

Canada - Africa  
Parliamentary Association



Association parlementaire  
Canada - Afrique

**Report of the Canadian Parliamentary Delegation  
on the Bilateral Visits to the Republic of Kenya  
and the Republic of South Sudan**

**Canada-Africa Parliamentary Association**

**Nairobi (Republic of Kenya) and  
Juba (Republic of South Sudan)**

**January 17 to 20, 2012**

# Report

The Canada-Africa Parliamentary Association was represented by Co-Chairs the Honourable Mauril Bélanger, P.C., M.P., and the Honourable Raynell Andreychuk, Senator; Vice-Chairs Mrs. Lois Brown, M.P., and Mr. Peter Braid, M.P.; and Directors the Honourable Jim Munson, Senator, and Mr. Tyrone Benskin, M.P. The delegation was assisted by Mr. Maxime Ricard, Executive Secretary of the Association, and Mr. Michael Dewing, Advisor for the Association.

## OBJECTIVES

The Canada-Africa Parliamentary Association undertook bilateral visits to Nairobi, Republic of Kenya and Juba, Republic of South Sudan from January 17 to 20, 2012. The visits had the following objectives:

- to strengthen bilateral relations and parliamentary cooperation;
- to engage parliamentarians in support of democracy, governance and the rule of law;
- to engage parliamentarians on security and economic issues;
- to strengthen relations with regional organizations, most particularly the African Union (AU), the East African Community (EAC<sup>1</sup>), the Common Market for Eastern and Southern Africa (COMESA<sup>2</sup>) and the Inter-Governmental Authority for Development (IGAD<sup>3</sup>); and
- to acquaint parliamentarians of Canada's activity in the region, through contacts with parliamentarians, government officials, civil society groups, and businesses.

To meet these objectives, the delegation met with Kenyan and South Sudanese parliamentarians and government officials, representatives of political parties, Canadian officials, business representatives, journalists, and members of non-governmental organizations. It also made site visits to development projects in South Sudan.

The Association previously visited Kenya in June 2008. The Association's visit to South Sudan was the first by a Canadian parliamentary delegation since the country became independent in July 2011. To keep the visits low-key, they were not announced in advance. This was due to threats against Western interests in Nairobi by the Al-Shabaab militant group and to instability in South Sudan. Despite the security situation, the Association felt it was an opportune time to meet with parliamentarians and government officials in both of these countries.

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<sup>1</sup> The member countries of the EAC are Kenya, Tanzania, Uganda, Rwanda and Burundi.

<sup>2</sup> The member countries of COMESA are Burundi, Comoros, the Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, South Sudan, Sudan, Swaziland, Uganda, Zambia, and Zimbabwe.

<sup>3</sup> The member countries of IGAD are Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda.

## REPUBLIC OF KENYA

### A. Key Issues

Kenya is strategically located on the Indian Ocean, bordering Ethiopia, Somalia, South Sudan, Uganda and Tanzania. It has the largest economy in the EAC and serves as a transportation hub for the region.

Kenya faces a number of internal challenges. After the occurrence of inter-tribal violence and the resulting deaths that followed the 2007 elections, Kenya embarked on a constitutional reform process. The new Constitution, which was approved in a binding referendum in 2010, provides for the partial transition from a Westminster-style parliamentary system to a presidential system, the creation of a Senate and the devolution of power to the 47 counties. The first elections under the new Constitution are due to be held in late 2012 or early 2013. Kenya, which has a population of 41 million, also faces demographic pressures. Like the other countries in the region, it has a high rate of population growth. Between 2000 and 2009, the population increased at a rate of 2.9% per year – slightly below the EAC average of 3.1%.<sup>4</sup>

During 2011, north-eastern Kenya was affected by a severe drought. The drought also affected neighbouring Somalia and Ethiopia, resulting in an influx of hundreds of thousands of refugees into Kenya. In response to this crisis, since December 2010 the Government of Canada has allocated \$145.1 million to humanitarian efforts in the region.<sup>5</sup>

Kenya is an active player in the region and is a member of COMESA, IGAD and the EAC. Recently, it has taken a more active role in dealing with the effects of instability in neighbouring Somalia and piracy off the coast of Eastern Africa. Somalia, which has not had a functioning central government since 1991, has been plagued by fighting between various clans and militias. For twenty years, Kenya has hosted hundreds of thousands of Somali refugees fleeing the fighting. Kenya has also tried to prevent the fighting in Somalia from spilling across the porous border. In October 2011, Kenyan forces entered Somalia in pursuit of Al-Shabaab, an Islamic militant group linked to Al-Qaeda. In response, Al-Shabaab threatened to carry out terrorist attacks in Kenya.

Piracy in the waters off the coast of Eastern Africa is another consequence of the instability in Somalia. Piracy is having an impact on the economy of Eastern Africa, and Kenya is involved in the fight against the pirates by working with international partners to develop a strategy for dealing with the problem.

Bilateral relations between Canada and Kenya are good and the two countries cooperate through the Commonwealth. Canada has a High Commission in Nairobi and Kenya maintains one in Ottawa. Although Kenya is not a country of focus under the Aid Effectiveness Agenda of the Canadian International Development Agency (CIDA), it benefits from multilateral, humanitarian, regional, partnership and bilateral programming support.

The Association has been actively involved with Kenya since January 2008. It had intended to visit Nairobi at that time, but postponed the visit as a result of the events that followed the 2007 general election. In February 2008, the Association sent a letter

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<sup>4</sup> UNICEF, *Eastern and Southern Africa*, <http://www.unicef.org/infobycountry/esaro.html>.

<sup>5</sup> Canadian International Development Agency, *Humanitarian Crisis in East Africa*, <http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/eng/ann-71910150-jqf>.

to the Speaker of the Kenyan National Assembly expressing its deep concern about the events. (A copy of the letter and the response from the Speaker are included in Appendix I.) When a delegation of the Association was able to visit Nairobi in June 2008, it met with the Honourable Kenneth Marende, Speaker of the Kenyan National Assembly, as well as with Vice President Kalonzo Musyoka and Deputy Prime Minister Musalia Mudavadi. These meetings gave the delegation an understanding of the challenges facing Kenya and provided a chance to discuss the role of parliamentarians in meeting these challenges.

