

TOWARD A COMPREHENSIVE STRATEGY FOR SUDAN

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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TOWARD A COMPREHENSIVE STRATEGY FOR SUDAN

THURSDAY, JULY 30, 2009

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:03 a.m., in room SD-419, Dirksen Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Feingold, Menendez, Shaheen, Kaufman, Lugar, Corker, Isakson, and Wicker.

OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

The CHAIRMAN. The hearing will come to order.

Good morning to all. I appreciate our two panels that we have here today. We have a lot of distance to try to cover, and so, we're going to see if we can move relatively rapidly.

As everybody knows, 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 the North and the South Sudan drove United States policy in one direction or another. Many people are not aware—because when they hear the word “Sudan,” they automatically think Darfur, and there are obvious and justifiable reasons for that—but many people are not aware that the longest war in the history of Africa, and one which took the lives of over 2 million people, occurred between the North and the South in Sudan.

Over time, the fact that either Darfur or the long war between the North and the South has driven our policy has really resulted in a bifurcated policy. Today, I think most people understand that we cannot and should not pursue either of these challenges, North/South or Darfur, as if they exist 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 United States-Sudan policy here in Washington continue to center on the question of whether we should use carrots versus sticks, rewards or punishments, to influence Sudan leaders in Khartoum. When I visited Sudan in April of this year, I came away convinced that we need to build a broader strategic framework that moves beyond simple oppositions, like carrots versus sticks, or North—or South versus

Darfur. Instead, we need—that dreaded word, “nuanced”—a 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 counterterrorism; and promoting democracy and conflict prevention throughout the country. These are our objectives, our principal objectives, and the question is how best to achieve them.

I believe that the ongoing consequences of the genocide in Darfur—and I called it such way back in 2004, as a candidate for President—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, Gen. Scott Gration has already traveled to the region multiple times, and he comes to this task with a long understanding of the region, and a passion for the region, I might add.

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 need to make the same commitment to finding peace in Darfur.

Almost 5 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, and today the African Union monitoring mission has been merged into the United Nations peacekeeping mission, UNAMID. I can tell you from firsthand visit, as well as from the data that we get, UNAMID 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 lifesaving assistance, but we need to 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 recreate the conditions that existed before the NGO expulsion, it should be to move beyond those conditions. Maintenance of a miserable status quo is not a solution. 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 need to recognize that, even as we work toward peace in western Sudan and in eastern Chad, the clock is relentlessly ticking down the hours between now and 2011. And 2011 is a critical date. 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 cease-fire and an uneasy power-sharing agreement into lasting peace, we need to think of the CPA as the ongoing process

stretching into the future, not as 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 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, in 2015, and beyond.

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

Today, we have an impressive array of witnesses to help us explore these issues. Gen. Scott Gration serves as President Obama's Special Envoy to Sudan. Before that, he served as a major general in the U.S. Air Force. And we're eager to hear his insights on the situation in Sudan, and the direction that our policy will take.

Earl Gast is the Acting Administrator for Africa for the U.S. Agency for International Development, and he, too, has traveled to Sudan to advance humanitarian access.

On our second panel, former Ambassador David Shinn is currently teaching at the Elliott School of International Affairs at George Washington University. He served in the U.S. Foreign Service for 37 years, including 3 in Sudan, and he was also Director of East African and Horn of African Affairs in the State Department.

Dr. Mohammed Ahmed Eisa is a physician with the Sudan Organization for Rights and Peace-Building. In 2007, Dr. Mohammed was named the Robert F. Kennedy Human Rights Award laureate. And in addition to his work as a physician, he is a respected community leader, peace negotiator, and human rights advocate.

And finally, Susan Page is the regional director for Southern and East Africa for the National Democratic Institute. From 2005 to 2007, Ms. Page directed the Rule of Law Program for the United Nations mission in Sudan, and she has advised those involved in both the CPA and the Darfur peace process.

Senator Lugar.

**STATEMENT OF HON. RICHARD G. LUGAR,
U.S. SENATOR FROM INDIANA**

Senator LUGAR. Well, I thank you, Mr. Chairman, for calling this hearing and for your very thoughtful opening statement, which, in a comprehensive way, sets forward many of the problems. I join, also, 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. And I applaud the appointment of a special envoy, underscoring the President's intention to provide international leadership on the Darfur crisis.

But time is perhaps not on our side. The Darfur crisis now in its sixth year, 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 humani-

tarian 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 13 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 U.N. Security Council approval of an enlargement of the peacekeeping force in Darfur to 26,000 troops. Unfortunately, 2 years later, the peacekeeping force still lacks elements key to its success. The force does not have sufficient helicopters, other types of equipment that are essential to achieve mobility and to deliver humanitarian supplies. And moreover, the overall stability of the region depends on full implementation of the Comprehensive Peace Agreement between North and South Sudan.

With a 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. And 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. And I'm hopeful 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'll look forward to hearing from our witnesses about how U.S. plans and efforts are progressing and what more we can do.

And I thank you again, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Lugar.

General and Mr. Administrator, thank you for being here with us.

General Gration, would you lead off, please?

And your full statements will be placed in the record as if read in full, so if you could give us summaries, I think that will help the committee members to be able to get a chance to have a dialogue with you.

STATEMENT OF MAJ. GEN. SCOTT GRATION, USAF (RET.), SPECIAL ENVOY TO SUDAN, DEPARTMENT OF STATE, WASHINGTON, DC

General GRATION. Thank you very much, Senator.

Chairman Kerry, Ranking Member Lugar, members of the Senate Foreign Relations Committee, I want to thank you for this opportunity to discuss our strategic objectives in Sudan and to outline what we're doing to make them a reality.

Mr. Chairman, we greatly appreciate your leadership on these issues, your commitment to resolving the significant challenges that we find in Sudan. I know this commitment is shared by all members of this committee. We sincerely appreciate the dedicated efforts of Senator Feingold, chairman of the Africa Subcommittee, and Senator Isakson, the ranking member of that committee.

I just returned, as you noted, from Sudan last week, and as I visited Darfur, Abyei in the South, I was reminded again of the great humanitarian tragedies that have occurred in that country. Many people in Sudan have suffered terribly from the pain and loss that conflict brings. It's for these people, for future generations of Sudanese, that we are striving to make a difference.

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

That's our vision. And to make it a reality, we're using all elements of national power: diplomacy; defense; and development. We're currently engaging with all relevant parties inside of Sudan to bring peace and stability to that country. We have weekly discussions with leaders from the two parties of the Government of National Unity, the National Congress Party and the Sudan People's Liberation Movement, as well as regular talks from representatives from critical parties—the other parties—and movements and civil society.

To accomplish our goals, we're also engaging with Sudan's neighbors and the international community, and that's why I've traveled to Chad, to China, Egypt, France, Libya, Norway, Qatar, and the United Kingdom to meet with key leaders who share our common concern, who want to work together with us on shared objectives. We're dedicated to carrying out our vision of success.

I report regularly to the President and to Secretary Clinton about the progress that we've made, and I've visited Congress to exchange views with you and members—and a number of your colleagues. I look forward to speaking with you many more times in the weeks ahead.

Now, let me detail some of the specific aspects of our strategic approach. Most urgently, we seek a definitive end to the conflict and the gross human-rights abuses in Darfur, and a justice for its many victims. We can never forget the lives needlessly lost over the

last 5 years, the millions who continue to be displaced. Families still crowd into makeshift housing in IDP camps. Women continue to gather firewood in fear. Children are growing up without a hope for a better tomorrow. That must end.

To resolve the humanitarian tragedy, we're striving to facilitate and negotiate a political settlement between the Government of Sudan and all parties to the conflict. Our goal is to conclude an agreement that will bring a sustainable peace to Darfur, that will allow people back to their home villages or places that they desire to move to, to resume their lives in safety and stability and security.

The second aspect of our strategy focuses on sustaining that fragile peace between the North and the South. Sudan, as you said, will hold elections in 8 months, and the referenda, in January 2011. Our timeline is so very tight, our task is so very great, but we have no option but success.

The third aspect is to prepare the Government of Sudan and the Government of Southern Sudan for the post-referenda period, in unity or in peaceful coexistence. Our strategy seeks to find a delicate balance between improving security forces and developing the social governance and economic infrastructure required for growth.

The last aspect of our strategy seeks to increase and enhance cooperation with the Sudanese Government, to counterterrorism and to promote regional security. I believe we have a golden opportunity now to make a big difference in Sudan. As you can see, we're aiming high, we're thinking big, and we're expecting much. Failure cannot be an option. We must proceed with boldness, with hard work to make this proactive and preventative approach work right now.

Mr. Chairman and members of the committee, I thank you for your leadership, for your support to end the suffering in Sudan. And thank you again for allowing me to be here today to discuss these issues, concerns that need our urgent attention, critical problems that must resolve—be resolved—for all the people of Sudan.

Thank you very much.

[The prepared statement of General Gration follows:]

PREPARED STATEMENT OF JONATHAN S. GRATION, MAJ. GEN., USAF (RET.), THE PRESIDENT'S SPECIAL ENVOY TO SUDAN, DEPARTMENT OF STATE, WASHINGTON, DC

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 People's 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 5 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 8 months, Sudan will hold national elections in April 2010 and referenda in Southern Sudan and the Abyei region beginning 9 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 U.N. 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 nonstate 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.

The CHAIRMAN. Thank you, General.
Mr. Administrator.

STATEMENT OF EARL GAST, ACTING ASSISTANT ADMINISTRATOR FOR AFRICA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, WASHINGTON, DC

Mr. GAST. Good morning, Mr. Chairman, Ranking Member Lugar, and members of the committee. Thank you for the opportunity to update you on our support for comprehensive peace and stability in Sudan, and on humanitarian issues.

The United States Government has provided more than \$6 billion in assistance to the people of Sudan since the signing of the Comprehensive Peace Agreement in 2005. Our overarching goal in Sudan has always been to help those affected by conflict, and to establish a just and lasting peace. We have saved lives, and we have improved conditions for millions of Sudanese, but with less than 24 months left in the CPA's roadmap for consolidating peace, and with the continuing challenges of Darfur, our most critical tasks lie ahead.

USAID is doing what it can to help support the establishment of just, accountable, democratic governments that are able to deliver basic services, whether the people of Southern Sudan and Abyei choose unity with the North or independence in the 2011 referendum. However, the time for achieving substantive improvements in governance is running out, and the critical window during which we can contribute to genuine transformation via the CPA roadmap will soon close.

In Southern Sudan, development gains have been slow, and a recent fiscal crisis has highlighted that many fundamentals of good governance still need to be established. Infrastructure remains extremely undeveloped, and the burden is on international donors to foot the bill. Four years after the CPA's signing, our collective contributions are a drop in the bucket of what is needed. But considering the state of development in the South in the Three Areas when the war finally ended, our work has just begun, and it will take decades to cement our progress.

Meanwhile, the situation for the 4.7 million persons affected by the conflict in Darfur remains intolerable. Although we have managed to fill many of the gaps left by the expulsion of 13 international NGOs in March and avert an even greater humanitarian crisis, these measures are temporary. They rely on temporary staffing and strain already limited resources. They are not sustainable.

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. Constant insecurity and violence continue to be the primary factors limiting the effective delivery of humanitarian assistance. We must institute a sustainable long-term strategy for Darfur that is finally accompanied by sustainable long-term peace.

We look forward to the day when the 2.7 million persons who were driven from their homes by this conflict can voluntarily return safely to their villages. USAID will not deviate from its responsibility to safeguard the rights and protection of displaced persons, and we call upon the Government of Sudan to support the operations of the U.N. High Commissioner for Refugees and the International Organization for Migration so that they can undertake the vital task of certifying any returns as appropriate and voluntary.

The violence we've seen recently in Darfur, Abyei, and more recently in pockets of the South, are a jarring symbol of the legacy of negative trends that developed during Sudan's conflicts, and persist to this day: The absence of the rule of law; a dearth of good governance; an abundance of weapons; and unresolved grievances. We must strengthen governments' and communities' ability to deal with tension constructively and nonviolently. The alternative is a failed state, where chaos will reign.

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.

In addition, the John Granville Secondary School is due to open this fall in Sudan's Blue Nile state. John had a special attachment to the Blue Nile state. And the fact that a school is being built in his name, with the support and cooperation of the United States 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, Ranking Member Lugar, 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.

[The prepared statement of Mr. Gast follows:]

PREPARED STATEMENT OF ACTING ASSISTANT ADMINISTRATOR EARL GAST, BUREAU FOR AFRICA, USAID, WASHINGTON, DC

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 3 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 referendum 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 U.N. World Food Programme (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 Programme (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 2-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 preexpulsion 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 reestablishing 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 U.N. 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 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 9 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 2 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.

The CHAIRMAN. Thank you very much, Administrator Gast.

General, share with us, if you will, your perceptions of the situation on the ground, the dynamics on the ground in Darfur now, and particularly the current status of activities of the principal rebel groups.

General GRATION. Yes, sir. What we're doing right now is trying to cope with a situation that is very dire and very severe. Obviously, the camps continue to have grave problems, and we're trying to ensure that they have the basic necessities to ensure the essentials of life.

On the ground, we still see instability and insecurity, and what we're trying to do right now is achieve a lasting and durable peace. To do that, we've gotten agreements from the Government of Sudan to put a unilateral cease-fire in. We're trying to reduce the tensions between Chad and Sudan, and reduce the cross-border rebel activities that has continued to stir instability. And we're working with the Government of Sudan to come up with a plan to disarm militias that have been put along the border by the Government of Sudan, and we're working with UNAMID, and we're coming up with a plan—a law-enforcement type of plan—to ensure that warlords who sponsor Janjaweed, autonomous Janjaweed, and other people that continue to terrorize populations, are dealt with. This is a tough problem and needs to be done comprehensively, and that's why your statement about UNAMID is very important.

The CHAIRMAN. JEM, I take it, is still receiving support from Chad, and still—across the border—and operating in a cross-border fashion?

General GRATION. They are currently operating out of Sudan, but it's true that they get medical support and other support still from within Sudan. What—I mean in Chad—what we're working with is the Government of Chad to reduce overt support, and even quieter support, in terms of logistics, to this movement.

The CHAIRMAN. Well, the Government of Chad would argue that part of their support stems from the fact that the Government of Sudan has been supporting efforts against them, and you get this back-and-forth. Can you comment on that?

General GRATION. Yes. It's very true that JEM has been as far as Omdurman and threatening Khartoum. And it's also true that Sudanese-backed Chadian forces have been close to N'Djamena. What we're trying to do, in working with the Libyans and other leaders around the region, is to reduce the support, to stop that proxy war, to get rid of the surrogates that are destabilizing. We're also working with MINURCAT and UNAMID to come up with a

monitoring agreement, so that the cross-border areas are monitored, so that the forces can't go back and create damage.

The CHAIRMAN. And what conclusions have you been able to draw about the current relationship and support structure between the Government in Khartoum and the Janjaweed?

General GRATION. It is very clear that, in the beginning, the Government of Khartoum used the Janjaweed to destabilize the population, to wreak havoc. It is now my view that some of these groups have gone autonomous, some are not totally controlled by the government, although I believe that there are still linkages that we have to pursue. We're taking a look at this problem in a comprehensive way, to take a look at what motivates them and how can we stop them, both from government support and also local law enforcement.

The CHAIRMAN. And what happens as you raise that issue with Khartoum officials?

General GRATION. Initially there was denial that they had anything to do with them. Now we're getting more acceptance that they have a role in fixing this problem, and we're making progress on working together with the Government of Khartoum to stop their support.

The CHAIRMAN. What would you say, to the committee, is the level of violence in Darfur itself today? How would you describe the on-the-ground situation with respect to killing and raids and so forth?

General GRATION. It's getting significantly better, but that doesn't mean we have to stop our efforts. It appears, last month, that there were 16 people that died a violent death, and 12 of them were from criminal kind of things, so we need to keep working it. One death is too many, from violence. And we'll continue to work with law enforcement agencies. But, we have been able to reduce the violence because we've been able to turn off, to a large degree, the proxy war. And some of that happened when the Government of Sudan bloodied the nose of JEM at Umm Baru. So, that resulted in a decreased activity.

The CHAIRMAN. It was my perception, as I met with and listened to Minni Minnawi, and as I talked to the various representatives and just looked at the situation on the ground, that some of the rebel groups have, sort of, withdrawn from major activities, that over the last year or more, there has been a significant reduction in their activity.

And I think the leaders that I met with in El Fasher were saying to me that there were maybe a total of some 500 folks, over the course of an entire year, that had lost their lives, and many were in criminal activities, as you've described.

So, where does that put us, in the context of debate that people have about the events of 2004 and 2005 and the genocide that Colin Powell, myself, and others, and all of us have referred to, the atrocities that took place, and the sort of status that we find today? Is there a distinction? Is it a distinction without a difference? Or does it affect our policy, in your judgment?

General GRATION. Yes, sir. I believe that, just looking at the facts, there's significant difference between what happened in 2004 and—2003, which we characterize as genocide—and what is hap-

pening today. We are working very hard to make sure that we can close the gap, though, and end that violence. Right now, currently, as we speak, we're working to reunify rebel groups from Abdul Wahed's people, from Yahya. We're bringing in other people to come together and work for a comprehensive peace and to be part of the solution. There's more that can be done, but you're exactly correct, the level of violence that we're seeing right now is not a coordinated violence, but it is violence that we must end, and, in fact, as there's other areas of Sudan where the violence is considerably greater.

The CHAIRMAN. Which raises, obviously, our deeper concerns about the North-South peace and the CPA.

Just a last question, quickly; my time is up. Well, I'm going to—I won't ask it. We have a lot of Senators here, and we need to get through.

So, Senator Lugar.

Senator LUGAR. General Gration, the Sudan Program Group was created at the State Department to deal specifically with the complex issues associated with Sudan, and originally was focused on the 30-year North-South conflict. Now it appears to be focused on the whole of Sudan. Now, I have three or four questions, which I'll ask, and ask you to bring us up to date.

First of all, is the Sudan Program Group still independent of the African Bureau at the State Department? And, if so, what rationale is there for the continued independence?

Second, what role does your staff play in the Sudan Program Group? Are you adequately staffed?

And third, what bureau and office handles the day-to-day diplomatic affairs for the United States with regard to Sudan?

General GRATON. Yes, sir. We are now separate from AF, although Johnnie Carson and I work very closely together. We're very close friends, we coordinate all the time, and we make sure—because we bump up against Chad, and we bump up against everything else that Johnnie's working—we have to be in very, very close coordination. And we are.

But, we are the Sudan desk. We've taken over the administrative responsibilities, we've taken over all those kinds of things where we support the State Department.

And so, yes, we are independent. And I think, right now, until we get the situation stabilized—and I believe that'll probably be into 2011—I believe we should remain as the Sudan desk in the State Department, focusing on a comprehensive approach, but integrated with Johnnie in a way that makes sense.

We are working to get more staff. Right now I believe that we need to have more presence on the ground in Sudan. Our activities in Darfur are four-pronged, with the rebel unification, with the political process, with pulling together civil society, with working with UNAMID. We need more staff there. In the South, you probably know we've been working on 12 areas, and we reached agreement between SPLM and NCP on things like border demarcation and Abyei and wealth-sharing and those kind of things. We need somebody on the ground to make sure that those things don't fall apart and that we meet the deadlines.

We also need somebody in Khartoum to help us out. And then if we go to Doha, we're probably going to need a presence in Doha to make sure that that stays on track. We need more people, and we're asking the State Department to help us get more people.

Senator LUGAR. So, you have made that request within the Department. And have you outlined, really, how many persons, or, sort of, a battle plan for what's required now?

General GRATION. Yes, sir. We've gotten through detailees and secondments. I think we've filled up our personal staff and our office staff OK. We've made a request for three more full-time equivalents, and we also made a request, if we couldn't get that, to use contractors. Both of those were turned down, but we're in the process of raising them to the next level.

Senator LUGAR. Well, I appreciate that. And that's one value of these hearings, to sort of raise to the next level that consideration generally, because we all describe the comprehensive dilemmas, but you have to get into the nitty-gritty of who does the job, really—who, physically, is there, and how many persons, in a vast area, quite apart from the variety of topics.

So, we would like to be supportive, and I raised the question just to make certain we all understand requests that you've made, and the importance of that.

Now, second, getting outside the United States, for the last few years we've had close coordination with Great Britain and France on Sudan issues, but much poorer coordination with China, Russia, the Arab League, the African Union. And these latter actors in the drama have considerable opportunity, obviously, for influence with the Sudan Government. What additional policy tools are available to us in diplomacy—that is, working with these actors, who may have disparate views of this and of their role with regard to Sudan—so, describe the international situation and its promise or difficulties.

General GRATION. You're exactly correct. We have to get unity there, and that's what we've tried to do.

We have several initiatives, before I go into the specific ones that you talk about. We've reactivated the troika. And I was just in Oslo in the—2 weeks ago, to meet with the U.K. and with the Norwegians. That was a very important process in bringing about the CPA. We have a contact group in Europe that we've elevated up to, again, give us inputs and to help us work issues. But, more specifically, I was in Beijing, a month and a half ago, and Ambassador Zhou Wenzhong is a great friend, we've served in Africa together in the early 1980s, and we've been able to work that. And now the Chinese are working with us. So, we're not building roads in parallel, but we're putting one on front of the other one. We're actually coordinating our humanitarian assistance.

Russia—Markelov and I are working on a conference, possibly in the first part of October, where we'll get together in Moscow.

But, there is an effort to bring these players in. We now have what we call the "Envoy Six," where countries that have permanent envoys get together on a routine basis. We actually have a bigger group, where countries that have representatives in addition—and so, we have 15 people that get together periodically to try to work these issues. We've shown support to the Doha process.

All the envoys showed up, all the envoys came here to Washington when we had our forum. So, we continue to build that team in the international community.

But, you're exactly correct, that is so important that we do that together.

Senator LUGAR. What is the situation, at this point, of oil deliveries to China? In the past, allegations have been made that the Chinese were less interested in cooperation because of the unusual ties they had for energy needs in China. Presumably those needs continue, and perhaps the flow of oil, but can you describe what the situation is on that front?

General GRATION. Yes, sir. They only get about 6 percent of their oil from Sudan, but it's significant. The converse is really where it's significant, as the South gets all their income from oil proceeds. And so, oil is significantly important to the South, and even to the North.

And so—but, China and the United States and other members of the international community who have investments or responsibilities in Sudan have exactly the same agenda. We want security. We want stability. They want it to protect their investment, we want it because of the people and the future of that region, and the security and prosperity of that region.

Senator LUGAR. Thank you very much, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Lugar.

Senator Feingold.

Senator FEINGOLD. First, let me thank you, Mr. Chairman, for calling this hearing today. And I also want to note the trips that you took, and Senators Corker and Isakson have recently taken to the region. It's been very helpful to the overall effort of keeping this critical country on the agenda.

And I've felt for a long time, and been saying for a long time, as you know, sir, that we needed a coordinated approach toward all of Sudan, and shoring up the CPA must be a central component of our policy. I'm very pleased that the administration has made this a priority.

