating:

We will be the losers — women in the north, absolutely. The regime has started to take us back to the nineties when they practised their full power against women. ... so I think they are waiting for the southerners to be ready for us to again practise the old way of dealing with women.⁹⁰

Mr. Lewis of Kairos seconded this concern. He told the Committee that:

There is a palpable fear when you speak with people in northern Sudan that Sudan without the south could become what they term to me as “another Saudi Arabia,” particularly in terms of women’s rights. There is a great fear that western governments —

87 *Evidence*, Meeting No. 28, October 19, 2010.

88 *Evidence*, Meeting No. 27, October 7, 2010.

89 See: http://www.gossmission.org/goss/images/agreements/interim_constitution_southsudan_2005.pdf.

90 *Ibid*.

and western NGOs, it must be said — will abandon the north to the NCP, which is the government.⁹¹

Given this situation, he suggested that Canada could “champion” support for women’s issues in Sudan, particularly as relates to advancing their roles in decision-making. This would be in keeping with United Nations Security Council Resolution 1325 on women, peace and security, which was the subject of a recent action plan released by the Government of Canada.⁹² The Committee also believes that more formal partnerships between women parliamentarians in Canada and Sudan could be a useful mechanism of support.

Mr. Lewis also suggested that in order to advance women’s empowerment in Sudan, Canada should support initiatives that are being brought forward by women’s organizations themselves. The access of women’s groups to development financing was also raised by Ms. Elswi. She told the Committee that most international donors are currently channelling their development assistance through basket funding mechanisms, particularly the multi-donor trust funds. In her assessment, “For small women’s groups, it’s very difficult actually to reach that fund for so many reasons.”⁹³

4. Darfur Cannot be Forgotten

The Committee wishes to conclude this report with a statement on the ongoing violence and instability in Darfur. While its hearings focused on the upcoming referendum in South Sudan, witnesses reminded the Committee that the humanitarian crisis in Darfur is directly connected to the country’s broader stability. As Ms. Stirk of DFAIT argued, “[I]t’s very important that the international community continue to remind the Government of Sudan about its obligations with respect to Darfur.”⁹⁴ The Committee agrees and strongly urges the government in Khartoum to cease all military activities in Darfur, to guarantee access for humanitarian relief workers to all areas of Darfur, and to work with rebel groups so as reach a timely and just negotiated solution to the conflict. In the opinion of Mr. Malok, a representative of the GoSS, “The conflict in Darfur is all about... equal development and equal political representation in the decision-making process in the centre and an equal share of national resources and wealth.”⁹⁵ The Committee is therefore of the opinion that in order to tackle these long-standing regional grievances, the peace process should be as inclusive as possible of a diverse range of societal actors within Darfur, so as to increase the likelihood of its sustainability.

91 *Evidence*, Meeting No. 30, October 26, 2010.

92 DFAIT, Building peace and security for all: Canada’s Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security, October 6, 2010, http://www.international.gc.ca/START-GTSR/women_canada_action_plan-plan_action_femme.aspx.

93 *Evidence*, Meeting No. 27, October 7, 2010.

94 *Evidence*, Meeting No. 28, October 19, 2010.

95 *Evidence*, Meeting No. 30, October 26, 2010.

Having considered all of the longer-term issues addressed above, the Committee recommends that,

- 6. Following the visit of the high-level delegation proposed above, the Government of Canada should, in partnership with the international community, elaborate a long-term and whole-of-government strategy for Sudan, which includes support for both the North and South. The strategy should include the following elements:**
 - **Continued engagement with both North and South Sudan;**
 - **Continued assistance to address the massive humanitarian needs in all parts of the country;**
 - **Explore support for capacity-building initiatives to strengthen governance in South Sudan, including in the justice and security sectors;**
 - **Technical advice and support targeting agricultural productivity and the strengthening of land tenure laws;**
 - **Mechanisms to enable direct access to financing for local civil society, including women's organizations;**
 - **Mediation support and technical advice to enable both parties to the Comprehensive Peace Agreement (CPA) to resolve outstanding issues such as border demarcation, citizenship rights, the sharing of debt, and oil revenue-sharing;**
 - **Full implementation in Sudan of the Government of Canada's Action Plan on United Nations Security Council resolution 1325, with a particular emphasis placed on facilitating women's roles in decision-making and the democratic process;**
 - **Maintain pressure on the Government of National Unity in Khartoum to reach a rapid, sustainable and inclusive political settlement to the conflict in Darfur;**
 - **Maintain pressure on the Government of National Unity in Khartoum and the Government of Southern Sudan to ensure full access to humanitarian relief organizations operating in all regions of Sudan; and,**

- **Continue to address the practical needs of the massive population redistribution and displacement within Sudan, including through increased financial support for the appropriate multilateral organizations working on these issues in that country.**

