



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **SCORCHED EARTH: RESPONDING TO CONFLICT, HUMAN RIGHTS VIOLATIONS AND MANMADE HUMANITARIAN CATASTROPHE IN SOUTH SUDAN**

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

**Hon. Robert D. Nault  
Chair**

**Subcommittee on International Human Rights**

**Michael Levitt  
Chair**

**JUNE 2017**

**42nd PARLIAMENT, FIRST SESSION**

---

Published under the authority of the Speaker of the House of Commons

**SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Standing Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site  
at the following address: <http://www.parl.gc.ca>

**SCORCHED EARTH: RESPONDING TO CONFLICT,  
HUMAN RIGHTS VIOLATIONS AND MANMADE  
HUMANITARIAN CATASTROPHE IN SOUTH  
SUDAN**

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

**Hon. Robert D. Nault  
Chair**

**Subcommittee on International Human Rights**

**Michael Levitt  
Chair**

**JUNE 2017**

**42nd PARLIAMENT, FIRST SESSION**



# **STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

## **CHAIR**

Hon. Robert D. Nault

## **VICE-CHAIRS**

Dean Allison  
Hélène Laverdière

## **MEMBERS**

Peter Fragiskatos

Hon. Peter Kent

Tom Kmiec

Michael Levitt

Hon. John McKay

Raj Saini

Jati Sidhu

## **OTHER MEMBERS OF PARLIAMENT WHO PARTICIPATED**

Robert Aubin

Bob Benzen

## **CLERK OF THE COMMITTEE**

Angela Crandall

## **LIBRARY OF PARLIAMENT**

### **Parliamentary Information and Research Service**

Brian Hermon, Analyst

Scott McTaggart, Analyst



# **SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS**

## **CHAIR**

Michael Levitt

## **VICE-CHAIRS**

David Sweet

Cheryl Hardcastle

## **MEMBERS**

David Anderson

Iqra Khalid

Peter Fragiskatos

Marwan Tabbara

## **OTHER MEMBERS OF PARLIAMENT WHO PARTICIPATED**

Sean Fraser

Anne Minh-Thu Quach

Garnett Genuis

Scott Reid

Hon. Peter Kent

Terry Sheehan

Hon. John McKay

Cathy Wagantall

Hon. Robert D. Nault

## **CLERKS OF THE SUBCOMMITTEE**

Angela Crandall

Andrea Mugny

## **LIBRARY OF PARLIAMENT**

### **Parliamentary Information and Research Service**

Karine Azoulay, Analyst

Alexandra Smith, Analyst





# **THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

has the honour to present its

## **ELEVENTH REPORT**

Pursuant to the motion adopted by the Standing Committee on Foreign Affairs and International Development on Thursday, February 4, 2016, and the motion adopted by the Subcommittee on Wednesday, December 7, 2016, the Committee has studied the human rights situation in South Sudan and has agreed to report the following:



# TABLE OF CONTENTS

---

LIST OF RECOMMENDATIONS .....	1
GLOSSARY .....	3
SCORCHED EARTH: RESPONDING TO CONFLICT, HUMAN RIGHTS VIOLATIONS AND MANMADE HUMANITARIAN CATASTROPHE IN SOUTH SUDAN.....	5
Introduction .....	5
The Evolution of Conflict and Failure of a Peace Agreement.....	8
Violations of International Human Rights Law and International Humanitarian Law	10
Ethnic Cleansing.....	11
Starvation as a Weapon of War.....	11
Violations of the Rights of Children Including the Use of Child Soldiers .....	12
Sexual Violence as a Weapon of War .....	13
Obstruction and Exploitation of Humanitarian Aid.....	13
Obstruction of the United Nations Mission in the Republic of South Sudan.....	17
A Refugee Crisis Tests the Region .....	19
Prospects and Priorities for a Negotiated Political Settlement and Accountability ...	21
The Role of Regional Actors.....	22
Prioritizing accountability .....	23
The Approach of the International Community .....	25
Conclusions .....	28
APPENDIX A: LIST OF WITNESSES .....	29
REQUEST FOR GOVERNMENT RESPONSE.....	31



# LIST OF RECOMMENDATIONS

---

Based on the evidence heard by the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development during the course of its February to April 2017 study on the human rights situation in South Sudan, the Subcommittee recommends:

## RECOMMENDATION 1

**That the Government of Canada condemn human rights violations committed by all parties to the conflict in South Sudan, and particularly the Government of South Sudan, including ethnic cleansing, the starvation of civilians, and the use of child soldiers. The Government of Canada must also condemn the use of widespread sexual violence as a weapon of war. .... 13**

## RECOMMENDATION 2

**That the Government of Canada support the investigation of possible war crimes in South Sudan, and closely monitor the violence being perpetrated for signs of potential escalation to genocide. .... 13**

## RECOMMENDATION 3

**That the Government of Canada, in consultation and coordination with its international partners, develop and implement a strategy to secure uninterrupted access for aid and development workers, so that they can tend to the most vulnerable people in South Sudan. This strategy should aim to enhance security and to build resilience against obstacles or logistical challenges, including conflict, weak chains of command among combatants, and corruption. .... 17**

## RECOMMENDATION 4

**That the Government of Canada support the mandate of the United Nations Mission in the Republic of South Sudan to deliver humanitarian assistance, operate Protection of Civilians sites, and publish the findings of human rights monitors. The Government of Canada should also call upon the Government of South Sudan to cease its interference in this operation. .... 19**

## RECOMMENDATION 5

**That the Government of Canada promote the expeditious and effective deployment of the Regional Protection Force to join the United Nations Mission in the Republic of South Sudan. .... 19**

**RECOMMENDATION 6**

**That the Government of Canada continue to work with its international partners and the mission of the United Nations High Commissioner for Refugees in South Sudan to ensure that successful programs continue to receive the necessary funding and that Canada fulfils its commitments. Additionally, the Government of Canada should call upon United Nations member states to make and fulfill commitments to increased and longer-term funding to sustain and replicate best practices in refugee protection across the region, taking inspiration from the current Ugandan model. .... 21**

**RECOMMENDATION 7**

**That the Government of Canada, in its role as a member of the Joint Monitoring and Evaluation Commission, prioritize accountability, particularly through the establishment of the Hybrid Court for South Sudan, to address violations of human rights and humanitarian law. In the interim, the Government of Canada should support evidence collection initiatives and encourage other members of the Joint Monitoring and Evaluation Commission to do the same. .... 25**

**RECOMMENDATION 8**

**That the Government of Canada engage with the Government of South Sudan to ensure that its National Dialogue does not supplant the establishment of accountability measures envisioned by the Agreement on the Resolution of the Conflict in South Sudan. .... 25**

**RECOMMENDATION 9**

**That the Government of Canada update and expand its targeted sanctions applied to senior leaders in the South Sudanese conflict and apply an embargo on the sale of arms to South Sudan as soon as possible, while calling upon like-minded states to do the same. .... 27**

## GLOSSARY

---

**ARCSS:** *Agreement on the Resolution of the Conflict in South Sudan*

**CAF:** Canadian Armed Forces

**HCSS:** Hybrid Court for South Sudan

**IGAD:** Inter-Governmental Authority on Development

**JMEC:** Joint Monitoring and Evaluation Commission

**NGO:** Non-Governmental Organization

**POC:** Protection of Civilians

**UN:** United Nations

**UNHCR:** United Nations High Commissioner for Refugees

**UNMISS:** United Nations Mission in the Republic of South Sudan

**WFP:** World Food Programme





# SCORCHED EARTH: RESPONDING TO CONFLICT, HUMAN RIGHTS VIOLATIONS AND MANMADE HUMANITARIAN CATASTROPHE IN SOUTH SUDAN

---

## Introduction

From February to April 2017, the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) studied the human rights situation in the Republic of South Sudan (South Sudan).<sup>1</sup> The Subcommittee invited testimony from officials from Global Affairs Canada, Human Rights Watch and a development-focused non-governmental organization (NGO), Canadian Aid for South Sudan. The Subcommittee also heard from representatives from United Nations (UN) organizations including the UN Children's Fund (UNICEF), the UN High Commissioner for Refugees (UNHCR), as well as a commissioner of the UN Human Rights Council's Commission on Human Rights in South Sudan. Mr. Jeremy Hopkins, of UNICEF, addressed the Subcommittee by telephone from Yei, South Sudan. Others, including Mr. Jonathan Pedneault of Human Rights Watch and Mr. Kenneth Scott of the Commission on Human Rights in South Sudan, had recently returned from human rights-oriented fact-finding missions in South Sudan. Ms. Jane Roy, President of Canadian Aid for South Sudan, and Mr. Glen Pearson, Executive Director of Canadian Aid for South Sudan and former Member of Parliament for London North Centre, have dedicated the past 30 years to development in South Sudan.

The creation of the state of South Sudan in 2011 signalled a hopeful turning point for a country ravaged by a decades-long war between southern and northern Sudan. According to Mr. Edmond Wega, Acting Director General of the Southern and Eastern Africa Bureau at Global Affairs Canada, at that time, Canada joined the international community in a multi-faceted engagement in South Sudan.<sup>2</sup> Mr. Pearson recalled warnings that southern Sudan's independence from the north would be followed by destabilization, including testimony heard during the course of a 2010 study conducted by the House of Commons Standing Committee on Foreign Affairs and International Development.<sup>3</sup> At that time, witnesses noted that inter-ethnic tensions were erupting into violence, and that South Sudan faced significant development and governance challenges,<sup>4</sup> adding that the

---

1 House of Commons, Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development [SDIR], [Minutes](#), 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 7 December 2016.

2 SDIR, [Evidence](#), 16 February 2017, 1315 (Mr. Edmond Wega, Acting Director General, Southern and Eastern Africa Bureau, Global Affairs Canada).

