

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

HEARING ON SUDAN JULY 30TH, 2009

Opening Statement by Senator John Kerry, Chairman of the Senate Foreign Relations Committee

Today's hearing explores America's need to craft a comprehensive strategy for Sudan. For years, the urgency of either the situation in Darfur or the long war between North and South Sudan drove U.S. policy strongly in one direction or the other.

Over time, the result has been a bifurcated policy. However, today most understand that we cannot and should not pursue either of these challenges as if it existed in a vacuum. As the Save Darfur Coalition affirmed in a statement for the record, —policymakers have too often focused on the South to the detriment of Darfur, or Darfur to the detriment of the South.||

At the same time, many discussions of U.S.-Sudan policy here in Washington continue to center on the question of whether we should use carrots versus sticks—i.e. rewards or punishments—to influence Sudan's leaders in Khartoum.

When I visited Sudan in April of this year, I came away convinced that we need to build a strategic framework that moves beyond simple oppositions like carrots versus sticks or the South versus Darfur. Instead, we need a nuanced, comprehensive strategy for Sudan as a whole. We should begin by identifying our objectives. Our primary goals in Sudan are: helping to achieve peace and security in Darfur and the surrounding region; maintaining and strengthening peace between North and South Sudan; expanding cooperation on counter-terrorism; and promoting democracy and conflict prevention throughout the country.

Those are our objectives. The question is how best to achieve them. I believe that the ongoing consequences of the genocide in Darfur and the onrushing potential tragedy of a renewed north-south war together create a dynamic that demands high-level and sustained engagement.

As the President's special envoy, Scott Gration has already traveled to the region multiple times. Last week, General Gration was in Abyei, Sudan, at the center of North-South tensions. His presence on the ground when The Hague's Permanent Court of Arbitration announced a decision on Abyei's borders symbolized America's recommitment to the peace process.

We must make the same commitment to finding peace in Darfur. Almost five years ago, then-Secretary of State Colin Powell testified before this Committee that the United States had found a —consistent and widespread pattern of atrocities' that constituted genocide. He recommended that America —increase the number of African Union monitors. Today, the African Union monitoring mission has been merged into the United Nations peacekeeping mission, UNAMID. It is making a difference, but it has yet to be fully deployed or to acquire full tactical mobility.

Millions of people remain in camps—under conditions made even worse when Khartoum expelled 13 humanitarian organizations, placing over a million people in potential jeopardy. General Gration was right to make his first priority as special envoy the restoration of life-saving

assistance. But we must go further: When I was in Khartoum, I emphasized to the Sudanese that restoring lost aid was imperative, but also insufficient: our goal should not be to re-create the conditions that existed before the NGO expulsion, but to move beyond them.

Maintenance of a miserable status quo is not the answer. I strongly support the efforts of the African Union, the Mo Ibrahim Foundation, and others to bring the voices of civil society into the discussion, and particularly to ensure that women are heard.

At the same time, we must recognize that even as we work toward peace in western Sudan and eastern Chad, the clock is relentlessly ticking down the hours between now and 2011. That is when the Comprehensive Peace Agreement allows Southern Sudanese to vote on the question of unity or separation from the North. If the people of Sudan are to transform a ceasefire and an uneasy power-sharing agreement into lasting peace, we need to think of the CPA as an ongoing process stretching into the future, not an event in the past.

Today, crucial elements remain unresolved, including borders; citizenship; and revenue sharing. A central focus of my visit to Sudan was to convince both sides to embark on a series of tripartite discussions with the United States to tackle these remaining challenges. Rising violence in the South is also a matter of growing concern and underscores the need for a tangible peace dividend. But even as we move forward, we must not fix our gaze on the 2011 referendum alone. We also need to consider what Sudan could look like in 2012 and 2015.

All of these issues and more, including complex regional forces, must be balanced within a comprehensive United States strategy for Sudan.

**Opening Statement by Senator Richard G. Lugar, Ranking Member of the Senate
Committee on Foreign Relations**

I thank Chairman Kerry for holding this hearing on the continuing humanitarian and security challenges in Sudan. I join in welcoming our distinguished witnesses.

I appreciate that General Gration has taken time to join us today. I know that he understands Congress's deep interest in this issue. The appointment of a special envoy underscores the President's intention to provide international leadership on the Darfur crisis. But time is not on our side.

The Darfur crisis is now in its sixth year and the prospects for peace in the region appear to be little better than they were when the international community first responded with a massive humanitarian intervention. In the face of direct obstruction and willful delays by Khartoum, these humanitarian efforts probably saved hundreds of thousands of lives.

But millions of refugees continue to be at risk of violence, malnutrition, and disease. The Khartoum government's expulsion of thirteen humanitarian organizations that were providing for roughly a million people has exacerbated conditions for the displaced. The safety net of organizations now operating in Darfur is doing its best to shoulder more responsibility, but the sheer number of displaced and the difficulties presented by the rainy season are straining their capacity.

In July 2007 hopes for security were raised by the U.N. Security Council's approval of an enlargement of the peacekeeping force in Darfur to 26,000 troops. Unfortunately, two years later the peacekeeping force still lacks elements key to its success. The force does not have sufficient helicopters and other types of equipment that are essential to achieve mobility and to deliver humanitarian supplies.

Moreover, the overall stability of the region depends on full implementation of the Comprehensive Peace Agreement between North and South Sudan. With the referendum on independence of the South due in 2011, most indicators are that voters will choose to separate. Unless some formula for stability can be constructed, the tensions between North and South will be highly volatile and could inflame the entire region.

General Gration is charged with one of the most difficult diplomatic assignments in our government. Given that President Bashir has been indicted for war crimes and his government has demonstrated little interest in resolving the political situation, the Darfur problem does not lend itself to straightforward diplomatic negotiation.

Any successful strategy is likely to involve building broad international support for measures that pressure the Khartoum government to accept a settlement to the Darfur crisis. Such a settlement should allow refugees to return to their homes, establish procedures to guarantee their security, and extend some level of autonomy to Darfur.

The United States must lead in finding ways to address these political and logistical shortcomings. The Obama Administration is conducting an ongoing review of Sudan policy. I am hopeful that this review will soon yield a plan that clarifies and galvanizes U.S. policy and encourages far greater multilateral support for a resolution of a crisis that has produced immense suffering.

I look forward to hearing from our witnesses about how U.S. plans and efforts are progressing and what more we can do.

Testimony of David H. Shinn, Adjunct Professor, Elliott School of International Affairs at George Washington University

I thank the Chairman and members of the Committee for inviting me to provide a strategic overview and perspective on U.S. policy towards Sudan.

Sudan and the Region

The conflict in Darfur, the long-standing war between northern and southern Sudan, implementation of the Comprehensive Peace Agreement (CPA) and even the quiescent problems in eastern Sudan are related. The linkages may not always be thoroughly understood, but there is an effort to consider all these issues when formulating policy towards Sudan.

The conflicts in Sudan also impact the wider region. Geographically the largest country in Africa, Sudan has a border with nine other countries. Darfur has had a dramatic effect on Chad-Sudan relations. It has also complicated the situation with Libya and the Central African Republic. Earlier unrest in eastern Sudan had an impact on relations with Eritrea and to a lesser extent Ethiopia. While all of these neighbors would prefer that these problems in Sudan did not exist, they have contributed at different times both positively and/or negatively towards their solution. When Khartoum believes the contribution has been negative as in the case of Chad, Sudan has responded in kind.

Most of Sudan's nine neighbors would prefer to see the problems between northern and southern Sudan ultimately resolved with southern Sudan remaining united with the rest of Sudan. Egypt is the most committed to this position because it receives 95 percent of its fresh water from the Nile, all of which passes through northern Sudan and some of which transits southern Sudan. It does not want to negotiate with another state in southern Sudan on differences over allocation of Nile water. Ethiopia, Eritrea, and Libya have traditionally expressed a preference for a united Sudan. The Democratic Republic of the Congo and Central African Republic have been generally silent on the question. They probably do not want to see the precedent of redrawn boundaries in Sudan that may impact their own future. Uganda and Kenya seem to be ambivalent about an independent southern Sudan. They may have concluded that they could benefit economically from a new southern Sudan that looks south rather than north. Chad would normally support a united Sudan so as not to have a precedent that has negative implications for its own political future. The troubled relationship between N^o Djamea and Khartoum in recent years concerning Darfur has complicated matters. Both countries have charged the other with supporting opposition groups across the border. These differences may cause Chad to prefer an independent southern Sudan even if it is not in its long-term interest and encourages a similar division in Chad.