In September 2010, the Association met in Ottawa with members of the Kenyan National Assembly's Committee on Administration of Justice and Legal Affairs to discuss constitutional reform and issues related to federalism, bicameral parliaments, accountability, and regional integration. In October 2011 the Association met with a parliamentary delegation led by Speaker Marende.<sup>6</sup>

Through dialogue with Kenyan parliamentarians and government officials, the Association has followed the progress of Kenya's reforms. It has also encouraged Kenyan parliamentarians to play a role in the development of a political structure that will encourage the holding of free and fair elections as well as the peaceful resolution of disputes.

## **B. Meetings**

### **1. Meeting with the Independent Electoral and Boundaries Commission**

The delegation met the Acting Chief Executive Officer of the Independent Electoral and Boundaries Commission (IEBC), Mr. James Oswago. He was accompanied by the IEBC's Director of Voter Registration and Electoral Operations, Ms. Immaculate Kassait.

After giving an overview of the IEBC, Mr. Oswago described the process for establishing constituency boundaries, which involves consultations at the local level. He said the lack of such a consultation process was partly to blame for the violence that followed the 2007 elections, and he hoped the current process would help avoid a repetition. He also talked about the IEBC's role in enforcing the Electoral Code of Conduct and overseeing the political parties' nomination processes and campaign finances.

Mr. Oswago then explained other measures the IEBC is taking to avoid violence at the next elections. He said two of the main reasons for the violence in 2007 were the length of time it took to transmit the results and the inaccuracies in the electoral list. He said the IEBC is addressing these issues by using the electronic transmission of results and electronic voter registration. When these were tried in local elections, those who were defeated conceded without challenging the results.

Mr. Oswago said the *Political Parties Act* could be clarified in order to make it easier to enforce. He also noted the *Elections Act* contains new offenses, but said the IEBC would need greater capacity in order to enforce them.

In response to questions, Mr. Oswago talked about the criteria used for establishing constituencies, the requirements for political parties to be registered, and the timetable

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<sup>6</sup> Parliament of Canada, International and Interparliamentary Affairs, "Visit to Canada of the Honourable Kenneth Marende, Speaker of the National Assembly of the Republic of Kenya, and a Parliamentary Delegation," [http://www.parl.gc.ca/iia/Default.aspx?Language=E&DCId=5&DTId=1&P=2011\\_10\\_03\\_kenya](http://www.parl.gc.ca/iia/Default.aspx?Language=E&DCId=5&DTId=1&P=2011_10_03_kenya).

for the next elections. Ms. Kassait gave details on the transmission of election results using mobile telephones.

The delegation felt assured that the IEBC is addressing the key issues that are necessary for the holding of free and fair elections. The IEBC's understanding of new technology and how it can be used to ensure transparency, along with the efforts the IEBC has made to reach out to communities, should improve the legitimacy of the electoral system.

## **2. Meeting with Parliamentarians and Parliamentary Staff**

The delegation held a meeting with members of the Kenyan delegation that visited Canada in October 2011. They included:

- the Honourable Ekwee Ethuro, M.P.;
- the Honourable Millie Odhiambo, M.P.;
- Mr. Peter Charles Omolo, Senior Deputy Clerk;
- Ms. Eunice Gichangi, Senior Legal Officer;
- Mr. Jacob Ngwele, Clerk Assistant; and
- Mr. Oscar Namulanda, Clerk Assistant.

The members of the Kenyan delegation explained the implications for Parliament of the new Constitution and the election timetable. They discussed the implications of the increase in the number of members from 224 to 350 and the creation of a Senate.

In response to questions, the Kenyan delegation talked about the funding of Parliament, the recruitment of parliamentary staff, the gender balance in Parliament, and the remuneration and taxation of parliamentarians. They also discussed the transition from the British parliamentary system to a system based on the American model which involves a clear-cut separation of powers.

The delegation appreciated the frank and open discussion it had with the Kenyan parliamentarians and parliamentary staff.

## **3. Meeting with the Defence and Foreign Relations Committee**

The delegation met with members of the Defence and Foreign Relations Committee, including:

- the Honourable Benedict Gunda, M.P. (Vice-Chair);
- the Honourable Martin Ogiendo, M.P.;
- the Honourable Jeremiah Kioni, M.P.;
- the Honourable Peter Anyanga, M.P.;
- the Honourable Kiema Kilonzo, M.P.;
- the Honourable George Nyamwaye, M.P.; and
- the Honourable Charles Kilonzo, M.P.

The Kenyan parliamentarians gave a presentation on the role of the Committee, which, in addition to examining defence and foreign affairs, deals with the EAC and the

intelligence and security services. They described its role in examining the estimates, reviewing legislation, and looking into whether the ministries meet their objectives.

In an open discussion with the delegation, the parliamentarians elaborated on the Committee's role in overseeing security operations, discussed changes to Kenya's judicial system that should result in speedier judgments, and talked about the influx of refugees from Somalia and its impact on Kenya's security. With regard to the latter, the Kenyan parliamentarians expressed concern that Kenya's attacks against Al-Shabaab had resulted in foreign countries issuing travel advisories which reduced the number of tourists visiting Kenya. The Kenyan parliamentarians felt that these advisories were unwarranted, as Kenya had taken steps to address the threats to security. As well, they felt that the international community has not acknowledged Kenya's efforts to combat piracy and the financial burden these efforts are placing on society.

On the subject of regional integration, the parliamentarians noted that Kenya has the strongest economy in the EAC. They said that in addition to the existing transportation corridor between the port of Mombasa and Kampala, Uganda, a new transportation corridor was being established from the port of Lamu to South Sudan. They said the aim was to bring South Sudan and Ethiopia into the EAC. The Committee members stressed the need for a peaceful Indian Ocean and a stable Somalia. They also noted that Kenya is the fourth-largest military spender in Africa, after South Africa, Angola and Nigeria.

#### **4. Meeting with the Constitution Implementation and Oversight Committee**

The delegation held a meeting with members of the Constitution Implementation and Oversight Committee, including:

- the Honourable Millie Odhiambo, M.P (Vice-Chair);
- the Honourable Benedict Gunda, M.P.;
- the Honourable Charles Kilonzo, M.P.;
- the Honourable Charles Onyancha, M.P.;
- the Honourable Joseph Nkaisserry, M.P.;
- the Honourable David Simiyu, M.P.;
- the Honourable Amina Abdalla, M.P.; and
- the Honourable Ekwee Ethuro, M.P.

