

**SUDAN: The Situation in Southern Sudan and the Status
of the Comprehensive Peace Agreement**

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I want to thank Chairman Donald Payne and Ranking Member Chris Smith for holding this hearing on “Sudan: U.S. Policy and Implementation of the Comprehensive Peace Agreement.” Also, let me publicly acknowledge and thank Chairman Payne and Congressman Smith for their deep personal interest in Sudan and the support each of you gave me during my tenure as the President’s Special Envoy to Sudan.

Sudan has been a troubled and tragic land where countless innocents have suffered and millions have died as powerful men have engaged in terrible acts to cling to power. The history of Sudan’s center marginalizing people outside the general area of Khartoum stretches back at least to the occupation of Sudan during the Ottoman Empire, through the period of British occupation and it has continued since Sudan’s 1956 independence. This discrimination has been racial, religious and geographic and it has helped feed a cauldron of constant clashes and unending conflict.

Sudan

Sudan is geographically large, the largest country in Africa. Its topography and climate varies from the arid deserts of Darfur, to the lush jungles of the south, to the Nuba Mountains. It has a complex, difficult mix of races, ethnic groups, and religions. Dr. Mohamed Hassan Fadlalla has written in her book *Short History of Sudan*: “With about 600 ethnic groups speaking around 400 languages, [S]udan has one of the most complicated ethnical structures in

the region and the world, with Nubia and dominantly Arabic tribes in the north...the Nilotic south of the country with black African tribes, the west with numerous African as well as Arabic tribes and the east part with dominantly non-Arabic tribes.”

Various groups have played that diversity to their advantage by accentuating divisions, pitting one group against another, and marginalizing regions and peoples. The consequent discontent and divisions have led to bloodshed.

However, I believe it is important to step back. I subscribe to the views of Professor Benjamin Valentino, who, in his insightful volume *Final Solutions: Mass Killing and Genocide in the 20th Century*, finds that “ethnic hatreds or discrimination...play a much smaller role in mass killing and genocide than is commonly assumed” and that “mass killing usually originates from a relatively small group of powerful leaders...[seeking] to accomplish leaders’ most important objectives, counter threats to their power, and solve their most difficult problems.” And in Southern Sudan, during the long and brutal North/South Civil War, Africa’s longest, an estimated 2 million people perished. The Comprehensive Peace Agreement (CPA) was a monumental achievement toward beginning to overcome these religious, racial, ethnic and tribal divides. But the peace it brokered remains fragile, and the peace deal is neither simple nor neat. There still are legitimate and disturbing questions about Khartoum’s commitment to full implementation of the CPA. As we meet this afternoon, CPA implementation remains in danger.

North/South Civil War

An early consequence of the polarization resulting from Sudan’s divisions and marginalization was the outbreak of the North/South Civil War in 1956 around the time Sudan gained independence. This became Africa’s longest civil war. Except for a ten year interregnum in the 1970s and early 80s, this bloody, brutal conflict continued until 2005. The North’s

prosecution of the civil war was savage. Two million people died during this Civil War and over 4 million people were displaced.

Writing in 2003, Douglas Johns caught the way in which Sudan's North/South Civil War had metastasized into a confusing cauldron of catastrophic conflict defying easy categorization.

In *The Root Causes of Sudan's Civil Wars*, he writes:

The Sudan entered the twenty-first century mired in not one, but many civil wars. What had been seen in the 1980s as a war between North and South, Muslim against Christian, Arab against African has...broken the bounds of any North/South conflict. Fighting has spread into theatres outside the southern Sudan and beyond the Sudan's borders. Not only are Muslims fighting Muslims, but 'Africans' are fighting 'Africans.' A war once described as being fought over scarce resources is now being waged for total control of abundant oil reserves. The fact that the overall civil war, which is composed of these interlocking struggles, has continued for so long, far outlasting the international and regional political configurations which at one time seemed to direct and define it, is testimony to the intractability of the underlying causes of the conflict.

