

Statement of  
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Chairman Payne, Ranking member Smith and Members of the Subcommittee, thank you for inviting me to be here with you today. And to you, Mr. Payne, your consistent and persistent leadership on Sudan has honestly made you one of my heroes. I mean that sincerely.

To paraphrase one of my favorite authors, I often wonder with awe at the willingness of good people, especially Americans, to suspend all their protective instincts and to accept some of the worst killers in the human race into their midst. I remembered that thought when seeing photos of the Khartoum delegation that arrived recently to discuss Sudan's Comprehensive Peace Agreement(CPA). Perhaps I have seen too much in the Sudan over these last 28 years and have become jaundiced. Still, a necrology of three million dead civilians in Sudan, targeted victims of the policies and actions of the National Congress Party(or National Islamic Front) since its coup in 1989, has got to be noteworthy, especially as the leadership of the NCP have as yet never been held accountable for their crimes. Surely three million is unambiguously a Holocaustic number. The gentleman who headed the NCP delegation to Washington recently and received substantial public exposure(e.g in the Washington Times) has one of the worst track records of all. Surely three million deaths is unambiguously a Holocaustic number, a reality for which he makes no apology whatsoever.

Not only has the NCP not paid a price for that body count, its leadership now controls much of Sudan's economy; its indicted President is politically protected by the morally-challenged leadership of the African Union and the Arab League; and it continues to undermine both the CPA itself and also the Sudan Peoples Liberation Movement, its "Partner" in the National Unity government established by the CPA. The NCP has a 100% perfect record. It NEVER ever keeps the agreements it signs with its opponents. The pattern is clear. Take, for example, the issue of the volatile town of Abyei. President Bashir's three-year-long refusal to implement the Abyei Protocol of the CPA after signing it on multiple occasions was followed by his Sudan Armed Forces 31<sup>st</sup> Brigade's destruction of Abyei town in May of last year. Again, he and his Party have paid no price. In fact, he's essentially been rewarded and now is now threatening to undermine the CPA's promised Referendum on Abyei's future.

Just one month ago, President Bashir celebrated his twentieth anniversary as President. He came to power by coup and, ever since, he and his Party have been at war with the Sudanese people, North, South, East and West. The National Islamic Front/NCP leadership team has been the same since it took power. Since then that able and well-experienced team has confronted a revolving door of U.S. diplomats and 'special envoys' who do their best to end Khartoum's destructive behavior. Often they think that Khartoum can be successfully appealed to "to do the right thing" on behalf of the marginalized people of Sudan. It's just not so. Khartoum reads us very well.

Personally, I have changed my perspective on Sudan. As someone who worked for our Government on the CPA, I believed in the vision of "New Sudan". I believed the "democratic transformation" of Sudan had a chance to succeed. I believed that "maybe" there was a faint chance the NCP "might be" willing to "make unity attractive" and so sustain a unified state of Sudan. But Khartoum has killed all that. Those

goals are not in any way achievable any longer. In my view there are only two general directions that are supportable by the people of South Sudan at this point: (1)The South will vote overwhelmingly for separation in the Referendum provided for by the CPA or (2)The South will be forced into unilaterally declaring its independence because its CPA-mandated Referendum is frustrated by Khartoum's actions and/or the hollow commitments of the International Community. The International Community's wishy-washy approach to the CPA has helped assure that either option will be messy. However, delay or abandonment of the Referendum would be the worst-possible outcome. I believe, in such a case, return to war would be essentially guaranteed.

Because I believe the Referendum must happen timely and in at least reasonably good form in order for there to be any viable chance for peace and development in the region, I believe it is mandatory that the U.S. fully embrace the people of the South and Abyei, and that we escalate our efforts to achieve a soft-landing as the result of a successfully-held Referendum. The U.S. must be clear and upfront that we will support and protect the outcome of that Referendum; many people died to achieve that right.

It is no secret that South Sudan and Abyei are plagued with serious problems but, under the circumstances, they have come a long way against incredible odds.

For twenty years I was the CEO of a non-profit which was then was called the U.S. Committee for Refugees. In that role I was personally exposed to virtually every human rights and humanitarian disaster in the world. I can assert with great confidence my view that, before the CPA, South Sudan and Abyei were the most destroyed places in the entire world. For more than 80% of the time Sudan has been an independent state Khartoum has fostered war in South Sudan and Abyei. Khartoum has not been a genuine government but has generally functioned partisanly on behalf of a narrow range of Arab interests. As a clear result, calling the South "marginalized" became an understatement. It is amazing what forty-seven years of war can do to people. I would visit Abyei which was essentially denuded of its population and overgrown by bush. I would travel during the war throughout the South seeing the unspeakable conditions, but survivors had to live in it. I'll not focus on it except to say it wasn't only infrastructure that was destroyed, it was much of humanity and human society.