The Committee members explained their role in the constitutional reform process, which includes making sure the timelines for enacting new laws are respected and working with the Commission for the Implementation of the Constitution, which is charged with coordinating the process. They said Kenya is working to build a culture based on respect for the Constitution and expressed hope that momentum will be maintained after the next elections. They noted there was some resistance from those who benefited under the old system and talked about the need to manage popular expectations about the new Constitution. The Committee members were well aware of the need to ensure the holding of free and fair elections and a peaceful transition.

## 5. Roundtable on the Economy

The delegation attended a roundtable on the economy with the following people:

- Mr. Mugo Kibati, Director General, Kenya Vision 2030;
- Mr. Patrick Obath, Chairman, Kenya Private Sector Federation;
- Mr. Stewart Lair Henderson, Chairman, Eastern Africa Association;
- Mr. Kurt Simonsen, Head of Office, European Investment Bank;
- Mr. Gayling May, Executive Director, Eastern Africa Association;
- Mr. Ragnar Gudmundsson, Resident Representative, International Monetary Fund;
- Mr. George O. Otieno, Chief Executive Officer, African Trade Insurance Agency;
- Mr. Isaac Awuondo, Managing Director, Commercial Bank of Africa;
- Mr. José Maciel, Regional Trade & Integration Director, TradeMark East Africa;
- Mr. David Stanton, Deputy Chief Executive Officer Country Programmes, TradeMark East Africa;
- Mr. Kwame Owino, Chief Executive Officer, Institute of Economic Affairs; and
- Mr. David Verbiwski, Counsellor (Commercial) and Regional Senior Trade Commissioner, High Commission of Canada.

The participants in the roundtable talked about Kenya's strategic plan to become a middle-income country by 2030. The plan – known as Kenya Vision 2030 – is based on developing the following sectors: tourism, information technology (IT), agriculture, trade, and financial services.<sup>7</sup> At the same time, it involves social goals such as improving education. While the participants were optimistic that middle-income status could be reached in 18 years, they said this would require pursuing reforms and developing the country's infrastructure.

On the subject of reforms, the participants said they would like to see a more efficient judicial process, improved governance and financial management, reductions in the time it takes to register a business, and incorporation of the informal economy into the legitimate system. With regard to infrastructure, they said there was the need to improve the power system, the ports, the roads, and the rail system. The participants also discussed the problem of accessing credit, the need for stable exchange rates, and the economic uncertainty that might be caused if there is violence during the next elections.

On the subject of the current economic situation, they described Kenya's economy as resilient. Thanks to a strong private sector and a growing middle class, the economy has grown despite the post-election violence and the drought. Participants said Kenya's macro-economic policies are sound and inflation is coming down. They said, however, there is the need to reduce the debt-to-GDP ratio. Some also warned about the need to meet popular expectations regarding development. One of the challenges to meeting these expectations is the need to provide jobs to the rapidly growing population.

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<sup>7</sup> See Kenya Vision 2030, <http://www.vision2030.go.ke/>.

The discussion touched on the opportunities in Kenya for foreign businesses – particularly in natural resources – and the challenges involved in pursuing them, including the need to establish partnerships with Kenyan companies. China's involvement in Kenya was also discussed and the participants indicated that they were aware of the challenges of doing business with new players.

The participants in the roundtable were generally favourable to greater integration within the EAC. In particular, they hoped this would lead to the reduction in transportation times and costs. They also said if Kenya attains middle-income status, it would help the whole region.

Overall, the participants were optimistic that Kenya is establishing a favourable climate for doing business and making investments and that opportunities exist for Canadian companies.

## **6. Meeting with the Chief Justice of Kenya**

The delegation met the Chief Justice of Kenya, the Honourable Willy Mutunga, who holds a Doctor of Laws degree from Osgoode Hall Law School in Toronto. He gave an overview of his efforts to ensure the rule of law through the establishment of a sound judicial framework, one that is no longer marked by backlogs, the blurring of judicial and administrative functions, and corruption. In addition to addressing these issues, he is overseeing the recruitment of young people and women to the judiciary and working to improve judicial independence and professionalism. Chief Justice Mutunga has modernized the courts to bring them in line with contemporary Kenya, for example by ending the practice of wearing traditional wigs and by establishing courthouses with modern amenities. To encourage support for these reforms, he has travelled around the country talking about the courts and their role in democratic society.

Chief Justice Mutunga said Kenya is at a crossroads. While the constitutional structures to reform the judiciary are in place, these structures must now be implemented. He said the new Constitution makes Kenya a human rights state, but stressed it is critical the Bill of Rights be implemented.

Chief Justice Mutunga also discussed the new vetting process for judges, the efforts judges are making to educate citizens about their rights, the training of lawyers, and the use of alternative dispute mechanisms for reducing congestion in the courts.

## **REPUBLIC OF SOUTH SUDAN**

### **A. Key Issues**

- The Republic of South Sudan became Africa's newest country in July 2011 when it seceded from Sudan. It is a landlocked country roughly the size of Manitoba bordered by Sudan, Ethiopia, Kenya, Uganda, the Democratic Republic of Congo, and the Central African Republic.
- After Sudan gained independence from Britain and Egypt in 1956, South Sudan sought autonomy from the Arab-led North. This resulted in a civil war that lasted until 1972, when an agreement gave the South a degree of autonomy. However, the imposition of Sharia law in 1983 reignited the civil war. The southern rebels coalesced as the Sudan People's Liberation Movement (SPLM) under the leadership of John Garang.
- The civil war resulted in economic collapse and widespread famine. Some two million people lost their lives, mostly as a result of starvation. Eventually, the



Government of Sudan and the SPLM reached an agreement on the South's right to self-determination, and this led to the signing of the Comprehensive Peace Agreement (CPA) in 2005. Mr. Garang was to act as Sudanese Vice-President and President of Southern Sudan during a six-year transition period, but in July 2005 he was killed in a helicopter crash and his deputy, Salva Kiir Mayardit, replaced him.