When President George W. Bush took office the murder, mayhem and misery of Sudan's North/South Civil War raged on. President Bush was well aware of the terrible toll paid by innocent Sudanese. In his first year in office he appointed Senator Jack Danforth as his first Presidential Special Envoy to Sudan. Senator Danforth worked tirelessly and effectively with Kenya, Norway, Britain and others bilaterally and within the Inter-Governmental Authority for Development (IGAD) sponsored talks to help broker a peace deal that had been illusive for decades. Against all odds, these efforts proved successful. In January 2005, thanks in large part to the commitment of President Bush and Senator Danforth, Sudan's Comprehensive Peace Agreement was signed. It was an amazing diplomatic achievement.

But like many other deals to end bloody, brutal wars, while it ended the large scale fighting, the agreement is imperfect and the peace fragile. The CPA is neither simple nor neat.

Like seeing a dog walk on its hind legs, it may not be pretty but nonetheless it is an amazing achievement.

The CPA ended the war, but it has a long, complex implementation process extending 6 years to 2011 when it stipulates that Southern Sudanese will exercise their basic right of self-determination. In 2011, through a referendum the South will determine whether they remain part of Sudan or are granted independence. A referendum also will be held for Abyei, while popular consultations will be held for Southern Kordofan and Blue Nile State. During the interim, the CPA established complex structures providing for political power sharing, border demarcation, wealth sharing, a national census, and national elections. As one would expect, both sides are using this time to relitigate aspects of the basic agreement by trying to change facts on the ground. This, in turn, has resulted in friction and deep disagreements. At times, violence has erupted. Many fundamental aspects of the deal have fallen behind schedule. Certain border areas remain contested. Demobilization of Arab militias remain incomplete. Census results have not been posted but they were rejected by the Sudan People's Liberation Movement in the south and all parties in the north except the ruling National Peoples Congress (NCP). The election stipulated to take place in 2009 has slipped to 2010, and so on.

Abyei town and its surrounding area has had a population of nearly 50,000 people. It lies in an oil rich area still contested by the North and South. In May, 2008, a local incident resulted in the killing of a Sudan Armed Forces (SAD) soldier. Over the next few days local actors engaged in a tit for tat escalation of violence that quickly spun out of control. And if had not been for the restraint and firm leadership of Salva Kiir, the President of the Government of Southern Sudan, the terrible Abyei flare up may well have enflamed all of South Kordofan and fractured the CPA beyond repair. As it was, over 50,000 were driven from their homes. There

was looting and then this metropolis was burned to the ground. I visited Abyei just days later. Ruins were still smoldering. As far as one could see in every direction there was utter destruction. It looked like the apocalypse.

I've also visited Agok, a day's walk from Abyei, where most of the displaced persons relocated and survived the rainy season under plastic sheets dependent upon international assistance for food and meager health care. Many still have not returned home. The United States played a central role in developing the Abyei Roadmap to which both Khartoum and Juba agreed. Some progress has been made on implementing the Abyei Roadmap, but as is so often the case in Sudan, deadlines continue to be missed, implementation remains partial, and tensions rise. When all the innocent displaced people will be able to return is anyone's guess.

Going Forward

A key element of the Abyei Roadmap was the agreement to take the hotly contested issue of the boundary demarcation to the Permanent Court of Arbitration (PCA) in The Hague and both sides agreement to accept the PCA decision as final. The long legal arbitration process led to the PCA's complex ruling on July 22nd which re-drew Abyei's border. The bulk of the region including Abyei town, large areas of fertile land and the Difra oilfield remain in tact and, presumably, will choose to go to the South. Meanwhile the railway town of Meiram goes to the North. Also Abyei's new eastern border leaves the Heglig and Bamboo oilfields in the North. Furthermore a large area of grazing lands that had been within the South according to the 2005 Abyei Border Commission, now lies in the North. The good news is that the initial statements from both Khartoum and Juba have accepted the Permanent Court of Arbitration's decision. If it holds, these should ease tensions considerably in South Kordofan and allow both sides to give greater attention to other remaining challenges between now and the 2011 Referendum.

However, given the NCP's past behavior and rejection of the Abyei Borer Commission decision, concern lingers that the North will walk away from this deal.

Let me emphasize, Darfur's "genocide in slow motion" and implementation of the CPA are linked on many levels. Our own interests in regional stability, our humanitarian commitments and our drive for human rights must compel us to continue to provide persistent, principled and effective engagement in both Darfur and Southern Sudan.