3 SDIR, [Evidence](#), 21 February 2017, 1305 (Mr. Glen Pearson, Executive Director, Canadian Aid for South Sudan).

4 House of Commons Standing Committee on Foreign Affairs and International Development, [Fifth Report: The Referendum in Sudan: Where to after 2011?](#), 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, December 2010, pp. 20-21.

exploitation of South Sudan's oil reserves risked disincentivizing economic diversification – including South Sudan's "best prospect," agriculture.<sup>5</sup>

These warnings came to life when civil war erupted along ethnic lines in December 2013, after President Salva Kiir Mayardit, an ethnic Dinka, removed his then-Vice President, Riek Machar, an ethnic Nuer, from office. The Dinka compose 35% of South Sudan's roughly 12 million citizens, while the Nuer compose roughly 15% of the population. The remaining 50% are split among over 60 ethnic groups.<sup>6</sup> Mr. Pedneault explained to the Subcommittee that members of smaller tribes joined a multi-tribal coalition in opposition to the government.<sup>7</sup> Delays implementing a power-sharing agreement signed in August 2015 raised tensions and allowed opposition groups to multiply.<sup>8</sup> After violence erupted in the capital, Juba, in July 2016, conflict and devastation spread to new parts of the country.<sup>9</sup> Mr. Scott outlined the nature of the conflict and the ensuing humanitarian crisis in South Sudan as follows:

The current crisis in South Sudan is primarily caused by political elites engaged in a contest for political power, where ethnicity has been instrumentalized, that is, weaponized, to carry out the conflict, to tragic human, property and economic loss. A small coterie of political leaders has shown total disregard, and not just for international norms, but for the welfare of their own people. They have squandered the international good will and assistance that was poured out to South Sudan from 2005 to 2013, and looted and destroyed the country's oil wealth.<sup>10</sup>

The conflict is characterized by killings, forced displacement, and scorched-earth campaigns – military operations designed to render villages uninhabitable, and to destroy livelihoods and food sources. Witnesses noted that these actions amount to ethnic cleansing.<sup>11</sup> Sexual violence is being used on a massive scale as a weapon of war.<sup>12</sup> Witnesses emphasized that government and opposition forces continue to obstruct and exploit humanitarian efforts,<sup>13</sup> including the UN peacekeeping operation known as the UN

---

5 Ibid., p. 20. See also: House of Commons Standing Committee on Foreign Affairs and International Development, [Evidence](#), 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 2 November 2010 (Mr. James Dean, Professor, Simon Fraser University).

6 "[South Sudan country profile](#)," *BBC News*; "[South Sudan](#)," *The World Factbook*.

7 SDIR, [Evidence](#), 23 March 2017, 1335 (Mr. Jonathan Pedneault, Researcher, Africa Division, Human Rights Watch).

8 UN Human Rights Council, [Report of the Commission on Human Rights in South Sudan \(Advance edited version\)](#), A/HRC/34/63, 6 March 2017 [Report of the UN Commission on Human Rights in South Sudan (March 2017)], para. 13.

9 SDIR, [Evidence](#), 16 February 2017, 1305 (Wega).

10 SDIR, [Evidence](#), 11 April 2017, 1340 (Mr. Kenneth Scott, United Nations Commissioner on Human Rights in South Sudan, Office of the High Commissioner for Human Rights).

11 Ibid., 1325; SDIR, [Evidence](#), 16 February 2017, 1310 (Wega).

12 SDIR, [Evidence](#), 11 April 2017, 1325 (Scott).

13 Ibid., 1335 (Scott); SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault); SDIR, [Evidence](#), 13 April 2017, 1315 (Mr. Jean-Nicolas Beuze, Representative in Canada, Office of the United Nations High Commissioner for Refugees); SDIR, [Evidence](#), 21 February 2017, 1325 (Mr. Jeremy Hopkins, Acting Representative—South Sudan, UNICEF).

Mission in the Republic of South Sudan (UNMISS).<sup>14</sup> Impunity is taken as a given,<sup>15</sup> and the international community has yet to meaningfully deter human rights violations.<sup>16</sup> This conflict has also led to an avoidable humanitarian disaster. Famine has been declared in two counties at the epicentre of the conflict, and over 5.5 million South Sudanese people are severely food insecure.<sup>17</sup> Mr. Jean-Nicolas Beuze, UNHCR Representative in Canada, told the Subcommittee that the conflict has also created a refugee crisis third only to Syria and Afghanistan.<sup>18</sup> A common refrain among witnesses and the international community is that virtually all elements of the humanitarian crisis facing South Sudan are manmade.<sup>19</sup>

Like other states that have been engaged in South Sudan since 2011, the Government of Canada is concerned about the escalating violence<sup>20</sup> and remains engaged through various means. The Government of Canada's multi-faceted engagement includes the provision of humanitarian aid, development assistance, contribution of personnel to UNMISS, and engagement with a peace process led by the Intergovernmental Authority on Development (IGAD). Canada's embassy in Juba opened in 2014.<sup>21</sup> In March 2017, as the Subcommittee undertook this study, Canada's embassy reopened after an eight month closure due to security concerns.<sup>22</sup> The same month, the Government of Canada also announced the provision of \$37 million in humanitarian assistance as part of a plan to fight food insecurity in the region.<sup>23</sup>

In the words of one witness, it is "quite clear in the current context that the [South Sudanese] government cannot be trusted with the protection of its own population."<sup>24</sup> Through this report, the Subcommittee makes nine recommendations which call on the

- 
- 14 SDIR, [Evidence](#), 16 February 2017, 1315 (Wega); SDIR, [Evidence](#), 11 April 2017, 1355 (Scott); SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault).
- 15 SDIR, [Evidence](#), 11 April 2017, 1335 (Scott).
- 16 SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault); SDIR, [Evidence](#), 11 April 2017, 1350 (Scott).
- 17 SDIR, [Evidence](#), 23 March 2017, 1305 (Morley); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze); SDIR, [Evidence \(Blues\)](#), 11 April 2017, 1325 (Scott).
- 18 SDIR, [Evidence](#), 11 April 2017, 1325 (Scott); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).
- 19 SDIR, [Evidence](#), 21 February 2017, 1345 (Ms. Jane Roy, President, Canadian Aid for South Sudan); SDIR, [Evidence](#), 11 April 2017, 1325 (Scott). See also: Food and Agriculture Organization of the United Nations, "[Famine hits parts of South Sudan](#)," News release, 20 February 2017; [Report of the UN Commission on Human Rights in South Sudan \(March 2017\)](#), para. 25.
- 20 See, for example: Government of Canada, [Statement by Minister Dion and Minister Bibeau on South Sudan](#), 11 July 2016.
- 21 Embassy of Canada to South Sudan, [Contact and Office Information](#).
- 22 Ibid.; "[Heavy fighting 'spiraling out of control' in South Sudan capital](#)," *CBC News*, 10 July 2016; Sam Mednick, "[Q&A: Canada's ambassador to South Sudan on embassy's reopening](#)," *Devox*, 17 April 2017.
- 23 Government of Canada, [Backgrounder: Canada provides funding to respond to food crises in Nigeria, Somalia, South Sudan and Yemen](#), 17 March 2017.
- 24 SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault).

Government of Canada to act on its stated commitment to the protection of civilians.<sup>25</sup> This report begins with a discussion of the genesis and evolution of the conflict and an overview of the egregious violations of internationally recognized human rights and international humanitarian law which continue to unfold. The report then details the ensuing severe food insecurity and refugee crises, as well as the obstacles facing humanitarian workers and UNMISS. The roles of regional actors and the international community in arriving at a negotiated political settlement are subsequently discussed, with a focus on accountability as an essential feature of peace. The Government of Canada's humanitarian and political engagement is discussed throughout this report, to establish the foundations upon which the Subcommittee has made its recommendations.

## The Evolution of Conflict and Failure of a Peace Agreement

What began as a political conflict between President Salva Kiir Mayardit and former Vice-President Riek Machar quickly escalated into an ethnic conflict with fighting in South Sudan's northern states of Upper Nile, Jonglei, and Unity in 2014.<sup>26</sup> Government forces and government-allied militias first conducted scorched-earth campaigns in 2015, systematically destroying villages and livelihoods, stealing cattle, and forcing the displacement of tens of thousands of people. Civilians were subject to prolonged detention and torture.<sup>27</sup> These operations were at their most intense in the oil-rich Upper Nile state,<sup>28</sup> and Riek Machar's home state of Unity,<sup>29</sup> both of which are on the border of Sudan. Both sides to the conflict engaged in extreme levels of violence, with forced displacement and ethnic targeting, depending on which side controlled the territory.<sup>30</sup> Mr. David Morley, President and Chief Executive Officer of UNICEF Canada, and Mr. Scott noted that opposition groups have engaged in human rights violations to a lesser extent than government forces.<sup>31</sup>

IGAD is the principal regional intergovernmental body responsible for South Sudan's peace processes and for implementing peace agreements.<sup>32</sup> IGAD is composed

- 
- 25 See, for example: Government of Canada, [Address by Minister Dion to the United Nations Security Council](#), 10 July 2016; Government of Canada, [Statement by Minister Dion and Minister Bibeau on South Sudan](#), 11 July 2016; Global Affairs Canada, [Statement by Ambassador Michael Grant, Deputy Permanent Representative of Canada to the United Nations](#), General Assembly Interactive Dialogue: The Responsibility to Protect, 6 September 2016; Government of Canada, [The Peace and Stabilization Operations Program](#).
- 26 SDIR, [Evidence](#), 16 February 2017, 1330 (Wega); SDIR, [Evidence](#), 23 March 2017, 1310 & 1335 (Pedneault). In late 2015, President Kiir ordered, by decree, the division of South Sudan's 10 states into 28 states. This decision remains controversial. References to states in this report refer to the pre-2015 map of 10 states, consistent with the practice of the Government of Canada and the United Nations Office for the Coordination of Humanitarian Affairs. For more information, see: Lauren Ploch Blanchard, [Conflict in South Sudan and the Challenges Ahead](#), Congressional Research Service, 22 September 2016, p. 3.
- 27 SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).
- 28 SDIR, [Evidence](#), 16 February 2017, 1330 (Wega).
- 29 SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).
- 30 Ibid.
- 31 SDIR, [Evidence](#), 23 March 2017, 1305 (Mr. David Morley, President and Chief Executive Officer, UNICEF Canada); SDIR, [Evidence](#), 11 April 2017, 1330 (Scott).
- 32 SDIR, [Evidence](#), 11 April 2017, 1400 (Scott).