- The referendum on South Sudan's independence took place in January 2011. With turnout approaching 98%, over 3.8 million people voted and 98.8% of them chose to secede from the North.<sup>8</sup>
- South Sudan has established a bicameral parliament made up of a 332-seat National Legislative Assembly and a 50-seat Council of States. Executive power is held by President Kiir. The SPLM controls the presidency and the legislature.

South Sudan has a mostly rural, subsistence economy and many of its 8.3 million people live in abject poverty. Literacy rates are very low – only 27% of the population 15 years and over can read and write. Healthcare services are lacking and the maternal mortality rates are the highest in the world – 2,054 women die per 100,000 live births,<sup>9</sup> compared to 435 in neighbouring Uganda and 12 in Canada.<sup>10</sup> In addition, in South Sudan the under-five mortality rate is 106 children per 1,000 live births.<sup>11</sup>

South Sudan's infrastructure has not recovered from the devastation caused by the civil war and is severely underdeveloped. To give examples, the whole country has only about 200 km of paved roads. Electricity is provided by diesel generators and is expensive and there is almost no access to running water. At the same time, South Sudan has abundant natural resources – including oil – rich agricultural lands and hydroelectric potential. In order to develop these, however, it must deal with the lingering effects of more than 20 years of civil war, the displacement of people and insecurity resulting from on-going disputes with Sudan, as well as rebellions and inter-tribal conflict. At the time of the delegation's visit, there were frequent deadly inter-tribal clashes in Jonglei State resulting in hundreds of deaths and the displacement of tens of thousands of people. There were also security alerts in Juba, where there has been increased criminal activity.

Regarding regional organizations, South Sudan has been admitted to the AU, COMESA and IGAD. South Sudan has also applied to join the EAC, which has yet to make a decision. South Sudan has also expressed interest in joining the Commonwealth.

South Sudan's relations with Sudan remain tense and a number of issues remain to be resolved. These include the management of oil revenue and the status of the Abyei region on the border between the two countries. Upon independence, South Sudan gained control of 75% of the former Sudan's oil reserves. Indeed, oil accounts for 98%

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<sup>8</sup> Southern Sudan Referendum Commission, "SSRC Announces Final Referendum Results," 8 February 2011, <http://www.ssrc.sd/SSRC2/newsview.php>.

<sup>9</sup> Canadian International Development Agency, *Fact Sheets: Canada's actions on maternal, newborn, and child health*, <http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/CAR-1117161357-SWA>.

<sup>10</sup> Jocelyn Edwards, "In South Sudan women shun hospitals despite childbirth risks," *The Toronto Star*, 6 November 2011, <http://www.thestar.com/news/world/article/1081440--in-south-sudan-women-shun-hospitals-despite-childbirth-risks>.

<sup>11</sup> Canadian International Development Agency, *Fact Sheets: Canada's actions on maternal, newborn, and child health*, op. cit.

of the Government of South Sudan's revenues. However, this oil must travel by pipeline through Sudan to reach ports on the Red Sea. At the time of the delegation's visit, South Sudan and Sudan were meeting in the Ethiopian capital of Addis Ababa to negotiate the sharing of oil revenues. South Sudan also faces a number of armed rebellions in states along its northern border with Sudan.

Canada supported the international efforts to bring about peace in South Sudan and established relations with South Sudan following its independence. The Canadian High Commission in Nairobi is responsible for relations with South Sudan and it has established an Office of the Embassy in Juba. In Ottawa, South Sudan is represented by a liaison office.

Canada supports the full implementation of the CPA. South Sudan, along with Sudan, is a country of concentration for CIDA. Indeed, Canada is the sixth-largest aid donor in South Sudan, and is helping it improve access to essential primary health care services. Canada is also providing assistance with humanitarian aid, prison reform, land ownership and demining. In addition, Canadian civilian police officers and Canadian Forces personnel are participating in the United Nations Mission in the Republic of South Sudan (UNMISS).

## **B. Visits and Meetings**

### **1. Visit to the Juba Teaching Hospital**

The delegation visited Juba Teaching Hospital, which is the main hospital serving Juba and the south-eastern area of the country. The delegation met the Chief Executive Officer, Mr. Wani Mena, who gave a tour of the training facilities of the College of Nursing and Midwifery, the maternity ward and the emergency ward. The delegation met a class of approximately 30 students undertaking the three-year course to be midwives. The delegation was told this was the only school for midwives in South Sudan and the number of graduates would not be nearly enough to cover the whole country.

The delegation then participated in discussions with the Deputy Minister of Health for South Sudan, Dr. Yatta Lori Lugar. He described the challenges of providing health services for Juba's rapidly growing population, which has gone from 300,000 to over a million people in the space of a few years. He talked about South Sudan's efforts to reduce the very high rates of maternal mortality. Midwives are a key component of this effort, as they are able to detect problems early and supervise childbirths. The Deputy Minister also talked about the high number of deaths due to malaria and South Sudan's lack of facilities for treating trauma or cancer.

Deputy Minister Lori also thanked the Government of Canada for its support to South Sudan. He asked the delegation to pass on his government's request for assistance in providing indoor residual spray as a way of controlling malaria. He explained that while mosquito bed nets protect people while they are sleeping, people are often bitten by mosquitoes before they have gone to bed. He said indoor residual spraying would help prevent this. The delegation agreed to pass on his request to the Government of Canada.

Following the visit, members of the delegation were interviewed by the media.

## **2. Visit to the South Sudan Police Training Centre**

In Juba, the delegation also visited the South Sudan Police Radio Training Center. In partnership with the German Service for Sustainable Development (GIZ), CIDA is helping the South Sudan Police Service improve its radio communications through the establishment of 30 radio stations throughout the country. This network will allow the local stations to rapidly exchange information and data with police headquarters.<sup>12</sup>

The delegation was welcomed by the Deputy Inspector General of Police, Gordon Kur Micah. He gave the delegation a tour of the facilities and the delegation met a class of recruits undergoing communications training. It learned the Police Service would eventually like to set up an emergency call centre.