A geographically unified Sudan is dependent, of course, on the willingness and ability of Khartoum to make unity attractive to southern Sudan and southern Sudan's willingness to leave the door open to the possibility of unity. The record has not been good on this score so far and time is running out. Darfur and eastern Sudan have not, at least not yet, been pressing for independence. This could become an issue, however, if their grievances are not resolved and if southern Sudan opts for full autonomy in the 2011 (or later) referendum. Finally, should southern Sudan decide to vote for independence and Khartoum allows the separation to occur, there is no guarantee that southern Sudan would remain one geographical entity. There are significant

regional differences today that if managed poorly could result in serious pressure for further divisions.

What happens in Sudan in the coming months and years will have important implications for a large chunk of Africa. As a result, it will also impact the United States and the international community generally, especially the donor community. Although some observers may argue that a breakup of Sudan and even splits in an independent southern Sudan are a good thing, I respectfully disagree SO LONG AS Khartoum can make unity attractive to southern Sudan. A balkanized Sudan would increase the number of relatively poor, land-locked countries that have a highly questionable economic future. They would still lack truly meaningful boundaries because ethnic groups do not live in clearly demarcated areas and a pastoral lifestyle is common. The existence of oil, although providing badly needed revenue for some, would exacerbate tension among the new political entities. In the worst case scenario, this means more conflict, internally displaced persons, refugees and requirements for emergency assistance.

All of the parties, but especially the government in Khartoum, to these existing conflicts has an enormous responsibility to make every conceivable effort to avoid the worst case scenario. The first step is working much harder to make unity attractive to southern Sudan. Should that fail, it is incumbent on Khartoum to implement the CPA, including the referendum on independence. While it is important to maintain efforts to resolve the conflict in Darfur and not to forget about the fragile situation in eastern Sudan, the priority should be making unity attractive to southern Sudan. Agreement by most southern Sudanese to remain part of Sudan, even with substantial local autonomy, would go a long way toward preventing the eventual unraveling of the country. Khartoum's past record for accommodating southern grievances going back to the 1972 Addis Ababa peace agreement does not encourage optimism. This is probably Sudan's last chance to avoid putting in motion events that could result in additional divisions.

Acknowledging and Responding to Change in Sudan

While there is still much to criticize in Sudan, it is important to acknowledge progress when it occurs. I have followed U.S.-Sudan relations since I served at the U.S. embassy in Khartoum from 1983 to 1986. Sudan continues to make some decisions that almost seem designed to poke a finger in Washington's eye. At the same time, however, the United States has a propensity to move the goal posts when there is positive movement on the Sudanese side. This has not built confidence over the years.

There is the issue of Sudan's continuing inclusion on the U.S. list of state sponsors of terrorism. The United States appropriately put Sudan on the list of state sponsors of terrorism in 1993. The situation has changed. Sudan began even before 9/11 to cooperate with the United States on counterterrorism. It significantly expanded that cooperation after 9/11. The State Department's Country Reports on Terrorism for 2006 described the Sudanese government as "a strong partner in the War on Terror." The report for 2007 reaffirmed the cooperation and added, "While the U.S.-Sudanese counterterrorism relationship remained solid, hard-line Sudanese officials continued to express resentment and distrust over actions by the USG and questioned the benefits of continued cooperation. Their assessment reflected disappointment that Sudan's

counterterrorism cooperation has not warranted rescission of its designation as a state sponsor of terrorism.”

The most recent State Department report covering 2008 stated: “Sudan remained a cooperative partner in global counterterrorism efforts. During the past year, the Sudanese government continued to pursue terrorist operations directly involving threats to U.S. interests and personnel in Sudan. Sudanese officials have indicated that they view their continued cooperation with the United States as important and recognize the benefits of U.S. training and information-sharing.” The 2008 report added: “With the exception of HAMAS, whose members the Sudanese government consider to be „freedom fighters” rather than terrorists, the government does not appear to openly support the presence of extremist elements.”

There is no logical justification for leaving Sudan on the U.S. list of state sponsors of terrorism. In my discussions around Washington on this subject, I sometimes hear the response that removing Sudan from this list would end sanctions against Sudan, and until there is more improvement in Darfur, there is no willingness to end sanctions. This is an inaccurate analysis. The United States has a tangled web of sanctions against Sudan tied to the list of state sponsors of terrorism, debt owed the United States, military coup provisions, religious freedom sanctions, trafficking in persons sanctions and Arab League and boycott sanctions. Removing Sudan from the list of state sponsors of terrorism would end many impediments to providing assistance to Sudan, but other provisions would remain in effect that effectively bar U.S. assistance to Sudan. It would take years to untangle this legal jungle and in some cases require action by Congress. (For those interested in this topic, I commend to you the March 2004 report published by the Center for Strategic and International Studies by Bathsheba Crocker entitled *Addressing U.S. Sanctions against Sudan*.)

There is also the highly emotional charge of continuing genocide in Darfur. Article II of the 1948 Convention on the Prevention and Punishment of Genocide identifies two elements that constitute the crime: (1) the mental element, meaning the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such” and (2) the physical element which includes five different acts. A crime must include both elements to be called genocide. The five acts are: (1) killing members of the group; (2) causing serious bodily or mental harm to members of the group; (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (4) imposing measures intended to prevent births within the group; and (5) forcibly transferring children of the group to another group.

Secretary of State Colin Powell declared in September 2004 before this Committee that the actions of the Sudanese government and its proxies amount to genocide against the people of Darfur. That was almost five years ago when the Sudan government supported the Janjaweed, which killed tens of thousands of persons. The situation in Darfur has changed significantly. In all of 2008, UNAMID reported there were about 1,550 violent deaths in Darfur. Less than 500 were civilians. More than 400 were combatants of various rebel groups and about 640 died in inter-tribal fighting. The Sudan government armed the militia involved in the inter-tribal fighting and is ultimately responsible for these deaths. This was and continues to be a deplorable situation, but it does not meet the definition of genocide. I have not seen the figures for 2009 but

doubt that killings have increased. Nor is there any other new evidence to suggest the situation in Darfur continues to meet the definition of genocide in the 1948 Convention.

When I made this assertion before groups in Washington this year, it was often met with derision. A few senior people in government even responded what difference does it make what you call it. In view of the emotional baggage that accompanies the charge of genocide and the implications that it has for taking remedial action, the distinction is very important. Those who continue to say there is ongoing genocide in Darfur should at a minimum make the case why they believe it merits being referred to as genocide. To the best of my knowledge, no other nation has identified what is happening in Darfur as genocide. The United Nations and most other countries have called it crimes against humanity. While the United States should do everything within its power to end the death and displacement in Darfur, it is time to drop the genocide label.

Some Specific Policy Suggestions

- On the assumption that it is still possible to achieve an outcome in the referendum on the future of southern Sudan that results in a unified Sudan, the United States and the international community should recommend to the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) that they agree to work with a small international group of experts who would try to design an agenda that makes unity attractive to southern Sudan.
- A lasting regional peace requires a strategy that takes into account the internal governmental weaknesses and instability in Chad. I endorse the suggestion by Project Enough in its July 2009 *Chad's Domestic Crisis: The Achilles Heel for Peacemaking in Darfur* that the United States should become more actively engaged in efforts to obtain genuine political reform in Chad. This can only be accomplished in close collaboration with France and Libya and perhaps several others. The Obama administration is in a strong position to forge these partnerships and to work towards progress on Chad's internal weaknesses.
- The talks on Sudan that took place in Washington in June 2009 were largely tripartite in nature involving the United States, the Government of Sudan and the SPLM. There were observers from key countries such as Kenya, Ethiopia, China and Norway. Moving forward, U.S. policy would be well served if the process had more direct involvement by other key actors in the international community.
- The Government of Sudan and the SPLM/A said they will accept the binding arbitration decision on Abyei announced in July 2009 by the Arbitral Tribunal. In discussions with both parties, the United States and the international community should impress upon them the importance of implementing this decision. In this regard, the international community should work with both sides to help establish a joint survey team that begins demarcation of the border.