of Sudan, Uganda, Ethiopia, Kenya, the Democratic Republic of the Congo, Djibouti and Eritrea. South Sudan is also a member.<sup>33</sup> In August 2015, after multiple ceasefires failed, IGAD brokered a power-sharing agreement, the *Agreement on the Resolution of the Conflict in South Sudan* (ARCSS),<sup>34</sup> which established the “Transitional Government of National Unity.”<sup>35</sup> Witnesses criticized the ARCSS for not including all relevant stakeholders<sup>36</sup> and for providing an incentive for new groups in southern and western states to claim affiliation with the opposition.<sup>37</sup> Delays in the implementation of the ARCSS, including an eight month delay before the return of Riek Machar from exile, raised tensions,<sup>38</sup> until fighting erupted again in Juba in July 2016.<sup>39</sup> During the July 2016 attacks, civilians, including aid workers, were subjected to and witnessed human rights violations, including murder, intimidation, sexual violence and rape, as well as acts amounting to torture, perpetrated by armed government soldiers.<sup>40</sup>

Mr. Pedneault explained that, after the signature of the ARCSS, new, splintered, opposition groups and multi-tribal coalitions emerged. Counter-insurgency campaigns conducted by government-loyal forces led to the expansion of human rights abuses southward to Central, Eastern and Western Equatoria states, and other western states in South Sudan.<sup>41</sup> Both government and opposition forces continue to operate with weak chains of command, which, according to Mr. Wega, has contributed to the indiscriminate nature of attacks, including against civilians and humanitarian workers.<sup>42</sup>

Tens of thousands of people have been killed since December 2013. An April 2016 estimate by Global Affairs Canada indicated that casualties of the conflict ranged from 10,000 to 40,000 people and are possibly much higher.<sup>43</sup> Violence and human rights abuses committed by all parties to the conflict, including forced displacement, has left approximately 3.5 million, one third to one quarter of the population, displaced. Anywhere from 1.8 to 1.9 million South Sudanese are displaced internally. The conflict in South Sudan has created Africa's largest refugee crisis.<sup>44</sup> Close to 1.7 million refugees have sought asylum in neighboring countries, overwhelmingly seeking asylum in Uganda, but

---

33 IGAD, [The IGAD Region](#).

34 Ibid.; Joint Monitoring and Evaluation Commission, [Membership](#).

35 [Report of the UN Commission on Human Rights in South Sudan \(March 2017\)](#), para. 13.

36 SDIR, [Evidence](#), 11 April 2017, 1350 (Scott).

37 SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).

38 [Report of the UN Commission on Human Rights in South Sudan \(March 2017\)](#), para. 13.

39 SDIR, [Evidence](#), 16 February 2017, 1305 (Wega).

40 Ibid., 1310.

41 SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).

42 SDIR, [Evidence](#), 16 February 2017, 1305 (Wega).

43 Ibid., 1330; Global Affairs Canada, [Canadian Sanctions Related to South Sudan](#), 18 April 2016.

44 SDIR, [Evidence](#), 11 April 2017, 1325 (Scott); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

also in Sudan, Ethiopia, the Democratic Republic of Congo, Kenya and the Central African Republic.<sup>45</sup>

## **Violations of International Human Rights Law and International Humanitarian Law**

Witnesses echoed the abundance of reports of widespread human rights abuses. Mr. Pedneault concluded that the expansion of the conflict in South Sudan from July 2016 onward:

... demonstrates not only that the peace agreement has failed to put human rights violations to an end, but that both parties, the opposition and the government, are still very much intent on abusing civilians as part of their strategy to win this war.<sup>46</sup>

According to the UNHCR and UNMISS – and the Subcommittee wholeheartedly agrees – regardless of whether South Sudan is at peace or in conflict, the Government of South Sudan bears an obligation to protect and promote human rights, stemming from customary international human rights law, and from its treaty obligations.<sup>47</sup> The parties to South Sudan’s non-international armed conflict are also bound to comply with international humanitarian law—the laws of war. This includes customary international humanitarian law, which dictates over-arching principles such as the distinction between civilians and combatants, proportionality, and the prohibition on unnecessary suffering, as well as treaty obligations.<sup>48</sup>

Among South Sudan’s treaty obligations is Protocol II to the Geneva Conventions, relating to non-international armed conflict. Within its provisions are explicit prohibitions on attacking<sup>49</sup> or displacing civilians,<sup>50</sup> the recruitment of children under the age of 15 into armed conflict or the denial of education,<sup>51</sup> as well as a prohibition on sexual violence.<sup>52</sup> Witnesses reported to the Subcommittee that all of these violations, and more, were occurring on the ground in South Sudan. According to the UN Commission on Human Rights in South Sudan, the reported acts may amount to war crimes if established before a court of law.<sup>53</sup>

---

45 SDIR, [Evidence](#), 16 February 2017, 1325 (Wega); SDIR, [Evidence](#), 11 April 2017, 1325 (Scott); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

46 SDIR, [Evidence](#), 23 March 2017, 1315 (Pedneault).

47 UN Office of the High Commissioner for Human Rights and UNMISS, [A Report on Violations and Abuses of International Human Rights Law and Violations of International Humanitarian Law in the context of the Fighting in Juba, South Sudan, in July 2016](#), January 2017, para.15.

48 Ibid., para.14.

49 Ibid., para.13; UN Office of the High Commissioner for Human Rights, [Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#), 8 June 1977, Arts. 4(2)(a) and 13(2).

50 Ibid., Art. 17.

51 Ibid., Art. 4(3).

52 Ibid., Art. 4(2)(e).

53 [Report of the UN Commission on Human Rights in South Sudan \(March 2017\)](#), para. 84.

## Ethnic Cleansing

Mr. Scott stated that the increasing pattern of ethnic-based killing, mistreatment and displacement “can only be described as ethnic cleansing,” and is “a demonstration of the government’s desire for a Dinka-dominated country.”<sup>54</sup> Through forced displacement as well as administrative measures such as redrawing administrative or boundary lines, the government has been able to “replace one ethnic group with another ethnic group,” which Mr. Scott describes as “classic ethnic engineering.”<sup>55</sup> Mr. Scott reaffirmed the UN Commission on Human Rights in South Sudan’s warning that the South Sudanese face “a significant risk of genocide, a serious risk that cannot be ignored and which could ignite in a very short time.”<sup>56</sup> Likewise, Mr. Wega of Global Affairs Canada also acknowledged that the heightened level of ethnically motivated violence against civilians could evolve into genocide.<sup>57</sup>

## Starvation as a Weapon of War

Armed forces have also resorted to indiscriminate devastation and the destruction of livelihoods and food sources. Mr. Pedneault described scorched earth military campaigns where tanks were used to systematically destroy villages and livelihoods, forcing the displacement of tens of thousands of people.<sup>58</sup> Displacement has left fertile fields unplanted,<sup>59</sup> while, according to Mr. Beuze, land has been systematically destroyed such that it can no longer produce harvests.<sup>60</sup> Militias also stole cattle during raids, further compounding food insecurity.<sup>61</sup>

On 20 February 2017, the UN Food and Agriculture Organization, the World Food Programme (WFP) and UNICEF formally declared a famine in the Leer and Mayendit counties of Unity state,<sup>62</sup> where over 100,000 people faced starvation, with over 1 million more on the brink of famine.<sup>63</sup> This is the first time in 6 years that a famine has been declared anywhere in the world, and only the second time in the last 30 years.<sup>64</sup> According to Mr. Pedneault, the famine declared in Unity state is a direct result of the scorched-earth campaigns which government forces conducted in 2015.<sup>65</sup> This connection was also made

---

54 SDIR, [Evidence](#), 11 April 2017, 1330 (Scott).

55 Ibid.

56 Ibid.

57 SDIR, [Evidence](#), 16 February 2017, 1310 (Wega).

58 SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).

59 Ibid.

60 SDIR, [Evidence](#), 13 April 2017, 1255 (Beuze).

61 SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).

62 Ibid., 1315.

63 SDIR, [Evidence](#), 11 April 2017, 1325 (Scott); see also: Food and Agriculture Organization of the United Nations, “[Famine hits parts of South Sudan](#),” News release, 20 February 2017.

