

**FULL GOVERNMENT RESPONSE TO THE ELEVENTH REPORT OF THE STANDING
COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT “SCORCHED
EARTH: RESPONDING TO CONFLICT, HUMAN RIGHTS VIOLATIONS AND MANMADE
HUMANITARIAN CATASTROPHE IN SOUTH SUDAN”**

INTRODUCTION

The Government of Canada has carefully reviewed the report of the Standing Committee on Foreign Affairs and International Development (hereafter referred to as the Committee) and thanks its members for the opportunity to participate in the hearings leading up to the tabling of this report. The Government appreciates that the Committee has devoted considerable attention to this important issue. It also thanks the witnesses for their expert testimony which helped to provide a holistic picture of the situation on the ground.

Since the outbreak of the conflict, the Government of Canada has taken a number of steps to contribute to international efforts to end the crisis. Canada’s engagement in South Sudan is multi-faceted (diplomacy, peace and security, development and humanitarian) despite its comparatively limited diplomatic presence in the country. Canada leverages to the extent possible its network, reputation, and resources to engage stakeholders in the country’s peace process; to support and amplify the voices of women, youth, and civil society; and to consistently call on all parties to renew their efforts to end the conflict and commit to working towards a durable peace. The Government will continue to use the tools at its disposal to pursue an end to impunity in South Sudan and support a peaceful political solution to the crisis.

The Government agrees with the majority of the report’s nine recommendations. Its response to the specific recommendations is structured in three groups: the first group responds to recommendations relating to bilateral engagement with the Government of South Sudan; the second group comprises the responses dealing principally with engagement in multilateral organizations; the third group includes the recommendations on Canada’s contributions to human rights monitoring efforts.

Group 1: Bilateral Engagement with the Government of South Sudan

***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.*

Response:

The Government of Canada agrees with this recommendation. The Government of Canada has clearly and consistently expressed its position on the importance of the

National Dialogue but also on the need for stronger accountability mechanisms in South Sudan. It is Canada's view that the National Dialogue should not supplant the establishment of accountability measures envisioned by the Agreement on the Resolution of the Conflict in South Sudan (an internationally-driven peace agreement which brought together President Salva Kiir and rebel leader Riek Machar as First Vice-President in a transitional government – henceforth referred as 2015 peace agreement).

During her recent trip to South Sudan (June 16-19, 2017), Canada's Minister for International Development and La Francophonie raised these important issues with President Salva Kiir, including the importance of including women's groups and opposition figures at all levels in the National Dialogue process. Canada's Ambassador to South Sudan also frequently raises these issues in meetings with senior government officials. To date, these efforts and those of our partners have led to some positive developments: President Kiir withdrew as patron of the National Dialogue in March 2017 (which had been a main criticism of the National Dialogue process), and both the President and the National Dialogue's Steering Committee have invited anti-government elements to participate in the Dialogue and provided some assurances that they will not be persecuted. The Steering Committee is also committed to reaching out to all stakeholders, even outside the country, to pursue inclusive participation in the National Dialogue. Nonetheless, concerns remain that the National Dialogue's strategy and objectives are ill-defined, that its Steering Committee includes a preponderance of pro-government voices, that key opposition factions remain cool to the process, and that the relationship between these efforts and the 2015 peace agreement is also unclear.

Canada will continue to leverage its strong diplomatic presence and reputation in Eastern and Southern Africa to advocate for dialogue and accountability in South Sudan. We will also continue to urge the African Union and the Government of South Sudan to establish the agreed-upon accountability measures, such as the Hybrid Court for South Sudan, which will have the mandate to investigate and prosecute individuals suspected of committing grave human rights and international humanitarian law violations.

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.*

Response:

The Government of Canada takes this recommendation under advisement. However, the Government of Canada would strongly prefer to implement additional sanctions and an arms embargo in coordination with other countries to demonstrate a united international community and to maximize impact. It is important to recognize that Canada has never issued any permits for the export of military goods from Canada to South Sudan. Going forward, the Government of Canada will continue to apply its

already robust export control process. Canada is also committed to enhancing both the rigour and the transparency of this process.