At the same time, Special Envoy Gration, as you know from our meeting and my letter, I do have some concerns and questions about the administration's strategy. Thus far, in your public statements, you've pushed a relatively new approach toward the Government of Sudan, emphasizing engagement and incentives. I'd like to know if this approach is linked to a more detailed strategy that's been agreed to by the interagency? And has this approach been selected because Khartoum has demonstrated actual willingness to cooperate and live up to its commitments, or is it more because there just aren't alternative options?

General GRATION. We have been in a process to come up with a comprehensive and an integrative strategy. The National Security Council is leading that process. Of course, we've had input, as have other agencies in the Department.

We anticipate that, within the next few weeks, that we'll be able to have a rollout of this strategy, and I think you'll see from this strategy that it is very comprehensive, and it's based on what we're trying to achieve, which is a better life for the people there. We're

trying to achieve a peace and a security and a stability and economic viability, and the things you talked about—the CPA, peace in Darfur, making sure that the whole region is secure. And the strategy includes both incentives and pressures. And it includes ways to judge if we're making the progress that we all want to make.

This isn't about just my judgment. This is about coming together and making sure that the United States objectives are being met and that we're doing it in a way that makes sense for our country.

And we'll continue to coordinate with the command process, the interagency process, to make sure that we stay on track, and we'll certainly consult with Congress to ensure that your views and inputs are incorporated.

Senator FEINGOLD. Well, I'm pleased that an attempt is being made to create a real interagency strategy, but it does appear to me that the constructive-engagement approach was engaged in prior to this process being over, or being done and being ready to go. So, I have some concerns about, sort of, leading with that before the interagency process is complete.

So, I'd like to know, specifically, what tangible evidence have you seen that Khartoum is actually acting in good faith?

General GRATION. Let me just step back and explain what happened, and why we started this process.

When I became the special envoy, the NGOs had just been kicked out. But my mandate was to get those 13 NGOs back in. It was very clear that we weren't going to be able to do that. But, the President also gave me the mandate to save lives, and in an effort to save lives, we worked to get new NGOs in, to restore that capability, but not only to restore, but to create an environment that would actually be significantly better than it was on the 4th of March.

But, this meant two things. If we were going to get this, we needed to have a relationship so we could discuss with Khartoum. Also, as I went to Juba, I realized if we were going to solve the CPA issues we had to have a relationship with both Juba, which we had, and Khartoum; we had to have a foot in both camps. If we were going to solve the problems along the border with Chad, we had to have a foot in Khartoum and a foot in N'Djamena. So, it became very clear that at some point we had to have a relationship so that we could discuss options. And that's what we did early.

But, that doesn't preclude or negate anything that the strategy is trying to do. In fact, it is—it gives a foundation for the strategy, and the strategy builds on having relationships, not only within Sudan, but with its neighbors and the international community.

Senator FEINGOLD. I understand that rationale, but, of course, the concern is that the message is possibly given to Khartoum that they don't have to do much at all in order to have that kind of constructive engagement. So, I'd like you to say more—you've alluded to this—about the stick side of this, not just the carrot side. I realize you might not be able to go into specifics in an unclassified setting, but can you assure this committee that the administration is actively assessing the viability of meaningful punitive actions, and preparing them, in the event that the Government of Sudan con-

tinues its historic footdragging? And, of course, that has been the hallmark of their record.

General GRATION. There's no question. I'd be happy to come up and brief you, in a more secure environment, on what those are. But, I believe we have a very balanced approach that includes both incentives and includes pressures. And in many ways, the lack of incentives is turning out to be also a pressure. We will continue to use all methods, all incentives and pressures, in a balanced way.

But, one thing I would like to say as a caveat to this is that what we're finding out is that—as you already know—that this is a very complex issue, and there's a lot of multiple things happening at the same time. And so, we're having to take a look at this, not in terms of specific actions, and sticks and carrots, and things like that, associated with specific actions, but them in concert with everything else that's going on in the country.

So, we're looking at an integrated approach that looks at, What is the actions that are being done on the CPA? What are the actions that are being done on the humanitarian front? What are the actions that are being done to put together a political process so people can have their will known and carried out? And what is being done to increase security for the whole region? And that's what we're judging this on—not specifics, but more of a general way—

Senator FEINGOLD. Well, I—and I agree that that should, ideally, be the approach, but will you commit to briefing us on the sort of punitive or stick side of this, in the appropriate setting?

General GRATION. I'll be happy to.

Senator FEINGOLD. Well, I think it's very important. We're on a tight timeline, as you said, with Southern Sudan's scheduled vote on secession just 18 months away, and we have to make sure that those mechanisms are as much, or more, in place as the other things you've mentioned, or I'm quite sure Khartoum will follow their historical pattern.

General GRATION. I totally agree. Be happy to come and brief you on these.

Senator FEINGOLD. Thank you, General.

The CHAIRMAN. Thank you, Senator Feingold.

Senator Corker.

Senator CORKER. Mr. Chairman, thank you for having the hearing. And, General and Mr. Gast, thank you for what you do. I am very appreciative that we've heightened our efforts. Senator Isakson, I know, as has been mentioned, were in Khartoum, and also in the Darfur region not long ago, and I—I want to get to Darfur in just one second—but, the Comprehensive Peace Agreement seems to be the most crucial issue that exists there now, because if we, in fact, are not successful—all of us, Sudan and all those who care about that region—it seems to me that all the gains, the minor gains, that have taken place in Darfur, are out the window, because the CPA reaching a not good end is something that, I think, causes the entire region, possibly, to implode. So, I appreciate you putting effort there, I appreciate the efforts of our chairman and others.

There's been discussion about the humanitarian efforts, already, so I won't go into that, and the 13 NGOs that have been expelled.

One of the things, though, that I think is most striking in the IDP camps there in Darfur is the lack of security for women. Here, they exist in a home that none of us would call a home, a little area on sand, and yet they're confined to those areas because of the gender-based violence that's taking place. And we're talking about an area smaller than the area between you and I right now, where sometimes cattle is kept; they themselves are there. They cannot wander outside of that area, especially if they're a young woman, without being concerned about gender-based violence. And I wonder if there are security measures that we might change inside these camps, which are already unbelievably undesirable places to be. Is there something there that we might do that is more tangible than what is occurring today?

General GRATON. You're exactly correct. And it's something that really bothers me. And fact is, when I was at Kalma and Kass, I learned that the Sudanese can't even go in those camps—I mean, the government and security—and the security is inside.

We—there's—I think there's one ultimate answer, and that is to be able to have security over the country and stability over the country, and so these people can return to their homes and live in dignity with respect. But, how do you draw the dots between where we are right now and where we're trying to achieve? And that's very, very tough.

And so, what we've been doing is working with UNAMID to come up with a plan for security sectors. That's underneath the overall cease-fire, cessation of hostilities that we're trying to get. We're trying to make concentrated cease-fire zones and corridors so that people will be able to go out and collect firewood, so they will be able to go out and start farms, so they can start an alternative form of getting food, as opposed to just getting the handouts. And it's going to start by moving in concentric rings or along corridors that start where these camps are, so people can start moving out in safety.

But, you're exactly correct, the situation that we face today is unacceptable. The gender-based violence is unacceptable. And we are working very hard, with our humanitarian groups, NGOs, to stop this, because it's not right, and it has to end. And that is a high priority for me.

Senator CORKER. The UNAMID forces were able to accompany us inside these camps. And yet, when we went out to actually meet with them at their headquarters, to talk about their mandate, which I know their efforts are really more out in the region, trying to control the rebel groups—I know their mandate is being reviewed right now. And in listening to them regarding their mandate, one would have to say that it is an incredibly weak mandate. The things that they have to do to counter the rebel activity out there—you know, by the time they get through going through all their protocols, the rebels are gone. OK? It just seemed like a no-brainer that that mandate would be changed to allow them to be far more productive, to do the things you just mentioned.

And I want to ask one more question. If you could briefly respond to that, I'd appreciate it.

General GRATON. We've submitted our suggestions to the UNAMID mandate. That was in July. And we're now working with MINURCAT and UNAMID to come up with a better mandate, in

anticipation of a political process that ends up in a comprehensive cease-fire and a cessation of hostilities. At that point, the mandate's going to have to include more things, like monitoring that cease-fire, like working the borders, and working these zones.

And you're exactly right. As currently written, I don't think it's strong enough, and we need to fix that. And then we also need to ensure they have the capabilities, which may mean more aerial assets to do surveillance, and it may mean a new command-and-control system that allows UNAMID to work with local law-enforcement agencies, to work with the local government, and rebel forces that exist in that region, to have a comprehensive law enforcement and the cover that we need to do exactly what you're talking about, which is that security piece.

Senator CORKER. Unless the mandate is changed.

Even—getting back, though, just to the protocol. When they encounter a rebel group out in the desert, by the time they go through the things they have to do—which basically are waving at them, almost—the rebel groups are gone. And again, it seems to me that that's something, regardless of the other things you're talking about, that everyone would acknowledge is a problem and could be changed. Otherwise, getting back to these camps, they're going to become permanent cities, because no one's going to go out—back to their homeland, as long as the type of security that we're not providing continues to exist.

And I know you know that. But, I just hope that you will work stringently with the United Nations to get that changed, and I hope all of us will, too.

The final point. We met with a central banker while we were there, and they talked about the various issues our sanctions are creating for them. And again, I'm going back to the CPA, because, again, if we end up having the train wreck that, on the present course, will occur, OK, Darfur, as terrible as it is, is going to get far worse, and it's going to spread to other areas.

So, we met with our intelligence agencies there, and I know many folks here have done that here. The fact is, there's no evidence today—in spite of the atrocities that we all are aware of—there's no evidence that Sudan is involved as a state sponsor of terror. None.

So, the unintended consequences of that defined term existing, I think, may be hurting us, as it relates to these other efforts. And I just wonder, since there's no evidence of that, and since we understand the importance of this comprehensive peace agreement achieving its desired end in 2011—I'm wondering if we're, again, on one of those paths on unintended consequences, and would like for you to respond to that.

General GRATION. Yes sir, you're exactly correct. There's no evidence, in our intelligence community, that supports being on the state sponsor of terrorism. It's a political decision.

What we have found, though, is the consequences of the sanctions that have resulted from that, and other sanctions, are preventing us from doing the development that we absolutely need to do. The heavy equipment that must come in to build railroads and roads has to come in through Port Sudan or Khartoum; it is sanctioned.

And so, what's happening is, we're hurting, not only at the local level, the humanitarian level—the people, because they can't download educational programs and that kind of thing—but, in addition to that, we're actually hurting the very development things we need to do to help the South become able, if they choose, to secede, a viable economic state; those things are now sanctioned.

And so, you're exactly right. At some point, we're going to have to unwind some of these sanctions so that we can do the very things we need to do to ensure a peaceful transition and a state that's viable in the South, should they choose to do that.

Senator CORKER. So, we're cutting our nose off to spite our face, today.

General GRATION. I'd say that that's probably a fair analysis.

Senator CORKER. Mr. Chairman, thank you for this timely hearing.

The CHAIRMAN. Thank you very much, Senator.

Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

I'm not sure which of you would like to address this question. I'd like to follow up a little bit on Senator Corker's questions about what's happening with women in Sudan and the gender-based violence that's been going on there.

When the government expelled those 13 NGOs, there was—the programs that they were doing, including many that address sexual and gender-based violence, were lost. Can you address what the current status of those are? Have any of them been restored? And is the Government of Sudan obstructing efforts to restore those gender-based-violence programs?

Mr. GAST. Thank you for your question, Senator. You're absolutely right. When we lost 13 NGOs during the expulsion, we lost our capacity and the international capacity to support gender-based programs, including prevention of violence and how to deal with gender-based violence.

What we are doing now is working with existing NGOs on the ground to expand their capacity so that they can expand the women's programs into other areas. It's slow in coming back. In fact, if one were to look at the various sectors that we lost when the NGOs were expelled, that is probably the slowest one in coming back onstream. But it is critical, and is something that we're very mindful of.

Senator SHAHEEN. Thank you, I appreciate that. Senator Feingold and Senator Boxer held a hearing earlier, several months ago, where we heard directly from women who had been—and people who had been working with women in Darfur, who talked about the deliberate effort to use sexual violence as a substitute for genocide. And I think whatever we do can't come fast enough and be important enough to address the very difficult issues that women and families on the ground there are facing. So, I would urge you to continue in every effort possible. And if we, on this committee, can be helpful, we would—I certainly stand ready to do that.

You talked about the UNAMID mission in Darfur, and I know that it was authorized in 2007. We still aren't—supposed to be one of the biggest peacekeeping forces ever assembled, particularly in Africa, and yet we've seen real delays in its deployment. So, can

you talk about the gaps in their capacity, about how we're working to address those gaps, and what the prospect is for increasing their capacity to address the challenge on the ground there?

General GRATION. Yes. Let me just touch back on the women thing. What we've found is that if we're going to fix the problems in Sudan, we have to start with the women. If we start with the women, the communities come along. And so, you're totally right, we have to restore their respect, their dignity, and their safety, and we have to use them as the centerpiece for really working the humanitarian and the development things that will come later.

But, on UNAMID, we're at about between 65 and 67 percent right now. And in talking to the United Nations while I was there on the field, they basically said that by the end of the year they should be at 92 percent of pledged forces. As you know, we've been working very hard trying to facilitate the Mi-35s coming in from Ethiopia, but they still have significant gaps. And, I would say, an area that's affecting us—in addition to the mandate that needs to be adjusted, as was pointed out—command-and-control elements, strategic planning, logistics planning, are probably things where we need to help beef up the support. In terms of soldiers, I think we're beginning to see a fill there.

But, in the technical piece, if we have to get into this monitoring piece, if we start doing intel-sharing on border activities between the two groups, we're probably going to need more analysis and more work on the intelligence side. And certainly if we start the monitoring, and we use either overhead aerial platforms for reconnaissance and surveillance, we're going to need more of the high-tech piece.

But, those things—it's probably too premature to ask for them right now, but I believe we need to start planning now so that we can get these elements in if we're successful in the peace process.

Senator SHAHEEN. So, what's our plan to do that?

General GRATION. Our plan is, we're looking at AFRICOM coming up with eight individuals that fit that billet of planners, and also helping with the command-and-control element. And we—as we continue on in the peace process and define the requirements better—I'll be very honest with you, in the past we had not defined the requirements. It was just, "Send us six helicopters, send us eight people, send us a regiment." And you'd ask why, and that really wasn't very clear. "Just send them. We got to get up to 26,000."

And so, right now I think we've reached the point where we've got the bulk of people lined up to come. Now we have to be specific to tailor the needs—tailor the requirements such that the people that come in now really fill the niches, because what we have there now is good, in the general sense; we need to really add on to the specific side.

Senator SHAHEEN. Thank you.

The CHAIRMAN. Thank you, Senator.

Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman. General Gration, welcome.

General GRATION. Thank you.

Senator ISAKSON. Mr. Gast, welcome.

It should be pointed out that you brought charts and didn't refer to them. I want to—if I'm reading the charts right—I want to compliment you, because I believe you were appointed in April, is that not correct?

General GRATION. March, yes.

Senator ISAKSON. March?

General GRATION. Yes.

Senator ISAKSON. In March, we were at less than 50-percent capacity in food, medicine, water, nonfood items, if I read it correctly. Now, by August we'll be at 100 percent in everything but nonfood items. Is that correct?

General GRATION. That's correct. But, there's a caveat there—there's two of them. One is, we've been able to do that because Earl and his team have put together some stopgap and emergency measures to make that happen. And the other part is, is that we haven't really been able to take that capacity and fill all the gaps.

First of all, there was a lot of preexisting gaps that were there. Second, just because of the way the distribution has been, there are still gaps that exist. The good part is, is that that is the current capability that we have, and we have four new NGOs coming back in. And as we continue to work this—what I'm trying to show is that we're going to fix the emergency stopgaps, and make them more permanent—that's our effort, and that's what Earl and I work on, on a daily basis—but, two, we're going to try to get back in and, through efficiencies that we've gotten with the—working with the Sudanese, and the additional capacity of new NGOs coming in, I believe we can have a significant impact, and that the future is significantly better, and that we've averted what we thought was going to be a major crisis in the rainy season. I think we've been able to avert that.

Senator ISAKSON. Well, you and Mr. Gast are to be commended. I was there in May, when you were probably somewhere in that 80-percent range of capacity, and recognizing the abject, deplorable circumstances there, you're to be complimented on making up that gap, both of you.

On the question of the four goals for the Khartoum Government, the fourth one being cooperation in the counterterrorism effort, and following up on what Senator Corker said, regarding the designation as a state sponsor of terrorism, isn't it true—not only is there not any evidence that they're cooperating with terrorists, but, in fact, they were helpful in stopping the flow of some weapons that were coming through the Sudan into Egypt, later to Gaza, most recently?

General GRATION. That is true, and they've helped us with some key members of al-Qaeda.

Senator ISAKSON. Well, I think it's important to know, Mr. Chairman and Senator Lugar, that it is one thing to not have any evidence of cooperation, but then to have an overt act where, in fact, they were helping in counterterrorism, begs the question that Senator Corker asked with regard to the state sponsor of terrorism list. Are our sanctions counterproductive to our goals? And so, I just wanted to follow up on that point.

Next, one of the keys to the CPA is for legitimate elections to take place in Sudan in 2010. I think originally it was scheduled for

February 2010. I know that's now been pushed back to April 2010, is that right?

General GRATION. Yes, sir.

Senator ISAKSON. Will it be pushed back any further, or are they legitimately moving forward with the elections?

General GRATION. We are trying very hard to hold to April, but both sides are reluctant, in some ways, to have elections then. But, we believe—and the international community supports us—that those elections are so important, not only for who gets elected, but the processes.

If we can push through election laws, if we can push through the voter registration and education programs, if we can push through the administrative processes of ballots and security and getting people to the polling stations, if we can do all that, that gives us a jump on making sure that the referenda in Abyei and Southern Sudan have a chance of being fair, free, and credible. If we skip the election, I think it's going to be very difficult to have free, fair, and credible referenda.

Senator ISAKSON. Not only if we skip it, but if we have an illegitimate election; it will ensure that the February 2011 referendum in the South will be a secession vote, I would think.

General GRATION. Yes, sir.

Senator ISAKSON. So, I commend you on continuing to push on that as fast as you can.

Last, with regard to what Senator Shaheen was talking about, I find it interesting that in your other graph over here, of levels of influence, in the fourth—kind of looks like Dante's levels in Hades, but anyway, in your fourth level—

[Laughter.]

Senator ISAKSON [continuing]. There is the United Nations. I don't know if that depicts the level of which their influence is, or you just put it out there, but it does seem that having been in Darfur as recently as 2 months ago, having seen what deployment is there, and seeing the expanse of the Darfur area—I think a lot of people don't realize how big the Sudan is; it is huge—we don't seem—they don't seem to have the tactical or the infrastructure support to carry out the mission that I think the U.N. intends to have there. Is that the U.N.'s fault, or is that a fault of participating U.N. nations, in not following through on a U.N. plan?

General GRATION. I think it's a combination of a lot of issues. And I would just say, in speaking for the U.N.—and while there's things that they probably could do better, I've got to tell you that, without the U.N. and without the support to this mission for security and without the U.N.'s participation in food programs and in NGOs and the support we're getting from Aameera-Haq, we wouldn't have been able to do half the stuff we're doing.

U.N. can be looked at as a glass half full and a glass half empty. I look at them as a glass half full, and I'm a big cheerleader for the U.N., and I think we need to work hard to help them get the capacity that they need, as opposed to tearing them down when they don't measure up.

So, I think that we're working hard to ensure that they get the capability. I think that they're a capacity that can be used very

productively, both on the humanitarian side and on the security side. They're not there yet, but I believe that they can be.

Senator ISAKSON. Well, I didn't—my statement was not to be critical of the U.N., per se—I'm not a U.N. basher—but it is to make an observation that, 15 years ago in Rwanda, a failure to act in a timely basis to make a difference, a tragedy took place. And we're on the cusp of a tragedy again if everything falls down in Darfur and in the South and with the elections. So, it is critical, I think, that the U.N. forces, in concert with the African Union, get the manpower there, but also have the tactical and logistical equipment. To secure the routes of those women to go get firewood is going to take the high-tech things you were talking about, as well as aerial support through at least helicopters, if nothing else.

So, continue to work to push them, because if that thing does fail in 2011, in the Southern Referendum, or we have a breakdown before then, it could be a catastrophic situation for Africa, and really for the whole world.

General GRATION. There's one thing I'd like to add to that. You're exactly correct, but the fact that UNMIS and UNAMID can't cooperate is disastrous. If there's a problem in the Three Areas, if there's a problem in Southern Sudan, those forces in Darfur can't come over to assist. That is something that has to be changed, and we need to start working interoperability between the U.N. commands in a more effective way.

Senator ISAKSON. I appreciate your hard work very much. And, Mr. Gast, thank you for what you're doing with the humanitarian effort.

Mr. Chairman.

The CHAIRMAN. Thank you very much.

I'm going just to—I will recognize you momentarily, Senator Kaufman—just for a very quick comment, I'm going to recognize Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman. I asked you and asked Senator Kaufman for the courtesy of just 10 seconds to just respond to the statements, both by Senator Corker and Senator Isakson, with regard to Sudan's counterterrorism cooperation.

I think these sort of characterizations are overstated and do not state the actual situation. I've laid out my concerns in a classified letter, and I'd be happy to repeat them in the appropriate setting. I just would like the record to be clear. And I look forward to dialogue with them on this.

I thank you, Mr. Chairman.

The CHAIRMAN. Well, let me just say that it's a very important issue with respect to any kind of policy determination that we make, and the committee will have a classified session in order to explore this so that we can make an intelligent set of judgments. And I appreciate your raising the issue, and it's one that we need to go at anyway, so we will. And we'll do it in the right setting.

Senator FEINGOLD. Good.

The CHAIRMAN. I was struck by your notion that this was not the most secure setting in the world, I just—

[Laughter.]

The CHAIRMAN [continuing]. Can't imagine why you thought that. [Laughter.]

Senator Kaufman.

Senator KAUFMAN. Thank you, Mr. Chairman. And thank you for holding this hearing. It's—this is really an incredibly important, but difficult, problem, and I want to thank both of you for working on this problem.

And I thank you, Mr. Gast, talking about my comments on John Granville, who died in the Sudan, and the 91 employees we've had. I mean, I was—I, myself, was not aware that it was 91. It—I mean, this is a very dangerous place, and people die there almost in anonymity. And it is, as I said in a speech on the floor in which I say, time and again, our Federal employees that are doing this kind of work are just incredible people doing an incredible job, for all the right reasons.

But, John Granville, when he died, was distributing radios to try to better improve communications in the area. What are we doing in terms of communications in the area?

Mr. GAST. One important part of our program, especially in the South, is education, and education by radio. The newest shift in our assistance now is civic education, and getting prospective voters ready for elections over the next year—over next 8 to 9 months. So, voter education and civic education are critical components. And obviously a lot of people in the South don't have access to schools, and so, we're—we have devised radio instruction programs.

Senator KAUFMAN. Great. Is that the sum and substance of it, in terms of communications? That's it. In other words, basically—what we're basically doing is trying to educate folks in preparation for the elections.

Mr. GAST. And general civic education programs, and education programs.