The delegation also heard about the challenges facing South Sudan's 52,000 police officers. Many of them are former military personnel who have become police officers, and they require training and equipment. In much of South Sudan, light weapons are widely available and conflicts resulting from cattle-raiding – such as those in Jonglei State – have escalated to the extent that the Police Service does not have the capacity to deal with them. As well, the lack of paved roads makes it very difficult to reach the affected areas. In addition, various rebel groups are operating in the north of the country and elements of the Lord's Resistance Army are present in the west. More generally, Deputy Inspector General Kur talked about reducing petty corruption and ensuring that newly recruited police officers respect human rights.

## **3. Meeting with the Acting Speaker of the National Legislative Assembly**

The delegation met the Acting Speaker of the National Legislative Assembly, the Honourable Kom Kom Geng, M.P., who is also chair of the Public Accounts Committee. He gave an overview of South Sudan's bicameral legislature and the process of establishing a permanent Constitution. He said 93% of the members in the legislature belong to the ruling SPLM. There are 13 political parties, most of which support the government. There is only one opposition party – the six-member Sudan People's Liberation Movement—Democratic Change (SPLM-DC).

Mr. Geng talked about the National Legislative Assembly's interest in strengthening bilateral relations with the Canadian Parliament. He said because it is only five months old, it needs support in the field of legislation and in capacity building. For instance, the Assembly has no library.

Mr. Geng also discussed South Sudan's good relations with regional organizations such as the EAC. In the area of security, he said the country is stable, but has to deal with inter-tribal conflicts. He also talked about the negotiations with Sudan over oil.

In discussion with the delegation, Mr. Geng elaborated on the relations between political parties. He said the priorities for the legislature include security, infrastructure development, education, agriculture and health. He also talked about the relationship between parliament and the judiciary, the integration of returnees from Sudan, and the role of parliamentarians in resolving inter-tribal conflicts.

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<sup>12</sup> GIZ, "Strengthening the capacities of the police in Southern Sudan,"

Following the meeting, members of the delegation were interviewed by the media.

#### **4. Meeting with Chairs of Legislative Committees**

The delegation attended a meeting with the following committee chairs, deputy chairs and members:

- The Honourable James Lual Deng, M.P., Chair, Foreign Affairs and International Cooperation;
- The Honourable Angelina Nyamouka Magoun, M.P., Chair, Human Rights and Humanitarian Affairs Committee;
- The Honourable Bataria Mirror Maker, M.P., Chair, Committee of Gender, Religious, Social Welfare and Sports;
- The Honourable Elizabeth Nyawac Chol, M.P., Chair, Committee of Health and HIV/AIDS;
- The Honourable Jamal Lomongi n Peter, M.P., Deputy Chair, Public Accounts Committee;
- The Honourable Aya Janet Alex, M.P., Deputy Chair, Committee of Regional and international Cooperation;
- The Honourable Kutin Bayak Gil, M.P., Deputy Chair, Committee of Development, Economy and Finance; and
- The Honourable Tongun Lado Rombek, M.P., Member, Security & Public Order Committee.

The delegation was welcomed by the Honourable James Lual Deng, M.P., who thanked Canada for its contributions to in the areas of refugees, humanitarian assistance and peacekeeping. He said South Sudan was in search of positive direction in the areas of democracy, economic development and good governance.

Asked about South Sudanese parliamentarians' contribution to resolving inter-tribal conflicts in Jonglei State, the committee members described the role of the Human Rights and Humanitarian Affairs Committee in overseeing the government and monitoring the situation. They said the situation in Jonglei was particularly difficult to resolve because of the difficulty in reaching the area due to the lack of paved roads, the high levels of illiteracy and the lack of services. They said the National Legislative Assembly had debated a resolution on the issue and had sent parliamentarians to visit the area. They also noted there is a Committee of Peace and Reconciliation which deals with tribal relations.

The South Sudanese parliamentarians also gave a general overview of the committee system and the participation of opposition parliamentarians in it.

#### **5. Meeting with Members of the Official Opposition**

The delegation met the Leader of the opposition Sudan People's Liberation Movement—Democratic Change (SPLM-DC), the Honourable Onyoti Adigo Nyikwac, M.P., and the Minority Chief Whip, the Honourable Andrew Okong Ayom, M.P.

They discussed their differences with the governing SPLM. While the two parties agree on national issues, they differ over policy. At independence, the SPLM-DC felt that all national institutions should have been dissolved and a constituent assembly

established, but the SPLM did not agree. On the subject of the conflict in Jonglei, they said a state of emergency should be declared and elders from a tribe not involved in the conflict should be brought in to mediate.

On the subject of the resources available to them, the opposition members said while they have access to a car and security people, in order to fulfill their parliamentary role they would need the help of legal experts, researchers and economists. They also said they did not want to simply rubber-stamp decisions and would like the opportunity to question the government and meet with the President.

## **6. Meeting with Representatives of the Media**

The delegation held a roundtable discussion with the following media representatives:

- Mr. Alfred Taban, Editor-in-Chief, Juba Monitor;
- Mr. Michael Koma, Editor-in-Chief, Juba Post and South Sudan Union of Journalists;
- Mr. Ngor Garang, Editor-in-Chief, Daily Destiny;
- Mr. David Lukan, Editor, Catholic Radio Network;
- Mr. James Lemor; South Sudan Union of Journalists;
- Dr. Hakim Dario N'Moi, Executive Director, Association for Media Development in South Sudan;
- Mr. David De Dau, Executive Director, Agency for Independent Media; and
- Mr. James Garang, student.

The journalists said the media environment in South Sudan consists of 12 newspapers, 37 radio stations and 2 television stations, with a mix of public and private ownership. They said they have access to South Sudanese parliamentarians, but said because a media law has not been enacted, they cannot access official information. They said some people in government believe a media law would give journalists too much power, but in the absence of such a law, journalists can be subject to arrest. They felt they are operating in a legal vacuum.

There was some discussion among the participants over the government's reaction to the publication of personal information about the President's family, in which the journalist was arrested and his newspaper shut down. While some participants felt the publication of such information could open wounds and hurt reconciliation efforts, others felt that instead of shutting down the newspaper, the government should have brought the case before the courts. The participants also debated whether the old Sudanese media law still applies in the absence of a new South Sudanese law.

Over all, the participants were unsure about their legal status. Consequently, they said there is a certain amount of self-censorship. They also talked about the need to improve the skills of novice journalists and the general lack of resources for journalists to carry out their jobs.