Canada has publicly voiced its support of UN Security Council efforts to implement an arms embargo and additional sanctions on South Sudan, in concert with many others in the international community. The current assessment of Canada's partners on the UN Security Council is that there is insufficient support for the imposition of additional UN targeted sanctions and for an arms embargo. Nevertheless, Canada will continue to publicly express support for a UN arms embargo and additional targeted sanctions, and to look for opportunities to support further UN action.

Canada currently has sanctions against six individuals in South Sudan on both sides of the conflict. The Government imposed an asset freeze on two designated persons in 2014 by adopting regulations under the *Special Economic Measures Act (SEMA)*. Subsequently, the UN Security Council imposed sanctions on six military commanders, which Canada domestically implemented in 2015. Two of the six persons under the Security Council sanctions had already been designated in 2014 under SEMA. These sanctions prohibit any person in Canada and any Canadian outside Canada from knowingly dealing in any property in Canada that is owned by a designated person or making any property available to a designated person. These sanctions also prohibit making financial or related services available to designated persons. Canada could consider expanding its SEMA sanctions to senior leaders in the South Sudanese conflict. This consideration would take place in close coordination with international partners.

The Government of Canada will continue to monitor the situation and assess options, including under applicable sanctions legislation, as appropriate, and in consultation with Canada's allies and likeminded partners.

Group 2: Advocacy for International Action through Multilateral Engagement

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.*

Response:

The Government of Canada agrees with this recommendation. The Government of Canada considers a political engagement strategy an important part of efforts to ensure that humanitarian agencies have safe, secure, free and unhindered access to people in need.

Canada will continue to advocate with the Government of South Sudan, all other actors in South Sudan, and regional and international stakeholders, to emphasize the importance of facilitating humanitarian action and the safety and security of humanitarian workers. For example, Canada's Ambassador to South Sudan regularly advocates on these issues alongside other donors and the humanitarian community, and more recently, facilitated a meeting of donors, humanitarian agencies, and government officials (including security officials) on this topic.

Canada co-chairs the Intergovernmental Authority on Development Partners Forum and represents this group at South Sudan's principal peace implementation monitoring body, the Joint Monitoring and Evaluation Commission (JMEC), which regularly engages the Government and other political factions on the importance of ensuring free and unhindered humanitarian access to people in need. Canada also sits on the Humanitarian Affairs Working Group of the JMEC which undertakes technical follow-up on these topics.

Canada is also a contributor to the United Nations Mission in the Republic of South Sudan (UNMISS), which is specifically mandated with creating conditions conducive to the delivery of humanitarian assistance (for more detail on Canada's contribution to UNMISS, see response to recommendations 4 and 5 below.) Canadian Armed Forces personnel are actively contributing to UNMISS' logistics (including air operations), analysis activities, and overall operations planning, which directly or indirectly contribute to humanitarian assistance delivery.

In addition, the UN's annual South Sudan Humanitarian Response Plan lays out the response strategy for partners to meet humanitarian objectives in South Sudan. The Plan is widely consulted and coordinated with UN, NGO and other partners, and implemented by both UN and NGO organizations. The Humanitarian Response Plan includes securing safe access as one of its strategic elements and identifies concrete measures that enable continued delivery of assistance. Canada works closely with the Humanitarian Coordinator and other coordination mechanisms to ensure that the issues and obstacles affecting humanitarian action are regularly brought to the forefront of diplomatic action.

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.*

Response:

The Government of Canada agrees with this recommendation. Canada has called on the South Sudanese government on numerous occasions to support the mandate of UNMISS and to ensure unfettered access for all humanitarian actors who are providing

assistance to the most vulnerable. In August 2016, Canada's Minister of Foreign Affairs issued a statement welcoming the August 12 UN Security Council resolution to renew and strengthen the mandate of UNMISS, which includes the Protection of Civilians, as well as creating the conditions for delivery of humanitarian assistance.

Canada has been a strong supporter of UNMISS and its mandate since its inception in 2011. Canada's personnel contribution to UNMISS consists of ten Canadian Armed Forces personnel working in Mission headquarters as staff officers and in the field as military liaison officers. Canada also provides support to UNMISS' budget through its assessed contributions, which enables the mission to fulfill its mandate: in 2016, Canada was the ninth largest contributor globally to the overall UN peacekeeping budget.

Dialogue about UNMISS and about more general mission performance is also carried on at UN Headquarter, including in the Special Committee on Peacekeeping Operations, through our Permanent Mission to the UN and through the Department of National Defence and Global Affairs Canada.