64 SDIR, [Evidence](#), 23 March 2017, 1305 (Morley).

65 SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).

in the *Report of the UN Commission on Human Rights in South Sudan*.<sup>66</sup> Attacks on villages in Mayendit and Leer counties continue.<sup>67</sup>

Conflict has laid waste to South Sudan's significant agricultural potential.<sup>68</sup> Food insecurity has now reached places not directly touched by conflict.<sup>69</sup> Conflict has precipitated economic collapse across the country.<sup>70</sup> Runaway inflation combined with scarcity means that people are simply unable to purchase food or farming implements.<sup>71</sup> Approximately 5 million people in South Sudan are now severely food insecure, meaning they are unable to secure their daily food needs.<sup>72</sup> The UN has projected that this number will rise to 5.5 million people – about half of South Sudan's remaining population – at the height of the 2017 lean season, expected in July.<sup>73</sup> Approximately 1.1 million children are acutely malnourished, of whom 276,000 are severely acutely malnourished.<sup>74</sup>

### **Violations of the Rights of Children Including the Use of Child Soldiers**

According to Mr. Morley, South Sudan is “the worst place in the world to be a child.”<sup>75</sup> UNICEF has confirmed that at least 1,800 children have died directly because of the conflict, and many more have been maimed or abducted. More than half of South Sudan's children have left school. Girls face rampant sexual violence and forced marriages, while boys are recruited into armed groups.<sup>76</sup> Children make up a large proportion of the displaced. According to Mr. Scott, at least 70% of refugees from South Sudan are younger than 18.<sup>77</sup> In his words, “we are seeing now a very real threat of another lost generation of South Sudanese youth.”<sup>78</sup>

UNICEF has reported that 17,000 children currently serve in armed groups in some capacity.<sup>79</sup> Though in recent years, UNICEF has facilitated the release of 19,000 children

---

66 [Report of the UN Commission on Human Rights in South Sudan \(March 2017\)](#), paras. 21 & 86.

67 SDIR, [Evidence](#), 23 March 2017, 1315 (Pedneault).

68 SDIR, [Evidence](#), 21 February 2017, 1345 (Pearson).

69 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

70 SDIR, [Evidence](#), 16 February 2017, 1305 (Wega).

71 SDIR, [Evidence](#), 21 February 2017, 1305 (Pearson); SDIR, [Evidence](#), 23 March 2017, 1305 (Morley).

72 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

73 SDIR, [Evidence](#), 23 March 2017, 1305 (Morley); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze); SDIR, [Evidence](#), 11 April 2017, 1325 (Scott).

74 SDIR, [Evidence](#), 21 February 2017, 1320 (Hopkins); SDIR, [Evidence](#), 23 March 2017, 1305 (Morley). Acute malnourishment refers to “wasting,” over a short period of time. Severe acute malnourishment presents as wasting and water retention. Generally severely acutely malnourished children have an upper-arm circumference of less than 11.5 cm. For more information, see: UNICEF, [Nutrition Glossary](#), April 2012.

75 SDIR, [Evidence](#), 23 March 2017, 1305 (Morley).

76 SDIR, [Evidence](#), 21 February 2017, 1320 (Hopkins).

77 SDIR, [Evidence](#), 11 April 2017, 1325 (Scott).

78 *Ibid.*, 1335.

79 SDIR, [Evidence](#), 21 February 2017, 1320 (Hopkins).



from armed groups, child recruitment continues.<sup>80</sup> UNICEF reports that 1,300 children were recruited last year.<sup>81</sup> Mr. Pearson observed that recruitment is not necessarily coerced, noting that many children, as well as women, gravitate towards armed groups out of necessity – attracted by the prospect of food, supplies and medical care when no alternatives or opportunities are available.<sup>82</sup>

### **Sexual Violence as a Weapon of War**

Witnesses agreed that among the “worst and most shocking characteristics of the South Sudan conflict” was the extreme level of sexual violence against women and girls.<sup>83</sup> Mr. Wega noted that the sexual violence is ethnically motivated.<sup>84</sup> Mr. Hopkins informed the Subcommittee that sexual violence is being used as a weapon of war on a massive scale.<sup>85</sup> Mr. Scott cited recent UN reports stating that 70% of South Sudanese women and girls interviewed in displacement camps have suffered some form of serious sexual assault or abuse. Women are particularly vulnerable when they leave camps to collect food and firewood. According to Mr. Scott, the Government of South Sudan denies the existence of widespread rape.<sup>86</sup>

### **RECOMMENDATION 1**

**That the Government of Canada condemn human rights violations committed by all parties to the conflict in South Sudan, and particularly the Government of South Sudan, including ethnic cleansing, the starvation of civilians, and the use of child soldiers. The Government of Canada must also condemn the use of widespread sexual violence as a weapon of war.**

### **RECOMMENDATION 2**

**That the Government of Canada support the investigation of possible war crimes in South Sudan, and closely monitor the violence being perpetrated for signs of potential escalation to genocide.**

### **Obstruction and Exploitation of Humanitarian Aid**

Several witnesses, including three who were either in South Sudan or who had recently returned from South Sudan, informed the Subcommittee that not only have the

---

80 SDIR, [Evidence](#), 23 March 2017, 1305 (Morley).

81 SDIR, [Evidence](#), 21 February 2017, 1320 (Hopkins).

82 SDIR, [Evidence](#), 21 February 2017, 1310 (Pearson).

83 SDIR, [Evidence](#), 11 April 2017, 1330 (Scott). See also: SDIR, [Evidence](#), 16 February 2017, 1310 (Wega); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze); SDIR, [Evidence](#), 21 February 2017, 1320 (Hopkins).

84 SDIR, [Evidence](#), 16 February 2017, 1310 (Wega).

85 SDIR, [Evidence](#), 21 February 2017, 1320 (Hopkins).

86 SDIR, [Evidence](#), 11 April 2017, 1330 (Scott).

Government of South Sudan and opposition groups manufactured a humanitarian crisis, they have also deliberately hindered and exploited humanitarian workers.<sup>87</sup> Aid workers are consistently targeted,<sup>88</sup> humanitarian supplies are frequently looted,<sup>89</sup> and exorbitant fees<sup>90</sup> are charged for access to an already logistically challenging environment.<sup>91</sup> Furthermore, armed groups manipulate access to provide preferential treatment for their own side.<sup>92</sup>

South Sudan is one of the most dangerous places in the world to be an aid worker. Since the outbreak of conflict in December 2013, at least 79 aid workers have been killed,<sup>93</sup> and many more have been subject to human rights violations, including rape.<sup>94</sup> During the first three months of 2017, at least 12 aid workers were killed and eight humanitarian convoys were ambushed. South Sudanese people receiving assistance were also killed during these attacks. Multiple incidents of aid looting were reported in March 2017 alone, including in the famine-affected county of Mayendit.<sup>95</sup> To date, attacks against aid workers and supplies have continued with full impunity.<sup>96</sup> Mr. Wega acknowledged that it is difficult to identify the authors of these crimes, but stated that the Government of Canada holds the Government of South Sudan accountable for the protection of aid workers in its jurisdiction.<sup>97</sup>

The consequences of attacks suffered by humanitarian workers are heightened by significant underlying logistical challenges.<sup>98</sup> Many of South Sudan's internally displaced people have sought refuge in the bush, making it exceptionally difficult to serve them.<sup>99</sup> South Sudan's infrastructure was described by one witness as "appalling."<sup>100</sup> According to Mr. Morley, South Sudan benefits from only 200 kilometers of paved roads.<sup>101</sup> South

---

87 SDIR, [Evidence](#), 11 April 2017, 1335 (Scott); SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze); SDIR, [Evidence](#), 21 February 2017, 1325 (Hopkins).

88 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

89 United Nations Office for the Coordination of Humanitarian Affairs, "[South Sudan: Humanitarian Coordinator condemns killing of six aid workers](#)," 26 March 2017.

90 SDIR, [Evidence](#), 21 February 2017, 1345 (Pearson).

91 SDIR, [Evidence](#), 23 March 2017, 1305 (Morley).

92 SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault).

93 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

94 For example, see : UN Office of the High Commissioner for Human Rights and UNMISS, [A Report on Violations and Abuses of International Human Rights Law and Violations of International Humanitarian Law in the context of the Fighting in Juba, South Sudan, in July 2016](#), January 2017, para. 51.

95 United Nations Office for the Coordination of Humanitarian Affairs, "[South Sudan: Humanitarian Coordinator condemns killing of six aid workers](#)," 26 March 2017.

96 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

97 SDIR, [Evidence](#), 16 February 2017, 1340 (Wega).

98 SDIR, [Evidence](#), 23 March 2017, 1305 (Morley).

99 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

100 SDIR, [Evidence](#), 21 February 2017, 1325 (Hopkins).

101 SDIR, [Evidence](#), 23 March 2017, 1330 (Morley).

Sudan's rainy season, which runs from approximately March to November,<sup>102</sup> further enlarges the areas of the country which are inaccessible.<sup>103</sup> As a result, humanitarian workers rely heavily on airplanes<sup>104</sup> and helicopters, which, Mr. Morley indicated, increases costs "astronomically" and makes operations difficult to sustain.<sup>105</sup> According to Ms. Roy, who echoed Mr. Morley's statements, visas for NGO workers are granted for only one month at a time, and NGO workers must reapply monthly from Nairobi, Kenya, dramatically increasing the cost and diminishing the effectiveness of humanitarian workers.<sup>106</sup> Humanitarian work is further complicated by the ongoing conflict. Mr. Morley noted that aid workers "always have to be ready to go right away," and engage in "a constant negotiation" for access, including coordinating landings with armed groups to ensure they will not be targeted.<sup>107</sup>

According to multiple witnesses, the Government of South Sudan is perpetuating the humanitarian crisis by exploiting humanitarian assistance.<sup>108</sup> Witnesses reported that bureaucratic obstruction and corruption are significant barriers to providing effective aid to the most vulnerable.<sup>109</sup> In the words of Mr. Pearson: "It's everywhere. It's at every level."<sup>110</sup> Witnesses reported that humanitarian workers were being charged fees for access, including exorbitant landing fees for airplanes landing with supplies.<sup>111</sup> In one of the most extreme examples, the South Sudanese government increased the fee for visas from US\$100 to US\$10,000 after the UN declared famine in two counties of Unity state. The Government of South Sudan has since cancelled this directive following diplomatic intervention.<sup>112</sup>

The Subcommittee was told that both government and opposition forces use humanitarian aid as a tool to punish or reward certain groups.<sup>113</sup> Mr. Scott noted that there were "many instances" where a Dinka population is moved into an area which is then provided with humanitarian assistance, while the non-Dinka population that was forcibly

---

102 World Food Programme, [South Sudan: The 2016 Rainfall Seasonal Analysis](#), September 2016.

103 SDIR, [Evidence](#), 21 February 2017, 1330 (Hopkins).

104 Ibid., 1325.

105 SDIR, [Evidence](#), 23 March 2017, 1330 (Morley).

106 SDIR, [Evidence](#), 21 February 2017, 1350 (Roy).

107 SDIR, [Evidence](#), 23 March 2017, 1330 (Morley).

108 SDIR, [Evidence](#), 11 April 2017, 1335 (Scott); SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze); SDIR, [Evidence](#), 21 February 2017, 1325 (Hopkins).