Senator KAUFMAN. What are we doing in—prepare—you know, the rainy season's coming—what are we doing to prepare to have food there? Because usually that is an area of time when we have famine. What's AID doing about that?

Mr. GAST. We do have preposition of stocks. The rainy season is coming up. However, we've had experience, over the last 4 or 5 years, in how to operate in the environment. We—as the General mentioned earlier, a number of the interventions that we've had to take, the international community—mainly WFP and ourselves—are not fully sustainable. And so, with regard to food assistance, there are some things that aren't sustainable. For example, instead of relying on NGOs to deliver food, and being able to monitor that, we're relying on local relief committees. And so, we're trying to analyze the impact that the rainy season will—might have on the local relief committees that are distributing aid.

Senator KAUFMAN. Great.

General Gration, Senator Kerry, at the beginning of the hearing, talked about, we just not have to meet the amount of humanitarian aid, we have to surpass what we're doing in humanitarian aid. Is Khartoum willing to cooperate with us in increasing the amount of humanitarian aid?

General GRATION. Yes, Senator, we have been taking a good hard look at this, and we have a stoplight chart that evaluates what they've said and what they're turning into deeds. And we look at

that every week to make sure that they are indeed holding up to the agreements that they've made.

For example, they said they would hold up to the 2007 joint communique, which meant that they—we only need notification, as opposed to permission, to travel. And they're—and we're seeing evidence that that's working.

We—they made an agreement that they would start issuing multiple entry and exit visas, and they are starting to do that.

We have reached other agreements, in terms of technical agreements. We had a backlog of up to 6 months in some technical agreements. They've signed about 98 percent of all the technical agreements.

And so, we are now working the details—like, right now, just this thing that was brought up about the organization—International Organization for Migration—we know that if we are going to get peace, if we're going to be able to start thinking about people moving out, we've got to do this in a way that their human rights are guaranteed, and that this is not an involuntary return, but it is a voluntary return in stability and security. So, we're working now with the government to actually work those kinds of aspects.

We're working with the World Food Programme to start thinking about, How will we move from humanitarian assistance into development, so we can start putting in the social networks of waters, and schools, and health, so that people can move back into these areas where they want to make their homes in a secure and stable—and with the human rights that come along with that?

So, I see a lot of positive change. But, we have a program that says, not "trust but verify," but "verify, then trust." And right now we're in the verification mode. And when we see more and more things happening—and I've got to tell you honestly, it is now very positive. But, we also know what we're up against, and so, we're making sure that these are verified and that continue to be verified. But, as words turn into deeds, there is more trust and there is more confidence, and we can build on that confidence, not only on the humanitarian side, but on the security side, on the political process side, and also in the South.

Senator KAUFMAN. You also mentioned the need to expand the UNAMID mandate and the need for additional training. What role is the United States going to play in additional training?

General GRATION. We have a meeting scheduled in AFRICOM to discuss this very issue. Right now, I'm not sure. I know what our requirements are. Our military, as you know, is strapped, in not only what we have going on in Iraq, but also the plus-up in Afghanistan and other missions around the world. So, I don't speak for them. But, we will lay out our requirements, things we need to do, and then we'll try to do this in the most effective way, recognizing that they have commitments that they have to do.

Senator KAUFMAN. Thank you. And thank you for all that both of you are doing. I'm looking forward to that briefing; security briefing.

General GRATION. Thank you.

The CHAIRMAN. Thank you very—

Senator KAUFMAN. Mr. Chairman.

The CHAIRMAN [continuing]. Much, Senator Kaufman.

Senator Wicker.

Senator WICKER. And thank you, Mr. Chairman, for holding this hearing. And thank you, to both of our witnesses.

I think it's a testament to bipartisan concern about this issue that eight Senators have spent most of the hearing listening to the testimony and have taken a considerable amount of our time today to stick around.

I'm sure you're aware, General Gratton, that there is a concern that the administration is not speaking with one voice on the issue of Sudan. As you know, during the campaign last year, Senator Obama vehemently denounced the Sudanese Government as practicing genocide. Ambassador Susan Rice stated, on June 15, that genocide is ongoing. However, you've stated that the situation in Darfur was, at worst, the remnants of genocide. I'd be interested in you commenting about "at worst." That seems to indicate that you're doubtful that there was ever a genocide. So, it does seem that, in that respect, our U.N. Ambassador and Presidential candidate Obama were taking one position, and you're taking the other.

Also, Ambassador Rice praised the International Criminal Court's issuance of an arrest warrant for President Bashir, and that is a statement that seems at odds with the administration's engagement strategy that you've outlined today. So, I'd like for you to comment about that.

General GRATTON. Yes, thank you very much.

The President has referred to the genocide that is taking place in Darfur, and that's very clear to me. And he's also directed—

Senator WICKER. Indicating that it's ongoing.

General GRATTON. You can read that how you need to read it, but that's his statement. And what he's directed me to do is to reverse the dire ongoing consequences of genocide. And that means to ensure that militias are disarmed and that displaced people—persons—can return to homes when they want to and where they want to, and that the people of Darfur, who have suffered so much, can continue to live in—or, can live in peace and security and dignity.

Senator WICKER. But, don't you think it's important for us to know, to the best of our ability, whether there is a continuing genocide, ongoing, as Ambassador Rice stated?

General GRATTON. Yes. This is a definitional issue, and what I can do is only describe what I see.

Senator WICKER. Have you and the Ambassador had a conversation about this seeming difference?

General GRATTON. I will tell you in public that Susan Rice is one of my dear friends. There's few women in the world that I say "I love you" to. Susan's one of them. I love Susan. [Laughter.]

And Susan and I talk, and we disagree on some issues, but it is not a personal thing. And there is not space—

Senator WICKER. Well, no one is suggesting that. But, it's fair to say—

[Laughter.]

Senator WICKER [continuing]. I'm heartened that people in the administration are fond of each other.

General GRATTON. We are. [Laughter.]

And by that—and I just say that to say that, you know, there's been characterizations of Susan on one side and me on the other side. There has been honest debate, but that's why we had the debate, so that we could come up with a strategy that reflected a comprehensive and integrated approach to ensure that all elements were taken care of.

And right now, as I—as you know, we're focusing on saving lives, on making sure that people that live in those IDP camps can live as best they can, and that they have a future.

Senator WICKER. In your opinion, are we dealing now only with the remnants of a genocide that is over?

General GRATION. I'm not saying the genocide's over. What I'm saying, though, is that my focus is on recovery. Sir, I've been a refugee myself. We lost everything we owned when we left Congo. I've lived in an attic while waiting to try to find a house. I've lived in people's clothes. I don't want people to go through that kind of situation. I don't want people to live in that environment. I understand it, and I'm passionate about changing it, and it really doesn't matter what we call it, in my view. What matters is that we have people living in dire, desperate conditions that must end. We have women that fear for their lives, and they have their souls ripped out of them—and that has to stop—as gender violence continues.

My view is that to get involved in a debate that is not required is not as important to fixing the situation, which is required. That's my mandate. That's what the President has asked me to do. And that's why I've dedicated 24/7 to do that.

Senator WICKER. Well, let me move, then, to another line of questioning.

Senator Feingold asked you specifically what tangible evidence we had that Khartoum is acting in good faith. I'd like for you to elaborate on that. As you know, a number of Senators have expressed their concern about this policy of national engagement. And I guess we could talk about carrots and sticks, as opposed to a comprehensive approach, but it seems to me that any comprehensive approach is going to have a combination of carrots and sticks.

Senators have advocated a plan of asking for concrete progress on a number of fronts, and they've called for benchmarks, a timetable to hold the government accountable, and they've asked the administration not to rule out further punitive actions and more muscular steps in our approach to the national government.

So, what is your response to that, sir?

General GRATION. I'll just give you an example. When I took over, we had 12 areas where we had major gulfs in implementation of the Comprehensive Peace Agreement. We started with 12-hour-a-day meetings here in Washington; four of them. We started with 2 days and expanded to another 2. We then went to Khartoum. We were able to reach agreement on every single one of those 12, except the census. And I've talked to the leadership on both sides, and we'll probably resolve that at a political level.

There is benchmarks, there is timetables, and I'll be very happy to share with you all those agreements that were made, not because of us, but because we create the environment so that the two parties, NCP and SPLM, could make the agreements.

That's the way I see our role right now, to be able to create the environment, to help push in areas that we can push, to help use the leverage of the international community; to push, not for the United States to make policy there, but to create the environment so those different views, from the South and the North, can be rationalized and problems resolved.

We will go out there next month, to raise that agreement that we got at the working level, with 15 key leaders of both parties, we'll raise that up to the two Vice Presidents.

In Darfur, we're doing the same thing. We're not pushing the rebels to unite, we're creating an environment so that they can unite. The same with civil society in diasporas around the world. We're creating environments where they can come together, identify their issues, identify their leaders, and then we facilitate them going to Doha, where we can end up building the Comprehensive Peace Agreement that's required to bring peace to Darfur.

So, what I see is, we're not giving anything. We haven't given anything yet, and we've got an agreement, 12 pages worth, of things that they've agreed to, not necessarily with us, but things that will move our shared vision, of what Sudan should be, forward.

That's what——

Senator WICKER. I'd appreciate it——

General GRATION [continuing]. We're trying to achieve.

Senator WICKER [continuing]. If you would respond on the record about those specifics which you just alluded to.

General GRATION. The specifics? OK.

Senator WICKER. Yes.

General GRATION. First of all——

Senator WICKER. No, for the record.

General GRATION. OK. I'll turn them in to you.

Senator WICKER. Thank you.

General GRATION. Yup, no problem.

The CHAIRMAN. Thank you very much.

[The information referred to follows:]

As a witness to and significant force behind the Comprehensive Peace Agreement (CPA) in 2005, the United States was uniquely positioned to encourage the parties to return to the table to negotiate their way out of the current impasse. With this encouragement, the parties have been able to chart a path forward for implementation of many remaining CPA milestones. In conjunction with these trilateral discussions, the Sudan People's Liberation Movement and the National Congress Party negotiated an agreement during the past 2 months covering 10 remaining implementation points between the two parties to the Comprehensive Peace Agreement. United States efforts will be crucial to the success of this process in areas such as providing technical expertise to help demarcate the boundaries of Abyei and along the North-South border, facilitating International Monetary Fund and other International Financial Institutions greater involvement in Sudan, and orchestrating robust support for elections, popular consultations, and the referendum.

Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

And I want to thank you, General, for your service. But, I have to be—and I had a meeting in the office, so I was partly listening to some of your answers, what I don't understand, what I fail to glean from what I've heard, is, your the third or fourth special envoy we've had——

General GRATION. Yes, sir.

Senator MENENDEZ [continuing]. To the Sudan. We have real engagement by citizens here in this country on this issue—my home State of New Jersey, but, for that fact, across the country. We have thousands of letters of engagement by people. We have the political engagement at the highest levels of our government. We have funding for humanitarian programs. I listen to us and our efforts, working here multilaterally. So, I have real difficulty understanding what is missing that we cannot move forward.

If I am sitting in a camp, still facing pretty dismal conditions and worried about my security and/or my life, the counsels of patience and delay do not satisfy me. And if it was one of us sitting in those camps, I don't think we'd be satisfied by what we hear.

So, I'm trying to grasp what is it—what is the elements that we are missing here that, despite everything that we hear, and now the third or fourth special envoy and the commitments of Presidents and the greatest country on the face of the Earth, leading with others—what is it that we are missing, here, that we can't reach the conclusion—successful conclusions we want, in turning the tide on the lives of these people?

General GRATION. Very difficult question. I don't know. All I know is that we have a plan to try to make a difference. That plan includes five tracks in Darfur, which is the political process, the security elements that I've spoken to, the humanitarian assistance in solving the problem between—the proxy war between Chad and Sudan. We have an integrated, comprehensive way to fully implement the CPA. We have—are thinking about what we can do to stabilize the eastern security pact and the NGOs that are sitting there on the eastern side.

All I can do is work all these problems together as hard as I can. We've assembled the best team that I can. We have bright, bright people that are helping us. We are pulling in expertise from the whole international community. We are building international organizations to help us do this.

We don't say that the United States can solve this problem. But, we believe there is a solution, and we also believe that we cannot fail. There's too many people whose lives are depending on our success. And that's why we're putting together every effort we can, and that's why President Obama has given me the support he's given me and Secretary Clinton has been totally supportive, because we all understand that this is the one where we have to—

Senator MENENDEZ. What's our timeframe?

General GRATION. Our timeframe is, is that we have an election in April of next year, and we have a referendum in June. The number of days left, working days, is 174 until the election, 362 until the referendum. That is almost "mission impossible." But, I believe that there's hope. I believe that we can succeed, and that's why I get up every day, and I'm at work at 6 o'clock, 7 days a week, to make this thing happen. We have a terribly compressed timeline, we have an almost impossible job to do, but if we sit back and do nothing, we will certainly fail. I'm giving it everything I can, because I believe that there's hope.

Senator MENENDEZ. Well, I have no doubt you're giving it what you can, and I certainly am not an advocate of nothing. I have been

an advocate on this committee of quite more robust—I included legislation—in one of our previous legislation, giving the U.N. resources from the Federal Government, because genocide doesn't have an offset, as I was asked on the floor, "Where's the offset for this?"

The reality is, though—I'm trying to get a sense—what is it that you don't have that you need, if anything? Or do you have everything that you need, now—

General GRATION. No, I don't.

Senator MENENDEZ [continuing]. To do what the—OK, then what is it that you don't have that you need, outside of it sounds like time?

General GRATION. Time is a big one. The second thing is, we need some space on sanctions. There are things that we are doing and sanctioning that are hindering me from being able to bring development to the South. There are things that are hindering me because of sanctions that are keeping the people of Sudan from getting the education they need.

I have a simple radio that's a doctor and a BlackBerry that connects up to five leading institutions so that doctors in Darfur and the South and around can call in and get the latest medical help, and I can't even distribute them, because of the sanctions.

The trains, the very elements that we need, and equipment that we need to develop the South, can't come through Port Sudan or Khartoum because it's all sanctioned. We have to take a good look and say what can we do to ensure that the Southern Sudanese have every opportunity to be birthed as a nation that's not in an incubator, but one that can survive on its own?

And I will tell you that there—we have worked issues and put ourselves in the proverbial box in some areas. We're going to need some help from the Congress in those areas.

Senator MENENDEZ. Let me ask you one other set of questions. What does this say—you know, we are talking a lot about the intelligent use of our soft power. But, what does it say about our ability to succeed with soft power, in terms of trying to get—the goals of saving these people's lives and changing their lives?

General GRATION. Well, obviously all the elements of soft power are things that we're trying to use. But, what it really comes down to is making a difference with the NGOs that have the capacity—I mean, increasing the capacity for the NGOs to work, it means bringing more development in, and it means having a more integrated development program—rural development programs, poverty reduction plans—that the Sudanese themselves come up with. And that's what we're asking people in Juba to do, is come up with their plan and then figure out how we can work with them on their plan to make them successful.

It really isn't about us doing it, it's about us helping them help themselves, and the African region to help itself. And that's what we're trying to do.

Senator MENENDEZ. Mr. Gast, one last question for you.

Women go out to get firewood, and end up getting raped in the process. There's a lot of promotion of alternative stoves, solar, gas, et cetera. Has AID looked at this in the thought of, "What is the

best alternative?" so that we can better secure those who are in the camps?

Mr. GAST. Thank you for your question, Senator. Earlier we did have a discussion of women's issues, especially in Darfur. And you're absolutely right, if there were good, effective, fuel-efficient stoves, it would reduce the exposure of women outside of the camps.

What we have found, though, is some of the early models that we have of fuel-efficient stoves, they haven't been living up to their promises. They've oversold them. They're not as efficient as they led us to believe. So, we are now working on a study to help identify ways of improving them so that we come up with a better design and a stove that truly is fuel efficient and energy efficient.

Senator MENENDEZ. And what's your timeframe for that?

Mr. GAST. It's in progress now. And I can't give you, with any definition, when it will be concluded, but we will certainly work with you and your staff on that.

Senator MENENDEZ. We'd like to know your progress on that.

Mr. GAST. Absolutely.

Senator MENENDEZ. Thank you very much.

The CHAIRMAN. Thank you, Senator.

We're going to move, in a moment, to the next panel.

Let me just share with you, Senator Wicker—I think there's a debate that is important, obviously, with respect to our policy and the choices that we have available to us. It's also a debate that is fraught with some difficulties, at this point in time, which is why intelligent and committed people can have differences of opinion.

According to Article 2 of the Genocide convention, genocide means any of the following five acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group: One, killing members of the group; two, causing serious bodily or mental harm to members of the group; three, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part—obviously, there could be significant debate about the camps and people's ability to move back to where they ought to be, and the lack of provision by the government of adequate protection, and so forth—imposing measures intended to prevent births within the group; and forcibly transferring the children of the group to another group.

Now, international law includes, within genocide, this issue of the creation of physical conditions that lead to the destruction of the group, and so forth. There's a lot of room for argument, here, right now. I think what General Gration is saying to us in this debate is that there are ongoing impacts. We're living with it. Darfur is living day-to-day hell in terms of the impact of what happened in 2004 and 2005. But, obviously the kinds of activities of 2004 and 2005 that led to how many people is the accurate figure were killed?

I mean what's the best judgment about that?

General GRATION. The numbers fluctuate between 175 and 300,000.

The CHAIRMAN. Correct. And today, we have largely criminal activity as a result of the conditions people are living in, which takes some additional lives, but serious questions about, sort of,

whether it's the remnants of that orchestrated violence or independent acting, or otherwise, versus a government-driven effort, in the way that it was in 2004 and 2005.

So, these are things we can argue about. The critical thing is, folks, if we sit around and just do that all the time, we're not going to get those camps taken care of.

And, Mr. Gast, in his testimony, talked about the unsustainability of the current situation. And I want you to just sort of paint that picture for a minute. What do you mean by "unsustainability," in the context of the post-March 4 events?

Mr. GAST. When we refer to "unsustainability," what we've done is, we've had to ask actors to take on roles that they're not used to doing. And so, it means that they're not implementing programs that meet acceptable international standards.

I mentioned, for example, the delivery of food aid. We have a monitoring element—monitoring element—built in all along the way. We can't do that now. We don't have the resources.

The CHAIRMAN. Let me ask you bluntly. Can the Government of Khartoum facilitate our ability to do that better?

Mr. GAST. The Government of Khartoum can facilitate that ability to do it better by doing what it is doing now, and that is—

The CHAIRMAN. So, you feel that now there's been—

Mr. GAST [continuing]. Technical agreements—

The CHAIRMAN [continuing]. A turn, since General Gration's visit, my visit, other visits—there's a sense that they're more engaged in—

Mr. GAST. Absolutely. And now—

The CHAIRMAN. And do you feel—

Mr. GAST [continuing]. The problem is—excuse me, Senator—

The CHAIRMAN. Sorry.

Mr. GAST. The problem is—of course, is rebuilding that capacity. There is—we talked about all the progress that the government has made, and that is in issuing technical agreements, in issuing visas, not requiring travel permits. The one area that they have not fully implemented is the return of assets. And so, assets that were seized, post-March 4, they have not been returned, for the most part.

We are rebuilding capacity, and we're rebuilding capacity to a point where we'll have full sustainability and greater coverage than we did prior to March 4. And we're doing that by expanding the presence of existing NGOs. Eight NGOs were currently expanding their programs. They will be able to bring in more international staff, hire more local staff. And then the General also mentioned four NGOs that are coming back to Sudan, three of which will work in Darfur.

The CHAIRMAN. Well, Mr. Gast and General, there's more to be covered, but we don't have time. We need to get to the next panel.

Senator WICKER. Mr. Chairman.

The CHAIRMAN. Yes, sir?

Senator WICKER. I wonder if I might have another moment or two?

The CHAIRMAN. Senator Wicker.

Senator WICKER. Clearly, the chairman's comments are well taken. However, if Ambassador Rice is correct, and if there is an

ongoing genocide, then clearly the Congress's—and the United States—approach to dealing with the government should be different.

I wanted to ask one question about the secession vote. I would be surprised, General, if the South did not vote to secede, under any circumstances. Do you expect the Khartoum Government to honor this vote? And what are the implications of that?

General GRATION. Yes, I believe that they will honor the vote, and I believe that—the agreements that we've made right now, the North and the South have agreed to delink legislations, such that the vote will take place with or without the required legislation.

So, I believe that the vote will happen. And what we understand, that if the vote happened today, they would probably vote to secede, but we'll see what happens in 2011. But, I think that they will allow it to happen.

Senator WICKER. And Khartoum will allow the seceding South to go quietly and peacefully and orderly.

General GRATION. That's what we're working for. We're working for full implementation of the CPA that will allow, at the vote, for there to be unity or a peaceful coexistence. That's what we're striving for with our negotiations and the work that we're doing.

Senator WICKER. Thank you, sir. And thank you, Mr. Chairman.

The CHAIRMAN. Let me just say, Senator Wicker—that was a very important line of inquiry. I want to be declarative, here, because I think it's important.

I believe that General Gration is on the right track. And I think his engagement has saved lives, and it has advanced our ability to be able to advance the peace process, both in Darfur and for the CPA, North and South. And I think the consequences of not doing both would be disastrous. So, we are presented with a difficult situation. I also believe that what was happening in the overt manner of 2004 and 2005 is not happening today.

Now, I'm not going to get caught up in the argument of semantics, General Gration has appropriately said, "You know, we can spend our time doing that." The key here is, Is the Government of Khartoum moving to address the critical humanitarian concerns and advance the peace process itself? If it is, and we have to rely on our experts, we have a very different situation confronting us. And I think that is the key thing we have to look for in our policy, that there are real asks, real measurements of what they're doing, and that we advance that process, and I think that's exactly what General Gration is doing. This timeframe is critical, and it's going to take heavy-lifting by heads of state and by special envoys and others to advance this.

So, with that said, let me invite a seamless transition, hopefully, to the second panel. I need to meet with some folks from the NSC just for a minute. Senator Lugar is going to chair, in my absence, momentarily.

So, General Gration and Administrator Gast, thank you for being here.

We will leave the record open for a week. I know there will be additional questions that will need clarification. Particularly, Mr. Gast, I know you didn't—we just didn't have chance to get to some

of the things we need to know about the USAID program, and we look forward to doing that.

Thank you for being here.

The CHAIRMAN. We invite the second panel to come right up and take their seats. And, Senator Lugar, if you'd chair, I'd appreciate it.

[Pause.]

Senator LUGAR [presiding]. May we have order now so that we are able to progress with our distinguished panel.

And I'll call upon you in this order: First of all, Professor Shinn, then Mohammed Eisa, and then Susan Page.

Would you please proceed, Mr. Shinn?

**STATEMENT OF HON. DAVID SHINN, ADJUNCT PROFESSOR,
ELLIOTT SCHOOL OF INTERNATIONAL AFFAIRS, THE
GEORGE WASHINGTON UNIVERSITY, WASHINGTON, DC**

Ambassador SHINN. Thank you very much, Senator Lugar.