We cannot let our attention wander from full CPA implementation. It is critically important that we not allow the CPA to unravel. A full scale renewed North/South war would quickly claim innumerable new victims. It will destabilize neighbors. It might lead to Sudan's descent into a failed state. And any chance for progress to solve the Darfur conflict will be lost.

The United States and our international partners must redouble our efforts to strengthen Southern Sudan. That is the most effective way to insure CPA implementation.

The United States and other international donors should adjust our substantial assistance from humanitarian aid to economic development. Southern Sudan, which is the size of Texas, has less than 3 kilometers of paved roads. The South has abundant, rich agricultural land. It has oil and other valuable mineral resources. Southern Sudan needs roads, bridges and other fundamental infrastructure. It needs small and large economic development projects. There is a desperate need for trained managers, in the Government of Southern Sudan and otherwise. We should have a program to bring two, three, four dozen of their best and brightest to American universities for 12-month management training.

Southern Sudan needs help in developing its political infrastructure to prepare for the upcoming elections. Party building, media laws, civil society development and so on are all needed.

And the international community should help Southern Sudan develop its military capacity. Under the CPA, Southern Sudan was allowed to keep its autonomous military units, the SPLA. The United States Government has built a modern headquarters outside Juba for the SPLA. We've engaged in various training exercises and supported military planning. This should continue and expand, including helping the South develop capabilities to neutralize Khartoum's aerial advantage.

We should encourage and assist the Government of Southern Sudan to provide its constituents with basic services: build roads, schools, and hospitals; and pass needed new laws, such as an anti-corruption law and a media law. A politically stronger south helps ensure that if the south votes for independence in 2011, it will be able to function as a viable state, and if the south opts for unity, it will be a full partner in a new Sudan. A militarily stronger south serves as a deterrent to aggression by the north, and ensures that if the south votes for independence in 2011, the SPLA will have the foundation to become a strong national military for the new state, and if the south opts for unity, the SPLA will be a full partner in the country's joint military.

Oil Revenue

Underneath the surface lies the issue of oil revenue. When Sudan's current government came to power in a coup d'etat in 1989, the country's total exports were valued at about \$500 million per annum. Today its exports are over \$9 billion per year. Almost the entire growth has been the result of the discovery and development of Sudan's oil reserves. Needless to say, this oil wealth is hotly contested. Approximately 40% of the oil reserve lies in the South. Much more is in border areas between the North and the South. Undoubtedly, that is a major reason the NCP has been dragging their feet on finalizing the North/South border demarcation.

Both the North and South have grown deeply dependent upon oil revenue. The recent Abyei border demarcation as determined by the Permanent Court of Arbitration in The Hague, and accepted by both sides, is an enormous step forward in addressing oil related issues. However, questions relating to pipeline and refinery fees are significant. The United States and other interested countries should encourage Khartoum and Juba to discuss, negotiate and resolve these fee matters so they do not linger to endanger the 2011 referendum nor strain the delicate post-referendum environment if the people of Southern Sudan choose independence.

Also, related to oil revenue are matters internal to Southern Sudan. Many southerners are beneficiaries of the substantial oil revenue such as those working for the oil companies and Government of Southern Sudan civil service workers. However, many southerners see little or no benefit from the flow of oil revenue. This festering situation is creating resentment, tensions and divisions. Juba should be urged to address this difficulty to ensure all Southern Sudanese see themselves as beneficiaries of their oil reserves.

The Nuba Mountains and Blue Nile regions have too large a presence of SAF troops and face economic difficulties that need to be dealt with. The NCP has not let the National Assembly pass the Referendum Law for popular consultations in South Kordofan and Blue Nile as stipulated in the CPA. SAF redeployment from Southern Sudan as called for in the CPA has been slow. Thousands of SAF troops remain in South Sudan's oil region. And by the beginning of 2009, there still has not been full deployment of Joint Integrated Units.

Critically, Southern Sudan must deal with corruption issues. Corruption is endemic in too many countries, especially in less developed countries. Sudan is no exception. Juba is not adequately addressing their corruption problems especially in procurement activities. Unaddressed, corruption corrodes a government's legitimacy and its effectiveness. As friends

and supporters of the Government of Southern Sudan, the United States and other donor countries must press the case for systematic, robust anti-corruption reforms.

