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Vice-Chair

Mr. David Sweet

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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● (1325)

[*English*]

The Vice-Chair (Mr. David Sweet (Flamborough—Glanbrook, CPC)): Good afternoon, colleagues.

I apologize to our witness for the delay. Democracy is pretty messy sometimes. We had to take care of a vote in the House.

Colleagues, we're continuing our study on the human rights situation in the Sudan. Before us we have Kenneth Scott, United Nations Commissioner on Human Rights in South Sudan.

Sir, we'll give you about 10 minutes for opening remarks and then we'll go to questions. Again I apologize for the fact that we're behind, but please proceed with your remarks.

Mr. Kenneth Scott (United Nations Commissioner on Human Rights in South Sudan, Office of the High Commissioner for Human Rights, As an Individual): Thank you, Mr. Chairman. I understand the challenges of democracy and of staying on schedules, so thank you very much.

Honourable chairman, members of the subcommittee, ladies and gentlemen, first I want to sincerely thank you for the time and effort you are devoting to the tragic situation in South Sudan, which certainly merits the world's very serious and sustained attention. Thank you all for your continuing efforts and for holding these hearings.

Second, I thank you for inviting me to appear before the subcommittee. My comments are made with great respect for the committee, and I hope they will be helpful.

To put things in context, let me start with a brief snapshot of the current situation in South Sudan.

As you know, South Sudan is the world's youngest country, only becoming fully independent from Sudan in 2011. Unfortunately, only a short time later, in December 2013, the country fell into a terrible civil war, which continues and has become increasingly ethnic over time.

Approximately 3.5 million South Sudanese, somewhere between one-fourth and one-third of the country's population, are displaced either internally or across national borders in Uganda, Ethiopia, Kenya, and Sudan. South Sudan is Africa's largest refugee crisis and third only to Syria and Afghanistan in the entire world. Most of the displaced are women and children, and 70% of refugees are younger than 18. Most of the camps are struggling hard to meet needs, often with minimum or substantially reduced rations.

South Sudan suffers from extreme food insecurity, with the world's first officially declared famine since 2011 in two states in the north of the country, with 5.5 million people facing severe food shortages this year, almost half the country's population. It's actually more than half, when you consider how much of the population has already left the country. More than half of the population faces serious hunger this year, more than half of these are children, 100,000 South Sudanese face imminent starvation, and another million are on the brink.

In terms of the world's most fragile states, two different sources, the World Economic Forum and *Business Insider*, rank Somalia as the most fragile state in the world and South Sudan as second. Unfortunately, Transparency International ranks South Sudan as the second most corrupt country in the world. Again, only Somalia is worse.

Perhaps surprisingly, given all of what I've just said, South Sudan is not at the bottom in terms of the world's poorest countries. Two different sources, *Global Finance* and again *Business Insider*, rank South Sudan as the 16th poorest country in the world. Having said this, it's quite possible that South Sudan's economic standing has fallen even lower, given that inflation in the country in recent months has hit as high as 900%.

These conditions and circumstances, Mr. Chairman, are and would be tragic under any circumstances, but what makes the situation in South Sudan especially tragic is that virtually all of these conditions are man-made, man-caused. Weather may be a small factor in some northern parts of the country, but by and large—and I say very by and large—all of this suffering is man-made and could be avoided.

Against this dire picture, Mr. Chairman, the Government of South Sudan recently told the UN Human Rights Council in Geneva that it has declared 2017 a “year of peace and prosperity”. Given what I have just said and what I'm about to say, that statement can only be regarded as surreal and out of touch.

Indeed, on March 24, UN Secretary-General António Guterres accused the government of failing to acknowledge and respond to the country's multiple crises.

● (1330)

As you know, South Sudan is suffering one of Africa's most brutal wars. In the last 10 months there has been a massive increase in gross human rights violations and abuses and an escalation of fighting in the country. Based on reports that I've heard just in the past few days and as recently as yesterday, it is deteriorating quickly once again, with major unconfirmed but apparent killings in the southeast of the country and around Pajok and violence around the city of Wau in western Bahr el Ghazal, where as many as 16 or so civilians were killed yesterday. It is once again getting worse and not better.