## **7. Meeting with the Minister of Gender, Child and Social Welfare and the Minister of Health**

The delegation met with the Minister of Gender, Child and Social Welfare, the Honourable Agnes Kwaje Lasuba, and the Minister of Health, the Honourable Dr. Michael Milly Hussein.

Minister Kwaje gave an overview of her ministry and talked about its work related to gender mainstreaming and gender budgeting. She said the concept of gender is difficult to explain to the population and needs to be seen as equal participation rather than a grab for power. She also discussed United Nations Security Council Resolution 1325, which calls for increased representation of women in decision-making institutions and their participation in conflict resolution and peace processes.<sup>13</sup> She said it was important that women know their rights.

Minister Milly talked about the challenges facing women and children, including poverty, large number of orphans, and the lack of resources. He noted there is a Women's Association Centre in every state and that the government intends to increase the number of drop-in centres for children from 3 to 10. Regarding initiatives for women, he talked about the difficulty of implementing affirmative action programs.

In discussion with the delegation, the ministers talked about the need to raise awareness at the local level about negative cultural practices<sup>14</sup> and to encourage the participation of girls in school. They also discussed the difficulties in addressing the high rate of maternal mortality, including the shortage of antenatal care, midwives and access to facilities. Saying healthcare is a right, they talked about the need to strengthen primary healthcare centres. However, the level of government funding on healthcare is low – only 4.2% of the national budget, when 10% to 15% would be required to meet the country's many healthcare needs.

Following the meeting, members of the delegation were interviewed by the media.

## **8. Meeting with the Deputy Minister for Foreign Affairs**

The delegation met the Deputy Minister for Foreign Affairs, the Honourable Grace Datiro. She began by saying South Sudan has many needs and that it wants peace with its neighbours, as well as internal peace. On the subject of the inter-tribal clashes in Jonglei State, she said cattle-raiding has been going on there since time immemorial, but it has recently become more serious, with the burning of villages and the killing of women and children. This is due in part to the increase in the number of weapons and she questioned where they were coming from. She also said because of the lack of health services in rural areas, some women become infertile and as they cannot have children, this leads to child abductions. Over time, treating the causes of infertility could reduce the number of abductions and lessen the amount of conflicts.

Regarding relations with Sudan, Deputy Minister Datiro said any discussion of oil was linked to security in the oil-producing regions near the border, where fighting is still taking place. She expressed hope that discussions with Sudan on sharing oil revenue that were taking place in Addis Ababa at the time of the delegation's visit would help resolve other issues.

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<sup>13</sup> United Nations Security Council, *Resolution 1325*, New York, 2000, [http://www.un.org/events/res\\_1325e.pdf](http://www.un.org/events/res_1325e.pdf).

<sup>14</sup> Examples of negative cultural practices include early or forced marriages and child abductions.

On the question of joining regional organizations such as the EAC and IGAD, she said South Sudan will evaluate the pros and cons of joining. Regarding relations with China, she said South Sudan is open to relations with any country so long as it can protect its interests. Deputy Minister Dairo also talked about the importance of the South Sudanese diaspora to the development of the country and about programs to attract investors.

## **9. Visit to Projects in Western Bahr-el-Ghazal Province**

The delegation travelled to the town of Wau in Western Bahr-el-Ghazal Province, about 500 km northwest of Juba. This remote region is recovering from the civil war, but its efforts are hampered by the closing of the border with Sudan, which has cut the rail link between Wau and Khartoum.

In Mboro County near Wau, the delegation visited the CIDA-sponsored Sustaining Peace and Enhancing Livelihoods project which is designed to reduce conflicts and encourage community development. In partnership with CHF<sup>15</sup>-Partners in Rural Development, Canada is providing more than \$3 million over three years to help train peace committees in communities that have no other forms of policing. CHF is also helping female-headed households increase their income by improving their agricultural practices and helping them grow food for sale. The project targets some 2,000 households, and according to CHF, the project has resulted in a 25% reduction in violent conflicts in the project area and a 10% reduction in malnutrition among women and children.<sup>16</sup>

The delegation unveiled a plaque inaugurating the peace committee building in Mboro County. It met members of the local peace committee who talked about their efforts to resolve conflicts peacefully. Unfortunately, two of their committee members had recently died and they hoped other people could be trained to resolve conflicts. The delegation also heard from a woman who said women are beginning to take part in conflict resolution, which is a new role for them.

The delegation also visited a woman who, with the help of a microloan from a civil society organization known as Women Development Group (WDG), has built a bread oven and is baking bread for local consumption. The delegation also saw the motor-driven grinder used to make peanut butter from locally grown peanuts.

## **10. Meeting with the Governor of Western Bahr-el-Ghazal Province**

In Wau, the delegation met the Governor of Western Bahr-el-Ghazal Province, Brigadier General Rizik Zakaria Hassan. Governor Hassan gave a quick portrait of the Province. It has 26 tribes and 90% of the farmers practice subsistence agriculture. He said he would like to diversify the local economy, but this would require technical know-how. He also said much of the local infrastructure was damaged during the war.

Governor Hassan described the Province's relationship with the central government, noting that funding is controlled centrally. While the two levels of government operate independently, they work to coordinate their efforts.

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<sup>15</sup> Canadian Hunger Foundation.

<sup>16</sup> CHF, *Current Projects: Sustaining Peace and Enhancing Livelihoods in South Sudan*, <http://www.chf-partners.ca/where-we-work/africa/south-sudan/current-projects/314-sustaining-peace-and-enhancing-livelihoods-in-southern-sudan>.

## **ADDITIONAL INFORMATION**

The delegation attended briefing sessions presented by Canadian officials in Nairobi and Juba. The delegation intends to hold an information session with Canadian officials in Ottawa.

In Nairobi, the delegation attended a working lunch hosted by the National Legislative Assembly. In Juba, the delegation attended a reception for Canadian representatives working in South Sudan and hosted a reception for government and United Nations officials, the diplomatic corps, non-governmental organizations and private sector partners.

## **CONCLUSIONS**

### **A. NAIROBI, REPUBLIC OF KENYA**

The delegation felt that genuine efforts are being made to implement constitutional reforms. It was impressed by Kenyan parliamentarians' commitment to implementing the new Constitution. They have done much hard work to ensure the timelines for adopting legislation are respected.