The 2010 Election

Perhaps the biggest “showstopper” on the road to full CPA implementation is the CPA stipulated election in Sudan. Already, because of the many difficulties related to the election, the vote has been postponed from 2009 to 2010. Even with this delay, Sudan faces many hurdles to holding this election. As I’ve noted, the results of the census, a precondition for any possibility of a credible election, remain contested. But there are other very real and quite substantial issues.

The logistical and political challenges to a 2010 election include such matters as determining procedures to govern voting for internally displaced persons, and accreditation requirements for observers, registering voters, and creating and reviewing an estimated 1300 ballot styles. Sudan is behind in working out these matters and others.

The environment leading up to election day is critical to ensuring that a free and fair credible election takes place. Therefore it is important that Sudan’s Government of National Unity, through the National Election Commission, the Legislative Assembly and other organizations, work to address the enabling environment for credible elections. This would include reforming laws governing the media, political parties, civil society, and the security sector in order that parties can freely assemble, candidates can freely campaign, and the media is free from censorship or other forms of intimidation.

The political space in which donors operate in the North continues to be very limited. US AID partners face ongoing difficulties in operating through or independently of the Government of Sudan’s Humanitarian Aid Commission (HAC), including in obtaining registration visas and

travel permits. The presence of international observers, throughout the political process as stipulated in the CPA, must be ensured.

Sudan's elections will be extremely complex and logistically challenging. Northerners will fill out eight ballots, while Southerners will fill out twelve. The six-level mixed system elections in Sudan will be daunting for the many who have never voted before. Sudan's high illiteracy rate, particularly in the South, will add to confusion. Consequently, civic and voter education must begin as soon as possible.

The United States has been eager to support election preparations and the conduct of elections as have many other donor countries. The commitments from the United States and the international community on these elections must be met. Last year, UNOPS estimated the cost of the elections will run between \$400 and \$500 million.

The holding of credible national elections will be the greatest test of the CPA to date. While Sudan has held elections several times, they never have been deemed free and fair nor credible according to internationally accepted standards. While the United States government, along with the international community, stands prepared to continue to provide technical and financial support to the process, it ultimately is the partners in Sudan's Government of National Unity who must commit to ensuring that Sudanese voices from North, South, East and West are heard.

If the 2010 vote is not free and fair, if it lacks legitimacy, it will strain the country and gravely threaten the Comprehensive Peace Agreement. Indeed, it is difficult to see a peaceful path to the 2011 referendum if the election fails. Great effort must be made by all parties to avoid irregularities, to avoid intimidation, to avoid anomalies that will render the vote unacceptable under internationally accepted standards.

Conclusion

Sudan is a country of enormous diversity. Former President Jimmy Carter wrote in his forward to Timothy Carney and Victoria Butler's book *Sudan: The Land and the People*: "Sudan is the most ethnically, geographically and culturally diverse country in Africa. Yet most people only think of it in terms of large-scale suffering and seemingly endless strife. Hundreds of ethnic groups from a mosaic of Arab and African; Muslim, Christian and animist; nomad and farmer. The brutality of nearly twenty-five years of civil wars and a succession of humanitarian crisis have retarded economic development and obscured the possibility of creating a truly plural society. The peace agreement of January 9, 2005, brings an unprecedented opportunity for the people of Sudan to put violence behind them. Despite the enormous challenges, there is now the chance for all Sudanese to forge new ways to share the natural, cultural, and historic bounty of their country, living together in peace and mutual respect."

Bottom line, the North/South conflict has deep roots in Sudan's racial, ethnic and religious divisions which contributed to marginalization in education, health care, economics and political power. Khartoum prosecuted their campaign against the South with bloody, brutal, barbaric efficiency. The human toll has been enormous and the cost considerable in physical and psychological destruction. There are deep wounds in the South's torn social fabric which to heal will take time, justice, rehabilitation, reconstruction and renewal. The CPA was a major achievement but full implementation remains uncertain and the peace fragile. The United States and others must be attentive and pro-active in helping Southern Sudan become stronger and in assuring full CPA implementation.