Over the past three and a half years, South Sudanese civilians have been deliberately and systematically targeted on the basis of ethnicity by government and government-aligned forces for killing, abduction, unlawful detention, deprivation of liberty, etc. On the ground this translates into bound corpses left on roadsides, hunger where once there was plenty, thousands of children ripped from their mothers, some forced to carry guns and kill as child soldiers.

In terms of international law, the fundamental principle of distinction—that is, distinguishing combatants from non-combatants—is very largely ignored. Civilians are treated like combatants often based on their perceived political allegiance, again largely calculated on the basis of ethnicity. Opposition forces too have been responsible for human rights abuses, although to a lesser extent, unfortunately or otherwise, than the government.

One of the worst and most shocking characteristics of the South Sudan conflict is the extreme level of sexual violence. The word massive is sometimes overused, but the sexual and gender-based violence in South Sudan cannot be described as anything less. Recent UN inquiries report that 70% of South Sudanese women and girls in displacement camps have suffered some form of serious sexual assault or abuse. Women who go out from the camps and in other situations to collect food and firewood are constantly exposed to rape and abuse, often by uniformed soldiers.

The government's general response is one of denial, even saying that this can't be true because rape is contrary to their culture. My response to that, Mr. Chairman, is: tell that to the thousands of women and young girls who have been raped in the past three and a half years.

The question has come up whether genocide has occurred or is occurring in South Sudan. To date, no one to my knowledge has reached that conclusion, but a number of expert observers, including the UN Special Advisor on the Prevention of Genocide, Adama Dieng, and our commission, have warned of a significant risk of genocide—a serious risk that cannot be ignored and that could ignite in a very short time.

Having said this, our commission has reported a prolonged, extensive, and increasing pattern of ethnic-based killing, mistreatment, and displacement that can only be described as ethnic cleansing and a demonstration of the government's desire for a Dinka-dominated country. When the commission visited the northern town of Malakal in November, we saw how the redrawing of boundary lines had helped depopulate the town of its Shilluk and Nuer inhabitants. We were subsequently told that after these other non-Dinka had been moved out, Dinka had been moved by the government into these areas, so it is engineering a population; it is replacing one ethnic group with another ethnic group.

I must say, as a former prosecutor concerning the Bosnia situation, that this is exactly the situation we saw in Bosnia in the mid-1990s, when the Serbs and Croats would move out the Muslim populations and move the Serb and Croat populations in. That is classic ethnic engineering.

If some observers or members of the public question whether ethnic cleansing has taken place and is taking place, I respectfully point the subcommittee to the words and protest of senior government officials and military officers who have resigned their positions—at least seven in recent months—many of whom have protested in their resignation letters the government's ethnic bias and cleansing and have questioned the government's genuine desire for peace.

● (1335)

Mr. Chairman, you and other members of the subcommittee may remember the displaced and often orphaned so-called lost boys of Sudan from the late 1980s into the 1990s, many of whom came to North America. Sadly, we are seeing now a very real threat of another lost generation of South Sudanese youth.

As I mentioned earlier, South Sudan is suffering an extreme humanitarian crisis bordering on catastrophe and only made worse and exploited by the government. Despite claims to the contrary, the government repeatedly obstructs and manipulates humanitarian assistance and prevents human rights reporting. Humanitarian workers are increasingly at risk, with six aid workers having been murdered just a couple of weeks ago.

As I indicated a moment ago, in just the past several weeks the UN has reported an alarming increase in attacks on civilians and aid workers by both government and opposition forces. There are unconfirmed reports that government forces have massacred civilians in and around Pajok in Eastern Equatoria in the past week. There are unconfirmed reports that as many as 135 persons have been killed, with bodies burned in their houses or buried in shallow graves. As many as 6,000 civilians have crossed into northern Uganda to escape the violence, with a number of them reporting having seen with their own eyes their civilian relatives being executed by soldiers at close range. The UN has made efforts to enter the area, but the government has twice refused them access.

Let me turn to some of the steps that need to be taken and other issues and characteristics of this terrible conflict. A root cause of this conflict is a deep culture of impunity whereby no political or military leaders have been held accountable following wave after wave, year after year, of mass violence in South Sudan, dating back more than 40 years.

In short, the attitude is that in the past 40 years no political or military leader has been held accountable, so why should anyone think they will be held accountable now? That is the mindset. The conflict in South Sudan—the violence—will not stop and there will be no sustained peace in South Sudan ever until there is genuine rule of law and real accountability.