I want to emphasize that the situation existing in Sudan today very much involves the surrounding region. I would also suggest that most of Sudan's nine neighbors would prefer to see problems between Northern and Southern Sudan ultimately resolved, with Southern Sudan remaining united with the rest of Sudan, even though that is not the way it seems to be headed today; with Egypt perhaps most forcefully taking that position.

I think it's clear that a geographically unified Sudan is clearly dependent on the willingness and the ability of Khartoum to make unity attractive to Southern Sudan, and Southern Sudan's willingness to leave the door open to that possibility. Some observers might argue that a breakup of Sudan—and I would suggest that a breakup might very well go beyond just a Northern Sudan and a Southern Sudan, but possibly the breaking off of parts in the North and in the South—some would argue that might be a good thing. I respectfully disagree, so long as Khartoum can make unity attractive to the South. And that is the big question. Should that fail, of course, it is incumbent upon Khartoum to allow the CPA to move forward and the referendum on independence to proceed.

There is a lot to criticize in Sudan. But, I want to focus on a few things—a few areas where there has been progress.

One has been talked about already today; whether Sudan should be left on the list of state supporters of terrorism. I would argue it should not; it should be removed from that list. It is often said that if you remove Sudan from that list, then you remove sanctions on Sudan. That is a misnomer. The web of sanctions against Sudan is so long and so entangled, it would take years to undo that jungle, even if you remove Sudan from the state sponsors of terrorism list.

We've talked a lot today about the highly emotional charge of genocide. I happen to be in the camp that would argue that today what is happening in Darfur does not meet the definition of "genocide" as defined by the 1948 Convention. And I think it does not serve U.S. policy well to continue to call it that, because of the heavy emotional baggage this brings to the question.

I've suggested a series of very specific policy suggestions, some of which have been alluded to earlier today. Just to mention a few

of them, I would try to make one last-gasp effort to make unity attractive in Sudan, perhaps by pulling together a small group of international experts that could sit down with both the SPLM and the National Congress Party and try to identify an agenda where that might still happen. The odds are not good, but nevertheless I think the effort is worth trying.

I think that a much greater effort should be made in resolving the internal difficulties in Chad, working closely with both France and Libya, and that plays out very heavily upon what is happening inside Sudan itself.

I think that United States policy would be well served if what is going on in Sudan involved, more directly, some of the international key actors. And General Gration indicated that may, in fact, be underway now. I think that is a positive move.

I think it's also important that the international community press hard on both the SPLM and the Government in Khartoum to demarcate the border in Abyei that has just been adjudicated by the arbitral tribunal.

And finally, I would suggest that there ought to be pressure on both the SPLM and the NCP to reduce the amount of money they're spending on the military. And I would urge both of them to rebuild their agricultural sectors.

Just very briefly on one or two operational considerations, I would make the argument for upgrading United States representation in Khartoum to the ambassadorial level, from the chargé level. More importantly, I would agree with General Gration that there must be more on-the-ground ability to monitor what is happening in Sudan, and I would try to make a case for the American Presence Program of assigning one person, one American officer, to cities scattered around various locations in Sudan, with maybe one or two local nationals. I think that would give a great advantage to understanding the situation.

Thank you very much, Senator Lugar.

[The prepared statement of Ambassador Shinn follows:]

PREPARED STATEMENT OF DAVID H. SHINN, ADJUNCT PROFESSOR, ELLIOTT SCHOOL OF INTERNATIONAL AFFAIRS, GEORGE WASHINGTON UNIVERSITY, WASHINGTON, DC

I thank the chairman and members of the committee for inviting me to provide a strategic overview and perspective on U.S. policy toward Sudan.

SUDAN AND THE REGION

The conflict in Darfur, the longstanding 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 toward 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 toward 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'Djamena 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 United States-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 United States-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 5 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 intertribal fighting. The Sudan Government armed the militia involved in the intertribal 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 toward 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 chargé d'affaires. It may not seem like an important change, but it is. Representation by a chargé 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 underexpo-

sure. 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.

Senator LUGAR. Thank you very much, sir.
Mr. Eisa.

STATEMENT OF MOHAMMED AHMED EISA, M.D., SUDAN ORGANIZATION FOR RIGHTS AND PEACEBUILDING, WASHINGTON, DC

Dr. EISA. Honorable members of the United States Senate Foreign Relations Committee, my name is Mohammed Ahmed and I am a native of Darfur, Sudan.

First, let me thank you for the invitation to address you today. I also want to publicly thank the Robert Kennedy Center for Justice and Human Rights for their support.

I am honored to testify today before you on an issue so dear to my heart, yet I am saddened by the events which have brought me here today. I am of the Fur tribe, and a leader in my community. In preparing for this testimony, I consulted with a number of Darfur leaders in the ground and in the diaspora, and I stand here today representing many of their views.

I am a medical doctor and have worked in Darfur since 1989. Since the genocide started in 2003, I have personally provided medical treatment to hundreds of civilians injured as a result of the conflict. The injuries have come in various forms: gunshot wounds, rape, torture, beating, and other forms of violence. We are particularly concerned about the deplorable humanitarian situation in the displaced camps which have been aggravated by the expulsion of the 13 international and 3 national organizations by the Sudanese Government—there is a shortage of food and clean water, deterioration in sanitation, and continuation of violence, such as rapes and killing.

The few aid organizations which have been allowed to return to Sudan have not been able to start operating on the ground, because of the lengthy bureaucratic redtape. Further, local activists, such as myself, are being targeted by the government, making it impossible for us to provide much-needed service to our people back at home.

Many of us live outside of Sudan and fear for our lives if we were to return to Sudan. For more than 6 years, we have been crying for peace in Darfur. Peace is urgently needed in Darfur. The Comprehensive Peace Agreement, signed in 2005 between the Sudanese People's Liberation Movement and the Government of Sudan, sets a good precedent for the type of negotiable peace agreement needed in Darfur. The CPA paves the way for democratic transformation, provides for equitable wealth and power-sharing, freedom of religion, and the right to one's own cultural identity. These are the same issues we are fighting for in Darfur. A similar peace accord is needed in Darfur. Further, any peace agreement for Darfur must address the issue of accountability for crimes committed by all parties to the conflict.

But, a conducive environment for peace in Darfur must first be created. Land owned by people in the displaced camps have been occupied by settlers coming in from Mali and Chad. These lands must be returned to their rightful owners in order for this to happen. The Janjaweed Arab militia must be disarmed, and the UNAMID force must be strengthened. This will create a safe environment for the people in the displaced camps to return to their homes.

For sustainable peace in Sudan, we recommend the following:

The United States should urge the Government of Sudan to allow the return and functioning of the humanitarian organizations expelled in March 2009 and remove the bureaucratic redtape which is preventing few aid organizations in Darfur from commencing operations.

The United States 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.

As a key player in the peace process, the United States should call for the timely implementation of provisions in the CPA. We appreciate the priority which the United States has given to Sudan. We hope to continue working with the United States, and 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.

Thank you.

[The prepared statement of Dr. Eisa follows:]

PREPARED STATEMENT OF MOHAMMED AHMED EISA, M.D., 2007 ROBERT F. KENNEDY HUMAN RIGHTS AWARD LAUREATE, SUDAN ORGANIZATION FOR RIGHTS AND PEACE-BUILDING, WASHINGTON, DC

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 Univer-

sity 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 psychosocial 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 psychosocial 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 percent females; 25 percent children; and 10 percent men, mostly elderly. Thirty percent of children under the age of 5 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 Abusorrorge 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 shutdown of the Amel Center in essence means there is no organization on the ground providing both medical treatment and psychosocial support to women and girls who are victims of rape or to victims of torture.

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 percent, compared to 90 percent 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 November 2008, three of my colleagues were illegally arrested and detained for days. They were severely beaten, tortured 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 inquired 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 resettlement, 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 United States 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 redtape which is preventing the few aid organizations in Darfur from commencing operations.

(2) The United States 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 United States 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.

(4) The United States, through the Security Council, should take measures to strengthen the joint United Nations/African Union peacekeeping force, UNAMID.

(5) The United States, 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.

Senator LUGAR. Thank you very much, sir.
Now I'd like to call upon Ms. Page.

**STATEMENT OF SUSAN D. PAGE, REGIONAL DIRECTOR,
SOUTHERN AND EAST AFRICA, NATIONAL DEMOCRATIC
INSTITUTE, WASHINGTON, DC**

Ms. PAGE. Thank you very much, Senator Richard Lugar, ranking member, and honorable members of the committee. Thank you for this opportunity to testify.

As you know, 4 years after the signing of the Comprehensive Peace Agreement the agreement is holding but remains very fragile and full-scale war between the North and South is always at risk of erupting.

Interethnic violence in South Sudan has increased. In Darfur, violence continues, and in Eastern Sudan a shaky peace deal holds.

On June 28, the National Elections Commission postponed elections, for a second time, from February 2010 to April 2010. 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 agreed to allow four international nongovernmental organizations into the country to replace the NGOs that had been expelled after the ICC indictment of President Bashir.

Significant advancement toward peace was made in Abyei, as has already been alluded to. Following last week's ruling by the Permanent Court of Arbitration, respect for the tribunal's decision and the newly drawn map has been agreed to, and, I think, in part is a testament to the presence in Abyei of General Gration and to the senior leadership of the two parties when the ruling was announced.

NDI has worked in Sudan since 2004. Our focus-group research represents the most extensive qualitative information on the opinions of the Sudanese people. NDI has completed 10 focus-group studies, including 6 in Southern Sudan, 2 in the Three Areas of Abyei—Blue Nile, and Southern Kordofan—and 2 in Northern Sudan. As part of these studies, focus-group discussions have been held in 71 locations across the country.

NDI is assisting and developing the capacity of over 75 Southern nonpartisan civil-society and faith-based organizations to serve as domestic election observers through a network called SuNDE, the Sudanese Network for Domestic Elections. 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 outcomes of the elections and the referenda, to build a just and accountable government at all levels.

Our focus-group research in the North, South, and the Three Areas show that the Sudanese strongly support elections as the best way to choose their leaders. They are strongly committed to

participating in elections—and expressed a deep desire to hold their elected officials accountable, something they cannot currently 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.”

Nonetheless, misinformation is widespread, including the number of positions for which people will be voting. And in Southern Kordofan and Blue Nile, a number of people erroneously believe that they will also participate in a referendum.

NDI’s research raises important points and demonstrates Sudanese citizens’ frustration with the incomplete implementation of the CPA. Increased technical assistance and governance capacity-building toward electoral implementation, including the two referendums, are crucial ways to support the Government of National Unity, the Government of Southern Sudan, and the 25 states of Sudan 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 referendums 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 media must be permitted to provide equal access to all competing interests. Additionally, domestic observation of the process—of the electoral process provides Sudanese citizens the opportunity to participate in the democratic life of their country, and to 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.

Thank you very much.

[The prepared statement of Ms. Page follows:]

PREPARED STATEMENT OF SUSAN D. PAGE, NDI REGIONAL DIRECTOR FOR SOUTHERN AND EAST AFRICA, NATIONAL DEMOCRATIC INSTITUTE

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 U.N. 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

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 10 focus group studies, including 6 in Southern Sudan, 2 in the Three Areas of Abyei, Blue Nile, and Southern Kordofan, and 2 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.

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 toward 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.

Senator LUGAR. Well, thank you very much, Ms. Page.

Let me just commence the questioning by following up on your suggestions.

Clearly, the information that could come from the focus groups—perhaps already has—as well as the findings, as you will publish them and discuss them, are critical for these referendums. As you suggest, this information should help to bring about decisions in which citizens have confidence, or even more importantly, that informs them so that they do not engage in violence because of what they perceive to be either incompetence in administration or fraud and abuse.

The National Democratic Institute and the Republican Institute have cooperated for many years in Latin American in the elections, and I can recall vividly the attempts made, really just to help print ballots that were clear, or signals of signs to persons who were illiterate as to what the choice might be, in terms of movements or political parties, quite apart from the counting suggestions of people sitting around a table with each ballot being raised and everybody examining it, procedures that we would find, in the United States now, to be very tedious and beyond the point. But, in the case of first elections in many Latin American countries, this was critical in terms of the credibility, because all of us are looking toward those elections as indicators. Clearly the amount of education about the numbers of positions to be filled, and who, in fact, is going to be up for election—and so, I ask you, what sort of resources do you

or other groups have to make that kind of information available in the 25 states of Sudan? Even that is a daunting figure as one considers all the differentiations.

Ms. PAGE. Thank you very much, Senator.

NDI has received a lot of funding, actually, from USAID, who has made civic education, and now voter education, really quite a priority. So, we do have quite a lot of resources. Our research from the focus groups are consistently published. We publish them, we do briefings in the field, not just for the political leaders, both North and South, and at the state level, but also for citizens, so that they understand where—what people are saying, in terms of the elections.

I don't think that—in a country the size of Sudan, that, frankly, the resources are ever enough, but in order to get to some of those actions, we need clear regulations passed by the electoral commission. They need—people need to be educated, but we can't do all of the educating until we know exactly what we need to tell people. So, that, I think, is a—first and foremost, is that the National Elections Commission is also understaffed and has been slow to publish the regulations to implement the electoral act.

Senator LUGAR. Well, I think this is an important part of this hearing, to illuminate that process, because these are action steps, finally, and decisions to be made by citizens. And the information they have, opportunities they have for choices, integrity of the process, is just tremendously important.

Mr. Ahmed, let me ask you—as so many Americans appreciate your own contribution and humane services to people as a physician, likewise your observations about Darfur, what are the prospects for the many groups within Darfur? Many of them have been involved in contests of their own for authority, or at least for turf, as the case may be. Leaving aside the rest of Sudan, within Darfur, what are the prospects for unity and for at least a healthy Darfur, even if the rest of the world would leave it alone at this point?

Would you respond?

Dr. EISA. Yes. To me—I have been working as a medical doctor and as activist, and we—as a group of Darfurians, we are working with different affiliations and different groups and private groups to come together. And we have formulated what's known as Civil—Darfur in Civil Society, which, almost even the Janjaweed groups find they are incorporated within this civil society, because we think that we are living in the same atmosphere, and we'll continue living in that—in the same Darfur. So, that's our vision, to face the problem of Darfur together, and then, to go further, to find a solution of peace in Darfur as a group, as a civil society, and not just as a question of tribal parties or political parties. So, that's the civil society we are now building in.

But, we are finding difficulties from the government. Our meetings are prohibited, our movements are restricted, and that's one of the problems. We are looking for the peace, and we are trying to persuade everybody that peace is the only solution for Darfur and Sudan.

Senator LUGAR. But—that's encouraging, the progress among groups in Darfur to look for unity, but you're suggesting, on occasion, this is obstructed by the government—

Dr. EISA. Yes.

Senator LUGAR [continuing]. And these meetings and these reconciliation attempts are frustrated.

Dr. EISA. That's what we are trying to do—

Senator LUGAR. Yes.

Dr. EISA [continuing]. Because even the people in the displaced camps and the refugee, they have their leaders, and we always negotiate together to pave the way for peace process, because that's the ultimate result. And that's our ultimate goal for the people in Darfur. And we are really crying for peace.

Senator LUGAR. Professor Shinn, I was intrigued with your thought that neighbors of Sudan, even recognizing the referendums that are about to occur, as well as other phenomenon, all things considered, would like to see one Sudan, one united Sudan, as opposed to a Southern faction or some other split-up. And you even suggested, in the worst-case analysis, I suppose, that there might be more than two Sudans, there could be a fractionated country.

First of all, I'm just curious, why would other countries worry about that? Why does this affect their foreign policy, one way or another? And furthermore, is this a unified feeling of the neighbors, or do other countries have various agendas, perhaps, that work better with a fractionated Sudan? Can you illuminate that situation a bit more?

Ambassador SHINN. Yes. Of the nine countries that border Sudan, I think I could make a strong case that at least six of them would prefer a unified Sudan, when all of this is over with. I would have some question marks on Kenya and Uganda, who may see some economic advantages in having a Southern Sudan that looks South. The situation in Chad is so confusing now that it's hard to decipher what they might want. Normally they would want a unified Sudan, because you have the same problems of bifurcation in Chad, potentially, that you have in Sudan, and that's not a good precedent for them. But the bad relations between Khartoum and N'Djamena complicate that position.

In some cases, it's a very practical consideration. With Egypt, it's Nile-water related. They simply don't want to deal with one or more additional countries that they have to negotiate quotas for use of Nile water. They'd rather just deal with Khartoum and be done with it.

In the case of a country like Ethiopia, they just find it easier to deal with one neighboring capital, not two or three or more. I've had these conversations a number of times with Prime Minister Meles, and he has made very, very clear that the preference is for a unified Sudan. They will obviously accept independence if that comes.

The more interesting part of the question that you raised is perhaps: are some countries interested in having a division in Sudan in order to make Sudan weaker, which might work to their advantage? That is a possibility, and that's why I leave Chad, particularly, in a separate category. I would argue that Chad is the one country that might fall into this situation.

I'm not sure that would be the case anywhere else, even with the Democratic Republic of the Congo or Central African Republic. I think the precedent of division along ethnic lines is more overriding

than wanting to take advantage of smaller entities. And in terms of U.S. interests, I think the last thing we would want to see is a series of countries that are landlocked and poor and dependent upon outside aid, even those that may have oil.

Senator LUGAR. Thank you very much, sir.

The CHAIRMAN [presiding]. Thank you, Senator Lugar.

Thank you all for being here. Appreciate it very, very much.

Dr. Mohammed, what—how would you describe—we were—we had that little discussion here about, sort of, what's going on in Darfur today, and what the situation is on the ground. You may have already addressed this, and I apologize if so. But, I'd like to hear your description of that. How would you describe what is happening on the ground today in Darfur?

Dr. EISA. Thank you. I think what's happening in Darfur—and I have been living there from—for more than 20 years, in Darfur—it is a question of oppression of one culture, African cultures are denied. Second, the Darfurians are not—don't have equality in sharing in power or wealth. And they are really marginalized. And with all indicators which show the situation, I think it's a very dire situation.

Now, what's happening after the war, I think the people are now crammed in more than 100 displaced camps, and you have seen—you have seen what's happening in the—that's not a camp, for me that's not a camp. Anyhow, they are living in that very dire situation. But, the question is that—everybody in Darfur wants to go home. That's a very vital—even if no compensation are given. But, there are preconditions which should be fulfilled. The question of the land which is occupied by the other settlers—the government brought other settlers and they now occupy the land of the displaced people. Even if they try to go home, they can't go there, because they are armed and they are—they have settled in—

The CHAIRMAN. The government—

Dr. EISA. Yes, the Government of Sudan.

The second problem is that we need UNAMID to be empowered and to take—to implement its mandate in the Sudan and the Janjaweed militia should be disarmed and demobilized so that it will produce a conducive environment for people to go home and start their normal life in their home. I know they are coming from very fertile land in very good areas, and nobody's liking to live in that difficult situation.

The CHAIRMAN. Right.

Dr. EISA. So, to me, I think it is very difficult to see. And I have seen catastrophes. But, let me say that, within today, the rape is continuously going on, killing is continuously going on. And you can't get out from the camps, go to anywhere. And the problem with that, the—we want the international community to understand that in Darfur we don't have infrastructures. And the mechanism of—

The CHAIRMAN. You don't have what, sorry?

Dr. EISA. Infrastructures.

The CHAIRMAN. Yes.

Dr. EISA. So, we need that. That's very basically needed. And we think that the question of helicopters or—

The CHAIRMAN. Right.

Dr. EISA [continuing]. Other mechanism should be more—should have the upper hand to control the situation than just by normal—

The CHAIRMAN. In terms of the current dynamic of the principal rebel groups, they're certainly not engaged the way they were in the kind of confrontation that was going on. But, the question I'd ask you is—I think one Senator, Senator Menendez, mentioned we've had three or four envoys; we've gone through a number of "getting close to agreements"; we've gone through a number of agreements; and within hours, or days even, of the agreement, people have walked away, and it's fallen apart, and so forth. Is there something that is alive today, in this moment, that you think is different, that we can capitalize on? Or, are we stuck in the same sort of dynamic where we go around, we'll get—you know, we'll go through this, sort of, meaningless agreement process?

Dr. EISA. I think it's a question—it's not a matter of how much agreements people are—do. It's a question of, Is there a political will to implement and to make things easy?

The CHAIRMAN. And the political will has to be by all the parties.

Dr. EISA. The Sudan Government. Because—the rebel factions—if this—and this is what I stated, because the implementation of CPA is very mandatory, so that it gives us the trust and the confidence—

The CHAIRMAN. Right.

Dr. EISA [continuing]. That the coming peace will be implemented.

Now, the rebel factions—

The CHAIRMAN. What's your judgment about that will? Is the will there now, in your judgment?

Dr. EISA. To me, I know what's happening in the Sudan Government is still—the Sudan Government had never made—determined to make a political will for—to solve the problem of Darfur, and a political mechanism, but it wants to continue the military-option phase than any other option.

The CHAIRMAN. Ambassador Shinn, what do you say about that?

Ambassador SHINN. It's very hard to read, obviously, the minds of the people who are running the Government in Khartoum. I do see, however, a willingness to reach out to governments, like the American Government, for perhaps the first time in a long time, and I think that ought to be pursued rather than rejected.

It may not lead anywhere, and it will be unfortunate if it doesn't, but I think that General Gration is essentially on the right track by reaching out, seeing what is there, and seeing if there can't be further moves by the Government in Khartoum to do what has to be done to resolve, not just the problem in Darfur, but implementing the CPA.

I am a little bit optimistic on this, not real optimistic, but a little bit.

The CHAIRMAN. So am I, actually. I think it is possible to put the dynamics together. Very, very tough, big issues.

Ms. Page, maybe you want to comment on the—how you see the North-South process within CPA, and the biggies of citizenship, borders, and wealth-sharing.

Ms. PAGE. Thank you, Senator Kerry.

I believe, actually, that some of the suggestions outlined by Ambassador Shinn are quite right. I think the region really has to be considered. Africa does not have a long track record of appreciating other independent states on its borders, and especially the fact that Sudan—if the South votes to secede, we need to have a process of how we're going to help both the Government of National Unity, which, of course, is an integrated government, but to help the North and the South put in place the mechanisms that would make that happen.

So, what General Gration talks about, whether it's unity or a peaceful coexistence, a peaceful separation, how do we do that? And I think that we have to help—it's partly through elections and the other political processes. But we have to make it less of a zero-sum game, so that it's not only a winner and a loser. And that's what they saw with the Abyei ruling, that both sides saw that they won something. And that's part of why it has been accepted without any violence, so far.

The CHAIRMAN. But how do you explain the rise in violence in the South? I mean, there is increased violence there in certain areas. Do you view that as localized tribal confrontation, or is it North-South?

Ms. PAGE. I would say it's a little bit of both. But, ethnic tensions are very much on the rise. I mean, one quote states that they were—there was—there were more deaths in Southern Sudan from ethnic violence than there was in Darfur.

The CHAIRMAN. Right.

Ms. PAGE. That's a scary statistic. I don't think that—I think if we—if the international community doesn't, sort of, rally around to try to take out some of the—again, that zero-sum game, the—making it an all-win-or-lose, or, you know, all-or-nothing situation, then we don't take away the incentives for the government to put spoilers in the mix. That's how governments around the world—it's nothing unique to the Government of Sudan. But, if we don't take away some of those possibilities by giving them some real thoughts of how they can work through some of these processes so that the outcome of the elections will be respected, the outcome of the referendums, the two, for Southern Sudan, as well as for Abyei—will be respected, and respected without violence.

