

Sudan Inter-Agency Reference Group
Issues Briefing
October 31, 2005

“Everything is getting out of control”
(Antonio Guterres, October 21st, 2005)

Introductory Note

The following issues and policy options were compiled by participants in the Sudan Inter-Agency Reference Group (SIARG), for consideration by the Canadian government in its upcoming mission to Sudan and refinement of Canada’s strategy for Sudan. They respond to the current situation, within the broader “whole-of-Sudan” strategy advocated by the group in earlier correspondence. While not all participants officially endorse each of the individual policy options, collectively they reflect our assessment of current challenges and the need for Canada to strengthen its Sudan strategy in several areas.

A. Growing insecurity in Darfur

The security situation is worsening throughout Darfur, with none of the parties fully respecting any ceasefire. According to the UNHCR’s Guterres and other commentators, the security situation has deteriorated significantly since mid-September, with ambushes, hostage takings and attacks on villages increasing across the region. While some attacks may be related to positioning for the peace talks and banditry, the evidence suggests that the pattern of ethnic cleansing and forced displacement has not been stopped and that the Government of Sudan is either unwilling or unable to protect its civilians.

Policy Options

1. Canada should urge the African Union (AU) to proceed immediately with AMIS Phase III, deploying as quickly as possible the 12,300 personnel recommended by the Joint Assessment Mission in March 2005. Canadian expertise should be used to help the African Union broaden the mandate of the AU force by prioritizing all necessary means to protect civilians and disarm the militias. This force should also include an increase in the civilian police component of AMIS to help with arrests as well as develop and train a local police service.
2. Canada should press the Sudanese government to allow the immediate delivery of equipment donors have provided to AMIS, in particular the 105 armoured personnel carriers supplied by Canada.
3. Canada and its international partners should consider other organizational options for delivering the protection and security necessary to achieve peace in Darfur, including but not limited to AMIS. One option might be folding AMIS into the wider UN mission in Sudan (UNMIS). This would build on the progress achieved

by AMIS, but the financial, personnel, and management burden would be shared by the UN, which has greater capability and experience. The mission in Darfur would also be able to draw personnel from a larger group of nations. In case the UN fails to exercise its responsibility because of blockages by individual members with their own vested interests in Sudan, Canada should, in co-operation with other like-minded nations, begin to consider alternative policy options to achieve the goal of providing security to the civilian population in Darfur.

B. Peace Process for Darfur

The political process for peace in Darfur is stalled. While the parties have come closer recently on some technical issues, there has been no agreement on substantive issues of power sharing, wealth sharing and security arrangements. Until a political settlement has been reached which addresses the needs of all parties in Darfur, including those not represented at the negotiation table, sustainable security will be extremely difficult. Sudan's accession to the Presidency of the AU in 2006 makes reaching an agreement before the end of the year a crucial goal.

To date, there has been little international pressure for a lasting solution. The feeling from partner organizations in Darfur is that the West is not really interested. And just as the AU seems to be finding its voice, i.e., speaking out about atrocities and urging peace in the region, leadership of the organization will be handed over to Khartoum.

As well, oil has been discovered in southern Darfur. As was the case in the southern Sudan, the exclusion of local people from the benefits of investment in their regions could lead to delays in any peace agreement in Darfur. Oil companies are now drilling on land seized from black African farmers, who were forced to flee attacks orchestrated by their own government. All of the oil deals have been signed between corporations and the regime in Khartoum to the exclusion of local populations.

Policy Options

1. Canada must press all parties – including the SLA and JEM - who have been uncooperative – to negotiate seriously to reach a sustainable political solution to the conflict. The peace process in Abuja will be considered a failure unless peace yields a comprehensive plan with concrete steps for addressing long-term security, disarmament, and justice for the victims of the conflict. The international community needs to press the Government in Sudan and the rebel groups to search immediately for peace.
2. Canada must ensure that resource sharing is an integral part of any peace agreement and that resource extraction deals have the consent of local populations. Canada should encourage the principle of 50-50 sharing found in the Comprehensive Peace Agreement for Southern Sudan as a model for dealing with the resources of Darfur.

3. Canada should work for a more comprehensive approach to the peace process, such as including local Arab groups, an increased role for women, and a strong focus on local conflict-resolution.

C. Plans for Return and Resettlement of IDPs

Between January and the coming dry season the UN was expecting an estimated 580,000 IDPs to return to southern Sudan. Many more are expected next year. Yet, southern Sudan remains remarkably unprepared. According to the UN, there is no provision for health, water, education or justice throughout the south. As well, there are no police, no shops and little supply of food.

IDP movements remain limited in Darfur due to harassment by the militias. Some IDPs have returned and found Arab tribes living in their homes and thus returned to the camps. According to the UN, of the over 2 million displaced by the conflict, only 20,000 people have been able to return to their homes in Darfur.

Policy Options

1. Canada could show international political leadership to promote the right of return and promote the position that forced displacement and ethnic cleansing cannot be allowed to be successful in Darfur.
2. Preparing communities to receive returnees should receive more focus in plans for IDP return, especially in the south, rather than focusing primarily on help during transition.
3. Donor countries, including Canada, could set up a special fund for reconstruction and resettlement of southern Sudan from which local and international NGOs and Sudanese community organizations can draw. Reconstruction, including disarmament and reconciliation of communities of the south, is a long-term project that will need reliable and sustained funding for years to come. Groups already positioned throughout the south are the best placed to deal with the difficult issues of resettlement. Local Sudanese organizations have begun the difficult process of reintegrating their society, but they need international support.
4. Canada could help to ensure that any plans for increasing deployment of protection forces throughout Darfur pay particular attention to towns and villages where security is becoming increasingly difficult. Forces should be located in areas of IDP returns.