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.*

Response:

The Government of Canada takes this recommendation under advisement. Canada is not formally involved in the deployment of the Regional Protection Force (RPF) since its elements are meant to be provided by countries in the region and major troop contributors. Nevertheless, Canada takes advantage of its diplomatic presence in South Sudan and other countries in the region to promote the effective deployment of the RPF.

Canada considers recent progress in the deployment of the RPF as an important indicator of South Sudan's commitment to cooperation with UNMISS, but remains deeply concerned that the Government of South Sudan continues to not fully cooperate with UNMISS. Canada takes every appropriate opportunity to remind South Sudanese officials at all levels of their responsibilities in this regard.

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.*

Response:

The Government of Canada agrees with this recommendation. Canada has consistently been a top ranked donor in South Sudan, and is currently the fourth largest single-country humanitarian donor for 2017. Canada's humanitarian assistance is based on needs and aligned with the humanitarian principles of humanity, impartiality, neutrality and independence. Canada will continue to monitor the humanitarian situation in South Sudan and neighbouring countries and will respond as appropriate.

Canada partners with experienced and trusted organizations through an annual allocation process to help ensure that programs meeting the humanitarian needs of vulnerable people are identified and funded. In March 2017, Canada announced funding of \$36.9M to meet the humanitarian needs of conflict-affected people in South Sudan. All of these funds have been disbursed, including \$1.4M for the UN High Commissioner for Refugees' (UNHCR) activities in South Sudan. On August 17, 2017, Canada announced a further \$2.2M from the Famine Relief Fund to support humanitarian NGOs working to respond to the crisis in South Sudan.

Canada also recognizes the regional dimension to the crisis and has responded accordingly. For instance, at the June 2017 Uganda Refugee Summit, Canada announced \$15M in humanitarian assistance for organisations in Uganda working to address the South Sudanese refugee crisis. This funding represents a fivefold increase over Canada's funding for refugees in Uganda in 2016 and is now being used by our UN and NGO partners to help provide food, safe water and sanitation, health services, shelter, and protection to the nearly one million South Sudanese refugees in the country. Beyond Uganda, in 2017 Canada also provided significant humanitarian assistance in Sudan, Ethiopia and Kenya, much of which focused on refugee needs. Canada's funding has helped the UNHCR and NGO partners ensure the physical security of refugees. Assistance has also helped to prevent sexual violence and provide psycho-social support to refugees who have survived sexual violence.

Canada recognizes the many advantages of the Ugandan model to refugee settlement. Under this model, refugees are expected to become self-sufficient, with the right to work or farm, rather than remaining reliant on international assistance. Theoretically, this model increases the dignity of refugees and reduces costs for donors. The September 2016 New York Declaration for Refugees and Migrants, which Canada helped draft, includes a broad range of commitments supporting durable solutions and providing sustainable support to refugees and other vulnerable people on the move. Among the commitments was the call for the development of two global compacts to address large movements of migrants and refugees, respectively.

Canada recognizes the leadership and vision of all the governments that have offered to apply the Comprehensive Refugee Response Framework (CRRF) in their respective countries, including Uganda and Ethiopia, countries that host a significant number of

South Sudanese refugees. Building on the CRRF, Canada supports UNHCR in its leadership to develop a Global Compact on Refugees (GCR) by 2018 that results in a more comprehensive and effective assistance and protection regime for refugees. Through this process, Canada is maintaining its strong voice for improved approaches to address forced displacement worldwide, as well as our position as a global leader in refugee resettlement, integration and managed migration.

With respect to longer-term funding, Canada provides multi-year long-term institutional support (\$37.8M from 2017-2019) to UNHCR to provide flexible and predictable funding to assist refugees and other displaced vulnerable populations, including women and girls. At the policy level, Canada is the co-lead of the Grand Bargain multi-year planning and funding work stream. In addition, Canada has taken on the co-lead of the multi-year planning and funding work stream with the EU in the Good Humanitarian Donorship group.