So, I think if we could get international supporters together, people with different experience, as Ambassador Shinn has suggested, I think that that—it's worth a try to, again—you know, what do you do, the pipeline is not in Southern Sudan? The oil is there, but the pipeline isn't. So, there has to be some sort of mechanism. What are they going to do with the revenue, post-2011?

The CHAIRMAN. Unfortunately, we are running up against the clock, here, folks, which I regret enormously, because we could obviously go on publicly here for some time. We're going to need to, again, leave the record open so we can follow up with you.

But, let me just try to close out a couple of quick questions, if I can.

Dr. Mohammed, the Darfur Peace Agreement, as well as the CPA, many people felt, lacked a sufficient civil-process input. Could you just share with me, very quickly, what—how can we make sure

that the civil society is properly heard in the process of this initiative, or effort, with respect to Darfur?

Dr. EISA. I think the—

The CHAIRMAN. Ambassador Shinn, I'd like you to also—

Dr. EISA. Yes. I think the Darfur Peace Agreement failed because the civil society was not incorporated, and other things. But, we think now the civil society is almost ready, and—apart from the obstruction made by the Government of Sudan. But, we think that the situation is more there now, and everybody is longing for peace. That is a good momentum; we have to make use of it.

The other things are—even the rebel factions, I think they are just waiting to see a suitable momentum, where they can just push in and continue the negotiation. And Doha may be a good momentum, but we need that—there must be a—the feel that the Government of Sudan is really determined to find a solution for the problem of Darfur. Let them give their hope that—let the international organizations go back to help the IDPs. Let the civil society move together, so that—to find a solution for, and to make their position for, the peace and—come together to peace. Let the rebels—if the civil society is ready, and those in the displaced are ready, then they have no choice, except to accept that thing.

And I think the—we and the United States, as a trusted country, with the aid, with the international community, for sure will reach a peace very soon.

The CHAIRMAN. Mr. Ambassador.

Ambassador SHINN. Mr. Chairman, I don't mean to sound too Pollyannaish on this, but the key clearly is the Government in Khartoum, and particularly the National Congress Party, in having a change of approach to what it does, or how it receives Darfurian civil society, in terms of bringing them into the process. They have to be convinced that this is in the interest of Sudan and in the interest of Darfur, generally.

I think that it is incumbent upon the international community—certainly including the United States, but not just the United States—to use this opening that the United States and the international community seem to have, to press this point and to make it clear to Khartoum and the NCP that this is the occasion to turn a new leaf, to bring more Darfurian civil society into this. I agree with you wholly, it's critical to do that.

I don't think the other groups would disagree with this, and the SPLM component of the Government of National Unity would probably be supportive of this. So, I think there's an opening to do something here.

The CHAIRMAN. Well, I think that's a good note, both of you, in your comments—unless, Ms. Page, you wanted to add to that—but I think that's a good note to pull this together on. A little optimism, and a sense of what is possible. I personally believe that.

I think some of those rebel groups, frankly—it was my perception over there—are taking advantage of their Toyota Land Cruisers and their guns and some money that flows their way, and there's not a lot of liberation theology driving many of them these days. [Laughter.]

So, I think we need to really call things as we see them, and press the opportunities here to bring people together to try to resolve this.

And we are greatly admiring, Dr. Mohammed, as you know, of your efforts over all these years. Thank you so much for your courage and your leadership.

And thank you, all of you. The National Democratic Institute, Susan, we greatly appreciate what you're doing.

As I said, we will leave the record open. I know there will be some questions submitted, and if you could help us complete the record, that would be terrific.

So, thank you. It's been very helpful to everybody.

Senator Lugar, do you have any other—

We thank you, and we stand adjourned.

[Whereupon, at 12:29 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. CHRISTOPHER J. DODD,
U.S. SENATOR FROM CONNECTICUT

Mr. Chairman, thank you for holding this important hearing on U.S. policy toward Sudan. This past month U.S. diplomats hosted a forum in Washington to bring together representatives from dozens of countries, NGOs and other Sudan experts to discuss the Comprehensive Peace Agreement and develop an effective multilateral way to proceed on Sudan. Positive signals emerged from this meeting, but North-South relations still remain tense, and the ongoing violence in the Darfur region continues unabated. The policies of Sudanese President Omar Bashir in Darfur have led to the murder of hundreds of thousands of innocent people, which is why I hope that the President will continue to apply forceful pressure on the Sudanese Government to end the violence in Darfur and hold those accountable for the atrocities committed there.

I want to take just a moment to discuss the Sudan Accountability and Divestment Act of 2007, which I authored along with my colleague Dick Shelby in the Banking Committee. This bill empowered our country's State and local governments to divest from companies with business operations in Sudan. The international community has condemned President Omar Bashir for his role in authorizing this genocide, and he has been indicted by the International Criminal Court for these crimes. Given the worsening situation in Sudan, we thought it was imperative that we help strengthen the growing movement in the United States of those interested in divesting from Sudanese businesses whose presence serves to bolster and support Sudan's Government, enabling its security forces, and those militias responsible to them, to continue to commit these atrocities.

To that, we were deliberate in targeting four specific economic sectors widely recognized as key sources of revenue for the Sudanese Government: oil, power production, minerals, and military equipment. According to one former Sudanese Finance Minister, 70 percent of the Khartoum Government's share of oil profits was spent on military equipment used to bolster militias like the Janjaweed.

This legislation represents part of the wide-ranging effort being made to maintain pressure on the Sudanese Government and to effect positive change. But, Major General Graton, as you know, much work remains to be done. A more forceful international diplomatic effort must be made to ensure that violence stops in Darfur, that humanitarian aid begins flowing again and that NGOs expelled from the country after the ICC indictments were issued, be allowed to reenter. I want to thank Major General Graton for his hard work so far in striving to ensure that the implementation of the CPA continues to in peaceful and stable ways and for his close work with regional and international allies in achieving a positive outcome in Sudan. That is no small task, indeed it might be one of the toughest challenges we face, but it is absolutely critical that we and the international community bring relief to the people of Darfur and a stable and lasting peace to Sudan.

RESPONSES OF SPECIAL ENVOY SCOTT GRATION TO QUESTIONS SUBMITTED BY
SENATOR RUSSELL D. FEINGOLD

Question. In your written testimony, you said that engagement means frank dialogue about “how the bilateral relationship could improve if conditions on the ground transform.” What specific steps would we take to improve our bilateral relationship with Sudan and under what conditions would you recommend we take these steps?

Answer. We believe that steps to improve our bilateral relationship should be linked to specific actions by the Sudanese, such as meeting Comprehensive Peace Agreement (CPA) implementation goals, implementing a sustainable solution for the Darfur crisis, refraining from further regional destabilization, and improving and sustaining counterterrorism cooperation. We are currently taking several steps to open dialogue with actors in the Sudanese Government and in the wider region to help facilitate these outcomes. Commencing a constructive dialogue is the first cautious step toward improved bilateral relations. Real improvement and actions on the part of the USG to acknowledge this improved Sudanese behavior should only occur after we have seen a tangible, irreversible improvement of conditions on the ground in Darfur, serious engagement in a Darfur peace process, and important CPA benchmarks being met. The nature of the steps we could take will depend entirely on Sudanese actions and would need to be coordinated on the U.S. side through the interagency process and in close consultation with Congress.

Question. Can you comment on the cohesiveness of the National Congress Party right now, particularly given press reports that Vice President Taha has been out of the country for a month amid rumors that he’s had a falling out with President Bashir? Are there signs of cracks within the regime, or major differences on policy approach to Darfur or CPA implementation that have led you to believe a strategy of bilateral engagement will bear fruit?

Answer. We are not in a position to speculate with any confidence about internal relationships within the Bashir government. It does appear, however, that National Congress Party (NCP) actors have begun behaving more consistently with regard to Darfur and Comprehensive Peace Agreement (CPA) implementation since the ICC indictment of President Bashir; perhaps the indictment prompted Bashir to tighten his inner circle of confidantes. We are anxious to see if the increased consistency might help achieve a lasting resolution of the Darfur conflict and full implementation of the CPA. In any event, we will continue to strive to extract commitments from Khartoum that can be verified by tangible, positive action on the ground.

Question. As you know, more than 2 million people have been internally displaced in Darfur by the fighting and instability there. What do you see as the conditions for the sustainable return of these IDPs to their villages and do you think we are at that point?

Answer. In order for voluntary returns to take place, increased security must be a fundamental precondition. I have taken several trips to Darfur since I began as the Special Envoy to Sudan, and I have seen that security conditions on the ground appear to be improving.

While IDPs continue to cite insecurity as the primary obstacle for return, additional deterrents include uncertainty of compensation if they leave the IDP camps, unavailability of former homes and farms (some have been occupied), lack of livelihood opportunities, the desire by some to continue the “urban” lifestyle, and some dependency on humanitarian assistance in the camps. The majority of “returns” to date have been seasonal in nature and linked to agricultural production. A tremendous amount of work still needs to be done in order for people to be able to appropriately, voluntarily, and sustainably return to their villages with their dignity and human rights intact.

I would like to stress that any return needs to be voluntary, appropriate, and in accordance with international norms and standards. The Government of Sudan holds the primary responsibility for establishing and ensuring adequate, appropriate, and sustainable conditions for IDP return and settlement. The international community stands ready to support Darfuris willingly returning to their villages when an independent body has verified that they are indeed returning willingly, and confirmed appropriate conditions in areas of return. Specific care should be taken to avoid the creation of inappropriate pressures to return, or a false sense of safety, and to uphold the principles of impartiality and neutrality.

I also believe that despite ongoing instability and other issues, we must start to plan for the day when significant numbers of voluntary returns can occur. USAID already programs significant funding for assistance outside of IDP camps to address

the key vulnerabilities caused by the conflict, including reduced access to health facilities, limited availability of agricultural inputs, disruption of agricultural and market systems, and strained resources among communities hosting displaced populations. During small scale and larger scale returns, USAID humanitarian assistance will continue to be based on assessed needs, not on population categories such as IDPs, pastoralists, or returnees.

Conditions are slowly improving, and we continue to push resumption of the Doha peace process. We would be doing a disservice to the people of Darfur if we did not begin to think ahead to future needs, such as assistance for agriculture or development, when significant voluntary returns do take place.

Question. I regularly hear from people across Wisconsin, many of them involved with Darfur Action Coalition Wisconsin, who want the United States to do more to end the crisis in Darfur and help build peace in Sudan. Because of the President's and Vice President's statements during the campaign, many of them expected that this would be a top priority for the administration. As you pursue your strategy, what are you doing to draw upon the widespread public interest in this issue and involve Wisconsinites and other Americans who care deeply about Sudan in your efforts?

Answer. We are very interested in public outreach and are working on several levels to expand our communications and to engage with the large community of Americans who are deeply passionate about the issues facing Sudan. Recently, we developed a listserv that enables us to regularly send out updates, and to date nearly 8,000 people have registered through the link on the special envoy's Web page (www.state.gov/s/sudan) for these regular e-mail updates. We hope to build on this and explore more avenues that will facilitate getting the message out about our efforts in Sudan.

Additionally, we are engaged in active and ongoing discussions with key organizations in the advocacy community. We consider it crucial to actively engage this very large constituency and to keep them informed about our activities and progress in Sudan and to help give them a voice in our discussions with the Government of Sudan. To this end, our office and the NSC recently convened a meeting at the White House with many of the leaders of the advocacy community to continue this dialogue and to discuss ways that the advocacy community and ourselves can collaborate and work together to further advance the goals of peace and stability in Sudan. We will continue this outreach and appreciate that many of your constituents are so actively supporting peace in Darfur.

Question. I strongly believe that a lasting political solution in Darfur also requires attention to the instability and internal causes of conflict within Chad. Do you consider Chad part of your mandate and if so, how does it interlink with the Sudan policy under development and what steps are you taking to address the political and security situation there?

Answer. Ending the ongoing proxy war between Chad and Sudan is essential to ensuring a lasting peace in Darfur and the region. While Chad is not officially part of my mandate, I am working closely with Assistant Secretary for African Affairs Johnnie Carson and the Office for Central African Affairs on issues related to Chad. I have visited Chad twice since being appointed Special Envoy to Sudan, and I continue to maintain close contact with President Deby as well as several other important Chadian leaders.

Bringing peace to Sudan is very clearly part of my mandate, and in order to do this we must strive to end the cross-border conflict between Chad and Sudan. This requires an internal Chadian political reconciliation process, which is part of the broader Chad-specific strategy being implemented by the Bureau of African Affairs. Therefore, while I consider it within my mandate to work on issues related to the improvement of bilateral relations between Chad and Sudan, I do this in very close coordination with and in a supporting role to the Bureau of African Affairs.

RESPONSES OF SPECIAL ENVOY SCOTT GRATION TO QUESTIONS SUBMITTED BY
SENATOR BARBARA BOXER

Question. During the last week's hearing, you said that the consequences of the U.S. designation of Sudan as a state sponsor of terrorism and the sanctions linked to it are hindering the United States ability to rebuild Sudan and contribute to its development as a viable nation.

But I remain very concerned that simply lifting sanctions could reward Sudan without securing assurances that the Sudanese Government will take steps to end conflict in the Darfur region and in the South.

Furthermore, as I understand, the United States is able to provide foreign aid to Sudan through nongovernmental organizations for humanitarian purposes and existing sanctions have been lessened in Southern Sudan.

- If you believe that sanctions are impeding development in Sudan, have you explored additional exemptions or the proper administration of existing exemptions until the Government of Sudan proves itself a good faith actor?

Answer. The administration is not currently considering the removal of existing domestic sanctions against the Government of Sudan or any named individuals or entities. I would be strongly opposed to lifting sanctions against the Bashir regime or the sanctions that prohibit the procurement of military equipment by Sudan. Our goal is to keep pressure on the Khartoum government. However, I am very concerned about how the broad array of U.S. sanctions against Sudan may hamper development in conflict-ridden regions, specifically in the South and Darfur. Congress did ease certain financial sanctions on the South and Darfur, but many restrictions remain in place.

We are undertaking a thorough review of all U.S. sanctions in place against Sudan in order to develop a comprehensive picture of all our options. We have not completed this assessment yet, but I would be pleased to share our findings when the assessment is completed to determine how we might work together to develop the tools we need to expedite humanitarian assistance and to facilitate needed development in Southern Sudan.

Question. As you well know, Sudan's recent national census has been largely contested by officials in Southern Sudan and Darfur. The census is an important step leading up to the 2010 elections.

On July 24, Alain Le Roy, the Under Secretary General for Peacekeeping Operations at the United Nations, said that, "the contested census, large-scale displacement and volatility—particularly in the area bordering Chad—create enormous risks that the people of Darfur will not be in a position to participate in the electoral process."

- In view of the concerns surrounding the accuracy of the census, and the possibility that Darfuris may not participate in the upcoming elections, do you believe the elections will be fair?
- How will the outcome of the 2010 elections affect the Darfur peace process and the representation of Darfuris in the Government of Sudan?

Answer. Sudan's national elections, scheduled for April 2010, are a key milestone in implementation of the Comprehensive Peace Agreement and, we hope, a positive step toward democratic transformation in Sudan. The United States continues to support and encourage credible, peaceful, nationwide elections in Sudan, including in Darfur. We are working with all parties to ensure that the peace process and elections in Darfur complement each other. We believe voting should take place in all parts of Sudan unless legitimate security concerns prevent voting in certain places at that time, and we believe it is far too early to make any such determination. The upcoming elections provide a rare, nonviolent opportunity for Darfuri civilians to make their voices heard about issues that affect their lives and we are encouraging Darfuris to get involved in electoral preparations and in the elections themselves. However, we recognize that the absence of a viable peace settlement that genuinely addresses Darfuris' underlying concerns magnifies the current challenges to electoral preparations and the process itself.

With less than 9 months to go, these elections face many challenges. Political challenges, logistical hurdles, limited infrastructure and, security risks in southern Sudan, Darfur, and other areas continue to hamper preparations. We are pushing all parties to complete the necessary legal reforms and resolve the ongoing dispute over the use of census results to allow for an open campaign environment. The United States is providing a significant amount of technical expertise to assist Sudanese authorities to prepare for and undertake this landmark national process. We are working with Sudanese authorities to ensure that all Sudanese have access to, and are educated about, the electoral process and have the tools they need to make informed electoral decisions. We are also providing support to facilitate international and domestic monitoring, to build voter confidence and technical competence to help ensure credible elections.

Question. Could you please share with me your detailed plan to ensure implementation of the Comprehensive Peace Agreement (CPA)? What specific benchmarks and deadlines have you laid out and what progress would you like to see within the next year?

Answer. Efforts to support implementation of the Comprehensive Peace Agreement (CPA) will continue to be our focus. We are at a critical point in the implemen-

tation timeline as we enter the final stage of the Interim Period. It is with a renewed sense of urgency that we are pushing for the parties to fulfill their responsibilities under the CPA. We are working directly with the two parties to the agreement—the National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM)—to overcome roadblocks to implementation.

We hosted the Forum for Supporters of the CPA in Washington—an event that brought together high-level representatives from more than 34 countries and organizations to pledge their renewed support to ensuring full implementation of the CPA. We also used the opportunity to encourage the international community to deliver on commitments they have made on resources that will aid CPA implementation. Together, the forum participants agreed on coordinated action plans to ensure the international community stays on the same page over the next several months. We intend to hold another forum before Sudan’s national elections in April 2010 to ensure the momentum continues.

In the context of a trilateral dialogue, we are encouraging the two parties to work with each other directly. Through this process of dialogue, the NCP and SPLM have moved to resolve many of the disputes that have been hindering full implementation of the CPA. We have charted a path forward for 10 of 12 issues identified by the parties as potential obstacles, including acceptance and implementation of the Abyei arbitration decision, demarcation of the North-South border, improvement of security and wealth-sharing arrangements, and some arrangements related to elections. Only two issues remain outstanding; how to utilize the census results and the structure and process for the January 2011 referenda. The trilateral process is ongoing, and I will return to Sudan in mid-September to meet with the leadership of both parties to finalize the points of agreement.

Already we have witnessed the peaceful rollout of the Abyei decision, acceptance of the decision by both parties, and moves to begin its implementation. And in the last few weeks, the North has returned funds owed to the South and allowed Southern inspectors to audit its oil-related records. With less than 18 months until the referenda on self-determination for Southern Sudan and Abyei, the parties must achieve significant milestones, including national elections in April 2010, popular consultations in Southern Kordofan and Blue Nile states, and preparations for the referenda and post-referenda era. While I expect significant progress in the coming months, I know there are many challenges ahead, and the U.S. Government, in cooperation and coordination with other members of the international community, will continue to work with the parties to address and resolve new issues as they emerge.

RESPONSE OF SPECIAL ENVOY SCOTT GRATION TO QUESTION SUBMITTED BY
SENATOR ROGER WICKER

Question. What is the official administration position with regard to whether a genocide has occurred in Sudan? If so, is the genocide currently underway? Who does the administration believe is guilty of genocide?

Answer. The President has made it clear that Sudan is a priority for this administration. The President has referred to “genocide that’s taking place” in Darfur. My focus is now on reversing the dire ongoing human consequences of genocide—ensuring that the militias are disarmed, displaced persons can return to their homes, and the people of Darfur who have suffered so much can live in peace and security.

In light of ongoing court cases, it would be inappropriate for my office to speculate on the guilt or innocence of any party.

RESPONSES OF SPECIAL ENVOY SCOTT GRATION TO QUESTIONS SUBMITTED BY
SENATOR ROBERT P. CASEY, JR.

Question. As we plan and conduct our foreign policy in Sudan, it is essential that we are clear about our goals and objectives. Equally as important is the ability to react to the ever-changing circumstances on the ground. We only acquire this ability by planning for a range of scenarios and outcomes in advance. The next 18 months in Sudan are critical. Within this time period, national elections are scheduled for 2010 and a referendum on separation for 2011. These two dates are potential flash-points for conflict.

- General Gration, do you believe that Southern Sudan will have the ability for self-sustaining rule by 2011?

Answer. It is possible for Southern Sudan to achieve self rule by 2011, but it should be noted that an underlying element of the Comprehensive Peace Agreement

(CPA) is to make unity attractive. We will continue to do all we can to help prepare Southern Sudan for a possible vote for secession. However, in tandem with this effort we need to work with both the North and the South to help them resolve their differences and create a more peaceful and stable coexistence.

While much has been accomplished since the signing of the Comprehensive Peace Agreement in 2005, Southern Sudan has much to do before the 2011 referendum if it is to self-govern. Most notably, Southern Sudan needs to continue to improve governance, professionalize its armed forces, and establish a sustainable and diversified economy which is not totally dependent on oil revenues. Southern Sudan remains challenged in attracting investment and developing economically, in part because of the array of sanctions placed on Sudan by the United States, which affect both North and South Sudan. Congress has provided authority to provide certain types of assistance to South Sudan but other sanctions (e.g., certain export restrictions) that impact the South remain in place.

Question. General Gration, if Southern Sudan were to vote for secession, what type of assistance would be required from the United States and what type of assistance is the administration ready to provide?

Answer. Should Southern Sudan vote for secession in 2011, USG and international assistance would be vital to ensure that it does not become a failed state. Our existing nonemergency programs are focused on building and strengthening the South's economic, governance, health, education, rule of law and security capacities, and these types of programs will likely remain critical beyond the 2011 referendum whether the outcome is unity or secession.

In order to be prepared for any scenario, we are studying recent examples of newly independent states, such as Kosovo and East Timor, to better understand the process, as well as actors, of state-building in post-conflict settings. This will help inform the development of appropriate U.S. and international responses. These analyses, however, should be carefully balanced and reconciled with the outcomes of current negotiations being undertaken between the Government of Sudan and the SPLM to resolve post-2011 concerns not addressed in the CPA. This framework would provide a foundation upon which targeted assistance could be designed and planned.

I would note, though, that while the United States is committed to supporting a peaceful and democratic implementation of referendum results, the Southern Sudanese must take the lead in ensuring a stable and prosperous future.

RESPONSE OF ACTING ASSISTANT ADMINISTRATOR EARL GAST TO QUESTION
SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

Question. As we plan and conduct our foreign policy in Sudan, it is essential that we are clear about our goals and objectives. Equally as important is the ability to react to the ever-changing circumstances on the ground. We only acquire this ability by planning for a range of scenarios and outcomes in advance. The next 18 months in Sudan are critical. Within this time period, national elections are scheduled for 2010 and a referendum on separation for 2011. These two dates are potential flash-points for conflict.

- Mr. Gast, what programs is the United States currently undertaking to strengthen Southern Sudanese governance capabilities and democratic institutions?

Answer. The U.S. Government's objective in governance is to promote transparency, accountability, and participation in government institutions. These elements are especially critical in post-conflict environments, such as Southern Sudan, where government must have the capacity to deliver public goods and peace dividends in order to maintain legitimacy, consolidate peace established under a negotiated peace agreement, and ultimately sustain democratic reform. The U.S. Agency for International Development (USAID) and the State Department coordinate closely to achieve these objectives through a variety of programs.