- The sharp drop in the price of crude has significantly reduced revenue in both northern and southern Sudan. The Government of Sudan recently sent a letter of intent to the International Monetary Fund (IMF) requesting help in monitoring Sudan's economic performance and policies. Sudan also asked the international community to help with debt relief, which is estimated at \$30 billion. The United States and the international community should support Sudan's request to the IMF for assistance in monitoring its economic performance. The international community should also begin the process of looking at Sudan's debt, especially if Khartoum makes progress in ending the Darfur conflict. The United States will not be able to take any action until the broader question of sanctions is resolved.
- Northern and southern Sudan are currently spending the single largest percent of their budgets on the military and security. The United States and the international community should engage both sides in a dialogue that encourages them to reduce the percentage of their budgets devoted to military expenditures.
- In concert with the international community, the United States should urge the governments of northern and southern Sudan to rebuild their agricultural sectors. Civil war in southern Sudan caused significant deterioration of agriculture. The reliance on oil revenue led to a "Dutch disease" syndrome in northern Sudan that has severely set back agricultural production. Oil revenue has the potential to do the same thing in southern Sudan. The international community should also be prepared to help revive the agricultural sector.

Operational Considerations

The official U.S. presence in Sudan is inadequately staffed and organized to cope with the plethora of issues confronting it, particularly if the United States retains a lead position in helping to resolve these problems. The United States should upgrade its representation to ambassador from charge d'affaires. It may not seem like an important change, but it is. Representation by a charge limits the ability to accomplish as much as it otherwise could with an ambassador. The United States should also reciprocate by allowing Sudan to upgrade its representation in Washington to the level of ambassador.

Equally important is the need to provide sufficient numbers of reporting staff so that the embassy can provide up-to-date and accurate information on political and economic developments throughout the country. As the embassy staff moves from the dilapidated building in downtown Khartoum to its new fortress structure in the suburbs, American personnel will become even more isolated. A new embassy is fully justified because of the inadequacy of the current one, but the new structure will change the American presence in Khartoum from overexposure to underexposure. These fortress embassies are so inhospitable and difficult to enter that they virtually cut off contact with host country nationals inside the embassy. The burden is then on embassy staff to move around the capital and the country. To its credit, the United States was one of the first countries to open a consulate in Juba in southern Sudan. Embassy officers also make regular visits to Darfur.

In view of the complexity of the problems looming in Sudan, however, there is no substitute for an on-the-ground American presence that provides continuity and the ability for an officer to travel regularly throughout all parts of the country. Sudan is an ideal candidate for several “American presence” posts. They would consist of only one American officer and perhaps one or two local nationals hired on a contract basis. Armed with appropriate language skills, a healthy travel budget and the latest in mobile communications gear, this is the only way I know under the current fortress embassy concept to ensure a good understanding of developments in a country as large and complex as Sudan.

Launched by former Secretary of State Rice, the “American presence” concept has not taken hold in Africa, apparently due to lack of assigned positions and concerns by State Department security. This should change. Three or four “American presence” positions in some combination of the following locations make eminent sense: Nyala and El Fasher in the west, El Obeid and Kadugli in the center, Wau and Malakal in the south and Kassala and Port Sudan in the east. The “American presence” post has one significant bureaucratic advantage. It involves so few people and administrative support that it can, if requirements demand, be shut down or moved to another location without much difficulty.

Creating “American presence” positions in Sudan or many other parts of the world raises staffing and funding issues and the concerns of State Department security. There are, however, certain risks that come with a Foreign Service career and the time has passed since it should assume a few more risks in countries that are not part of a war zone. All “American presence” positions in difficult environments should be filled by volunteers. I think you will be pleasantly surprised at how many junior Foreign Service officers would like to show what they can do on their own initiative.

Testimony by Acting Assistant Administrator Earl Gast, Bureau for Africa, United States Agency for International Development

Responding to Humanitarian Needs, Supporting Peace, and Implementing Development Priorities in Sudan

Good morning, Mr. Chairman, and Members of the Committee. Thank you for the opportunity to update you on the humanitarian situation in Darfur and our support for comprehensive peace and stability in Sudan. I am pleased to join my colleague, Special Envoy Scott Gration, on this panel and would like to take this opportunity to acknowledge the excellent cooperation and coordination between USAID and the Special Envoy's office.

The U.S. Government has provided more than \$6 billion in assistance to the people of Sudan since the signing of the Comprehensive Peace Agreement (CPA) in 2005. We have helped to stand up a new regional government tasked with rebuilding and governing the war-torn South. We have conducted wide-ranging civic education programs and immunized children. We have supported life-saving humanitarian and peacekeeping operations. We have worked to improve economic opportunities and public infrastructure. We have provided food aid, and we have supported Sudan's farmers and entrepreneurs.

We have saved lives, and we have improved living conditions for millions of Sudanese. But with the continuing challenges Darfur and with less than 24 months left to follow the CPA's roadmap for consolidating peace, our most critical tasks lie ahead.

The situation for the 4.7 million people affected by the conflict in Darfur remains intolerable. While we have managed to fill many of the gaps left by the expulsion of 13 international NGOs in March, these measures are temporary and must be replaced by a more sustainable, long-term strategy that is finally accompanied by sustainable, long-term peace. Compounding the situation, carjackings, staff abductions and assaults, break-ins targeting NGO facilities, and ongoing military campaigns still impede the delivery of humanitarian assistance to Darfur and have resulted in both temporary and permanent suspensions of life-saving programs. Constant insecurity and violence continue to be the primary factors limiting the effective delivery of humanitarian assistance.

Meanwhile, Sudanese expectations that they would benefit from the peace that came in 2005 remain high—and often unmet. The frustration of many Sudanese is summed up by what a Nuba man from Southern Kordofan, told a USAID partner not long ago: —The peace is now three years, and there are supposed to be tangible things. The government should have expressed its presence; but for us here, there is no government.|| The time for achieving substantive improvements in governance is running out, as the national elections and the referenda on unity draw near. The critical window during which we can contribute to genuine transformation via the CPA roadmap will soon close.

As the Special Envoy has noted, the U.S. Government approach to Sudan's multiple challenges requires complex and creative solutions, implemented in cooperation with government officials, tribal leaders, and civil society representatives throughout Sudan. And it requires us to make a

political commitment that matches the enormous financial and human commitment that we have dedicated to the Sudanese people over the years.

EXPULSIONS

Even before the Government of Sudan expelled 13 international aid organizations in March, there were significant assistance gaps across Darfur. The upsurge in fighting in South Darfur in early 2009, for example, displaced over 30,000 people, and in February, the UN World Food Program (WFP) was unable to reach over 500,000 people in need of food aid.

The NGO expulsion significantly increased the humanitarian challenges and drastically reduced USAID's ability to deliver assistance to people in need both in Darfur and in the Three Areas.

Darfur

In Darfur, the expulsions jeopardized food aid to more than a million people and health services to more than 650,000 Sudanese, according to a March 24 assessment conducted jointly by the United Nations and the Sudanese Government. More than half of USAID-funded humanitarian programs in Darfur closed, and 40 percent of the delivery capacity of our main food aid partner, the U.N. World Food Program (WFP) was lost. In just one day, much of Darfur's humanitarian infrastructure, which took years to establish and thousands of people to staff, was wiped out. From the moment the Sudanese Government announced the expulsions, we have worked with our partners to mitigate the impact. NGOs stocked health clinics and nutrition centers with months of supplies. WFP conducted a two-month food distribution through remaining NGOs and local food committees. To ensure that services continue, agencies have shifted existing operations, are providing supplemental assistance, and are relying on community members to provide food, safe drinking water, health care, and shelter to the most vulnerable people. Remaining NGOs have scaled up their services and expanded their areas of operation to address gaps in assistance, and Sudanese Government officials have staffed some health clinics. We have, so far, averted a greater humanitarian crisis.