The delegation was also encouraged by the efforts of the Independent Electoral and Boundaries Commission (IEBC) to ensure greater transparency in the electoral process. The delegation encourages it to pursue these efforts in the hope they will lessen the chances of violence at the next elections. The delegation conveyed its continued interest to the IEBC. The delegation was also impressed by the judicial reforms being undertaken by Chief Justice Willy Mutunga.

At the same time, the delegation heard about the fragility of the reform process. The next elections will be crucial to its success. Sincere efforts appear to be in place to make them as free and fair as possible. At the same time, some people wondered whether the momentum to implement the new Constitution will be sustained after the next election.

The delegation conveyed to its interlocutors that peaceful elections are key to Kenya's ongoing stability and prosperity. The delegation also highlighted the importance of parliamentarians in ensuring a peaceful outcome of the elections. They can do this through their interaction with political leaders, with the public and with other parliamentarians.

The delegation heard that Kenya hopes to join the ranks of middle-income countries by 2030. In order to do so, it will have to respect the rule of law, ensure free and fair elections and respect human rights. At the same time, the delegation recognizes that changing a country's constitutional culture takes time, and it encourages reformers to keep up their good work.

The delegation heard the concerns that Kenya's efforts to combat Al-Shabaab militants was resulting in the publication of travel advisories by other countries. It undertook to pass on these concerns.

The delegation appreciated the chance to build on the Association's work with Kenyan parliamentarians and officials. It felt the discussions it had about the holding of free and fair elections, constitutional and judicial reform, and security issues were frank and open. The Association will continue to follow events in Kenya and looks forward to further exchanges. It feels strongly that the Government of Canada should support



efforts to ensure a peaceful election, particularly through engagement with parliamentarians.

## **B. JUBA, REPUBLIC OF SOUTH SUDAN**

South Sudan is still suffering from the devastation caused by more than 20 years of civil war, and has only just begun the hard work of building a new country. The delegation felt that useful steps have been put in place and the country appears to be moving in the right direction. At the same time, it feels that a certain amount of caution is warranted as the challenges facing the country are enormous.

The delegation felt its visit – the first by a Canadian parliamentary delegation since South Sudan became independent – set the stage for future dialogue between Canadian and South Sudanese parliamentarians. Given that South Sudan is just beginning to build its parliamentary institutions, the delegation felt it is important to strengthen inter-parliamentary relations.

The delegation noted the National Legislative Assembly's need for increased capacity. In particular, the delegation believes it is important to support the ability of the opposition to perform its role of holding the executive to account. Also, helping ensure that diverse voices are heard in Parliament could help South Sudan deal with opposition perspectives in a peaceful way.

In its meetings with representatives of the South Sudanese media, the delegation was encouraged to see they do not all speak with one voice. At the same time, it was concerned about reports that the government had arrested journalists and closed down newspapers for publishing stories that might embarrass the government or the President. The delegation felt the Government of Canada should work with the Government of South Sudan to help encourage respect for internationally accepted standards of freedom of the press.

The delegation was concerned about the Government of South Sudan's inability to resolve inter-tribal conflicts such as those in Jonglei State. While recognizing the complexity of the tribal system and the logistical problems involved, the delegation nonetheless encouraged government officials and parliamentarians to make finding ways of mediating the disputes a top priority. During its visit to the communities near Wau, the delegation witnessed an example of a dispute resolution process that is intended to avoid a repeat of the horrific clashes of the recent past.

Regarding regional relations, the delegation was encouraged to learn that South Sudan has either joined or is considering joining the main regional organizations, including COMESA, IGAD and the EAC. At the time of the delegation's visit, South Sudan was in dispute with Sudan over the division of oil revenues and there were reports of skirmishes in the border region. The delegation heard the border was closed and the train from Khartoum to Wau was no longer running. In addition, the delegation was concerned about reports of human rights violations in regions near the border with Sudan. The delegation felt that outstanding issues with Sudan need to be resolved before South Sudan can begin addressing other pressing issues. More specifically, the delegation felt that full implementation of the CPA should be emphasised as a priority.

More generally, the delegation was struck by the South Sudan's lack of basic infrastructure and services. The Association has visited many countries with poor infrastructure, but conditions in South Sudan are worse than in most countries. Decades of civil war have left the country with little infrastructure to build on and with a

population that lacks the necessary training and skills. The delegation was particularly concerned about the deficiencies in the health care system and the very high rates of maternal and child mortality.

Though the parliamentarians and officials the delegation met are enthusiastic about building the new country, it is clear the process will take a long time. South Sudan struggled for years to attain independence, but in many ways the hard work is only just beginning. With oil accounting for 98% of the Government of South Sudan's revenues, there is a strong need to diversify the economy. Popular expectations are high, and failure to meet them quickly could lead to disappointment. The delegation noted the unease in some quarters about the security situation in Juba, as well as about the potential for opportunism by some players. An enormous amount of work needs to be done, but officials are faced with a large number of competing priorities.

Regarding relations with Canada, South Sudanese officials gratefully acknowledged the role of the Government of Canada in supporting the peace and independence process. The delegation felt that Canada, as the sixth-largest donor to South Sudan, is well positioned to continue playing a significant role in supporting the peace process as the country develops. As well, given the compelling statistics on the high levels of maternal and child mortality, the delegation felt that CIDA should continue focusing resources in this important area. In summary, the delegation felt the Government of Canada should build on its years of involvement in Sudan and South Sudan. South Sudan has gained independence, but this is not the end of the process. Given its fragility and lack of resources, South Sudan will require external assistance over the long term to become a functioning state. The Government of Canada should continue encouraging projects and actions that will lead to the full implementation of the CPA. As well, it should consider clarifying the status of its four-person Office of the Embassy in Juba.

While South Sudan faces enormous challenges as it works to build a new nation from the ground up, the people the delegation met have confidence that the South Sudanese are capable of meeting these challenges. The delegation encourages the Canadian government to continue exploring options for helping South Sudan attain its goals and would welcome the opportunity to learn more about its plans as they evolve.