Building the capacity of the Government of Southern Sudan (GOSS) is a cornerstone of U.S. Government strategy. Since 2004, prior to the formation of the GOSS, the U.S. Government, through USAID, has been providing assistance to build capacity, transparency, and accountability of governance structures in the South as a central tenet for successful implementation of the Comprehensive Peace Agreement (CPA). Our assistance initially aimed to enable the GOSS to perform the essential tasks of government at a basic level.

Our strategic focus has been on establishing core public sector executive functions, through support to key GOSS Ministries, Cabinet Offices and independent Commis-

sions. This includes developing sound financial management systems, sound budget formulation practices, stable executive decisionmaking structures and processes, policymaking processes, a professional civil service, human resource systems, and institutional management systems. As a result, these new institutions are now functioning at a basic level. Revenues are coming in, payments are being made, and a legal framework is being built. Nevertheless, development gains have been slow, and many fundamentals of governance continue to need improvement.

USAID has also supported improvements in the technical capacities of GOSS institutions critical for implementation of specific CPA milestones. Technical assistance and commodities support to the nascent South Sudan Commission for Census, Statistics, and Evaluation enabled it to successfully conduct the recent census in Southern Sudan. USAID is also currently providing technical assistance to the National Election Commission and its constituent bodies, which include the South Sudan Election High Committee, to help them design and implement credible national and state-level elections in 2010.

USAID has also expanded this type of targeted assistance to Southern state and local governments along the North-South border and in the Three Areas to support the CPA's decentralization agenda and promote stabilization in these areas at high risk of conflict. In the short term, USAID assistance will assist local government to deliver basic services and peace dividends, and in the long term will build local capacity to assume this role.

USAID assistance has also flexibly responded to emerging needs of the GOSS. For example, in response to the recent financial difficulties faced by the GOSS, the USG played a critical role in developing a GOSS-donor compact to strengthen fiscal sustainability within the GOSS in preparation for the referendum in 2011. In support of this initiative, USAID and other donors are designing a program that will provide support for the compact's three pillars: Enhanced Fiscal Responsibility, Strengthening Public Financial Management, and Accelerating Private Sector-Led Development.

In rounding out the nongovernmental dimensions of good governance, USAID has provided support to develop and strengthen citizen participation in governance, including civil society organizations, political parties, and media, and access to information, civic education, and enhanced dialogue between government and citizen groups.

Looking toward the future, USAID is now working with the GOSS and other international donor partners to assess the GOSS' current capabilities to provide for basic citizen needs and carry out key functions, and to prioritize the GOSS core functional capacities that are deemed essential to ensure that the GOSS functions effectively as it prepares for 2011 and beyond.

PREPARED STATEMENT OF SAVE DARFUR COALITION, WASHINGTON, DC

Mr. Chairman, Ranking Member Lugar, and distinguished members of the Senate Foreign Relations Committee, the Save Darfur Coalition appreciates the opportunity to comment on the critical issue of peace in Sudan.

The Save Darfur Coalition represents over 180 faith-based, advocacy, and human rights organizations that all support an end to the genocide in Darfur and a comprehensive peace for Sudan.

Sudan policy is at a critical juncture. With the Comprehensive Peace Agreement between Khartoum and the Sudanese People's Liberation Movement fraying, with the date for national elections in Sudan nearing, and with no demonstrable progress being made in Darfur on peace, protection, or justice, the United States must decide whether it is willing to invest the time and effort into developing and implementing a comprehensive strategy for Sudan that has a reasonable chance of success.

Let us be clear on the facts. The humanitarian situation in Darfur remains dire. Over 2.7 million Darfuris reside in internally displaced persons camps and another 300,000 reside in refugee camps in Chad and the Central African Republic. Over 4 million people in Darfur are reliant on humanitarian assistance.

While the security situation in Darfur has improved from the systematic destruction of villages in the 2003-2005 period, the people of Darfur remain extremely vulnerable in a lawless, dangerous environment, lacking the most basic human rights. On March 4, the Sudanese Government demonstrated its ability to cut off humanitarian aid at any moment from the 4.7 million Darfuris who depend on it. Rape continues to be a daily terror as the Sudanese Government refuses to take the most basic actions to end impunity for the perpetrators of gender-based crimes.

The mass violence perpetrated by the Sudanese Government several years ago has been replaced with the harassment, detention, torture, and murder of Darfuri

and Sudanese human rights and civil society leaders. This violence led a significant number of Sudanese human rights defenders to flee the country shortly after March 4.

The African Union-United Nations Peacekeeping Force (UNAMID) remains woefully underresourced and largely unable to fulfill its mission. Meanwhile, impunity reigns throughout Sudan despite the International Criminal Court's indictment of three Sudanese for war crimes, including President Omar al-Bashir.

The situation in the South is no better. Political and economic pressures have led to increasing intertribal violence, and some humanitarian organizations have said the number of deaths directly caused by violence is actually higher in the South than in Darfur. The Government of South Sudan is increasingly seen by its constituents as ineffective and budgetary pressures have left it at times unable to pay its soldiers and civil servants.

With national elections now scheduled for April 2010, all of these elements could quickly explode into a Sudan-wide conflagration.

We are concerned that over 6 months after his inauguration, President Obama has yet to release the results of the administration's Sudan policy review. The appointment of Special Envoy Scott Gration was a welcome development, but without clarity on the policy he is supposed to implement, both he and the international community are at a disadvantage when negotiating with the Government of Sudan.

Moreover, we have expressed concern at some apparent disconnects between various actors within the Obama administration on Sudan policy. While we understand that the interagency process is inherently messy and that there are many strong opinions about the best approach to take, President Obama must ensure that his administration speaks with one voice by enunciating its policy for Sudan at the earliest opportunity. Division within the administration, or even the perception of division, simply plays into the hands of the Government of Sudan and its defenders.

We have seen no evidence to date that the Government of Sudan is any more willing to make the necessary concessions to achieve peace than it has been at any point since the conflict began. Allowing some humanitarian organizations to reenter Darfur wearing different hats after the Government expelled them on March 4 is not a sign of an increasing willingness on the part of the Sudanese Government to cooperate. It is an admission that they cannot sufficiently address the humanitarian situation on their own and did not want the situation to spiral out of control to point where the international community would be compelled to act. Such "concessions" on the part of the Sudanese Government are hollow.

President Bashir's favorite tactic is to delay true reforms by creating crises that distract the international community, allowing him to never actually fulfill any of his promises. The March 4 expulsions are one such example. The international community rewards this tactic by focusing on the crisis of the moment rather than a comprehensive solution. This is partly why the national elections originally scheduled for 2009 have been twice delayed, and many speculate that credible elections may never take place. Bashir is using cooperation on the implementation of the CPA as leverage to resist international pressure on Darfur. And it is working.

The United States and the international community have failed to develop policies suited for dealing with a regime that lacks a fundamental willingness to transform into the democratic state envisioned by the CPA. Special Envoy Gration correctly speaks of the need to create space for the Sudanese to resolve their own issues. But these issues will not be resolved satisfactorily between just the ruling National Congress Party (NCP) and SPLM or the NCP and the Darfuri rebels. All of Sudanese civil society must be empowered to participate in these processes.

The United States must understand that Sudan's crises cannot be managed forever or resolved individually. Only when the international community demands serious judicial and democratic reforms which lessen the grip of the NCP over the entire country will there ever be a chance to resolve the crises in South Sudan and Darfur and move toward enduring peace.

Policymakers have too often focused on the South to the detriment of Darfur, or Darfur to the detriment of the South. As we get closer to national elections, we are concerned that we are heading down that path once again. But Darfur and South Sudan are not separate problems; they are the result of a single problem: the undemocratic, centralized, and abusive nature of the ruling regime. Only when this problem is addressed will peace be forthcoming.

There is an urgent need for a coherent and comprehensive strategy to guide Sudan to a more democratic and prosperous future. Sudanese must be empowered to transform Sudan. Such a strategy requires that important and difficult choices be presented to President Bashir and the NCP. The Sudanese Government must be forced to choose between cooperation or confrontation.

If they cooperate by ending the violence in Darfur and democratizing the country through full implementation of the CPA, they may be allowed to reap the benefits of becoming a responsible member of the international community. If they continue to delay implementation of the CPA and continue to attempt to divert and distract the international community by using one conflict as leverage against the other, they must face real consequences.

Violence against civilians in Darfur has been fostered in a climate of impunity; accountability will need to be addressed as part of a durable resolution. President Bashir and other charged Sudanese officials must appear before the International Criminal Court, and the ICC investigation should continue unless and until a final peace agreement is reached that includes alternative accountability mechanisms broadly acceptable to the victims of those crimes.

While we here in Washington debate policy, the people of Sudan continue to suffer. This policy debate should not be complicated. The United States and its allies must force Sudan's hand and then commit to seeing this through. We have played Bashir's game too long to be fooled any longer.

SAVE DARFUR CITIZEN LETTER TO THE PRESIDENT

JULY 29, 2009.

President BARACK OBAMA,
The White House
 Washington, DC.

DEAR PRESIDENT OBAMA: We need your continued and urgent leadership to address the immediate humanitarian crisis in Darfur and to achieve long-term peace through a political solution for all of Sudan.

According to U.N. Secretary General Ban Ki-moon, the Sudanese regime's March 4 expulsion of 13 international aid organizations has put "well over 1 million people at life-threatening risk." Even if this new humanitarian crisis can be averted, a simple return to the harrowing pre-March 4 conditions in Darfur is simply unacceptable. And the Comprehensive Peace Agreement (CPA) that ended the devastating conflict in Southern Sudan is fraying by the day. A return to war there would be catastrophic. Meanwhile, the Sudanese regime is succeeding in defying the international community. The United States must seize the initiative in setting the agenda for peace.

Your administration must lead in constructing a multilateral strategy for peace in Darfur and all of Sudan by

- Establishing an inclusive peace process for Darfur,
- Revitalizing implementation of the CPA and the dangerously neglected Eastern Sudan Peace Agreement, and
- Ending Sudan's proxy war with Chad.

To that end, your special envoy, General Scott Gration should focus on building a multilateral coalition of countries with significant leverage. It is vital that the administration work closely with other governments in dealing with Sudan; a reliance on bilateral diplomacy will provide Khartoum the opportunity to play one party off against the other, as it has historically done with great success.

To do this, General Gration will need your personal and direct engagement.

Ultimately, a strategy for peace means presenting the Sudanese regime with a choice:

- *Behind Door One:* If the Government of Sudan permits unrestricted humanitarian access, secures peace in Darfur, fully implements the Comprehensive Peace Agreement for South Sudan, ensures free and fair elections in Sudan, and removes the indicted President, a clear process toward normalization of relations with the U.S. will be mapped out.

Or

- *Behind Door Two:* If President Bashir and his party renege on recent humanitarian commitments and continue to undermine efforts at peace, a series of escalating costs will ensue, including diplomatic isolation, targeted multilateral economic sanctions, an effective multilateral arms embargo, and if necessary to stop massive loss of civilian life, targeted military action.

If the benefits of Door One and the consequences of Door Two are meaningful, the chance for peace in Sudan increases dramatically. The missing ingredients in efforts to date for Darfur and CPA implementation have been adequate leverage and lack of strategic vision for resolving comprehensively the country's conflicts.

Mr. President, now is the time for bold agenda-setting leadership to help ensure that Sudan chooses the most mutually beneficial path, and to prepare real consequences if it does not.

In either case, you and your administration should work diligently to effectively mobilize and coordinate the international community in order to present a united diplomatic front to Sudan.

I know that these efforts will require real political capital, but the human costs of inaction are far too high to endure. Thank you for your efforts thus far. I look forward to seeing even more leadership as conditions in Darfur progress.

Sincerely,

113, 465 AMERICANS.

TESTIMONY BY JOHN PRENDERGAST, COFOUNDER, ENOUGH PROJECT, BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH, "SUDAN: U.S. POLICY AND IMPLEMENTATION OF THE CPA," JULY 29, 2009

Thank you Congressman Payne and members of this subcommittee for the opportunity to testify on a topic that will help determine the future of millions of people from Sudan and the surrounding region.

At this subcommittee hearing, members will hear a very different message than that which will be communicated at tomorrow's Senate Foreign Relations Committee hearing. Today, this subcommittee's members will hear a bipartisan critique of the current direction of U.S. policy toward Sudan. Rich Williamson, Roger Winter, and I all have negotiated extensively with the regime in Sudan, have roughly a combined six decades in working on or in Sudan, and have a very clear idea of what is required for lasting peace to have a chance in that embattled country.

This hearing comes at a moment in Sudan's history fraught with danger and potential. There is no effective peace process for Darfur, but one could be built with U.S. leadership. The CPA is on the brink, but could be salvaged if U.S. engagement deepens. Next year's elections are at risk, but could become an important opportunity to strengthen opposition parties and democratic structures crucial for the referendum and for Sudan's political future. The referendum itself is doubtful, but its prospects could be enhanced with a credible international roadmap.

The major unknown variable that will help determine whether the dangers or the opportunities get maximized is the unresolved internal debate over the direction of U.S. policy toward Sudan. In the absence of any agreement on the policy, U.S. diplomatic engagement has been energetic, for which Special Envoy Gration should be credited. But the substance of this robust engagement has been fraught with missteps, lack of internal coordination, and an overall aversion to pressuring the ruling National Congress Party (NCP). Sustained pressure leveraged by meaningful and focused sticks is the principal tool that has moved the NCP to change its behavior during the 20 years of its authoritarian rule. This substantial track record of empirical evidence of the value of pressure makes the direction of U.S. diplomacy all the more questionable.

There is also a broader inconsistency in U.S. foreign policy when it comes to Sudan. The Obama administration has resolutely worked to craft more formidable international coalitions to isolate North Korea and Iran for important U.S. policy objectives. However, the U.S. is not doing the same for Sudan, despite the existence of a regime there that is responsible directly or indirectly for the loss of 2½ million lives in the South and Darfur.

U.S. Goals in Sudan and How to Achieve Them

In the context of its policy review, the U.S. should spell out clear goals:

- (1) U.S. leadership in constructing a more effective Darfur peace process, using as a model the process that led to the CPA involving a lead role for the U.S. and a multilateral support structure that provided international leverage, expertise, and support;
- (2) U.S. leadership in supporting the implementation of the CPA, continuing the trend of deeper engagement over the last few months but structuring clear penalties for nonimplementation of any of the key provisions;
- (3) U.S. leadership in supporting the democratic transformation of Sudan by supporting the electoral process, providing institutional support to opposition parties and civil society organizations, and building the capacity of the Government of Southern Sudan;
- (4) U.S. leadership in preparations for the South's referendum in 2011, which will be a make-or-break process for the future of both North and South.

The essential word that repeats throughout all these goals is “leadership.” U.S. leadership—multilaterally and when necessary unilaterally—will be an enormously influential ingredient in a successful transition to peace and democracy in Sudan.

But success will require greater leverage than that which presently exists. The debate internally within the U.S. Government in part rests on the degree to which incentives or pressures ought to be favored instruments for changing the behavior of the Sudanese regime, the Darfur rebels, and the GOSS. It is the view of this panel and the activist organizations that comprise the Darfur movement that the way forward should involve deeper diplomatic engagement that is rooted in multilateral pressures and the credible threat of significant consequences for policies or actions by Sudanese parties that undermine peace efforts and lead to worsening humanitarian conditions. In the absence of these pressures, and if incentives are all that are put forward, then failure is guaranteed.

Success will also require the construction of credible and effective processes that allow for the achievement of U.S. policy goals. First and foremost, the glaring lack of an effective peace process for Darfur calls out for greater U.S. leadership in constructing from the existing elements a revitalized process that has the chance of ending Darfur’s war. Secondly, the U.S. should intensify its early efforts to revive the CPA and back these efforts with the construction of clear multilateral consequences for violations or nonimplementation of key elements of the deal.

U.S. policy must be shaped by the fact that these complex conflicts have a common core: flawed governance by a center that exploits and marginalizes an underdeveloped periphery. Not only does the CPA provide a roadmap for resolving the longest and bloodiest of these conflicts, but it also offers a framework for the kind of democratic, structural transformation necessary to alter the root cause of Sudan’s many recurring conflicts. The successful model of the CPA could and should be replicated in a revitalized Darfur peace process. The U.S. cannot afford to allow the CPA to fail, nor can it allow the continuation of an ineffective Darfur process that obstructs any real possibility of peace.

Priorities for CPA Implementation

The troubling reality is that Sudan’s North-South peace remains precarious at best. Given the mounting tensions between the North and South and the spate of violence in the South in recent months, deeper international engagement is required. Renewed Sudanese civil war could bring wholesale violence on a terrible scale while further destabilizing the entire region. I will focus the remainder of my testimony on the key priorities for the U.S. Government in CPA implementation.

I am encouraged by recent positive steps by the Obama administration to prioritize CPA implementation and to revitalize international efforts to urge the Sudanese parties to work on an array of outstanding provisions in the agreement in the remaining year and a half. These new efforts should be followed up with an approach that penalizes failure of one of both of the Sudanese parties to implement key provisions of the agreement. The hard work begins now. It is time for the administration to pursue specific priorities in order to meet the key benchmarks in the crucial final stages of CPA implementation.

The U.S. must direct renewed energy and commitment toward the following strategic priorities:

1. *Protect the People:* Due to a worrisome upsurge in intercommunal violence, the death toll in the South this year now exceeds the number of violent deaths in Darfur in the same period, and as elections draw closer, instability may well increase. Tribal clashes are occurring among a heavily armed civilian population that the poorly disciplined Southern army has proved incapable of securing. Some of the latest clashes highlight the flaws and dangers of the so-called the Joint Integrated Units, or JIUs, whose presence has often led greater violence, instability, and civilian casualties. The U.S. should take two specific measures to help improve security and decrease the risk of further violence in communities throughout the South:

- Work with the U.N. Security Council to ensure that the United Nations Mission in Sudan (UNMIS) has the necessary capacity to fulfill its mandate and protect civilians. The United States should lead efforts within the U.N. Security Council to strengthen UNMIS’ ability to support the CPA, but this support must be matched with clearer strategic vision by UNMIS on how it can best allocate its resources to operationalize its mandate amidst ongoing security threats throughout the South. Other guarantors of the CPA can support UNMIS’ efforts by contributing to coordinated programs such as security sector reform within the SPLA.
- Encourage the Government of Southern Sudan (GOSS) to take leadership in promoting local peace-building initiatives to defuse tensions between communities that have taken up arms against each other.

2. *Build the “peace dividend”*: Since the signing of the CPA, progress has been slow in providing basic infrastructure and services to the peripheral areas of Sudan. Insecurity and underdevelopment remain a fact of life for most Sudanese. As long as that is the case, the Southern government will have difficulty consolidating the peace and holding together an ethnically divided South with competing political visions. The GOSS has also been hit hard by the financial crisis, and is in need of significant economic support, but this support should be aimed specifically at capacity-building efforts that can strengthen the fledgling government. Additional investments in agriculture and microcredit would make a difference on the ground for the people of Southern Sudan, more than 2 million of whom have returned home to very little after decades of war.

3. *Defuse North-South tensions*: A number of contentious issues between the North and South must be resolved in next year and a half, all of which necessitate robust support from the international community in order to keep the negotiations and processes on track. The U.S. should direct renewed energy and commitment toward the following strategic priorities:

- Urge meaningful reforms from the Sudanese parties before the 2010 elections. The United States and other key actors, operating on a tight timeline, need to lower their expectations for the election and develop a multilateral strategy to press the Government of National Unity—the ruling National Congress Party in particular—to enact meaningful reforms regardless of who wins in 2010, revitalize CPA implementation, and establish a framework for talks in Darfur that are consistent with the power-sharing provisions of the CPA. There also has to be a clear and unified international posture with regard to addressing the issue of Darfur, given the near-impossibility of holding a free and fair ballot there.
- Keep the parties on track in the dual processes of implementing the legal ruling on the boundaries of the Abyei region and demarcating the North-South border. Two crucial issues regarding contested borders between Sudan’s North and South need sustained attention from the international community. The failure to establish clear international penalties for a failure to implement these key CPA provisions such as the demarcation of the disputed North-South border has been a clear drag on the CPA. However, last week’s legal decision on the boundaries of Abyei—an oil-rich, contested region along the disputed North-South border within Sudan—is a crucial litmus test of the parties’ will to implement the CPA moving forward. Now that the ruling on Abyei has been accepted by both parties, the U.S., the U.N., and the rest of international community must follow through on its commitments to help implement the ruling and monitor the status of the demarcation of the Abyei boundaries.
- Encourage negotiations between the NCP and SPLM on long-term wealth-sharing arrangements before the 2011 referendum. Track-two diplomatic efforts can get both parties to consider various scenarios for wealth-sharing after the referendum and mitigate the likelihood that these discussions will short circuit into a zero-sum game leading directly to conflict after the referendum. Discussions of access to land for populations with diverse needs and livelihoods and planning for mutually beneficial development of oilfields in the contested border region could ease current tensions over border demarcation and generate momentum for further cooperation.
- Urge passage of the referendum law before the elections. Applying pressure on Sudan’s Government of National Unity to urge the National Assembly to review and pass the law on the Southern referendum before the elections could reduce tensions between the parties after the elections and enable preparations for the referendum to begin now. Once the law is passed and the Referendum Commission is created, potential disputes, such as questions over whether or not certain populations—such as southerners in Khartoum—are eligible to vote, can be addressed before tensions escalate in the immediate run-up to the referendum.

4. *Prevent a return to war*: The likelihood of a return to war between the North and South, or of conflict breaking out within the South, is real. An arms race between the Northern and Southern government is just one warning sign of a tenuous situation that could explode into outright conflict. Several preventive measures can mitigate the risks of violence in the run-up to the 2010 general elections and the 2011 referendum:

- Enhance efforts to professionalize and modernize the SPLA. The SPLA has struggled to transition from a guerilla movement to a formal army, a process complicated by attempts to integrate Southern militias that opposed the SPLA during the war. To ensure that the South is stable and the GOSS can deliver a peace dividend, the SPLA must continue to modernize through a well-supported process of security sector transformation that improves discipline, com-

mand and control, capacity, and competency. Toward this end, the Obama administration should explore the sale of an air defense system to the GOSS. Although introducing new weapons systems into a volatile military environment could be interpreted as contrary to donors' responsibility to make unity attractive, it is in the interests of lasting stability that the GOSS spend money on defense wisely. Unlike the aforementioned refurbished tanks, an air defense is nonoffensive and helps level the playing field by neutralizing the north's major tactical advantage in the event of renewed hostilities.

Comprehensive Peace: The Only Option in Sudan

Ending genocide in Darfur and fulfilling the promise of the Comprehensive Peace Agreement requires a comprehensive approach to Sudan rather than reactive crisis management. The U.S. must lead the international community in working now to ensure that the CPA does not collapse and spark a devastating new round of conflict in Sudan. With a significant diplomatic reinvestment in the CPA that prioritizes protecting civilians, building peace in the South, and defusing tensions between the North and South, the U.S. can help prevent the catastrophic consequences of a potential collapse of the CPA.