However, these measures are merely stopgaps. They rely on temporary staffing and strain already limited resources. They are not sustainable. We must focus not simply on the quantitative aspects of filling assistance gaps, but the qualitative aspects that make programs effective and allow them to continue. This means ensuring that programs meet technical quality standards, that they are adequately managed and staffed, and that assistance meets international norms and standards for humanitarian action. Although immediate gaps have been addressed through the extraordinary efforts of the United Nations, NGOs still operating in Sudan, and parts of the government, the expulsion severely impacted the quality of programming and the ability to accurately monitor the distribution and impact of assistance. Despite our best efforts, many basic humanitarian needs remain unmet. Even before the expulsions, NGO access to affected populations in Darfur was limited and inconsistent. Simply restoring assistance to pre-expulsion levels would still leave many people in need.

In the immediate aftermath of the expulsions, the United States sent a clear message that the ultimate responsibility for the well-being of the Sudanese people solely rests on the shoulders of

the Sudanese Government. In coordination with USAID, Special Envoy Gration successfully negotiated with the Sudanese Government to allow new NGOs to fill gaps in assistance, which is enabling USAID and its partners to begin the process of rebuilding humanitarian operations. Some new projects are already underway. These efforts will reintroduce lost capacity and program quality to Darfur.

However, bureaucratic obstacles and insecurity continue to hamper our efforts to rebuild the humanitarian infrastructure. The registration of new NGOs has been time-consuming, and many Sudanese Government commitments remain unmet or only partially implemented. For example, the Government of Sudan has yet to return USAID-funded assets that were confiscated from our partner NGOs when they were expelled.

Three Areas

There has also been a marked lack of progress in enhancing the NGO operating environment in the Three Areas, where the NGO expulsions significantly altered the humanitarian, recovery, and development landscape. The expulsion of leading USAID partners and subsequent seizure of their program assets and equipment severely undermined the operating environment and has threatened the stability of these war-torn areas. Due to the unique nature of the Three Areas' governance systems, humanitarian programs in the parts of Southern Kordofan and Blue Nile controlled by the Sudan People's Liberation Movement (SPLM) went largely uninterrupted. However, many assistance programs in northern-controlled areas were halted. This dynamic has created an imbalanced distribution of assistance, which only reinforces conflict lines rather than fostering integration. Although two new organizations have recently started work in the Three Areas, the current lack of capacity and loss of confidence among remaining NGOs, coupled with the likely delays to re-establishing programs now that the rainy season has begun, will further exacerbate the risk for conflict. The Government of Sudan and the United Nations have yet to finalize joint communiqués that will formalize operating procedures for programs in the Three Areas—and which are vital to safeguarding the conduct of programs in this critical region. The U.S. Government has worked closely with the Government of Sudan, the United Nations, other donors, and humanitarian agencies to increase their access and capacity to address the gaps created by the expulsions. We must continue to coordinate and engage with these entities to ensure that humanitarian, recovery, and development programming proceed without impediment, and that aid agencies are able to operate freely.

Darfur IDP Returns

We have recently received reports that some of Darfur's displaced people have returned home. While we believe that some of these returns are seasonal in nature, we look forward to the day when the 2.7 million people who were driven from their homes by this conflict can return safely and securely to their villages. While not all of them will choose to return home, we are prepared to shift our assistance to support voluntary returns, and as elsewhere around the world, the international community will look to ensure that those returns are certified as voluntary by the UN High Commissioner for Refugees or the International Organization for Migration. We call upon the Government of Sudan to support the operations of these organizations in Darfur so that

they can undertake this vital task. USAID will not deviate from its responsibility to safeguard the rights and protection of displaced people.

CPA IMPLEMENTATION

At the same time, we must leverage our coordination and engagement to prepare for the upcoming historic milestones of holding national elections and referenda on self-determination for Abyei and Southern Sudan, which could result in the creation of a new independent country. The Government of Southern Sudan (GOSS) did not exist before 2005. Every government structure and system has had to be crafted from scratch. The committed men and women who serve in the government are not career politicians, nor have they benefited from the lessons of a life lived in a democratic, transparent state. That's why building the capacity of the GOSS is a cornerstone of USAID's strategy in Sudan, and central to the successful implementation of the CPA.

Initially, the GOSS had no offices, no pens, no paper, and no staff to undertake the most basic tasks needed for a government to function. But with our assistance, the key GOSS ministries have established systems for hiring people, for formulating budgets, and for establishing office systems. This has required tremendous dedication on the part of GOSS officials, who have been willing to roll up their sleeves and persevere through each one of these processes. Considerable progress has been made in establishing functioning institutions where there previously were none. Ministries are functional, revenue is coming in, payments are being made, and a legal framework is being built. But development gains have been slow, and a recent fiscal crisis has highlighted that many fundamentals of good governance need to be improved. International NGOs are still the primary providers of basic services. Few roads have been paved and other infrastructure remains equally underdeveloped. Government at every level still needs to forge stronger, more consistent linkages between policy priorities and development, legislation, and budget capacity. High expectations for tangible benefits of peace remain unmet, especially in communities most affected by the war, where tensions and instability continue to threaten progress. Episodes of clan violence, as well as violence committed by the Lord's 5 Resistance Army along the border with the Democratic Republic of Congo, have increased, taking scores of lives in recent weeks alone.

To bolster investments in strengthening the Government of Southern Sudan, USAID has launched a program that enhances the ability of local governments to provide peace dividends, defuse conflict, and promote stabilization in the Three Areas and key Southern states. USAID also played a key role in a joint donor-GOSS compact to strengthen the government's fiscal responsibility and financial management, representing a renewed commitment and redoubled cooperation to deliver the peace dividends promised by the CPA. We all are seeking to help support the establishment of a just, accountable, democratic government able to deliver basic services, whether the people of Southern Sudan and Abyei choose unity with the North or independence in the 2011 referendum.

And we cannot speak of the CPA without noting the precarious footing of elections. Elections were designed to be a central component of the broader strategy to transform Sudan

democratically under the CPA, and our support to the national election process remains firm. But the hurdles are daunting.

As you likely know, the date for elections has been pushed back several times from the CPA-mandate of July 2009. While the postponements were intended to allow for adequate preparation, ongoing delays pose increasing risks. Just nine months remain until the designated polling date, yet there is no public budget for the elections. The electoral law—which establishes an electoral system that would be highly complicated, even in countries with a long democratic tradition—was passed more than two years after the deadline specified in the CPA. The National Election Commission (NEC) still hasn't fully established its 26 subsidiary commissions throughout the country, nor has it received its full operating budget. In addition, the failure to resolve technical questions related to northern census data spurred key Southern political leaders to reject the census results, making the use of those results to delimit electoral constituencies highly sensitive. Finally, the logistical and political challenges of implementing credible elections in Darfur cannot be understated. Massive civic and voter education will be required to engage Darfur's displaced people and the vast populations in the South that have low levels of literacy and little or no experience with past elections.

So, given the current status of election preparations, are our expectations too high? Do we believe it is too late to have credible elections in Sudan? No. It is too early to predict whether or not these elections will be credible, when so many administrative decisions are outstanding. Until key decisions are made, the ability of our central election administration program to move forward as intended will be severely limited. However, our programs to increase civic participation and observe the entire electoral process will continue, in coordination with the National Election Commission. We are coordinating with the United Nations and other international partners to bolster a credible outcome to this daunting but historic election for Sudan.

Before concluding, on behalf of USAID, I want to express our appreciation to Senator Kaufman a member of this Committee, who recently in a statement on the Senate floor, paid tribute to John Granville, one of 91 Agency employees who have lost their lives in the performance of their duties overseas.

In honor of John Granville and Abdelrahman Abbas Rahama, USAID is establishing the Granville-Rahama Staff Care Award, which will recognize USAID employees who make significant contributions to the morale and well-being of Agency staff. Our staff work in some of the most difficult, dangerous environments in the world, and the tragedy of John and Abdelrahman's deaths reminded us of how important it is to promote a caring work environment and to help our staff cope with stress in the workplace.

In addition, the John Granville Secondary School is currently under construction and due to open this fall in Sudan's Blue Nile State. John had a special attachment to Blue Nile, and the fact that a school is being built in his name with the support and cooperation of the U.S. Government, the Sudanese Government, and the Government of Southern Sudan is a fitting memorial to a man who dedicated his life to helping Sudan's people.