D. Pace and Confidence in Implementation of the CPA

There is concern about the composition of the new Government of National Unity (GNU) in Sudan. In particular, the ruling party has taken control of most of the key

ministries, including energy and finance. During negotiations, the National Congress Party insisted on controlling the most important ministries in the economic sector. Southerners will have a majority in the National Petroleum Commission, but this commission has not been set up, yet.

As well, there are concerns about the slowness of implementation of other aspects of the CPA. People are concerned that the government based in Khartoum is delaying implementation in order to delay the process of a referendum on the south's future as part of Sudan.

Development of effective governing mechanisms in the south needs more attention. Implementation of plans for Demobilization, Demilitarization, Rehabilitation, Reintegration, and Reconciliation is proceeding too slowly, leaving groups such as young people without alternative livelihoods.

Policy Options

1. Canada should press the government in Khartoum to complete implementation of the CPA, including drafting the final constitution. The next six years will be crucial for Southern Sudan. Canada and the international community need to remain engaged while southern Sudanese decide their future.
2. Canada needs to be sure that any agreements on oil or mineral extraction projects in southern Sudan abide by the 50-50 wealth sharing principle of the CPA. Given the history of Canadian corporations in southern Sudan, Canada needs to show leadership in seeking consent from communities where resource wealth is located before any earth is disturbed.

E. Delivery of Humanitarian Assistance

According to OCHA, the total number of affected people in Darfur currently stands at almost 3.4 million. To date, less than 50% of the funds requested for delivery of humanitarian needs to those affected has been committed.

As well, the Government of Sudan passed a Decree during the summer limiting the ability of many organizations from operating in Sudan by limiting their abilities to raise funds as well as their right to own property.

Most recently, humanitarian workers have been attacked inside Darfur. Humanitarian workers are decreasingly able to move about Darfur to deliver aid and several agencies have withdrawn staff and reduced their capacity to help.

Policy options

1. Canada should increase its commitments to the UN's World Food Program in Darfur. Canada should encourage other donors to do the same. The slow delivery of funds reinforces the need for donors to be better coordinated and for the development of a mechanism to track commitments.
2. Canada should urge Sudan to repeal the Temporary Decree for Regulating Voluntary Humanitarian Work. The prohibition of local humanitarian groups from sourcing funds or donations from abroad is a clear attempt to unjustly control the work of many legitimate community organizations and reduce the effectiveness of Sudanese civil society.
3. Canada should demand the reigning in of the *Janjaweed* militias as well as the prosecution of those who murdered or threatened any humanitarian workers. The most vulnerable people inside Darfur will be most affected by any reduction in organizations' abilities to deliver aid.

F. Human Rights

Many of the military commanders and militia leaders implicated in atrocities in Darfur continue to operate with complete impunity in Sudan. As a result, a situation of extreme violence remains in Darfur. To date, the Sudanese government has done nothing to prosecute these individuals.

Investigators from the International Criminal Court have not been allowed to enter Sudan. They have had to conduct all of their investigations into human rights violations from outside Sudan. As well, many human rights organizations have not been allowed to enter Darfur to conduct independent investigations of human rights abuses.

Policy Options

1. Canada must press the Sudanese government to fully cooperate with the International Criminal Court, including the facilitation of investigations inside Sudan. As well, Canada should insist that the government suspend from official duty all those individuals named in the Panel of Experts report until investigations are completed.
2. Canada should use its influence with members of the UN's Security Council to further strengthen the penalties against those individuals recommended for sanctions by the Panel of Experts. Since the Government of Sudan will not punish those accused of violating human rights in Sudan, the international community has the responsibility to freeze accounts, restrict travel, and even arrest individuals where and when possible.
3. Canada must press the Sudanese government to allow independent human rights investigators to enter Darfur. Previously, Canadian pressure helped ease restrictions

on humanitarian access: today, human rights groups need the same. Without these independent investigations, many atrocities will remain unreported.

G. Canadian Investment in Sudan

Resource companies operating in conflict zones like Darfur often have little regard for human rights (or the environment). Too often, these corporations have connections to Canada either through ownership or financing, and too often they have worsened conflict and engaged in direct human rights abuse, themselves. As in the case of Talisman Energy in Southern Sudan, the Canadian government has consistently failed to take any action to stop them. In some cases, Canada has supported them.

In June 2005, after years of lobbying on the part of civil society organizations, including members of the SIARG, the Standing Committee on Foreign Affairs and International Trade adopted a groundbreaking report on mining and corporate social responsibility, particularly in zones of conflict. In its response, *Mining in Developing Countries*, the Canadian government announced its unwillingness to implement recommendations that would hold Canadian companies accountable for violations human rights committed abroad.

This position sends the wrong message in Sudan, and undermines Canada's reputation as a strong defender of human rights.

Canada's attempted intervention in the defense of Talisman Energy during its trial in the US is not only contrary to all of Canada's international human rights commitments but also contrary to the desires of Canadians to play a positive role in Sudan.

Policy Options

1. The Canadian government must halt all activities – both political and financial – in support of Canadian corporations charged with human rights abuses. Canada should be investigating and prosecuting Canadians implicated in human rights abuse abroad. Canada needs to demonstrate leadership showing other industrialized nations that the Responsibility to Protect begins at home.
2. Canada needs to develop binding human rights and environmental standards for Canadian corporations operating overseas. Canadians would not accept gross violations of human rights and the environment being committed by corporations in Canada; Canada should demand nothing less from its corporations operating abroad.

For further background information or discussion of these issues, SIARG members can be reached through the co-ordinator, Kathy Vandergrift, at 613-569-1113.