

STAND | digest

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DEVELOPMENT IN SOUTHERN SUDAN ■ With the referendum deciding Southern independence drawing ever closer, delaying tactics are becoming more and more common. Groups funded by the North are using petitions and legal challenges in an attempt to derail the vote. Furthermore, constant bickering between the North and South has indefinitely delayed any possibility of a vote in the oil-rich Abyei region. Lastly, the Northern army is engaging in air raids along the border to goad the South into armed conflict; Khartoum seems ready to drag the entire country back to war in an effort to prevent the inevitable separation that would occur as a result of this January's vote.

DARFUR AND CANADIAN POLITICS ■ With Sudan's January referendum fast approaching, the Canadian government has restated their support for the promotion of sustainable peace in Sudan and in neighbouring countries.

DRC: TROUBLE IN THE WEST ■ The fall of 2010 brought devastating accusations by a UN group of experts about the implication of high-level Congolese army officials in illegal mining, which the UN says has contributed to ongoing insecurity and continued conflict in the country's troubled eastern region.



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POLICY RECOMMENDATIONS //

1 On January 9, 2011, a critical independence vote will be taking place in South Sudan, asking its citizens in a referendum to decide whether or not South Sudan should become an independent country. The consequence of this vote will be far reaching and has the potential to reignite violence.

Canada, as a facilitator of the 2005 Comprehensive Peace Agreement needs to ensure that the vote is carried out properly and the impact does not renew violence in the region. This is particularly important, considering that last elections in Sudan did not meet international standards.

The following is within the power of the Canadian government:

1. Canada should push Sudan to repeal prohibitions on freedom of speech and assembly, increase transparency in the referendum, process, financially support voter education programs, and remove logistical and technical barriers.
2. Canada should support the training of domestic observers in addition to sending its own contingent of observers.
3. The House of Commons Standing Committee on Foreign Affairs and International Development has initiated a study of the ramifications of the referendum. This study should be completed in a timely manner so that Canada is prepared to react to and manage every possible scenario that may arise post referendum.
4. In the event that the North Sudanese government (NCP) or the South Sudanese Government (SPLM) do not recognize the results of the referendum, but the referendum meets international standards, Canada should be prepared to mobilize the international community to implement targeted sanctions against the belligerent party.

2 In order to effectively prevent, monitor and address grave human rights abuses and mass atrocities, the Government of Canada should:

- Create a Sub-Committee for the Prevention of Genocide and Other Crimes Against Humanity which should be attached to the Standing Committee on Foreign Affairs and International Development. This would allow parliament to conduct:
 - MONITORING: keep MPs informed about the onset of genocide and crimes against humanity, including the identifiable stages of these crimes
 - PREVENTION: become proactive in its response to such crises, allowing MPs to act early and utilize a wider set of policy mechanisms
 - COORDINATION: centralize Canada's institutional approach to the issue of mass atrocities by giving one central committee the mandate to comprehensively monitor, study and recommend courses of actions.

3 Civil society participation in the Darfur peace process is essential if a sustainable peace is to occur. The inclusion of Darfur civil society in the Doha peace consultations will give the process the legitimacy it requires but is still fraught with difficulty. Canada has extensive experience in including civil society in public consultations and therefore should call for:

1. The fair representation of Darfuri civil society.
 - There is an over representation of government National Congress Party (NCP) members as well as war crimes perpetrators and underrepresented with Darfur diaspora, refugees, internally displaced persons (IDPs), women and northern Darfur leaders.
2. The lifting of security measures and restrictions on civil society members that hamper their participation in the consultations.
 - Meetings are hampered by bureaucratic delays, airport and airline restrictions as well as threats from the government of Sudan against participants (the underrepresented).
3. UNAMID (United Nations African Mission in Darfur) to continue to organize civil society members and facilitate their participation in the civil society consultations in Darfur and Doha.
 - Because UNAMID is responsible for organizing the civil society track of the peace process, donors like Canada must ensure it has the resources and capacity to undertake this role.