Thank you, Mr. Chairman, for giving me the opportunity to speak on behalf of USAID. We certainly appreciate your continued dedication to the Sudanese people and your commitment to peace and stability throughout the continent.

I welcome any questions you might have for me at this time.

Testimony of Jonathan S. Gration, Maj Gen, USAF (Ret), The President's Special Envoy to Sudan

Chairman Kerry, Ranking Member Lugar, Members of the Senate Foreign Relations Committee, thank you for the opportunity to be here today to discuss our strategic objectives in Sudan and to outline what we are doing to make them a reality.

Mr. Chairman, let me begin by acknowledging your leadership on these issues. We greatly appreciate your commitment to finding solutions to the many challenges confronting the people of Sudan. That commitment is widely shared by the members of this committee, including Senator Feingold, Chairman of the Africa Subcommittee, with whom I have recently met, and Senator Isakson, Ranking Member of the Subcommittee. We are especially grateful to you, Mr. Chairman, and Senators Corker and Isakson for participating in the State Department's Forum for Supporters of the Comprehensive Peace Agreement (CPA) which we held here in Washington last month. I will say more about those proceedings in a few moments, but I want to thank you now for your support.

The great human tragedies that have occurred in Darfur and the rest of Sudan are deeply embedded in our memories. Many people in Sudan suffer terribly from the pain and loss brought by conflict, , and it is these people who deserve our support.

We have made progress in recent months, but we have much work ahead. From my visits to Sudan, the region, and throughout the international community, I have found the challenges in Sudan to be complex and our timeline compressed. Because of the complicated nature and urgency of the tasks at hand, we have helped to craft a strategic approach that blends all elements on national power and a methodology that is integrated, comprehensive, and based on a policy of dialogue and engagement.

I want to take a moment to discuss our engagement. Engagement is not something we pursue for its own sake, and it is not about accommodating the status quo. Engagement does not mean the absence of pressure, or doling out incentives based on wishful thinking. On the contrary, it is about working to change conditions on the ground. Engagement means frank dialogue about what needs to be accomplished in the months ahead, how we can help make those accomplishments happen, how the bilateral relationship could improve if conditions on the ground transform, how the Government of Sudan could become even more isolated if it does not act now, and how we ensure that all parties are held accountable.

First let me tell you what we want to achieve. We want a country that is governed responsibly, justly, and democratically, a country that is at peace with itself and with its neighbors, that is economically viable, and a country that works together with the United States on common interests. We want an inclusive and durable peace in Darfur. We want full implementation of the Comprehensive Peace Agreement and a peaceful post-referendum period whether as a single, stable, and unified Sudan or a Sudan that divides peacefully and orderly into two separate states. We want only what is best for the Sudanese people.

This is our vision. Now let me tell you how we're going to make it a reality. We are using diplomacy, defense, and development—all the elements of national power—to achieve our strategic objectives.

We are engaging directly with all of the relevant parties inside Sudan to bring peace and stability to the country. This includes the two main parties of the Government of National Unity (GNU)—the National Congress Party (NCP) and the Sudan Peoples' Liberation Movement (SPLM), as well as other political parties and movements and civil society. We have traveled to the country three times since my appointment in March, and returned just a few days ago from our last trip. We were in Khartoum to facilitate trilateral talks to advance timely implementation of the CPA and in Darfur to review our progress on facilitating humanitarian assistance and to promote the Doha peace process. I visited several camps for internally displaced persons, met with camp leaders, and saw firsthand the day-to-day struggles these Darfuris must face. Ultimately, the Government of Sudan must be accountable to its people and bear responsibility for peace within Sudan's borders.

To achieve our goals, we must also engage with Sudan's neighbors and the international community. This is why we have traveled around the world to Chad, China, Egypt, France, Libya, Norway, Qatar, and the United Kingdom to meet with key leaders who share our common concern and want to work together toward shared objectives. This is why, at the end of June, we convened the Forum for Supporters of the CPA here in Washington to bring together representatives from over 30 countries and international organizations to renew the global commitment to seeing a peaceful and stable Sudan. We are confident that this multilateral group will work closely together to achieve a lasting peace in Sudan by keeping Sudanese parties positively engaged in implementing the peace agreement and preparing for the future, increasing the capacity of the Government of Southern Sudan, and helping to keep all Sudanese government institutions accountable to their people.

We are dedicated to carrying this vision to success. I have built a team of sharp and dedicated individuals who, along with our colleagues based in Sudan, are working tirelessly to achieve our objectives. My role is to guide our vision, and I will do all that is in my power to see this vision come to fruition. I report regularly to President Obama and Secretary Clinton about our progress and have visited Congress to exchange views with you and a number of your colleagues. I look forward to speaking with many more of you in the weeks ahead. We are committed to working together as a strong and united team to achieve our objectives of a politically stable, physically secure, economically viable, and peaceful Sudan.

Now let me tell you more about the four pillars required to support this vision of Sudan. Most urgently, we want a definitive end to conflict and gross human rights abuses in Darfur and justice for its many victims. We can never forget the lives needlessly lost in the last five years, and the millions who continue to be displaced. As I witnessed last week, families still crowd into makeshift housing in IDP camps, women continue to gather firewood in fear, and children grow up without hope for a better tomorrow.

To resolve this humanitarian tragedy, we believe only a negotiated political settlement between the government of Sudan and all parties to the conflict will bring sustainable peace to Darfur.

Our goal is to conclude an agreement that will allow people to go back to their home villages or a place of their choosing to resume their lives in safety, stability, self-sufficiency, and security. Past peace negotiations have faltered, and we have learned from these experiences. We are collaborating with the African Union and United Nations joint chief mediator, Djibrill Bassolé, to ensure that the peace process is inclusive and that it adequately addresses the grievances of the people of Darfur. We are engaging with the fragmented movements in Darfur to help them unite and to bring them to the peace table with one voice. We are working with Libya and Egypt to end the proxy war between Chad and Sudan that has ignited further conflict. We are supporting the full deployment of the African Union-United Nations Mission in Darfur (UNAMID) as a critical mechanism for protecting Darfuri civilians. We are determined to work toward a peaceful Darfur where displaced families can resettle and reestablish their homes. We must act without delay—innocent Darfuris have suffered for too long.

Our second pillar focuses on sustaining peace between the North and the South. In January 2005, the Government of Sudan and the Sudan People's Liberation Movement signed the Comprehensive Peace Agreement, ending a 22-year war. Four and a half years after the signing of the CPA, peace remains fragile. In just eight months, Sudan will hold national elections in April 2010 and referenda in Southern Sudan and the Abyei region beginning nine months later in January 2011. Our timeline is so very short; it is urgent that we act now to support the full implementation of the CPA.

This will not be easy. Just over a week ago, the Permanent Court of Arbitration in The Hague announced its arbitration decision on the Abyei border delineation—a highly sensitive and emotional issue for both parties to the CPA. Before the boundary decision was handed down, we spent a significant amount of time with the parties, working to ensure the decision would be accepted and fully implemented. Tensions in Abyei remain high and the international community must continue to be vigilant. As we have seen before in that area, tensions between the Ngok Dinka and Misseriya can quickly erupt into violence, resulting in a conflict that could bring the SPLM and NCP into direct confrontation and threaten to derail the CPA.

We will also need to continue support for the UN Mission in Sudan, help the parties prepare for elections in April, and ensure legitimate popular consultations in Southern Kordofan and Blue Nile states. Collectively, we must assist the parties as they prepare for the January 2011 referenda and their consequences. These are just a few of the major challenges ahead as we help the parties implement the remaining milestones in the CPA.

It is critical that we work with the parties to begin the process of democratic transformation and decentralization, so that in January 2011, the voices of the people of Southern Sudan will be heard and we can witness a unified and peaceful Sudan or a Sudan that is on an orderly path toward becoming two separate and viable states at peace with each other. Resolving the issues of North and South is critical to tackling challenges in Darfur and other parts of the country. These twin challenges must be addressed with equal attention and vigor.