To date, neither South Sudan's national system nor any regional body nor the international community has held anyone beyond a handful of foot soldiers accountable or taken any serious, robust steps to hold anyone accountable. Mass violence continues to be committed every day with impunity.

The peace agreement that was signed by the government and others in August 2015 provides on its face for three important elements of transitional justice to assist South Sudan in seriously coming to grips with national grievances, reconciliation, and accountability. Those elements are a truth and reconciliation commission, a hybrid criminal court composed of both South Sudanese and international components, and a reparations authority. Sadly, very little if any progress has been made on these institutions in the past year and a half.

Some technical work sponsored by the international community has laid some early groundwork for a truth commission, but this appears now to be inactive and at increasing risk of being displaced and avoided by the government's so-called “national dialogue”, announced in December but not implemented to date—which I'll come back to in a moment—and the reparations authority is nowhere to be seen. There's not even a whimper on that one.

● (1340)

After a year, the African Union has begun some work on the hybrid court. While there are rumours of a draft statute and related documents, the African Union to date has declined to share the documents with the commission, although we have requested them, and there are indications that the South Sudan government, while of course stating repeatedly its alleged desire to co-operate with the African Union, appears to find ways to avoid virtually all meetings or communications with the AU’s representatives.

Moreover, and in truth, drafting a statute is the easy part. The real question is whether there is the political will and commitment to actually standing up a court.

I am mindful of the time, Mr. Chairman, and I am concluding.

As I mentioned a moment ago, the South Sudan government has announced going outside the peace agreement process to establish something called a “national dialogue”, even though its purposes were and are intended to be addressed by the truth commission.

While it is difficult in concept to be opposed to “dialogue,” which all of us can generally agree is probably a good thing, in this instance it appears to be a government-dominated, non-inclusive process which, after a few meetings and after a couple of months, will be used to announce that there is no longer any need for a truth commission or a hybrid court or for a reparations authority.

In the meantime, essential evidence is literally being lost every day. As a long-time prosecutor, I realize that you cannot go into court, international, hybrid, domestic, or otherwise, unless you have evidence. Evidence is being lost and destroyed every day; witnesses die or disappear; they are moved around in displacement and as refugees, never to be found again; documents disappear or are destroyed; mass graves are concealed; etc.

All of this will make it impossible to hold some people accountable, which surely is what some people want. You cannot say that you are in favour of accountability and not in favour of collecting and preserving evidence. If you are not in favour of collecting and preserving evidence, then despite what else you may say, you do not in fact support accountability.

My concluding remark is that, as I said earlier, every current crisis in South Sudan is primarily caused by political elites engaged in a contest for political power, wherein 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 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 have looted and destroyed the country’s oil wealth.

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 I say with great sadness that all we can really expect, perhaps sooner rather than later, is a next round of mass violence.

Thank you, Mr. Chairman.

The Vice-Chair (Mr. David Sweet): Thank you, Mr. Scott.

Colleagues, I felt that with the *gravitas* of Mr. Scott's testimony we should give him some extended time. That means we have to be very disciplined. We will stick with four and a half minutes each. This will take us about five minutes over time but will still give us enough time to get to question period when it starts.

Ms. Wagantall.

Mrs. Cathay Wagantall (Yorkton—Melville, CPC): Thank you, Mr. Chair.

Thank you for your testimony. This is my first time attending this committee, and it is very sobering. Thank you.

My first question is whether in your view there is a disparity in food security, health, and education for members of different ethnic or religious groups?

● (1345)

Mr. Kenneth Scott: Yes. It's part of an overall pattern of distinguishing between services and security and providing humanitarian assistance along ethnic lines. The best single example of that is the situation I briefly mentioned a moment ago, in which a Dinka population is moved into an area that is then provided with humanitarian assistance, while the non-Dinka population that is moved out is left without assistance.

I'm not saying it's a uniform situation, but there are certainly many instances of this around the country.

Mrs. Cathay Wagantall: Thank you.

Human Rights Watch has reported that the Sudan People's Liberation Army's use of schools, often for shelter, has interrupted education for a broad swath of South Sudanese children and youth.

Can you describe the state of education in South Sudan?