TESTIMONY OF JOHN NORRIS, EXECUTIVE DIRECTOR OF THE ENOUGH PROJECT, BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION, WASHINGTON, DC, JULY 30, 2009

Thank you, Cochairmen McGovern and Wolf and members of this esteemed commission, for the opportunity to testify today. I would like to congratulate both you and your fellow members for focusing a great deal of attention this week on Sudan. I think it is of great importance that the administration hears congressional concerns on this topic, and that a diversity of views are heard.

The stakes involved right now in Sudan are enormous. President Bashir is a wanted war criminal. A 2011 referendum will determine whether Sudan splits into two countries. Millions of people in Darfur still cannot return to their homes because of fear and violence. The Obama administration's Sudan policy review is still pending, and, if anything, tensions will only continue to rise across all of Sudan with a national election slated for 2010 and the referendum scheduled for 2011. U.S. leadership will be instrumental if the international community hopes to successfully navigate the treacherous days ahead without mounting bloodshed.

The 2005 Comprehensive Peace Agreement was envisioned as a transformational peace deal. At the time, it was hoped that the hard fought agreement would pave the way for genuine powersharing that would not only allow for rapprochement between North and South Sudan, but also for the development of genuinely inclusive institutions that would make Sudan's population as a whole feel less alienated from Khartoum's exploitative governance. The agreement allowed for the independence referendum in the South, but those who brokered the peace deal hoped that eventuality would not need to come to pass as southerners began to feel that they were part of a more unified whole.

At this juncture, it is clear that the CPA has been far less transformative in practice than on paper and may, in the long view of history, be seen simply as an awkward calm in the storm or an important way station on the path to eventual Southern independence and the creation of a new African state. The actions of this Congress and the Obama administration may well determine how violent and wrenching this historical arc is to become.

Where did the CPA go wrong, and what lessons should we learn from that process? In many ways, it is amazing that so much hope was placed in the CPA to genuinely transform the institutions of the Sudanese state given the concurrent events in Darfur. It is hard to imagine that any government that would so wantonly kill, maim, terrorize and displace its own people in Darfur would willingly act in good faith to share power, resources, and the ballot box with average citizens.

Equally clear, many in the international community failed to see that the CPA was a beginning rather than an end. All peace agreements are hard to reach and even harder to implement. In 2005, concerted international diplomacy and leverage drove both parties over 30 months of tough negotiations to an acceptable deal. International negotiators were not shy about using both incentives and pressures to get across the finish line. Yet this concerted, tough and coordinated international approach largely disappeared when it came to actually implementing the agreement. There were virtually no penalties for noncompliance with the agreement, for missed deadlines, for acting in bad faith, or for undermining the spirit of reconciliation.

The results have been predictable. While some of the key structures detailed in the agreement have been achieved, such as the creation of the Government of

Southern Sudan, many of the tough decisions have been put off until the eleventh hour. The people of southern Sudan widely believe that they do not have a place in Sudan and would be better off independent. The ruling National Congress Party, realizing it would not face penalties for undermining the CPA, pushed aside any steps that would have actually allowed for the right of self-expression or organization. Instead of a last ditch option, the independence referendum became the overarching endgame, with both North and South arming themselves for a possible return to direct conflict.

It goes without saying that a return to hot war between North and South would have devastating human costs and implications for regional security and would severely undermine faith in international diplomacy to defuse situations such as these.

The Special Envoy for Sudan, Maj. Gen. Scott Gration, appeared on the Senate side of this august body earlier today. We certainly welcome the energy with which the special envoy has undertaken his work, and the administration's emphasis on finding a comprehensive solution for Sudan—understanding that the situation in Darfur can not be divorced from considerations of the CPA or powersharing across the country even more broadly. That said, this week's hearings have also made clear that there is considerable disquiet about the administration's approach to Sudan thus far.

These concerns spring from a number of sources. The administration's policy review on Sudan has been slow to see the light of day, leading to suggestions that there are some important differences within the administration on the proper course for Sudan policy. It is my great hope that the end product of the review produces a policy that is consistent with President Obama's own very strong words on the importance of addressing genocide and war crimes, most recently in his speech in Ghana, and which builds on his consistent position on this issue as a Senator and Presidential candidate.

As my colleague John Prendergast noted yesterday in testimony, the administration has been working assiduously to build international coalitions to isolate North Korea and Iran for their actions, yet this same approach has largely been missing from discussions on Sudan. Sudan has one of the worst human rights records in the world. As we have learned from years of hard, hard experience, if we simply offer incentives to Khartoum, the National Congress Party will carry on with business as usual and the people will suffer dramatically as a result. Do we need to engage with Khartoum? Absolutely. But this engagement must be tough-minded, and must be built around consistent, moral, and international pressure as much as any incentive.

In looking at U.S. diplomacy toward Sudan, I think it is most helpful if we ask ourselves what success would look like, both for the CPA, and for the country as a whole.

"Day After" Understandings. The independence referendum for Southern Sudan is a historical event of enormous importance. If handled poorly, tensions surrounding the referendum or its results could plunge Sudan back into a full blown civil war with fatalities even more numerous than we have seen in Darfur. With a large number of southerners supporting independence, it is likely that any fair ballot would see Sudan split in two, with considerable implications for regional relations and security. Given the already tense relations between North and South, international diplomats will have their hands full keeping the existing peace agreement between the two on track and in responding to the daily fires that will surely mark the period running up to the referendum. However, it is important not simply to make it to the referendum with the existing peace agreement intact and without the resumption of war, but also to have a series of agreements in place for the day after the referendum—on borders, on revenue-sharing, on how to treat assets and debts which both North and South might claim, water rights and the many other factors that could precipitate a return to conflict. This will also require keeping the parties on track in the dual processes of implementing the legal ruling on the boundaries of the Abyei region and demarcating the North-South border. Discussions of access to land for populations with diverse needs and livelihoods and planning for mutually beneficial development of oilfields in the contested border region could ease current tensions over border demarcation and generate momentum for further cooperation.

Returns. In Darfur, there is probably no better barometer for the relative success or failure of the international community than the millions of displaced persons and refugees who have been forced to flee from their homes by the government-backed Janjaweed militias. Refugees and the displaced vote with their feet: they are almost universally desperate to return to their former homes, but will only do so if security is sufficient. To date, the U.N. force on the ground in Darfur has been largely ineffective, there has been no credible effort to disarm the Janjaweed, and peace talks

for Darfur have moved forward only fitfully. In many cases, the refugees and displaced know full well their lands and villages are still occupied by armed opponents widely responsible for a host of war crimes. Under such conditions it would be madness for these families who have already suffered so much to try to go home, and refugees and the displaced cannot be forced or coerced to return home to fit the hopes of any diplomat. The answer: a far more effective and robust peacekeeping force on the ground (with Khartoum's de facto veto power over U.N. operations taken away); practical steps to disarm the Janjaweed; and a solid peace agreement between the government and rebel forces brokered with international oversight and guarantees.

Powersharing. Conflict recurs in Sudan because power remains held tightly by a narrow elite in Khartoum at the expense of the country's broader population. The international community will find that until they deal with this essential fact there will always be another Darfur to deal with. Any solution needs to address the problems of Sudan as a whole. National elections are scheduled for 2010, before the 2011 referendum, but expectations for elections to produce more democratic governance are slim. In Darfur, it is virtually impossible to imagine how a free and fair ballot would take place with so many people still driven from their homes and living in acute insecurity. Any lasting peace plan for Sudan, regardless of the future of Southern Sudan, needs to incorporate practical steps forward that create a more inclusive Sudan—not in rhetoric, but in practice. The United States and other key actors, operating on a tight timeline, need to lower their expectations for the election and develop a multilateral strategy to press the Government of National Unity—both the North's National Congress Party and the South's Sudan People's Liberation Movement—to enact meaningful reforms regardless of who wins in 2010, revitalize CPA implementation, and establish a framework for talks in Darfur that are consistent with the powersharing provisions of the CPA.

Accountability. As much as some would like to push accountability for war crimes and crimes against humanity in Sudan aside, to do so would neither be productive nor right. The International Criminal Court has found sufficient evidence against President Bashir of Sudan to accuse him of multiple counts of war crimes and crimes against humanity. He should have the soonest possible opportunity to face those charges in court. With hundreds of thousands dead and millions driven from their homes in Darfur, it is essential that the people of Sudan see justice done. If justice is not part of the solution in Sudan, it probably is not much of a solution at all.

There is ample evidence that international pressure and attention can and does play a key role in keeping the Sudanese parties to their promises. This was affirmed in the aftermath of last week's decision by an independent tribunal in The Hague to redraw the borders of the oil-rich and contested Abyei region, which also sits astride the equally disputed North-South border within Sudan. In the spring of 2008, 60,000 people fled Abyei as the Khartoum government's forces burned the town to the ground. Many feared violence this year as well. Last week, however, the international community kept close watch on how the decision was received and reactions from both sides was promising. There was a strong United Nations presence on the ground and observers from the European and African Unions, as well as Special Envoy Gration were present. Both the National Congress Party and the Southern People's Liberation Movement promised to abide by the ruling—but it is important for the international community to keep up its focus and not simply think the crisis is resolved because the situation did not blow up on the day of the decision. Indeed, there are already signs that tensions over the decision are lingering.

On balance, the 4½ years and counting of CPA implementation has been marked by a combination of deliberate intransigence and unintended mistakes and delays from both Sudanese parties, and, until very recently, half-hearted international support. In the few instances that a provision of the agreement has been fully implemented, this progress has come months, even years, after the deadlines set in the CPA. The poor precedents set by piecemeal and stalled implementation of the agreement will be hard to overcome in the last stages of the implementation period. However, the ability of the parties to address the remaining challenges and accomplish the benchmarks outlined by the CPA will ultimately determine whether or not Sudan stays on the path—no matter how rocky—toward democratic transformation.

Lastly, I would call on both Congress and the administration to ensure that the protection of civilians is a top priority. It will be a disaster for the people of Sudan and for the international community if peacekeepers on the ground, in both UNMIS and UNAMID, are unable or unwilling to respond to provocations and threats toward civilians in the precarious months ahead.

PREPARED STATEMENT OF THE U.S. COMMISSION ON INTERNATIONAL
RELIGIOUS FREEDOM

Sudan was one of the first countries the U.S. Commission on International Religious Freedom focused on after its creation by the International Religious Freedom Act of 1998 (IRFA). For the past decade, this bipartisan, U.S. Federal Government advisory body created by Congress has monitored religious freedom conditions in Sudan and has recommended that Sudan be designated a “country of particular concern” (CPC) under IRFA for its engagement in or toleration of particularly severe violations of religious freedom. The State Department has agreed with that recommendation and has so designated Sudan since 1999. The Commission continues to recommend that Sudan be designated a CPC pending demonstrated progress in ending abuses, cooperating with international peacekeeping and humanitarian assistance operations in Darfur, and implementing the Comprehensive Peace Agreement (CPA) signed in January 2005.

Since independence (1956), political power in Khartoum has been dominated by Arabic-speaking Muslims, who have effectively marginalized members of other groups, including non-Arab Muslims. Successive regimes in Khartoum have emphasized Sudan’s identity as Arab and Muslim, thus effectively relegating non-Arabs and non-Muslims to a secondary status in the society.

Resistance to Khartoum’s policies of Islamization and Arabization was a major factor in the North-South civil war (1983–2005). During Sudan’s last North-South civil war the Commission identified Sudan as the world’s most violent abuser of the right to freedom of religion or belief. The Commission also has drawn attention to the Sudanese Government’s genocidal atrocities against civilian populations in other regions, such as Darfur. Northern leaders, including Sudan’s current President Omar Hassan Ahmad al-Bashir, have used religion as a tool for popular mobilization against both non-Muslim Southerners and Muslims who opposed the regime’s policies. The civil war’s civilian victims, 2 million dead and 4 million driven from their homes, were overwhelmingly Southern Christians and followers of traditional African religions.

Sudan is now in the midst of a historic transition under the terms of the CPA. Elections are to be held by April 2010 at the national, Southern regional, and state levels. The 6-year Interim Period, which began in 2005, is scheduled to end with a referendum on whether the South will remain within a united Sudan or become an independent country. Whatever the South’s choice, this phase in Sudan’s political development will determine the future of the largest country—in terms of land mass—in Africa and in the Arab world. Decisions made by the Sudanese people and their leaders will have potential ramifications beyond Sudan’s borders, as Sudan is only one of several African countries with large Muslim and Christian populations. Peace, largely brokered by the United States, has created an opportunity for significant change.

Although the Darfur conflict has dominated international attention on Sudan in recent years, the Commission believes that the CPA merits much attention because it provides a model for ending the deliberate marginalization of those regions of Sudan inhabited primarily by non-Arab or non-Muslim populations. The success of the CPA thus is crucial to achieve lasting peace in Darfur and prevent potential conflicts in other regions.

Ruling by the Abyei Arbitration Tribunal at the Permanent Court of Arbitration in The Hague: The Commission therefore welcomed the initial positive response by Sudanese, both North and South, to the ruling issued July 22 by the Abyei Arbitration Tribunal at the Permanent Court of Arbitration in The Hague. The decision settles a longstanding dispute over the boundaries of the Abyei region, a crossroads between North and South and one of the more contested points in the protracted negotiations leading to the CPA. In 2007, Sudanese President Omar al-Bashir and the National Congress Party (NCP), which is dominant in the North, had rejected a report by the Abyei Boundaries Commission, a body established by the CPA, to determine the border, despite the CPA stating that the decision of the Abyei Boundaries Commission was to be “final and binding.” In 2008, the dispute was referred by mutual agreement to the Permanent Court of Arbitration that issued the July ruling.

Abyei has been particularly problematic as it is home to a volatile mix of rival ethnic groups with ties to both North and South. Abyei had provided a disproportionate number of fighters for the Southern-dominated Sudan People’s Liberation Army in the North-South civil war. In May 2008, units of the Northern-controlled Sudan Armed Forces and associated tribal militia brutally attacked local residents and destroyed private property, laying waste to the region’s main town, also called

Abyei, and driving 90,000 civilians from their homes. Deposits of oil in the region, and the economic competition they engendered, have exacerbated the dispute.

As noted by Commission Chair Leonard Leo in a public statement issued by the Commission on July 24, "It is imperative that the NCP and the SPLM (the Sudan People's Liberation Movement that governs Southern Sudan) fully support and implement the ruling as they have promised. It is a cornerstone of the Comprehensive Peace Agreement whose implementation is crucial for building a just and lasting peace for Sudan. Failure of the CPA could reignite a conflict in which millions of innocent people have been victimized because of their religious affiliations and ethnic identities. The parties' honoring their agreement (to abide by the ruling) would be both a victory for the rule of law in Sudan and an important precedent for resolving other conflicts among the region's diverse religious and ethnic groups in a fair, open, and peaceful manner."

The Abyei dispute has not been an isolated instance of delay in implementing the CPA's provisions. These delaying tactics have established a dangerous precedent that one of the parties to the CPA can, with impunity, unilaterally refuse to implement provisions. In the Commission's public statement of July 23, Commission Chair Leo also stated that "Further delaying tactics or failure to implement the remaining CPA provisions, including the elections scheduled for 2010 and the 2011 referendum, are unacceptable. Sudan must be held accountable to its CPA commitments. The CPA contains specific protections for religious freedom for all Sudanese. If religious freedom is going to be protected and respected in Sudan, the country's leaders, both Northerners and Southerners, must demonstrate their commitment to international law by accepting and implementing the Tribunal's ruling."

Recommendations of the U.S. Commission on International Religious Freedom: U.S. leadership has been crucial to preserve the substantial gains for peace that have been made in Sudan. Central to these gains is the CPA. Given this history of U.S. leadership and the importance to peace of the CPA, the U.S. Commission on International Religious Freedom has made the following recommendations for U.S. policy toward Sudan.

I. FOCUSING U.S. DIPLOMACY ON THE SUCCESSFUL IMPLEMENTATION OF THE CPA

In order to maintain U.S. engagement, the U.S. Government should:

- Ensure that the Special Envoy for Sudan has the bureaucratic authority, the appropriate personnel, and other support needed to coordinate successfully U.S. efforts toward the complete and timely implementation of the CPA and secure a just and lasting peace for all of Sudan, including in Darfur; and
- Build on past efforts by the Special Envoy to enlist international support for peace in Sudan, including from China and other nations that have major economic investments in Sudan, and to press Khartoum to end its delaying tactics on CPA implementation.

II. ENCOURAGING THE PARTIES TO IMPLEMENT THE CPA FULLY

The U.S. Government should:

- Insist on the full implementation of the CPA (including power-sharing, wealth-sharing, respect for human rights, democratic accountability through elections, resolution of the Abyei issue, the 2011 referendum, and termination of all support for militias) as the agreed basis for North-South peace and a model for political accommodation of legitimate grievances in other regions such as Darfur;
- Help ensure that the parties conduct the national, Southern, and state elections mandated by the CPA; insist that these elections be free and fair, that adequate security be provided to enable participation by all eligible voters regardless of religious or ethnic background, and that the results be accepted by both the National Congress Party and the Sudan People's Liberation Movement;
- Investigate and publicly report to the Congress every 6 months on the status of implementation of the CPA, with a particular focus on violations, assessing responsibility and indicating what actions are to be taken by the U.S. Government in response;
- Make clear that the United States expects the choice of the people of Southern Sudan, as expressed in a free and fair referendum to be held in 2011 in accordance with the CPA, to be respected, whether the people of Southern Sudan choose to remain in Sudan or be independent;
- Strengthen the capability of the U.S. Embassy in Khartoum to monitor implementation of the crucial human rights provisions of the CPA and to report on human rights abuses, including religious freedom in the North, as well as to advance the U.S. human rights agenda in Sudan by appointing a ranking official reporting to the Ambassador and working full-time on human rights;

- Consider new sanctions as needed to respond to noncompliance with the terms of the CPA, including targeted sanctions such as asset freezes and travel bans against individuals and institutions, such as the National Congress Party, identified as responsible for serious human rights abuses or for impeding CPA implementation; and
- Expand international radio broadcasting to Sudan to provide objective sources of news and information and to improve awareness of the CPA and its implementation, including specific programming promoting grassroots reconciliation and respect for freedom of religion; support independent television and radio broadcasting, including in the South, to the same end.

III. PROTECTING CIVILIANS

To prevent violence against civilians (including mass atrocities and genocidal acts) that would result from renewed conflict, the U.S. Government should:

- Take the steps necessary to make feasible the establishment of various security guarantees for Southern Sudan in order to deter Khartoum from renewing the North-South civil war or otherwise impose its will by force in violation of the CPA;
- Provide Southern Sudan with the technical assistance and expertise or other capacity it might need to bolster professionalization of the Sudan People's Liberation Army, such as International Military Education and Training (IMET), and secure radar, communications, and other passive, defensive equipment, as appropriate, to improve the South's ability to detect air attacks and therefore reduce civilian casualties; and
- Support the Government of Southern Sudan's current, active efforts toward disarmament, demobilization, and reintegration of Southern Sudan's many combatants.

IV. STRENGTHENING RECONCILIATION AND THE RULE OF LAW IN SOUTHERN SUDAN

The U.S. Government should:

- Utilize existing social institutions, including indigenous religious bodies, and strengthen civil society organizations that have special expertise and a demonstrated commitment in the areas of interreligious and interethnic reconciliation and conflict prevention, to promote a peaceful civil society;
- Continue and strengthen existing programs through the State Department's Bureau of International Narcotics and Law Enforcement Affairs to improve the professional competence and human rights performance of Southern Sudan's police and security forces;
- Expand U.S. assistance to the court system in Southern Sudan, which is in dire need of training, reference materials, improved court security, and facilities; encourage greater involvement by the U.S. private sector, including professional associations, law schools, and corporations, in this effort; and
- Provide scholarships to promising students to attend law school in the United States under the requirement that they return home at the completion of their training to build a modern legal system in Southern Sudan, including a law school with an advanced curriculum built upon democratic principles, but targeted to the needs of the area.

V. STRENGTHENING HUMAN RIGHTS PROTECTIONS

The U.S. Government should:

- Continue to support and strengthen the Government of Southern Sudan's institutions and infrastructure, including the Southern Sudan Human Rights Commission, necessary to protect, monitor, and investigate human rights abuses and promote respect for internationally recognized freedom of religion or belief and related human rights;
- Improve citizen awareness and enforcement of the legal protections for human rights included in the CPA, the Interim National Constitution, the Interim Constitution of Southern Sudan, and the international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), to which Sudan is a party;
- Urge the establishment of an independent and impartial national Human Rights Commission as called for in the Interim National Constitution and in

accordance with international standards¹ for such bodies in terms of independence, adequate funding, a representative character, and a broad mandate that includes freedom of thought, conscience, and religion or belief; and

- Urge the Government of National Unity to cooperate fully with international mechanisms on human rights issues, including inviting further visits by the U.N. Special Rapporteur on Freedom of Religion or Belief, the Special Rapporteur on the Situation of Human Rights in Sudan, the U.N. Working Group on Arbitrary Detention, and the U.N. Human Rights Council's High-Level Mission on the Situation of Human Rights in Darfur and comply with the Mission's recommendations.

VI. BUILDING A SUCCESSFUL INDIGENOUS ECONOMY IN SOUTHERN SUDAN

The U.S. Government should:

- Support the creation of an effective banking system in Southern Sudan, recognizing that such a system is crucial for the South's economic development and political stability;
- Encourage U.S. private investment in Southern Sudan while ensuring that U.S. sanctions are targeted more effectively in support of U.S. diplomatic efforts to ensure a just and lasting peace in all of Sudan;
- Alleviate the impact of remaining U.S. sanctions on all areas under the control of the Government of Southern Sudan and local institutions in the border areas of Abyei, Southern Blue Nile, and the Nuba Mountains, including sanctions on communications equipment;
- Expand U.S. educational assistance, including building the capacity of the University of Juba, to enhance Southern Sudanese expertise in agriculture, business, law, and other areas to support development efforts;
- Promote agricultural development in Southern Sudan with the goal of promoting greater food security;
- Expand the provision of U.S. assistance to indigenous civil-society, private-sector groups and provide appropriate technical assistance to enable such groups to prepare project proposals for U.S. grants;
- Explore providing the Sudan People's Liberation Army with needed technical expertise and capacity, such as in road construction and other public works, to assist in creating an infrastructure that bolsters economic development; and
- While recognizing the urgent need for continued U.S. assistance for returning refugees and internally displaced persons, begin shifting from humanitarian to development assistance in order to enhance the economic viability and political stability of Southern Sudan in anticipation of the 2011 referendum on the South's political future.

VII. EXPANDING U.S. DIPLOMATIC CAPACITY IN SOUTHERN SUDAN

The U.S. Government should:

- Enhance the facilities and personnel resources of the U.S. Consulate General in Juba in order to support increased U.S. engagement and programming in Southern Sudan.