## **ACKNOWLEDGEMENTS**

For their help in arranging the visit to Nairobi, Kenya, the delegation would like to thank Canadian High Commissioner David B. Collins and his team, including Mr. Jeff Narraway, Mr. David Verbiwski, Ms. Melanie Boyd, Mr. Richard Le Bars, Mr. Vincent Charron, Mr. David Mwagiru and Mr. Stéphane Nicolau.

The delegation would also like to thank those who made the visit to South Sudan successful. In particular, it would like to thank Head of Office Mr. Adrian Norfolk, as well as Ms. Nancy Foster, Ms. Caroline Delany, Ms. Catherine Fleming and Ms. Antonia Wynne-Hughes.

The delegation is grateful to all those who took the time to meet with it. Their participation was invaluable to the delegation's understanding of the opportunities and challenges facing Kenya and South Sudan.

Respectfully submitted,

The Honourable Raynell  
Andreychuk, Senator

Co-Chair

Canada-Africa Parliamentary  
Association

The Honourable Mauril Bélanger,  
P.C., M.P.

Co-Chair

Canada-Africa Parliamentary  
Association

# Appendix I

February 1<sup>st</sup>, 2008

The Honourable Kenneth Marende  
Speaker of the National Assembly  
of the Republic of Kenya  
Parliament Buildings  
P.O. Box 41842  
Nairobi  
KENYA

Dear Mr. Speaker:

The Canada–Africa Parliamentary Association is an organization of Canadian parliamentarians that is dedicated to promoting exchanges between African and Canadian parliamentarians, to proposing initiatives likely to lead to better mutual understanding of national and international problems, and to working to develop cooperation in all fields of human activity. It is made up of senators and members of the House of Commons from all the political parties represented in the Parliament of Canada.

The Canada–Africa Parliamentary Association is deeply concerned by the events in Kenya since the general election of 27 December 2007. We are troubled that election observers—including the Pan African Parliament Observer Mission, the East African Community Observer Mission, the Commonwealth Observer Group, and the European Union Election Observation Mission—reported that the election fell short of international standards. We are shocked and saddened by the consequent violence and the humanitarian crisis, and note the deaths of Members of Parliament.

The Association joins the international community in calling for all parties in Kenya to take all steps necessary to end the violence quickly and to strive for peace and compromise in addressing the situation. We also urge all Kenyans to respect the internationally accepted standards of human rights and democracy. We would ask you, Mr. Speaker, to convey to every Member of the National Assembly our hope that they will exercise the necessary leadership to bring pressure to bear on the parties involved to stop the violence and help reach a peaceful, democratic and long-lasting solution.

The Canada–Africa Parliamentary Association will continue to follow events in Kenya and would like to express its sincerest hope that Kenyan parliamentarians will use all the means at their disposal to help resolve the crisis. Please let us know if we might be of assistance at this difficult time.

Yours truly,

Co-Chairs

The Honourable Raynell Andreychuk,  
Senator

The Honourable Mauril Bélanger, P.C.,  
M.P.

c.c.: His Excellency Mwai Kibaki, President of the Republic of Kenya  
Mr. Raila Amolo Odinga, M.P., Republic of Kenya  
His Excellency John Kufuor, Chair of the African Union  
Mr. Kofi Annan, Leader of the Mediation Team and Former UN Secretary General  
The Right Honourable Stephen Harper, P.C., M.P., Prime Minister of Canada  
The Honourable Maxime Bernier, P.C., M.P., Minister of Foreign Affairs  
Her Excellency Judith Mbula Bahemuka, High Commissioner of Kenya to Canada  
Mr. Ross Hynes, Canadian High Commissioner to Kenya

**REPUBLIC OF KENYA**

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SNA/2008/(22)

SPEAKER'S CHAMBERS  
National Assembly  
Parliament Buildings  
P.O. Box 41842-00100

February 11, 2008

The Honourable Raynell Andreychuk, Senator,  
The Honourable Mauril Bélanger,  
Co-Chairs  
Canada-Africa Parliamentary Association  
Parliament of Canada  
Ottawa, Canada, K1A 0A6

Re: APPRECIATION

Dear Senator,

I acknowledge with gratitude receipt of your letter dated 1<sup>st</sup> February, 2008. On behalf of the National Assembly, I wish to express our appreciation to the Canada-Africa Parliamentary Association for your concerns and solidarity during these difficult times for our country. We, in particular, deeply appreciate your offer of assistance and will not hesitate to revert in this regard at an appropriate time.

I am pleased to inform you that Members of the National Assembly across the political divide are currently touring all parts of the country preaching peace and reconciliation. May I also assure your Association that the National Assembly will play its rightful role in leading the way towards a sustainable and expeditious solution to the current crisis.

The National Assembly of Kenya appreciates the cordial relations with the Parliament of Canada and will continue to work closely with your Association for the mutual benefits of our Parliament and our people.

Yours sincerely,

THE HONORABLE KENNETH MARENDE, M.P.  
SPEAKER OF THE NATIONAL ASSEMBLY  
Copy to. : H.E. Prof. Judith Mbula Bahemuka  
High Commissioner  
High Commission of Kenya  
CANADA

## Travel Costs

<b>ASSOCIATION</b>	Canada-Africa Parliamentary Association
<b>ACTIVITY</b>	Bilateral Visits to Kenya and South Sudan
<b>DESTINATION</b>	Nairobi (Kenya) and Juba (South Sudan)
<b>DATES</b>	January 17 to 20, 2012
<b>DELEGATION</b>	
SENATE	Hon. Raynell Andreychuk, Hon. Jim Munson
HOUSE OF COMMONS	Hon. Mauril Bélanger, Lois Brown, Peter Braid, Tyrone Benskin
STAFF	Maxime Ricard, Michael Dewing
<b>TRANSPORTATION</b>	<b>\$83,521.45</b>
<b>ACCOMMODATION</b>	<b>\$8,795.03</b>
<b>HOSPITALITY</b>	<b>\$5,327.47</b>
<b>PER DIEMS</b>	<b>\$3,118.50</b>
<b>OFFICIAL GIFTS</b>	<b>\$2,697.50</b>
<b>MISCELLANEOUS / REGISTRATION FEES</b>	<b>\$213.39</b>
<b>TOTAL</b>	<b>\$103,673.34</b>