NEGOTIATIONS AND PEACE PROCESS //

BY CHELSEA SAUVÉ

In 2005, Northern and Southern Sudan signed the Comprehensive Peace Agreement, which ended the 25 year civil war that had endured between the North and South. The CPA dictated that a referendum be held to determine whether the South will remain under Northern rule, or secede from the North and become a sovereign nation. This long awaited referendum, is to take place on January 9th 2011. As the referendum date draws nearer, tensions between the ruling National Congress Party (NCP) of the North and the Sudan People's Liberation Movement (SPLM) of the South continue to heighten. Recently, a member of Sudan's ruling NCP, appealed to the ruling party of Southern Sudan- the SPLM- to give the central government time to implement the CPA properly, before rushing into a vote of secession. This member claimed that this time would allow for the NCP to address remaining issues, so as to avoid what he deemed, a drastic vote. Such concerns are accompanied by a concern for the lack of post referendum policy – in their absence, it is feared that the NCP may not respect the outcome of the vote. Consequently, this member, along with many NCP supporters, have participated in the campaign for Sudanese unity. However, the growing violence in Darfur and political instability in Khartoum will complicate the implementation of a number of steps in the post referendum period and jeopardize the whole process engaged after 2005 peace process.

Pagan Amum, a senior member of the Sudan People's Liberation Movement (SPLM) has suggested that attempts to reach a compromise over post-referendum arrangements, with Sudan's ruling National Congress Party (NCP), were progressing well. Amum, who is the Minister for Peace and CPA Implementation and the SPLM's Secretary General, is presently in Khartoum leading the SPLM negotiating team on post-referendum arrangements with the NCP. Amum, has suggested that he is hopeful the ongoing discussions between the NCP and SPLM will produce an agreement on the issue of citizenship before the referendum takes place- having

already reached an agreement on the principles of protection of both Northerners and Southerners on either side in case of secession. It has been agreed that the rights of people will be given high priority, and will thus be protected, additionally; voluntary return will be assisted without interference or sabotage. While there remain some issues concerning the economic situation and security arrangements, currently, the issue regarding citizenship is most pertinent, as agreement has been sparse, namely, the status of Northerners in the South and Southerners in the North. The tentative agreement suggests that these people would be given the right to choose citizenship in either the North or the South.

On December 31st, Sudan's negotiating team will withdraw from the peace process in Doha, Qatar, due to delays in the peace process which Bashir believes have rendered the NCP less meaningful in the discussions. Despite this withdrawal, Presidential adviser Ghazi Salah Al-Deen has announced that while Sudan's negotiating team will leave Doha, the government's commitment to peace has not dwindled. The NCP has suggested that despite the absence of a delegation in Doha, the NCP will continue to deal with the mediation team and is eagerly awaiting a peace document released by the mediation team. The NCP has also suggested that they will continue to seek an end to the conflict in Darfur by means of a 'new strategy' established in July which seeks to engage a political dialogue within Darfur. This included the initial plan to sign a peace agreement with the Liberation and Justice Movement (LJM) (an umbrella group that represents various rebel groups), who would then initiate a political dialogue with IDPs and civil society groups. Unfortunately, this agreement was dismantled as the two parties disagree on power sharing- the LJM rebels want a regional authority to administer the three states and link it with the central government as well as a vice-president post; however, the NCP has rejected these demands. The head of the African Panel, Thabo Mbeki and the hybrid peacekeeping mission UNAMID support the stance taken by the NCP. However, other rebel groups such as the Justice and Equality Movement (JEM), have accused the government of rejecting talks so that they may seek a

military solution for the conflict. While previously engaged in discussions aimed at talks between the NCP and JEM, a disagreement caused JEM to back out of any potential peace process. JEM has however, warned that this option will merely serve to increase the suffering of civilians, ultimately increasing tensions in the area and initiating further rebel action. Join Chief Mediator, Bassole of the SPLM has said that he was disappointed by the NCP's withdrawal as peace in Darfur cannot be achieved in Darfur without an agreement amongst the rebel groups as well as between the rebel groups and the government. According to UN agencies in Darfur, recent fighting in Darfur between the government troops and rebels from SLM- Minni Minnawi and JEM fighters has forced some 32,000 people to flee their homes.