Mr. Kenneth Scott: You can imagine that in some places it's now non-existent, just because of the security situation. As I said, a large proportion of the population is completely displaced. What typically happens in these situations is that when violence approaches the people go into the bush or relocate out of the country, and of course at that point schooling is out of the question.

There's no question that the conflict is having a mass impact on education whereby it's either non-existent or greatly limited or, if the schools are operating, the students are simply too scared to go.

Mrs. Cathay Wagantall: You would probably indicate, would you, that regional variations or distinctions in the quality or availability of education would also follow those ethnic lines?

Mr. Kenneth Scott: At least in some instances they do, yes.

Mrs. Cathay Wagantall: In your view, has the lack of educational opportunities for children and youth created an additional driver of crisis in the short and long term?

Mr. Kenneth Scott: Yes, it has. Unfortunately, the literacy rate in South Sudan is extremely low. I can't give you a number off the top of my head. I don't mean this in a pejorative way, but it's a very uneducated population. Unfortunately, that often lends itself to their being manipulated, to being easily guided and directed by hate speech, by anti-ethnic...whatever ethnic group you're told to be against. Unfortunately, sometimes uneducated people are more prone to that sort of manipulation.

Mrs. Cathay Wagantall: You were talking about the loss of evidence and the use of time to destroy a lot of it. What can be done to enhance the documentation and the preservation of evidence of what is being committed?

Mr. Kenneth Scott: The most important thing that can be done, although it will still take some time, is to fully establish the hybrid court and its investigative elements. That's what needs to be done and should have been done by now, in my view.

Short of that, in the meantime we need to increase the investigative resources on the ground. I am happy to say that the mandate of our commission was just extended by the Human Rights Council, a few weeks ago, for another year. We've been given an enhanced mandate that is more investigation-oriented. We hope to get additional resources that will allow us to do more of this.

Having said that, I've spent most of my career as a national and international prosecutor, and even with the resources that I think we hope to get it will still be a challenge. We need to get as many resources on the ground as possible and get access to all parts of the country as soon as possible.

The Vice-Chair (Mr. David Sweet): Thank you very much.

Now we go on to Mr. Fragiskatos.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you, Mr. Scott, for being here today. Your testimony is very prescient and very moving.

As you mentioned in your remarks twice, and as the report of the commission made clear in early March, the future is rather bleak, and it's bleak because it's a man-made problem. All the problems you've described have been caused by human beings, namely by political elites.

Could you touch on the place of democracy in South Sudan's future? I know that a discussion on democracy might seem rather misplaced in all of this, considering how grave the situation is right now in South Sudan. It has long been observed by economists such as Amartya Sen, who makes a clear link between famine, for instance, and democracy, that in established and vibrant democracies, famines don't happen, because political elites are ultimately accountable to populations who vote and who want good management of the country. In addition to that, a situation of famine is almost always the result of bad policies, bad management, and a lack of accountability that political elites face.

Could you speak to that point about democracy and also the importance of it in helping deal with some of the problems of corruption and impunity that you point to? I think that if South Sudan is to have a viable future, democracy has to be a part of it, but how do you transition to democracy in this sort of context? The famine on the one hand and the impunity that you talk about are so all-encompassing in the country right now that the country is plagued with these problems. The only way to deal with and overcome them is through democracy, I should say, but how do we get there? How can countries such as Canada help?

● (1350)

Mr. Kenneth Scott: That's a great question. Those are great points, and I certainly agree with you.

There's no question that there is a direct relationship between the observance of human rights, addressing the humanitarian crisis, and good governance. What we see over and over again, and it goes directly to your question about democracy, is a lack of inclusiveness in all the processes involved.

In my personal view, one of the real shortcomings of the peace process leading up to the agreement in August 2015 was a lack of inclusivity. It was basically a ceasefire between political elites. It was not nearly broad enough in including all the stakeholders and various parties who should have been at the table.

That's in direct response to your question. Over and over again, including in what I mentioned a moment ago—this so-called "national dialogue"—we see processes put forward by the government that are not inclusive. They are essentially top-down, dominated by government processes, directly contrary to democracy.

Certainly, then, developing democracy in the country is a long-term solution. It's like what we've all been hearing in recent days about how the fight against ISIS is a generations-long process. Unfortunately, similar things can be said about bringing democracy to the country. You're dealing with a very uneducated population—and again I don't mean that in any insulting way—that does not have a history or culture of self-governance.