109 SDIR, [Evidence](#), 21 February 2017, 1345 (Pearson); SDIR, [Evidence](#), 23 March 2017, 1315 (Pedneault); SDIR, [Evidence](#), 23 March 2017, 1305 (Morley); SDIR, [Evidence](#), 21 February 2017, 1350 (Roy).

110 SDIR, [Evidence](#), 21 February 2017, 1345 (Pearson).

111 Ibid.

112 SDIR, [Evidence](#), 23 March 2017, 1315 (Pedneault); Sam Mednick, "[Is South Sudan set to reverse its \\$10,000 aid worker permit fee?](#)," *Devex*, 20 March 2017 ; Denis Dumo, George Obulutsa and Andrew Roche, "[South Sudan drops plan for \\$10,000 work permit fee for aid staff](#)," *Reuters Africa*, 3 April 2017.

113 SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault).

displaced is left without assistance.<sup>114</sup> Mr. Pedneault noted that it is currently much easier for aid workers to access areas under government control, observing that most of the schools that are open are on Dinka land, whereas many of the schools and hospitals in opposition-controlled or contested territories are deeply affected by closures.<sup>115</sup>

The Government of Canada is a significant contributor to partners delivering humanitarian assistance to South Sudan. The Government of Canada contributed \$25 million in humanitarian assistance in 2015-2016,<sup>116</sup> including emergency food assistance for over 4 million people, as well as life-saving supplies for millions of conflict-affected people.<sup>117</sup> On 17 March 2017, the Canadian government pledged \$37 million in humanitarian assistance to South Sudan, as part of a \$120 million package which will also address severe food insecurity in Nigeria, Somalia, and Yemen. The funding announcement noted that “humanitarian needs in South Sudan are greater than at any point since the most recent conflict began in December 2013.” The funding will be allocated to international NGOs, the International Committee of the Red Cross, and UN agencies.<sup>118</sup> According to Canada’s Ambassador to South Sudan, Alan Hamson, the WFP will receive 40% of the allocated funding.<sup>119</sup>

Mr. Pearson emphasized that, in his experience, South Sudanese people see long-term development and respect for human rights as going hand-in-hand.<sup>120</sup> South Sudan is a country of focus for Canadian development assistance. Canada’s development assistance to South Sudan focuses on improving access to quality health services, particularly for girls and women, and on reducing food insecurity. In 2015-2016, in partnership with the WFP and others, the Government of Canada employed South Sudanese people in food-for-work programs focused on the rehabilitation of agricultural land. The Government of Canada also funded training for agricultural workers and provided agricultural inputs.<sup>121</sup> However, Mr. Pearson warned the Subcommittee that the development gains made since 2011 are at risk, given the destructive effects of the ongoing crisis coupled with the diversion of international funding to emergency measures. Mr. Pearson noted that the Government of Canada could build on its long-established partnerships in South Sudan to mobilize partners to invest in the resilience of established development projects in the face of conflict and crisis.<sup>122</sup>

---

114 SDIR, [Evidence](#), 11 April 2017, 1345 (Scott).

115 SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault).

116 Global Affairs Canada, [Statistical Report on International Assistance Fiscal Year 2015-2016](#), p. 16.

117 Global Affairs Canada, [South Sudan](#).

118 Government of Canada, [Backgrounder: Canada provides funding to respond to food crises in Nigeria, Somalia, South Sudan and Yemen](#), 17 March 2017.

119 Sam Mednick, [“Q&A: Canada’s ambassador to South Sudan on embassy’s reopening.”](#) *Devex*, 17 April 2017.

120 SDIR, [Evidence](#), 21 February 2017, 1310 (Pearson).

121 Global Affairs Canada, [South Sudan](#), 12 April 2017.

122 *Ibid.*, 1315.

There was agreement among the witnesses that the question of access could not be solved by humanitarian partners on the ground. Witnesses advocated strongly for political intervention to ensure access and protection for aid workers and humanitarian supplies.<sup>123</sup> Mr. Beuze emphasized that appealing simply for respect for international humanitarian law would not be effective.<sup>124</sup> Mr. Pearson clearly stated that pressure to ensure access for humanitarian initiatives “has to come from the governments that are supporting it. It has to come from groups like IGAD.”<sup>125</sup> Mr. Beuze suggested that Canada was well-positioned to act as a broker between various parties and the Government of South Sudan.<sup>126</sup>

### RECOMMENDATION 3

**That the Government of Canada, in consultation and coordination with its international partners, develop and implement a strategy to secure uninterrupted access for aid and development workers, so that they can tend to the most vulnerable people in South Sudan. This strategy should aim to enhance security and to build resilience against obstacles or logistical challenges, including conflict, weak chains of command among combatants, and corruption.**

### Obstruction of the United Nations Mission in the Republic of South Sudan

UNMISS was established following South Sudan’s independence in 2011. With the outbreak of violence in 2013, UNMISS’ mandate expanded to the protection of civilians, monitoring human rights violations, creating the conditions for the delivery of humanitarian assistance and supporting the implementation of ceasefire agreements.<sup>127</sup> The Canadian Armed Forces (CAF) contributes personnel to UNMISS through Operation SOPRANO. As of 31 January 2017, 10 CAF personnel were serving as staff officers and military liaison officers specialized in military planning and operations.<sup>128</sup>

According to Global Affairs Canada, the Government of South Sudan has failed to fully cooperate with UNMISS, preventing the mission from fulfilling its mandate.<sup>129</sup> Patrols are consistently hampered, both by government troops and opposition fighters.<sup>130</sup> UNMISS soldiers are sometimes stopped by government roadblocks less than 500 metres from their camps.<sup>131</sup> UNMISS installations have been directly attacked, including UNMISS

---

123 SDIR, [Evidence](#), 13 April 2017, 1255 (Beuze); SDIR, [Evidence](#), 21 February 2017, 1345 (Pearson).

124 SDIR, [Evidence](#), 13 April 2017, 1255 (Beuze).

125 SDIR, [Evidence](#), 21 February 2017, 1345 (Pearson).

126 SDIR, [Evidence](#), 13 April 2017, 1255 (Beuze).

127 UNMISS, [UNMISS Mandate](#). See also: SDIR, [Evidence](#), 13 April 2017, 1310 (Beuze).

128 National Defence and the Canadian Armed Forces, [Operation SOPRANO](#).

129 SDIR, [Evidence](#), 16 February 2017, 1315 (Wega).

130 SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault).

131 SDIR, [Evidence](#), 11 April 2017, 1355 (Scott).

Headquarters, a private compound housing UN personnel and aid workers, as well as two sites housing 27,000 civilians seeking protection on UNMISS bases.<sup>132</sup> Six such Protection of Civilians (POC) sites exist.<sup>133</sup> Though these camps were intended to be used when violence surged, persistent insecurity and food shortages have led many to seek longer-term protection within POC sites.<sup>134</sup> From 2014 onwards, approximately 250,000 South Sudanese people have sought protection at POC sites. Described by Mr. Pedneault as “bleak places” with insufficient infrastructure, he stated that they are nevertheless essential to protecting civilians from violence and for distributing humanitarian aid in a non-discriminatory manner. Mr. Pedneault noted that UNMISS faces pressures from segments of the UN bureaucracy to close POC sites, which are perceived as a strain on resources and as difficult to protect.<sup>135</sup>

Mr. Pedneault believes that “the mission has been stuck in a mode of trying to create a working relationship with a government that had no intention of working with the mission in the first place.”<sup>136</sup> He pointed to UNMISS’s human rights monitors’ refusal to publish their findings, “for fear of alienating the Government of South Sudan,” as a practice that must be reversed.<sup>137</sup> Witnesses agreed that UNMISS remains hindered by risk-aversion and a lack of “robustness” in the face of obstruction, attributable at least in part to the attitudes of troop-contributing states and soldiers.<sup>138</sup> According to witnesses, by unquestioningly accepting restrictions placed on it by the Government of South Sudan, UNMISS has “lost its capacity to actually forge events on the ground.”<sup>139</sup>

Mr. Pedneault noted that UNMISS needs to expand its operations to areas in which the international community does not have a presence.<sup>140</sup> Mr. Scott and Mr. Pedneault agreed that there is “a need for the mission to be more assertive in protecting its mandate and enforcing its mandate,” particularly the protection of civilians. They noted that this might include using force when needed.<sup>141</sup>

On 12 August 2016, the UN Security Council passed Resolution 2304(2016), authorizing the deployment of a new Regional Protection Force under UNMISS. These 4,000 new troops are mandated to use “all necessary means, including undertaking robust

---

132 United Nations, [Executive Summary of the Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS response](#), 1 November 2016, p. 1; UNMISS, [United Nations Mission in South Sudan \(UNMISS\) – Update](#), 28 November 2016.

133 UNMISS, [United Nations Mission in South Sudan \(UNMISS\) – Update](#), 28 November 2016.

134 United Nations Security Council, [Report of the Secretary-General on South Sudan covering the period from 20 August to 9 November 2015](#), S/2015/902, 23 November 2015, para. 28.