The third pillar calls for a functioning and stable Sudanese Government, and one that will either include a capable Government of Southern Sudan or coexist peacefully with an independent southern Sudan. Our strategy seeks to help the South improve its security capacity to defend

against external and internal threats while striving to ensure a potentially independent Southern Sudan is politically and economically viable.

Our fourth and final pillar is to seek increased and enhanced cooperation with the Sudanese government to counter terrorism and to promote regional security, consistent with—and not at the expense of—our overall objectives of peace and security in Sudan. We also seek an end to Sudan’s efforts to weaken or marginalize opponents abroad or align with negative state and non-state actors.

Our whole-of-government approach is integrated and comprehensive. It is firmly founded in the belief that engagement with all of Sudan, the region, the international community, and civil society is essential if we are to secure our vision of a Sudan that is ruled more justly and democratically, is at peace with itself and with its neighbors, is economically viable, and works together with the United States on our shared interests. Further, our strategy is deeply rooted in a conviction that we must do all we can to end the human suffering in Sudan.

As you can see, we are aiming high, thinking big, and expecting much. We do so because we believe innovative concepts and ideas, coupled with detailed planning and sufficient resources, are the only way to achieve big results. Big results are exactly what we need in Sudan at this critical moment.

Mr. Chairman and Members of the Committee, I would like to thank you for your leadership and support on efforts to end the suffering in Darfur and the rest of Sudan. Again, thank you for allowing me to be here today to discuss these issues that are so important to us all, and especially to the Sudanese people.

Testimony of Mohammed Ahmed Eisa, M.D. 2007 Robert F. Kennedy Human Rights Award Laureate, Sudan Organization for Rights and Peace-Building

I would like to thank the Committee and particularly Senator Kerry and Senator Lugar for the opportunity to appear here today and to speak about the conditions in Darfur and my hope for peace.

BACKGROUND

I was born and raised in Darfur and have lived in Darfur for most of my life. I am a medical doctor and also serve as a professor of medicine at Al-Fashir University in Darfur in Sudan. I received my medical degree from the University of Khartoum Medical School in Sudan in 1976 and I am a specialist in internal medicine.

I am of the Fur tribe, the largest of the African tribes of Darfur and I am also a community leader in Darfur. In this capacity, I have addressed major community problems in Darfur and have engaged in peace negotiations on behalf of people in Darfur for the past 20 years, since 1989.

In preparing for this hearing, I spoke and consulted with many Darfuris on the ground and in the Diaspora as well as leaders of Sudanese civil society groups. Many of their views are represented in this statement.

In the interest of time, I will only focus on a few key issues facing Darfur. However, I welcome questions on other areas not covered in my testimony. Today, my testimony will focus on the humanitarian situation on the ground, particularly in the Internally Displaced (IDP) camps, the targeting of local civil society leaders, and the 2005 Comprehensive Peace Agreement signed between North and South Darfur. Finally, I will share my recommendations for the United States Government.

SITUATION ON THE GROUND

Humanitarian Conditions and Situation in the Camps

When the genocide in Darfur erupted in 2003, I was living in Darfur and have lived there ever since. I personally have provided medical treatment to hundreds of civilians injured as a result of the conflict. The injuries have been in various forms: gun-shot wounds, rape, torture, beatings and other forms of violence.

From 2004 - 2007, I worked as the Director of Medical Treatment at the Amel Center for the Treatment and Rehabilitation of Victims of Torture (the Amel Center) in Darfur. The Amel Center provided medical and psycho-social services to victims of rape and torture and also documented human rights abuses taking place in Darfur. Most of the cases referred to the Amel Center were from the camps. I regularly treated several victims of rape, torture and other forms of violence on a daily basis. The victims comprised men, women and children and they ranged in age from a boy of 3 years old to an elderly man who was 80 years old. The Amel Center was the

only organization on the ground providing medical treatment and psycho-social services to victims of rape and torture.

Many of the civilians who fled their homes as a result of the conflict live in camps in Darfur and Chad. I visited several of the camps in the Darfur area, and worked mainly in three of them: Kalma, Dreij and Otash in Southern Darfur, providing health care services to the men, women and children living there.

There are more women than men living in these camps. A typical camp is composed of about 65% females; 25% children and 10% men, mostly elderly. 30% of children under the age of five in these camps are malnourished. Since the escalation of the conflict in 2003, several of the women and girls living in these camps have been raped and subjected to other forms of sexual harassment. Reports of threats of violence and rape in these camps persist today. In June this year, two girls from Hamdya Camp in West Darfur were attacked, raped and beaten by six janjaweed militia. On the same day, another girl from Abusorroge Camp in West Darfur was kidnapped by armed men in military uniforms. In July this year there have been four cases of rapes in Nyretti Camp in West Darfur. Also in July, an elderly man was killed, and four children were slaughtered in Tawila Camp in North Darfur, by the janjaweed militia. Four young men from Abokaro Camp were also killed by the janjaweed militia when they left the camp to collect firewood and straw.

The expulsion on 9 March 2009 of 16 aid organizations (13 international and 3 national) by the government following the issuance of the arrest warrant for President al-Bashir by the International Criminal Court (ICC) has worsened the deplorable humanitarian conditions in camps in Darfur. Reports from my fellow community leaders on the ground indicate that as of June 2009, no one was providing health care services in Kalma and only two organizations were supplying food there. Kalma is one of the largest camps in Darfur with a population of about 100,000 people. Shadad Camp in Northern Darfur, which previously received food and water supply from the expelled organizations, is also experiencing a severe shortage of food and water supply.

The rainy season in Darfur which normally lasts from June to September poses serious challenges for humanitarian workers providing aid to the Darfuri people in the camps. Even with a full complement of aid organizations providing health services, health problems generally increase during the rainy season. As pit latrines become flooded during this period, there is an increased incidence of diseases, such as diarrhea and cholera. During this month of July, there have already been three reported cases of cholera in displaced camps in Nyala in Southern Darfur. There are no good roads leading to the camps; there are only feeder or dirt roads. During the rainy season these roads become flooded, making it difficult to access the camps. Conditions such as these will place heavy constraints on the remaining aid organizations on the ground or on any new agency at this stage given that the rains have already started.

As we know, in March 2009, the Sudanese government expelled 16 humanitarian organizations, including my former organization, the Amel Center. The shut-down of the Amel Center in essence means there is no organization on the ground providing both medical treatment and psycho-social support to women and girls who are victims of rape or to victims of torture. 3

Although the government has allowed a few aid organizations to return to Darfur, reports from my colleagues on the ground indicate that the organizations have not yet started operations in the camps as a result of lengthy bureaucratic processes locally. Thus the sufferings in the camps continue.

In addition to the problems within the camps, there are long-term problems in West Darfur which need to be addressed today. Supported by the Sudanese Government, newcomers, from Chad and Mali, are settling on land belonging to the displaced African groups who now live in the camps. Even if conditions finally improve in Darfur and people are able to return home to their villages, they will have nothing to return to and nowhere to go. Any solution for peace must seriously address these issues.

Finally, the continued and prolonged existence of Darfuris in the camps contributes to a serious deprivation of the educational rights of Darfuris. Educational facilities are lacking in the camps. Even before the conflict, the education level of Darfuris lagged far behind that of other groups in Sudan, due to the limited number of schools in Darfur, compared to the rest of the country. The enrollment of Darfur children in elementary school, for instance, was only 40%, compared to 90% in North Sudan State. The limited education in the camps will stunt the educational development of Darfuris, denying them access to positions in key sectors in the country.

Targeting of Civil Society and Local Activists and Organizations

Those of us who try to address the deplorable conditions in Darfur that I just outlined, face constant intimidation by authorities of the Sudanese Government.

In late 2008, we became aware that our operations at the Amel Center were no longer secure as information was being leaked to the Government, thus endangering the lives of the survivors of the Government-sponsored violence. Six of us from the Amel Center therefore started the Sudanese Organization for Rights and Peace Building (Sudanese Organization). The Sudanese Organization provided legal support for those whose rights had been violated, such as victims of illegal arrest and detention and police brutality, and also provided support to victims of rape and torture. In late October/early November 2008, three of my colleagues, including one who held a British passport, were arrested and detained for about three weeks. The holder of the British passport was spared physical abuse; however, the other two Sudanese were severely beaten to the extent that one of them sustained broken ribs. My three colleagues placed in solitary confinement and denied access to lawyers and visits, even from family members. The incident forced my colleagues and I to keep a low profile.