That's one of the problems in general. All these people in the government itself are coming from a military background. They've been fighting off and on for the last 50 years, and even the current president was essentially a warlord at one point in time.

There is, then, no deep culture or history of civil self-governance. You're absolutely right: it's a serious challenge, and we have to direct much more attention to it. I'm not sure I can give you an easy solution as to how to get there.

The Vice-Chair (Mr. David Sweet): Now we move on to Ms. Hardcastle.

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Thank you, Mr. Scott. We have limited time, so I won't make any comments further than to say that I'd like to hear you talk about two points in the time that's allocated to me.

The first one concerns the effectiveness of arms embargoes and what you think our role should be in them. You probably are well aware of the vote against that resolution recently. Is this something that Canada should be thinking of?

In terms of imposing unilateral decisions such as sanctions, Canada has placed limited sanctions upon two officials. You're probably aware of that as well. What are your thoughts on using targeted sanctions and on our next best steps? The viewpoint would be how we are moving forward in the way we contribute to seeing come to fruition this hybrid court.

Mr. Kenneth Scott: I have to say that the arms embargo is one of those things, a subject in itself. I don't profess any particular expertise on arms embargoes.

I personally have some questions about it. I think that sometimes in the past an arms embargo, if not equally applied to all parties to a conflict, has resulted in some parties being disadvantaged in comparison with others, so I'm not sure it's always a solution. It may in fact in some situations make the conflict worse.

Having said that, I think we're at the point with South Sudan that we need to try whatever is possible. If a number of people, perhaps with more expertise on embargoes than I have, believe that it could be a constructive move, then I would have to say, let's try it. That would be my response to that particular question.

As to sanctions, I'm more in favour of them. It's not that I'm against arms embargoes, but I think that targeted sanctions against the right people could make a difference. One problem with the sanctions imposed not just by Canada but by the UN, the EU, or the U.S. is that they have been very limited. They have been against people who may not be that susceptible or vulnerable to sanctions. A travel ban against someone who doesn't have any intention to travel doesn't hurt very much.

We need to be targeting sanctions at more senior levels. Clearly one of the other drivers of not just this conflict but the entire situation in the country is grand corruption—kleptocracy, as some people call it. Clearly many of these people have massive amounts of wealth located outside the country. As you know, there have been a number of reports. The Enough group, the Sentry project, continues to report on that. I think targeted sanctions against the right people, effectively applied, could make a real difference, so I certainly endorse employing them.

I think all of us together, the international community and Canada, have to continue to advocate and bring pressure on the African Union and on the South Sudan government to make the hybrid court a reality. As I said before, it's not that hard to draft a statute. We've now had 25 years of war crimes tribunals, from Bosnia to Cambodia to Sierra Leone, etc. The real question is whether the African Union has the political will to make it happen.

● (1355)

The Vice-Chair (Mr. David Sweet): Thank you very much, Mr. Scott and Ms. Hardcastle.

Colleagues, I'm going to go to Mr. Tabbara. I have a question I'd like to ask, but I'm not going to take away from your time.

Ms. Khalid, do you have any questions?

What I'm going to suggest is that after Mr. Tabbara's questions, unless there's an objection to doing it, we just consider the committee to be at evidence gathering, so that if anybody wants to get back to question period, they can.

Mr. Fragiskatos sounds as though he may have a point.

Mr. Peter Fragiskatos: Mr. McKay might have a point; I'm not sure.

The Vice-Chair (Mr. David Sweet): Okay, then I will gladly go from Mr. Tabbara to Mr. McKay. Then I just have one question I would like to wrap up with.

After Mr. Tabbara's questions, however, if our quorum diminishes, then we will only be in evidence-taking mode, and no motions or anything will be accepted.

Mr. Tabbara.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thank you, Mr. Chair.

Thank you to our witness for being here today.

In your testimony you mentioned rape being used in this conflict and said that 70% of the women living in four protected areas have been raped by police or soldiers. What can the international community do to ensure the urgently needed safety of these women? That is one part of the question.

The second is, you mentioned that the international community, the UN, is trying to get into these conflict areas but that unfortunately the government is not allowing them in. Even the AU is trying to work with the local government, but it is reluctant to work with the AU.