The topic of the UN has emerged recently amongst senior members of the NCP who have accused the international body of being responsible for sustaining continuing internal conflicts within Sudan. The NCP's deputy chairman and assistant to President Omar Al -Bashir, Nafi Ali Nafi, stated that 'UN missions play the greatest role in fomenting conflicts in the country [Sudan]. This statement comes at a time when tensions between Sudan and the UN have been on the rise. Such tensions are a consequence of a disagreement concerning the distribution of funds allocated to the Disarmament, Demobilization and Reintegration (DDR) program, which is designed to rehabilitate former civil war soldiers. Sudan has accused the UN of mismanaging the funds towards exorbitant salaries for UN personnel. The NCP has also suggested that the conflict Darfur is a result of tribal overlapping and not government initiated ethnic cleansing, adding that Israel and Western military bases also play a central role in conflict zones.

The NCP and SPLM have yet to find common ground on the oil district of Abyei. In accordance with the 2005 peace accord, the population of Abyei is to decide on whether they want to be part of the North or a possible new country in the south. This vote was supposed take place simultaneously with the one in Southern Sudan; however, the vote has been delayed on account

of disagreements as to who is eligible to vote. There have also been delays in the demarcation of Abyei's borders, on account of violent threats made by the Arab Misseriya tribe who want to be part of the referendum vote. Recently, tensions between North and South have worsened. The ruling NCP has recently accused the SPLM of having devised a plan to take unilateral actions on the disputed region of Abyei that lies on the North-South borders. Al-Dirdiri Mohamed Ahmed, who is in charge of Abyei file at the NCP, said that Public International Law & Policy Group (PILPG) advised the SPLM that a unilateral referendum within a united Sudan would be considered an internal self-determination which does not require an approval from the central government in Khartoum or the NCP- meaning that unilateral action is permissible. Therefore, should the South decide to separate as expected in the coming referendum, Abyei would become part of the new nation. Despite this, the NCP has warned that should the SPLM pursue unilateral measures, in Abyei the government will reject the outcome of the South Sudan referendum.

HUMANITARIAN AFFAIRS AND SECURITY //

BY PRESTON TAYLOR

In the month leading up to the referendum on January 9, there have been increased attacks by the northern Sudanese army on positions in the south. On December 7, Southern Sudan minister of information, Barnaba Marial Benjamin Bil, accused the North of continuing bombing runs in the greater Bahr el-Ghazal province. The North had already admitted to attacks earlier on November 24 but denied that they had continued to do so. Aid workers have had to provide medical care to around 3, 500 people as a result of the attacks. The continued bombing is believed to be focused on disrupting the upcoming referendum by either taking out roads to make travel harder on voters or forcing them to flee voting stations. Also, it could be aimed at weakening strategic position for the armed incursion that some believe is likely to happen if the South splits. Minister of Information Bil has also speculated that

the Sudan Armed Forces (SAF) may be trying to provoke the South into attacking, thereby renewing the state of war and making it impossible to carry out a fair and legitimate referendum. There has been a clear statement made by the National Congress Party of the North that regardless of the outcome of the referendum they will maintain control of the oil filed under their control in the South. This has lead to a build up of SAF forces which the National Security Council in the U.S. fear will be used to lead skirmishes deeper into Sudan People's Liberation Movement territory.

DARFUR AND CANADIAN POLITICS //

BY JOHN MATCHIM

With Sudan's January referendum fast approaching, the Canadian government has restated their support for the promotion of sustainable peace in Sudan and in neighbouring countries.

Deepak Obhari, parliamentary secretary to the ministers of foreign affairs and international cooperation, asserted that it was essential that the referendum process be credible, "with results that cannot be contested and do not themselves give rise to conflict." He also announced that Canada is funding upgrades to the Southern Sudan Police Service in order to increase their capacity to provide security during the referendum process, and that Canadian observers will be present during the referenda.

The Minister of Foreign Affairs, Lawrence Cannon, issued a statement welcoming the recent commitment made by influential Darfuri armed group the Justice and Equality Movement to negotiate a ceasefire with the Sudanese government. He encouraged both parties to "negotiate in good faith and to abide by the ceasefire agreement once it is reached". He also reiterated that, "Canada's main objective in Darfur, and in all of Sudan, is long-term peace and security." However, while one armed group agrees to peace negotiations, the world is grimly preparing for an anticipated third consecutive Christmas massacre by another armed group, the Lord's Resistance Army.