Group 3: Canada's Support to Human Rights Monitoring Efforts in South Sudan

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.*

Response:

The Government of Canada agrees with these recommendations. The Government of Canada is closely monitoring the political and human rights situations in South Sudan, and has frequently expressed its strong concerns publicly for the ongoing conflict and fragility in South Sudan, and for serious human rights violations and abuses such as the starvation of civilians, the use of child soldiers and widespread sexual violence. Canada has called on the South Sudanese government to support the mandate of UNMISS, which includes monitoring and reporting on human rights violations and abuses, and to ensure unfettered access for all humanitarian actors who are providing assistance to the most vulnerable. Canada coordinates regularly with other interested governments, and has on many occasions expressed concerns and condemnation, either alone or in concert with other governments, with alleged human rights violations and abuses. These have included joint local statements on the freedom of expression, the protection of journalists, and protection of civilians. Canada has sustained a proactive communications approach related to its diplomatic, humanitarian and development initiatives, which aims to support a peaceful political solution, help end the humanitarian crisis, and support development priorities in South Sudan.

The Government of Canada believes that monitoring and condemning these violations and abuses committed by all parties to the conflict can act as a deterrent for further violations and abuses. To the extent that the security situation permits, the Government of Canada will continue to conduct field visits outside of Juba to gain a more comprehensive picture of the human rights situation across the country. These visits are opportunities for Canada to directly engage with international organizations, civil society representatives and human rights defenders that are more present and have more extensive networks in various areas of South Sudan and are therefore well-positioned to make systematic assessments of the political and human rights situations in the country. Such field visits allow Canada to independently collect evidence to monitor and report on the human rights situation in the country.

Canada remains committed to supporting international efforts to monitor human rights in South Sudan. At the UN Human Rights Council (HRC) in Geneva, Canada has also advocated for durable peace throughout the country and for the protection of human rights for all South Sudanese. Canada has been a consistent supporter of HRC resolutions on the situation of human rights in South Sudan. The March 2017 resolution, which Canada co-sponsored, was primarily a renewal for the Commission on Human Rights in South Sudan, which has the mandate to investigate and report on human rights violations and abuses. In addition, Canada regularly delivers interventions on South Sudan at the HRC, most recently on June 15, 2017, to reiterate our call for all parties to cease fire and commit urgently to a political resolution to the conflict, to allow humanitarian access to conflict-affected populations, and to take immediate steps to provide for the needs of vulnerable people.

Funding from Canada was critical in scaling up the UNICEF's Children, Not Soldiers campaign in ten countries, including South Sudan, and providing technical support to prevent and end the recruitment and use of children in armed conflicts. Practice standards on age assessment were developed to prevent child recruitment, and 1,755 children were released and provided with reintegration support. Nevertheless, challenges remain given the degrading security and political situation. The Government of Canada will continue to support efforts to prevent the recruitment of children, as well as to prevent, counter and address the needs of those affected by sexual and gender-based violence.

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.*

Response:

The Government of Canada agrees with this recommendation. Canada has made accountability a priority in its engagement in South Sudan. However, achieving concrete and significant outcomes through bilateral and multilateral engagement with South Sudanese authorities will continue to be challenging. Nonetheless, Canada will use every appropriate opportunity to underline to the Government of South Sudan that cooperation with the African Union and the broader international community is key to establishing accountability institutions, which are central to sustainable peace and stability in South Sudan. Canada will continue to advocate for the establishment of the hybrid court, as agreed by all parties in the context of the 2015 peace agreement

Canada believes that accountability is essential for post-conflict reconciliation and sustainable peace, particularly in the current context in South Sudan. Through the Peace and Stabilization Operations Program (PSOPs), Canada has announced a \$1.8 M contribution to the Joint Monitoring and Evaluation Commission to support the implementation of the peace agreement. PSOPs is also supporting projects working on inter-communal dialogue and reconciliation to prevent conflict in communities. These initiatives seek to prevent and reduce violent conflict, address state fragility and set conditions for a durable peace.

Canada also recognizes the importance of supporting evidence collection initiatives. These initiatives are essential to building stronger accountability mechanisms and enabling the pursuit of justice for human rights violations and abuses in South Sudan. They also contribute to the development of effective actions against these crimes.

It is with this overarching objective in mind that Canada will continue to support the mandate of UNMISS, which includes a focus on the protection of civilians and on monitoring and reporting of human rights violations and abuses and of violations of international humanitarian law, including those that may amount to atrocity crimes. Canada continues to explore further opportunities to take part in evidence collection initiatives.