Given that, what else can the international community do? They're trying their best to immerse themselves within the conflict areas but are still, unfortunately, not getting anywhere with this government.

Mr. Kenneth Scott: Sexual violence is massive and rampant. At a national level they can do more. I think ultimately we have to go outside the national system, but the civilian courts and especially the military courts can do more. There is to some extent an existing military justice system—we've viewed the records—but it's not being applied nearly robustly enough.

Part of it is improved enforcement at the national and local levels, and—not to repeat myself—getting this hybrid court in place is the single best thing we can do concerning sexual violence and all of the other apparent war crimes and violence taking place. That is number one.

It is a real issue in the military, from a top-down perspective. The military has not trained these soldiers; they are largely undisciplined and not trained in the law of armed conflict or, as I said earlier, on the distinction between combatants and combatants. You have, then, to start at the top and go all the way down to impress upon these people how warfare, as tragic as war is, has to be conducted. That is not by raping and killing civilians.

In terms of UN access to various parts of the country, this is an ongoing, serious problem. It's one of those things that are easy to "Monday-morning quarterback" when you're not the one out in the field. Unfortunately, many of us would I think say that some of the UN elements, international elements, are not robust enough.

Sometimes they are stopped by government roadblocks 500 metres from their camps and simply told that they are not allowed to go further. Many monitoring efforts—getting into Pajok.... They've been trying to get into Pajok for the last few days and have been turned away twice. I don't know how you get more robust about doing it, but at some point I guess you have to say you're going in, that you have 13,000 peacekeepers on the ground and that you are going to go into that area. It's a continuing problem.

It's not unique, I have to say, to South Sudan; it challenges peacekeeping forces in other parts of the world as well, when you have a government that is not co-operating.

In terms of the AU and the co-operation it is receiving or not receiving from the South Sudan government, again there has to be sustained political pressure on both the South Sudan government and on the African Union to make that co-operation happen.

● (1400)

Mr. David Sweet: Thank you.

Mr. McKay.

Hon. John McKay (Scarborough—Guildwood, Lib.): Thank you, Chair.

South Sudan lives in a very bad neighbourhood, and so far your comments have not "gone around the Horn", shall we say, in terms of contributions of the various countries to this conflict, whether it is Sudan itself or Ethiopia or Kenya or Uganda or whatever. I wonder whether you could offer a commentary on the contributions that all of those countries make to this conflict, both good and bad.

The second thing is that at one point Canada was being invited to go into South Sudan with a very robust military mission. For a variety of reasons, that seems to be off the table these days, but I'd be interested in your views as to what would be required, were nations such as Canada to actually step up to the plate.

I guess my third question is, where does ISIS play? As ISIS is squeezed out, is South Sudan or Sudan generally a location for their particular versions of terrorism?

Mr. Kenneth Scott: Thank you, sir. Those are three big questions.

You're absolutely right. The regional governments and states play a very significant role in what's happening in South Sudan. That factor cannot be underestimated. It's not surprising, perhaps. All the regional countries—Ethiopia, Kenya, Uganda, the DRC, and Sudan itself—have their own political regional interests.

Historically—I'm painting now with a broad brush—Uganda has typically supported the current president, Salva Kiir. At various times, Sudan has supported the principal opposition leader, Riek Machar, who has been or was the principal opposition leader. There's a bit of a proxy war going on between Uganda and Sudan that is being fought out in South Sudan to some extent. That is a huge factor.

The principal regional body that has played a principal role in the peace processes and is implementing the peace agreement is the Intergovernmental Authority on Development, IGAD. It's made up exactly of the regional states. Many feel that it's not been particularly effective, because, again, regional politics play such a large role. At the same time, the African Union is reluctant to play a firmer hand out of deference to the regional organization, to IGAD, so that's also a complicating political factor.

You're absolutely right. The regional government and the regional states play a major role and have a major influence on what's happening in South Sudan.

As to Canada and more robust peacekeeping in general, again, that question is not unique to South Sudan. I know that the UN itself, with its department of peacekeeping operations, has done a number of studies and self-assessments over the past several years. How do you make peacekeeping more robust? How do you get troop-contributing countries to be more robust in their own attitudes, as opposed to sending people in various elements and units that very clearly are not anxious to engage in anything such as real fighting?