On March 9, 2009, during my absence from Darfur, national security officers went to the hospital where I worked and to my house looking for me. They enquired about my whereabouts and conducted a search of my home. Fortunately, they took nothing from my house and no one in my household was harmed. On that same day, the national security forces also went looking for Massad Mohamed, Director General of the Sudanese Organization. They went to his home, but did not find him; when they left Massad's home, they left with his brand new car. Personally, I fear that if I return home I will be arrested. The five of my other colleagues who ran the Sudanese Organization with me have also left Darfur and fear for their lives should they return.

In effect, this means that the Sudanese Organization is no longer functional and victims of crimes and Government abuse are left without much needed support services.

The Government of Sudan has also prevented civil society groups from traveling outside of Sudan to participate in peace-building efforts. In May 2009, about 300 people representing different groups of civil society members in Darfur were to travel to Addis Ababa in Ethiopia to meet with other civil society groups in the Diaspora to formulate a unified vision for peace. The Government denied exit visas for these members of civil society. As a result, the meeting in Addis Ababa never took place.

United Nations/African Union Mission in Darfur (UNAMID)

The presence of UNAMID forces has not stemmed the violence in Darfur due to lack of adequate manpower and equipment. From the inception, UNAMID has lacked sufficient number of troops, logistical supplies, including critical aviation capabilities and communication equipment, rendering it feeble to stem violence in the region of Darfur. The Security Council Resolution authorized 26,000 troops, but only about 17,000 have been deployed. The required number of helicopters has also not been provided, and with Ethiopia's pledge to deliver five in October, a shortage of 19 still remains. An empowered UNAMID will result in effective partnerships with local village police who can be trained to help provide additional security. It will also increase the effectiveness of UNAMID troops in protecting the camps and enable them to assist with the voluntary return of the civilians in the camps back to their homes when conditions in Darfur improve. However, as long as the janjaweed militia remains armed and UNAMID is inadequately manned and equipped, the prospect of people returning home from the camps remains unrealistic.

The people of Darfur continue to suffer and there seems to be no end in sight. There is an urgent need for peace in Darfur. We are counting on the United States, as a world leader, to play a key role to bring about peace in Darfur and in Sudan.

COMPREHENSIVE PEACE AGREEMENT

The United States and the international community has focused a great deal of attention on the Comprehensive Peace Agreement (CPA) signed in 2005. I welcome the CPA and the international attention on the agreement, as do many people in Darfur. It provides a framework to bring about the necessary changes that must occur to effectively address the root causes of the problems in Sudan as a whole and has relevant application to the conflict in Darfur as well. Although the CPA does not address the issue of accountability and issues unique to the Darfur conflict, such as land re-settlement, it nevertheless encompasses many of the principles that we in Darfur want: freedom of religion; equality of all Sudanese citizens; the right to one's own cultural identity, etc.

However, a number of provisions called for in the CPA, such as the review and amendments of national laws to make them compatible with the CPA agreement and the 2005 interim constitution of Sudan, have to date not been implemented. Further, the result of the 2008 census conducted pursuant to the CPA has been rejected by stakeholders in Southern Sudan and Darfur.

We in Darfur and South Sudan are of the view that the census does not reflect the true population of the people of Southern Sudan and is less than the actual number of Southern Sudanese people. These issues must all be resolved within the shortest delay. Failure to do so would have disastrous consequences for the elections scheduled for 2010 and ultimately for the 2011 referendum. The people of Darfur are closely watching the implementation process of the CPA and with keen interest. If the CPA is successfully implemented, it will be a major sign of hope for peace settlement in Darfur. However, if it fails, it will threaten the prospects of peace in Darfur.

It must be emphasized that the situation in Darfur presents pressing needs which must first be addressed before some of the provisions of the CPA, elections, for instance, can be effectively implemented. There must be peace first, before elections are conducted. Further, a sizeable number of the Darfur population lives outside of Darfur as refugees. Without peace, their participation in an election is severely restricted, if not completely impossible. Solutions to the conflict in Sudan must take into account all of the above factors which threaten to weaken peace. I would like to outline some recommendations to the United States for sustainable peace in Darfur.

RECOMMENDATIONS

- (1) The U.S. should urge the Government of Sudan to allow the return and functioning of the 16 humanitarian organizations expelled in March 2009 and remove the bureaucratic red-tape which is preventing the few aid organizations in Darfur from commencing operations.
- (2) The U.S. should ensure the inclusion of civil society groups, including representatives from the leadership of the displaced and refugees and women organizations in any peace process. The Government of Sudan should provide requisite documents for international travel and permit civil society organizations to participate in peace-building activities.
- (3) As a key player in the peace process, the U.S. should call for the timely implementation of provisions called for in the CPA such as the review and amendments of national laws, in particular national security laws and laws guaranteeing freedom of press, in accordance with the CPA agreement and the 2005 interim constitution of Sudan. 6
- (4) The U.S., through the Security Council, should take measures to strengthen the joint United Nations/African Union peace keeping force, UNAMID.
- (5) The U.S., working with the Security Council, should demand that the Government of Sudan fulfill its commitment to disarm the janjaweed militias, pursuant to Security Council Resolution 1556 adopted on 30 July 2004.

Testimony of Susan D. Page, NDI Regional Director for Southern and East Africa

Senator John Kerry, Committee Chairman, Senator Richard Lugar, Ranking Member, and honorable members of the committee, thank you for this opportunity to testify.

Background

As you are all aware, the Comprehensive Peace Agreement ended Sudan's civil war on January 9, 2005. Today, the agreement is holding but remains very fragile. New conflicts emerged, and existing ones changed. Full-scale war between the North and South is always at risk of erupting. Interethnic violence in South Sudan has increased. In one case, armed Jikany Nuer men attacked an aid caravan going to a Lou Nuer area, cutting off food supplies for nearly 20,000 displaced people. In June, the UN noted that "the death rate in southern Sudan from violent conflict has been higher than in Darfur." In Darfur, violence continues and two aid workers were recently kidnapped. In Eastern Sudan, a shaky peace deal holds.

On June 28, The National Elections Commission (NEC) postponed elections for a second time from February 2010 to April 2010. In response to the Government not holding elections by July 9, 2009, as called for in the CPA, the Darfuri rebel group Justice and Equality Movement (JEM) allied with some northern opposition groups and called for a new democratic, transitional government to be formed. Political tensions rose in the South when former (SPLM) Foreign Affairs Minister Lam Akol created a new political party called "the SPLM for Democratic Change."

Despite these challenges, important progress was made. The Government of National Unity (GoNU) agreed to allow four international nongovernmental organizations (NGOs) into the country to replace the NGOs that had been expelled after the International Criminal Court's (ICC) indictment of President Omar al-Bashir on March 4, 2009.

Other important progress was made in Abyei. The National Congress Party (NCP) and SPLM publicly reiterated their agreement to be bound by The Hague's July 22nd ruling on Abyei's boundaries. Following last week's ruling, the parties released a joint statement and both hailed the agreement. To date, no violence has erupted in the area, which is a major achievement. However, recently, both sides have begun to trade accusations over the status of the oil fields based on the ruling by the Permanent Court of Arbitration.

Abyei 2

While violence has not erupted, it is important to note that the reaction may simply be delayed because all the details of the ruling are not fully understood on the ground and the Misseriya have not yet returned to Abyei for grazing because of the rains. Furthermore, the location of the oil wells and final revenue sharing during the course of the life of the CPA are likely to be drawn into the broader North/South border demarcation process currently underway by the Ad Hoc Border Commission. Respect for the Tribunal's decision and newly drawn map is, in part, a testament to the presence in Abyei of General Gration and the senior leadership of the two parties when the ruling was released.

Views from the Ground

NDI has worked in Sudan since 2004, before the Comprehensive Peace Agreement was signed. Our focus group research represents the most extensive information on the opinions of the Sudanese people since then.