135 SDIR, [Evidence](#), 23 March 2017, 1345 (Pedneault).

136 Ibid., 1320.

137 Ibid.

138 Ibid.; SDIR, [Evidence](#), 11 April 2017, 1355 (Scott).

139 SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault); SDIR, [Evidence](#), 11 April 2017, 1355 (Scott).

140 SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault).

141 Ibid.; SDIR, [Evidence](#), 11 April 2017, 1355 (Scott).

action,” to protect the airport and other key installations and to promptly engage any actor “that is credibly found to be preparing attacks, or engages in attacks, against UN protection of civilians sites, other UN premises, UN personnel, international and national humanitarian actors, or civilians.”<sup>142</sup> Mr. Pedneault has also expressed a cautious optimism about the potential effectiveness of a strengthened UNMISS, noting new civilian leadership, and citing a recent rescue of humanitarian workers by UNMISS personnel as auguring positive development.<sup>143</sup> The Government of Canada welcomed the UN Security Council’s decision to authorize a Regional Protection Force and strengthen UNMISS’ mandate to protect civilians and re-establish peace.<sup>144</sup> However, the Regional Protection Force has yet to be deployed.<sup>145</sup>

#### **RECOMMENDATION 4**

**That the Government of Canada support the mandate of the United Nations Mission in the Republic of South Sudan to deliver humanitarian assistance, operate Protection of Civilians sites, and publish the findings of human rights monitors. The Government of Canada should also call upon the Government of South Sudan to cease its interference in this operation.**

#### **RECOMMENDATION 5**

**That the Government of Canada promote the expeditious and effective deployment of the Regional Protection Force to join the United Nations Mission in the Republic of South Sudan.**

### **A Refugee Crisis Tests the Region**

Witnesses emphasized that conflict, human rights violations and worsening food insecurity in South Sudan have resulted in Africa’s largest<sup>146</sup> and fastest growing refugee crisis.<sup>147</sup> Between December 2013 and April 2017, 1.6 million South Sudanese people had fled South Sudan.<sup>148</sup> Over half of South Sudanese refugees have fled to Uganda (852,281). Sudan and Ethiopia host just fewer than 400,000 refugees each. Kenya hosts approximately 100,000 refugees, while the Democratic Republic of Congo hosts approximately 75,000 refugees.<sup>149</sup> These countries have all provided blanket asylum to

---

142 United Nations Security Council, [Resolution 2304 \(2016\)](#), 12 August 2016, S/RES/2304(2016), s. 10. See also: SDIR, [Evidence](#), 16 February 2017, 1315 (Wega).

143 SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault).

144 SDIR, [Evidence](#), 16 February 2017, 1350 (Wega).

145 Ibid.; [“UN mission in South Sudan confirms discussions on regional protection force continuing,” UN News Centre](#), 15 January 2017.

146 SDIR, [Evidence](#), 11 April 2017, 1325 (Scott); SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

147 Babar Baloch, [“Refugee crisis in South Sudan now world’s fastest growing,”](#) 17 March 2017.

148 UNHCR, [South Sudan Situation: Information Sharing Portal](#), 9 April 2017.

149 UNHCR, [South Sudan Situation: Regional overview of population of concern as of 31 March 2017](#).

South Sudanese refugees. Mr. Beuze commended these countries for their will to keep providing protection in the face of accelerating arrival rates, for the resources they have spent in providing security, and for their cooperation with the UNHCR. He emphasized that the South Sudanese exodus has created a regional crisis, and that humanitarian and protection assistance must be planned from a regional point of view, not unlike with the Syrian situation.<sup>150</sup>

Witnesses focused their attention on Uganda, which, according to UNHCR projections, will host close to 1 million South Sudanese refugees by the end of 2017.<sup>151</sup> Mr. Beuze described Uganda's approach to refugees as the most conducive to promoting self-reliance and integration into communities. Refugees in Uganda are provided with a plot of land, access to clinics, and access to education.<sup>152</sup> Mr. Beuze emphasized the value of creating a "sense of normalcy" when assisting families in overcoming trauma, including the restoration of family dynamics, privacy, and, for children, a return to education and recreational activities.<sup>153</sup> However, the absorption capacities of Uganda's host communities, who are sharing schools, potable water and other resources, are already being tested.<sup>154</sup> With relief activities already chronically underfunded, and with approximately 2,000 refugees arriving in Uganda every day,<sup>155</sup> Mr. Beuze stressed the urgency with which more funds are required to guarantee protection space for South Sudanese refugees, in Uganda and elsewhere.<sup>156</sup>

As of May 2017, the UNHCR was requesting US\$884 million for the South Sudan situation, and had received approximately US\$140 million in contributions for the year 2017.<sup>157</sup> Mr. Beuze emphasized that, without assurances of continuous streams of funding, the UNHCR has been unable to capitalize on efficiencies, and must divert scarce resources to constantly renewing contracts with service providers.<sup>158</sup>

Canada has contributed just over US\$1 million to the UNHCR's South Sudan situation fund for the year 2017.<sup>159</sup> The Government of Canada also contributed an additional \$1.4 million to the UNHCR's operations in South Sudan through a regional envelope.<sup>160</sup> The Government of Canada's March 2017 pledge to contribute \$37 million to

---

150 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

151 UNHCR, [South Sudan Regional Refugee Response Plan January-December 2017](#), December 2016, p.5.

152 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

153 Ibid., 1305.

154 Ibid., 1325.

155 Ibid., 1235.

156 Ibid., 1240.

157 UNHCR, [South Sudan Situation: 2017 Funding Update as of 16 May 2017](#).

158 SDIR, [Evidence](#), 13 April 2017, 1255 (Beuze).

159 UNHCR, [South Sudan Situation: 2017 Funding Update as of 16 May 2017](#).

160 Ibid.; SDIR, [Evidence](#), 13 April 2017, 1240 (Beuze).



support humanitarian efforts in South Sudan includes \$4.15 million which will be dedicated to the UNHCR.<sup>161</sup> It is unclear when these additional funds will be disbursed.

In 2017, Canadian funding for the South Sudan situation has gone to the UNHCR's operations within South Sudan, but not in other states such as Uganda. The UNHCR has requested approximately US\$365 million for its operations in Uganda connected to the South Sudan situation, and has only received 18% of requested funds.<sup>162</sup> Departmental officials indicated that, in 2016, the Government of Canada provided about \$11.3 million to Ethiopia, through the UNHCR, the WFP, and others, to support refugees. The Government of Canada also provided about \$9.5 million to support refugees in Kenya, and \$3 million to support refugees in Uganda.<sup>163</sup>

## RECOMMENDATION 6

**That the Government of Canada continue to work with its international partners and the mission of the United Nations High Commissioner for Refugees in South Sudan to ensure that successful programs continue to receive the necessary funding and that Canada fulfils its commitments. Additionally, the Government of Canada should call upon United Nations member states to make and fulfill commitments to increased and longer-term funding to sustain and replicate best practices in refugee protection across the region, taking inspiration from the current Ugandan model.**

## Prospects and Priorities for a Negotiated Political Settlement and Accountability

Mr. Beuze, Mr. Morley, and Mr. Pearson reiterated to the Subcommittee that the humanitarian crisis stems from a political dilemma, and can only be addressed through a negotiated political settlement.<sup>164</sup> Officials from Global Affairs Canada recognized that “it is clear that the situation in Sudan [*sic*] cannot be addressed solely in Sudan [*sic*],” and recognized the importance of IGAD, the African Union, and the international community in bringing peace to South Sudan.<sup>165</sup> All IGAD members, with the exception of Eritrea, are guarantors of the ARCSS.<sup>166</sup> Witnesses noted that IGAD has considerable influence in South Sudan.<sup>167</sup> Mr. Scott noted that the African Union has deferred to IGAD in respect to the situation in South Sudan.<sup>168</sup>

---

161 SDIR, [Evidence](#), 13 April 2017, 1240 (Beuze).

162 Ibid.

163 SDIR, [Evidence](#), 16 February 2017, 1325 (Wega).

164 SDIR, [Evidence](#), 13 April 2017, 1240 (Beuze); SDIR, [Evidence](#), 23 March 2017, 1330 (Morley); SDIR, [Evidence](#), 21 February 2017, 1345 (Pearson).

165 SDIR, [Evidence](#), 16 February 2017, 1320 (Wega).

166 Joint Monitoring and Evaluation Commission, [Membership](#); IGAD, [The IGAD Region](#).

167 SDIR, [Evidence](#), 16 February 2017, 1320 (Wega); SDIR, [Evidence](#), 11 April 2017, 1400 (Scott).

168 SDIR, [Evidence](#), 11 April 2017, 1400 (Scott).

Canada is represented at IGAD through the Embassy of Canada in Ethiopia.<sup>169</sup> Through the IGAD Partners Forum,<sup>170</sup> Canada sits on the Joint Monitoring and Evaluation Commission (JMEC), the principal oversight body created through the ARCSS agreement that is responsible for overseeing the implementation of the ARCSS.<sup>171</sup> The JMEC is composed of parties to the ARCSS, 7 “South Sudanese Stakeholders and Adherents,” 12 regional guarantors, and 7 international partners, including China, Norway, the United Kingdom, the United States, the UN, the European Union and a representative of the IGAD Partners Forum.<sup>172</sup> Mr. Wega confirmed that it is the Government of Canada’s position that a permanent ceasefire is necessary.<sup>173</sup>

### **The Role of Regional Actors**

In some respects, regional players have been cooperative in responding to the humanitarian crisis in South Sudan. As previously mentioned, Uganda, Sudan, Ethiopia, Kenya and other states have commendably provided blanket asylum and protection to South Sudanese refugees.<sup>174</sup> Ethiopia is a significant contributor of personnel to UNMISS, with Kenya and Uganda also contributing.<sup>175</sup> The UN Commission on Human Rights in South Sudan has also thanked Ethiopia, Kenya and Uganda for their “full cooperation” with their fact-finding mission.<sup>176</sup>

However, despite this cooperation, and having significant influence, witnesses observed that IGAD has not played an effective or positive role in promoting peace, stabilization or accountability in South Sudan.<sup>177</sup> South Sudan is represented at IGAD by President Salva Kiir Mayardit.<sup>178</sup> According to Mr. Pedneault, “the Government of South Sudan has found an ally in Ethiopia.”<sup>179</sup> On 9 December 2016, IGAD stated its position that all parties to the conflict in South Sudan should engage in dialogue and reconciliation to implement the ARCSS, but stated that “an arms embargo or sanctions on South Sudan

---

169 Government of Canada, [Canada-Ethiopia Relations](#), July 2014.

170 European Union External Action, [“Statement of the Third High-level Meeting of the JMEC Partners Group on South Sudan,”](#) News release, 1 August 2016.