In an effort to prevent a repeat of the previous two December attacks, the United Nations is mobilising 900 peacekeepers to protect villages in the Democratic Republic of Congo. In addition, U.S. President Barack Obama has recently unveiled a multi-million dollar strategy to combat the LRA. Canada has been criticised for failing to take the sort of action critics say should be expected of them under the "responsibility to protect" doctrine, of which Canada took a lead role championing and getting adopted at the 2005 World Summit. This concept proposes that the international community has the responsibility and the right to intervene to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Supporters of the doctrine argue that Canada should be more active in pursuing the LRA and protecting civilians, such as by contributing more troops to the UN mission in the DRC, or by applying pressure to countries such as Sudan that are suspected of sheltering the LRA.

Commenting on President Obama's LRA strategy, Kyle Matthews, lead researcher for the Will to Intervene Project at the Montreal Institute for Genocide and Human Rights Studies at Concordia University, said, "Canada is completely absent from this discussion." "Canadian citizens and voters must ask, 'Where is Ottawa's will to intervene to protect women and children from predatory violence?'"

Canadian Senator Romeo Dallaire, a former lieutenant-general who commanded the UN force in Rwanda during the 1994 genocide, has joined a group of former high-ranking diplomats and UN officials in calling for a stronger strategy against the LRA. He warned that there is an "imminent threat" of further massacres by the LRA this month. "How many lives must be lost and destroyed before the international community agrees to take the threat seriously and act?" he asked.

DRC: TROUBLE IN THE WEST //

BY JESSICA DUFFY

In early November, it was revealed by the British Broadcasting Corporation (BBC) that a Congolese general, Gabriel Amisi Kumba, has allegedly used his position in the army to make an illegal profit from the Omate gold mine, which is in North Kivu province in eastern Congo. The BBC reported having evidence that the general had given the go-ahead for the Geminaco mining company to operate at the Omate mine (following the eviction of the company known as Socagrimines), receiving a 25% share of the mine's monthly production in exchange. Despite a ban on mining in eastern DRC, which was declared by President Joseph Kabila in September purportedly to combat so-called "mafia groups" in control of the trade in minerals, mining at Omate is said to be ongoing. When questioned, the general refused to comment on the takeover, while the company has denied that it made a deal with the general. Meanwhile, Emmanuel Ndimubanzi, who heads the North Kivu branch of the national mining division, said that General Amisi Kumba should not be involved in the ongoing dispute between Geminaco and Socagrimines. Ndimubanzi further added that neither company should be operating at the mine. Following the BBC's revelations about this deal, Congolese Information Minister Lambert Mende told the broadcaster that it had opened a government inquiry into the matter.

Geminaco was later forced to cease operations at the Omate mine, and in October the mine manager was arrested. It was said by a source that the arrest had taken place due to the company's failure to provide the general with the 25% of profits they had promised, and was not linked to the ban on mining in eastern DRC. Despite Geminaco's removal, the BBC reported in November that mining was ongoing at the Omate mine, now directly controlled by the military. An internal memo of the United Nations Organization Stabilization Mission in the DRC points out the shocking fact that the rapes of approximately 300 civilians that took place in the summer of 2010 were able to occur because Congolese soldiers, instead of protecting the vulnerable, had

left their positions and gone to nearby areas of mining activity, including the Omate mine. The arrangement allegedly made between General Amisi Kumba and Geminaco raises the question of whether Amisi Kumba had Kabila's tacit support for his deal, or was able to subvert a directive issued at the national level. The military's role with regard to the mining sector suggests that in any case, Kabila's directive has failed to halt continued contestation and military control over mining in the resource-rich and conflict-plagued eastern region of the DRC.

The case of General Amisi Kumba illustrates the broader trend highlighted by the United Nations in a recent report regarding the role of the Forces armées de la République démocratique du Congo (the Congolese army, or FARDC), in illegal mining which has contributed the ongoing insecurity and armed conflict in eastern DRC. In addition to General Amisi Kumba, the UN names other high-placed army officials who have been involved in the illegal trade in minerals – including two regional commanders active in the eastern region of the DRC – and highlights abuses such as illegally levied taxes and protection payments, in addition to their control of the trade using indirect means. The UN report on the illegal trade makes the case that this high-level involvement has constituted an obstacle to the army cracking down on the armed groups active, and involved in extensive human rights violations against civilians, in eastern Congo.