LIST OF RECOMMENDATIONS

- 1. The Government of Canada should take all possible steps to help the relevant authorities to hold the referendum on the future of South Sudan, scheduled for January 9, 2011, on time and in a manner that is free, fair and credible. This should include intensified diplomatic engagement with both the National Unity Government in Khartoum and the Government of Southern Sudan; and, continued support for the Carter Center and European Union monitoring mission so that those organizations can assist with voter education as well as monitor the referendum in Sudan.**
- 2. The Government of Canada should work with its international partners to encourage the Government of National Unity and the Government of Southern Sudan to respect the outcome of the January 9, 2011 referendum.**
- 3. Canada should send a high-level delegation that includes Ministers and parliamentarians to both North and South Sudan immediately following the referendum in order to communicate its continuing interest in a peaceful future for the Sudanese people, including in Darfur. The delegation should assess, with civil society, needs on the ground and establish with governments the most effective types of assistance Canada can contribute toward optimal outcomes.**
- 4. The Government of Canada should closely monitor and offer support to ensure a timely and fair conclusion to the negotiations between the parties to the CPA over the Abyei region.**
- 5. The Government of Canada should continue to closely monitor events around the referendum, with a particular concern placed on any acts of intimidation or violence committed in South Sudan.**
- 6. Following the visit of the high-level delegation proposed above, the Government of Canada should, in partnership with the international community, elaborate a long-term and whole-of-government strategy for Sudan, which includes support for both the North and South. The strategy should include the following elements:**
 - Continued engagement with both North and South Sudan;**
 - Continued assistance to address the massive humanitarian needs in all parts of the country;**

- **Explore support for capacity-building initiatives to strengthen governance in South Sudan, including in the justice and security sectors;**
- **Technical advice and support targeting agricultural productivity and the strengthening of land tenure laws;**
- **Mechanisms to enable direct access to financing for local civil society, including women’s organizations;**
- **Mediation support and technical advice to enable both parties to the Comprehensive Peace Agreement (CPA) to resolve outstanding issues such as border demarcation, citizenship rights, the sharing of debt, and oil revenue-sharing;**
- **Full implementation in Sudan of the Government of Canada’s Action Plan on United Nations Security Council resolution 1325, with a particular emphasis placed on facilitating women’s roles in decision-making and the democratic process;**
- **Maintain pressure on the Government of National Unity in Khartoum to reach a rapid, sustainable and inclusive political settlement to the conflict in Darfur;**
- **Maintain pressure on the Government of National Unity in Khartoum and the Government of Southern Sudan to ensure full access to humanitarian relief organizations operating in all regions of Sudan; and,**
- **Continue to address the practical needs of the massive population redistribution and displacement within Sudan, including through increased financial support for the appropriate multilateral organizations working on these issues in that country.**

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<p>Sudanese Women Empowerment for Peace Zaynab Elsayi, Program Coordinator</p>	2010/10/07	27
<p>Department of Foreign Affairs and International Trade Jillian Stirk, Assistant Deputy Minister, Europe, Eurasia and Africa Bureau Donald Bobiash, Director General, Africa Bureau Douglas Scott Proudfoot, Director, Sudan Task Force</p>	2010/10/19	28
<p>Government of Southern Sudan Joseph Malok, Principal Liaison Officer, Ottawa Liaison Office</p>	2010/10/26	30
<p>KAIROS James Davis, Program Coordinator, Africa Partnerships John Lewis, Program Coordinator, Human Rights</p>		
<p>As an individual James Dean, Emeritus Professor of Economics, Simon Fraser University</p>	2010/11/02	32
<p>FAR Sudan Mark Simmons, Country Director</p>		
<p>United Nations Mission in the Sudan Elsadig Abunafeesa, Senior Political Officer (Retired)</p>		
<p>Canadian International Development Agency Philip Baker, Acting Regional Director General, Southern and Eastern Africa</p>	2010/11/18	35
<p>Department of Foreign Affairs and International Trade Donald Bobiash, Director General, Africa Bureau Douglas Scott Proudfoot, Director, Sudan Task Force</p>		

Organizations and Individuals	Date	Meeting
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The Carter Center

Sarah Johnson, Assistant Director and Program Manager for Sudan

Sanne van den Bergh, Field Office Director

APPENDIX B LIST OF BRIEFS

Organizations and individuals

Sudan Council of Churches

Government of Southern Sudan

KAIROS – James Davies

KAIROS – John Lewis

MINUTES OF PROCEEDINGS

A copy of the relevant Minutes of Proceedings ([Meetings Nos. 27, 28, 30, 32, 35, 40 and 42](#)) is tabled.

Respectfully submitted,

Dean Allison, MP
Chair