171 SDIR, [Evidence](#), 16 February 2017, 1315 (Wega).

172 Joint Monitoring and Evaluation Commission, [Membership](#).

173 SDIR, [Evidence](#), 16 February 2017, 1350 (Wega).

174 SDIR, [Evidence](#), 13 April 2017, 1235 (Beuze).

175 United Nations, [UN Missions Summary Detailed by Country](#), 28 February 2017. As of 28 February 2017, Ethiopia contributes 1,311 military, police and expert personnel to UNMISS. Kenya contributed 149 police and military personnel, and Uganda contributed 31 police and military personnel.

176 [Report of the UN Commission on Human Rights in South Sudan \(March 2017\)](#), para.7.

177 SDIR, [Evidence](#), 11 April 2017, 1400 (Scott); SDIR, [Evidence](#), 23 March 2017, 1325 (Pedneault).

178 IGAD, [“Communiqué of the 29th Extra-ordinary Summit of the IGAD Assembly of Heads of State and Government,”](#) Communiqué, 9 December 2016.

179 SDIR, [Evidence](#), 23 March 2017, 1325 (Pedneault).

will not provide the solution being sought for permanent peace and stability in the country.”<sup>180</sup>

Witnesses reported that diverging political interests among IGAD member states have resulted in a lack of action.<sup>181</sup> In particular, Mr. Scott described a form of “proxy war” between Uganda and Sudan that is being played out in South Sudan. Uganda has typically supported President Salva Kiir Mayardit, while Sudan has generally supported Riek Machar and the opposition.<sup>182</sup> Sudan’s involvement in the peace process has been “challenging” due to border disputes with South Sudan, as well as disputes regarding fees relating to oil pipelines.<sup>183</sup>

### **Prioritizing accountability**

Witnesses stressed that any negotiated political settlement must include provisions for accountability.<sup>184</sup> In Mr. Scott’s words:

If the current conflict ends, if it does end, without real accountability, then the South Sudan government, the African Union, and the international community will have seriously and tragically failed, and with great sadness, all we can really expect, perhaps sooner than later, is a next round of mass violence.<sup>185</sup>

Likewise, Mr. Pedneault noted that, just as peace without accountability would be insufficient to end conflict, to continue to provide humanitarian funding without prioritizing accountability would be “to put a plaster on a deep wound.”<sup>186</sup>

Conflict, human rights abuses and humanitarian crises in South Sudan are occurring against a historical backdrop of intercommunal conflict<sup>187</sup> and impunity.<sup>188</sup> South Sudan has experienced conflict for over 60 years, including not only war with the north, but also intercommunal fighting as well as conflicts between farmers and herders. Mr. Pedneault believes that this history and certain cultural practices “have contributed, to an extent, to the current situation.”<sup>189</sup> A “deep culture of impunity” has meant that no political or military leaders have been held accountable for “wave after wave” of mass

---

180 IGAD, “[Communiqué of the 29th Extra-ordinary Summit of the IGAD Assembly of Heads of State and Government](#),” Communiqué, 9 December 2016.

181 SDIR, [Evidence](#), 11 April 2017, 1400 (Scott); SDIR, [Evidence](#), 23 March 2017, 1325 (Pedneault).

182 SDIR, [Evidence](#), 11 April 2017, 1400 (Scott).

183 SDIR, [Evidence](#), 16 February 2017, 1320 (Wega).

184 SDIR, [Evidence](#), 11 April 2017, 1340 (Scott).

185 Ibid.; SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault).

186 SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault).

187 Ibid., 1335.

188 SDIR, [Evidence](#), 11 April 2017, 1335 (Scott).

189 SDIR, [Evidence](#), 23 March 2017, 1335 (Pedneault).

violence. In light of this history, Mr. Scott notes that there is little reason for current military and political leaders to fear accountability.<sup>190</sup>

Witnesses underlined that, in this context, Chapter V of the ARCSS takes on particular significance.<sup>191</sup> Chapter V calls for the establishment of a Hybrid Court for South Sudan (HCSS), under the auspices of the African Union Commission,<sup>192</sup> to investigate and try acts of genocide, crimes against humanity, war crimes, and other serious crimes under international law and relevant laws of the Republic of South Sudan, including gender-based crimes and sexual violence. The HCSS is to be independent of, and have primacy over, national courts.<sup>193</sup> Chapter V of the ARCSS also calls for the establishment of a truth and reconciliation commission<sup>194</sup> and a reparations authority.<sup>195</sup>

Mr. Scott informed the Subcommittee that apart from some technical work sponsored by the international community, “very little if any progress has been made” to establish the accountability institutions envisaged in the ARCSS.<sup>196</sup> The African Union declined to share any documentation connected to the creation of the HCSS with the UN Commission on Human Rights in South Sudan. Mr. Scott reported that the Government of South Sudan consistently evaded meetings or communications with African Union representatives, further calling into question any political will for accountability.<sup>197</sup>

According to Mr. Scott, the accountability institutions foreseen by the ARCSS are at risk of being displaced entirely by a “national dialogue” announced by the Government of South Sudan in December 2016.<sup>198</sup> The National Dialogue envisages three phases of local and national consultation to settle political, social and cultural grievances and intercommunal conflicts, to achieve “peace, healing and reconciliation”. However, the leadership of the National Dialogue is exclusively Dinka, and is directly appointed by the President.<sup>199</sup> Mr. Scott was skeptical of the “government-dominated” process, criticizing its lack of inclusivity.<sup>200</sup> He questioned why this dialogue had not yet been implemented, suggesting that “after a few meetings and after a couple of months,” the government could announce that there is no longer any need for the HCSS, a truth commission, or a

---

190 SDIR, [Evidence](#), 11 April 2017, 1335 (Scott).

191 Ibid., 1335-1340; SDIR, [Evidence](#), 23 March 2017, 1310 (Pedneault).

192 IGAD, [Agreement on the Resolution of the Conflict in South Sudan](#), 17 August 2015, Ch. V, para. 3.1.1.

193 Ibid., para. 3.2.1.

194 Ibid., subsection 2.1.

195 Ibid., subsection 4.1.

196 SDIR, [Evidence](#), 11 April 2017, 1335-1340 (Scott). See also: SDIR, [Evidence](#), 16 February 2017, 1305 (Wega).

197 SDIR, [Evidence](#), 11 April 2017, 1340 (Scott).

198 Ibid.

199 [Report of the UN Commission on Human Rights in South Sudan \(March 2017\)](#), para. 75.

200 SDIR, [Evidence](#), 11 April 2017, 1350 (Scott).

reparations authority.<sup>201</sup> A Global Affairs Canada official acknowledged that the National Dialogue “is mostly government represented,” stating, “we are discussing that to see how it can be a bit more inclusive.”<sup>202</sup>

Mr. Scott and Mr. Pedneault called upon the Government of Canada and the international community to pressure the African Union and the Government of South Sudan to prioritize the establishment of the accountability institutions envisioned by the ARCSS agreement.<sup>203</sup> Mr. Beuze emphasized that accountability is required to rebuild a society, and, as such, it should focus as much on acknowledging victims as on punishing the perpetrator.<sup>204</sup> In anticipation of the establishment of accountability institutions, Mr. Scott called for increased resources to collect and preserve evidence, which is being lost or destroyed daily, particularly given the circumstances of conflict where witnesses die, disappear or are displaced and where property, including documents, is being destroyed.<sup>205</sup>

## **RECOMMENDATION 7**

**That the Government of Canada, in its role as a member of the Joint Monitoring and Evaluation Commission, prioritize accountability, particularly through the establishment of the Hybrid Court for South Sudan, to address violations of human rights and humanitarian law. In the interim, the Government of Canada should support evidence collection initiatives and encourage other members of the Joint Monitoring and Evaluation Commission to do the same.**

## **RECOMMENDATION 8**

**That the Government of Canada engage with the Government of South Sudan to ensure that its National Dialogue does not supplant the establishment of accountability measures envisioned by the Agreement on the Resolution of the Conflict in South Sudan.**

## **The Approach of the International Community**

Mr. Beuze reported that, even in light of the activities of UN agencies and UNMISS, as well as the recently strengthened mandate of the UN Commission on Human Rights in South Sudan,<sup>206</sup> the UN General Assembly and the UN Security Council have demonstrated political inertia with respect to accountability. Noting the regularity of credible reports of human rights violations available to members of the UN General Assembly and

---

201 Ibid., 1335-1340.

202 SDIR, [Evidence](#), 16 February 2017, 1350 (Wega).

203 SDIR, [Evidence](#), 23 March 2017, 1320 (Pedneault); SDIR, [Evidence](#), 11 April 2017, 1345-1355 (Scott).

204 SDIR, [Evidence](#), 13 April 2017, 1310 (Beuze).

205 SDIR, [Evidence](#), 11 April 2017, 1340 (Scott).

206 Ibid.

the UN Security Council, Mr. Beuze asked: “The problem is what next?...What kind of action will be taken so those responsible are held accountable, and eventually punished for those atrocities?”<sup>207</sup>