That's an ongoing problem and not unique to South Sudan. I don't know how that ultimately gets resolved, but in my personal opinion, I think that in many of these situations we're going to have to find a way to be more robust. If you're sitting in a UN camp in the middle of South Sudan, there's a government roadblock 500 metres outside the camp, and you can't get further than 500 metres from the camp, I think we can all agree that you can't be very effective.

In terms of ISIS, it's an interesting question. I don't think anyone has seen that as a factor so far. One of the historical differences—not the only one, by any means—between the northern part of Sudan and in what became South Sudan is that the northern part of the country tends to be Muslim. What became South Sudan is at least nominally Christian. So far, I have not seen anyone suggest that ISIS is playing a role in that particular area, although it's certainly wise to keep an eye on that situation.

● (1405)

Hon. John McKay: Thank you.

The Vice-Chair (Mr. David Sweet): Mr. Scott, thank you very much. I'm going to ask you one more question, but I'm going to thank you on behalf of the committee because we may dwindle in numbers now. We're going to question period, which is always a delightful time where everybody likes to participate.

Mr. Kenneth Scott: Thank you, Mr. Chairman.

The Vice-Chair (Mr. David Sweet): What I wanted to ask you about is in the same vein as what the honourable member, Mr. McKay, just asked you about.

We've had the concept of the responsibility to protect in international law for quite some time. It has three pillars. I'm certain that as a prosecutor you're very aware of all three pillars. It seems to me that generally the international community is prepared to go to the second pillar, but for timely and decisive action, coercive action to wake up, let's say, a country's government to their responsibilities to make sure their population is not exposed to the four major international crimes—crimes against humanity, war crimes, genocide, and ethnic cleansing—what do we need to do?

I've been on this committee for 12 years now. In this last couple of years, I've decided to make this my hobby horse, because too many times when hostilities begin, we've watched. We know where these things are going to go, but we sit by and watch as hundreds of thousands of people—in Syria's case—are killed and millions of people are displaced. It will take billions of dollars from the international community to rebuild, but of course we cannot possibly ever replace all the lives that are lost. Would you like to make a comment in that regard?

Mr. Kenneth Scott: I commend you on your thinking on the topic, and on your concern, which I'm sure is genuine. As you say, it's something that you've been looking at for some time now.

I'm afraid that responsibility to protect, like a number of principles and doctrines—and like a number of things—is a bit like fashion. It seems to go a bit in and out of vogue. I think that maybe in the early 2000s, in 2002 and that time period, it seemed to be on the uptake. It seemed to be that the responsibility to protect was something that we had to fully endorse and develop.

I haven't studied this in any sort of disciplined way, but in my experience, it seems to me that it has fallen out of vogue and currently is not so much...we've drifted away from it a bit. I fully agree with you that we're pretty good on the first and second pillars and not very good on the third pillar.

Again, one reason for this is that we're at the fundamental loggerheads of international intervention and national sovereignty, as I'm sure you know. That's one of the real challenges of international law in general and human rights law. How do you deal with those things? How do you deal with the need to intervene? Some would point to what just happened in Syria with the Tomahawk missiles in dealing with issues of national sovereignty as well.

My personal opinion—and I'm not speaking as a commissioner now—is that I think we have to go further with that. We live in a world of globalization. Human rights cannot stop at the border. We're going to have to find ways to be more robust about this. On the third pilllar, the government is not meeting its responsibilities. On the second pillar, we have tried to assess them. We've offered manpower, treasure, whatever...and it's not getting done. The third pillar is that we have to go in and do it ourselves, but that is really at the very crossroads of international law at this point.

● (1410)

The Vice-Chair (Mr. David Sweet): Thank you very much, Mr. Scott. Hopefully some day we'll see an effort to draw that line between national sovereignty and the responsibility to protect. Maybe we'll come up with a protocol that everyone can agree with, such that once you've reached a tipping point, international intervention is going to, should, and will take place.

Thank you very much for all the good work you've done, all the way back to Bosnia and Herzegovina. We greatly appreciate that. You know that our Canadian Forces served there proudly and in a distinguished way and took some losses as well—

Mr. Kenneth Scott: Absolutely.

The Vice-Chair (Mr. David Sweet): —so we appreciate your efforts there too.

Thank you very much for your testimony to this committee.

We're adjourned.