VIII. PROMOTING FREEDOM OF RELIGION OR BELIEF

The U.S. Government should:

- Use U.S. bilateral discussions with Sudan, as well as U.N. mechanisms and bilateral discussions with third countries with influence in Sudan, to urge Sudan's Government of National Unity to:
 - Allow all religious groups to conduct their activities without harassment, discrimination or undue interference, including publishing or importing religious literature, building, repairing, and operating houses of worship, and operating social service programs;
 - Repeal laws that punish changing one's religion or encouraging another to do so and end official accusations of blasphemy, apostasy, "offending Islam," or similar charges used to stifle public debate or restrict the right to freedom of expression;

¹"Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights," found in the Annex to "Fact Sheet No. 19, National Institutions for the Promotion and Protection of Human Rights, Office of the High Commissioner for Human Rights" (<http://www.unhchr.ch/html/menu6/2/fs19.htm>, accessed April 6, 2009).

- Eliminate the bureaucratic obstacles the government places on international humanitarian assistance and remove the state security services from their current role in regulating humanitarian assistance;
- Abandon efforts to force religious organizations to register as nongovernmental organizations under regulations that give government officials control over their activities;
- Permit relations between national religious communities and their coreligionists abroad in accordance with universal human rights norms;
- Reform the state security services to be representative of all Sudanese and ensure that all national institutions such as the military, law enforcement agencies, and the highest levels of the judiciary are representative and equally protective of all Sudanese regardless of religious affiliation or belief;
- End the impunity with which members of the security forces and others acting as agents of the government have engaged in human rights abuses; urge the establishment of effective mechanisms for accountability for past abuses; and in the absence of such bodies, provide full cooperation with international institutions, including those mandated by the U.N. Security Council;
- Cease using government-controlled media for messages of intolerance and discrimination against non-Muslims; and
- Exclude negative stereotyping in school textbooks; include in school curricula, in textbooks, and in teacher training the concepts of tolerance and respect for human rights, including freedom of religion or belief; and incorporate into history texts the religious and cultural diversity of Sudan's past.

IX. ASSISTING REFUGEES AND INTERNALLY DISPLACED PERSONS

The U.S. Government should:

- Increase support to U.N. agencies and their NGO partners in facilitating the voluntary return of refugees and the internally displaced, including through intensified efforts to monitor spontaneous or “self-assisted” returns to the South, provide safer modes of transportation, de-mine roadways, and develop a comprehensive return and reintegration strategy, as well as development plans, to enhance the capacity of Southern Sudan to absorb large numbers of IDPs and refugees;
- Increase technical assistance programs to assist the Government of Southern Sudan in providing basic services, including education, health, and water sanitation, to the returnees;
- Work with U.N. agencies and NGO partners to ensure that the populations that remain in refugee and IDP camps continue to receive at least the same level of humanitarian assistance as before, so they are not unduly pressured into making returns; and
- Work with other resettlement countries, UNHCR, and its NGO partners to ensure that UNHCR expeditiously identifies those refugees for whom repatriation is not an appropriate or imminent solution, including those who have suffered from past persecution; secure, as appropriate, timely local integration in countries of first asylum or resettlement to third countries for such refugees; and promptly devise a strategy to achieve this concurrent with efforts to repatriate refugees to Sudan.

X. PROTECTING VICTIMS OF SLAVERY AND HUMAN TRAFFICKING

The U.S. Government should:

- Urge Sudan's Government of National Unity to prosecute the crime of abduction into slavery, most of whose victims are women and children taken during the North-South civil war or in Darfur by government-sponsored militias, and ensure the speedy identification, voluntary return, and family reunification of victims, as well as measures for their rehabilitation and reparation.

XI. PROTECTING CIVILIANS AND PROMOTING PEACE IN DARFUR

The U.S. Government should:

- Support a stronger international presence in Sudan sufficient to protect civilian populations and to monitor compliance with the peace accords and U.N. Security Council resolutions, including by:
 - Urging the United Nations-African Union Mission in Darfur (UNAMID) to protect civilians in accordance with the highest international standards for peacekeeping operations;

- Providing resources such as improved communications equipment, reliable vehicles and helicopters, and logistics assistance to enable peacekeepers to move quickly to places where abuses are occurring;
- Bringing in advisers on civilian protection issues in armed conflict to train and work with international force commanders;
- Ensuring that there is a secure environment for the delivery of humanitarian aid and the return of refugees and the internally displaced and providing an early warning system with GPS (global positioning system) capability to warn camps and villages of approaching forces;
- Supporting the assignment of designated protection teams to camps for internally displaced persons;
- Supporting the active enforcement of the aerial “no-fly” zone already specified in the U.N. Security Council’s resolution of March 29, 2005, which calls for the immediate cessation of “offensive military flights in and over the Darfur region”;
- Taking measures to prevent—and providing aid to those victimized by widespread sexual violence and rape in Darfur, including by training advisers for the international forces in Darfur and by encouraging participating nations to include female troops and female police officers in their deployment to handle rape cases effectively; and
- Supporting a substantial increase in the number of human rights monitors from the U.N. Office of the High Commissioner for Human Rights and in the number of international peacekeepers deployed in Darfur;
- Lead an international effort to pressure the Government of Sudan to reinstate all international relief organizations expelled following the International Criminal Court’s authorization of an arrest warrant against President Bashir and permit unimpeded, safe access by such organizations to the region so that necessary humanitarian assistance can be provided to refugees and internally displaced persons;
- Work with international partners to end the suffering of the civilian population of Darfur, including by seeking an end to killing, ethnic cleansing, forced displacement, and interference with the distribution of international humanitarian assistance; by assisting refugees and internally displaced persons to return home in safety; and by promoting a cease-fire as well as a peaceful and just resolution of the grievances that underlie the crisis; and
- Use bilateral and multilateral diplomacy to mount an international campaign to pressure the Sudanese authorities to cooperate fully with the International Criminal Court.

PREPARED STATEMENT OF MERCY CORPS, PORTLAND, OR

Mercy Corps would like to sincerely thank Chairman Kerry and Ranking Member Lugar for their longstanding commitment to peace in Sudan, and for holding this hearing. The Congress has a long tradition of leadership in U.S. policy on Sudan, and it is a privilege to be able to advise this committee as it carries on that tradition.

Mercy Corps has worked in Sudan since 2004, implementing community-based relief and development programs in Darfur, South Sudan, and the “Three Areas” of Abyei, South Kordofan, and Blue Nile. On March 4 of this year, Mercy Corps was one of 16 aid agencies—13 international, 3 local—whose permission to operate in North Sudan was revoked. As has been extensively documented in the international media, these agencies were forcibly closed down, offices and assets were seized by the government, and all international staff based in Northern Sudan were expelled from the country. Mercy Corps’ programs in Southern Sudan were unaffected, as the Government of South Sudan made clear that they would not extend the expulsions into Southern territory.

Mercy Corps was deeply dismayed by the expulsions. Mercy Corps can state categorically that we are an apolitical, impartial actor in Sudan; we have no relations or contact with the International Criminal Court in Sudan or anywhere else. We strove to the best of our ability to abide by Sudanese laws and procedures and we believe that our actions in the country were always lawful. We have, therefore, appealed our expulsion through official channels and are hopeful that one day we shall be able to return to North Sudan.

However, as an organization driven first and foremost by the humanitarian imperative, we also feel obligated to ensure coverage of the gaps that our departure has left behind in Darfur and the Three Areas. We therefore began exploring, soon after the expulsions, possible avenues for enabling coverage of those gaps. We were

heartened when, upon appointing Gen. Scott Gration as special envoy to Sudan, President Obama directed that the humanitarian situation should be among the envoy's top priorities. We were further encouraged when General Gration learned, in his initial negotiations with the Sudanese Government, that the Sudanese were open to allowing new organizations to register to work in Sudan. General Gration's efforts to improve humanitarian access in Darfur—resulting in the issuance of a new Government decree that streamlines bureaucratic obstacles, and the creation of a more robust mechanism for monitoring impediments to humanitarian access—also suggested the Sudanese Government was signaling its openness toward a more constructive engagement with NGOs.

Given that several of the expelled organizations had international affiliates working in Sudan—who had not been expelled—we began exploring whether a similar arrangement might be possible with our European affiliate, MC Scotland. We, along with several other organizations, sent senior-level representatives to Khartoum to meet with the government and explore the possible registration of our European affiliates. There has been speculation about this process in the press—much of it ill-informed and inaccurate—and so I would like to take this opportunity to clarify several points regarding these discussions:

1. First, Mercy Corps is not reopening in North Sudan, though we hope that someday we can. MC-Scotland, a registered British charity and an affiliate of Mercy Corps, has registered and will be taking over some former Mercy Corps projects. Mercy Corps will provide technical and financial support to MC-Scotland's efforts, but we have no existing plans to reestablish our own presence in the areas from which we were expelled.

2. Second, Mercy Corps and MC-Scotland undertook this process because of our humanitarian mission. Funding issues were certainly a concern, albeit a secondary one; our principal concerns were the major humanitarian gaps in Darfur and the potential harm to the peacebuilding and development process in the Three Areas.

3. Third, there was no pressure placed on Mercy Corps or MC Scotland by General Gration, USAID, or any other U.S. Government representative to force us to pursue this arrangement. Their role in this process was, essentially, to create an opening for dialog between us, our colleague agencies, and the Government of Sudan. But the subsequent negotiations were conducted directly between the NGO representatives and the Sudanese Government.

4. Finally, there were no special quid-pro-quos between MC-Scotland and the Sudanese Government, explicit or implicit, in these negotiations. The government provided MC-Scotland with a standard registration under Sudanese law. MC-Scotland will operate in Sudan on the same terms as any other member of the NGO community there.

MC-Scotland is eager to hit the ground running. An advance team of MC-Scotland representatives is already in Khartoum, setting up a new country program and planning needs assessments. In the coming months, MC-Scotland will have several main priorities:

1. Restore Transitional Development Activities in the "Three Areas"

Prior to the expulsions, Mercy Corps' work in the Three Areas was by far the largest element of our Sudan country program, and the U.S. Agency for International Development has strongly supported these efforts. We are now in the process of transferring management of these programs to MC-Scotland, which we expect will be a relatively smooth process. This focus on the Three Areas is the result of a firm belief that humanitarian and development assistance plays a critical role in building peace in Sudan. The Three Areas were the front lines during the North-South conflict, and have a special political status under the Comprehensive Peace Agreement. It is widely recognized that these areas are critical to the larger effort to turn the CPA into a lasting, permanent peace between North and South Sudan.

Development is a critical component of this effort. As our colleagues at the National Democratic Institute have shown through their public opinion research in Sudan, war-affected populations in the country define "peace" as a combination of both physical security and community development. The challenge in these areas—which is common to post-conflict societies—is that there is not yet sufficient capacity amongst local government and civil society to adequately meet urgent community recovery and development needs. These capacity gaps mean that NGO interventions must play a fundamental role in catalyzing recovery. With support from USAID and other donors, Mercy Corps had, prior to the expulsion, been pursuing a dual-track strategy to jump-start recovery and development in the Three Areas while also building up strong local capacity to lead development efforts in the long term.

Toward this end, Mercy Corps had financed and provided technical support to a range of community recovery efforts—including financial services and entrepreneur-

ship training to small businesses, enhancing food security, funding community infrastructure improvements including critical water resources, and supporting reestablishment of basic education and health care services. At the same time, Mercy Corps and its partners had worked closely with local government actors and civil society groups to provide the training and technical support that they need in order to lead their communities' development.

These programs were well received by the communities with which Mercy Corps partnered, and were playing a critical role in addressing the need for development of these fragile regions. Following Mercy Corps' expulsion from North Sudan, we feared that an abrupt closure of these activities could have damaging social and humanitarian consequences—and would also undermine the population's confidence in the peace process, with less than 2 years left in the CPA's mandate. Mercy Corps is therefore pleased—and relieved—that MC-Scotland will be able to take up and carry forward these activities. Ensuring that this handover proceed quickly and smoothly is a first-order priority.

2. Assess and Cover Outstanding Humanitarian Gaps in Darfur

Also at the top of the priority list for MC-Scotland are efforts to conduct needs assessments in Darfur. While many of our colleague agencies have undertaken heroic efforts to cover the large gaps created after the 4th of March, significant gaps remain. Much media attention has been focused on comments by the U.N. and others that a new crisis has been avoided; unfortunately these statements obscure a more complex reality. It is important to recall that the humanitarian community's monitoring mechanisms were greatly disrupted by the expulsions and so it is much harder now to get an accurate picture of the overall humanitarian situation across Darfur. Despite the impaired monitoring capacity, it is fair to say that there have been no indications of large-scale new mortality or displacement since the expulsions. This can be attributed principally to urgent efforts taken by the U.N. and the Sudanese Government, following the expulsions, to meet gaps in two critical sectors—food distribution and clean water access. Ruptures to the food pipeline and breaks in water access would have been the most likely drivers of mass death or displacement, and the swift action taken in these sectors in March and April has indisputably saved lives. Nonetheless, it is important to note that these efforts have been interim, emergency arrangements and are not a long-term solution to the problems. Likewise, coverage of gaps related to health, sanitation, education, protection, and shelter has proceeded more slowly and the shortfalls in these sectors will present expanding risks to IDP populations as the months pass. In particular, with the onset of the rainy season, the lack of adequate sanitation, shelter, and health care services presents a major risk of diseases such as cholera and malaria. In summary then—the worst-case scenario seems to have been averted for the moment, but the population of Darfur will continue to feel the fallout from the expulsions for some time yet to come.

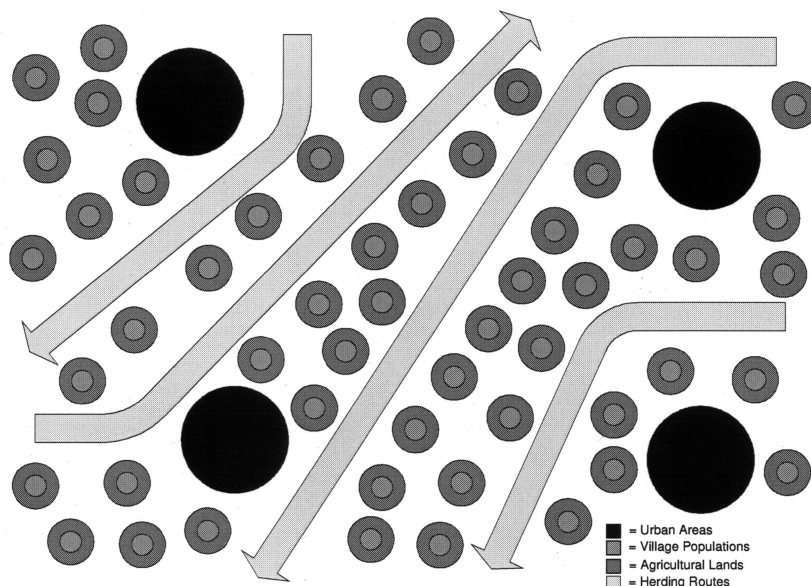
Within this context, MC-Scotland is seeking to assess, identify, and cover critical remaining gaps as quickly as possible. This will entail verification of the status of former Mercy Corps activities, but also a review of sectors and geographic regions where Mercy Corps had not previously been active. Where possible and appropriate, MC-Scotland will work to cover gaps that exist, whether or not the needs were previously being met by Mercy Corps. This will not be an immediate process—Darfur is a difficult operating environment even under the best of circumstances. Continuing deterioration in the security environment for humanitarian actors—highlighted by the recent abduction of several international NGO staff—poses major operational challenges. In addition to conducting assessments, MC-Scotland will need to build up its operational infrastructure in Darfur, hire new staff, and develop relationships with government officials, IDP leaders, and community leaders, and design project interventions. All of these elements take time; it will take 3 to 6 months to initiate gap-coverage activities in Darfur, and it will be 6 to 12 months before such operations come fully up to speed.

3. Assess Transitional Development Needs in Darfur and Initiate Programming

While MC-Scotland will focus on urgent gap coverage in the immediate term, the focus will shift to transitional activities in the medium term. This is because it has been clear for some time that Darfur is moving—or has moved—out of the acute humanitarian emergency phase and into a phase of protracted displacement. In this protracted phase, the vulnerability of the displaced population has decreased, coping mechanisms have begun to develop, and the overall situation has begun to stabilize. Mortality surveys across Darfur's camps in 2008 confirmed this trend, showing across-the-board reductions in mortality levels relative to previous years and reveal-

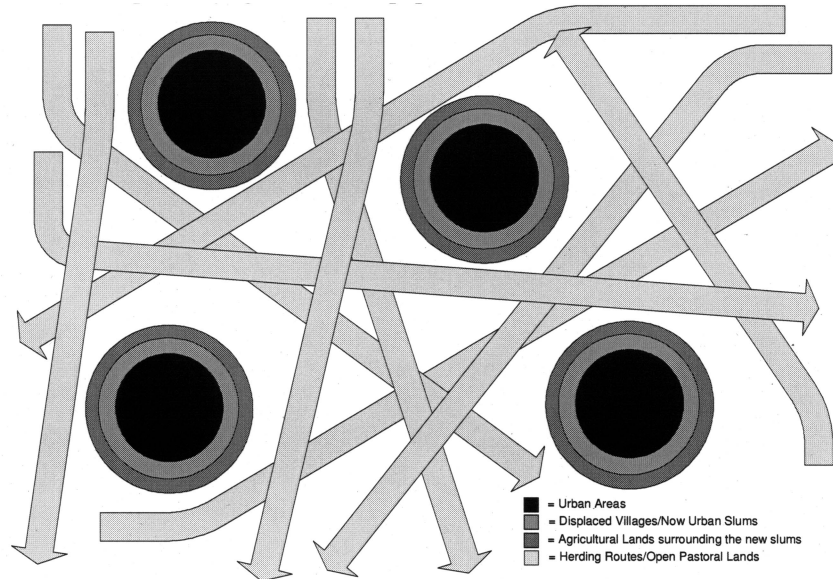
ing that the overall crude mortality rate amongst Darfur's IDPs stood below the standard "emergency" threshold of 1 death per 10,000 people per day.¹

The mass displacement in Darfur has caused shifts in Darfur's population distribution, as is illustrated by simple diagrams below. Prior to the conflict, there were a limited number of large urban centers, but most of Darfur's rural agriculturalist populations—who now constitute the bulk of the IDPs—were distributed across small, rural towns surrounded by agricultural land. Grazing routes used by pastoralist populations (seminomadic herders) were interspersed between these settlements, creating many points of contact—and hence, of potential conflict—between agriculturalists and pastoralists, especially as climate change reduced the amount of suitable land for farming and grazing:



Now, 6 years into the conflict, those same urban centers have undergone a massive expansion, with IDPs encircling them. They are in turn surrounded by slim bands of agricultural land, where the IDPs can safely cultivate a limited volume of crops close to their new homes. The largely vacated countryside is dominated by pastoralist groups, who can move along their grazing routes unimpeded by agriculturalist populations.

¹ <http://new.cred.be/what-do-health-indicators-tell-us-about-humanitarian-crises-2008>.



While it has long been taboo to look at Darfur's assistance context as transitional rather than acute, it is now past time to do so. The reality on the ground is that a significant proportion of Darfur's 2.7 million IDPs will ultimately choose to permanently settle in or around their camps rather than return to their original homes. Sudan is not *sui generis* in this respect—in fact this dynamic is common in cases of protracted internal displacement. When a largely rural population becomes displaced into a camp—effectively an urban setting—for a protracted period of time, many of the displaced permanently adopt an urban lifestyle. In this sort of context, the distinction between what is a camp and what is an urban settlement (albeit an extremely poor one) becomes increasingly arbitrary. Assistance strategies based on an emergency posture become less appropriate as time passes—and over time such approaches can actually become harmful, as they dis-incentivize indigenous coping mechanisms and institutionalize dependence on international aid.²

In light of the protracted nature of the population displacement and the likelihood that many IDPs will never fully return home, the humanitarian problems in Darfur begin to look increasingly similar to a large-scale, long-term urban development challenge. Prior to the NGO expulsions, humanitarian service provision has lifted many of the development indicators in the IDP camps to a higher standard than those in the towns that they surround. For example, education and child health indicators in the IDP camps were better on average than in the rest of Sudan (North and South). While these indicators have undoubtedly deteriorated since March, they are likely to come back up as gap coverage efforts gather steam and new organizations enter Darfur. This disparity between services for IDPs and services available to the population at large will continue to cause tension between previously existing urban populations and the IDPs. The emergency relief posture in Darfur—premised on a dynamic context of fragility and vulnerability rather than one of emerging stability and protracted displacement—has been maintained for 5 to 6 years now. This posture is not indefinitely sustainable and it is time to begin looking at ways to better link IDPs into the economies and social matrices of their present urban surroundings.

While it is important to acknowledge the reality that many of Darfur's IDPs will not ultimately return to their villages of origin, it is also important to provide support to those who do—or will—choose to return. There have been a few encouraging signs of this in South Darfur, where a recent multi-NGO needs assessment found that in some areas, agriculturalist and pastoralist populations had been able to negotiate localized peace agreements, enabling several hundred IDP households to return to their land. However, it should be noted that the majority of potential re-

²<http://www.odihpn.org/report.asp?ID=2745>.

turn areas in Darfur continue to suffer from severe insecurity, and the vast majority of the IDPs will be unwilling to return until security problems are dealt with. There is as yet little evidence of any substantial IDP returns across Darfur, and most movements out of the camps seem to be seasonal rather than permanent.

As MC-Scotland initiates operations, it will seek to engage with Darfur's needs as they exist today, not as they existed several years ago. Basic life-sustaining activities in the IDP camps will need to continue for the foreseeable future, but in the medium term, activities in Darfur will also begin to focus on durable solutions for Darfur's IDPs. This will proceed on the basis of firm respect for the principle that IDPs themselves are best placed to determine what is in their own best interest. The choice of whether to return, integrate, or something in between is ultimately up to them, and their right to make this decision voluntarily and without coercion must be respected. The widespread insecurity in Darfur is the largest obstacle to IDP return, and in this context, it is important that all actors adhere closely to the U.N.'s Guiding Principles on Internal Displacement. The Principles, which provide a legal framework for international IDP action, state that:

- [IDPs have t]he right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk. (Principle 15)
- Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, (Principle 28)

These Principles provide useful, practical standards for approaching return-oriented programming. In rural areas where the voluntary return of IDPs—in safety and with dignity—is possible, MC-Scotland will seek to adapt IDP return methodologies that have previously been applied successfully in Southern Sudan and elsewhere. MC-Scotland will pursue multifaceted programs focused on employment generation, community economic infrastructure development, and agricultural inputs. These efforts will initially focus on the communities where people have actually begun returning, in order to help them reintegrate socially and economically. This will be complemented by community safety, reconciliation, and watershed management components in order to begin addressing some the underlying structural drivers of Darfur's conflict. As these latter efforts bear fruit, they will open up new areas for potential IDP return, and MC-Scotland will expand reintegration services to those areas as well.

Simultaneous to these efforts to facilitate returns, MC-Scotland will also undertake efforts to enable successful local integration for those who choose to settle permanently around the camps or other urban areas. These populations will need support that enables them to integrate into the local economies and service structures of the cities they will belong to. This means vocational training for integration into the urban economy, microfinance for small business development, the upgrade of both neighborhood services and housing in what will be their long-term homes. This will be complemented by an effort to integrate these new urban residents into the taxation and service regime of the local governments, while providing capacity-building services to enable the local government structures to manage this transition.