At the time the CPA was signed, there was great optimism about the future. The international community made many promises. Khartoum was playing charades and winning. The SPLM and the newly created Government of Southern Sudan were hopeful. The problems they faced were overwhelming and mostly man-made. Because the South had become quiet and Darfuris were being exterminated in growing numbers by Khartoum forces, attention shifted away from the implementation of the CPA and the delivery of an adequate peace dividend for the South's war-affected civilians. Khartoum, despite signing the CPA, has consistently undermined it. Supporting violence in the South, destroying Abyei in May 2008, regularly withholding funds due the South and Abyei to cripple the functioning of governance, and activating its friends and 'fellow travelers' in the South to foster civil unrest have all been part of Khartoum's pattern of behavior.

Despite Khartoum, the South has come a very long way and has received substantial international assistance, including major support from the U.S. The South has a functional government, substantial growth in education, health services, roads, and other critical services, all in fifty-five months since the CPA was signed. Candidly, however, the South's progress is also being undermined by internal forces, especially in terms of some civil violence, some official corruption, and some serious weaknesses in governance. My use of the word 'some' here, is to be fair. These problems are serious, especially as they erode popular confidence, but they do not eclipse the progress that has been made, given where they

started from and the constant undermining by Khartoum. Let me mention one example of how Khartoum routinely works: Abyei.

Khartoum signed the CPA, including the Abyei Protocol, on January 9, 2005. Khartoum never implemented the Protocol. That meant there was NO government in Abyei and no government services for three years. In May 2008, Khartoum forces completely burned to the ground the market place and all residential areas. One hundred percent of the population, who were all returned displaced people, were again displaced. Subsequently Khartoum forces blew up the SPLM facilities in Abyei. Forced by international neglect of these developments in Abyei, the SPLM agreed to international arbitration by the Permanent Court of Arbitration (PCA) in the Hague. While the PCA was moving forward, an Abyei administration was finally created. That administration was intended to provide services to the population funded by a percentage of oil revenues as specified in the CPA. The Abyei administration's budget was to begin October 1, 2008; it never happened. After much pressure, the Abyei administration got only a small "advance" in February 2009 and another in April. Effectively Abyei administration personnel have not been paid since last January; there is little money for services; the hospital is basically empty. There is still no approved budget for Abyei for the fiscal year now almost over. This is how Khartoum implements the CPA in the single most volatile location in Sudan, with clear intention to undermine stability. This is also typical of how Khartoum has dealt with every important issue in the CPA. To top it off, many of the officers of the 31<sup>st</sup> Brigade (now renamed) and related militias that destroyed Abyei in May 2008 were promoted, and today hundreds of those men, commanded by thugs like Lt. Col. Thomas Thiel Malual Awak, Major Moyak Mobil Ajak and Captain Joseph Garang Nyoul, among others, are just a short distance north of Abyei town waiting for the next instruction from President Bashir to do their evil deeds. And, in my view, he is preparing to do just that. He has already announced in a very threatening way how he will try to torpedo the Abyei Referendum in 2011.

This is how Khartoum behaves across the board on every important issue. This is the Government our Administration is seeking to "make nice" with. Comparing the problems of the GOSS with those of Khartoum, which really is the failed state? Is it Khartoum, the one rolling in cash, thoroughly corrupt, a killer regime whom WE have accused rightly of genocide, the 'government' that undermines all the marginalized populations in Sudan and never keeps its agreements? Or is it the four-and-a-half year old GOSS, struggling to reconstruct a war-devastated South with an almost 100% war-traumatized population of survivors minus several million that didn't survive? Morally, by any assessment, the South wins hands down. And morally, that's where America's heart should be.

Why? I believe that with all their shortcomings, the SPLM and the GOSS politically are fundamentally democrats and genuinely want to provide development for all the populations for which they have governing responsibility. In my view it is in advancing precisely those commitments that U.S. national interests are ultimately located.

To me that requires a U.S. surge in coming along side in a full-blown partnership with the struggling GOSS to improve its performance in terms of governance quality so it can deliver services to and inspire the hopes of the people of South Sudan and Abyei. While I cannot be comprehensively prescriptive on specific programmatic solutions, there are some that are obvious: improved financial management, establishment of corruption detection and prosecution mechanisms, preparation for managing the South's petroleum sector, enhancing their public information capacity so the public is well-informed, increased training of police, and capacity-building in reducing inter-community violence. For the remaining timeline of the CPA and for sometime thereafter, the U.S. should stimulate capacity transfer by an infusion of capable American, Indian and other nationality expertise to work along side their

Sudanese counterparts. It also means Washington confronting Khartoum when in big or little ways they obstruct CPA requirements and undermine GOSS capacity.

To me this is an approach of which the American people ultimately will be proud. It will free the people of Abyei and the South and will also best secure our own fundamental interests.