NDI has completed ten focus group studies, including six in Southern Sudan, two in the Three Areas of Abyei, Blue Nile and Southern Kordofan, and two in Northern Sudan. As part of these studies, focus group discussions have been held in 71 locations across the country. Research consistently found that people do not feel the CPA has yielded a significant peace dividend. One southerner explained this common sentiment by noting, “Peace is just like a slogan. Most of the things in the CPA are not being implemented.” Another woman from the Three Areas said, “We have seen very little [improvement in development post-CPA]... they should have done many schools and hospitals, that would have been enough for us.” In the North, one man told researchers, “Before the peace agreement, the war was sucking our blood because a high percentage of the budget went to the war for weapons and [a] very little of the budget went toward serving social needs.”

Many people who participated in our study in the South and Three Areas feel their lives have not significantly improved since the CPA was signed; they link this to an expectation that war will return. A man from the Three Areas explained, “We will return to conflict because now there is no development.” Northerners also expressed uncertainty about the current stability, although there was a sense that development has increased somewhat. “We cannot say everything is at the right direction, despite the fact that there is a positive side like development projects, roads construction,” a northern woman said.

NDI is assisting and developing the capacity of over 75 southern, nonpartisan civil society organizations to serve as domestic election observers through a network called SuNDE. The organizations have stressed the importance of working together across regions and to coordinate efforts with the North with those of the established network in the South. Amidst the numerous challenges in Sudan, such expressions exemplify a desire for collaboration regardless of the outcome of the elections to build a just and accountable government. 3

Focus group research in the North found some variation in opinions about democracy, but those who participated in the study strongly supported elections as the best way to choose their leaders. Similarly, Southerners are strongly committed to elections, and expressed a deep desire to hold their elected officials accountable, something they cannot do with appointed officials. Interestingly, while many people expect cheating to take place, a number of participants stated that they would “accept the bribe yet still vote for the candidate of their choice.” Misinformation is widespread, including the number of positions for which people will be voting; in Southern Kordofan and Blue Nile, a number of people believe erroneously that they will also vote in a referendum. Without this option, a number of participants claimed they would “join the South, declare independence, or go back to war.”

NDI’s research on the 2011 referendum for South Sudan consistently found that southerners plan to vote for independence. Within the first year after the CPA was signed, and despite Dr. John

Garang's call for unity based on a new model for Sudan, southerners responded, "We will vote for separation and John Garang will have to get a passport to visit us." Another noted, "We will be divided, even children know that."

Toward a Comprehensive Strategy

NDI's research raises important points and demonstrates Sudanese citizens' frustrations with the incomplete implementation of the CPA. Increased technical assistance and governance capacity building towards electoral implementation (including the two referenda) are crucial ways to support the GONU and GOSS in implementing the next critical phase of the CPA. Additional support for civic and voter education programs is crucial.

In order for elections and the referenda to be viewed as credible, the electoral framework must be understood and regulations put in place as soon as possible. Donors should continue to support the National Elections Commission to ensure that it remains an independent and viable body. Political parties must be able to compete and campaign freely and the media must be permitted to provide equal access to all competing interests. The media can also be an important source of information for Sudanese citizens in this process. Additionally, domestic observation of the process provides Sudanese citizens the opportunity to participate in the democratic life of their country and make informed decisions about their future.

Collectively, an independent electoral commission, adequate citizen education, responsible media coverage, political tolerance for campaigning, and the freedom for domestic, Sudanese organizations to observe the electoral process will contribute to minimizing the risk of pre- and post-election and referenda violence as well as help to ensure respect for the will of the Sudanese people as expressed through the ballot.

Questions asked by Committee Members

John Kerry (D-MA): Chairman

Questions for Special Envoy Gration

- What are the dynamics on the ground in Sudan?
- Is JEM still receiving support from Chad? Does Sudan still support Chadian rebels? Can we draw any conclusions on the support structure between Khartoum and the Janjaweed? And what do Khartoum officials say about their involvement with the Janjaweed?
- What is the level of violence in Darfur today (in terms of killings, raids etc.)?
- Is the situation with the rebel groups on the ground in Darfur drastically different than it was during 2003-2004, and does their activity matter in terms of how we enact our policy?

Questions for USAID Rep. Gast

- What do you mean when you say that the situation on the ground in Darfur is unsustainable?
- Can the government of Khartoum facilitate our ability to deliver aid?

Richard Lugar (R-IN): Ranking Member

Questions for Special Envoy Gration

- Is the Sudan Program Group (or Sudan desk at the State Department) still independent of the Africa Bureau at the State Department? If so, what is the reason for its independence?
- Are you adequately staffed? If not, have you made a request for more staff and have you specifically outlined the people you need and where you need them?
- What is the prospect of coordination with international actors such as the African Union, the Arab League, China, and Russia?
- How significant is China in terms of oil in Sudan today?

Russell Feingold (D-WI)

Questions for Special Envoy Gration

- How effective is the administration's current strategy of engagement through incentives? Is this strategy the result of interagency coordination?
- Has this approach been selected because Khartoum has demonstrated the ability to live up to its promises? Or is there no other alternatives?
- What tangible evidence do you have that Khartoum will act in good faith?
- Feingold was concerned that Khartoum does not have to do anything to maintain its current relationship with the US- Are you taking punitive measures to stop Khartoum from its notorious foot-dragging?
- Will you commit to briefing us in a more secure setting on the stick side of your strategy?

Bob Corker (R-TN)

Questions for Special Envoy Gration

- In terms of the lack of security for women in the IDP camps, what tangible security measures are there that we can take to protect these women?
- How could we change the mandate of UNAMID to allow them to provide more security in the camps?

- If there is no evidence that Sudan is a State-sponsor of terror, are the sanctions against them creating a path of unintended consequences?

Jeanne Shaheen (D-NH)

Questions for Special Envoy Gration

- After the expulsion of aid groups from Darfur, how have we stepped up our efforts to support anti-GBV programs?
- Shaheen expressed her desire to continue to try and protect the victims of sexual violence in Darfur in every way possible
- What are the gaps in the capacity of UNAMID? How are we working to address those gaps? What is our plan to provide logistical support to UNAMID?

Johnny Isakson (R-GA)

Questions for Special Envoy Gration

- If there is not only no evidence of Khartoum's support of terrorists, but they also helped in stopping the flow of weapons to the Middle East, are sanctions counterproductive to our goals in Sudan?
- Are the 2010 elections being pushed back any further?
- Is the inability of UNAMID to carry out its mission the failure of the UN or of the UN member nations?

Edward Kaufman (D-DE)

Questions for Special Envoy Gration

- Does UNAMID need to expand its mandate? And how can the US provide additional support or training for UNAMID?

Questions for USAID Rep. Earl Gast

- What communications resources are we providing to help the southern Sudanese people prepare for the election?
- What preparation have we taken in anticipation of the rainy season?

Roger Wicker (R-MI)

Questions for Special Envoy Gration

- Wicker expressed concern that the administration was not speaking uniformly on Sudan
- In Darfur you said that there were remnants of genocide after Rice had said that there was an ongoing genocide, and Rice's praise of the ICC arrest warrant issue for al-Bashir seems at odds with your engagement strategy- what is the real answer? Don't you think it is important to know if it is an ongoing genocide? Do you and Susan Rice consult each other?
- Are we dealing with only remnants of genocide?
- If Ambassador Rice is correct and there is an ongoing genocide in Darfur- shouldn't our approach toward Khartoum be different?
- In conjunction with Senator Feingold's question, is there tangible evidence that Khartoum is acting/will act in good faith?
- Do you expect Khartoum to honor the succession of the south if they vote for succession in 2011? And will there be a peaceful and quiet succession?

- Is the policy of national engagement a good one? Or does a comprehensive strategy really mean a combination of both carrots and sticks?
- Do you have a plan for concrete progress and a timetable to hold the Khartoum government accountable?

Robert Menendez (D-NJ)

Questions for Special Envoy Gration

- What is missing that is preventing us from moving forward on this issue?
- What do you need that will help you to be more successful in Sudan and reach our goals for peace in Darfur and the implementation of the CPA?
- What are we doing to support the use of fuel-efficient stoves used by women in the camps?