The United Nations' group of experts on DRC also reported that different rebel groups are reinforcing their presence, through recruitment and arms procurement, in South Kivu province of eastern DRC. The principal groups mentioned were the CNDP, which has been officially integrated into the Congolese army, and Burundian rebel group the FNL. However, a spokesman for the army denied the claims, pointing to the CNDP's integration into the FARDC and arguing that the FNL is based in Burundi, not the Congo, although it has attacked the DRC from positions in Burundi. Yet the report claims that the CNDP has maintained, and even enhanced, its military capacity independent of the Congolese army. The fear that the CNDP group will decide to abandon its

fragile integration into the army is a pressing one in Goma, North Kivu, and in the region generally, as it would mean a return to war between the Congolese army and a better-organized, better-trained CNDP that has been responsible for human rights violations in the past.

Another rebel group whose violence has been devastating for the DRC and other countries in the region, the Lord's Resistance Army, remains in the regional headlines. As Christmas approached in the DRC, MONUSCO deployed a contingent of 900 peacekeepers to the area around Dungu, in the country's north-eastern region, in order to anticipate any potential attacks from the LRA, a rebel group of Ugandan origin that continues to attack civilians in DRC, Sudan, and the Central African Republic. In 2008, at Christmas, the LRA killed approximately 865 civilians in north-eastern DRC and in southern Sudan. In 2009, they were responsible for the killings of another 300 people between 14 and 17 December. The operation MONUSCO has mounted in response began on 30 November and will end in mid-January. As Christmas approaches, it will be in a climate of hope that this year, Congolese civilians will be spared the horrific violence they have endured two Christmases in a row.

DEVELOPMENTS IN SOUTHERN SUDAN //
BY STEVEN CHUA

Large populations of South Sudanese who have been living abroad have been traveling back to South Sudan to vote this upcoming January. The vote registration appears to have been a success, as the closing date was pushed back due to high turn-out. The SPLM (Sudan People's Liberation Movement) has urged all South Sudanese to register and vote in South Sudan, as there is widespread fear that the voting stations catering to the Southerners residing in the North and in other countries will be tampered and rigged. Naturally, reports of death threats and other forms of intimidation directed towards the South Sudanese living abroad have become increasingly regular. Many believe that these activities are perpetrated by the SPLM; they would rather

prevent South Sudanese who plan to vote abroad from registering. This way, it would be impossible for their votes to be tampered with or rigged.

Complaints and legal cases have been put forth by groups opposed to the January referendum. Mohammed Ibrahim Khalil, head of the referendum commission, reported that his staff had been flooded with a large number of spurious complaints. Despite the fact that complaints were sent from different parties, they were all identical in terms and nature, clearly being created by one source. Furthermore, groups such as the Higher Council For Peace and Unity and the Society Organization Network have filed legal challenges against the referendum committee and the SPLM, claiming that these groups have violated the law of the vote. SPLM spokespeople have claimed that these groups are funded by the NCP (National Congress Party) and are attempting to derail the vote. So far, the Sudanese courts have rejected one challenge and are currently in the process of reviewing two more.

Perhaps one of the greatest challenges of the upcoming vote is the situation regarding the oil-rich Abyei region. Constant bickering has delayed the implementation of vote preparations for this oil-rich region, which was intended to vote simultaneously with South Sudan on January 9. Abyei will no longer have its own referendum to decide whether it wants to become part of the North or South of Sudan; constant delays have made that impossible. It will now come down to negotiations between the North and South, who will have to find a method of dividing up this much sought-after territory amongst themselves.

Violence along the North-South border is becoming increasingly common. Several air raids perpetrated by the Northern army have been reported, and the United Nations has confirmed these attacks. The SPLM insisted that these attacks were provocations from Khartoum to draw the country into war; another delaying tactic. In response, they have stated that they will refuse to retaliate in order to ensure that the vote will be carried out on time. Khartoum has flatly denied initiating any attacks.

DARFUR DIGEST STAFF //

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