In March 2015, the UN Security Council adopted Resolution 2206, which expresses deep concern “at the failures of both parties to honour their commitments to date” with respect to the peace process, and which establishes a regime of targeted financial sanctions and travel bans.<sup>208</sup> On 1 July 2015, the Security Council sanctions committee concerning South Sudan imposed a travel ban and asset freeze on six military commanders, three being from the government side (Marial Chanuong, Gabriel Jok Riak and Santino Deng Wol), and three from opposition forces (Peter Gadet, James Koang Chuol and Simon Gatwech Dual).<sup>209</sup> No new names have been added to the sanctions list since 1 July 2015,<sup>210</sup> before the signature, and failure, of the ARCSS. On 24 May 2017, a UN Security Council resolution renewed the existing sanctions regime until 31 May 2018.<sup>211</sup>

Prior to the UN Security Council’s sanctions, on 23 October 2014, the Government of Canada imposed an asset freeze under the *Special Economic Measures Act* on two persons: Marial Chanuong, the head of Salva Kiir’s Presidential Guard, and Peter Gadet, a former government-side commander who defected to anti-government forces.<sup>212</sup> On 18 June 2015, Canada domestically implemented UN Security Council Resolution 2206, thereby adding a further four individuals to the sanctions list.<sup>213</sup>

Mr. Scott criticized Canadian and UN sanctions for being extremely limited and for focusing on individuals who are neither senior leaders nor vulnerable to sanctions. Mr. Scott called for sanctions to be imposed on individuals central to what he deems the “kleptocracy,” who, he posits, have a significant amount of wealth outside of South Sudan.<sup>214</sup>

On 23 December 2016, a draft UN Security Council resolution that would impose a travel ban and asset freeze on three “key government and opposition leaders” including

---

207 SDIR, [Evidence](#), 13 April 2017, 1310 (Beuze).

208 United Nations Security Council, [Resolution 2206 \(2015\)](#), 3 March 2015, S/RES/2206 (2015).

209 United Nations Security Council, [Security Council Sanctions Committee Concerning South Sudan Adds Six Individuals to its Sanctions List](#), Press Release, 1 July 2015, SC/11958; United Nations Security Council, [The List established and maintained pursuant to Security Council res. 2206](#), 30 May 2017.

210 United Nations Security Council, [The List established and maintained pursuant to Security Council res. 2206](#), 30 May 2017.

211 United Nations Security Council, [Resolution 2353 \(2017\)](#), 24 May 2017, S/RES/2353 (2017).

212 [Special Economic Measures Act](#), S.C. 1992, c. 17; [Special Economic Measures \(South Sudan\) Regulations](#), SOR/2014-235.

213 [Regulations Implementing the United Nations Resolution on South Sudan](#), SOR/2015-165; United Nations Security Council, [The List established and maintained pursuant to Security Council res. 2206](#), 20 April 2017; [Special Economic Measures \(South Sudan\) Regulations](#), SOR/2014-235.

214 SDIR, [Evidence](#), 11 April 2017, 1350 (Scott).

Riek Machar, and that would impose an arms embargo in South Sudan, failed to pass.<sup>215</sup> This failure came despite the public urging of the former UN Secretary General to impose sanctions and strong language threatening sanctions in Resolution 2304 (2016), which was adopted in August 2016. Eight states abstained from the vote: China, the Russian Federation, Angola, Egypt, Japan, Malaysia, Senegal and Venezuela. Egypt based its position on the fact “that IGAD and other regional actors were not in favour of sanctions.”<sup>216</sup> Ethiopia, an IGAD member and, according to Mr. Pedneault, an “ally” of the Government of South Sudan,<sup>217</sup> became a member of the UN Security Council on 1 January 2017.<sup>218</sup>

According to Mr. Pedneault, an arms embargo would be unlikely to halt the acquisition of weapons, but would have the effect of making acquisition more expensive. More importantly, however, there is a need to demonstrate that there will be consequences for the abuse of civilians.<sup>219</sup> Mr. Pedneault told the Subcommittee that the fact that there have been no sanctions against the leaders of each side has “unfortunately emboldened” parties to the conflict, which no longer have reason to believe that threats from the UN are credible.<sup>220</sup> In particular, Mr. Pedneault noted that the UN Security Council’s failure to impose an arms embargo was seen as a clear victory by the Government of South Sudan.<sup>221</sup>

To date, the Government of Canada has not imposed an arms embargo on South Sudan.<sup>222</sup> An official from Global Affairs Canada told the Subcommittee that the Government of Canada would be “very supportive” of an arms embargo, if adopted by international partners such as the UN or the African Union. He noted that Global Affairs Canada is “hopeful” that such a measure might still be taken.<sup>223</sup>

## RECOMMENDATION 9

**That the Government of Canada update and expand its targeted sanctions applied to senior leaders in the South Sudanese conflict and apply an embargo on the sale of arms to South Sudan as soon as possible, while calling upon like-minded states to do the same.**

---

215 Paul Malong, Chief of Staff of the Government’s Sudan People’s Liberation Army (SPLA); Michael Makuei Lueth, Minister for Information; and Riek Machar, former First Vice-President.

216 United Nations Meetings Coverage, “[Security Council Decides against Imposing Arms Embargo on South Sudan, Designating Key Figures for Targeted Sanctions](#),” SC/12653, 23 December 2016.

217 SDIR, [Evidence](#), 23 March 2017, 1325 (Pedneault).

218 UN News Centre, “[Sweden, Bolivia, Ethiopia and Kazakhstan elected to Security Council](#),” 28 June 2016.

219 SDIR, [Evidence](#), 23 March 2017, 1340 (Pedneault).

220 Ibid., 1320.

221 Ibid., 1315.

222 [Canadian Sanctions Related to South Sudan](#), 18 April 2016.

223 SDIR, [Evidence](#), 16 February 2017, 1355 (Wega).

## Conclusions

The atrocities committed by the Government of South Sudan and by opposition groups against civilians are well-documented and show no signs of abating. The Subcommittee's recommendations to the Government of Canada reflect Canada's multi-faceted role in South Sudan as a humanitarian partner, donor of development aid, contributor to UNMISS, and member of the JMEC, which is responsible for monitoring the implementation of the ARCSS. The situation in South Sudan is testing the international community – and the Government of Canada's – commitment to the protection of civilians.

The humanitarian workers who appeared before the Subcommittee emphasized that, without political intervention from contributing states like Canada – a political intervention which goes beyond appealing for respect for international humanitarian law – humanitarian organizations would not have meaningful or sustained access to the most vulnerable people in South Sudan. The Subcommittee believes that for Canada's financial commitment to our humanitarian partners to be meaningful, it must be matched by political support. This support must extend to humanitarian partners and states who are working to address Africa's largest refugee crisis.

UNMISS's ability to accomplish its significant mandate, which includes the protection of civilians and creating the conditions for the delivery of humanitarian aid, appears to be obstructed by two forces: the Government of South Sudan, and its own inertia. Such inertia is reflective of the approach taken by regional states and the UN. The Subcommittee notes the failure of IGAD, the guarantors of the ARCSS, as well as the African Union to take swift action to end hostilities or to establish the accountability institutions foreseen by the ARCSS. While the UN's humanitarian agencies struggle to carry out their work in South Sudan, the UN Security Council continues to refrain from imposing an arms embargo, and has not updated its targeted sanctions since well before the failure of the ARCSS peace agreement. Though the impact of unilateral Canadian sanctions may be limited, the Government of Canada can lead by example and galvanize like-minded states to consider measures to hasten the end of conflict.

The Subcommittee sees the signs of a potential escalation to genocide. Furthermore, the purposeful starvation of a population, the exploitation of humanitarian aid, and the use of sexual violence and child soldiers are not only singularly cynical means of waging war – they are war crimes, which must not go unanswered. The Subcommittee takes note of and echoes the invocation of witnesses to engage politically not only to pursue a ceasefire, but to pursue a just peace. The establishment of accountability institutions such as the HCSS should not be considered secondary in importance to a ceasefire, not only for the sake of punishment but to lay the foundations of a stable society and state.

In 2011, there was much hope that, with the assistance of the international community, the nascent state of South Sudan could build strong institutions and prosper. In the face of unspeakable atrocities, the Government of Canada must now redouble its efforts.



# APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<p><b>Department of Foreign Affairs, Trade and Development</b></p> <p>Sacha Levasseur-Rivard, Deputy Director Southern Africa, Southern and Eastern Africa Bilateral Relations Division</p> <p>Eileen Stewart, Acting Director South Sudan Development Division</p> <p>Edmond Wega, Acting Director General Southern and Eastern Africa Bureau</p>	2017/02/16	47
<p><b>Canadian Aid for Southern Sudan</b></p> <p>Glen Douglas Pearson, Executive Director</p> <p>Jane Roy, President</p>	2017/02/21	48
<p><b>UNICEF</b></p> <p>Jeremy Hopkins, Acting Representative, South Sudan</p>		
<p><b>Human Rights Watch</b></p> <p>Jonathan Pedneault, Researcher Africa Division</p>	2017/03/23	52
<p><b>UNICEF Canada</b></p> <p>David Morley, President and Chief Executive Officer</p>		
<p><b>As an individual</b></p> <p>Kenneth Scott, United Nations Commissioner on Human Rights in South Sudan Office of the High Commissioner for Human Rights</p>	2017/04/11	55
<p><b>Office of the United Nations High Commissioner for Refugees</b></p> <p>Jean-Nicolas Beuze, Representative in Canada</p> <p>Michael Casasola, Senior Resettlement Officer</p>	2017/04/13	56



## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 67](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights ([Meetings Nos. 47, 48, 52, 55, 56, 62, 63 and 64](#)) is tabled.

Respectfully submitted,

Hon. Robert D. Nault  
Chair

